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# CONGRESSIONAL RECORD:

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CONTAINING

## THE PROCEEDINGS AND DEBATES

OF THE

## FIFTY-NINTH CONGRESS, FIRST SESSION,

ALSO

## SPECIAL SESSION OF THE SENATE.

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## VOLUME XL.

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VOLUME XL, PART IV.

# CONGRESSIONAL RECORD,

## FIFTY-NINTH CONGRESS, FIRST SESSION.

themselves to procure in that great commercial State a free regulator of transportation rates.

The gentleman says there are ten lines of railway running through the country this canal will traverse, if I remember his language correctly. Ah, the ten put together are rich enough either to lease or to buy this canal after you have dealt out its privileges and toll power as a charter right freely and without pay to certain men whose very names none of us were ever acquainted with until this bill presented itself in this House. They are rich enough to buy it. It can be turned over to the Pennsylvania Railroad to-morrow under this charter, because the parties who receive the charter can sell it or lease it to-morrow. And, although I can not prove it, and I do not like to make assertions that I can not prove, and therefore will not positively assert it, I suspect in my heart that it is already turned over to the Pennsylvania Railroad or some other great railroad interest.

What are you going to do by this bill? You are going to organize a private company. To do what? To do what the Government of the United States ought to do. To do it why? Because you say the Government of the United States will not do it. Why will not the Government of the United States do it? Because you are spending your money around upon the surface of the earth, sea-girdling the globe with islands that you want to possess yourselves of and neglecting the domestic development of your own people; neglecting to put your dollar where your dollar will grow, and grow into what? Into fruit of luxuriant benefit to your own children. You are choosing rather to put it elsewhere—among aliens, "half devil and half child."

I welcomed the speech made by the gentleman from Louisiana [Mr. RANSDELL] this morning upon the subject of the duty of the United States to engage, in the heyday of its prosperity and its wealth (because the heyday can not last always), in the development of the industry and the commerce and the navigation of the United States and in building up great competitive lines of free waterways against exploitive railroad influences. But does the gentleman from Louisiana think he is going to arrive at his end by this sort of legislation? No. This is the first step in this line. It will not be long before we will have all sorts of private corporations coming here to get charters to do all sorts of river and harbor and canal work wherever, in the opinion of the incorporators, the work can be done profitably for the incorporators. There is no sense in deepening harbors and in building canals except to furnish a bridle upon railway rate regulation. And you can not furnish a bridle if you give substantially unrestricted power to a private corporation, whose interest it is to charge the utmost possible under the law for the transportation of freight along its line. Six hundred thousand dollars a mile, I believe, the gentleman from Wisconsin [Mr. DAVIDSON] said this work would cost. Somewhere within the free limit of between thirty-four and forty million in toto he said the work would cost. Count the interest to be earned upon that; a dividend to be earned upon that; a fairly remunerative rate to be earned upon it. Why, if this is true, you might better appropriate out of the Treasury to-day the sum of $30,000 a mile, or even $60,000, to build a single-track road (and $60,000 a mile would build a double track along that line), and then give it to somebody free upon the condition that they would not charge anything upon the original cost.

My friend from Pennsylvania [Mr. DALZELL] says that he has not heard anybody but Democrats and a few railroads opposing this legislation. Ah, my friend Mr. DALZELL and I have served in the United States Congress too long for him, of all men, to accuse me of being tied up to the railroad interests of this country. The Pennsylvania Railroad is not close to me. Let him say how close it is to him. I have no interest in this bill except the interest that every citizen of the United States has in it, and one further interest, and that is the interest, as an inhabitant of the lower Mississippi Valley, of seeing to it that the railroad interests of this country and private corporation interests of this country *do not forestall the great enterprise of a free canal from the Great Lakes to the lower Mississippi*, leading out by New Orleans to the Panama Canal. Gentlemen say that "they are going to do this for nothing"—that is to say, it is not going to cost the Government, as a government, anything. But it will cost the people something; and I want to warn you now, every man of you, that votes for this bill will return to curse you when your people find out what this canal company charges.

Mr. GAINES of Tennessee. Mr. Speaker, I want to ask the gentleman——

Mr. WILLIAMS. One moment. Later on, when you find that the commerce along that canal must pay tolls in order that this corporation may be satisfied, then you will find out that you have made a mistake, and I do not doubt that while making it you have made it honestly. You are just as honest as I am, nine-tenths of you, and I have no doubt you will have made the mistake honestly, believing that you were not making it, but you do now make it all the same.

Mr. DAVIDSON. Will the gentleman allow me?

Mr. WILLIAMS. I have promised to yield to the gentleman from Tennessee.

Mr. GAINES of Tennessee. You said a few moments ago that the Federal Government should build this canal. There is not even a bill, I take it, introduced for the Government of the United States to build this canal.

Mr. WILLIAMS. I do not know whether there is or not.

Mr. GAINES of Tennessee. And we would not do it if such a bill was introduced.

Mr. WILLIAMS. I will vote for it any time it is introduced.

Mr. GAINES of Tennessee. Now, if the Federal Government is not ready to build it, I am told by the gentleman from Pennsylvania [Mr. DALZELL] that these parties have $35,000 to go forward and build it with private capital, and the rates are to be controlled by the Interstate Commerce Commission, almost like this miserable bill provides we passed the other day, that we were not allowed to amend and make better.

Mr. WILLIAMS. Is my friend asking a question?

Mr. GAINES of Tennessee. Will you give me the reason why you object to private individuals taking private money and building this canal, that the Government can and will control, that the Government is not ready to build and does not want to build?

Mr. WILLIAMS. I will answer that question. The difference between giving the right to a private corporation to build a canal and charge any toll it deems necessary, and the Government building it and charging no toll except such a toll as is necessary for actual maintenance; the difference between giving a private corporation, without compensation, the power to charge such toll as would give a dividend upon the original expenditure of $600,000 a mile and keep up the maintenance and equipment, and the power that would rest in the Federal Government if it built the works to charge just such tolls as are necessary for maintenance alone is so immense, in dollars and cents, that it is not worth my while to dwell upon it. Then I will ask this question in return: How would the gentleman from Louisiana [Mr. RANSDELL] regard a proposition that every steamboat traveling down the Mississippi River should pay a toll that would furnish a "fairly remunerative rate" of interest upon all that Louisiana and Mississippi and the Federal Government have spent upon the Mississippi River?

Mr. RANSDELL of Louisiana. Do you wish an answer?

Mr. WILLIAMS. Yes.

Mr. RANSDELL of Louisiana. I would not regard that as at all comparable. How does the gentleman think that is comparable to this?

Mr. WILLIAMS. It is exactly comparable; I beg the gentleman's pardon. To charge up the commerce of the Mississippi River with the cost of deepening the Mississippi River channel, charging all the commerce that is carried on its bosom with all the cost of deepening the channel of the Mississippi and charging up to the commerce passing out of the southwest pass the cost of that improvement; charge to Alabama commerce the cost of deepening Mobile Bay and the improvement of Alabama River, is exactly the same in kind as is the proposition that we charge up to the commerce of this country from the Lakes down the Mississippi a dividend on the cost of digging this canal. There is only a difference of degree and not of kind between deepening and digging.

Mr. RANSDELL of Louisiana. Will the gentleman allow me to answer the question he has asked me?

Mr. WILLIAMS. I thought the gentleman had answered it.

Mr. RANSDELL of Louisiana. No; not at all. I said I would not favor a proposition of that sort. Why? The Mississippi River is a great natural waterway. The Government should improve its natural waterways just as much as possible, and I am strongly in favor of that; but I am not in favor of its digging artificial waterways between two States when it has not the money to improve the natural waterways it already has, and can not do it for seventy-five or a hundred years.

Mr. WILLIAMS. Now, Mr. Speaker, my time is limited. The difference between a natural waterway 3 feet deep that needs to be 12 feet deep and a natural waterway no feet deep that needs to be 9 feet deep is, so far as I can learn, nothing. [Applause.] Your "natural" waterway from St. Louis down to New Orleans is no waterway at all, because it is not a waterway sufficient to float the commerce that must pass over it, and the gentleman from Louisiana and I have been here working for years and years in order to enable this so-called "natural

waterway" to float the commerce that would pass over it if it were deep enough.

Mr. RANSDELL of Louisiana. Was not that a fine waterway at one time?

Mr. WILLIAMS. Not in my time.

Mr. RANSDELL of Louisiana. It has been in my time.

Mr. WILLIAMS. Why, when I was a mere boy as a cadet at the Kentucky Military Institute I went aground for three days at Presidents Island, a few miles from Memphis, Tenn. It may have been a great waterway in flood times at some period in the past, but it has never been a waterway sufficient for the commerce of the valley in my lifetime. I apprehend the gentleman and I would not have been urging appropriations from the Federal Treasury for its improvement if it had been a fine waterway without further improvements.

Mr. SIBLEY. Will the gentleman yield for a question?

Mr. WILLIAMS. Yes; I will have to give up this speech now and answer all questions from every quarter.

Mr. SIBLEY. I should like to ask the gentleman what he understood by the reference made by the gentleman from Tennessee to the "miserable bill we passed here the other day?" Did he not refer to the bill that is now pending in the Senate, which, it is reported, will have the unanimous support of the gentleman's party in that body?

Mr. WILLIAMS. I believe I will decline to answer that question.

Mr. GAINES of Tennessee. I will answer it, if you will give me a chance.

Mr. WILLIAMS. Oh, no; I fear it would take too much of my valuable time. If I had the time to yield, the gentleman from Tennessee could answer the gentleman from Pennsylvania to his own satisfaction and to the satisfaction of the gentleman from Pennsylvania, and there would not be left a greasy spot of the gentleman from Pennsylvania. [Laughter.] But I have not the time. That is the only reason I do not yield.

Now, Mr. Speaker, the fundamental objection to this bill is that the Government of the United States, if it goes into the business of farming out river and harbor works to private corporations, will lose the only real advantage that there is in river and harbor work. Outside of the Great Lakes very little freight goes upon the rivers and canals of the United States, except when you get to international commerce. Even the great Mississippi River does not bear as much tonnage as the railroads along its banks. But still the great Mississippi River does an exceedingly valuable work, because it makes the railroads along its banks charge reasonable freight rates. Now, the minute you fix the waterways of the country, so that instead of being free, they are paying private institutions—run for a profit—instead of belonging to the Government belong to private parties whose interest it is to collect the utmost money possible, that moment you have done away with the only advantage in having deep rivers and canals and good harbors, and that is the advantage of reducing freight rates throughout the country upon the railroads. Of course I do not mean to include within that the foreign commerce of the United States, because in that there is no railway competition and the waterways actually do carry the freight. But my friend from Louisiana and I both know that the Mississippi River does not carry the freight of the valley to-day, and that although we have appropriated a good deal of money to it, the utmost the Mississippi River does is to carry slow-going freight, about the time of delivery of which people are not particularly anxious, and they must charge even then somewhat less than the railroads or else the business will go to the railroads.

Mr. RANSDELL of Louisiana. You say the Mississippi River does not carry the freight, and that is true, to some extent, but I believe it carries about 5,000,000 tons of freight per annum, does it not?

Mr. WILLIAMS. Yes; with all its tributaries.

Mr. RANSDELL of Louisiana. No; with all its tributaries it carries 29,000,000 tons. But does it not regulate rates? Is it not a powerful regulator of rates?

Mr. WILLIAMS. Absolutely. And the only reason why it is a regulator of rates is because the steamboat travels over it without paying toll. No canal that was dug, upon which the boats had to pay a toll, would be as good a regulator.

Mr. RANSDELL of Louisiana. Would not this canal be a good regulator of freight rates?

Mr. WILLIAMS. No; it would not.

Mr. RANSDELL of Louisiana. Did not the Erie Canal regulate freights in New York prior to 1882, up to which time it did charge tolls?

Mr. WILLIAMS. Yes; and I have already explained why it regulated freight rates then. But these canal incorporators under this bill are expressly authorized to charge railway rates. What are they? How determined? After challenge and litigation before the Interstate Commerce Commission. What immense satisfaction in that prospect. It was different with the Erie Canal system. The Erie Canal regulated rates because the State of New York based its toll charges solely upon the annual maintenance and equipment, and never undertook to get any interest out of the original investment. Now, then, you give to this private corporation the power to charge tolls, and you subject that power to charge tolls to only one restriction. What is that restriction? In the curious language of this bill it is that it is to be ruled by the Interstate Commerce Commission "as a railroad is." Isn't that curious language? Canal charges can, by Congressional permission, be equal to railroad rates.

The SPEAKER. The time of the gentleman from Mississippi has expired.

Mr. DAVIDSON. How much time have I remaining, Mr. Speaker?

The SPEAKER. The gentleman has twelve minutes remaining.

Mr. DAVIDSON. I yield the remaining time to the gentleman from Pennsylvania [Mr. DALZELL].

Mr. DALZELL. Mr. Speaker, so much time has been occupied in the discussion of this bill that I am compelled at this stage to confine myself to a few salient points. The provisions of the bill have been clearly and exhaustively stated by the gentleman from Wisconsin, the chairman of the Committee on Railways and Canals, who reported the bill. I believe that the provisions of the bill effectually protect the interests of the stockholders on the one hand and the interests of the public upon the other, and I shall therefore spend no time in the further discussion of that proposition.

If this canal be constructed, it will furnish the missing link in a continuous waterway from the Atlantic Ocean, the port of New York, by way of the Erie Canal and the Great Lakes and the Ohio and Mississippi rivers, to New Orleans, the Gulf of Mexico, and eventually, by the way of the Panama Canal, to the Pacific Ocean. It is apparent, therefore, that the bill proposes a great national enterprise, not in the interest of any locality or of any section, but in the interest of the people of the whole country—an interest which to them is of tremendous importance.

Now, in the first place, this is not a new project. In 1824, more than seventy years ago, the United States Government made surveys and examinations along several lines for a canal between the Ohio River and Lake Erie. It is true it came to nothing practically at that time, but it established the fact, nevertheless that the enterprise in its original conception was characterized as of national importance and national jurisdiction.

In the same year the State of Pennsylvania indorsed the work and appointed a canal commission to examine into the subject, and as a result of much legislation a canal was subsequently constructed by the State of Pennsylvania, as a State work, connecting the Ohio River with Lake Erie by the way of the Beaver. This canal was operated by the State until 1843. In 1843 it was sold to a private corporation, and by that corporation operated until 1869. It was then by that corporation sold, and by its purchasers abandoned as a canal; and on the bed of that old canal are now built two or three lines of railway at different points. It is therefore not a new project.

It is a feasible project. In 1889, as I have said, the State of Pennsylvania appointed a canal commission, and as a result a board of engineers made a survey of a route and reported that a canal could be built thereon. The legislature at that time appropriated $10,000 for the use of this commission, which was spent in engineering the project. In 1893 a provisional committee was organized at Pittsburg, composed of some of the most prominent and enterprising citizens, to inquire into this matter. This committee raised a fund of about $40,000 and put three corps of engineers into the field, with Thomas C. Roberts, a noted engineer, at its head. These engineers made a most exhaustive survey and examination of the subject, and after three years of investigation reported in favor of the feasibility and the desirability of a canal upon the lines laid down in the pending bill.

Their report was revised and approved by some of the most distinguished of our engineers. Gen. H. L. Abbot, of the United States Army, lately serving as a consulting engineer on the Panama Canal, selected by the French engineers interested in that canal; Prof. L. M. Haupt, selected by President McKinley to examine into the Nicaragua Canal, and Maj. N. H. Hutton, chairman of the board of engineers at Baltimore.

It is an old project, it is a feasible project; and now, after all these years of study and the expenditure of all this money,

private parties come to Congress to ask permission to build this great national highway without the cost of a single dollar to the Federal Treasury.

It is said on the other side of this House that we have no power to create such a corporation. I will not stop to examine the cases. Every lawyer who is familiar with the case of McCulloch against Maryland knows that the principle was there settled that Congress has the right to exercise all the implied powers necessary to carry into execution the powers expressly granted in the Constitution.

One of the powers expressly granted in the Constitution is the power to regulate interstate commerce. A railroad, a turnpike road, a bridge, a canal, a telegraph line—all of these are instrumentalities of interstate commerce, and each and all of them may be provided for by a Congressional charter. The power has been many times exercised. By the exercise of it we built our great transcontinental railways and saved the Pacific slope to the Union of States. By its exercise we have built bridges over navigable rivers without regard to State lines, and by its exercise we are now in this very Congress taking control of the railways that are instruments of interstate commerce, and gentlemen know as well as I that there are many who now strenuously claim that the power of Congress under the interstate-commerce clause of the Constitution relates to corporations engaged in businesses that have not heretofore been connected in any manner with interstate commerce.

It is an old plan, a feasible plan, and a legal plan. Now, what is the necessity for it? The necessity for it is that we shall bring together two regions of this country of magnificent natural wealth, one the complement of the other, but separated by a brief space, a space however great enough to rob either region of the value for which it is dependent upon the other. Upon the shores of Lake Superior, on the one hand, are to be found the richest and greatest iron deposits in the world. They are of a capacity incapable of measurement, of a quality of the first order. On the other hand, adjoining the Ohio River at its headwaters are coal fields of inexhaustible resource.

There is more coal in the Pittsburg seam than underlies all of England. Not far off are the neighboring equally inexhaustible coal fields of West Virginia and Ohio. This is a region filled with blast furnaces and rolling mills and steel works and every conceivable variety of industrial enterprise. Is it not apparent that if you lay the Lake Superior ore region alongside of the Pittsburg coal region you will have the factors of an industrial sovereignty which will challenge the world to produce its equal? [Applause.] It is for the purpose of bringing these two fields together and attaining to commercial and industrial supremacy that the people interested in this project are desirous of building this canal. I will not dwell upon the figures that go to show how much there would be saved to the public in general by the lower freight rates upon a cheap and economical waterway. Time will not permit, but I want to impress upon this House that what the gentleman from Mississippi [Mr. WILLIAMS] sought to suggest—that this is a local enterprise—is the furthest possible from the truth. A local enterprise! Is that local which will wed the Atlantic to the Pacific? Is that local which will make the great ports of New York and New Orleans neighbors? Is that local which will make possible a highway that shall include in its maginficent sweep the broad expanse of the empire State with the flourishing cities and towns along the Erie Canal; that shall include our great unsalted seas, with their growing municipalities from Buffalo to Duluth, that, reaching the Ohio and the Mississippi on their journey to the Gulf, shall wash the shores of fifteen great Commonwealths, taking tribute from the cities that skirt its triumphal way? Nay, verily, it is but part and parcel of that great well-recognized national scheme which contemplates such improvement of our natural waterways and such provision for the construction of others as shall ultimately make the bonds of our commercial union as indestructible as the bonds of our political union. [Prolonged applause.]

Mr. Speaker, I now ask for the previous question on the bill to its final passage.

The SPEAKER pro tempore (Mr. BOUTELL). The gentleman from Pennsylvania asks the previous question on the bill to its final passage.

Mr. WILLIAMS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. WILLIAMS. A parliamentary inquiry for the information of the House, and it is whether or not there will be any opportunity offered for amendment of this bill.

The SPEAKER pro tempore. That will depend on whether the House orders the previous question or not.

Mr. WILLIAMS. If the House orders the previous question there will be no opportunity for amendment?

The SPEAKER pro tempore. The gentleman states the situation correctly.

Mr. WILLIAMS. I hope the previous question will be voted down, then.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and on a division (demanded by Mr. WILLIAMS) there were—ayes 138, noes 63.

Mr. WILLIAMS. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

Mr. DALZELL. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. DALZELL. I would like the gentleman from Mississippi to listen to me. The gentleman from Iowa is very anxious to introduce a resolution with which, I think, the gentleman from Mississippi is familiar. Will not the gentleman consent now that we adjourn and take the yeas and nays in the morning?

Mr. WILLIAMS. Mr. Speaker, I believe I am acquainted with the character of the resolution which is desired to be offered, and although I do not think the question ought to have been put up to me in just this way, just at this time, I can not find it in my heart to make any objection. [Applause.]

Mr. DALZELL. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER pro tempore. The gentleman from Pennsylvania asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. WILLIAMS rose.

The SPEAKER pro tempore. The Chair understands——

Mr. WILLIAMS. I was about to object, but I will let it go.

The SPEAKER pro tempore. The Chair wishes to be sure he understands the proposition and will state it to the House. As the Chair understands it, unless there is objection the completion of the vote upon this proposition will go over until to-morrow, when it will be taken up as unfinished business after the reading of the Journal.

Mr. WILLIAMS. Mr. Speaker, I did not understand there was any request for unanimous consent about the course of business. I thought I was merely acceding to the regular order, and I supposed the bill would go over, the yeas and nays having been recognized as having been called for, but I am not willing to surrender any advantages of position in regard to the matter.

The SPEAKER pro tempore. The Chair wishes to be sure he understands the proposition to which assent was given. If the point made by the gentleman from Mississippi is correct, the matter would go over as unfinished business until the next call of committees, and without further objection it will be so ordered.

Mr. WILLIAMS. That is right.

### CHANGE OF REFERENCE.

By unanimous consent, the Committee on Military Affairs was discharged from the further consideration of the bill (H. R. 6052) granting pensions to honorably discharged soldiers who served in the Fifty-fifth Regiment Pennsylvania Volunteer Militia Volunteer Infantry, and to their widows and minor children, and the same was referred to the Committee on Invalid Pensions.

### LEAVE OF ABSENCE.

By unanimous consent, Mr. SMITH of Illinois was granted leave of absence for two weeks, on account of important business.

### WITHDRAWAL OF PAPERS.

By unanimous consent, Mr. KAHN was granted leave to withdraw from the files of the House, without leaving copies, the papers in the case of Mary E. McKinnon, Fifty-seventh Congress, no adverse report having been made thereon.

By unanimous consent, Mr. ADAMS of Pennsylvania was granted leave to withdraw from the files of the House, without leaving copies, the papers in the case of George Fusselman, no adverse report having been made thereon.

### ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 12864. An act to provide for the purchase of certain coal claims in the island of Batan, in the Philippine Islands; and

H. R. 13104. An act to amend an act entitled "An act to revise and amend the tariff laws of the Philippine Islands, and for other purposes," approved March 3, 1905.

DEATH OF EX-SPEAKER DAVID B. HENDERSON.

Mr. HEPBURN. Mr. Speaker, I have been directed by my colleagues from the State of Iowa to announce the death of David B. Henderson, late a Member and late a Speaker of this House. He died yesterday at his residence in the city of Dubuque, and I offer the following resolutions.

The SPEAKER pro tempore. The gentleman from Iowa offers the following resolution, which the Clerk will report.

The Clerk read as follows:

*Resolved*, That this House has learned with the deepest sorrow of the death of Hon. David B. Henderson, Speaker of the Fifty-sixth and Fifty-seventh Congresses, and for twenty years a useful, faithful, and distinguished Member from Iowa; and that this House herewith expresses its appreciation of the services of the deceased as a patriot and statesman.

*Ordered*, That this resolution be entered upon the Journal of the House and that a copy be transmitted to the relatives of the deceased.

Mr. HEPBURN. Mr. Speaker, as a further mark of respect to the memory of David B. Henderson, I move that the House do now adjourn.

The SPEAKER pro tempore. The question is first on agreeing to the resolution offered by the gentleman from Iowa.

The question was taken, and the resolution was unanimously agreed to.

The SPEAKER pro tempore. The question now recurs to the motion of the gentleman from Iowa that as a further mark of respect to the memory of former Speaker David B. Henderson the House do now adjourn.

The motion was agreed to; and accordingly (at 4 o'clock and 18 minutes p. m.) the House adjourned until to-morrow, at 12 o'clock noon.

## EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Acting Postmaster-General, transmitting a recommendation relating to clerk hire for the post-offices at Goldfield and Tonopah, Nev.—to the Committee on Appropriations, and ordered to be printed.

A letter from the Acting Secretary of War, transmitting a recommendation as to the compensation of the superintendent of the national cemetery at Arlington, Va.—to the Committee on Military Affairs, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Commissioner of Internal Revenue, submitting an estimate of appropriation for allowances for salaries and expenses—to the Committee on Appropriations, and ordered to be printed.

A letter from the vice-president of the Chesapeake and Potomac Telephone Company, transmitting a report of the operations of the company during the year 1905—to the Committee on the District of Columbia, and ordered to be printed.

A letter from the chairman (on part of the House) of the Merchant Marine Commission, transmitting a supplemental report—to the Committee on the Merchant Marine and Fisheries, and ordered to be printed.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. MARTIN, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 9165) authorizing the Secretary of the Interior to issue patent to the Scandinavian Evangelical Lutheran Little Missouri River Congregation to certain lands for cemetery purposes, reported the same without amendment, accompanied by a report (No. 1787); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. STEPHENS of Texas, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 15098) to authorize the President of the United States, in conjunction with the State of Texas, to determine and establish the boundary lines beween the Indian Territory, the Territories of New Mexico and Oklahoma, and the State of Texas, reported the same without amendment, accompanied by a report (No. 1788); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BONYNGE, from the Committee on Immigration and Naturalization, to which was referred the bill of the House (H. R. 15442) to establish a Bureau of Immigration and Naturalization, and to provide for a uniform rule for the naturalization of aliens throughout the United States, reported the same without amendment, accompanied by a report (No. 1789); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SMITH of Texas, from the Committee on Irrigation of Arid Lands, to which was referred the bill of the House (H. R. 14184) to extend the irrigation act to the State of Texas, reported the same without amendment, accompanied by a report (No. 1790); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SMITH of California, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 11490) granting the Edison Electric Company a permit to occupy certain lands for electric power plants in the San Bernardino, Sierra, and San Gabriel forest reserves, in the State of California, reported the same with amendment, accompanied by a report (No. 1791); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

## REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15059) granting an increase of pension to Alfred W. Morley, reported the same with amendment, accompanied by a report (No. 1715); which said bill and report were referred to the Private Calendar.

Mr. LINDSAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14855) granting an increase of pension to Henry C. Carr, reported the same with amendment, accompanied by a report (No. 1716); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14874) granting an increase of pension to William C. Hearne, reported the same with amendment, accompanied by a report (No. 1717); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6110) granting an increase of pension to Abram W. Davenport, reported the same without amendment, accompanied by a report (No. 1718); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14131) granting an increase of pension to Francis M. Simpson, reported the same with amendment, accompanied by a report (No. 1719); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7951) granting an increase of pension to William H. Pitchford, reported the same with amendment, accompanied by a report (No. 1720); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 9126) granting an increase of pension to Nathan Parish, reported the same with amendment, accompanied by a report (No. 1721); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8137) granting an increase of pension to Nina Holvenstot, reported the same with amendment, accompanied by a report (No. 1722); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9924) granting a pension to Carrie A. Conley, reported the same with amendment, accompanied by a report (No. 1723); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8062) granting an increase of pension to John K. Miller, reported the same with amendment, accompanied by a report (No. 1724); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14840) granting an increase of pension to Nathaniel H. Rone, reported the same with amendment, accompanied by a report (No. 1725); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13803),

granting a pension to Henry H. Foreman, reported the same with amendment, accompanied by a report (No. 1726); which said bill and report were referred to the Private Calendar.

Mr. LINDSAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4209) granting an increase of pension to Martin Callahan, reported the same with amendment, accompanied by a report (No. 1727); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2341) granting a pension to Helen H. Hulbert, reported the same with amendment, accompanied by a report (No. 1728); which said bill and report were referred to the Private Calendar.

Mr. LINDSAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2780) granting an increase of pension to Mary E. Fifield, reported the same with amendment, accompanied by a report (No. 1729); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6946) granting an increase of pension to Elias Claunch, reported the same with amendment, accompanied by a report (No. 1730); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pension, to which was referred the bill of the House (H. R. 9053) granting an increase of pension to John M. Jones, reported the same without amendment, accompanied by a report (No. 1731); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8328) granting an increase of pension to Ira Grabill, reported the same without amendment, accompanied by a report (No. 1732); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7515) granting an increase of pension to Firman F. Kirk, reported the same with amendment, accompanied by a report (No. 1733); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8316) granting an increase of pension to William Smith, reported the same with amendment, accompanied by a report (No. 1734); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8665) granting an increase of pension to Hiram Long, reported the same with amendment, accompanied by a report (No. 1735); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10326) granting an increase of pension to Edmund Chapman, reported the same without amendment, accompanied by a report (No. 1736); which said bill and report were referred to the Private Calendar.

Mr. HOPKINS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12187) granting an increase of pension to Mary L. Davenport, reported the same with amendment, accompanied by a report (No. 1737); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6128) granting an increase of pension to Thomas Patterson, reported the same with amendment, accompanied by a report (No. 1738); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6407) granting an increase of pension to William Blair, reported the same with amendment, accompanied by a report (No. 1739); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 8206) granting an increase of pension to Carner C. Welch, reported the same without amendment, accompanied by a report (No. 1740); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13866) granting an increase of pension to Isaac Place, reported the same with amendment, accompanied by a report (No. 1741); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15029) granting an increase of pension to Sabine Van Curen, reported the same with amendment, accompanied by a report (No. 1742); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15028) granting an increase of pension to Anthony Emes, reported the same with amendment, accompanied by a report (No. 1743); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14834) granting an increase of pension to Ruth J. McCann, reported the same with amendment, accompanied by a report (No. 1744); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15249) granting an increase of pension to Isaac N. Seal, reported the same with amendment, accompanied by a report (No. 1745); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14369) granting an increase of pension to Sumner P. Wyman, reported the same with amendment, accompanied by a report (No. 1746); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14337) granting an increase of pension to Gabriel Y. Palmer, reported the same with amendment, accompanied by a report (No. 1747); which said bill and report were referred to the Private Calendar.

Mr. HOPKINS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14143) granting an increase of pension to Zacur P. Pott, reported the same with amendment, accompanied by a report (No. 1748); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12884) granting a pension to Lucinda Gain, reported the same with amendment, accompanied by a report (No. 1749); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13198) granting an increase of pension to Josiah F. Allen, reported the same with amendment, accompanied by a report (No. 1750); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13597) granting an increase of pension to Abram J. Bozarth, reported the same with amendment, accompanied by a report (No. 1751); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12099) granting a pension to Charlotte A. McCormick, reported the same with amendment, accompanied by a report (No. 1752); which said bill and report were referred to the Private Calendar.

Mr. LINDSAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11563) granting an increase of pension to John Henderson, reported the same with amendment, accompanied by a report (No. 1753); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13822) granting an increase of pension to Augustus D. King, reported the same with amendment, accompanied by a report (No. 1754); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13170) granting an increase of pension to John R. Mabee, reported the same with amendment, accompanied by a report (No. 1755); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10622) granting an increase of pension to J. H. Ward, reported the same with amendment, accompanied by a report (No. 1756); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 12509) granting an increase of pension to Benjamin Botner, reported the same with amendment, accompanied by a report (No. 1757); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11484) granting an increase of pension to Thomas H. Wilson, reported the same with amendment, accompanied by a report (No. 1758); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12182) granting a pension to Sallie W. Mason, reported the same with amendment, accompanied by a report (No. 1759); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11168) granting an increase of pension to Robert R. Mathews, reported the same with amendment, accompanied by a report (No. 1760); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10923) granting an increase of pension to Matilda Rockwell, reported the same with amendment, accompanied by a report (No. 1761); which said bill and report were referred to the Private Calendar.

Mr. LINDSAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11509) granting an increase of pension to Josephine Hoornbeck, reported the same with amendment, accompanied by a report (No. 1762); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10293) granting an increase of pension to Sarah F. Galbraith, reported the same with amendment, accompanied by a report (No. 1763); which said bill and report were referred to the Private Calendar.

Mr. HOPKINS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10490) granting an increase of pension to Lucius A. West, reported the same with amendment, accompanied by a report (No. 1764); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11409) granting an increase of pension to Josiah H. Seabold, reported the same without amendment, accompanied by a report (No. 1765); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11690) granting an increase of pension to Lewis Lowry, reported the same with amendment, accompanied by a report (No. 1766); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12194) granting an increase of pension to Minnie Irwin, reported the same with amendment, accompanied by a report (No. 1767); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6058) granting an increase of pension to Emilie Scheldt, reported the same with amendment, accompanied by a report (No. 1768); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6888) granting an increase of pension to John W. Hannah, reported the same with amendment, accompanied by a report (No. 1769); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 552) granting an increase of pension to William H. Nortrip, reported the same with amendment, accompanied by a report (No. 1770); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3456) granting an increase of pension to David B. Ott, reported the same with amendment, accompanied by a report (No. 1771); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2267) granting an increase of pension to Joseph Rupert, reported the same with amendment, accompanied by a report (No. 1772); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11716) granting an increase of pension to Warren B. Tompkins, reported the same with amendment, accompanied by a report (No. 1773); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1027) granting an increase of pension to Charles H. Friend, reported the same with amendment, accompanied by a report (No. 1774); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1468) granting an increase of pension to Morris B. Drake, reported the same with amendment, accompanied by a report (No. 1775); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2396) granting an increase of pension to Charles Hull, reported the same with amendment, accompanied by a report (No. 1776); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12578) granting an increase of pension to John B. Craig, reported the same with amendment, accompanied by a report (No. 1777); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12498) granting an increase of pension to Charles F. Runnels, reported the same with amendment, accompanied by a report (No. 1778); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5917) granting an increase of pension to Henry G. Bollinger, reported the same with amendment, accompanied by a report (No. 1779); which said bill and report were referred to the Private Calendar.

Mr. LINDSAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3281) granting an increase of pension to Thomas F. Underwood, reported the same with amendment, accompanied by a report (No. 1780); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14761) granting an increase of pension to John L. Decker, reported the same with amendment, accompanied by a report (No. 1781); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6142) granting an increase of pension to David Davis, reported the same with amendment, accompanied by a report (No. 1782); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12541) granting an increase of pension to Edward V. Miles, reported the same without amendment, accompanied by a report (No. 1783); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 4691) granting an increase of pension to George L. Janney, reported the same without amendment, accompanied by a report (No. 1784); which said bill and report were referred to the Private Calendar.

Mr. HOPKINS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3197) granting an increase of pension to Milo G. Gibson, reported the same with amendment, accompanied by a report (No. 1785); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2984) granting an increase of pension to William H. Gildersleeve, reported the same with amendment, accompanied by a report (No. 1786); which said bill and report were referred to the Private Calendar.

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## PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. LILLEY of Pennsylvania: A bill (H. R. 15642) to provide a site and erect a public building at Towanda, Pa.—to the Committee on Public Buildings and Grounds.

By Mr. GROSVENOR: A bill (H. R. 15643) to authorize the board of visitors of the Government Hospital for the Insane to summon and examine witnesses under oath, and making it a misdemeanor for any such witness to refuse to attend or testify or produce books and papers when summoned—to the Committee on the Judiciary.

By Mr. MARTIN: A bill (H. R. 15644) to provide a site for an armory in the District of Columbia and a commission to report plans and estimates to the Congress—to the Committee on Public Buildings and Grounds.

By Mr. HILL of Connecticut: A bill (H. R. 15645) to provide for the purchase of a site and the erection of a public building thereon at Greenwich, in the State of Connecticut—to the Committee on Public Buildings and Grounds.

By Mr. SHERLEY: A bill (H. R. 15646) to postpone until

1937 the maturity of $250,000 of 4 per cent United States bonds held in trust for the benefit of the American Printing House for the Blind—to the Committee on Ways and Means.

By Mr. KEIFER: A bill (H. R. 15647) to amend an act entitled "An act making an apportionment of Representatives in Congress among the several States under the Twelfth Census"—to the Committee on the Census.

By Mr. HOGG: A bill (H. R. 15648) to allow leaves of absence in all cases where homestead filings have been made under act of Congress of June 17, 1902—to the Committee on the Public Lands.

By Mr. BUCKMAN: A bill (H. R. 15649) extending the time for the construction of the dam across the Mississippi River authorized by the act of Congress approved March 12, 1904—to the Committee on Interstate and Foreign Commerce.

By Mr. HUGHES: A bill (H. R. 15650) to amend section 1 of an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof—to the Committee on Interstate and Foreign Commerce.

By Mr. SLEMP: A bill (H. R. 15719) to authorize the holding of a regular term of the district and circuit courts of the United States for the western district of Virginia in the city of Big Stone Gap, Va.—to the Committee on the Judiciary.

By Mr. GARRETT: A bill (H. R. 15720) to limit the jurisdiction of the district and circuit courts of the United States—to the Committee on the Judiciary.

Also, a bill (H. R. 15721) to amend the jurisdiction act of 1887 so as to abrogate Federal jurisdiction over State corporations when the jurisdiction is founded only on the fact that the action or suit brought is between citizens of different States—to the Committee on the Judiciary.

By Mr. SMITH of Arizona: A bill (H. R. 15722) for resurvey of township 22 south, range 16 east, Gila and Salt River meridian, Arizona—to the Committee on the Public Lands.

By Mr. BENNETT of Kentucky: A bill (H. R. 15723) for the erection of a public building at Ashland, Ky.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 15724) for the erection of a public building at Catlettsburg, Ky.—to the Committee on Public Buildings and Grounds.

## PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ADAMS of Pennsylvania: A bill (H. R. 15651) granting an increase of pension to Joseph Umsted—to the Committee on Invalid Pensions.

By Mr. ANDRUS: A bill (H. R. 15652) to correct the military record of Charles W. Johnson—to the Committee on Military Affairs.

By Mr. ANDREWS: A bill (H. R. 15653) granting an increase of pension to Eliza J. Hudson—to the Committee on Invalid Pensions.

By Mr. BELL of Georgia: A bill (H. R. 15654) for the relief of Cicero H. Taylor—to the Committee on War Claims.

By Mr. BONYNGE: A bill (H. R. 15655) granting an increase of pension to F. O. Canby—to the Committee on Invalid Pensions.

By Mr. BUCKMAN: A bill (H. R. 15656) for the relief of Edwin S. Hall—to the Committee on Indian Affairs.

Also, a bill (H. R. 15657) for the relief of Charles H. Armstrong—to the Committee on Indian Affairs.

By Mr. BURGESS: A bill (H. R. 15658) for the relief of the estate of A. Underwood, deceased—to the Committee on War Claims.

By Mr. BRICK: A bill (H. R. 15659) to remove the charge of desertion from the military record of Charles E. Campbell and to grant him an honorable discharge—to the Committee on Military Affairs.

By Mr. BROOCKS of Texas: A bill (H. R. 15660) granting an increase of pension to John B. Hall—to the Committee on Pensions.

By Mr. CHANEY: A bill (H. R. 15661) for the relief of Elijah Edington, late captain Company C, Forty-third Regiment Indiana Volunteer Infantry—to the Committee on War Claims.

Also, a bill (H. R. 15662) granting an increase of pension to Phillip Hart—to the Committee on Invalid Pensions.

By Mr. CLARK of Missouri (by request): A bill (H. R. 15663) for the relief of Clay Taylor—to the Committee on War Claims.

By Mr. EDWARDS: A bill (H. R. 15664) for the relief of C. B. Kinnett—to the Committee on War Claims.

Also, a bill (H. R. 15665) for the relief of the estate of M. G. Horton, deceased—to the Committee on War Claims.

Also, a bill (H. R. 15666) for the relief of the estate of Solomon Jones, deceased—to the Committee on War Claims.

Also, a bill (H. R. 15667) for the relief of George W. Vermillion—to the Committee on War Claims.

Also, a bill (H. R. 15668) for the relief of W. F. Tomlinson, administrator of Samuel Tomlinson, deceased—to the Committee on War Claims.

By Mr. FRENCH: A bill (H. R. 15669) granting an increase of pension to Currency A. Gummere—to the Committee on Invalid Pensions.

By Mr. GARDNER of Massachusetts: A bill (H. R. 15670) granting an increase of pension to Daniel E. Durgin—to the Committee on Invalid Pensions.

By Mr. HERMANN: A bill (H. R. 15671) granting an increase of pension to Jonathan M. Toms—to the Committee on Invalid Pensions.

By Mr. HINSHAW: A bill (H. R. 15672) granting an increase of pension to Elizabeth Eberhart—to the Committee on Invalid Pensions.

By Mr. HOWELL of Utah: A bill (H. R. 15673) for the relief of Harry A. Young—to the Committee on Military Affairs.

Also, a bill (H. R. 15674) granting an increase of pension to Susan Campbell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15675) granting an increase of pension to Harley Mowrey—to the Committee on Invalid Pensions.

By Mr. HUBBARD: A bill (H. R. 15676) granting an increase of pension to Samuel B. Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15677) granting an increase of pension to George M. Smith—to the Committee on Invalid Pensions.

By Mr. HUGHES: A bill (H. R. 15678) granting an increase of pension to Sarah Burgess—to the Committee on Pensions.

By Mr. HUNT: A bill (H. R. 15679) to correct the military record of George F. Bang—to the Committee on Military Affairs.

By Mr. KAHN: A bill (H. R. 15680) granting a pension to Richard M. Penn—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15681) granting an increase of pension to Uri McKee—to the Committee on Invalid Pensions.

By Mr. LE FEVRE: A bill (H. R. 15682) granting a pension to Hannah M. Hayes—to the Committee on Invalid Pensions.

By Mr. LOUDENSLAGER: A bill (H. R. 15683) granting an increase of pension to Thomas Brown—to the Committee on Invalid Pensions.

By Mr. McLAIN: A bill (H. R. 15684) for the relief of James W. Watson, captain, Tenth Cavalry, United States Army—to the Committee on Indian Affairs.

By Mr. MACON: A bill (H. R. 15685) granting a pension to James P. Dooley—to the Committee on Invalid Pensions.

By Mr. MICHALEK: A bill (H. R. 15686) granting an increase of pension to Clarence J. Lawless—to the Committee on Invalid Pensions.

By Mr. MOON of Tennessee: A bill (H. R. 15687) granting an increase of pension to William F. M. Reil—to the Committee on Pensions.

Also, a bill (H. R. 15688) granting an increase of pension to Esther C. Kelly—to the Committee on Invalid Pensions.

By Mr. MOUSER: A bill (H. R. 15689) granting an increase of pension to Francis Magill—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15690) granting an increase of pension to George Schuster—to the Committee on Invalid Pensions.

By Mr. MURPHY: A bill (H. R. 15691) granting an increase of pension to Jerry W. Tallman—to the Committee on Invalid Pensions.

By Mr. PADGETT: A bill (H. R. 15692) granting a pension to Frank M. Dooley—to the Committee on Invalid Pensions.

By Mr. RHINOCK: A bill (H. R. 15693) for the relief of L. M. Northcutt—to the Committee on War Claims.

Also, a bill (H. R. 15694) for the relief of the estate of Julia E. Rightor—to the Committee on War Claims.

By Mr. RIXEY: A bill (H. R. 15695) granting a pension to John T. Wagoner—to the Committee on Invalid Pensions.

By Mr. RODENBERG: A bill (H. R. 15696) granting a pension to Mary Adam—to the Committee on Pensions.

By Mr. SHERLEY: A bill (H. R. 15697) for the relief of the estate of Samuel W. Venable—to the Committee on War Claims.

Also, a bill (H. R. 15698) for the relief of the estate of John Yancy, deceased—to the Committee on War Claims.

Also, a bill (H. R. 15699) for the relief of the estate of John R. Poplin, deceased—to the Committee on War Claims.

Also, a bill (H. R. 15700) for the relief of the heirs of Henry Diehl—to the Committee on War Claims.

Also, a bill (H. R. 15701) granting an increase of pension to William Brown—to the Committee on Pensions.

By Mr. SMITH of Iowa: A bill (H. R. 15702) granting a pension to Benjamin F. Clayton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15703) granting an increase of pension to Samuel L. White—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15704) granting an increase of pension to Barnabas A. Bonham—to the Committee on Invalid Pensions.

By Mr. TRIMBLE: A bill (H. R. 15705) for the relief of the estate of M. B. Frazier, deceased—to the Committee on War Claims.

By Mr. VOLSTEAD: A bill (H. R. 15706) granting an increase of pension to William Stansberry—to the Committee on Invalid Pensions.

By Mr. VREELAND: A bill (H. R. 15707) granting an increase of pension to Jerome B. Bigelow—to the Committee on Invalid Pensions.

By Mr. WEBBER: A bill (H. R. 15708) granting an increase of pension to James V. Whitney—to the Committee on Invalid Pensions.

By Mr. WELBORN: A bill (H. R. 15709) granting a pension to Thomas B. Maberry—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15710) granting a pension to George T. Beal—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15711) granting an increase of pension to Samuel W. Sheridan—to the Committee on Invalid Pensions.

By Mr. BROOCKS of Texas: A bill (H. R. 15712) granting a pension to Amanda Ricks—to the Committee on Pensions.

By Mr. BURTON of Delaware: A bill (H. R. 15713) granting an increase of pension to William McCrea—to the Committee on Invalid Pensions.

By Mr. FULKERSON: A bill (H. R. 15714) granting an increase of pension to Jonathan Graves—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15715) granting an increase of pension to Andrew W. Tracy—to the Committee on Pensions.

By Mr. KENNEDY of Ohio: A bill (H. R. 15716) to grant an honorable discharge to Nathan L. Cottle—to the Committee on Military Affairs.

By Mr. McCLEARY of Minnesota: A bill (H. R. 15717) granting an increase of pension to Ebenezer A. Rice—to the Committee on Invalid Pensions.

By Mr. OLMSTED: A bill (H. R. 15718) granting an increase of pension to Theodore K. Scheffer—to the Committee on Invalid Pensions.

## CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred, as follows:

A bill (H. R. 1778) granting a pension to J. L. Jennings—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 7588) granting an increase of pension to Thomas Dowling—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 15024) granting an increase of pension to Henry C. Keyser—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

## PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ADAMS of Pennsylvania: Petition of Crystal Council, No. 300, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petitions of Joseph Hays and the Typothetæ of Philadelphia, against anti-injunction bills—to the Committee on the Judiciary.

Also, petition of the Delaware Valley Naturalists' Union, for preservation of Niagara Falls—to the Committee on Rivers and Harbors.

Also, petitions of Troy Hill Council, No. 319, and Rescue Council, No. 15, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of the Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. ALEXANDER: Petition of E. C. Cramer et al., of Buffalo, N. Y., relative to the Kongo Free State—to the Committee on Foreign Affairs.

Also, petition of Tonawanda Branch of the Lake Seamen's Union, against discontinuance of marine hospitals—to the Committee on Naval Affairs.

Also, petition of Tonawanda Branch of the Lake Seamen's Union, for bill H. R. 12474—to the Committee on the Merchant Marine and Fisheries.

Also, petition of W. T. Hancock Post, No. 259, Grand Army of the Republic, for bill H. R. 13090—to the Committee on Military Affairs.

Also, petition of Lafayette Post, No. 140, Grand Army of the Republic, for bill H. R. 13090—to the Committee on Military Affairs.

Also, petition of Rev. H. H. Russell, for bill H. R. 13655—to the Committee on the Judiciary.

By Mr. AIKEN: Petition of Brotherhood of Locomotive Engineers, in favor of the Bates-Pensose bill; also, petition of the bar of Winnesboro, S. C., urging the selection of Chester, S. C., as a site for holding terms of the Federal court—to the Committee on the Judiciary.

By Mr. BARTLETT: Petition of W. J. Kincaid, the Griffin Manufacturing Company, the Kincaid Manufacturing Company, the Spalding Cotton Mills, the Boyd-Maugham Manufacturing Company, the City National Bank, Douglas Glessner, the Rushton Cotton Mills, Robert T. Daniel, W. E. H. Searcy, jr., N. B. Drewry, mayor, and B. R. Bleksley and 250 other citizens of Griffin, Spalding County, Ga., requesting the erection of a post-office building at that place—to the Committee on Public Buildings and Grounds.

By Mr. BURTON of Delaware: Petition of the Woman's Missionary Society, to maintain the anticanteen law—to the Committee on Military Affairs.

By Mr. BURLEIGH: Paper to accompany bill for relief of John Green—to the Committee on Pensions.

By Mr. BUTLER of Tennessee: Paper to accompany bill for relief of Humphrey Packett—to the Committee on Invalid Pensions.

By Mr. CAMPBELL of Ohio: Petition of Ohio Division, Sons of Veterans, of Columbus Grove, against bill H. R. 813—to the Committee on Military Affairs.

Also, petition of the Ohio Live Stock Association, for reciprocity treaties with foreign countries—to the Committee on Foreign Affairs.

Also, petition of citizens of Oklahoma City, relative to location of the capital for the State—to the Committee on the Territories.

By Mr. CAPRON: Additional evidence to accompany bill (H. R. 4663) granting an increase of pension to Horace B. Tanner—to the Committee on Invalid Pensions.

By Mr. COOPER of Wisconsin: Resolutions from the Woman's Club of Madison, Wis., urging passage of the pure-food bill—to the Committee on Interstate and Foreign Commerce.

By Mr. DALZELL: Petition of citizens of Pennsylvania, for the McCumber-Sperry bill—to the Committee on Alcoholic Liquor Traffic.

Also, petition of citizens of Pennsylvania, for the anticanteen law—to the Committee on Military Affairs.

Also, petition of a committee of skilled mechanics in the Washington Navy-Yard, for bills S. 2633 and H. R. 10069—to the Committee on Naval Affairs.

By Mr. DAWSON: Petition of the Commercial Club of Williamsburg, Iowa, for a local parcels-post bill—to the Committee on the Post-Office and Post-Roads.

Also, petition of the State University of Iowa, for the metric system—to the Committee on Coinage, Weights, and Measures.

By Mr. DOVENER: Paper to accompany bill for relief of Lydia A. Daugherty—to the Committee on Invalid Pensions.

By Mr. DRISCOLL: Petition of the Syracuse Chamber of Commerce, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. DUNWELL: Petition of the New York Produce Exchange, for a modification of the Chinese-exclusion law—to the Committee on Foreign Affairs.

Also, petition of the Brotherhood of Locomotive Engineers, against modification of the present Chinese-exclusion law—to the Committee on Foreign Affairs.

Also, petition of the New York Produce Exchange, relative to railway rates—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Central Federated Union, for improvement in the merchant marine—to the Committee on the Merchant Marine and Fisheries.

By Mr. FLOYD: Paper to accompany bill for relief of John

M. Harris (previously referred to the Committee on Invalid Pensions)—to the Committee on Military Affairs.

Also, paper to accompany bill for relief of William R. Fludd (previously referred to the Committee on Invalid Pensions)—to the Committee on Military Affairs.

By Mr. FOSTER of Vermont: Petition of Bennington (Vt.) Grange, for a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of Bennington (Vt.) Grange, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. FRENCH: Petition of citizens of Forest, Idaho, against bill H. R. 7067—to the Committee on Indian Affairs.

By Mr. FULLER: Petition of the Trade League of Philadelphia, for modification of the Chinese-exclusion law—to the Committee on Foreign Affairs.

Also, petition of William R. White, for repeal of the bankruptcy law—to the Committee on the Judiciary.

Also, petition of citizens of Oklahoma City, for location of the capital for the State—to the Committee on the Territories.

Also, petition of 54 merchants of Streator, Ill., for repeal of the duty on hides—to the Committee on Ways and Means.

By Mr. GOULDEN: Petition of the State board of charities, New York City, for the Crane bill—to the Committee on Labor.

Also, petition of the United States Brewers' Association, New York City, for a Federal judicial court in the Orient—to the Committee on the Judiciary.

Also, petition of the National Marine Engineers' Beneficial Association, Chicago, Ill., against bill H. R. 5281—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the New York State Grange, Patrons of Husbandry, against bill H. R. 4488—to the Committee on Agriculture.

Also, petition of the Japanese and Korean Exclusion League, for retention of the present Chinese law—to the Committee on Foreign Affairs.

Also, petition of Council No. 261, Painters, Decorators, and Paper Hangers of America, of New York City, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. GROSVENOR: Petition of Mattawamet Tribe, Independent Order of Red Men, No. 194, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. HAYES: Petition of C. L. Braynard et al., of San Francisco, against bill H. R. 12973—to the Committee on Foreign Affairs.

By Mr. HERMANN: Petition of Union No. 10, Painters, Decorators, and Paper Hangers of America, against bill S. 27—to the Committee on the Merchant Marine and Fisheries.

By Mr. HINSHAW: Paper to accompany bill for relief of Elizabeth Eberhart—to the Committee on Invalid Pensions.

Also, petition of Charles M. Rigg and William H. Edgar et al., for an appropriation for a public building in Beatrice, Nebr.—to the Committee on Public Buildings and Grounds.

By Mr. HUBBARD: Petition of A. Hays et al., for a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of P. Ling et al., for retention of the 10 cents per pound revenue tax upon imitation butter—to the Committee on Agriculture.

Also, petition of D. H. Benkman et al., for the Granger good-roads bill—to the Committee on Agriculture.

Also, petition of M. D. Finch et al., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. HUFF: Petition of David H. Rankin, for a pure-food bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Prohibition party of Erie County, Pa., and a letter from Thomas & Co., of Mount Jewett, Pa., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. KAHN: Petition of 67 citizens of San Francisco, and California Lodge, No. 1, Independent Order of Odd Fellows, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of 150 residents of San Francisco, against bill H. R. 12973, to prevent the coming of Chinese laborers—to the Committee on Foreign Affairs.

By Mr. KELIHER: Petition of New England Shoe and Leather Association, for reorganization of the consular service—to the Committee on Foreign Affairs.

By Mr. KNOWLAND: Petition of the board of directors of the San Francisco Chamber of Commerce, for an appropriation for reclamation of arid lands—to the Committee on Irrigation of Arid Lands.

Also, petition of the board of directors of the Chamber of Commerce of San Francisco, for bill H. R. 7079, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of the board of directors of the Chamber of Commerce of San Francisco, for bill S. 7345—to the Committee on Foreign Affairs.

By Mr. LAWRENCE: Petition of Pittsfield Union, No. 444, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. LILLEY of Pennsylvania: Paper to accompany bill for relief of Mrs. S. A. Scott—to the Committee on Pensions.

Also, paper to accompany bill for relief of J. H. Taylor—to the Committee on Pensions.

Also, paper to accompany bill for relief of Henry A. Sampson—to the Committee on Invalid Pensions.

Also, petition of Frank S. Morley et al., for the Granger good-roads bill—to the Committee on Agriculture.

Also, petition of John Campbell et al., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of Mrs. J. G. Keeler and others, against repeal of the Morris law—to the Committee on Agriculture.

Also, paper to accompany bill for relief of Miles Wall—to the Committee on Pensions.

Also, paper to accompany bill for relief of Robert H. Hall—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of A. G. Bailey—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of E. G. Van Dyke—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Mrs. Emma E. Waldron—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of L. F. Russell—to the Committee on Military Affairs.

By Mr. LINDSAY: Petition of R. S. Waddell, relative to the Du Pont powder trust—to the Committee on Military Affairs.

Also, petition of New York Clearing House, for bill H. R. 8973—to the Committee on Banking and Currency.

Also, petition of H. P. Berwald, relative to railway rates—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Travelers' Protective Association, relative to the bankruptcy act—to the Committee on the Judiciary.

Also, petition of citizens of Oklahoma City, relative to location of the capital for the State of Oklahoma—to the Committee on the Territories.

By Mr. LOUDENSLAGER: Petition of Admiral Farragut Camp, Sons of Veterans, against bill H. R. 8131—to the Committee on Military Affairs.

By Mr. McNARY. Petition of the City Front Federation, against bill H. R. 12973—to the Committee on Foreign Affairs.

Also, petition of the Japanese and Korean Exclusion League, for the present Chinese law—to the Committee on Foreign Affairs.

Also, petition of the Massachusetts Association of Sealers of Weights and Measures, for the metric system—to the Committee on Coinage, Weights, and Measures.

By Mr. MANN: Petition of the Hyde Park Baptist Church, of Chicago, and many citizens of Chicago, relative to the Kongo Free State—to the Committee on Foreign Affairs.

By Mr. MICHALEK: Petition of citizens of Illinois, for removal of the duty on hides—to the Committee on Ways and Means.

By Mr. MOON of Tennessee: Paper to accompany bill for relief of Esther C. Kelly—to the Committee on Invalid Pensions.

Also, papers to accompany bill for improvement of the public building in Chattanooga, Tenn.—to the Committee on Public Buildings and Grounds.

Also, papers to accompany bill (H. R. 342) for enlargement of the public building in Chattanooga, Tenn.—to the Committee on Public Buildings and Grounds.

Also, papers to accompany bill (H. R. 337) for a public building at Cleveland, Tenn.—to the Committee on Public Buildings and Grounds.

Also, paper to accompany bill for relief of William F. McRice—to the Committee on Pensions.

Also, petition of citizens of Sparta, Tenn., for $50,000 for a public building—to the Committee on Public Buildings and Grounds.

By Mr. OLCOTT: Petition of Percy Owen et al., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. OLMSTED: Petition of the Authors Club of Harrisburg, praying for the preservation of Niagara Falls—to the Committee on Rivers and Harbors.

Also, petition of the Travelers' Club of Carlisle, Pa., asking for the establishment of forest reserves—to the Committee on Agriculture.

By Mr. OVERSTREET: Petition of the Indiana Academy of Science, relative to a biological survey of the Panama Canal Zone—to the Committee on Railways and Canals.

By Mr. PADGETT: Paper to accompany bill for relief of Frank M. Dooley—to the Committee on Invalid Pensions.

By Mr. PAGE: Paper to accompany bill for relief of Elizabeth H. Martin—to the Committee on Pensions.

By Mr. PAYNE: Petition of C. B. La Barr and others, and the National Grange, Patrons of Husbandry, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. RIXEY: Paper to accompany bill for relief of John T. Wagoner—to the Committee on Invalid Pensions.

By Mr. ROBERTS: Petition of the Associated Charities of Lynn, for correction of the immigration laws—to the Committee on Immigration and Naturalization.

By Mr. RYAN: Petition of the Lake Seamen's Union of North Tonawanda, N. Y., for bill H. R. 12472—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the Lake Seamen's Union of North Tonawanda, N. Y., against abolition of certain marine hospitals—to the Committee on the Merchant Marine and Fisheries.

By Mr. SMITH of Arizona: Petition of the Chamber of Commerce and citizens of Arizona, for reclamation of arid lands—to the Committee on Irrigation of Arid Lands.

By Mr. SMITH of Iowa: Petition of citizens of Iowa, against the Sunday banking law—to the Committee on the Post-Office and Post-Roads.

By Mr. SPERRY: Petition of citizens of Middletown, asking for a public building in that city, to accompany bill H. R. 15510—to the Committee on Public Buildings and Grounds.

By Mr. STANLEY: Petition of Local Union No. 430, Painters, Decorators, and Paper Hangers of America, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. SULLIVAN of New York: Petition of citizens of Oklahoma City, Okla., relative to location of the capital for the State—to the Committee on the Territories.

Also, petition of the Japanese and Korean Exclusion League, for continuance of the present Chinese law—to the Committee on Foreign Affairs.

Also, petition of the Merchants' Association of New York, for a subsidy for shipping—to the Committee on the Merchant Marine and Fisheries.

Also, petition of H. P. Berwald, relative to railway rates—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Postum Cereal Company, for the pure-food bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of Mortimer Levering, relative to the transportation of cattle—to the Committee on Interstate and Foreign Commerce.

Also, petition of W. E. Chandler, relative to the railway rate bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Independent Refiners' Association, relative to railway rates—to the Committee on Interstate and Foreign Commerce.

Also, petition of Hard & Rand, for bill H. R. 1345—to the Committee on Foreign Affairs.

Also, petition of the Chatham National Bank, for bill H. R. 8973—to the Committee on Banking and Currency.

Also, petition of John P. Haines, relative to railway transportation of cattle—to the Committee on Interstate and Foreign Commerce.

Also, petition of the American Humane Society, relative to live stock in transit—to the Committee on Interstate and Foreign Commerce.

Also, petition of Charles Francis, against bill S. 4094—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Travelers' Protective Association, for an amendment to the bankruptcy bill—to the Committee on the Judiciary.

Also, petition of the Travelers' Protective Association, relative to bill H. R. 5298—to the Committee on the Judiciary.

Also, petition of Lozier Motor Company, against bill S. 4094—to the Committee on the Merchant Marine and Fisheries.

By Mr. SULLOWAY: Petition of Ocean Side Grange, of Hampton, N. H., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. TAWNEY: Petition of citizens of Owatonna, Minn., against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. TIRRELL: Petition of William G. Davis et al., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. VOLSTEAD: Petition of citizens of Minnesota, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. VREELAND: Petition of the National Grange, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. WADSWORTH: Petition of North Tonawanda (N. Y.) Branch of the Lake Seamen's Union, for bill H. R. 12472—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Dansville Grange, No. 178, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of the Lake Seamen's Union, against abolition of United States marine hospitals at Portland, Me., and other places—to the Committee on the Merchant Marine and Fisheries.

By Mr. WEBBER: Paper to accompany bill for relief of James B. Whitney—to the Committee on Invalid Pensions.

By Mr. WEISSE: Petition of citizens of Fond du Lac, Wis., for a treaty of arbitration—to the Committee on Foreign Affairs.

Also, petition of the Wisconsin Dairymen's Association, for a Dairy Bureau in the Department of Agriculture—to the Committee on Agriculture.

Also, petition of the Wisconsin Dairymen's Association, against reduction of the tax on oleomargarine—to the Committee on Agriculture.

Also, petition of the Wisconsin Dairymen's Association, for extended powers to the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Wisconsin Dairymen's Association, for bill H. R. 345—to the Committee on Agriculture.

By Mr. WILLIAMS: Paper to accompany bill for relief of O. D. Hanley, heir of Martha Bolls—to the Committee on War Claims.

By Mr. WOOD of New Jersey: Petition of citizens of Pattenburg, N. J., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

## SENATE.

### TUESDAY, *February 27, 1906.*

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. SCOTT, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

#### CREDENTIALS.

Mr. DANIEL presented the credentials of THOMAS STAPLES MARTIN, chosen by the legislature of the State of Virginia a Senator from that State for the term beginning March 4, 1907; which were read, and ordered to be filed.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

H. R. 13842. An act to amend an act entitled "An act to incorporate the Eastern Star Home for the District of Columbia," approved March 10, 1902;

H. R. 14515. An act making it a misdemeanor in the District of Columbia to abandon or willfully neglect to provide for the support and maintenance by any person of his wife or of his or her minor children in destitute or necessitous circumstances;

H. R. 14813. An act to amend an act approved March 1, 1905, entitled "An act to amend section 4 of an act entitled 'An act relating to the Metropolitan police of the District of Columbia,' approved February 28, 1901;" and

H. R. 15332. An act to incorporate the National Society of the Sons of the American Revolution.

The message also announced that the House had passed a concurrent resolution authorizing the Commissioners of the District of Columbia to submit to Congress a report upon the improvement of the so-called "flats of the Anacostia River" from its mouth to the District line, with recommendations and estimates of cost; in which it requested the concurrence of the Senate.

#### PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of the San Antonio Fruit Exchange, of Pomona, Cal., praying for the passage of the so-called "Dolliver bill" relative to railroad rates and private car lines; which was ordered to lie on the table.

Mr. PLATT presented a petition of the Chamber of Commerce of Syracuse, N. Y., praying for the enactment of legislation to restrict immigration; which was referred to the Committee on Immigration.

He also presented a memorial of Local Union No. 218, Cigar Makers' International Union of America, of Binghamton, N. Y., remonstrating against any reduction of the duty on cigars and tobacco imported from the Philippine Islands; which was referred to the Committee on the Philippines.

He also presented a petition of the Lake Seamen's Union of North Tonawanda, N. Y., praying for the enactment of legislation relating to the complement of crews of vessels; which was referred to the Committee on Commerce.

He also presented a petition of Local Lodge No. 639, Brotherhood of Railroad Trainmen, of Niagara Falls, N. Y., praying for the passage of the so-called "employers' liability bill" and also the "anti-injunction bill;" which was referred to the Committee on Interstate Commerce.

He also presented a memorial of Local Camp No. 10, Sons of Veterans, United States Army, of Riverhead, N. Y., remonstrating against the enactment of legislation to prohibit the wearing of the uniform of the Army, Navy, Marine Corps, or Revenue Service; which was referred to the Committee on Military Affairs.

He also presented the petition of Eliza J. Bowes, of Rochester, N. Y., praying for an investigation of the existing conditions in the Kongo Free State; which was referred to the Committee on Foreign Relations.

He also presented a memorial of the Lake Seamen's Union of North Tonawanda, N. Y., remonstrating against the enactment of legislation to abolish United States marine hospitals located at certain points in the United States; which was referred to the Committee on Naval Affairs.

Mr. BURKETT presented a petition of sundry grain growers of Lancaster County, Nebr., praying for the enactment of legislation fixing a uniform standard of classification and grading of cereals, etc.; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Brotherhood of Locomotive Engineers of Alliance, Nebr., praying for the passage of the so-called "employers' liability bill" and also the "anti-injunction bill;" which was referred to the Committee on Interstate Commerce.

He also presented resolutions adopted by the Farmers' Institute of Palmyra, Nebr., indorsing the recommendation of President Roosevelt in regard to the regulation and control of railroad rates; which was ordered to lie on the table.

Mr. NELSON presented a petition of the Commercial Club of Duluth, Minn., praying for the enactment of legislation to prevent the destruction of Niagara Falls on the American side by the diversion of the waters for manufacturing purposes; which was referred to the Committee on Forest Reservations and the Protection of Game.

He also presented a petition of Shoreham Lodge, No. 510, Brotherhood of Locomotive Firemen, of Minneapolis, Minn., praying for the passage of the so-called "employers' liability bill" and also the "anti-injunction bill;" which was referred to the Committee on Interstate Commerce.

He also presented a petition of sundry citizens of Albert Lea, Minn., praying for the removal of the internal-revenue tax on denaturized alcohol; which was referred to the Committee on Finance.

He also presented a petition of the Lake Seamen's Union, praying for the enactment of legislation relating to the complement of crews of vessels; which was referred to the Committee on Commerce.

Mr. FLINT presented a memorial of the Board of Trade of San Francisco, Cal., remonstrating against the repeal of the present bankruptcy law; which was referred to the Committee on the Judiciary.

He also presented a petition of the Los Angeles County Medical Association, of Los Angeles, Cal., praying for the enactment of legislation to increase the efficiency of the Medical Department of the United States Army; which was ordered to lie on the table.

He also presented sundry petitions of citizens of Santa Barbara, Cal., praying for the enactment of legislation to prevent the destruction of Niagara Falls on the American side by the diversion of the waters for manufacturing purposes; which were referred to the Committee on Forest Reservations and the Protection of Game.

Mr. FRYE presented a petition of the Associated Charities of Bangor, Me., praying for the enactment of legislation to restrict immigration; which was referred to the Committee on Immigration.

Mr. TELLER presented a petition of the Colorado Equal Suffrage Association, of Denver, Colo., praying for the enactment of legislation to establish the Mesa Verde National Park, in that State; which was referred to the Committee on Public Lands.

He also presented a petition of John A. Rawlins Post, No. 1, Department of the Potomac, Grand Army of the Republic, of Washington, D. C., praying for the enactment of legislation making Lincoln's birthday a legal holiday; which was referred to the Committee on the Judiciary.

He also presented a petition of the Christian Citizenship Union, of Denver, Colo., praying for an investigation of the existing conditions in the Kongo Free State; which was referred to the Committee on Foreign Relations.

He also presented a petition of the Federation of Women's Clubs, of Denver, Colo., praying for the enactment of legislation providing compulsory education in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a memorial of the Colorado Brewers' Association, of Denver, Colo., and a memorial of the Neef Brothers Brewing Company, of Denver, Colo., remonstrating against the enactment of legislation to prohibit the sale of intoxicating liquors in the Territories of Arizona and New Mexico when admitted to statehood; which were ordered to lie on the table.

He also presented petitions of Cristo Lodge, No. 31, Brotherhood of Railroad Trainmen, of Colorado; of Golden Circle Division, No. 546, Brotherhood of Locomotive Engineers, of Canon City; of Grand Canon Division, No. 29, Brotherhood of Locomotive Engineers, of Pueblo, and of Fishers Peak Division, No. 247, Order of Railway Conductors, of Trinidad, all in the State of Colorado, praying for the passage of the so-called "employers' liability bill;" which were referred to the Committee on Interstate Commerce.

He also presented petitions of Victor Council, No. 21, Junior Order of United American Mechanics, of Victor; of Local Union No. 489, United Brotherhood of Carpenters and Joiners of America, of Canyon, and of Benjamin Franklin Council, No. 18, Junior Order of United American Mechanics, of Denver, all in the State of Colorado, praying for the enactment of legislation to restrict immigration; which were referred to the Committee on Immigration.

He also presented a memorial of the Commercial Association of Boulder, Colo., remonstrating against the passage of the so-called "parcels-post bill;" which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the District Mine Owners and Operators' Association, of Cripple Creek, Colo., praying for the enactment of legislation to establish a Department of Mines and Mining; which was referred to the Committee on Mines and Mining.

He also presented a petition of the Colorado Cattle and Horse Growers' Association, praying that continued appropriations be made for the support of the Bureau of Animal Industry in the Agricultural Department for experiments in animal breeding and feeding in cooperation with State agricultural stations; which was referred to the Committee on Agriculture and Forestry.

Mr. WETMORE presented a petition of Local Grange No. 4, Patrons of Husbandry, of Burrillville, R. I., praying that increased appropriations be made for the support of agricultural experiment stations; which was referred to the Committee on Agriculture and Forestry.

Mr. GAMBLE presented sundry papers to accompany the bill (S. 4511) granting an increase of pension to Thomas Hoaglin; which were referred to the Committee on Pensions.

Mr. RAYNER (for Mr. GORMAN) presented sundry papers to accompany the bill (S. 4377) for the relief of the Davison Chemical Company, of Baltimore, Md.; which were referred to the Committee on Claims.

Mr. SPOONER presented a petition of the congregation of the Methodist Episcopal Church of Clintonville, Wis., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Indian Territory and Oklahoma when admitted to statehood; which was ordered to lie on the table.

He also presented sundry memorials of citizens of the State of Wisconsin, remonstrating against the passage of the so-called "Philippine tariff bill;" which were referred to the Committee on the Philippines.

## REPORTS OF COMMITTEES.

Mr. ALLEE, from the Committee on Claims, to whom was referred the bill (S. 503) to reimburse James M. McGee, M. D., for expenses incurred in the burial of Mary J. De Lange, a deceased pensioner, reported it without amendment, and submitted a report thereon.

Mr. GEARIN, from the Committee on Pensions, to whom was

referred the bill (H. R. 10925) granting an increase of pension to Isaac C. Dennis, reported it without amendment, and submitted a report thereon.

He also (for Mr. CARMACK), from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 10883) granting an increase of pension to William Lee;

A bill (H. R. 11061) granting an increase of pension to Reanna Pile;

A bill (H. R. 11724) granting an increase of pension to John A. Conley;

A bill (H. R. 12285) granting a pension to Mary C. Kirkland;

A bill (H. R. 12583) granting an increase of pension to Elizabeth L. H. Labatt;

A bill (H. R. 13050) granting an increase of pension to William G. Crockett;

A bill (H. R. 13129) granting an increase of pension to Pinkney W. H. Lee;

A bill (H. R. 10969) granting an increase of pension to Calaway G. Tucker;

A bill (H. R. 11777) granting an increase of pension to Manson B. Scott;

A bill (H. R. 11808) granting an increase of pension to Webster Thomas; and

A bill (H. R. 12388) granting an increase of pension to Harvey T. Dunn.

Mr. BURKETT, from the Committee on Claims, to whom was referred the bill (S. 1448) for the relief of the estate of James W. Mardis, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

Mr. BURNHAM, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 12713) granting an increase of pension to Augustus F. Bradbury;

A bill (H. R. 12038) granting an increase of pension to Charles H. Burleigh;

A bill (H. R. 8302) granting an increase of pension to Maurice Hayes;

A bill (H. R. 11916) granting an increase of pension to Edward L. Kimball;

A bill (H. R. 8556) granting an increase of pension to Ethan Blodgett; and

A bill (H. R. 9279) granting an increase of pension to Patrick Curley.

Mr. OVERMAN, from the Committee on Claims, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 3283) for the relief of John H. Hamiter; and

A bill (S. 1221) for the relief of J. De L. Lafitte.

Mr. CLAPP, from the Committee on Claims, to whom was referred the bill (S. 3842) for the relief of Mary C. Mayers, reported it without amendment, and submitted a report thereon.

Mr. ALGER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 12754) granting an increase of pension to William B. Eversole;

A bill (H. R. 12510) granting an increase of pension to John McWhorter;

A bill (H. R. 5957) granting an increase of pension to Henry J. Steck;

A bill (H. R. 12506) granting an increase of pension to John T. Howell;

A bill (H. R. 12507) granting an increase of pension to George W. Collier;

A bill (H. R. 11343) granting an increase of pension to Enoch Bolen;

A bill (H. R. 11205) granting an increase of pension to Jeremiah Spice;

A bill (H. R. 7649) granting an increase of pension to William Leipnitz;

A bill (H. R. 7711) granting an increase of pension to Samuel Dunnan;

A bill (H. R. 11132) granting an increase of pension to Horace E. Lydy;

A bill (H. R. 10807) granting an increase of pension to Jacob J. Long;

A bill (H. R. 10741) granting an increase of pension to Thomas Clark;

A bill (H. R. 10637) granting an increase of pension to Levi I. Shipman;

A bill (H. R. 10564) granting an increase of pension to Levi N. Bodley;

A bill (H. R. 8520) granting an increase of pension to Alfred F. White; and

A bill (H. R. 8406) granting an increase of pension to Susan W. Selfridge.

Mr. McCUMBER, from the Committee on Pensions, to whom was referred the bill (S. 4636) granting an increase of pension to Henry R. Pease, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1023) granting an increase of pension to Peter Shippman, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 4362) granting an increase of pension to William Fleugel;

A bill (S. 4319) granting an increase of pension to Frederick C. Sturm; and

A bill (S. 772) granting an increase of pension to Jerusha Hayward Brown.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 4637) granting an increase of pension to Frederick Zimmerman;

A bill (S. 492) granting an increase of pension to Barney Whitney;

A bill (H. R. 11658) granting an increase of pension to Gould E. Utter;

A bill (H. R. 12839) granting an increase of pension to Kathryn G. Hayt;

A bill (H. R. 12384) granting an increase of pension to Andrew Dunning;

A bill (H. R. 11145) granting an increase of pension to Melvin J. Lee;

A bill (H. R. 11105) granting an increase of pension to Michael Comer;

A bill (H. R. 7525) granting an increase of pension to William K. Spencer;

A bill (H. R. 11101) granting an increase of pension to Andrew J. Baker;

A bill (H. R. 7955) granting an increase of pension to Newton E. Terrill;

A bill (H. R. 7241) granting an increase of pension to Mary J. Allhands;

A bill (H. R. 7238) granting an increase of pension to William J. Campbell;

A bill (H. R. 6565) granting an increase of pension to Francis M. Hatter;

A bill (H. R. 10216) granting an increase of pension to Hugh Longstaff; and

A bill (H. R. 9567) granting an increase of pension to Henderson Rose.

Mr. HANSBROUGH (for Mr. ANKENY), from the Committee on Irrigation and Reclamation of Arid Lands, to whom was referred the bill (S. 91) granting leaves of absence to homesteaders on lands to be irrigated under the provisions of the act of June 17, 1902, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. LA FOLLETTE, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 13579) granting an increase of pension to Amon Miller;

A bill (H. R. 13141) granting an increase of pension to William A. Southworth;

A bill (H. R. 12102) granting an increase of pension to Wilhelmina Healey;

A bill (H. R. 11846) granting a pension to Clara M. Thompson;

A bill (H. R. 11672) granting an increase of pension to Franklin J. Fellows;

A bill (H. R. 7750) granting an increase of pension to Anton Riedmuller;

A bill (H. R. 10967) granting a pension to George Larson;

A bill (H. R. 12008) granting an increase of pension to James D. Blanding;

A bill (H. R. 11908) granting an increase of pension to Stephen A. Sturtevant;

A bill (H. R. 6873) granting an increase of pension to Charles A. Phillips;

A bill (H. R. 6489) granting a pension to Mary E. Scott;

A bill (H. R. 6913) granting an increase of pension to John Gibbons; and

A bill (H. R. 8541) granting an increase of pension to Edward H. Pinney.

Mr. ALDRICH, from the Committee on Finance, to whom were referred the following bills, reported them severally without amendment:

A bill (H. R. 4) to amend section 3646, Revised Statutes of the United States, as amended by act of February 16, 1885; and

A bill (S. 3401) for the relief of the executors of the estate of Harold Brown, deceased.

Mr. SPOONER, from the Committee on Finance, to whom was referred the bill (S. 1668) for the relief of the administrator of the estate of Gotlob Groezinger, reported it with an amendment, and submitted a report thereon.

Mr. BURROWS, from the Committee on Finance, to whom was referred the bill (S. 2742) for the relief of G. F. Tarbell, reported it without amendment.

Mr. HANSBROUGH, from the Committee on Public Lands, to whom was referred the bill (S. 4433) to amend an act approved August 3, 1894, entitled "An act concerning leases in the Yellowstone National Park," reported it without amendment, and submitted a report thereon.

Mr. KITTREDGE, from the Committee on the Judiciary, to whom was referred the bill (S. 3433) to amend an act entitled "An act to divide the judicial district of North Dakota," approved April 26, 1890, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2449) to create the western division of the judicial district of North Dakota for judicial purposes and to fix the time and place for holding court therein, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. FRYE, from the Committee on Commerce, to whom was referred the bill (S. 4513) to authorize the Mobile Railway and Dock Company to construct and maintain bridges across Dog River and Fowl River in Mobile County, State of Alabama, reported it with an amendment, and submitted a report thereon.

CALUMET RIVER BRIDGE.

Mr. FRYE. I am directed by the Committee on Commerce, to whom was referred the bill (H. R. 13365) to amend an act entitled "An act authorizing the Kensington and Eastern Railroad Company to construct a bridge across the Calumet River," approved February 7, 1905, to report it favorably without amendment. As the time for the construction of the bridge has nearly expired, it is very important that the bill shall be acted on now. It will take only a second to pass it.

The VICE-PRESIDENT. The bill will be read for the information of the Senate.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to amend section 5 of the act so as to read as follows:

SEC. 5. That the right to alter, amend, or repeal this act is expressly reserved; and this act shall be null and void if actual construction of the bridge herein authorized be not commenced within one year and completed within three years from the 1st day of February, 1906.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. FRYE. I move that the bill (S. 3983) to amend an act entitled "An act authorizing the Kensington and Eastern Railroad Company to construct a bridge across the Calumet River," approved February 7, 1905, being Order of Business 806 on the Calendar, be indefinitely postponed.

The motion was agreed to.

BILLS INTRODUCED.

Mr. SMOOT introduced a bill (S. 4741) granting an increase of pension to Andrew J. Workman; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. CLARK of Wyoming introduced a bill (S. 4742) granting a pension to Mary E. Allen; which was read twice by its title, and referred to the Committee on Pensions.

Mr. GALLINGER introduced a bill (S. 4743) to provide for the further purification of the water supply of the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. FLINT introduced a bill (S. 4744) for the relief of Jeremiah C. Conkling; which was read twice by its title, and referred to the Committee on Claims.

Mr. DILLINGHAM introduced a bill (S. 4745) granting an increase of pension to Susan J. F. Joslyn; which was read twice by its title, and referred to the Committee on Pensions.

Mr. WARNER introduced a bill (S. 4746) for the relief of George W. Cooper; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 4747) to authorize John A. Ockerson to accept decorations tendered to him by the Government of the French Republic, the King of Italy, the King of Sweden, the Emperor of Germany, and the Emperor of China; which was read twice by its title, and referred to the Committee on Foreign Relations.

He also introduced a bill (S. 4748) for the relief of Richard A. Hodges; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 4749) granting a pension to Elhanau C. Devore;

A bill (S. 4750) granting a pension to George Patterson;

A bill (S. 4751) granting an increase of pension to George P. Gammon;

A bill (S. 4752) granting an increase of pension to Thomas J. Tidswell;

A bill (S. 4753) granting a pension to Joel Harriford;

A bill (S. 4754) granting a pension to John F. Mitchell;

A bill (S. 4755) granting a pension to Bernhard Springer;

A bill (S. 4756) granting an increase of pension to John Kirch;

A bill (S. 4757) granting an increase of pension to George W. Williford;

A bill (S. 4758) granting an increase of pension to Joseph Peltier;

A bill (S. 4759) granting an increase of pension to Oliver M. Stone;

A bill (S. 4760) granting an increase of pension to John B. Lee;

A bill (S. 4761) granting an increase of pension to Jerome N. Gesnier;

A bill (S. 4762) granting a pension to Mary A. Brady; and

A bill (S. 4763) granting an increase of pension to Harrison Randolph.

Mr. MALLORY introduced a bill (S. 4764) to grant lands to the State of Florida to assist said State in the education of its children; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Public Lands.

Mr. HEYBURN introduced a bill (S. 4765) providing for the sale of coal in Alaska under certain conditions; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. DEPEW introduced a bill (S. 4766) granting an increase of pension to Rose Vincent Mullin; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. SPOONER introduced a bill (S. 4767) authorizing the President to appoint E. Russell Mears captain and paymaster, United States Army; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 4768) to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898, as amended by an act approved February 5, 1903; which was read twice by its title, and referred to the Committee on the Judiciary.

He also introduced a bill (S. 4769) granting an increase of pension to Rosa Olds Jenkins; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 4770) granting an increase of pension to Edward Hart; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. BURROWS introduced a bill (S. 4771) granting an increase of pension to George R. Turner; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 4772) granting an increase of pension to Gertrude McNeil; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. WARREN introduced a joint resolution (S. R. 36) to provide for the printing of a digest of the decisions of the Court of Claims, together with the rules of practice of and the statutes relating to that court; which was read twice by its title, and referred to the Committee on Printing.

AMENDMENTS TO BILLS.

Mr. GALLINGER submitted an amendment intended to be proposed by him to the bill (H. R. 12987) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission; which was ordered to lie on the table, and be printed.

Mr. LODGE submitted an amendment intended to be proposed by him to the bill (H. R. 12987) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission; which was ordered to lie on the table and be printed.

Mr. GAMBLE submitted an amendment authorizing the issuance of a patent in fee to Collin La Mont, a Yankton Sioux Indian, etc., intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

REGULATION OF RAILROAD RATES.

Mr. CLAY. I present two amendments to House bill 12987. I ask that the amendments be read, and that they lie on the table.

The amendments were read and ordered to lie on the table and to be printed, as follows:

To amend H. R. 12987 by adding a new section, to be known as section 25, as follows:

"SEC. 25. It shall be unlawful for any common carrier subject to the interstate-commerce act to engage, directly or indirectly, in the business of buying and selling coal or coke, oil, or oil properties, or to promise, pledge, or lend its credit, money, or other property or thing of value to another, either natural or corporate, engaged in such business. It shall be unlawful for such common carrier or carriers engaged in interstate and foreign commerce to in any manner own, control, or have any interest in coal lands or properties, or oil lands or properties. It shall be unlawful for the officers of the carrier companies aforesaid, or any of them, or any person or persons charged with the duty of distributing cars or furnishing facilities to shippers either directly or indirectly to engage in the business of buying and selling the properties described in this section. It shall be unlawful for any common carrier herein defined, either directly or indirectly, to monopolize or attempt to monopolize any part of the trade or commerce in coal or oil, or traffic therein among the several States, or with foreign nations, or to limit or attempt to limit, control, or attempt to control, directly or indirectly, the output of coal mines or the price of coal and oil fields or the price of oil.

"Said carriers herein described shall not discriminate against shippers or parties wishing to become shippers over their several lines, either in the matter of the distribution of cars or in furnishing facilities or instrumentalities connected with receiving, forwarding, or carrying coal or oil as aforesaid: *Provided*, That nothing herein shall prevent such carriers from purchasing such articles for their own consumption.

"Any railroad corporation, or any officer or agent thereof, who knowingly and willfully violates any of the provisions of this act, shall for each and every such offense be guilty of a misdemeanor, and upon conviction shall be imprisoned in the penitentiary for a term not less than one year or more than three years. Every violation of this section shall be prosecuted in any court of the United States having jurisdiction of crimes within the district in which such violation was committed or through which the transportation may have been conducted; and whenever the offense is begun in one jurisdiction and completed in another, it may be dealt with, inquired of, tried, determined, and punished in either jurisdiction in the same manner as if the offense had been actually and wholly committed therein."

To amend H. R. 12987: That a new section be added to said act, at the end thereof, to be numbered as section 26, as follows:

"SEC. 26. That the defense in all proceedings under the provisions of this act, either in behalf of the Commission or the shipper, shall be undertaken by the United States district attorney for the district wherein the action is brought, under the direction of the Attorney-General of the United States, and the cost and expenses of such defense shall be paid out of the appropriation for the expenses of the courts of the United States."

ELECTION OF SENATORS.

On motion of Mr. GALLINGER, it was

*Ordered*, That 2,000 additional copies of Senate Document No. 406, Fifty-seventh Congress, first session, the same to include an article by Ex-Senator George F. Edmunds in the Forum for November, 1894, entitled "Should Senators be elected by the people?" be printed for the use of the Senate document room.

AMENDMENT OF PENSION LAWS.

Mr. McCUMBER. I ask unanimous consent that the bill (S. 1604) to amend the act of March 2, 1903, increasing the pensions of those who have lost limbs or been totally disabled in them, in the military or naval service of the United States, be rereferred to the Committee on Pensions for further consideration.

The VICE-PRESIDENT. Without objection, it is so ordered.

ORDER OF BUSINESS.

Mr. NELSON. Mr. President, I desire to ask unanimous consent of the Senate, and I will state the facts before I state it, in order that Senators may know the object of the request.

The statehood bill comes up at 2 o'clock as the unfinished business. The junior Senator from Illinois [Mr. HOPKINS] is about to leave the city, and he is very anxious to make some remarks upon the statehood bill. It would suit his convenience if the bill could be taken up immediately, to the end that he could finish his remarks.

My colleague [Mr. CLAPP], the chairman of the Committee on Indian Affairs, is anxious to call up the bill to provide for the final disposition of the affairs of the Five Civilized Tribes in the Indian Territory. It is a bill recommended by the Department and reported here.

Mr. HALE. That is the bill which was up yesterday?

Mr. NELSON. Yes, sir. If that bill is called up in the morning hour we could not finish it before 2 o'clock. What I should like would be to have the statehood bill called up immediately, to the end that the Senator from Illinois may submit his remarks, and then that it be temporarily laid aside without being displaced and the rest of the day be given to the other bill I have referred to, relating to the Five Civilized Tribes.

Mr. HALE. I have no objection to the arrangement, so far as the convenience of the Senator from Illinois is concerned in proceeding now to address the Senate, but I think it would be better to let the other matter stand until we reach it, and to see what agreement can be made afterwards, because the Indian tribal bill is a bill of very great importance, involving very many important considerations. It ought to be examined, and it will be pretty thoroughly discussed. I should not want to agree now to any arrangement that would give that bill any further right of way.

Mr. NELSON. Very well; I will limit my request. I ask unanimous consent that the statehood bill may now be taken up to the end that the Senator from Illinois may make his speech on the subject. Then at the close of his speech, if no one else wishes to speak on that bill, I shall ask that it be temporarily laid aside as the unfinished business.

Mr. HALE. We will arrange that when we reach it. Let the Senator confine his request to the convenience of the Senator from Illinois.

Mr. NELSON. Very well.

Mr. HALE. I have no objection.

Mr. CLAPP. Before the request for unanimous consent is put, I wish simply to call attention to what I called attention to yesterday—the situation in reference to the condition in the Indian Territory and the importance of the Senate taking some action between now and next Saturday. I do not care what the form of the action is, but it seems to me it is important that the bill should be disposed of between now and Saturday. Before the request is granted I simply wanted to remind the Senate again of that condition.

Mr. HALE. I think the Senator is right about that. I expect to vote for the bill. I see the importance of it. But I think the Senator sees already that it will be the subject of amendment and discussion.

Mr. CLAPP. I know; but the bill which was under consideration yesterday probably and naturally would have had the balance of the morning hour. What I want is an understanding, if it can be had, that at the conclusion of the speech of the Senator from Illinois we shall take up the bill. Of course we expect that it will be the subject of discussion, and very animated discussion.

Mr. HALE. Let the Senator propose that when the Senator from Illinois completes his remarks.

Mr. CLAPP. Certainly; I merely wished to state the condition now.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on the District of Columbia:

H. R. 13842. An act to amend an act entitled "An act to incorporate the Eastern Star Home for the District of Columbia," approved March 10, 1902;

H. R. 14515. An act making it a misdemeanor in the District of Columbia to abandon or willfully neglect to provide for the support and maintenance by any person of his wife or of his or her minor children in destitute or necessitous circumstances; and

H. R. 14813. An act to amend an act approved March 1, 1905, entitled "An act to amend section 4 of an act entitled 'An act relating to the Metropolitan police of the District of Columbia,' approved February 28, 1901."

H. R. 15332. An act to incorporate the National Society of the Sons of the American Revolution was read twice by its title, and referred to the Committee on the Judiciary.

IMPROVEMENT OF ANACOSTIA FLATS.

The VICE-PRESIDENT laid before the Senate the following concurrent resolution from the House of Representatives; which was read:

*Resolved by the House of Representatives (the Senate concurring)*, That the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to submit to Congress a report upon the improvement of the so-called "flats" of the Anacostia River from its mouth to the District line, with recomendations and estimates of cost.

Mr. GALLINGER. Mr. President, the Senate passed a bill in identical terms with the concurrent resolution. The House has changed it to a concurrent resolution, which I think was entirely proper. I ask unanimous consent for the consideration of the concurrent resolution as it comes from the House.

The concurrent resolution was considered by unanimous consent and agreed to.

THE STATEHOOD BILL.

The VICE-PRESIDENT. The Senator from Minnesota [Mr. NELSON] asks unanimous consent that the statehood bill may now be laid before the Senate, in order that the junior Senator from Illinois [Mr. HOPKINS] may speak upon it. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12707) to enable the people of Oklahoma and of the Indian Territory to form a constitution and State government and be admitted into the Union on an equal footing with the original States; and to enable the people of New Mexico and of Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States.

The VICE-PRESIDENT. The Senator from Illinois will proceed.

Mr. FRYE. Just one moment.

The VICE-PRESIDENT. Does the Senator from Illinois yield to the Senator from Maine?

Mr. HOPKINS. Certainly.

Mr. FRYE. I suppose, notwithstanding the fact that the statehood bill has been taken up in the morning hour, it is understood that it is to retain its character as unfinished business.

The VICE-PRESIDENT. The Chair did not understand the consent agreement to affect its status as the unfinished business.

Mr. HOPKINS. Mr. President, the admission of a new State into the Federal Union is a matter of grave moment not only to the people who reside within the limits of the new State, but to the nearly 80,000,000 of people who live within the limits of the forty-five States that now form the Federal Union. No more important question, therefore, can be called to the attention of Senators than that of determining whether the bill which is now under consideration shall be enacted into law and the Territories of Oklahoma and Indian Territory be admitted as a new State into the Union under the statehood title of Oklahoma, and the Territories of New Mexico and Arizona be admitted as an additional new State under the statehood title of Arizona.

No form of procedure for the organization of a new State is prescribed by the Constitution of the United States, and Congress has not by statutory enactment prescribed a mode of procedure by which new territory shall become a part of the Federal Union. It is therefore left to the discretion of Congress in each case to determine the terms and conditions upon which the new Territory shall become a component part of the Federal Republic. Considerations which would control the action of Congress at one period in her national history in the admission of a Territory as a new State in the Union are inapplicable at another period. The growth and development of the United States has been such since the time of the adoption of our Federal Constitution to the present that no rule can be evolved and no precedent cited that can be of very much weight with Senators in determining their action with reference to the admission of these four Territories as two new States in the Union.

Why this is so I shall discuss more at length later in my remarks. It is enough for us to know, however, that, so far as Oklahoma and Indian Territory are concerned, they represent all of the element that entitle them to be admitted as a State. The two Territories have a population at the present time of nearly a million and a half. Their combined area aggregates 70,000 square miles, a State in area somewhat larger than many of the older States in the Union, but much smaller than States like Nevada, Montana, Idaho, California, and Texas. In area the State will compare more favorably with the States that lie immediately north of this proposed new State, like Kansas, Nebraska, and the Dakotas. The wealth of the two Territories is sufficient to guarantee a republican form of government and revenues ample under well-regulated laws to guarantee a good form of State and municipal government within the limits of this proposed new State.

The combining of the Territories into this one State is only reuniting a Territory that for many years was under one Territorial form of government. The one Territory is the complement of the other, and the two will form a State that is not only great in its varied resources at the present time, but is destined to rank as one of the great and splendid States in the Union in the future. I take it, Mr. President, that if the only question to be determined under the bill that is now under consideration were as to the admission of Oklahoma and Indian Territory as one State that there would be no debate in this body respecting that subject and no dissenting voice as to the admission of the new State. The consensus of opinion of both parties in the Senate and in the country at large favors the admission of the new State of Oklahoma as provided for in this bill. And the new sister will be welcomed with pleasure and delight by her older sisters in the Republic, and a warm and helping hand will be extended to her as she takes her place in the sisterhood of States that forms the greatest Republic of ancient or modern times.

The real controversy over the pending bill, as I understand it, Mr. President, is as to whether the Territories of New Mexico and Arizona shall be united into one State under the name of Arizona. There is a very sharp difference of opinion that exists among Senators on this subject as there was a very marked difference of opinion among the Members of the House of Representatives when this bill was under consideration in that body. New Mexico has a unique and very interesting history connected with the efforts of her people to be admitted as a State into the Union. The question of admitting a State into the Union has been considered more frequently as respects the Territory of New Mexico than any other portion of the United States which has from time to time been admitted into the Union of States since the formation of our Federal Government. It represents a civilization which antedates the landing of the Pilgrim fathers at Plymouth.

Before the Massachusetts colony existed as a political entity and before the Hartford settlement was made, there was a substantial settlement of immigrants within the present Territory of New Mexico who had gone there for the purpose of establishing a colony and founding a State. For more than three hundred years that settlement has been maintained in one form or another, and from the small beginnings of a few hundred Spaniards who went there more than three centuries ago, it has passed through various stages of development until it has arrived at its present status of population and civilization.

The people of this country have ever felt since the first time that New Mexico knocked at the doors of the Union for admission that New Mexico was not prepared for statehood, and that it would be an injustice to the other States which form the Federal Republic to clothe that Territory and its people with all of the privileges of an American State in the Federal Union.

The result has been that the efforts of the people of the Territory have not been successful. When the first claim was made for statehood the Territory combined within its limits the present Territory of Arizona. It was claimed that that Territory at that time was one harmonious whole, and that in area and population and wealth and all the other elements that go to make up a State it was entitled to recognition by the Federal Government and should be permitted to take its place as a State in the Union.

This demand has increased year by year, and some of the representatives from that Territory now insist that it should be admitted as a State independent of Arizona, and point to the population and wealth and area of the Territory as proofs of the reasonableness of their claims.

Mr. President, area alone can not make a State. Wealth alone should not make a State; and, indeed, Mr. President, area and wealth combined should not be considered factors that determine whether a Territory should be admitted as a State. The character and number of the people who inhabit this Territory is of controlling importance on the question of the admission of a new State into the Union. In determining a question of this kind we are not to look alone to the interests of the people who live within the limits of the proposed new State. We are to consider as well the interests of the people of each one of the forty-five States that form this Republic.

The legislation that is determined by the bill now under consideration is not of a temporary character. If it becomes a law by a majority vote of this Senate, it fixes the status of these Territories for all time in the American Republic. It clothes each one of these proposed new States with all of the rights and privileges, authority, and immunity that is now held by each one of the forty-five States of the Union. No one of the original thirteen States can exercise any different or greater influence in this body than either one of these Territories the moment that Territory is admitted as a State into the Union. Hence, as I have said, it is of paramount importance that every Senator not only gives great consideration to the interests of the people who are knocking at the doors of Congress for admission as a State into the Union, but that he should consider how such favorable action will affect the people of the several States that now form our National Government.

For many years the population of New Mexico was largely Spanish and Mexican and a mixed breed, where the Spanish language was the prevailing language, not only among the people generally, but in her schools and in her courts. I remember some years ago, when a bill for the admission of New Mexico as a State into the Union was under consideration in the House of Representatives, when I was a Member of that body, that the statement was made by one of the leading Mem-

bers of the House, who had given careful investigation to the subject, that 70 per cent of the people could not read or write in any language other than the Spanish language, and that the percentage of illiteracy was ten times greater than the illiteracy of a State like Michigan or Iowa. I am glad to state, however, that there has been a decided improvement in the condition of the people of that Territory within the last ten or fifteen years, and that they have developed a school system that is giving ample facilities to the children of school age to acquire a good common school education, and that while interpreters are used in the courts and many of the transactions in business life are conducted in Spanish, year by year substantial gains are made, not only in education, but in the use of the English language in all the vocations of life.

It is my opinion, however, Mr. President, that New Mexico is not now entitled to admission as a separate State, and never will be, and in justice not only to the people living within the limits of the several States that now form the Federal Republic, but in the interests of the people of the two Territories as well, that if the Territories of New Mexico and Arizona are admitted into the Union at all, they should be admitted as one State, under the name of Arizona.

The investigation that I have given this subject satisfies me that the two Territories combined into one State will never make a State in point of population that will compare favorably with any of the larger States that are now a part of the Federal Union. In justice to them, I feel that if these Territories are to be admitted into the Union at all at the present time they should be admitted as one State.

The area of the Territories aggregates 235,380 square miles. This is a little over 77,000 square miles greater than the present State of California, but it is nearly 30,000 square miles less in area than the State of Texas. The number of square miles within the limits of the proposed new State does not fairly present to the Senate and the country the amount of the available and productive area of the proposed new State. It is located in what is known as the arid region, and thousands upon thousands of square miles of this proposed new State are barren rock and absolutely unproductive of anything that will sustain animal life.

Agriculture is the basic element of all wealth in any country. No State can be great and prosperous that has not agricultural resources of a rich and varied character. No State can be great unless it has agricultural and grazing lands in sufficient quantity to warrant a large and ever-increasing population. This the proposed new State of Arizona has not. She has mining interests that are supposed to be very wealthy and she has some territory that, by irrigation, can be further developed in the way of agriculture and for grazing purposes, but this is of a limited character.

I have called the attention of the Senators to the fact that this section of our country is the oldest-settled portion of the United States, that before the people of New England had started on the marvelous career that has made that section of our common country the most important and influential in the American Republic these Territories that are now proposed to be made a State had their settlements and the first elements of statehood planted within their limits. Had they possessed agricultural resources even as great as the New England States, they would have long since reached the condition where the Federal Union would have been glad to have welcomed them into the Union.

The new State, if it is admitted into the Union, will have 146,432,000 acres. These figures standing alone would indicate tremendous agricultural and grazing resources within the limits of the proposed new State. The records show, however, Mr. President, that less than four-tenths of 1 per cent of this great area is now under cultivation in any form whatever, either for agricultural or grazing purposes. In other words, out of an area of 146,432,000 acres there are only 585,728 acres that, after a lapse of three hundred years, are under cultivation in any form whatever.

Think of it for a moment, Mr. President. Here is a Territory which, as I have said, has been under the hand of civilized man for a period of more than three hundred years, and yet we find that of that vast area only 585,728 acres are under cultivation. Since the Government of the United States has embarked on the plan of national irrigation and has authorized the appropriation of hundreds of millions of dollars of money from the Treasury of the United States to reclaim lands for grazing and agricultural purposes the friends of separate statehood for these Territories claim that a large part of this now barren waste in New Mexico and Arizona can be reclaimed and made as rich for agricultural and grazing purposes as the valley of the Nile. Such claims, Mr. President, are easily made, but can they be substantiated by any facts of a substantial character to authorize us to adopt them in the consideration of the question as to whether the two Territories shall be combined into one State or not.

I am not willing, Mr. President, to take the statement of some person who lives in the Territory and has a monetary or other interest to secure separate statehood. I am not willing to take the statement of men who have only casually examined that Territory and whose ideas are not predicated upon a systematic and scientific investigation of this subject. Men can speculate as to the future development of these two Territories, and on these speculations can draw beautiful pictures of the teeming millions that in the distant future will be residents in these two States. But the cold facts destroy such figures and bring us to a realization of the conditions that actually exist in both of these Territories.

Fortunately for the interests not only of the people of the Territories themselves, but of the eighty millions who live within the limits of the various States of the Union, we have an abundant evidence upon this subject. Scientific men sent out by the Government to determine these various questions have made careful surveys and estimates in both Arizona and New Mexico. They have been men who have been seekers for truth, not to reject or admit either of these Territories into the Union as a State or States. They are men who have gone through and made these investigations from a purely scientific and statistical standpoint. What do they say regarding the future development of Arizona and New Mexico? The highest estimate that I have seen placed upon lands that can be reclaimed in Arizona by the most skillful development of the agricultural and grazing resources of the Territory, aided by the Treasury of the United States, adds to the lands already cultivated only an additional 877,250 acres within the limits of the Territory of Arizona; and in New Mexico, only 574,945 acres, an aggregate within the two Territories of 1,452,191 acres, or nine-tenths of 1 per cent of the area of the State.

These figures show, Mr. President, that of the 146,432,000 acres in the proposed new State of Arizona there will be under the highest kind of scientific development, after the expenditure of millions upon millions of dollars from the Treasury of the United States, only 1.3 per cent of this vast area that can be used for agriculture and grazing purposes. These facts demonstrate beyond question that if the Territories of New Mexico and Arizona are admitted as one State they never can have a population that will compare with the present population of such States as Ohio, Illinois, New York, Pennsylvania, or Iowa.

These States have reached their present respective populations on account of the agricultural resources of the States. As I have already said, the controlling factor in the greatness of a State consists in its agricultural resources. This proposed new State is limited, and so limited in its acreage that is fit for agriculture and grazing purposes that it can never support a great population. Illinois has only 35,040,000 acres of land within the limits of the State. It seems insignificant in number of acres, Mr. President, as compared with the 146,432,000 acres in the proposed new State.

But the statistics show that of this number of millions of acres in Illinois nearly 92 per cent are under cultivation. Nearly 33,000,000 acres of the 35,000,000 in Illinois are under cultivation. On the basis of land that is productive for agricultural and grazing purposes Illinois is greater than sixteen States of the area and character of the proposed new State of Arizona if we unite the two Territories and make them one State. The State of Iowa has an acreage of 35,856,000. Of that, 34,574,337 acres are under cultivation. In other words, Mr. President, 97.4 per cent of the entire State of Iowa is under cultivation, as compared with 1.3 per cent of the proposed State of Arizona, the greatest amount that under the highest scientific development can ever be put under cultivation. Is it just to such States as Iowa, Michigan, Wisconsin, and Illinois that this territory that never can have a productive area to exceed one-sixteenth of any one of the States that I have named should have its territory divided and admitted as two States with the same right to legislate in the Senate of the United States that any one of the States that I have named has?

I have not taken into consideration the mineral resources of the Territories and the population that mining will attract to the Territories. This kind of a population is more or less of a floating character. A mining camp of a few hundred men will develop into many thousands in a few months, and then a year or two thereafter may drop back to the original number of a few hundred, owing to the fact that the mines have been worked out. Nobody can estimate, of course, with any degree of accuracy just what the mining resources of those Territories are.

But assuming, Mr. President, that they are as great as is contended for by the friends of separate statehood, even then the population can never reach the population of any of the States of the Middle West at the present time. If these two Territories are admitted as a State, I doubt whether they will ever have a population as great as the proposed State of Oklahoma has at the present time. And certainly no man will contend that they ever will have a population as great as Ohio at the present time, or as Illinois, to say nothing of Pennsylvania and New York. All of the States that are in the Union now are advancing rapidly in wealth and population. No man can with any degree of accuracy determine the population fifty or one hundred or two hundred years from now that any one of these States will have within its State limits.

We do know, however, that the agricultural resources of each State are such that it can multiply many fold its present population. And on the same reasoning we do know that the population of the proposed new State of Arizona will be limited in number. If we are to maintain our popular form of Government and have laws and regulations that will enable citizens in all sections of our common country to exercise practically the same influence upon the destinies of the Republic, we should hesitate to give such a preponderating influence in the Senate of the United States to a class of citizens who propose to make their future home within the limits of these Territories that to-day are being considered for admission into the Union as one State.

Thousands of miles of railroad have been built within the limits of the Territories of Arizona and New Mexico and the mining interests have been developed in a remarkable degree, and yet, Mr. President, under the last census the population of Arizona aggregated only 122,000, and New Mexico only 195,000. I cite these figures to evidence the fact that mining alone can not develop any great population.

Some Senators may say, however, Mr. President, that the growth of these Territories has been retarded because of the fact that they have been kept under their Territorial form of government, and that if when New Mexico applied for admission as a State fifty years ago she had been admitted she would have long since multiplied by many times the population that we now find there, and that it would have been one of the rich and prosperous States in the Union. Statehood alone can not develop a population and can not develop the resources of any particular Territory.

We have a decisive example of this in the State of Nevada. That State has an area of 109,901 square miles and 70,336,640 acres—nearly half the acreage of the proposed new State of Arizona and twice the acreage of Iowa or Illinois. Nevada has been a State in the Union for about forty-two years. Of this vast acreage 2,000,000 acres are under cultivation or are susceptible of cultivation. She is more favorably located from an agricultural standpoint than the proposed new State of Arizona. Her mineral resources are as great as those of the proposed new State, or at least supposed to be; and yet what has been her development in population?

I find, Mr. President, that in the census of 1860 Nevada's population aggregated 6,857. She was admitted as a State into the Union in 1864. The census of population taken in 1870 showed that her population aggregated 42,491. In 1880 it had increased to 62,266. In 1890 it had fallen back to 42,761, and in 1900 it had still further decreased in population to 42,335. In other words, Mr. President, during the thirty years that intervened from 1870 to the taking of the census in 1900, the population had not only not increased, but had actually decreased in numbers. These figures ought to satisfy any person that a country that is dependent largely upon its mining resources for a population never can be accounted in population at least as one of the great States of the Republic.

The lesson that Nevada has taught us in this respect should not be lost upon Senators in considering the question of admitting New Mexico and Arizona as separate States. Unless they want to count mountains against men and give barren rocks the same consideration in the Senate of the United States as intelligent and high-minded men who are citizens of other States, they should hesitate long before they determine to admit these Territories as separate States into the Union.

As representing in part the 5,000,000 of people who form the great State of Illinois, I feel it my duty to protest against the admission of New Mexico and Arizona as separate States into the Union. The aggregate population of New Mexico and Arizona amounts to only 317,000. The same census shows that the population of Illinois was 4,821,000. It is claimed by the friends of these Territories that their population has vastly increased since the census of 1900. So has that of Illinois, Mr. President. To-day she has a population of more than 5,000,000. Her population has increased more rapidly than both of these Territories that now we propose to admit as a new State. If New Mexico and Arizona are admitted as one State under the statehood title of Arizona, they will have a representation in the Senate of the United States that will make one citizen in the new State the equivalent of fifteen in Illinois, nineteen in Pennsylvania, and twenty-two in New York. If they are admitted as separate States, as some Senators contend they should be, one man in Arizona would be the equivalent of thirty-nine in Illinois, fifty-one in Pennsylvania, and fifty-nine in New York. In New Mexico one man would be the equivalent of twenty-four in Illinois, thirty-two in Pennsylvania, and thirty-seven in New York.

Mr. FORAKER. Mr. President, I dislike to interrupt the Senator, but I know the Senator does not want to misrepresent anybody's position.

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from Ohio?

Mr. HOPKINS. I do.

Mr. FORAKER. I know the Senator does not want to misrepresent anybody on this or any other proposition. As I understand, there is only one proposition presented here by the bill as it was reported by the committee with respect to those two Territories, and that is not that they shall come into the Union as two States, but that they shall come into the Union as one State whether they are willing or not. The only modification of that proposition that anybody has proposed is that we shall not force statehood upon those two Territories unless there be a majority—a vote being taken to determine that question—in favor of joint statehood in each of those Territories. That is the only question. Nobody here is wanting to bring those Territories in as two States; nobody is wanting to do anything in opposition to the wish of the people except only to let those people vote whether or not they will come in at all at this time. The proposition of those who favor the amendment here is that they shall stay out until they are satisfied that they should be admitted as separate States or as one State, if they be willing to be joined in that manner.

Mr. HOPKINS. Mr. President, we can not be misled by forms. I understand very well the position of the Senator from Ohio, and I have examined the amendment he has offered—an insidious and dangerous proposition, as I shall show further on in this debate—but everybody knows that the Senator and other Senators who favor that amendment have been in favor of the admission of Arizona and New Mexico as separate States.

Mr. FORAKER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from Ohio?

Mr. HOPKINS. I do.

Mr. FORAKER. The Senator's remarks about the character of the amendment I shall not undertake to answer, except only to say that I have not seen anything insidious in the amendment. I did not prepare the amendment, but I looked it over after a brother Senator had prepared it, and I introduced it. I thought it a perfectly frank, straightforward, honorable proposition, and if the Senator will point out that the amendment is in any respect whatever anything less than that, I shall be greatly obliged to him. If it should turn out that it is, in that event I would feel myself imposed upon; but I am sure that was not the case.

Mr. HOPKINS. Mr. President, I do not mean any reflection upon the Senator from Ohio, because there is no member of this body whom I respect more highly. Perhaps the word "insidious" was not a very happy word to be used in that connection. What I desire to say on that point is that, in my judgment—and I will elaborate that a little later—this amendment is something that will not only defeat the bill itself, but will bring about what some of the residents of Arizona ultimately wish—the admission of that Territory as a separate State. It is one step, I think, leading to that result.

Mr. FORAKER. I sincerely hope that ultimately those two Territories will be admitted into the Union as two States. I think they should be whenever they are admitted. In one of the former Congresses, three or four years ago, I supported a bill which provided for their admission into the Union as two separate States. That bill passed the other House a dozen or more times—thirty times, I think; at any rate, a great many times—and it passed the House at that time. I supported that bill here, and I undertook to show then that, according to precedents, those Territories, notwithstanding the disadvantages of populations, to which the Senator from Illinois has called attention, were entitled to such admission. But that has gone by. I am not considering that bill, and no one else is. A new bill has

been presented, which has passed the other House and has come to us, and we are dealing with that. The question is whether we shall now take them into the Union. The Senator and all who support the bill have the opinion that we should, otherwise they would not support it—that they are well qualified, being joined together, for statehood—and I being of the opinion that unless they are willing to come in and make one State—to be joined together—they should be allowed to stay out and remain Territories.

Mr. HOPKINS. Mr. President, it is very apparent from the concluding statement of the Senator from Ohio that he is not in favor of uniting these two Territories into one State, and that his position now is the same as it was two years ago, that when New Mexico and Arizona are admitted they should be admitted as separate States, and not as a joint State, as is proposed by this bill. To my mind, Mr. President, that carries out the statement I made, that this amendment, which proposes to submit this question to a vote of the Territories in the manner indicated by the Senator, is to defeat this bill and to hold this question off until such time as the friends of separate statehood are in the majority in this body, and then to admit New Mexico and Arizona as separate States. State lines should not be so defined that a man in one section of our common country counts for so much more in the Senate of the United States than a man does in another section. I am well aware, Mr. President, that when these considerations are presented to Senators and to those outside of the Senate Chamber who favor the admission of Arizona and New Mexico as separate States, they point to New Hampshire and Vermont and Delaware as being smaller States in area and in population.

Two wrongs can never make a right. If it was an error to admit these States into the Union and give them the same representation in the Senate of the United States that States like Virginia and New York had at the time of the formation of the Federal Government, as I am free to confess, Mr. President, in my mind it was an error, that error can not be used as a precedent to still further add to the wrongs upon the great States in the Union by increasing the number of States that must necessarily have a sparse population as to its territory and a small population as to number. The reference to these New England and Eastern States, Mr. President, is neither just nor fair. Every student of American history knows that the preparation and adoption of our constitutional form of government depended upon giving the then separate existing States equal representation in the Senate of the United States. The framers of the wonderful instrument, which has now stood the test of one hundred and twenty years, debated this question long and well and finally came to the conclusion that it would be better to give Delaware and New Hampshire and Rhode Island an equal representation in the Senate of the United States with the other States that were to be formed into the Federal Union than to have the then existing conditions continue.

The historian, Fiske, has called the period that intervened from the time when England recognized the independence of the colonies up to the adoption of the Constitution of the United States, which now binds the forty-five States in the Federal Union, as the "critical period of American history," and shows by facts and figures the demoralized condition that existed in the then separate States and the inability to meet the requirements of a united nation. The different States were rapidly, so far as the central government was concerned, drifting into anarchy, and had it not been for concessions of this kind we should never have had this glorious Republic.

Vermont, during the Revolutionary war, claimed and maintained a separate existence from that of New York, which claimed her territory. She furnished her quota of soldiers to fight the battles of the Revolution and did her full part in achieving the great victories over the greatest naval and military power of Europe, and it was meet and proper that she should be given, when she applied for admission into the Union in 1791 as a separate State, her position with that of the other colonies who fought the battles for independence. She was entitled on every principle of justice and equity to the same consideration that was accorded Rhode Island and the State adjoining her to the east—New Hampshire.

No such condition exists as to any of the territory that has since been carved into States, and no small areas of territory have ever been considered by any Congress since the adoption of the Constitution of the United States to the present time. When Kentucky and Tennessee were admitted into the Union as States they were potentially great States. They had the population and the territory, and the climate, and the soil, and everything that looks to great Commonwealths, and the legislators who admitted them severally into the Union were justified then, as events have subsequently justified their acts, in admitting them into all the rights and authority of independent States in the Federal Republic.

You must remember, Mr. President, that when these States were admitted into the Union the population of the United States was only about 4,000,000, and the disproportion between the population of the States that then formed the Federal Union and the new States that knocked at the doors of Congress for admission into the Union was nothing like what it is to-day, even by uniting the two Territories of Arizona and New Mexico into one State. In other words, Mr. President, with the population that is found in these two Territories, we are dealing more generously in admitting them into the Union as one State than we did with Kentucky and the State of Tennessee or any of the subsequent States that have been admitted into the Union, saving and excepting alone Nevada.

When the great northwestern territory was ceded to the General Government under the ordinance of 1787, Congress declared, so far as such a declaration can have any influence upon subsequent Congresses, that no small States territorially should be admitted into the Union. Of that great domain, an empire within itself, it was decreed in this ordinance that it should be subsequently subdivided into not less than three nor more than five States, and it was provided when any portion of the territory had reached a population of 60,000 that it should be admitted as a State into the Union. This rule that was adopted as respects the northwestern territory was a safe one in every respect. It was known when the ordinance was adopted that the territory comprised within its limits land of great richness of soil and wonderful mineral resources, with a climate unexcelled.

It was apparent when that great domain was ceded to the General Government that it was destined to be the richest and most populous portion of the American Republic. There were reasons existing then that do not exist now why the several States that were to be carved from this territory should be early admitted into the Union. People from all over New England and the East and, indeed, parts of Europe had already begun to migrate toward this favored land. It was to the interests of the Central Government that these people who extended from the settlements over the broad and fertile prairies of this vast territory should be early and securely attached to the Union. It was the hope and expectation of the great leaders of political thought in the young Republic that the Allegheny Mountains should not form the western limit of the new Republic.

They realized then, as we know now, that by furnishing every facility for the people within the limits of this Territory to form States in the Federal Union that they would secure all of this vast domain extending as far west as the Mississippi River as integral parts of the Federal Union. The stability of the Republic, its power and influence with foreign nations were augmented by the addition of each new State during this early period in its history.

Up to the close of the civil war our republican form of government was largely experimental. The addition of each new State was an additional guaranty of the perpetuity of the Federal Union and an additional argument for the consideration which it demanded at the hands of foreign governments. These considerations, Mr. President, were equally true when under the Administration of Thomas Jefferson we acquired from the first Bonaparte that magnificent territory known as the Louisiana purchase. Even as early as Mr. Jefferson's Administration there was talk of a Northwestern Republic that would absorb not only the States of Kentucky and Tennessee, but what are now known as the States of Ohio, Indiana, and Illinois, and those north and west, as well as south. The mouth of the Mississippi River was controlled by Spain.

The commerce that was carried upon the waters of that great river that originated in Kentucky and Tennessee and the territory north and west could not go unfretted to the sea under an American flag. These unfavorable conditions that balked the further development of our Republic to the west and the southwest challenged the adventurous spirit of Burr, and led to that conspiracy which subsequently resulted in his arrest and trial for treason at Richmond. Any person who will take the time and trouble to examine the States that have been carved out of the Louisiana purchase will note the fact that no State of small area has been formed out of that territory. They do not any of them possess the number of square miles that the new State of Arizona will possess if this bill is enacted into law. But they do possess a greater number of square miles of land that is fit for agricultural and grazing purposes. And they do possess populations in their respective States greater than that which Arizona will possess in all the future years.

In considering the admission of States that were formed from

the territory included in the Louisiana purchase the 60,000 population that was considered by Congress in admitting the States formed from the Northwest Territory into the Union was abandoned, and the unit of representation in the House of Representatives was considered by some Members and Senators as the proper guide to determine as to whether the Territory that was seeking admission as a State into the Union had the necessary qualifications so far as population was concerned. The point that I desire to make, Mr. President, on this is that as new territory was acquired and the limits of our Government were extended to the west and the southwest that a larger population was exacted of the Territory that proposed to be admitted as a new State. No definite and fixed rule, however, has ever guided and controlled the action of Congress on the admission of any series of States.

In the absence of any provision in the Constitution of the United States looking to the territorial dimensions and the population of the proposed new State, it has been left to the sound judgment and discretion of each Congress that has been called upon to determine this question, and to either admit or reject the new State that was knocking at the doors of Congress for admission. We have now, however, reached the point where the admission of new States will not strengthen the Federal Government as in the earlier history of our constitutional government. Arizona and New Mexico are not part of the Northwest Territory and are not part of the Louisiana purchase. Hence, whatever rule may have been adopted in the admission of States from either of those territorial acquisitions can have no application to these Territories. They are a part of that great strip of country that was ceded to this Government by Mexico under the treaty of Guadalupe-Hidalgo. While we stipulated in the treaty that the people who lived within the limits of this Territory should in good time become citizens of the United States and the Territory should be admitted as States, there was no time fixed when these Territories should be merged into States.

It is contended by those who are opposed to this bill that if Arizona and New Mexico are united into one State that it will be too large territorially to properly govern the people living within the limits of the newly organized State. I take it, Mr. President, that no person seriously considers an argument of this character. I have already shown what all Senators know—that the two Territories combined as one State comprise territory less by 30,000 square miles than does Texas. It is a little larger in square miles than the State of California, but it is more compact in form. And if Santa Fe is made the capital of the State, the people from any section of the Territory can reach the capital as easily as the people from southern California can reach the capital of that State, or the people living in the panhandle of Idaho can reach the capital of that State from that portion of Idaho.

Why, Mr. President, when Illinois was admitted as a State into the Union, the capital was fixed in southern Illinois. It was more difficult to reach the capital of Illinois from Galena and other northern portions of the State than it is now for any citizen living within the limits of the Territory of Arizona to reach the capital at Santa Fe or at any other point at which the capital may subsequently be fixed. There are now four great railroads that traverse this Territory. Others are projected, and if the Territories are admitted as one State, enterprising citizens will see that cross railroads are built that will connect the leading places throughout the length and breadth of this imperial State. To my mind the fact that the people live a long distance from the capital is no detriment. Very few people living in any of the outlying sections of either of these Territories at the present time have any business at the Territorial capitals.

Under a proper judicial code that will undoubtedly be established, State courts will be arranged for in all sections of the new State, so that justice can be administered in the locality of the various citizens in all sections of the State. The members of the legislature who annually or biennially are required to go to the capital are few in number and will have no trouble in reaching the capital of the State where they are to prepare and pass legislation in the interests of the people.

When once these Territories are admitted into the Union as one State, there will soon be developed a State pride that is so noticeable in Texas and California, where the people of those States under no circumstances or conditions would permit a division of either of those States into separate and independent States. The advocates of separate statehood for Arizona have made much of the act providing for a temporary government in that Territory, and have gone so far as to claim that if there is no legal obligation there is certainly a moral obligation on Congress to admit Arizona as a State under her present Territorial boundaries.

I am unable, Mr. President, to agree with this contention, either from a legal or moral standpoint. The Constitution of the United States provides, in Article IV, section 3, that "Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States." It provides also that new States may be admitted by Congress into the Union, but if the new States are formed from territory belonging to the United States, it does not indicate in what manner that shall be done, but leaves it discretionary with Congress to determine.

It is clear, Mr. President, that one Congress can not bind future Congresses on a question of this kind. And no statutory regulations enacted by Congress can override the constitutional authority to which I have here referred.

It is apparent then to every intelligent immigrant who settled in Arizona that the Congress that created the Territory of Arizona could make no binding stipulation on future Congresses respecting the manner in which that Territory should ultimately be admitted as a State into the Union. It is apparent also, Mr. President, that the intelligent immigrants there, if they knew anything about the Constitution of their country, knew that the constitutional requirements to which I have here adverted could not be modified or changed or overridden by any statutory law that might be enacted by any Congress. The language to which the advocates of separate statehood for Arizona refer and upon which they base their claim for admitting Arizona into the Union as a separate State is as follows:

*Provided*, That said government shall be maintained and continued until such time as the people residing in said Territory shall, with the consent of Congress, form a State government, republican in form, as prescribed in the Constitution of the United States, and apply for and obtain admission into the Union as a State on an equal footing with the original States.

This proviso taken by itself might give some color to the contention for separate statehood for Arizona, but that, Mr. President, is only a part of the first section of the act creating a temporary government for the Territory of Arizona.

The first proviso reads as follows:

*Provided*, That nothing contained in the provisions of this act shall be construed to prohibit the Congress of the United States from dividing said Territory, or changing its boundaries, in such manner and at such time as it may deem proper.

This proviso makes it clear that no assurance was given to the people of that Territory who were then living within the limits of the newly organized Territory or to those who might come after them that when the time came when that Territory should be admitted as a State into the Federal Union that it should be admitted as a State under its Territorial boundaries.

The language, you will note, Mr. President, is clear:

That nothing contained in the provisions of this act shall be construed to prohibit the Congress of the United States from dividing said Territory or changing its boundaries.

At the time when this act providing for a Territorial government for the Territory of Arizona was passed by Congress the legislators did not know as much about the country within the limits of the Territory as they do at the present time. So a specific statement was made that the Territory could be divided.

It is admitted, I think, by those who contend that Arizona should be admitted into the Union as a separate State, that under this act to which I have referred the Territory could be divided and that bad faith could not be charged if Congress should so decide. Now, I contend that it is equally clear that from the proviso in the first section of the act creating this Territorial government for the Territory of Arizona, in which the proviso was made that the boundaries might be changed in any manner which Congress might see fit, the boundaries of this proposed new State may be enlarged in any way which the wisdom of Congress may decide. The language is:

Or changing its boundaries, in such manner and at such time as it may deem proper.

This clearly indicates that the Congress that made this a part of the act providing for a Territorial government for Arizona, intended that whenever the people of that section of our common country should apply for statehood then the necessary qualifications of population, wealth, and area should be considered as an original proposition, unembarrassed by any legislation which had been previously enacted by Congress. So that, from the clear wording of the law itself, relating to the Territorial government of the Territory of Arizona, Congress is to have a free hand in fixing the boundaries of the State whenever the people are ready for statehood.

Now, it has been demonstrated by the action of the House of

Representatives that that boundary should be extended to and take in New Mexico, and by the fact that the Committee on Territories of the Senate have concurred in that interpretation of the act. If Arizona is to be admitted at all, she should be admitted by extending the limits of her Territorial boundaries so as to take in the Territory of New Mexico, in the judgment of the House and of the Committee on Territories of the Senate. To my mind, Mr. President, it is entirely clear that bad faith can not be justly charged upon this Congress if the bill as it is presented by the Committee on Territories is adopted by the Senate without any amendment or modification.

Mr. FULTON. Mr. President——

The PRESIDING OFFICER (Mr. SCOTT in the chair). Does the Senator from Illinois yield to the Senator from Oregon?

Mr. HOPKINS. Certainly.

Mr. FULTON. If it does not disturb the Senator, I should like to have him tell us what is the relative indebtedness of the two Territories. I understand that New Mexico has a very large indebtedness, while Arizona, on the contrary, has practically no public debt. This bill, as I read it, requires that the new State shall assume the whole indebtedness if we join together the two Territories. Hence, if the condition is as I understand it to be, that New Mexico is largely indebted and Arizona is slightly so, if at all, would it not be imposing a very grievous burden on the people of Arizona? I should like to be informed as to that.

Mr. HOPKINS. Mr. President, if the contention of the Senator from Oregon [Mr. FULTON] were a fact, it might cause the Senate to pause and regulate that so as to give an equitable adjustment of the indebtedness of the two Territories when they come as a State into the Union. But my understanding is that the indebtedness of both Territories is very small. I am not, however, as familiar with that subject as are others, but I have talked with Delegate Rodey, of New Mexico, and my remembrance is that the indebtedness of the two Territories does not differ very much; but neither has an indebtedness that would make any material difference if they should be admitted as one State.

I have given already many reasons why, to my mind, the two Territories should be united as one State if they are to be admitted at all as a State in the Union. The reasons that prompted Congress to create a temporary government for the Territory of Arizona were many and varied. The dominating idea that called forth this legislation was not, as is contended by some, because the Territory of New Mexico was too large in area to properly protect the interests of the people living within this section of the territory now known as "Arizona." Bancroft, in his history of New Mexico and Arizona, had made it entirely clear that there was one set of men at least who were active and vigorous in demanding a separate Territorial government for Arizona who were not actuated by patriotic motives and were not actuated by the needs of the people living within the then limits of New Mexico. They were lobbyists for office and were creating this Territory to make a governor and judges and other Territorial officers.

I shall not stop to take the time here to read what the historian has said upon this subject, because this matter has upon a previous occasion been fully discussed and these facts tersely and forcefully brought to the attention of Congress. It is enough, however, for me to show that at the time that this Territory was created there was much opposition to it.

Senator Trumbull, of Illinois, a man who for eighteen years represented my State in the United States Senate, was one of the most vigorous and able opponents of the creation of the Territory of Arizona—a man, Mr. President, of whom Illinois is justly proud.

Senator Trumbull, Mr. President, in the course of the debate on the question of whether a temporary government for the Territory of Arizona should be created, said:

> I can not see the necessity for creating this Territorial government, unless it is to find places for officers who are to be paid, according to the provisions of this bill, three months before they enter upon the discharge of their duties.

And on another occasion Senator Trumbull said:

> I desire to say a word in reference to this bill upon general principles, if I can get the attention of the Senate. I can not conceive the necessity for creating a new Territorial government in Arizona at this time. Who is demanding it? We have not control of that Territory. So far as it is under the control of anybody, it is under the control of the rebels; it is a part of New Mexico; and why should we create a new Territorial government for Arizona and a new batch of officers in a portion of the country where they can not go? Who is demanding it? I know that some of my friends have this feeling—there is some of this feeling, perhaps, in the Senate—that now we can create a Territorial government here and exclude slavery from it, and have the government all ready in a way that will satisfy us when there shall be a necessity for a Territorial government there. But I am not governed by such considerations. I want all the Territories to be free; and if this Territorial bill passes, I know it has a clause in it excluding slavery; but I am not to vote to create a Territorial government simply for the purpose of declaring that principle unless there is a necessity for the creation of the Territorial government.

Senator McDougall, of California, advocated the creation of the Territory upon the ground that there were large mining interests being developed there and they had no adequate protection. He claimed to be entirely familiar with that section of the country, having gone over it many times, and said that it was rich in mining resources. In other words, Mr. President, It was the mine owner who influenced the Senator from California to advocate a separate Territorial government, as it is the mine owner to-day on both sides of this Chamber that stand for and advocate separate statehood for Arizona.

It is reported that these interests are not only powerful in Arizona, but are of a controlling character. It was stated in the hearings before the House Committee on Territories and is claimed by residents of the Territory who are anxious for joint statehood that the mining interests combined with the railroad interests would control the vote of Arizona on the question of admission.

If this contention be true, and my investigation of the subject, Mr. President, leads me to believe that these two interests will exert a powerful influence in Arizona, we can see the significance of the amendment to the bill offered by the Senator from Ohio [Mr. FORAKER], which proposes that before any vote is taken on the constitution for the State or the election of State officers, that a ballot shall be submitted separately to the people of Arizona and to the people of New Mexico, and if either Territory rejects by a majority vote the uniting of the two Territories as one State, that that vote defeats joint statehood.

The friends of joint statehood are small farmers and the residents of the two Territories who represent small interests and are unorganized. The railroad interests and the mining interests are compact and organized bodies and can with ease concentrate their influence in either one of these Territories. Now, the records shows that the vote that is cast in Arizona at the times when the citizens are called out generally to vote aggregate something between eighteen and nineteen thousand votes. One mining interest alone, I am informed, Mr. President, has 10,000 employees and the owners of that mine are hostile to the uniting of the two Territories as one State. Anybody familiar with political elections knows what an influence the operators of that mine would exert on the miners to keep Arizona and New Mexico from coming in as one State.

In other words, if this amendment offered by the Senator from Ohio were adopted it would permit the railroad and mining interests to absolutely determine this question that affects the 80,000,000 people in this country. Now, I contend that this is not only unjust to the people of the proposed new State, but it is unjust to the people of the forty-five States of he Union, whose interests will be affected by the admission of one or both of these Territories as a State either jointly or separately. The amendment itself is wrong in this, that it neglects to consider the interests of the people outside of New Mexico and Arizona. They should have a voice in determining whether Arizona should be joined with New Mexico or not. If the Senator from Ohio desires to submit this question to a popular vote, why does he not provide that it shall be submitted to the people of all the States that will be affected by the admission, as well as to the people in the Territories. In all the history of our Government a proposition so antagonistic to the best interests of the American people has never been presented on the question of the admission of a new State.

I have already shown in my remarks, Mr. President, how Territories have been divided and subdivided and enlarged in their boundaries when they were admitted as States. When the most populous portion of Illinois to-day was taken from Wisconsin by an amendment which enlarged the boundaries of the State over that of the Territory of Illinois there was no submission of this question to the people of the newly acquired territory that became a part of the State of Illinois, or to those already living within the territorial limits of Illinois. It was never dreamed when States were being admitted in those days that such a queston as this, affecting the interests of the whole country, should be submitted to the vote of the Territory, where large mining and other interests could absolutely control and dominate the election upon a question of this kind.

To my mind it is a monstrous doctrine that a majority of eighteen or nineteen thousand voters in Arizona can absolutely determine a question that is to affect the weal or woe of this Republic. The people of Arizona have no more right to determine that question by a vote than would the people of Illinois by a majority vote have the right to determine whether Arizona should remain as a Territory or should be admitted as a State.

There is nothing in this position that has been assumed by some that there is a moral obligation resting upon Congress to

admit the Territories as States under their Territorial limits. That has rarely been done, Mr. President, in all the experience that Senators and Representatives have had in admitting the thirty-two or three States that have become a part of the Federal Union since the adoption of the Constitution of the United States by the original thirteen colonies. In almost every instance the Territorial limits have either been enlarged or restricted to suit convenience and to suit the judgment and will of Congress. I know that that was true in Ohio; it was true of Iowa; it was true of Wisconsin; it was true of Minnesota; it was true of the Dakotas; it was true of Illinois.

Mr. FORAKER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from Ohio?

Mr. HOPKINS. I do.

Mr. FORAKER. This is the second time that I have heard about the Territory of Ohio. My recollection is that Ohio never had a Territorial government except only as a part of the territory northwest of the river Ohio.

Mr. HOPKINS. That does not interfere with the statement I make, that when Ohio became a State she was carved out and taken from another portion of territory, that from which we have Indiana, Illinois, Wisconsin, and Michigan.

Mr. FORAKER. That statement of the Senator may be correct, but I understood the Senator to state just the reverse of it—that when Ohio was made a State it was by adding other territory to the Territory of Ohio.

Mr. HOPKINS. If I made that statement, Mr. President, I was not correct in it, because everybody familiar with American history knows that Ohio was a part of that great northwestern territory ceded to the United States under the ordinance of 1787.

Had Illinois been admitted as a State under her Territorial limits, her northern boundary line would have been south of Lake Michigan, and the fourteen northern counties now, including the city of Chicago, would have been part of the State of Wisconsin. This changing of the Territorial limits of Illinois, when she was admitted as a State into the Union, forms a very interesting chapter in her history. The Delegate who represented the good people in Congress was Nathaniel Pope, the father of Gen. John A. Pope of civil-war fame. When the Committee on Territories proposed the admission of Illinois, he recognized that Illinois, if she came in as a State under her Territorial limits, would have no commercial connection with the East and New England. Her great highways of commerce at that time were the Illinois River, the Wabash, the Ohio, and the Mississippi, and her great commercial emporium was New Orleans. There were no railroads then in the country and the commerce of the State was carried upon these rivers. The northern boundary line was south of the southern point of Lake Michigan, so that no commercial connection could be made through the Great Lakes to New York and New England.

This distinguished man saw in those early days the inevitable conflict between slavery and freedom, and he recognized the fact that if Illinois became a State in the Union under her Territorial limitations, that her commercial as well as her political influence would be with the South and slavery as against the North and freedom. And when the bill was submitted to Congress for the admission of the Territory as a State, he moved an amendment extending the northern boundary of the State 50 miles north to the center of Lake Michigan; thence west to the Mississippi River, including, as I have said, the fourteen northern counties, containing the richest portion of our State and the most densely populated portion of Illinois. He explained to Congress the reason why he made this amendment, and demonstrated to them that unless this territory that was mentioned in his amendment were added and a connection made through Lake Michigan and the chain of lakes with New York and New England, the new State would have no interest in the East, and that all of her commercial and political interests would center in the South and in New Orleans. The amendment was adopted. And it was through the members of the legislature of our State from this section that was taken from the Territory of Wisconsin and added to Illinois that carried a majority of the vote in the legislature and gave Mr. Lincoln his support during the crisis of the civil war.

It is said, Mr. President, that the people of Arizona ought not to be united with the people of New Mexico in one State; that they differ in their civilization, in their habits of living, in their business methods, and in fact that there is a hostility between the people of the two Territories that makes it unfortunate, to say the least, to unite them in one State. I disagree in toto, Mr. President, with this sentiment. And I claim that instead of this being an argument for these two Territories being admitted as two States that it is a most powerful argument in favor of uniting these two Territories in one State. What is the difference in population in these two Territories, and why should they be admitted as separate States? Why, it is claimed that New Mexico has a large population that is derived from the early Spanish and Mexican settlers, that they read and speak the Spanish language to the exclusion of English, and that if they are united with Arizona they will control the situation and retard the progress of the new State.

The census returns show, Mr. President, that there are more Americans in the two Territories than there are Mexicans or their descendants, and while if New Mexico is admitted as a separate State it might be a little questionable as to whether or not the American element would control, if they are united the American population in Arizona, combined with that in New Mexico, give the Americans a clear majority in the population in the new State and will enable them to control in all matters that affect the well-being of the new State.

To my mind, there is nothing that will influence for good so much these elements in New Mexico that is regarded as not a desirable element in her population as being united in a State where they must take on the habits and methods of the American citizen or be everlastingly relegated to the rear. They must wake up from the lethargy that has dominated and controlled them for years, that their ancestors have lived under for years, or they must gradually sink into oblivion in influence and numbers precisely as the American Indian has disappeared before the oncoming wave of the white man's civilization.

The experience in Illinois is a practical refutation of the argument that is made that the Spanish-American elements can not exist in the new State successfully. The southern portion of Illinois was settled by immigrants from Kentucky and Tennessee, from Virginia and North Carolina. They came there with all of the traditions of slave-holding States. Many of them brought their slaves with them, although the Territory, under the ordinance of 1787, was dedicated to freedom. The northern portion of the State, especially the fourteen counties that were taken from Wisconsin and added to Illinois, was settled by people from New England and the East—people who had been brought up to abhor slavery in all of its forms, and who looked upon the Southerners with great suspicion. These two elements met and commingled on the soil of Illinois. No greater hatred can exist between the people of Arizona and any portion of the population of New Mexico than that which existed between the immigrants from the South that settled southern Illinois and the immigrants who populated the northern portion of the State.

The strife was fierce and deadly in its character, and yet, Mr. President, that feeling never retarded the growth of the State for a moment. It really added to its marvelous increase in population, in wealth, in industries, and commerce. And so it will be in the new State of Arizona if these two Territories are united. This feeling of hostility that they now claim exists will stimulate each portion of the population to outrival in energy, in progress, in the development of all the resources of the State the other portion of the population in the State that they now call their deadly enemies; and we shall see in a few years a State where all classes will look back upon the uniting of these Territories as a blessing.

No Territory should be admitted as a State into the Union from this on, Mr. President, unless it can be satisfactorily shown that her population, if not now ranging 2,000,000, will soon reach that figure. We have practically 80,000,000 of population in the United States to-day. The Director of the Census estimates that by the time we take the next census, which will now be in a few years, the population of the United States will be 100,000,000 of people. The average population of a State, if this bill becomes a law, will aggregate, under that estimate of a hundred millions population, about 2,130,000 people. No friend of Arizona or New Mexico believes or will assert that either of these Territories separately will ever reach that population. Illinois to-day has a population of 5,000,000. She has a territorial area, soil, and climate that will sustain a population of ten or fifteen million of people, and she is destined in the future to reach this estimate, Mr. President, so that it is highly important to States like the one which I in part represent that these new States which are admitted should have elements that will enable them in the future to reach at least an average population of the States.

To show you, Mr. President, how this disproportion works in the States that are already admitted, I submit here the population of eleven States and Territories under the census of 1900 as compared with the population of Illinois, and the increase of population of these States and Territories in the aggregate and the increase of population of Illinois during the same period.

*The population of eleven States and Territories in 1900.*

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|---|---|
| Arizona | 122,000 |
| New Mexico | 195,000 |
| California | 1,485,000 |
| Utah | 276,000 |
| Colorado | 539,000 |
| Washington | 518,000 |
| Idaho | 161,000 |
| Wyoming | 92,000 |
| Montana | 243,000 |
| Oregon | 413,000 |
| Nevada | 42,000 |
| Total | 4,086,000 |

The population of Illinois in 1900 was 4,821,000.

The excess in favor of Illinois is 735,000.

The increase in the population of Illinois from 1890 to 1900 was 995,000.

The increase in the population of the eleven States and Territories just named from 1890 to 1900 was 989,000.

The excess in favor of Illinois in increase of population from 1890 to 1900 is 6,000.

If Arizona and New Mexico are admitted as separate States, these eleven States will have twenty-two votes in this body, while Illinois, with a greater population and showing greater gain in population, will have but two votes.

Illinois is increasing in population to-day more rapidly than ever before in her history. The same number of people in Illinois that are found in these States and Territories that I have named have only one-tenth of the representation in the Senate of the United States.

Mr. FLINT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Illinois yield to the Senator from California?

Mr. HOPKINS. I do.

Mr. FLINT. I should like to ask the Senator if the increase in population has not been greatly in the cities and not in the country?

Mr. HOPKINS. In both. Illinois had increased in the manner I have said. But what I was about to say when interrupted by the Senator from California was this——

Mr. DUBOIS. I ask the Senator from Illinois if he has extended his comparison to Vermont, New Hampshire, Rhode Island, and Delaware?

Mr. HOPKINS. I have spoken of those States and shown how they became States in the Federal Union. The point I am making is that in the Rocky Mountain region, where such States as Montana, Idaho, and Nevada have two or three times the area that Illinois has, it is impossible for such States ever to have a population at all commensurate with that of the State of Illinois.

In this connection, Mr. President, I have been much interested in the protest against the union of New Mexico and Arizona prepared by a number of the leading citizens of the Territory of Arizona and printed as Senate Document 216 through the intervention of the junior Senator from Colorado. It states the reasons why these gentlemen sending the protest object to being united with New Mexico as a single State and then goes on to speak of the character of the population of the Territory of Arizona, its mining and agricultural interests, and its development of agriculture under irrigation. Then it speaks of the commercial and banking interests, the live-stock interests, and various other resources.

I suppose the object of having that protest and statement of the wealth and resources of Arizona published as a Senate document was to convince the Senate that Arizona possesses within her territorial limits all the elements of a great State. I have already shown in my remarks that only four-tenths of 1 per cent of the area of that Territory is now under cultivation, either for agricultural or grazing purposes, or, in round numbers, about 300,000 acres of land. The statement was carefully prepared by the protestants. It gives in detail the character of the work that is being done in the way of reclaiming some portions of the Territory by irrigation. The statement is made on page 6 of the pamphlet that—

> A quarter of a million acres are now cultivated within the Territory, served by many canals, whose combined length is 1,776 miles.

They show what streams of water are used in procuring this irrigation, making the aggregate area under cultivation by means of irrigation 247,250 acres.

Then, with an oriental imagination they speak of the future of the Territory and the land that can be reclaimed by means of irrigation in the future. One would suppose by a cursory glance over their statement that when irrigation has reached perfection in that Territory they will have a State there that will blossom like the rose, and the fabled richness of the valley of the Nile would be a matter of insignificance as compared with the richness of the agricultural development of this Territory under the irrigation system that is being now inaugurated and that will be carried on from year to year until the resources of the Territory are fully developed in an agricultural way. They have made an estimate, Mr. President, of the lands that they can reclaim by means of irrigation, and I think it will be of benefit to the Senators to read what they say upon that subject. They say, on page 7:

> It will be observed from the foregoing that nearly a million acres will be highly cultivated in Arizona, with the known water supply, by irrigation alone; nearly as much land as lies within the entire State of Delaware.

Here are men who have appeared before the two committees of Congress, pressing the claims of Arizona to be admitted as a separate State, and have made the strongest case possible to be made for the Territory, and yet we have the confession from them that under the highest character of development from irrigation there will be less than 1,000,000 acres of land reclaimed out of this vast Territory. This, together with the land that can be cultivated without irrigation, makes less than 1,300,000 acres of land. Think of that, Mr. President, in comparison with your own State of Indiana, or with such States as Ohio, Iowa, or Illinois, and then say, if you can, that a State that can not develop its agricultural resources beyond 1,300,000 acres should be entitled to take her place among her sister States and take the same power and authority in the Senate of the United States as is exercised by New York, Pennsylvania, Ohio, Illinois, Indiana, or Iowa.

Suppose the State of Delaware, to which Arizona has been compared, were a Territory, is there a man west of the Alleghany Mountains who represents a State in this Senate that for a moment would consent to permit this small area to become a sovereign State in the Union? We all know that had she not been one of the original thirteen States, and had it not been necessary in order to secure our Federal Union to give her the rights and privileges in the Senate that New York and Virginia were to have, she never would have been granted that privilege.

Here, after more than one hundred years of our constitutional Government, when our population has reached more than 80,000,000, and when States that helped to form the Federal Union which had only a few thousand population then have increased to millions, it is proposed to permit a section of our country from the arid region, with thousands upon thousands of acres of barren rocks and of land absolutely unproductive of anything that will sustain animal life, all the rights and privileges of one of the original thirteen States.

They speak of the various resources of the Territory. I have taken occasion to call upon the Census Bureau to get something as to the agricultural and manufacturing resources of Arizona as compared with Illinois. I find that by the census of 1900 the gross agricultural products of Illinois for that year aggregated in value $345,649,000, while in Arizona they aggregated $6,997,000. The gross value of manufactured products in Illinois in the year 1900 was $1,259,730,000, as against $21,315,000 in Arizona.

So that in population, in wealth, in agriculture, in manufactured products, and in everything that goes to make up a Commonwealth, Arizona standing alone can not without great injustice to the other States in the Union be admitted as a separate State. We are, Mr. President, dealing most generously with the people of those Territories by admitting them into the Union as one State.

The following ten States have an aggregated population of 2,719,000:

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|---|---|
| Rhode Island | 428,000 |
| New Hampshire | 411,000 |
| Vermont | 343,000 |
| Delaware | 184,000 |
| Montana | 243,000 |
| Idaho | 161,000 |
| Wyoming | 92,000 |
| Utah | 276,000 |
| Colorado | 539,000 |
| Nevada | 42,000 |
| Total | 2,719,000 |

The following ten Middle States have a population that aggregates 36,641,000:

| | |
|---|---|
| New York | 7,268,000 |
| Pennsylvania | 6,302,000 |
| Illinois | 4,821,000 |
| Ohio | 4,157,000 |
| Missouri | 3,106,000 |
| Indiana | 2,516,000 |
| Michigan | 2,420,000 |
| Iowa | 2,231,000 |
| Wisconsin | 2,069,000 |
| Minnesota | 1,751,000 |
| Total | 36,641,000 |

And yet the ten States first named have the same power and authority over legislation that affects the interests of the

80,000,000 of people that form the Republic that the ten States that represent 36,641,000 have. The development of these States in the future will make this disproportion in population still greater. I submit, Mr. President, that in view of this enormous disproportion in population no States should be admitted in the future that do not give an earnest of becoming populous States. The population of the ten States that now aggregate 36,641,000 in the next twenty years will undoubtedly double, whereas the population of the ten States that represent 2,719,000 will not in all human probability in the same time exceed five or six millions.

In the name of those States I protest against the amendments that have been offered by the Senator from Ohio, which look to admitting Arizona as a separate State, if she is admitted at all, and insist that this contention for the admission of these Territories should be ended by uniting them in one State.

I am told by people who live there that the mining and the railroad interests are opposed to this legislation. They want to keep Arizona separate from New Mexico for reasons that they best understand. There is one mining interest alone that employs 10,000 people. That mining interest can almost dominate and control the vote, and if they unite with the railroad interests that are opposed to the union of the two Territories, they can defeat this proposed legislation against the will of the 80,000,000 people of the United States.

To my mind, Mr. President, the amendment offered by the Senator from Ohio is wrong in principle. It is un-American. It has never been resorted to in the whole history of our country. No Territory that has ever been admitted into the Union has had one portion of the people living within the limits of the proposed State determine whether that State should be admitted as a State into the Union or not.

Mr. FORAKER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Illinois yield to the Senator from Ohio?

Mr. HOPKINS. I do.

Mr. FORAKER. If the Senator does not complain of my interruption——

Mr. HOPKINS. Not at all.

Mr. FORAKER. I will state, if he will allow me, that we have never admitted a Territory to statehood in the Union without giving the people of the Territory a right to vote as to whether or not they will accept the constitution that was framed and come into statehood upon the terms and conditions prescribed. This is the first time in the history of the nation that the Congress has ever undertaken to do what it is doing here—to try to force two Territories long established, as these two Territories have been, two separate political entities, into joint statehood. It is the first time in the history of the nation that such a thing has ever been proposed.

Mr. HOPKINS. Mr. President, it is the first time it has ever been proposed to permit one section of a proposed new State to determine whether that State shall be admitted into the Union or not. It is the first time this proposition has ever been submitted to the Congress of the United States in any form.

I have just stated that the friends of the bill are not opposed to permitting a vote of the people of the entire new State. But the viciousness of this amendment is that if either the majority vote in New Mexico or Arizona is against the proposition, that defeats it. But that is not all.

Mr. FORAKER rose.

Mr. HOPKINS. Before the Senator interrupts me, I wish to suggest another thought that he may want to reply to. Under the amendment he proposes here this question of voting is to be considered within a limited number of days after the bill becomes a law. It is not to be taken at a time when the people are to vote upon a constitution and upon the selection of their various State officers, which would call out the farming population of the two Territories, but it is to be a separate and distinct vote in itself, that being the only question which is to be submitted. You can readily see, if the railroad and mining interests of Arizona are, as I am informed, opposed to joint statehood, how they can concentrate their votes and beat this, even against the will of the majority of the people.

Everyone who has had any experience in political affairs knows that an organized and compact body of a few hundred can beat thousands of voters who are unorganized. Take any of the outlying counties in these two Territories, and the voters would hardly wake up to the fact that they are entitled to vote on the proposition, but in the centers of mining interests and railroad interests they will have their votes as compact and regulated as under the discipline of a regular army. They will bring them there and vote against the admission of the two Territories as one State.

If the Senator from Ohio will amend the proposition he has suggested and permit a popular vote of the two Territories and let a majority determine whether they shall come in as one State or not, I for one will have no objection, and I think I speak the sentiment of the committee as well.

Mr. DUBOIS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Illinois yield to the Senator from Idaho?

Mr. HOPKINS. I do.

Mr. DUBOIS. Was it determined in the hearings before the committee that the railroad and mining interests are opposed to joint statehood? Why should they be opposed to it?

Mr. HOPKINS. One reason, I am told on credible authority, is that the railroads pay about 9 per cent taxation on the value of their property at the present time and the mining interests about 5 per cent taxation, and the conditions in the Territory are such now that they have an advantage in that respect which they would not have if the two Territories were united as one State. That is the information which is given to me.

Mr. DUBOIS. How does this come about? Why?

Mr. NELSON. If the Senator from Illinois will allow me, it comes about in this way——

Mr. HOPKINS. Certainly.

Mr. NELSON. The railroad interests and mining interests at present are able to dominate the Territorial legislature of Arizona, and if the two Territories are united into one State the power of the railroads and of the mining industries will be minimized, and they will not have the control or the power to control legislation that they have in this instance.

Mr. DUBOIS. Does the Senator think it would be any more difficult for them to control the legislature of this joint State, taking into consideration the population of the joint State, than to control the legislature of Arizona, admitting that to be a statement of fact?

Mr. NELSON. Yes, sir; I do; and I wish to state to the Senator from Idaho the reason why I think so. No protests in any shape that I know of have come either from the mining companies or from the railroads in New Mexico, while all the protests and objections and all the hostility outside—I speak of outside of this Chamber—come to us from people who are interested in railroads in Arizona and from people who are interested in the copper mines of Arizona. As the Senator from Illinois has well said, at the present time in comparison with other property these great industries pay the least possible of all taxes, and I know of my own knowledge that has come to me that their chief objection is the fear that if Arizona and New Mexico are united as one State they will have to pay more taxes than they pay now.

Mr. DUBOIS. If the Senator will excuse me a moment, do the railroads of the District of Columbia, for instance, pay a proportion of taxes equal to that the citizens pay?

Mr. HOPKINS. When the District of Columbia knocks here at the door to be admitted as a State, we will consider that subject.

Mr. DUBOIS. Do the railroads of Illinois bear a just proportion to the tax paid by the farmers of Illinois?

Mr. HOPKINS. Yes; they do. The Senator can make no point on that. The laws of Illinois are such that all corporate interests are required to pay their full shares of the taxes; and that is what we propose shall be done in New Mexico and Arizona if we can get these two Territories admitted as one State.

Mr. CARTER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Illinois yield to the Senator from Montana?

Mr. HOPKINS. I do.

Mr. CARTER. Mr. President, this phase of the subject has attracted my attention, and for information I desire to put a question. I understand that one of the moving motives for a union of these two Territories as one State rests upon the apparent inability of the people, in their present condition, to levy just and equitable taxes upon all property in the respective jurisdictions. It is stated that in Arizona, owing to some question arising concerning the rights of taxation or the rights of railways, the taxation on them is very light. I am told that that light taxation was the result of a compromise. The railroads insisted that under their charters they were not obligated to pay any taxes at all. For the purpose of avoiding litigation and controversy I am told—and I will not vouch for the authority, because it comes in the shape of rumor and untraced sources—a compromise was reached, and under the compromise a tax inadequate in consideration of the value of the property is being paid voluntarily by the roads. The assessment in the Territory of New Mexico is alleged to be wholly inadequate as far as railroad property is concerned.

I wish to ask how it is expected, if these Territories or the

people composing them are unable to justly assess property in a Territorial form, where they have legislatures elected by the people and governors appointed by the President, that their condition will be better by admission to statehood, where they will have a legislature elected by the people and a governor elected by the people?

If it is true that the Territorial government of Arizona has utterly failed in its duty to its people, then Congress may step in, as it could not in the event of statehood, and pass a law, without regard to the Territorial legislature, imposing just and fair and reasonable taxation upon the railroads. I believe if the suggestions thrown out in the course of the argument are true, that the people have so far fallen under the influence of corporate power in those Territories as to be unable to levy just taxation, it is the clear and unquestionable duty of Congress to exercise its constitutional right in the interest of fair play amongst the citizens of the Territory. Is not the condition, I ask, better for the people of the Territories to-day with the power in Congress than it would be by a complete surrender of Congressional control through the establishment of a State government?

Mr. NELSON rose.

Mr. HOPKINS. I yield to the Senator from Minnesota.

Mr. NELSON. The Senator from Montana entirely begs the question. The fact that these great corporate bodies—the mining companies and the railroads—pay an insufficient amount of tax is not the moving reason for advocating the proposition to unite the two Territories into one State. The true reason why we want this action is this. We know from past experience in this Hall that three years ago they came in here knocking for separate statehood. Arizona and New Mexico together with Oklahoma and the Indian Territory came, and we know now that gentlemen who at that time assumed that those Territories were each of them competent and qualified for distinct statehood come now and say we do not want statehood at all. Their argument at this session, if there be anything in it, is that they are not asking for admission now; that they are not qualified for it; "leave us out a little longer, and by and by, in the near future, we may be ready for it."

Whenever Senators deem it necessary to disorganize these Territories or pass any legislation, as the Senator suggested, we will be ready to meet that question. But the question to-day is whether these two Territories should not be united into one State. In their make-up and their characteristics, in their natural resources and their population, ought they not to be one State instead of two weak, sickly States, with a scattering and feeble population?

New Mexico has to-day, if you eliminate the Indian population, hardly 200,000 white people; and if you eliminate the Mexicans from that number there are, perhaps, about 100,000 Americans there. Arizona to-day has a population, after all these years of Territorial existence, if you eliminate the Indians out of it, of only about 100,000 white people, or about enough for half of the ratio of a Representative in Congress.

Taking the two Territories—the one, New Mexico, nearly 60 years of age, and Arizona—the two together have a white population in round numbers of only about 300,000 people.

After all these years, if all that country, with all that immense domain, can only make such a showing, why in the world should we segregate them and make them into separate Commonwealths simply because of the vast territorial area? The statistics show that in Arizona there are only about a million and a half acres of land that are irrigated or possible of irrigation, for the reason so well and so fully explained by the junior Senator from Ohio [Mr. DICK] in his remarks yesterday, that the amount of land in forest reserves is somewhere in round numbers, if I recall the figures, about 10,000,000 acres. Take the two combined. Take the lands that are irrigated and capable of irrigation and take the forest reserves, the two combined amount only to about 12,000,000 acres, or less than 12,000,000 acres.

Now, for the purposes of statehood it is not the outer boundaries of the Territory or the towns, but only that portion of the Territory that is capable to maintain a permanent population of agriculturists by grazing and farming that we ought to take into consideration. As the Senator from Illinois said a moment ago, mining camps are fluctuating and floating. We have instances of that in Alaska. We have instances of that in the early history of Arizona. Town mining camps and town mines in Arizona existed over fifty years ago, and they are now a thing of the past; you can hardly find a stone or a monument where those mining towns existed.

You can never build up a permanent State with mining industries or mining camps alone. There must be some agricultural resources back of it. Take the great State of Montana, which my friend the Senator to my right represents so ably on this floor. In spite of its magnificent mining development and industry Montana will be a great State, because in the future it will be a great agricultural and grazing State.

Mr. HALE rose.

The VICE-PRESIDENT. Does the Senator from Minnesota yield to the Senator from Maine?

Mr. NELSON. Certainly.

Mr. HALE. Only for a question. Has it occurred to the Senator in what he is saying, and what I think impresses other Senators, as has the speech of the Senator from Illinois, and the very lucid and admirable speech of the Senator from Ohio [Mr. DICK] yesterday, that the logical conclusion is that we ought not to admit these two Territories at all? We are going very far, and I am afraid too far, considering all the conditions, in admitting these two Territories as one State. I think the wiser thing would be to let them remain where they are.

Mr. HOPKINS. Mr. President, there is some force in the position suggested by the Senator from Maine, but we do know that one political party in this country stands now for the admission of those two Territories as separate States.

Mr. HALE. I do not mean to say that I will not vote for this proposition at all, because it may be the best in the emergency, but the logic, the figures, the conditions are all against admitting these two sparse, stray Territories as States.

Mr. HOPKINS. Yet, Mr. President, for fifty years these Territories have been seeking admission as a State; and I think it is the consensus of opinion that it would be wiser to end that by admitting them as one State than to defer action.

Mr. HALE. Quite likely.

Mr. HOPKINS. Now, in response to the Senator from Montana [Mr. CARTER], and in addition to what has already been said by the Senator from Minnesota [Mr. NELSON], I desire to say that another argument in favor of admitting these Territories as one State is because the mining and the railroad interests are against the proposition. The Senator from Montana intimated in his question to me that if they could not be controlled in a Territorial way they could not be controlled as a separate State. Evidently those who control the mines and the railroads think differently from the Senator from Montana, because, as I understand it, they are united in their opposition.

But, Mr. President, my opposition to these Territories as separate States comes from the fact that a gross injustice would be done to the other States in the Union.

Mr. CARTER. Before the Senator——

The VICE-PRESIDENT. Does the Senator from Illinois yield to the Senator from Montana?

Mr. HOPKINS. I do.

Mr. CARTER. Before the Senator addresses himself to the phase of the question to which he is about to advert, I desire to say one word in reference to the reply of the Senator from Minnesota. I am happy to hear from him that this oft-repeated argument with reference to the inequalities of taxation in the Territories and, therefore, the failure of the people, partially at least, to administer government when given the opportunity is not to be considered in the argument of the case as a moving motive for this proposed union. The Senator, on the contrary——

Mr. NELSON. Nor is it to be considered as an argument against it.

Mr. CARTER. Not at all.

Mr. HOPKINS. I propose to conclude in a few minutes. Will the Senator allow me to conclude my remarks?

Mr. CARTER. I will detain the Senator but one moment. I will join in righting the wrong, if wrong exists, through the oversight or inability of the legislatures of those Territories to do full justice in the matter of taxation. The matter of population and agricultural area, says the Senator, constitute the real points to be considered. I observe that the population of Illinois, when it was admitted, was only 34,000 people. I do not know what proportion 34,000 bore to the population of the State of New York at that time.

Mr. HOPKINS. Mr. President, that has no bearing on this question whatever. When Illinois was admitted as a State into the Union everybody knew that from her soil and climate and her location she was even then potentially a great State, and that in a few years she would have what she has to-day, 5,000,000 people. But if I have said anything in effect at all to-day it is to show that this new State will never have a population commensurate with that of Illinois at the present time.

Mr. CARTER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Illinois yield further to the Senator from Montana?

Mr. CARTER. In view of the desire of the Senator to conclude his remarks I shall not further interrupt him or insist on answering further his questions.

Mr. ALDRICH. Will the Senator allow me?

Mr. HOPKINS. Certainly.

Mr. ALDRICH. I expect to vote on the same side of this question with the Senator from Illinois, but I do not think that I sympathize with the idea which he seems to have that the admission of this State would be an injustice to the large States. If that injustice consists in the fact that these States would be small States and there ought to be no States in the Union except large and important States, I think I am not in entire sympathy with him. [Laughter.]

Mr. HOPKINS. Mr. President, I can appreciate what the Senator says, and I can say to the Senator that if Rhode Island had not been one of the original thirteen States that formed the Republic and had not taken so conspicuous a part in gaining independence and came to-day knocking at the doors of Congress for separate statehood, I would oppose it. But in my remarks earlier in the day I pointed out the difference that Rhode Island, New Hampshire, and such States hold to the Union from the States proposed to be admitted into the Union at the present time. The fathers of the Republic never contemplated that there should be such a disproportion in the population of the States as the years have developed. The experience we have gained from these years should teach us that we should have no more Rhode Islands in population or in territorial area, but that we should compel those States——

Mr. ALDRICH. Mr. President——

The VICE-PRESIDENT. Does the Senator from Illinois yield to the Senator from Rhode Island?

Mr. HOPKINS. I do.

Mr. ALDRICH. It is undoubtedly very fortunate for Rhode Island that the Senator from Illinois was not one of the fathers of the Republic. [Laughter.]

Mr. PERKINS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Illinois yield to the Senator from California?

Mr. HOPKINS. I yield to the Senator.

Mr. PERKINS. I have not interrupted my friend during his very able discussion of this question, and I do not expect to vote on his side unless convinced by his argument. The whole trend of it is that if Arizona has great agricultural resources that may be developed, then she is entitled to Statehood. I want to say to my friend from Illinois that when California was admitted as a State into the Union, and for many years thereafter, she was obliged to import her flour from Chile and bring it from Oregon to support the people who lived in that State. She was obliged to import her dairy products and, indeed, almost every article of food except that which came from cattle and sheep which roamed over the plains and hills of that State. To-day, we are exporting 1,000,000 tons per annum of wheat, feeding the crowned prince and the pauper alike in European countries. We are sending to Illinois, Rhode Island, and other States 30,000 carloads per annum of citrus fruit, a luxury which they would not indulge in were it not for California. We are producing olive oil in large quantities, and since the pure-food bill has passed cotton-seed oil will not be sold in the future for olive oil. We are sending raisins and currants, California being the only State in the Union that produces them. So I might go on and enumerate the products of California. I believe that Arizona is as capable to-day of developing those great agricultural and horticultural and viticultural resources as was the State of California.

Mr. HOPKINS. Mr. President, the Senator from California is a more credulous individual than I had taken him to be. When California was admitted as a State into the Union it was recognized by those who were familiar with her soil and her climate that she was destined to be one of the great States of the Republic; and while they were in the early days developing their mineral resources to the disadvantage of the agricultural resources of the State the far-sighted men who were willing to take her by the hand and recognize her as a sister State in the Republic knew full well that by the time the years had developed my friend here to represent that State in the Senate of the United States she would be just such a prosperous and glorious State as he has described.

But, Mr. President, that can not be true of Arizona. We have had the scientific investigations there that show that Arizona never can be the State that California is. California to-day has a population of more than 1,500,000 people. The population of Arizona, according to the last census, was 122,000. She never will have a population of a million. It is an arid region. She can not produce the fruits and she can not produce the agricultural products that California produces.

But, Mr. President, when I was interrupted by my genial friend from that great State I was about to call to the attention of Senators the fact that since the early days this disproportion among the States has been growing, as compared with the New England States. That has been sought to be met by Congress from time to time by enlarging the territorial limits of the State. You will find that from the time that the Northwestern Territory was divided into States each one of the States farther west than those carved out of that great domain has been larger in area, with the hope that they would develop as California has developed, and that they would have a population of a character and number that would be so that no injustice would be worked upon States like New York, Pennsylvania, and Illinois.

I regret to say, Mr. President, that during the debates which have been had upon the question of the admission of New Mexico and Arizona as a single State in this Chamber, I have observed a feeling of sectionalism that I deplore. Senators from some of the sparsely settled States of the West seem to think that it is necessary to admit Arizona and New Mexico as separate States in order to checkmate or balance the influence of the small New England States.

Mr. CARTER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Illinois yield to the Senator from Montana?

Mr. HOPKINS. I do.

Mr. CARTER. I think at that point it is but just to interpose the observation that the vote of western Senators upon this floor is divided and will be divided when the votes are counted, and that there is no unanimity of sentiment on this question.

Mr. HOPKINS. I realize that.

Mr. CARTER. Nor is there any suggestion or thought of evading it.

Mr. HOPKINS. I was not applying that to the entire West. I said some Senators.

Such a feeling I think, Mr. President, is unfortunate to be in existence in the country and unfortunate to receive any recognition in this Chamber. We are one country working for one great end, the glory and perpetuity of the Republic itself. There may be interests in New England that call for action upon the part of the Senators from that section that are unknown in the far West, and we know that there are interests in the West that are not fully appreciated, at least as we think, by the New England Senators

But, Mr. President, the great States of the Middle West that have contributed their populations and wealth to the development of this country ought not to be ground to pieces between the upper and the nether millstones of the West and the East, the Western States and the New England States.

I have shown that since the Government embarked upon the plan of admitting new States in the Union that Congress has required larger areas than we find in any of the New England States that helped to form the Federal Union, and they are States that have through their soil and climate and mineral resources given earnest of populous and great States in the near future when they were respectively admitted into the Union. In every instance this expectation has been realized excepting in the admission of the State of Nevada, and all people know that that State was admitted through a seeming political exigency. I think it was understood when Nevada became a State that the purposes for her admission as a State in the Union were political rather than an expectation that she would become one of the populous and wealthy States in the Union.

The reason, Mr. President, that the New England States have always exerted a powerful influence upon the legislation of the country is not because of the number of her Senators so much as the fact that the people of that section of our common country have realized from the first that to exert an influence in this body a man must be kept here term after term. In no place in this country does length of service and experience count for so much as it does in the Senate of the United States. I care not how brilliant a man may be or what section of the country he represents, if he comes here as a new man he goes to the foot of the committees and the legislation is shaped by men of longer experience, even if of less ability. A notable example of this, Mr. President, occurred during my service in the House. William M. Evarts, in his day and generation, I think, was the leader of the American bar, a man of great learning, of great eloquence, and of great ability. Before he came to the Senate he had been the Attorney-General of the United States and had held the exalted position of Secretary of State under the Hayes Administration for four years.

With all this learning and this varied experience, when he came from the Empire State as a Member of this body he was

put at the foot of the Republican membership on the Committee on the Judiciary, while the little State of Vermont, with a population probably not as great in numbers as one ward in the city of New York, held the chairmanship of that committee and dominated the legislation that emanated from that committee. Had Mr. Evarts entered this Chamber from the State of New York in his earlier manhood had been kept here, as the New England Senators are, as a rule, he would have undoubtedly been a dominating and controlling personage in this body.

To show that the West is not discriminated against in the way of positions on committees in this body, when the service of the Senators warrant it, I have only to call your attention to the State of Wyoming.

The census of 1900 gives that State a population of 92,000, and yet her people have had the good sense and good fortune to keep her Senators here from term to term, until to-day the senior Senator is chairman of the Committee on Military Affairs and the junior Senator is chairman of the Committee on the Judiciary. And I submit, Mr. President, that these Senators from the West who are restive because the larger and more important committees of this body are controlled by the East and New England, ought to appeal to their people to keep them here as the people of Wyoming have kept their Senators, until through length of service they can acquire an influence in this body that will protect the Rocky Mountain region without perpetrating such an injustice against the great Middle West, as the admission of Arizona and New Mexico would be if admitted as separate States.

Mr. CARTER. I venture to say that upon the matter of the advisability of continuity of service in this body there will not be found a dissenting opinion. [Laughter.]

DAMS AND POWER STATIONS ON THE TENNESSEE RIVER.

During the delivery of Mr. HOPKINS's speech,

Mr. MORGAN. Mr. President, I believe that 2 o'clock has arrived.

The VICE-PRESIDENT. Does the Senator from Illinois yield to the Senator from Alabama?

Mr. HOPKINS. Certainly.

The VICE-PRESIDENT. The Senator from Alabama is recognized.

Mr. MORGAN. I merely called attention to the fact that the hour of 2 o'clock had arrived, and I believe the morning hour has expired.

The VICE-PRESIDENT. The Chair would state that under the unanimous-consent agreement this morning, made at the request of the Senator from Minnesota [Mr. NELSON], the statehood bill, which is the unfinished business, was laid before the Senate before the close of the routine business. That is now the unfinished business.

Mr. MORGAN. Having been necessarily absent from the Senate on committee duty, I was not aware of that arrangement. I will now ask the courtesy of the Senate that the President of the Senate may lay before the body a concurrent resolution of the House that I may have it acted on, as I have only a very few moments in which I can address myself to that subject.

The VICE-PRESIDENT. The Chair lays before the Senate a message from the House of Representatives, which will be read.

The Secretary read as follows:

IN THE HOUSE OF REPRESENTATIVES,
*February 23, 1906.*

*Resolved by the House of Representatives (the Senate concurring)*, That the action of the Speaker of the House of Representatives and of the Vice-President of the United States and the President of the Senate in signing the enrolled bill H. R. 297—"An act to authorize the construction of dams and power stations on the Tennessee River at Muscle Shoals, Alabama"—be rescinded, and that in the reenrollment of the bill the following amendments be made:

Amend section 1 of the enrolled bill by striking out, after the word "elect," at the end of line 5, section 1, page 1, the following: "between the mouth of Malletts Creek on the east, and," in line 6 of said section and insert in lieu thereof "and the Secretary of War may approve, between a point on the southern side of the river opposite to or below the head or opening of the canal constructed by the United States on the north side of the river, on the east, and." Insert after the word "river," in line 10 of said section 1, page 1, the following: "between the two points above mentioned."

Amend by adding, after the word "war," in line 13, of said section 1, page 1, of said enrolled bill, the following: "for the protection of navigation and the property and other interests of the United States;" so that said section 1 of the enrolled bill when amended will read as follows:

"*Be it enacted, etc.*, That any person, company, or corporation having authority therefor under the laws of the State of Alabama may hereafter erect, maintain, and use a dam or dams in or across the Tennessee River, in the State of Alabama, at such points at Muscle Shoals as they may elect, and the Secretary of War may approve, between a point on the southern side of the river opposite to or below the head or opening of the canal constructed by the United States on the north side of the river, on the east, and the western line of section 16, township 3, range 10, on the west, for the purpose of erecting, operating, and maintaining power station and to maintain inlet and outlet races or canals and to make such other improvements on the southern bank of the Tennessee River, between the two points above mentioned, as may be necessary for the development of water power and the transmission of the same, subject always to the provisions and requirements of this act and to such conditions and stipulations as may be imposed by the Chief of Engineers and the Secretary of War for the protection of navigation and the property and other interests of the United States."

Amend section 2, page 1, of said enrolled bill by striking out, after the word "canal," in line 25, page 1, of said section, all down to and including the word "river," in line 25 of said section 2.

Amend said section 2, page 1, of the enrolled bill, by striking out, after the word "canal," in line 28, page 1, all down to and including the word "river," in line 29 and insert in lieu thereof the following: "or the Tennessee River;" so that said section 2 of the enrolled bill as amended will read as follows:

"SEC. 2. That detailed plans for the construction and operation of a dam or dams and other appurtenant and necessary works shall be submitted by the person, company, or corporation desiring to construct the same to the Chief of Engineers and the Secretary of War, with a map showing the location of such dam or other structures with such topographical and hydrographic data as may be necessary for a satisfactory understanding of the same, which must be approved by the Chief of Engineers and the Secretary of War before work can be commenced on said dam or dams or other structures; and after such approval of said plans, no deviation whatsoever therefrom shall be made without first obtaining the approval of the Chief of Engineers and the Secretary of War: *Provided*, That the constructions hereby authorized do not interfere with the navigation of Muscle Shoals Canal or the navigation of the Tennessee River: *And provided further*, That said dam or dams and works shall be limited only to the use of the surplus water of the river not required for the navigation of the Muscle Shoals Canal or the Tennessee River, and that no structures shall be built and no operations conducted by those availing themselves of the provisions of this act which shall injure or interfere with the navigation of the Muscle Shoals Canal or impair the usefulness of any improvement made by the Government in the interest of navigation."

Amend section 3, page 2, of said enrolled bill, by striking out all after the word "otherwise," in line 17 of said section 3, page 2, down to and including the word "damage" at the end of line 18 of said section and page, and insert in lieu thereof the following: "in a court of competent jurisdiction;" so that said section 3 of said enrolled bill after being so amended will read:

"SEC. 3. That the Government of the United States reserves the right, at any time that the improvement of the navigation of the Tennessee River demands it, to construct, maintain, and operate, in connection with any dam or other works built under the provisions of this act, suitable lock or locks or any other structures for navigation purposes, and at all times to control such dam or dams or other structures, and the level of the pool caused by such dam or dams, to such an extent as may be necessary to provide facilities for navigation; and whenever Congress shall authorize the construction of such lock or other structures, the person, company, or corporation owning and controlling such dam or dams or other structures shall convey to the United States, under such terms as Congress shall prescribe, titles to such land as may be required for the use of such lock and approaches, and in addition thereto shall grant to the United States, free of cost, the free use of water power for building and operating such constructions: *Provided also*, That the person, company, or corporation building, maintaining, or operating any dam or dams or other structures under the provisions of this act shall be liable for any damage that may be inflicted thereby upon private property, either by overflow or otherwise, in a court of competent jurisdiction. The person, company, or corporation owning or operating any such dam shall maintain, at their own expense, such lights and other signals thereon and such fishways as the Secretary of Commerce and Labor shall prescribe."

Mr. HALE. Mr. President, it is impossible for any Senator to gather from the reading of this paper what is sought to be effectuated. I have very great doubt whether this is the proper way of curing what the Senator believes is a defect in the statute as passed, and I must ask, in order to give Senators an opportunity of examining it, that the matter go over until to-morrow.

Mr. MORGAN. If the request of the Senator shall be acceded to—to which I have no objection—I want the Senate to understand this whole matter fully, so I will ask that the concurrent resolution be printed in the RECORD, so that all Senators may have an opportunity of seeing it.

Mr. HALE. Yes; I think that ought to be done.

The VICE-PRESIDENT. The concurrent resolution has been read, and therefore will be printed in the RECORD.

Mr. HALE. Now the concurrent resolution will go over, as I understand.

Mr. SPOONER. I should like to inquire of the Senator from Alabama where the measure originated?

Mr. MORGAN. It originated in the House of Representatives. It passed the Senate, was carried to the President, and was investigated by him very carefully indeed, and by the Secretary of War. The Secretary of War made some objections to some provisions of the bill, one of which had been purely accidental in the description of the location, of the locus in quo. The Secretary of War came to see me in this Chamber, and suggested that I should offer a concurrent resolution that the bill be recalled for amendment, and thereupon——

Mr. SPOONER. Was it recalled from the President?

Mr. MORGAN. Yes. Thereupon it was recalled, both Houses having passed the resolution, and the amendment was proposed and was passed by the House by the requisite two-thirds majority. There is positively no objection to the bill now, which conforms in every respect to the wishes and the purposes of the Secretary of War; but I do not care about having any matter go through the Senate of the United States when any Senator feels that he does not understand it.

Mr. HALE. I do not expect whenever it is reached in the proper way to vote against action. We have been subsidizing Muscle Shoals for many years, and I have no doubt that we shall continue to do so. It is within the proper domain of the Government, and it will go on; but I have very grave doubts whether this is the proper method of reaching it. However, the matter goes over until to-morrow, and we shall then have another opportunity of considering it.

Mr. MORGAN. I will say to the Senator from Maine that this method is the one that has been uniformly pursued in measures in like position.

The VICE-PRESIDENT. The resolution will lie over.

STATEHOOD BILL.

After the conclusion of Mr. HOPKINS's speech,

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12707) to enable the people of Oklahoma and of the Indian Territory to form a constitution and State government and be admitted into the Union on an equal footing with the original States; and to enable the people of New Mexico and of Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States.

Mr. BEVERIDGE. I desire to ask unanimous consent that on Thursday, March 8, immediately after the routine morning business, the Senate shall proceed to the discussion of the statehood bill and amendments, under the ten-minute rule until 4 o'clock; that at 4 o'clock the Senate shall proceed to vote upon said bill and amendments without debate, and that said voting shall continue until said amendments and bill are disposed of; that on Wednesday, March 7, at 2 o'clock, the general debate shall be closed by some Senator speaking in behalf of said bill.

The VICE-PRESIDENT. The request of the Senator from Indiana will be stated at the desk.

The SECRETARY. The request of Mr. BEVERIDGE is as folllows:

I ask unanimous consent that on Thursday, March 8, immediately after the routine morning business, the Senate shall proceed to the discussion of the statehood bill and amendments, under the ten-minute rule, until 4 o'clock; that at 4 o'clock the Senate shall proceed to vote upon said bill and amendments without debate, and that said voting shall continue until said amendments and bill are disposed of; that on Wednesday, March 7, at 2 o'clock general debate shall be closed by some Senator speaking in behalf of said bill.

Mr. BURROWS. I notice that the Senator from Ohio [Mr. FORAKER] is absent. He is interested in this matter especially, and therefore I suggest to the Senator——

Mr. BEVERIDGE. I understand that the Senator from Colorado [Mr. PATTERSON], who is the senior Senator on the other side of the Chamber on the Committee on Territories, has communicated with the Senator from Ohio, and I do not understand that he objects, or I certainly should not have offered my request for unanimous consent in his absence.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Indiana?

Mr. PATTERSON. Mr. President, the matter of an early vote on the statehood bill has been discused more or less by Senators representing both sides of the question, and I think the date that is suggested by the Senator from Indiana is quite acceptable to all with whom I have conversed—and I have sought to converse with nearly all the Senators on this side. I conversed with the Senator from Ohio [Mr. FORAKER] within the last hour, and he said that a week from the coming Thursday would be satisfactory to him.

Mr. BURROWS. It is entirely agreeable to me if the Senator from Ohio does not object.

Mr. BACON. I should like to inquire of the Senator from Indiana—I did not catch it from the reading—whether the rule provides for a vote upon the amendments then pending or upon amendments pending and to be offered?

Mr. BEVERIDGE. All amendments.

Mr. BACON. Pending and to be offered?

Mr. BEVERIDGE. Yes; all amendments.

Mr. SPOONER. I ask that the request be reported.

The VICE-PRESIDENT. The Secretary will again read the request.

The Secretary again read the request of Mr. BEVERIDGE.

Mr. PATTERSON. I rise to a parliamentary inquiry as to the status of the bill.

The VICE-PRESIDENT. The Senator from Colorado will state his parliamentary inquiry.

Mr. PATTERSON. The bill is now the regular order, as I understand.

Mr. BEVERIDGE. Yes.

Mr. PATTERSON. And will be up for debate every day at the close of morning business. I want to suggest also, Mr. President, that I think it would be better to make the request more specific as to amendments, so that it will include all amendments pending and to be offered.

Mr. BEVERIDGE. Very well; I accept that suggestion.

Mr. CLARK of Wyoming. I want to suggest to the Senator from Indiana—perhaps I may not have heard accurately—if I am not mistaken, the agreement provides that the last few hours of debate shall be controlled entirely by a friend of the present bill.

Mr. BEVERIDGE. Oh, no.

Mr. CLARK of Wyoming. I should like to have that part of the unanimous-consent agreement reported again.

Mr. FORAKER. Mr. President, I should like to ask that it all be read again.

Mr. BEVERIDGE. Very well; let the whole request be restated.

The VICE-PRESIDENT. The Secretary will again read the request.

The Secretary read the proposed agreement, as follows:

I ask unanimous consent that on Thursday, March 8, immediately after routine morning business, the Senate shall proceed to the discussion of the statehood bill and amendments under the ten-minute rule until 4 o'clock; that at 4 o'clock the Senate shall proceed to vote upon said bill and amendments pending and to be offered, without debate, and that said voting shall continue until said amendments and bill are disposed of; that on Wednesday, March 7, at 2 o'clock, the general debate shall be closed by some Senator speaking in behalf of said bill.

Mr. McCUMBER. The meaning of the agreement is that the last half day shall be given practically for the benefit of those speaking in favor of the bill. It means that from 2 o'clock on, the balance of the day, if they have a mind to take it, will be consumed by the friends of the bill. That seems to me to be absolutely unjust.

Mr. BEVERIDGE. Mr. President——

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Indiana?

Mr. McCUMBER. I will yield to the Senator, but the meaning of the request certainly is clear that we are to close the debate on the 7th, and that immediately after the morning business upon the 8th we are to proceed to vote. Is that correct?

Mr. BEVERIDGE. Not at all.

Mr. McCUMBER. Then, we proceed to vote in the afternoon at 4 o'clock.

Mr. HALE. Let me say here——

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Maine?

Mr. McCUMBER. I yield.

Mr. HALE. Let me say here that from a somewhat long observation, there has never been in any of these cases any reservation or any specification as to the control of the time during the limited debate, either as in this case on Wednesday or as on Thursday. We have left all that to the discretion of the Chair. It is an impossibility in the United States Senate, after a unanimous-consent agreement of this kind has been made, that either one side or the other would undertake to control or farm out the time.

Mr. CLARK of Wyoming. That was my purpose in calling attention to it.

Mr. ALDRICH. I suggest to the Senator from Maine that we have no such thing in the Senate as general debate and no such thing as closing general debate. There has never been such a thing in my experience.

The VICE-PRESIDENT. The Chair would request Senators not entitled to the floor to resume their seats. The Senator from North Dakota [Mr. MCCUMBER] has the floor.

Mr. McCUMBER. This is what occurs to me: We have now before us, and will discuss for probably a day or so, the Indian bill. That will take considerable time.

Mr. BEVERIDGE. That will be to-day.

Mr. McCUMBER. That will be perhaps to-day, to-morrow, and the next day. I do not know how long it is going to last. It may last three or four days. We can not say how long it will last. The time is rather short——

Mr. PATTERSON. Mr. President——

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Colorado?

Mr. McCUMBER. In one moment. The time that has been fixed is rather short. In other words, all general, lengthy debate will have to be finished before 2 o'clock on the 7th day of March. That gives us but a few days in which this matter can be discussed with any lengthy speeches. The point that I desire to make is that that is hardly long enough if we are to be shut out absolutely on the 7th day of March at 2 o'clock.

Mr. BEVERIDGE. If the Senator will permit me, I think I can make entirely clear at least what the intention was,

whether the wording conveys the intention or not. It was, as was the case last year and as is always the case, that the close, no matter whether it occurs at 2 o'clock or 3 or 4 o'clock—I do not care when it occurs—that at the close of what we term "general debate," the long speeches, the concluding speech shall be made by some person in favor of the bill. Then the next day we proceed, as we usually do, under the ten-minute rule until a certain hour, when we vote upon the amendments and the bill. Now, if the last sentence after the semicolon does not clearly convey that idea, I am perfectly willing that it should be modified or even stricken out. It does not make any difference.

Mr. FORAKER. I was about to suggest that those words be stricken out. They are unusual, anyway.

Mr. BEVERIDGE. Certainly.

Mr. FORAKER. We never have any trouble with such agreements.

Mr. BEVERIDGE. I am perfectly willing that that portion shall be stricken out. I do not suppose there will be a question on the part of any Senator that some person who favors the bill shall be, of course, entitled to close the general debate without any agreement.

Mr. McCUMBER. There would be no question upon that.

Mr. BEVERIDGE. Then upon that understanding, let the words after the semicolon as to closing debate on Wednesday be stricken from the request.

Mr. McCUMBER. But the point was this: There may be those who are opposed to the bill who will not get an opportunity to make an extended speech upon this subject before the 7th of March, and I would not wish to cut them out.

Mr. BEVERIDGE. That is all right.

Mr. McCUMBER. After 2 o'clock some Senator in favor of the bill will take the balance of that day.

Mr. BEVERIDGE. I am perfectly willing, Mr. President, if it will clarify matters, that the words after the semicolon—concerning the closing of the general debate on the 7th—shall be stricken out if the Senator so desires, upon the understanding that the closing speech is to be made by a friend of the bill. Of course, I take it for granted that every Senator will concede to those who are in favor of the bill the right to close the debate.

Mr. McCUMBER. But probably not a half day's debate.

Mr. BEVERIDGE. That, perhaps, but as much as is necessary—the closing speech.

Mr. McCUMBER. I think that will cure all the trouble.

Mr. PATTERSON. Mr. President——

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Colorado?

Mr. McCUMBER. I yield.

Mr. PATTERSON. I supposed when this unanimous consent was asked that this bill would have the right of way from now until the time set for voting.

Mr. HALE. At 2 o'clock each day.

Mr. PATTERSON. At 2 o'clock each day. I was just going to suggest that to-day we have pending here an important Indian bill. We ought to have a clear understanding that no measure shall interpose to prevent a Senator from speaking between now and the time agreed upon after 2 o'clock each day.

Mr. HALE. That is what I was going to suggest to the Senator from North Dakota—after 2 o'clock—that any Senator desiring to speak between now and the 7th or 8th of March should have that right and that nothing can take that right from him.

Mr. BEVERIDGE. At 2 o'clock?

Mr. HALE. At 2 o'clock.

Mr. FORAKER. Before that is agreed to, I wish to state that I gave notice that to-morrow I would, at the conclusion of the routine morning business, address the Senate on the rate question. I do not know whether I can get through by 2 o'clock or not. I doubt if I can.

Mr. BEVERIDGE. I wish to say now to the Senator and to the Senate that, so far as the Senator who is in charge of this bill is concerned, when the hour of 2 o'clock arrives to-morrow, if the Senator from Ohio shall not have concluded his argument on the rate bill, I shall ask that the statehood bill be temporarily laid aside until the Senator shall conclude the argument.

Mr. FORAKER. I only wanted to call attention to the fact that there might be such a conflict between what is proposed and what is the usual custom.

Mr. TELLER. The Senator from Ohio [Mr. FORAKER] will take all the morning hour to-morrow and the junior Senator from Iowa [Mr. DOLLIVER] will take it all on Thursday, and probably both of them will go beyond the morning hour. That practically uses up this week. I do not wish to object; but, at the same time, it seems to me that the time for debate is being narrowed down very closely.

Mr. HALE. Put it off another day.

Mr. McCUMBER. I will ask the Senator if he can not postpone the time for a vote for a couple of days?

Mr. BEVERIDGE. Then put it off until Saturday the 10th.

Mr. TELLER. That would be better.

Mr. BEVERIDGE. Or the following Monday, the 12th. I change my request to the 12th, Mr. President.

The VICE-PRESIDENT. The request will be so modified. Is there objection?

Mr. TELLER. I do not object, Mr. President.

Mr. HALE. I suggest to the Senator to make it the 9th.

Mr. BEVERIDGE. One day more or less will not make much difference; but I prefer the 8th.

The VICE-PRESIDENT. The Chair requests Senators who are not entitled to the floor to resume their seats. The Senator from Indiana modifies his request, and it will be stated as modified.

Mr. BEVERIDGE. Mr. President, I hear so many suggestions from Senators around me, about equally divided as to Thursday, Friday, and Monday, that I think I will let the request stand at Thursday, unless objected to, and if it is objected to I will make it for Monday.

Mr. TELLER. I shall not object.

Mr. SPOONER. I think the Senator ought to postpone that date——

Mr. BEVERIDGE. Very good.

Mr. SPOONER. At least until the following Monday——

Mr. BEVERIDGE. I accept that.

Mr. SPOONER. For this reason: The Senator from Ohio [Mr. FORAKER] gave notice that he would speak to-morrow on another subject; the Senator from Iowa [Mr. DOLLIVER] gave notice that he would speak the next day. The bill in relation to the Five Civilized Tribes is pending here. It involves some questions of the gravest possible moment, of the utmost possible perplexity from the legal standpoint. If this bill is not passed by the 4th day of March, or some legislation upon the subject is not passed, those nations will have dissolved; and it is not at all impossible—I will change that, and say not improbable—that by the failure of the Senate to give seasonable attention to it land now vested in a qualified way in the Indian nations there will have devolved upon a railway company under an old grant, carrying values which I think the Senator from Colorado [Mr. TELLER] says amount to $30,000,000, which ought to be safeguarded for all time to the Indians and their descendants for educational and other kindred purposes. It is vastly more important that the statehood bill should wait a little longer, in addition to the forty or fifty years it has already waited, than that this bill should be in the slightest degree jeoparded.

Mr. BEVERIDGE. Then I will make it Monday.

Mr. SPOONER. I think, if I may be permitted to finish the sentence, after the Senator from Ohio [Mr. FORAKER] shall have made his speech and the Senator from Iowa [Mr. DOLLIVER] shall have filled the engagement of which he has given notice on the rate bill, that the Senate ought not to permit other business, except the routine business, to intervene until the pending Indian bill has been disposed of.

Mr. BEVERIDGE. Mr. President, I accept the suggestion of the Senator from Wisconsin [Mr. SPOONER], and modify my request from "Thursday, the 8th," to "Monday, the 12th."

Mr. BAILEY. Mr. President, I hope the Senator will not insist on that, because there will be——

Mr. BEVERIDGE. Unless there is objection——

Mr. BAILEY. There will be a conflict between the statehood bill and the rate bill if any attempt is made to postpone the consideration of the rate bill that long. The Senate is ready to proceed with the rate bill, and two Senators have even now given notice of their purpose to address the Senate upon that subject, although it was only reported yesterday.

I concur in what the Senator from Wisconsin has said. I think it of great moment that this Indian bill shall be disposed of, but unless the committee having charge of that bill are insistent upon some provisions that can well be left to wait, all that is necessary in the bill can be disposed of during a single session of the Senate.

Mr. BEVERIDGE. How would Saturday, the 10th, suit the Senator?

Mr. BAILEY. Mr. President, I, of course, am not alone to be consulted. The members of the Committee on Interstate Commerce on both sides of the Chamber—the two divisions on the other side and the gentlemen on this side—all are anxious, as I understand, to proceed to the consideration of that bill. I am sure the entire Senate is anxious to proceed with it. Two or three days do not make very much difference; but I complain

that for three weeks the statehood bill has been the unfinished business of the Senate and there has been but one speech delivered on it and now——

Mr. DUBOIS. Two speeches. One to-day and one before.

Mr. BEVERIDGE. The Senator is mistaken.

Mr. BAILEY. I should have said there was but one speech, delivered in two parts, or on two occasions, and then another speech. The Senator from Illinois [Mr. HOPKINS], of course, will pardon me for overlooking his performance this afternoon. But now that the Senate is pressed with one matter of very great general importance and with another matter of very great local importance, it seems to me that all at once there is a disposition to discuss the statehood bill. Now, my opinion is that the Senator from Indiana and the Senator from Colorado, representing the two views of that question, are about the only Senators who desire to speak, unless——

Mr. BEVERIDGE. No; there are others.

Mr. BAILEY. Unless the Senator from North Dakota [Mr. MCCUMBER], whom we heard before with great pleasure——

Mr. BEVERIDGE. And the Senator from Kansas [Mr. LONG]. There are several Senators who wish to be heard.

Mr. BAILEY. Mr. President, I am not going to be ungracious and interpose an objection, but it does seem to me a rather bad way for the Senate to discuss everything else except the bill which is before it, and then, when it has other bills before it, to proceed to the discussion of the neglected question. But if it suits the Senate to postpone the consideration of the rate bill until Monday, the 12th, I shall myself offer no objection.

Mr. BEVERIDGE. If the Senator will allow me to interrupt him, I think that, on the whole, in view of all that has been said here, we had better adhere to Thursday, the 8th of March. There are two days which will be partially taken up with the consideration of the rate bill. I do not know how much time will be taken up with the consideration of the matter about which the Senator from Wisconsin [Mr. SPOONER] spoke, but certainly not longer than a day. That will leave four days.

Mr. CLAPP. At the present rate of progress a vote will not be reached for several days, I suggest.

Mr. BEVERIDGE. I understand, Mr. President, that the Senate is going to take up that matter immediately.

Mr. CLAPP. Yes; if I ever get a chance.

Mr. BEVERIDGE. Just as soon as we agree upon a unanimous consent the Senator shall have a chance. I have assured the Senator that I shall ask that the unfinished business be laid aside for the express purpose that the Senator shall have his bill considered as soon as we reach an agreement upon a day to vote on the statehood bill. On the whole, I think I had perhaps better adhere to Thursday, the 8th, or else Friday, the 9th.

Mr. SPOONER. I suggest to the Senator to let his request lie over until to-morrow.

Mr. BEVERIDGE. No; let us settle it now, unless the Senator wants to object; and I hope he will not.

Mr. SPOONER. I do not want to object, but Senators do not appreciate the situation, I think.

Mr. MCCUMBER. I think I shall be compelled to object to the vote being taken on the 8th.

The VICE-PRESIDENT. Objection is made.

Mr. BEVERIDGE. What time would the Senator suggest?

Mr. MCCUMBER. I would say the succeeding Saturday or Monday.

Mr. BEVERIDGE. Let us say Saturday.

Mr. MCCUMBER. I fear Saturday may not give sufficient time.

Mr. BEVERIDGE. I think that the statement of the Senator from Texas [Mr. BAILEY] is very wise. I also see the force in what the Senator from North Dakota [Mr. MCCUMBER] says, and, therefore, as a compromise between the two, I modify my request and make it Saturday, the 10th of March.

Mr. CARTER. I realize it is ungracious to object, and yet on that date I fear I may be obliged to be absent, and I desire to be here to vote on this question.

Mr. BEVERIDGE. Then I will make it Friday, the 9th. How does that suit the Senator?

Mr. CARTER. All right.

Mr. BEVERIDGE. I modify my request to Friday, the 9th, and if that does not suit I will put it later in the week.

Mr. PATTERSON. I think that will answer.

The VICE-PRESIDENT. The request as modified by the Senator from Indiana will be reported.

The Secretary read the request as modified, as follows:

It is agreed by unanimous consent that on Friday, March 9, immediately after the routine morning business, the Senate shall proceed to the discussion of the bill H. R. 12707, the statehood bill, and amendments, under the ten-minute rule, until 4 o'clock p. m.; that at 4 o'clock the Senate shall proceed to vote upon said bill and amendments pending and to be offered, without debate, and that said voting shall continue until said amendments and bill are disposed of.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Indiana? The Chair hears none, and that order is made.

FIVE CIVILIZED TRIBES OF INDIANS.

Mr. CLAPP. I ask unanimous consent that the unfinished business be now laid aside temporarily, and that the Senate proceed to the consideration of House bill 5976.

The VICE-PRESIDENT. Without objection, the unfinished business will be temporarily laid aside. The Senator from Minnesota asks unanimous consent for the present consideration of the bill named by him, the title of which will be stated.

The SECRETARY. A bill (H. R. 5976) to provide for the final disposition of the affairs of the Five Civilized Tribes in the Indian Territory, and for other purposes.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill.

The VICE-PRESIDENT. The Secretary will resume the reading of the bill.

The Secretary resumed the reading of the bill at section 3, line 1, page 4.

The next amendment of the Committee on Indian Affairs was, in section 3, page 4, line 1, after "Sec. 3," to strike out—

That the approved roll of the Creek freedmen shall include only those persons whose names appear on the roll prepared by J. W. Dunn, under authority of the United States prior to March 14, 1867, and their descendants, and those lawfully admitted to citizenship in the Creek Nation subsequent to the date of the promulgation of the treaty of June 14, 1866, and their descendants, except such, if any, as have heretofore been enrolled and their enrollment approved by the Secretary of the Interior.

And in lieu thereof to insert:

That the approved roll of Creek freedmen shall include only those persons whose names appear on the roll prepared by J. W. Dunn, under authority of the United States, prior to March 14, 1867, and their descendants born since said roll was made, and those lawfully admitted to citizenship in the Creek Nation subsequent to the date of the preparation of said roll, and their descendants born since such admission, except such, if any, as have heretofore been enrolled and their enrollment approved by the Secretary of the Interior.

The amendment was agreed to.

The next amendment was, in section 3, page 5, line 7, after the word "Interior" to insert:

Lands allotted to freedmen of the Choctaw and Chickasaw tribes shall be considered "homesteads," and shall be subject to all the provisions of this or any other act of Congress applicable to homesteads of citizens of the Choctaw and Chickasaw tribes.

Mr. ALDRICH. Mr. President, as I understand the statements made by the chairman of the committee and by other Senators here, it is important that some action should be taken upon this matter between now and the 4th of March, in order to preserve the rights of the Indians to this property. Indeed, the most casual examination of this bill shows that it involves many important and serious questions, which are without the possibility of understanding on the part of Senators who are not entirely familiar with the subject. They involve the rights of these people who have been for years the wards of the nation; they involve important property rights; and this bill should not be considered in this way in this body.

I will suggest to the chairman of the committee that it seems to me manifestly proper that some legislation, some simple bill, should be passed extending for a greater or less time the tribal relations, in order that no rights may lapse or no rights may be transferred to railroad companies or to anybody else, and that the Senate then take up these questions seriously and consider them with the knowledge, or with some knowledge, at least, on the part of the great mass of Senators on this floor as to what they are doing.

We are passing legislation here about the sale of lands and about the disposition of vast amounts of property with no knowledge, so far as I know, upon the part of a large majority of the Senate as to what the effect of the legislation will be, and it seems to me that we ought, in justice to ourselves as well as in justice to the Indians, to take this question up, continue the tribal relations, and proceed with deliberation and with care upon legislation for these great interests.

Mr. CLAPP. Mr. President, it strikes me the objection to that would be that this bill has already passed the other House. It would probably be impossible now to get any legislation except in the form of amendments returned to the House. Upon the return of amendments striking out that portion of this bill which has been carefully considered by the House I doubt very much whether the House would submit to that or whether the conferees would stand for it in conference. If they did not, then it would leave the House bill with nothing of proposed amendments for which the Senate conferees could stand, except the one proposed—an amendment which would be the repeal of this law, save the provision continuing the tribal rela-

tions of these tribes. It is the sense of the committee, and I think there are also a great many Senators outside of the committee who feel that, if the House bill stands, it ought in some respects to be amended. If my view of the situation is correct, we would simply be in conference without anything to amend, and the result would be of necessity the acceptance of the House bill on a vote of the House conferees.

There are provisions in this bill for the disposition of the mineral lands in the Indian Territory. Under the provisions of the bill those lands are subject to the joint control of the President and the Secretary of the Interior, under provisions most carefully drawn, and possibly yet to encounter the opposition of the Senate, which may result in striking them all out and leaving the House bill stand as it came from the House in that particular. I have stated to the Senate two or three times the situation here. It is a matter, of course, to me of no personal interest, but it strikes me that to send this bill back with only one amendment upon which we could go into conference would be to leave the House bill the law in the end. Is not that correct as a matter of parliamentary usage?

Mr. ALDRICH. Mr. President, I made the suggestion which I did upon the assumption that the Senate in a serious matter of this kind should do the right thing, and let each House take the responsibility of doing wrong if it saw fit.

Mr. CLAPP. Yes; but——

Mr. ALDRICH. I think we are to assume here that the House of Representatives in its treatment of a matter of this kind will do the reasonable and proper thing, and that if any rights are to suffer they will realize it as strongly as we do. Of course, if we adopt these amendments, they go back to the House, and the House would have to take the responsibility. If the bill does not become effective, the law remains as it is; but I assume that the House of Representatives will look upon this matter as we do, and that something ought to be done to preserve the property and other rights of the Indians, and that we ought not to be forced—and I am not using that word in any sort of an offensive sense to the committee—we ought not to be forced three or four days before this act expires to take up a proposition of this character and act upon it, when the action must be without a full knowledge on the part of a large majority of the Senate.

Mr. CLAPP. I fully concede that it is the duty of the Senate, without regard to any body anywhere, to do what it thinks is right in the premises. We must concede that the House will attempt to do what it thinks is right; but the House might differ from the Senate as to what it thought was the best course to pursue. I am, however, still inclined to the opinion, because it does not seem to have been controverted, that if we could only send one amendment back to the House then, unless the House in the first instance, or the conferees in the second instance, submit to that amendment, there is nothing left for the conference, and it being an amendment of a bill of the House their bill would be the legally passed enactment of Congress.

Mr. CULBERSON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Minnesota yield to the Senator from Texas?

Mr. CLAPP. I certainly do, with pleasure.

Mr. CULBERSON. It occurs to me, Mr. President, that the statements of the Senator from Rhode Island [Mr. ALDRICH] possibly may not be fully understood. I understood him to say that it was absolutely essential to do something with reference to the tribal relations of these Indians by the 4th of March in consequence of the expiration of certain rights existing by virtue of treaties. What I understood the Senator from Rhode Island to suggest was that some action might be taken by Congress continuing those relations, so that in the meantime the Senate would have ample time to consider the merits of this bill. It will not be a question as to whether or not we amend the House bill as it is here now, but the question will simply be between the Senate and the House, or with the President, if that is possible; and if these rights exist by virtue of treaties, of course it could not take away the rights of the Indians, or it ought not to be done, at least, without the renewal of the treaty itself.

But there ought to be, it seems to me, some legal way by which we may continue the present relations of the Government with those Indians, so that if the case is as stated, and we have not time now to consider the bill on its merits, that might be done.

I simply rose to make that suggestion to the chairman of the committee, as we seemed to understand the proposition of the Senator from Rhode Island differently.

Mr. CLAPP. The difficulty, as it seems to my mind, is that if we postpone action on this bill and send a measure there, in the brief time there is to consider it, it may be lost. Now, we have their view of the situation; we have before the Senate the view of the committee; and it does seem to me if we could proceed with this bill as some of the more acute differences arise, I have no doubt they can be rectified, and we could perfect a bill which would continue the relation and at the same time make provision for conditions there which certainly require some kind of provision at the hands of Congress.

Mr. ALDRICH. Mr. President——

The VICE-PRESIDENT. Does the Senator from Minnesota yield to the Senator from Rhode Island?

Mr. CLAPP. Certainly.

Mr. ALDRICH. My object I can perhaps state more clearly by making the suggestion that the Senate pass a joint resolution independent of this bill entirely, continuing for a definite time—sixty days, or ninety days, or whatever time is necessary—the tribal relations, and send it to the House. I think we are not bound to assume that the House will treat it contemptuously or that it will do anything with it that is not reasonable and proper. If we find that the House does not consider it, then we can take up this bill later on, if necessary, but we certainly ought to have a right to discuss and debate this question understandingly. That is the case so far as I am concerned, and I know there are very many Senators in the Chamber who can not do that at the present time.

Mr. LONG. Mr. President——

The VICE-PRESIDENT. Does the Senator from Minnesota yield to the Senator from Kansas?

Mr. CLAPP. With pleasure.

Mr. LONG. I will ask the Senator from Minnesota whether the important part of this proposed legislation which should be acted upon soon is not section 10, in relation to the tribal schools. As far as the tribal governments are concerned, they expire on the 4th of March next, under legislation passed eight years ago to carry out a definite policy of Congress which has not been changed since that time. But with the dissolution of the tribal governments on the 4th of March of this year there will also terminate the tribal schools, and some arrangement should be made for placing those schools under the jurisdiction of the Secretary of the Interior or some other official. I will ask the Senator whether that is not the most important part of the bill which requires early attention?

Mr. CLAPP. I do not know that I would say that it is the most important part, but it certainly is a very important feature of the bill.

Mr. CLARK of Wyoming. Mr. President——

The VICE-PRESIDENT. Does the Senator from Minnesota yield to the Senator from Wyoming?

Mr. CLAPP. Certainly.

Mr. CLARK of Wyoming. I will ask the Senator from Kansas if, in his opinion, the operation of section 28 as reported by the committee, to which I understand the Senator from Kansas is decidedly opposed, would not continue the schools of the Indian Territory upon their present basis as well as all other matters connected with their tribal governments.

Mr. LONG. It would; and if section 28 of the bill is adopted all other portions of the bill should be stricken out, as that section is in conflict with all other portions of the bill.

Mr. CLARK of Wyoming. Then I understand the Senator from Kansas to believe that the mere taking of a vacation by the schools in the Indian Territory, as we take vacations in our schools in the States for three months in summer, is of such prime importance that all legislation of property and personal rights should be made subservient thereto.

Mr. LONG. Not at all. But the policy of this legislation was begun in 1893 when the Dawes Commission was created, and the policy of allotting the lands to the individual members of the tribes and ending the tribal governments was continued until 1898, when the Curtis Act was passed. That ended not the tribal relations but the tribal governments on the 4th of March of this year, and Congress has followed that policy ever since that time.

In my opinion there is nothing that arises now which justifies a departure from that policy. The first twenty-seven sections of this bill are along the line of carrying out that policy of Congress. It may be a new policy to some Senators who are not upon the Committee on Indian Affairs and who have not given consideration to the question, but it was adopted with the approval of other Senators who gave the subject careful attention and consideration.

A Senator who is now gone, Senator Platt, from Connecticut, gave careful supervision to the legislation now upon the statute books, so far as the Senate was concerned, and fully approved what was done on these matters by Congress.

In carrying out that policy the tribal governments end on the 4th of March of this year. If Senators think that because they have only had their attention called within the past few days to

the land grant to which reference has been made that other Senators have not considered that question, they are very much mistaken. I could call attention to the various acts showing that the land grant was taken into consideration by Congress in all the legislation that has been enacted for the ending of the tribal governments on the 4th of March next.

I do not believe that sections 27 and 28 are at all necessary in order to defeat that land grant. It would be most unfortunate if that grant should attach to lands in the Indian Territory. I do not think it will. I wish to call attention later, when this section is reached, to the treaties with the different tribes. I believe that under the various treaties that under no circumstances will there be any reversion of any of this land to the United States on the 4th of March next, because the conditions for the reversion are not present. This will not end the tribal relations. The tribes will not end on the 4th of next March. The tribal relations will not end when the tribal governments end. Their courts ended eight years ago, and the legislative part of the government ended to a large extent at the same time.

The remaining legislative powers and the executive part of those tribal governments will terminate on the 4th of March next. They have now but little authority. The authority which they have has in recent years been misused and not directed in the interest of all the members of the tribes. The governors under this bill are continued in office for certain purposes.

Mr. McCUMBER. Will the Senator allow me to ask him a question?

Mr. LONG. Certainly.

Mr. McCUMBER. Does the Senator contend that when we use the words "the tribal governments shall cease" that phrase will not be construed to mean the tribal relations, but that it simply means the legislative or judicial functions? I think we have all given it the construction and have all understood the construction to be that the ceasing of the tribal government meant the breaking up of the tribe as a tribe. In other words, it no longer exists as an entity, but exists simply and solely and can be considered only in its individual parts, and we must deal hereafter, not with the tribe, but with the individual Indians.

If it is true that the declaration that the dissolution of the government means the dissolution of the tribe as a tribe and acting in its capacity as to tribal relations, then the other must follow, that it becomes Government land, because it was land that was granted to the tribe only so long as it occupied it as a tribe. The tribe there means government in my opinion.

Mr. LONG. I wish to call the attention of the Senator from North Dakota to the provisions of the treaty and the conditions under which the lands would revert to the United States. For instance, the treaty with the Cherokees in 1846 has this provision:

*Provided always*, That such lands shall revert to the United States if the Indians become extinct or abandon the same.

Mr. McCUMBER. I will ask as to the Choctaws and Chickasaws.

Mr. LONG. I will call attention later on to the Choctaws and Chickasaws.

Mr. SPOONER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Kansas yield to the Senator from Wisconsin?

Mr. LONG. Certainly.

Mr. SPOONER. If the Senator will permit me, that condition, as I understand it, the Senator imputes to a treaty. Is that a treaty antecedent to the patent from the United States?

Mr. LONG. It was a treaty with the Cherokee tribe.

Mr. SPOONER. The patent was granted, it recites, pursuant to an act of Congress. If the Senator will permit me, a part of it reads this way——

Mr. LONG. Certainly.

Mr. SPOONER (reading)—

Therefore, in execution of the agreements and stipulations contained in the said several treaties, the United States have *given* and *granted*, and by these presents do *give* and *grant*, unto the said Cherokee Nation, the two tracts of land, so surveyed and hereinbefore described, containing in the whole *fourteen millions three hundred and seventy-four thousand one hundred and thirty-five acres and fourteen hundredths of an acre*, to have and to hold the same, together with all the rights, privileges, and appurtenances thereto belonging to the said Cherokee Nation forever; subject, however, to the right of the United States to permit other tribes of red men to get salt on the salt plain on the western prairie referred to in the second article of the treaty of the 29th of December, 1835, which salt plain has been ascertained to be within the limits prescribed for the outlet agreed to be granted by said article; and subject also to all the other rights reserved to the United States, in and by the articles hereinbefore recited, to the extent and in the manner in which the said rights are so reserved; and subject also to the condition provided by the act of Congress of the 28th of May, 1830, referred to in the above-recited third article, and which condition is that the lands hereby granted shall revert to the United States if the said Cherokee Nation—

Nation—

becomes extinct, or abandons the same.

Mr. LONG. That was in what year?

Mr. SPOONER. That was in the year 1838.

Mr. CLARK of Wyoming. That, I understand, was the patent.

Mr. SPOONER. That was the patent. So it will be discovered that the patent itself recites that it was executed pursuant, so far as this condition was concerned, to an act of Congress. This extinction of the Cherokee Nation may be a very vital thing.

Mr. ALDRICH. Mr. President——

Mr. CLAY. Let me ask the Senator a question to see if I understand it thoroughly.

The VICE-PRESIDENT. Does the Senator from Kansas yield to the Senator from Rhode Island?

Mr. LONG. Certainly.

Mr. ALDRICH. I should like to ask the Senator from Kansas, who has given great attention to the subject, of course, both from his locality and from being a member of the committee, whether, in his judgment, if we pass section 28, modified as to time, and pass nothing else, the tribal relations and the government of the various tribes would be continued under it without any loss to the Indians, the tribes, or anybody else, say, for sixty days?

Mr. LONG. When the date was fixed eight years ago for the 4th of March of this year, why the necessity for an extension of sixty days?

Mr. ALDRICH. To enable Congress to act understandingly upon this question.

Mr. LONG. Congress has had eight years to consider the question, and it has been considering it for eight years.

Mr. ALDRICH. The committee of the Senate have had from the 18th day of January up to now to consider it, and they are asked under duress to imperil the rights of these Indians or pass a bill which we do not understand. That is the proposition which is presented to us.

Mr. McCUMBER and Mr. CLAPP addressed the Chair.

The VICE-PRESIDENT. Does the Senator from Kansas yield to the Senator from North Dakota?

Mr. LONG. Certainly.

Mr. McCUMBER. I wish merely to answer the Senator from Rhode Island upon the matter of imperiling interest. The Senator made the statement a short time ago that we were about to sell this land. I call attention to the fact that if the Senator will read the bill he will see that every one of these interests is carefully guarded.

Mr. ALDRICH. I made no suggestion myself as to the effect of any of these amendments. I only took the statements of Senators who are around me, the conflicting statements of Senators who are upon the committee, if you please, and who have given this subject long consideration, the more conflicting statements of Senators who are not on the committee, as to the effect of the various provisions of the bill. I am only suggesting, in the interest of good government, in the interest of an honest administration of the affairs of these Indians, that there shall be no such haste as is imposed upon us by the suggestion that we must act upon the bill at once in order that the rights of Indians may be preserved.

Mr. McCUMBER. Mr. President, conflicting statements must always be judged by the statement itself. The statements in the instrument itself are not in any wise conflicting. If Senators will take their time, and, within the next few days in which we have got to get this bill through, if it goes through at all, read those statements, they will find that there is nothing which imperils the rights of the Indians, but, on the contrary, we have guarded in the bill against the very haste the Senator is afraid of, because we provide that under no circumstances shall any sale be made for a year. That gives us time enough to pass a dozen laws between this and the 4th day of March, 1907.

We provide, further, that the tribal relations shall continue another year at least, so that no losses will result from the dissolution of the tribes and no new interest will attach, while at the same time we are carrying out the provisions the Senator from Kansas has spoken of, which we have been carrying out gradually for the last eight years looking to the dissolution of these tribes. So everything will be protected that the Senator has spoken of—namely, the sale of the lands and the continuation of those tribal relations.

Now, the other matters are things we have considered day in and day out and have had before the Senate time and again.

It is not necessary for us to feel that we are going to be dragged into anything and forced to vote on property rights, when the bill itself provides that the sales can not take place for at least one year.

Mr. LONG. Mr. President, of course it is admitted that the grant of these lands was to the Indian Nation, and that the lands were held as the lands of the nation. That has been decided several times by the Supreme Court of the United States. In the case of the Cherokee Trust Funds, in 117 U. S., it is stated:

> The lands from the sales of which the proceeds were derived belonged to the Cherokee Nation as a political body, and not to its individual members. They were held, it is true, for the common benefit of all the Cherokees, but that does not mean that each member had such an interest, as a tenant in common, that he could claim a pro rata proportion of the proceeds of sales made of any part of them.

The policy of Congress since 1893, when the Dawes Commission was organized, has been first, to allot these lands in severalty and then to give to each individual Indian his proportionate share of the tribal funds. These allotments did not result in the dissolution of the tribal relation or the extinction of the tribe, for laws have been passed providing for an official roll of the members of the different tribes and their continued existence.

The bill that we have under consideration provides that the Secretary of the Interior may bring suit either before or after the dissolution of the tribal governments in behalf of the Choctaw, Chickasaw, Cherokee, Creek, or Seminole tribes, respectively, for the benefit of the members of those tribes.

These tribal governments have been in process of dissolution for eight years. Their courts were dissolved eight years ago by the legislation known as the Curtis Act. It was provided that their legislature could not pass any law that would be effective without the approval of the President of the United States. It was also provided that what was left of the tribal governments should be terminated on March 4, 1906. In the very act which provided for the dissolution of these tribal governments this provision is contained:

> But this provision shall not be construed to be in any respect an abdication by Congress of power at any time to make needful rules and regulations respecting such tribes.

Congress does not lose its power over this subject by the dissolution of the tribal governments. It does not have that effect.

Now I wish to call attention (the Senator from North Dakota asked me in regard to it) to the provision in the treaty of 1855 with the Choctaws and Chickasaws. It is as follows:

> *Provided, however,* No part thereof shall ever be sold without the consent of both tribes, and that said land shall revert to the United States if said Indians and their heirs become extinct or abandon the same.

Not only the Indians, but their heirs, must become extinct or abandon the lands before they revert to the United States.

Mr. SPOONER. Will the Senator allow me to ask him if he has the patent?

Mr. LONG. That was the treaty of 1855. I have not the patent. I will get it.

Mr. SPOONER. Has the Senator ever seen the patent?

Mr. LONG. I have seen the patent. I do not remember the exact provision in the patent. I will get the patent.

Mr. CLAPP. Mr. President, I call for the continued reading of the bill.

The VICE-PRESIDENT. The question is on agreeing to the amendment last reported on page 5.

The amendment was agreed to.

The Secretary resumed the reading of the bill at page 5, section 4.

Mr. CLAPP. In line 17, section 4, the word "as" should be "by;" so as to read:

> Show that application for enrollment by a citizen by blood was made, etc.

I move that amendment.

The amendment was agreed to.

The next amendment was, in section 4, page 5, line 20, after the word "application," to insert:

> Unless it be shown by documentary evidence that the Commission to the Five Civilized Tribes actually received such application within the time prescribed by law.

So as to make the section read:

> SEC. 4. That no name shall be transferred from the approved freedmen, or any other approved rolls of the Choctaw, Chickasaw, Cherokee, Creek, or Seminole tribes, respectively, to the roll of citizens by blood, unless the records in charge of the Commissioner to the Five Civilized Tribes show that application for enrollment by a citizen by blood was made within the time prescribed by law by or for the party seeking the transfer, and said records shall be conclusive evidence as to the fact of such application, unless it be shown by documentary evidence that the Commission to the Five Civilized Tribes actually received such application within the time prescribed by law.

The amendment was agreed to.

The next amendment was, on page 6, at the end of section 5, to insert the following proviso:

> *Provided,* The provisions of this section shall not affect any rights involved in contests at the date of the approval of this act.

The amendment was agreed to.

Mr. CLARK of Wyoming. I wish to call the attention of the chairman of the committee to the amendment which he proposed a moment ago in line 11, page 5, striking out the word "as" and inserting the word "by." I think a careful reading of the section will show that as originally drawn the word "as" should remain. It is for the enrollment as a citizen by or for the party seeking the transfer. It does not refer to the enrollment by the citizen. I think the word "as" should be retained, as the reading of the section shows.

Mr. CLAPP. No; I think not. The Senator will see that it is in the alternative. It must show that the application for enrollment was made by a citizen of blood within the time prescribed by law by or for the party seeking the transfer. I went over that with a representative of the Department last evening, and my attention was called to it.

Mr. CLARK of Wyoming. I simply wanted to call the attention of the chairman to it. It seemed to me that the grammatical construction is the other way.

Mr. ALDRICH. In pursuance of the suggestion I made some time ago, I ask unanimous consent that the joint resolution which I send to the desk may be now considered.

The VICE-PRESIDENT. The Senator from Rhode Island introduces a joint resolution, which will be read.

The joint resolution (S. R. 37) extending the tribal relations and government of the Five Civilized Tribes of Indians in the Indian Territory was read the first time by its title, and the second time at length, as follows:

> *Resolved by the Senate, etc.,* That the tribal relations and government of the Choctaw, Chickasaw, Cherokee, Creek, and Seminole tribes or nations are hereby continued in full force and effect for all purposes until the 4th day of June, A. D. 1906; and all acts and parts of acts, so far as they conflict herewith, are hereby repealed.

The VICE-PRESIDENT. The Senator from Rhode Island asks unanimous consent for present consideration. Is there objection?

Mr. CLAPP. Under the circumstances I shall feel constrained to object. If the Senator will have the House pass the joint resolution first so that we will know there is no question but that it will meet the approval of both Houses, personally I shall have no objection to the resolution.

Mr. CLAY. Let me suggest to the Senator that the joint resolution can pass the Senate and go to the House and we can go on with the consideration of the bill. It would not interfere with the bill in the least.

Mr. CLAPP. If it is the purpose of the Senate to go on with the consideration of the bill as though the joint resolution had not passed, then of course there would be no objection on my part.

Mr. ALDRICH. Certainly; I do not expect to dispose of this measure by the passage of the joint resolution. It must become a law. If the joint resolution passes the other House, then of course we will have more time. My purpose in offering the joint resolution is that the Senate shall have time enough to consider deliberately and carefully the legislation which is proposed. It is not to cut off the Senator from Minnesota at all, but simply to see if we can not get time to consider it carefully.

Mr. CLAPP. You do not cut off the Senator from Minnesota. I have no more responsibility for the bill than the Senator from Rhode Island.

Mr. ALDRICH. I do not mean that.

Mr. CLAPP. What I object to is the delaying of the pending bill with the uncertainty of getting the joint resolution through.

Mr. ALDRICH. I am not suggesting any delay as to the bill at all.

Mr. CLAPP. Then go ahead.

The VICE-PRESIDENT. Is there objection to the present consideration of the joint resolution?

Mr. SPOONER. I think it may be very wise to pass the joint resolution, but I think the Senator had better let it go over until to-morrow morning so as to see whether it is adapted to the patent and title of the Chickasaws and other Indians.

Mr. ALDRICH. I have no objection to its going over.

Mr. SPOONER. It may be necessary to change it a little in phraseology.

Mr. TELLER. Let it go over until to-morrow morning and then let us pass it.

Mr. ALDRICH. Very well.

The VICE-PRESIDENT. The joint resolution will lie on the table. The Secretary will proceed with the reading of the bill.

The reading of the bill was continued.

The next amendment of the Committee on Indian Affairs was, in section 6, page 7, line 5, after the words "by the," to strike out "Secretary of the Interior" and insert "President of the United States;" and in line 7, after the words "by the," to strike out "Secretary of the Interior" and insert "President of the United States;" so as to make the clause read:

If any such executive shall refuse or neglect to perform the duties devolving upon him, he may be removed from office by the President of the United States, or if any such executive become permanently disabled the office may be declared vacant by the President of the United States, who may fill any vacancy arising from removal, disability, or death of the incumbent by appointment of a citizen by blood of the tribe.

The amendment was agreed to.

The next amendment was, in section 6, page 7, line 12, after the word "after," to insert "written;" in the same line, after the word "notice," to insert "given under rules to be prescribed by the Secretary of the Interior;" in line 16, after the words "may be," to strike out "approved" and insert "executed;" in line 17, after the word "Interior," to strike out "without such exception;" in the same line, after the word "so," to strike out "approved" and insert "executed;" and in line 18, after the word "title," to insert:

and such execution shall be conclusive evidence that such executive or chief refused or neglected after such notice to execute such instrument.

So as to make the clause read:

If any such executive shall fail, refuse, or neglect, for thirty days after written notice given under rules to be prescribed by the Secretary of the Interior that any instrument is ready for his signature, to appear at a place to be designated by the Secretary of the Interior and execute the same, such instrument may be executed by the Secretary of the Interior, and when so executed and recorded shall convey legal title, and such execution shall be conclusive evidence that such executive or chief refused or neglected after such notice to execute such instrument.

The amendment was agreed to.

The next amendment was, on page 8, to strike out section 7 in the following words:

SEC. 7. That the Secretary of the Interior shall cause to be estimated and appraised the standing pine timber on sections 1, 2, 3, 4, 5, 9, 10, 11, 12, 13, 14, 15, the east half of section 16, and the northeast quarter of section 6, in township 9 south, range 26 east, and sections 5, 6, 7, 8, 17, 18, and the west half of section 16, in township 9 south, range 27 east, Choctaw Nation, Indian Territory, and in the allotment thereof the appraised value of the land in said sections shall be increased by the appraised value of the estimated pine timber thereon.

And to insert in lieu thereof the following:

That the Secretary of the Interior shall, by written order, within ninety days from the passage of this act, segregate and reserve from allotment sections 1, 2, 3, 4, 5, 9, 10, 11, 12, 13, 14, 15, the east half of section 16, and the northeast quarter of section 6, in township 9 south, range 26 east, and sections 5, 6, 7, 8, 17, 18, and the west half of section 16, in township 9 south, range 27 east, Choctaw Nation, Ind. T., except such portions of said lands upon which substantial, permanent, and valuable improvements were erected and placed prior to the passage of this act and not for speculation, but by members and freedmen of the tribes actually themselves and for themselves for allotment purposes, and where such identical members or freedmen of said tribes now desire to select same as portions of their allotments, and the action of the Secretary of the Interior in making such segregation shall be conclusive. The Secretary of the Interior shall also cause to be estimated and appraised the standing pine timber on all of said land, and the land segregated shall not be allotted, except as hereinbefore provided, to any member or freedman of the Choctaw and Chickasaw tribes. Said segregated land and the pine timber thereon shall be sold and disposed of at public auction for cash, under the direction of the Secretary of the Interior.

The amendment was agreed to.

The next amendment was, in section 8, page 9, line 18, after the words "Sec. 8," to strike out the words "That the" and insert:

That the records of each of the land offices in the Indian Territory, should such office be hereafter discontinued, shall be transferred to and kept in the office of the clerk of the United States court in whose district said records are now located. The.

And on page 10, line 10, after the word "and," to insert:

The same or so much thereof as may be necessary may be expended under the direction of the Secretary of the Interior for the purposes of this section, and any unexpended balance—

so as to make the section read:

SEC. 8. That the records of each of the land offices in the Indian Territory, should such office be hereafter discontinued, shall be transferred to and kept in the office of the clerk of the United States court in whose district said records are now located. The officer having custody of any of the records pertaining to the enrollment of the members of the Choctaw, Chickasaw, Cherokee, Creek, or Seminole tribes, and the disposition of the land and other property of said tribes, upon proper application and payment of such fees as the Secretary of the Interior may prescribe, may make certified copies of such records, which shall be evidence equally with the originals thereof; but fees shall not be demanded for such authenticated copies as may be required by officers of any branch of the Government nor for such unverified copies as such officer, in his discretion, may deem proper to furnish. Such fees shall be paid to bonded officers or employees of the Government, designated by the Secretary of the Interior, and the same or so much thereof as may be necessary may be expended under the direction of the Secretary of the Interior for the purposes of this section, and any unexpended balance shall be deposited in the Treasury of the United States, as are other public moneys.

The amendment was agreed to.

The next amendment was, in section 9, page 11, line 9, after the word "court," to insert the following:

The disbursements, in the sum of $186,000, to and on account of the loyal Seminole Indians, by James E. Jenkins, special agent appointed by the Secretary of the Interior, and by A. J. Brown as administrator de bonis non, under an act of Congress approved May 31, 1900, appropriating said sum, be, and the same are hereby, ratified and confirmed: *Provided*, That this shall not prevent any individual from bringing suit in his own behalf to recover any sum really due him.

The amendment was agreed to.

The next amendment was, in section 10, page 11, line 25, after the word "retaining," to insert "tribal educational officers, subject to dismissal by the Secretary of the Interior, and;" so as to read:

That the Secretary of the Interior is hereby authorized and directed to assume control and direction of the schools in the Choctaw, Chickasaw, Cherokee, Creek, and Seminole tribes, with the lands and all school property pertaining thereto, March 5, 1906, and to conduct such schools under rules and regulations to be prescribed by him, retaining tribal educational officers, subject to dismissal by the Secretary of the Interior, and the present system so far as practicable.

The amendment was agreed to.

The next amendment was, in section 11, page 14, line 15, before the word "fail," to insert "willfully and fraudulently;" so as to read:

Upon dissolution of the tribal governments every officer, member, or representative of said tribes, respectively, having in his possession, custody, or control any money or other property of any tribe shall make full and true account and report thereof to the Secretary of the Interior, and shall pay all money of the tribe in his possession, custody, or control, and shall deliver all other tribal property so held by him, to the Secretary of the Interior, and if any person shall willfully and fraudulently fail to account for all such money and property so held by him, or to pay and deliver the same as herein provided for sixty days from dissolution of the tribal government, etc.

Mr. BAILEY. It seems to me that if any man having the money of these people refuses to pay it over it would not be a question as to whether there was any fraud or willfulness in it or not; it is a breach of his plain duty. It is my recollection that most of the States in the Union with reference to their treasurers have precisely that kind of a provision; that is, a provision to punish as a crime simply for failing to pay over the money. It seems to me those words are not necessary there unless it is intended to permit a man who has wasted or misspent the money of the Indians to escape conviction.

Mr. CLAPP. I will say to the Senator from Texas that this section is very sweeping. However, the committee has no particular pride of opinion and will agree to strike out the clause if objection is made to it.

The amendment was rejected.

The next amendment was, in section 11, page 14, line 19, after the word "punished," to insert:

By a fine of not exceeding $5,000 or by imprisonment not exceeding five years, or by both such fine and imprisonment.

In line 22, after the words "relating to," to strike out "such offense," and insert "embezzlement;" and in line 1, page 15, after the word "property," to strike out "so;" so as to read:

He shall be deemed guilty of embezzlement and upon conviction thereof shall be punished by a fine of not exceeding $5,000 or by imprisonment not exceeding five years, or by both such fine and imprisonment, according to the laws of the United States relating to embezzlement, and shall be liable in civil proceedings to be prosecuted in behalf of and in the name of the tribe for the amount or value of the money or property withheld.

The amendment was agreed to.

The next amendment was, on page 15, section 12, line 15, before the word "days," to strike out "sixty," and insert "ninety;" in line 17, before the word "days," to strike out "thirty," and insert "sixty;" in line 24, after the word "Territory," to strike out "be, and;" and on page 16, line 2, before the word "property," to strike out "adjacent," and insert "abutting;" so as to make the clause read:

If the purchaser of any town lot sold under the provisions of law regarding the sale of town sites in the Choctaw, Chickasaw, Cherokee, Creek, or Seminole nations fail for ninety days after approval hereof to pay the purchase price or any installment thereof then due, or shall fail for sixty days to pay the purchase price or any installment thereof falling due hereafter, he shall forfeit all rights under his purchase, together with all money paid thereunder, and the Secretary of the Interior may cause the lots upon which such forfeiture is made to be resold at public auction for cash, under such rules and regulations as he may prescribe. All municipal corporations in the Indian Territory are hereby authorized to vacate streets and alleys, or parts thereof, and said streets and alleys, when vacated, shall revert to and become the property of the abutting property owners.

The amendment was agreed to.

The next amendment was, on page 16, line 3, after the words "Sec. 13," to strike out:

That all coal and asphalt lands, whether leased or unleased, shall be reserved from sale under this act until the existing leases

for coal and asphalt lands shall have expired. And the Secretary of the Interior is authorized to lease the residue of the unleased coal and asphalt lands for mining purposes under rules and regulations to be prescribed by him, such additional leases to be limited in time so as to expire not later than the now existing leases, and the royalties to be collected and applied by the Secretary of the Interior in the same manner as the royalties under existing leases.

And in lieu thereof to insert:

That the value of the segregated coal and asphalt lands of the Choctaw and Chickasaw nations, whether leased or unleased, shall be ascertained under such rules and regulations as may be prescribed by the Secretary of the Interior and approved by the President by a board of three appraisers to be appointed by the Secretary of the Interior, subject to the approval of the President of the United States. Said appraisers shall return to the Secretary of the Interior a report, sworn to by them, showing the value of the lands embraced within said segregations. And in making said appraisal the surface and mineral rights thereon shall be separately ascertained and returned. And all such appraisals shall be subject to the approval of the Secretary of the Interior.

The Secretary of the Interior, under rules and regulations to be approved by the President of the United States, may sell the surface of said segregated lands after six months' notice of said sale, in tracts of not more than 160 acres to each purchaser, but at not less than the appraised value. Such land shall be sold on such terms as may be fixed by regulations as above provided for, but all such lands as are unleased at the date of the approval of this act shall be sold subject to the right of any purchasers of the mineral right to mine thereunder, together with the right of ingress and egress and with immunity from damages occasioned by subsidence, and to the right of said mineral owner to acquire a sufficient amount of the surface, not exceeding 20 per centum of the said surface area, for the necessary surface works and operations of said mine, the value of said surface area for said mining purposes to be fixed by agreement between the parties in interest, or in case of disagreement said price to be fixed by three persons, one of whom shall be chosen by the owner of the surface, one by the owner of the mineral right, and the third by the two so chosen, and if they do not agree as to a third, then such third appraiser to be appointed by the judge of the United States court for the district in which such land is situated, and a decision of a majority of said three shall be conclusive as to the value thereof. And all conveyances of the surface of said lands shall contain said reservation of said mineral rights as above set forth.

And as to the sale of the surface of leased lands, the same shall be sold subject to the rights of such lessees to mine thereunder, together with the right of ingress and egress and with immunity from damages occasioned by subsidence, and to the right of said mineral owner to acquire sufficient amount of the surface, not exceeding 20 per cent of the said surface area thereof, for the necessary surface work and operation of said mine, the value of said surface area for said mining purposes to be fixed by agreement between the parties in interest, or in case of disagreement said price to be fixed by three persons, one of whom shall be chosen by the owner of the surface, one by the owner of the mineral rights, and the third by the two so chosen, and if they do not agree as to a third, then such third appraiser to be appointed by the judge of the United States court for the district in which such land is situated, and the decision of a majority of said three shall be conclusive as to the value thereof; and also subject to any rights covered by such leases, and such rights as are granted to lessees under the provisions of an act of Congress entitled "An act making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1905, and for other purposes," approved April 21, 1904. All conveyances of the surface of said land shall contain said reservations of said mineral rights as above set forth.

After said appraisals as aforesaid, but not prior to March 4, 1907, the Secretary of the Interior, subject to the approval of the President, may sell the whole or any part of the coal and asphalt in and under said segregated lands, for the best price obtainable, by public sale, sealed bids, or otherwise, at not less than the appraised value, together with the right to mine the same. The title to all buildings and improvements placed on the leased premises by the lessees shall pass to the purchaser of the mineral rights, subject to the terms of the lease. All expenses, inclusive of necessary clerical assistance in the Department of the Interior, connected with and incident to such sales, shall be paid from the funds of the Choctaw and Chickasaw tribes on deposit in the Treasury of the United States. All conveyances made under the provisions of this section shall be executed, recorded, and delivered in like manner and with like effect as herein provided for other conveyances.

But the purchaser of any mineral right shall not, without the consent of the lessee, change the royalty under said leases, or any of them, from the royalty at the date of sale as then fixed by the Secretary of the Interior.

Subject to the foregoing provisions of this section, the Secretary of the Interior, upon the recommendation of the Commissioner to the Five Civilized Tribes, is authorized to set apart for town-site purposes such tracts of lands within said segregation as may in his judgment be necessary to protect communities of persons residing upon said segregated lands, and to cause the same to be surveyed, platted, appraised, and sold, under such rules and regulations as he may prescribe, but the setting aside of any such town site and the sale of lots therein shall not convey nor in any manner affect the title to the coal and asphalt deposits in or under the lands included therein: *Provided*, That the exemption from damages for subsidence hereinbefore provided shall not apply to tracts of land within town sites created or located on mineral lands prior to the lease of such mineral lands.

The VICE-PRESIDENT. The question is on the amendment.

Mr. BAILEY. Mr. President, before that amendment is agreed to I wish to say a few words.

I am not sure what is the best disposition to be made of those lands, but I am sure that no disposition ought to be made of them until Congress knows what is best to do with them. Those lands are immensely valuable. Their value is estimated all the way from twenty to fifty million dollars, and judged by the royalties which the Indians would receive before the coal was exhausted they are worth even more than that. I have been inclined to believe that the best disposition that could be made of them would be to leave them as a school fund for the children of the Chickasaw and Choctaw Indian tribes. It is probably true that they would provide a fund much larger than any reasonable requirement for educational purposes of those tribes. Indeed, sir, if their value is not overestimated they would provide a school fund sufficient in time to maintain a common school system for the entire Indian Territory, including children of our own race as well as children who are descendants of the Indian race. They would be sufficient to maintain in common schools, and in the university of the new State which is soon to be organized out of that and the adjoining Territory of Oklahoma, a fund sufficient to defray the entire personal expenses of every Indian child of suitable educational age in the Territory. It seems to me that we could not make a better disposition of them than to reserve them for that purpose.

As the Indian disappears—and he will disappear; there is nothing more certain in the future than the extinction of the Indian race, whether the extinction shall come by his persevering effort to maintain the purity of his own blood, and thus he falls before the advancing column of civilization, or whether he disappears by mingling his blood with that of another race—the end is that the Indian disappears from that country. When he is gone, these lands and the income which they will afford will provide a munificent school fund for his successors. To dispose of them now gives to individual or corporate greed, as some of us may think—while others may think it gives to individual or corporate enterprise—the immense profits which the increasing population and the commerce of the country are certain to bring in the value of those coal lands.

Nor will the sale of these lands after the manner provided for in this bill contribute anything to the development of the manufacturing enterprises and the commercial industries of this new country. My own opinion is that to maintain the present system of leases under royalties, that shall be fixed from time to time in proportion to the value of what the mines yield from year to year, will be of a vast benefit to all the industries which almost depend for their success upon the supply of fuel in those mines; but if the Congress in its wisdom shall decide that these lands ought to be disposed of now we ought to write in the deed conveying them to the purchasers, their new owners, that they shall never pass into the ownership or under the control of any common carrier.

One of the grossest abuses of this time is that railroads persist in owning coal mines, and then not only compete as dealers in coal against those who employ their services as common carriers, but, as was made manifest by a litigation decided only a few days ago in the Supreme Court, they carry their own coal to their own customers at a much less rate than that which they charge to their competing coal producers or coal dealers. If a railroad desires to own a coal mine merely for the purpose of supplying itself with its own fuel, there would be some justice in the contention in favor of its right to do that; but a common carrier who abandons the business of carrying for everybody and enters upon the business of carrying for itself the product of an important industry goes beyond its charter purpose, gives a just cause for complaint against it in the minds of all reasonable men, and exerts an influence over the prosperity and the success of enterprises that it was never within the contemplation of any State to grant to a common carrier.

Therefore I indulge the hope that if the committee insist upon this amendment, or if the Senate shall adopt this amendment, they will include in it a provision that will render it forever impossible for these coal lands to pass under the control of the common carrier in that section.

I notice also, Mr. President, that there is a provision here on page 19:

The title to all buildings and improvements placed on the leased premises by the lessees shall pass to the purchaser of the mineral rights, subject to the terms of the lease.

I am not sure that I precisely understand either the purpose or the effect of that provision. Assuming that a present lessee has opened and developed a mine, has improved it in any suitable way, I desire to inquire of the chairman of the committee if it is the purpose of this amendment to include the improvements which a lessee has made, according to the terms of the lease, in the land when it is sold to the purchaser under this act?

Mr. CLAPP. Under the leases which have been executed by the Department at the end of the lease the improvements go to the lessor.

Mr. BAILEY. That would be true in any real estate transaction where the improvements were fixtures.

Mr. CLAPP. Speaking as to the surface separate from the mining rights, it seemed to the committee that it would be well for Congress to designate in the bill which title the improve-

ments should follow—the surface or the mines below. I will say to the Senator that it is a matter of indifference to the committee, and they really rather thought it would be well in the bill itself to make that designation in order to avoid dispute.

Since I am on my feet, I want to say that it was a question of great concern with the committee whether these lands should be sold or not. Under existing law there is no provision for continuing the leasing of them. Finally, the committee, by a majority, decided to make provision for the sale. But unless members of the committee object, the chairman would have no objection to eliminating all of the provision for the sale and restoring the provision of the House bill that the lands should be reserved from sale.

Mr. BAILEY. Where is that?

Mr. CLAPP. On page 16.

Mr. BAILEY. Mr. President, I should myself be gratified to see that done, because if we lease the lands we still have it within our power, if we finally determine that not to be the wisest course, to provide for the sale; but if we sell them, then the subject passes beyond our control and jurisdiction, and we can not repair that mistake.

Mr. CLAPP. If the Senator will make a motion to strike out the amendment from line 13, on page 16——

Mr. CLARK of Montana. If the Senator from Minnesota will permit me, I have prepared an amendment that I think will cover that. I ask to have it read.

Mr. CLAPP. Then I withdraw the suggestion I made.

The VICE-PRESIDENT. The Senator from Montana [Mr. CLARK] offers a proposed amendment, which will be stated.

The SECRETARY. It is proposed to amend section 13 by striking out all of the amendment reported by the Committee on Indian Affairs, beginning in line 13, on page 16, and to restore the House provision.

The VICE-PRESIDENT. That can be reached by disagreeing to the amendment reported by the committee; and the question is on agreeing to the amendment.

Mr. BAILEY. My attention was diverted for a moment.

Mr. CLAPP. Will the Secretary again read the proposed amendment?

Mr. LA FOLLETTE. Mr. President——

The VICE-PRESIDENT. The Senator from Texas [Mr. BAILEY] has the floor. Does he yield to the Senator from Wisconsin [Mr. LA FOLLETTE]?

Mr. BAILEY. I do.

Mr. LA FOLLETTE. In that connection I ask leave to offer the amendment which I send to the desk.

The VICE-PRESIDENT. There is now a pending amendment, the Chair will state to the Senator.

Mr. CLAPP. I ask that the Secretary may again read the amendment offered by the Senator from Montana [Mr. CLARK].

The SECRETARY. The proposed amendment is to disagree to the committee amendment.

Mr. CLAPP. And to restore the House provision.

The VICE-PRESIDENT. That will be the effect of it.

Mr. LA FOLLETTE. I propose to follow that with another amendment. If necessary, I will propose a substitute.

The VICE-PRESIDENT. The amendment intended to be proposed by the Senator from Wisconsin [Mr. LA FOLLETTE] will be stated for the information of the Senate.

The SECRETARY. In section 13, on page 19, line 15, after the word "same," it is proposed to insert the following:

*Provided*, That no railroad company shall acquire any right, title, or interest in said coal and asphalt lands by purchase at said sale; and

*Provided further*, That the deeds of conveyance executed pursuant to such sale shall contain the specific provision that no railroad corporation or other common carrier, and no officer or stockholder in any railroad corporation or other common carrier, engaged in transporting coal from said lands shall ever acquire any interest by purchase or lease in any of said coal and asphalt lands whatsoever; and

*Provided further*, That said deeds of conveyance executed pursuant to said sale shall contain a specific provision that no person, firm, or corporation, and no association or combination of persons, firms, or corporations, shall ever acquire any interest by purchase, lease, trust, agreement, or otherwise in and to any portion of said coal and asphalt lands whatsoever in excess of 3,000 acres; and

*Provided further*, That upon violation of any of said conditions all right, title, and interest in and to said lands shall revert to and vest in the United States in trust for the tribes of Indians now owning the same; and the tribal organization is hereby continued in so far as may be necessary to execute the condition hereby created.

Mr. CLARK of Wyoming. Mr. President——

Mr. BAILEY. I had not yielded the floor, Mr. President. I simply yielded to the Senator from Minnesota to answer an inquiry which I made about the provision in reference to improvements on the leased premises.

The VICE-PRESIDENT. Does the Senator from Texas yield to the Senator from Wyoming?

Mr. CLARK of Wyoming. Just one moment.

Mr. BAILEY. Certainly I yield.

Mr. CLARK of Wyoming. I desire to ask, in view of the importance of the amendment submitted by the Senator from Wisconsin [Mr. LA FOLLETTE], that it may be printed, so that we may have it for reference. I do not understand that the Senator from Wisconsin offers the amendment for present adoption.

Mr. LA FOLLETTE. Unless it be necessary at this time, I do not. I should be glad to have the amendment printed and submitted to Senators and to the Senate as a body for their consideration.

The VICE-PRESIDENT. The amendment intended to be proposed by the Senator from Wisconsin will be printed.

Mr. BAILEY. Mr. President, if this provision is to remain in the bill, I sincerely hope that the amendment of the Senator from Wisconsin [Mr. LA FOLLETTE], or some one like it, will be incorporated in the bill, because, as I stated a few moments ago, I am sincerely anxious to see that country protected against a condition which it is alleged exists in the great coal regions of Pennsylvania and West Virginia. If, however, the amendment of the Senator from Montana [Mr. CLARK] shall prevail, and this provision goes out of the bill, then, of course, there is no subject-matter to which the amendment of the Senator from Wisconsin can attach itself.

Recurring for a moment only to the inquiry I propounded a moment ago to the Senator from Minnesota [Mr. CLAPP], who is in charge of this bill, it seems to me that if this leasehold, or if this mineral right is sold, the lessee not buying it, the leasehold passes to the new purchaser, and with it all of the improvements. Of course where there are two separate interests in the land—the surface and the mineral rights—all fixtures which belong to the surface pass with that, and all fixtures that belong to the mineral rights would pass with them. I think that would be clear without the necessity of any express provision in the bill.

But what concerns me is that I am not willing, having leased this land, as the Government has in some cases, for a period of twenty-five years yet to run, and men having entered upon it and having improved it under a lease executed by the Interior Department in some cases, and approved by Congress, I hardly think it is due respect to the rights of the people to sell that lease, and not only sell it from under them, but to take their improvements and sell them, too.

Now, Mr. President, I am not sure that I am correctly informed. I ought to apologize to the Senate for talking so much about this Indian question and knowing so little about it. The truth of it is that they are my neighbors, and I feel always anxious to protect their interests so far as I can consistently with my sense of what is right. It is a matter of not only daily occurrence, but it occurs several times every day that citizens of that country appeal to me for protection of one kind or another.

I have never had the honor of serving on the Committee on Indian Affairs, and, therefore, Senators understand that it is a matter of course that I do not possess the detailed and accurate knowledge of these questions which Senators on the committee always possess; but I think I myself remember once, when I had the honor to serve in the other House of Congress, where some of these leases were approved, having once been approved before that, and that they were granted for a term, we will say, of thirty years, or maybe longer, and we will say that ten years of that term have now expired and they still have some twenty years to run. I inquire if under the provisions of this bill their lease would be terminated?

Mr. CLAPP. No, sir; it would not.

Mr. BAILEY. Then, of course, Mr. President, the question of their improvements could not become important, because they might just as well lose them to the purchaser at the expiration of their lease as to lose them to the Government, assuming that the Government was still the owner.

Mr. CLAPP. In regard to the question of the Senator from Texas, the matter was not one between the Government and the lessees. The bill preserves the rights of the lessees.

Mr. BAILEY. Then the provision, Mr. President, is free from objection, if the bill preserves the present rights of the lessees.

Mr. CLAPP. Certainly.

Mr. BAILEY. It has been represented to me by some gentlemen who say they are interested in that country, that this proposition is to put the land up and sell it, and, if the lessee desires to buy it, he shall have the preference to buy at the same price, and if somebody else buys it, his lease is terminated. Another gentleman said to me that the present royalty was not fixed, but that the Secretary of the Interior should fix the royalty from time to time, according to what he might determine to be fair and just.

Mr. CLAPP. While the Secretary of the Interior may do

that to-day, yet upon the sale of the mineral rights the royalty must be paid to the court.

Mr. BAILEY. And the royalty is fixed before the sale is complete?

Mr. CLAPP. Yes.

Mr. BAILEY. Well, Mr. President, that seems to have regard to the rights of everybody.

Mr. CLAPP. Unless objection is made by the committee, I am disposed to accept the amendment of the Senator from Montana [Mr. CLARK].

Mr. LA FOLLETTE. Mr. President, I hope the amendment offered by the Senator from Montana may not prevail. I labor under the embarrassment of addressing the Senate without a knowledge of the rules which is acquired by Senators of longer service. I believe that the conditions which obtain in that section of the country at the present time are intolerable, and at an opportune moment I desire to offer the reasons which convince me that that is so. I am not advised and am not aware as to whether amendments which are offered at this time are to be now voted on or not.

The VICE-PRESIDENT. Yes, sir; the amendment proposed by the Senator from Wisconsin will be printed at the request of the Senator from Wyoming [Mr. CLARK]. It will be voted on later, although it is in order, if the Senate desires, to vote on it now. The Senator will be in order now if he desires to address the Senate with respect to it.

Mr. LA FOLLETTE. Will I have an opportunity, Mr. President, to address the Senate with respect to that amendment and such amendments as I have already offered, at another time?

The VICE-PRESIDENT. Yes, sir; you will.

Mr. LA FOLLETTE. Then, sir, I will defer what I have to say until another time.

Mr. CLARK of Wyoming. As the chairman of the committee has indicated his willingness to accept the amendment of the Senator from Montana, unless objection be made by some other member of the committee, I desire to make that objection upon my own behalf, whatever the other members of the committee may do. Of all that we seek to do in this bill, I think perhaps the elimination of this section in regard to the coal lands would be the worst, and therefore I object to the amendment.

Mr. CLARK of Montana. If it should be insisted that this amendment offered by the Senate committee should prevail, I am in full sympathy with the policy outlined by the Senator from Texas [Mr. BAILEY] with regard to the disposition of whatever proceeds may arise from the sale of those coal lands, and likewise I am in accord with the Senator from Wisconsin [Mr. LA FOLLETTE] so far as the right of any corporations or carriers to obtain title to those coal lands is concerned. But I think that it is not opportune to consider the sale of those lands at this time.

When this matter was first brought to the consideration of the committee it was the consensus of opinion of most members of the committee that the lands might or should be sold. It was stated that it was the desire of the Indians that the lands should be sold. I believe they are always willing to sell anything they have in order to realize some ready money; but we must consider, Mr. President, that there are valuable interests there that we can not dispose of without due and full consideration. There is involved in this proposed transaction some 400,000 acres of valuable coal lands. The value of those lands has not yet been determined, although there is some leasing going on there. They have, however, so far as I can learn, confined their operations to the surface veins, and, having some knowledge of coal mines and mining operations, I know that there are in almost all the coal fields that exist in this country underlying veins oftentimes of considerable depth and of greater value than those that appear near the surface, which probably are the only ones that have been worked in this case.

It is a fact that there are few railway facilities in that country for the transportation of coal. There is one line of railway extending from the north to the south, and, I believe, one other leading out from Fort Smith into that country, which, I believe, is controlled by the same company. It is impossible to market coal without any railway facilities. We all know that; and unless the products of those mines can be brought to the markets, it can not be expected that the lands apparently sold, as they would be under this bill, would bring anything like an adequate price, and ample scope would be given for all sorts of combinations to gobble up those lands. They would sell at a nominal price in all probability. I am informed that the coal is of excellent quality, selling at about double the price that obtains for the lignites lying out in the Rocky Mountain regions. Therefore I am opposed to the proposition of selling or attempting to sell these lands. They would not bring anything like their proper value, and the proceeds, unless they should be disposed of as is suggested by the Senator from Texas, would be distributed to these Indians. We know how improvident the Indians are. In a very few years they would spend the money, and, in all probability, be paupers, and would have to be taken care of by the Government.

We wrestled with this proposition four and five and even six hours a day while it was before the committee, during several days' sessions, and the more we wrestled with it the more we got entangled. We voted in and we voted out propositions, and I believe there is not a single member of that committee who has a clear conception of the proposition.

Therefore, I ask that the amendment which I have offered shall be supported by the Senate. We shall have ample time in the future when that country shall have been developed, and from time to time, as the conditions may seem to warrant, to take up the question of these coal lands and dispose of it. In the meantime they may be leased, if it is thought best to do so, under similar conditions to the lands that are now being leased in that country, and as a result of those leases the Indians would get money from time to time that would subserve their purposes. In the end they would be better off, and at the same time they would be the owners of these vast coal deposits of immense and untold value.

Mr. CLARK of Wyoming. There is one thing that I think every member of the committee was convinced of, and that was that we have not time to legislate on Indian matters as we should like to legislate. The members of the committee found themselves confronted with a mass of legislation, the like of which, I think, was never passed by any Congress of this country in regard to any subject. One reason why I am opposed to striking out this amendment of the committee is that it was the very best expression of their views of the question after, as has been said by the Senator from Montana [Mr. CLARK], many days of honest, earnest work.

We must do one of two things. We must either provide in a way for the sale of these lands at some time or we must provide for the continuation of the leasing. The House, in its wisdom, thought it better to continue the leasing provision, and that new leases should be made from time to time by the Secretary of the Interior, to terminate at the expiration of the present leases.

For those who are not informed, I might say that the present leases of the one hundred and seven or one hundred and ten thousand acres of coal lands in the Indian Territory expire in twenty-four or twenty-five or twenty-six years from this date. I am opposed to entering upon the proposition of leasing the remainder of these lands and tying them up for that length of time. I am more opposed to selling the lands at this moment. The Senator from Montana, I think, forgets that this section of the bill does not provide for the immediate sale of these lands. It provides for the sale of these lands, but not until one year shall have elapsed from the 4th of March next.

In other words, no sale of this land can be made until the 4th of March, 1907, according to this amendment. That will give the opportunity, if Congress shall address itself to the subject, for Congress to inform itself fully as to what should be done. In the meantime, the condition will remain exactly as it is at the present moment.

Unless some provision is made for the remaining land not under lease and the present leases are allowed to go, we shall have this situation confronting us—the absolute control and monopoly of the coal product of the Indian Territory within the hands of the few lessees, some twenty of them, upon the 107,000 acres now under lease.

So the committee after long conferences and with an earnest desire to do the best thing possible for the Indians, concluded to provide a way for the sale of this coal land, but determined that the sale should not begin until the 4th day of March, 1907, leaving a year in the meantime for Congress to further inform itself as to what after all might be the best solution of the whole question.

So I am not in favor of striking out the amendment, because, as I said, we would leave to the control of twenty or thirty men in the Indian Territory the entire monopoly of the coal product of that great country.

Mr. CLARK of Montana. Mr. President, I can not understand from the remarks of the Senator from Wyoming how the lessees at the present time in the Indian Territory would have a monopoly. The leases that have already been executed by the Secretary of the Interior run, I think, about twenty-five years. You can by no legislation disturb those leases as they now exist. No further land can be leased under this clause, except by the Secretary of the Interior, who is authorized to make similar leases.

Mr. CLAPP. No; but here is the trouble: Under the House provision the new leases must terminate at the same time the old ones do. The suggestion is that people will not take short leases, and that would leave the old lessees as the only lessees, and create a monopoly.

Mr. CLARK of Montana. Those leases run for from twenty-five to thirty years, and twenty or twenty-five years is certainly a very long time to lease any property. In mining operations we consider that three years is a good long lease. I can not see that the objection to leases which may run twenty or twenty-five years is valid or tenable.

Mr. CLARK of Wyoming. The Senator, I think, misunderstood me. The objection was not to these leases as they now are, but the objection was that if we leave those leases and enact no further legislation, those leases only will produce all the coal which can be produced, because there is no provision for the sale of the land, there is no provision for the further leasing of the land. If there should be made a provision for the further leasing of the land, as the House proposed, the leases must gradually grow shorter and shorter. Notwithstanding the vast experience of the Senator from Montana, I hazard the assertion that no person and no lessee will go upon and open a coal mine at an expense of hundreds and thousands of dollars unless he shall have a fitting term during which the lease shall run, especially when all his improvements must follow the owner upon the termination of the lease.

Mr. CLAPP. Mr. President, I wish to make a suggestion to the Senator from Wyoming. I fully agree with him as to the difficulty that has surrounded the committee in the consideration of this question and the doubt which the committee had as to which of the two plans ought to be adopted. But if the bill becomes a law at all there certainly will be somewhere in it a provision which will continue the control of these lands, so that at a time of more leisure we may perhaps take up and dispose of the question of leasing within the near future, thus avoiding the objection to the monopoly which is of striking force, as suggested by the Senator.

Mr. CLARK of Wyoming. I suggest to the Senator, if the necessity is so immediate that we must strike out every portion of the completed committee bill, the situation could be met very easily by the joint resolution the Senator from Rhode Island to-day introduced, only extending the time to one year instead of to June 4. I think we should go to work on this bill along the line laid down by the committee as far as we can. I think the committee fully considered this matter, and it arrived at a conclusion as to what is best to be done. I believe the substance of what the committee has done has been well done. I do not believe that because of a few hours' delay we ought to cut off the work of many weeks.

Mr. TELLER. Mr. President, I believe the committee was largely influenced in the determination to sell this property because of the immediate dissolution of the tribal government and the difficulties which the committee saw must arise on that condition taking effect. I do not myself think it is a good time to sell the property. I was very much in favor of providing that no portion of it should be sold for the next five years. At one time it looked as if the committee would agree to that, but some members changed their view of the matter, and we finally settled on one year, for we believed it would take that time to get ready to sell.

I suppose it is not necessary to tell the Senate that a large tract of land, so valuable as that, can not be put on the market and sold instantly. It must take time. There must be an aggregation of capital, and people must be satisfied that it will be a profitable investment if they buy it.

If the tribal government is extended, the proposition of the House is all right. If it is not, I think it is exceedingly defective. If the tribal relation ceases, the question comes as to the title of the lands which are being claimed by the railroad company, whether they will take them or not, but on that I do not intend to spend any time.

We have taken charge of the Indians' property for very many years, and I suppose most people imagine that we have done pretty well with them, because there is a good deal of it left. But, in my judgment, if we had allowed the Indian there to take care of himself, to manage his own affairs, he would be worth a good deal more money, and I believe he would be quite as far on the road to civilization as he is to-day. We assumed that these Indians could not take care of themselves. So we have been interfering with them and telling them what they could do and what they could not do.

I think a very fair illustration may be mentioned. The Cherokees, Choctaws, and some other Indians there were allowed to put on the rolls those people whom they thought entitled to participate in the tribal funds. After some efforts in that behalf, the Interior Department concluded that they were not doing it as well as the Interior Department could do it. So the Interior Department took charge of it. They put on a vast army of claimants. The number amounted to somewhere in the neighborhood of 4,000 of those whom the Indians insisted were not entitled to be on the rolls.

Congress finally authorized a suit to be tried to see whether those people were entitled to enrollment, and nearly 4,000 of them were taken from the rolls by the court. They had gotten there by methods that I need not describe, but I think all can understand. The court said they were not entitled to be there.

Now, that is not all, Mr. President. There is a property interest, according to one estimate, of $20,000,000 and according to another of $40,000,000. One of the commissioners recently stated, I understand—I did not hear the statement—that an interest in the tribal property there was worth $10,000. If so, there was about $40,000,000 involved in those fraudulent claims. If it were $5,000 then there was half that amount. It is morally certain that there was a claim set up that on a trial before the courts was found to be false to that extent, while on the other hand scarcely any number of men have been stricken from the rolls either by the courts or by any other method where the Indians themselves undertook to manage their own affairs.

I say, Mr. President, that in my judgment they are eminently capable of managing their own affairs in that particular, quite as much so as any Department of this Government.

Mr. President, I should like to see this land retained, because I know very well that a large income can be derived and ultimately a large sum of money can be realized from it, but I did not myself see, and that is the feeling of the committee, that we should go to work and lease these lands for the next twenty-five years. Some of the leases run for twenty-seven years, and until the leases expire no lands can be sold. You might lease some more of it, you might lease less of it. If we could lease all the land at the rate the present is being leased, the Indians would get a million dollars a year royalty. It is my idea that it is not an excessive royalty. It is a fair royalty, considering that it is the royalty on the run of the mine. In many sections of the country a larger royalty is paid. I think it may be safely asserted that the balance of the property may be leased some time when there is a sufficient demand for coal in that section at a royalty quite as high as the present royalty, and perhaps higher.

The only trouble I have had in my mind was as to how you are going to manage this thing and the danger that will come because of the claim set up by the railroad. If the chairman of the committee consents that this provision shall go out, I am not going to make any objection, although I want to call his attention to the fact that we then take the House provision without any opportunity in conference to perfect it.

I suggest that if we are going to strike out the proposed amendment we strike out the House provision also, and then it will be within the control of the conference committee. The conference committee could put back the House provision if they saw fit or restore it with any amendment they might choose to add.

Mr. CLAPP. Yes; or we could strike out the limitation on the expiration of the new leases.

Mr. TELLER. Yes; something of that kind could be done. I think the wise thing to do is to strike out the House provision.

Now, Mr. President, this all depends upon whether we are going to extend the tribal relations either indefinitely or for some particular time. Of course, the wisest thing for us to do would be to extend it indefinitely. It will be absolutely under the control of the Government some day to dissolve it or to maintain it. If we say two months, we may wish we had said a year. If we say a year, we may find embarrassment and may have wanted it two years. I think we ought to extend it really indefinitely.

I know there is in the Interior Department a very determined objection to that. After all, Mr. President, this is the body that should determine that question, with the assistance of the other legislative body, and not an executive branch of the Government. It is true the Interior Department is charged with Indian affairs. But, as the Senator from Wyoming [Mr. CLARK] has said, there has been a good deal of legislation here, and perhaps the executive department might retort that we had not shown ourselves any more capable of managing this affair than the Interior Department. But I admit when I look over the legislation of the last twenty years I am absolutely amazed.

I thought I had a pretty fair knowledge of the business as it went through here, but there are so many of those things that no man can know them unless he is on the committee, and I do not believe he can then. One day we provide one thing; in

the next Congress we provide another. So we have gone on. It would take a Philadelphia lawyer, with all the acumen they are supposed to possess, to determine what the present status is. Now we are pressed when we have a few days only——

Mr. SPOONER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Wisconsin?

Mr. TELLER. In just a moment. We are pressed now to determine these questions involving, as I said the other day, more than $50,000,000. It does seem to me that we ought to take a little more time. At least the committee of conference ought to have more time than they can have if we do not extend this tribal relation.

Mr. CLARK of Wyoming. Mr. President——

Mr. TELLER. I was going to yield to the Senator from Wisconsin.

Mr. CLARK of Wyoming. On just one point. The Senator mentions $50,000,000. I think, if I know what he has in mind, that applies to only one item.

Mr. TELLER. It applies to the lease of coal lands. I do not mean to say that it can be sold for $50,000,000 to-day, but I believe that in ten years it will be worth in the market $50,000,000.

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Wisconsin?

Mr. TELLER. I do.

Mr. SPOONER. I simply desire to ask a question of the Senator from Colorado for information. He had large experience in the Interior Department in dealing with these questions, and on this floor he has kept up better than most of us who have given no attention to the subject, except now and then. I ask him what is the latest decision of the Supreme Court as to the effect upon making United States citizens of the Indians and upon the question of tribal relations?

Mr. TELLER. There was a decision of the Supreme Court last summer that I think virtually declares that when they become citizens of the United States the control of the Government ceases. For myself, Mr. President, without any reference to what the court may decide, I can not conceive the possibility when a man becomes a citizen of the United States that the Government of the United States can take charge of his interest in a State. To some extent you may do that in a Territory. A State may take charge of the interest of a citizen, if he is incapacitated, if he is a minor or insane; but a citizen of the United States, in full possession of his faculties, although he may be ignorant, has a right to handle his own property. No power exists in any government respectably administered to hold otherwise.

The Supreme Court of the United States in this case held that the citizen of Kansas who wanted to sell whisky to an Indian could sell it to him the minute he became a citizen of the United States; that the laws against selling to Indians meant Indians under the law, not racial; that it did not mean because a man was an Indian by birth, but because he was an Indian by law; that what was meant by the law to be an Indian was a man who owes allegiance to his tribe and not to the Government of the United States.

Mr. SPOONER. Would it not be inconsistent with citizenship that an Indian should continue to be an annuity Indian, and draw annuities from the Government?

Mr. TELLER. It seems to me that is a question we have to meet. The tribal relation does not cease with very many of the Indians, and they are still Indians under the law; but wherever an Indian having tribal relations becomes a citizen of the United States, and dissevers himself from his tribe, I do not believe the Government would be under any legal obligations to pay annuities to him. It may be that the Government would have to pay to the tribe, because the agreement or contract which the Government has made is with the tribe. But I do not suppose under any contract which provides that Indians shall become citizens we are going to pay annuities to them.

Mr. President, I want to say just another word. The Supreme Court has often held that the Indian took no interest whatever in the tribal property—that is, in the real estate, for instance. It was asserted the other day, I know, that when the tribal relations cease they become tenants in common. The Supreme Court has repeatedly declared that the title was in the tribe and that the citizens were in no way connected with the tribe.

Mr. SPOONER. Then, when an allotment is made to the members of a tribe an Indian owns it in severalty.

Mr. TELLER. He owns it in severalty when the tribe makes a deed to him.

Mr. SPOONER. When he takes his allotment?

Mr. TELLER. When he takes his allotment.

Mr. SPOONER. He owns it in severalty, and still has his share as a member of the tribe in the communal property, the unallotted property.

Mr. TELLER. Certainly; there is no question about that.

Mr. SPOONER. How far does the Senator think that the fact of citizenship diminishes at all the power of the Federal Government to administer the communal property, to dispose of it and distribute it?

Mr. TELLER. Mr. President, if it were not for this so-called "grant," I should not hesitate to say that the right of the Government to control the property would continue, without any impairment in any shape because of their becoming citizens, but the Government would have a right then to dispose of the property. I should think likely the Government would be wise enough and honest enough to say, we are the trustees of it, and we will pass it over to this man, who was formerly an Indian and is now an American citizen, because there would be no other just and proper disposition that we could make of it. It is absolutely in our power to take this land and make of it a school fund if we saw fit, as suggested by the Senator from Texas, and I am rather inclined to believe that we could not benefit the Indians more than by doing that. But the difficulty is, when you come to do that, in a community half Indian, or quarter Indian, or perhaps three-quarters white, as is now the case in the Indian Territory, other people who are not entitled to the benefit of the property would get their due proportion.

Mr. SPOONER. I should like to ask the Senator one more question, if he will permit me. What is the distinction in the Senator's mind between a tribe and a nation as applied to the Territory?

Mr. TELLER. I do not make any.

Mr. SPOONER. The patent, I notice, is to the Cherokee Nation. It speaks in the condition of the dissolution of the Cherokee Nation.

Mr. TELLER. If the Senator will look through the reports of the court, he will find that the court will speak sometimes of them as tribes and sometimes as nations. The terms are synonymous. They mean the same thing. We speak about the Cherokee Nation in one breath and the Cherokee tribe in the next.

Mr. SPOONER. There is a Cherokee Nation of established government, the maintenance of which can hardly be conceived of within the territorial jurisdiction of a State. That is not necessarily so as to ordinary tribal governments. What I wanted to clear up in my own mind in studying the bill itself, from the Senator's superior knowledge, is this: Putting an end to the Cherokee Nation and the Cherokee government of the nation would not affect the tribal relations, would it, necessarily? It would not extinguish the Cherokee tribe, would it? Of course if there is no tribe there is no tribal nation. I am perplexed about the thing myself.

Mr. TELLER. I am inclined to believe that, when the tribal relation ceases, and the tribal relation will probably cease whenever Indians become citizens of the United States.

Mr. BAILEY. Mr. President, along the line and in accordance with what the Senator from Colorado has said, here is one of the very latest cases, entitled "Stephens against the Cherokee Nation." In the legislation of Congress we refer to the Cherokee Nation as a tribe, and nearly all this legislation respects the Five Civilized Tribes. Yet when we go to a court, one time, as the Senator says, they describe them as a tribe and another time as a nation. I remember in the old case where the Cherokees tried to sue the State of Georgia, they were designated as the "Cherokee Nation." Of course the Senator knows what the court decided there. But while the courts call them generally in the style of the case a nation, in discussing it through the opinion they refer to them indifferently, sometimes as a tribe and sometimes as a nation. Congress treats them as a tribe.

Mr. SPOONER. To all these interrogatories the answer comes to this point, that it must be vital along the lines of safety to prolong the tribal relation.

Mr. TELLER. The tribal existence.

Mr. SPOONER. The tribal existence, which carries with it tribal relation.

Mr. TELLER. I should like to say to the Senator that I think the term "nation" has not been applied to the Indians generally, but to those living in the Indian Territory more particularly.

Mr. President, I am exceedingly anxious that this bill should pass. I am more anxious a good deal that the tribal relation shall be extended. There may be some embarrassment in doing it; I think likely there will be; I understand that the Department of the Interior thinks there will be; but if you extend the tribal relations or tribal existence, next year when the next Congress comes you can cut it off if you choose. If you fail you can not reestablish that relation.

Of course there is something rather remarkable in our relation to these Indians. Probably in the whole history of the world there is not another nation which has had the same problem to deal with exactly, nor has dealt with it in the same way. They are sovereigns to one extent and in another they are not. The Supreme Court has often spoken of them as being a sovereignty, but they decided they had no such sovereignty as would make them independent of the control by the Federal Government. They are sometimes called "dependent nations."

Our legislation and the judicial decisions have been sometimes inconsistent, because we have a question to deal with that nobody else has ever dealt with. There is no precedent for it. There has seemed to be at times an absolute necessity for some Congressional action, and when it has been taken to the courts the courts have sustained it. In every instance where we have gone to any extent I believe the courts have sustained it. We could dissolve this relation and handle this property as we see fit.

I do not think there would be anything very embarrassing in the whole situation if we did not have this railroad grant. Just exactly how we shall get out of that I do not know, but I do know if it shall be said later that the railroads own this land, by any decision of the court, there will be a moral obligation upon this nation to pay the Indians for that land, because we have assumed a guardianship over it without the consent of the Indians, and if we have voluntarily given away that which we admit we are holding for the benefit of the Indians then I shall myself feel that however much it may cost the Government of the United States ought to pay for it.

Mr. CLARK of Wyoming. Mr. President, in regard to the particular amendment I would suggest that the only purpose I have in view is to legislate before it is everlastingly too late. If section 28 of the bill as reported from the committee, which extends the tribal relation one year, shall be passed by this body, I am not at all insistent upon the section we are now considering. So I suggest to the chairman of the committee that this section be passed over for the present, until the fate of section 28 shall be determined.

Mr. CLAPP. That course is agreeable to me.

Mr. LONG. Mr. President, I desire to offer a substitute for sections 27 and 28 of the bill, which I ask may be read and printed.

The VICE-PRESIDENT. The amendment will be read.

The SECRETARY. Insert as a substitute for sections 27 and 28 of the bill:

That immediately upon the dissolution of the present tribal governments of the Choctaw, Chickasaw, Cherokee, Creek, and Seminole tribes the government of said tribes respectively shall devolve upon the Secretary of the Interior, and the tribal existence and tribal relations shall not be in any wise affected by the change in the form of government, but shall continue unaffected until all property of such tribes, or the proceeds thereof, shall be distributed among the individual members of said tribes.

The VICE-PRESIDENT. The amendment will be printed and lie on the table.

Mr. LONG. Mr. President, I am in favor of the amendment proposed by the Senator from Montana [Mr. CLARK]. I desire to have printed in the RECORD an extract from the report of the United States Indian inspector of the Indian Territory for the last fiscal year, showing the receipts from the coal lands there from royalties during last year and several years prior thereto. I do not desire to have it read, but to have it printed in the RECORD.

The VICE-PRESIDENT. In the absence of objection, the part of the report referred to by the Senator from Kansas will be printed in the RECORD without reading.

The matter referred to is as follows:

The royalty on coal and asphalt collected and placed to the credit of the Choctaw and Chickasaw tribes during the fiscal year is shown by the report of the United States Indian agent to be $245,858.56 for coal and $2,569.80 for asphalt, a total of $248,428.36.

These amounts include certain payments of advanced royalty, as required by the leases, and therefore do not agree with the reported output in tons. I submit below a comparative statement showing revenues derived from this source for each fiscal year since the matter was placed under the direction of the Secretary of the Interior:

| | |
|---|---|
| July 1, 1898, to June 30, 1899 | $110,145.25 |
| July 1, 1899, to June 30, 1900 | 138,486.40 |
| July 1, 1900, to June 30, 1901 | 199,663.55 |
| July 1, 1901, to June 30, 1902 | 247,361.36 |
| July 1, 1902, to June 30, 1903 | 261,929.84 |
| July 1, 1903, to June 30, 1904 | 277,811.60 |
| July 1, 1904, to June 30, 1905 | 248,428.36 |

Mr. CLARK of Montana. Mr. President, I desire simply to say a word with reference to the suggestion about eliminating section 13 of the bill as it came from the House. If this were done and if we also cut out the committee amendment, it would leave the present statute, enacted in 1902, to govern the sales and rentals of Indian lands in force.

Mr. CLAPP. If the Senator will pardon me, it is proposed in case the Senate committee amendment goes out, to also strike out the House provision of the bill, so that it will be a subject for conference when the conferees meet.

Mr. CLARK of Wyoming. How would it be if they were to overlook it? There is a statute, I think, of 1902 which provides for the sale and rental of these lands. I think that would still be in force.

Mr. CLAPP. That statute has been repealed, and that is why it is necessary, if we strike out the Senate committee amendments, to make some provision in the House bill for the further leasing.

Mr. CLARK of Montana. But it leaves the provision for the sale of those lands as provided for in the law of 1902.

Mr. CLAPP. No.

Mr. CLARK of Montana. I think so.

Mr. CLAPP. It would if we did not legislate at all; but we propose by this amendment——

Mr. CLARK of Montana. If we legislate and do not amend that portion of the law, it will leave it intact.

Mr. CLAPP. That is why it is proposed to strike out the provision, so as to make a subject for conference with the House of Representatives.

Mr. CLARK of Montana. I understand the bill is to go over for the present.

Mr. CLAPP. Yes.

Mr. DUBOIS. Mr. President, I dislike to detain the Senate at this late hour, but I wish to say a few words.

I hope we shall pass the amendment which was adopted by the Senate Committee after very careful consideration. In my judgment there never will be a time in the future when Congress can legislate more in the interest of the Indians of that Territory than now. If this amendment of the Senate committee shall go into the bill we shall have a chance, as I understand, to vote on the amendment offered by the Senator from Wisconsin [Mr. LA FOLLETTE], and after that the conferees may come together and further perfect it.

My observation on the Committee on Indian Affairs teaches me that there is a great pressure going on constantly in the Indian Territory to take property away from the Indians; and it is not confined to the Indians—that is, the full blood Indians—because three-fourths of these Indians are either almost entirely white or partly white. We shall probably soon have two Senators here from Oklahoma. They will be surrounded by Indians and white men and importuned to dispose of the Indian property as fast as it possibly can be done. My observation also teaches me that we defer very much to the Senators from the various States, and we shall also defer to the Senators from the State in which Oklahoma is included. The white Indians will be no more careful than the white men in that Territory to guard the interests of the Indians. I think we should settle this matter now. If the provision inserted by the Senate committee, which they adopted after a great deal of careful consideration, is not sufficient, let us amend it, and let us work the matter out in conference. I do not think, in the interest of the Indians, that we ought to postpone the determination of this question.

Mr. BAILEY. Will the Senator from Idaho permit me to inquire if he has taken into consideration the fact that there is no public land in the Indian Territory which may be granted to those people for school purposes? Of course, I presume there is still enough public land in the Territory of Oklahoma to constitute a full quota of land for the people of the new State, assuming that the two Territories will become one State.

Mr. DUBOIS. My understanding is that there is a great deal of land there which is still tribal land after all the allotments which have been made and after those which are contemplated shall have been made.

Mr. BAILEY. Yes; but they are not public lands of the United States.

Mr. DUBOIS. No.

Mr. BAILEY. They are not lands which the Government can grant for school purposes, because if we ever allow them to become public lands we run up against this very difficulty with the railroads, and the railroads will get the lands before the school children will.

Mr. WARREN. Mr. President, I was about to ask the Senator from Idaho if it were not the fact that the amount of land proposed to be granted to the new State of Oklahoma for school and other purposes is not very largely in excess of the amount heretofore granted to the Northwestern States?

Mr. DUBOIS. I think so.

Mr. WARREN. That is what I thought.

Mr. BAILEY. Probably it may have been thought that they

need a little more for educational purposes; but I assure the Senator they do not.

Mr. WARREN. Undoubtedly they need more; at any rate, they have asked for more.

Mr. BAILEY. They want all they can get, however.

Mr. WARREN. But I observe in the bill for the admission of the proposed new State that the quantity of lands and the amount of money is very greatly out of proportion to that which has been heretofore granted to other States. There seems to be a very great streak of liberality, which I am, of course, very glad to see, in the pending statehood bill.

Mr. NELSON. Mr. President, I wish to say to the Senator from Wyoming [Mr. WARREN] that he is in error in regard to the grant to Oklahoma. With the exception of some special grants which were made to Oklahoma, their grant has not been excessive, as has been intimated. The older States in the Mississippi Valley only got 1 section of land to the township for school purposes—section 16. The States of Wisconsin, Minnesota, and some of the other States received only that grant, while the States which were admitted later—and I think the Senator's own State of Wyoming amongst them—got 2 sections to the township for school purposes—sections 16 and 36. In the statehood bill 4 sections to the township are given to the new State of Arizona, while as to Oklahoma only 2 sections to the township are given, outside of some special grants. The reason for some appropriation of money is the fact that the Indian Territory has no school lands, because all the lands in the Indian Territory belong to her.

While I am on my feet I desire to add another thing about the necessity for the tribal government. If I recollect aright, the title to all these lands in the Indian Territory came to them in the shape of patents from the United States Government to the tribes or nation as an entirety. In all the cases where we have proceeded to make allotments to them in severalty it has been necessary, in order to complete the title, to have some authority to make some kind of a deed to the allottees, as you perceive by this bill, and that is being kept up. The tribes are required to execute the deeds. In case they decline to act there is a provision made for the President to appoint other officers in their place, and if there are no officers, then the Secretary of the Interior is to execute the deeds.

All of the work of the Dawes Commission that has been going on for years has simply been the partition of a great estate, and you all know what the partition of an estate in a court means where there are many claimants. The work has been going on of partitioning these lands in the Indian Territory among the members of these tribes. There are five tribes. The first work that Commission had to do was to ascertain by an enrollment who were members of the tribes. There were not only the full-blooded Indians, but there were the mixed bloods, and the mixed bloods are so nearly white that you can not tell by looking at them that they have a drop of Indian blood in their veins. Then there were some who were members of the tribe by adoption—white men. They are members of the tribes because they married Indian women. Then there was another class of white men who have neither married Indian women nor are Indians who have been made members of the tribe by adoption.

Each tribe of these nations before the civil war owned slaves. After the war was over the slaves were freed, and we compelled the Indians to admit those freedmen and their descendants into a certain fellowship in the disposition of the tribal funds.

Now, so long as there are any tribal funds to be distributed, and so long as there are any tribal lands to be disposed of by allotment or leasing or otherwise, it seems to me it is necessary that some tribal authority shall continue to remain, and therefore the necessity for this bill for the purpose of continuing the tribal organization in order that the administration of that property may be completed.

The first work was mainly done by what was called the "Dawes Commission," with which you are all familiar. That Commission was at one time composed of five members; then it was reduced to three. On the 30th of June last the life of the Commission had expired and the work of the Commission has since been continued by one member, a man who was chairman of the Dawes Commission before it expired. The Commissioner of the Five Civilized Tribes is now carrying on the work formerly performed by the Dawes Commission.

In reference to the coal lands in the Territory, I see that the committee have divided. I am not prepared to say which is the best course to pursue as an absolute proposition, but it strikes me that if these coal mines are as valuable as is contended for here it would be a wise policy for the protection of the Indians to have the lands remain with them and to have them leased. They would thereby obtain a greater revenue, and they certainly need it for the development and maintenance of their educational system.

I wish to say another thing in this connection before I sit down. When we speak of the Five Civilized Tribes of Indians, while the aggregate number of them is somewhere between 80,000 and 90,000—I do not know the exact figures according to the last enrollment, but it is over 80,000 and may come up to quite 90,000—yet the great mass of them are really white men. There are only about some twenty-odd thousand that are really Indians; so that to a large extent we are legislating for white men.

Mr. McCUMBER. I want to ask the Senator from Minnesota if he has fully considered our ability to hold those lands after the 4th day of March under any tenure, so that they will not inure to the benefit of the Government and afterwards the railways get title to them?

Mr. NELSON. In reference to the railroad grant the Senator speaks of, I want to say that I do not know anything about it and am not able to express any opinion regarding it. I was not aware of the fact that there was such a grant until this bill came before the Senate.

But I want to say in reference to the disposition of the lands of the Indians under the Dawes Commission, to which I have referred, that they have been engaged for the last ten or twelve years in making an enrollment of the tribes and ascertaining who are entitled to share in the disposal of the lands; and then we have provided a system of allotments which is of a twofold character. We make one class of allotments, which are known as "homesteads;" and in another case, if I remember aright, in the case of the Choctaws, those homesteads are limited; they are made inalienable forever; they are untaxable; while in the case of the other tribes they are inalienable for a period of twenty-one years or during the lifetime of the allottee. We have made another class of allotments to Indians which have a limitation, if I remember aright, in most cases, of five years upon the right of disposal.

Mr. McCUMBER. I understand all that, but I do not think the Senator fully comprehends the scope of my question.

We have this character of condition: This land has been granted by deed patent to the Indian nation composed of several tribes. There is a provision in the deed that when they cease to be a nation the land shall revert to the United States. In the interim there is a provision with a grant to the Missouri, Kansas and Texas Railway Company that in case these lands become public lands of the United States every odd section for a distance of 10 miles on each side of the roadway shall become the property of this railway company.

Mr. LONG. Provided the Indian title is extinguished.

Mr. McCUMBER. Of course; but the point I make is that the Indian title becomes extinguished by operation of law the moment the tribal relations cease to exist. Therefore, upon the 4th day of March, the tribal relation having ceased, and the nation having ceased to exist as a nation, the land becomes the property of the United States, and becoming the property of the United States then the grant to the railway company, which was conditioned upon its becoming public land of the United States, would take effect.

Now, in order to prevent this there were some differences of opinion as to whether there was any possible way of our preventing the passing of title to the railway company other than by continuing the tribal relation. It was thought by some, Mr. President, that we could do it in this way: That we could provide that the title should not revert to the Government upon the dissolution of the tribe, but that it should revert to the Government in trust for the individuals constituting that tribe.

I am somewhat doubtful myself as to whether we can get around the provision in that way, but I am certain and clear that the condition under which the railway company can take must be a condition that the property reverts to the United States. If we can dispose of it in any way so that there is a clear disposition of it before that reversion, then the condition precedent never arises under which the railway company can take, and the property will be free in all future time of their claim. For that reason, in addition to the provision that the title should remain in the Government only in trust for the Indians, we framed the additional section in the bill that the Indian tribal relations should continue. We propose to continue them by this bill for another year. The reason that we say another year is because between this and another year we have still another session of Congress, besides the remainder of this one, to consider what may be best in the matter of the sale and disposition of their property.

Mr. NELSON. And it is possible that allotments may exhaust it.

Mr. McCUMBER. It is certain that if the railway company's

claim attaches, the allotments that have been taken will be vitiated, and there will not be nearly enough land for the purpose of making those allotments.

Mr. NELSON. I do not think the claim would attach to the allotments already made, but it is possible that it might attach to unallotted lands.

Mr. McCUMBER. The mere allotting does not pass the title.

Mr. SPOONER. Mr. President——

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Wisconsin?

Mr. McCUMBER. I yield.

Mr. SPOONER. The Senator from North Dakota is a very able lawyer, and I want to call his attention—it will take but a moment—to the very peculiar language of this grant so far as it relates to the Indian Territory. The act made a grant to Kansas to aid in the construction of a railroad. The section which refers to the grant is very short, and out of it originates the grant involved in the pending bill. The Senator will see from the language that it was not the intention of the Congress which made that grant that the mere extinguishment of the Indian title would operate to constitute the grant of public lands of the United States—that is, the grant and the lands out of which the grant was carved.

Mr. McCUMBER. I have not read the section, and I do not know the clause to which the Senator refers.

Mr. SPOONER. I will read it, and the Senator can give his opinion and his thought about it.

SEC. 9. That the same grants of lands through said Indian Territory are hereby made as provided in the first section of this act—

That was the Kansas grant. Ten sections per mile on either side of the road were granted, to be selected within 20 miles of the line of the road—

Whenever the Indian title shall be extinguished by treaty or otherwise—

That is the language—

That the same grants of lands through said Indian Territory are hereby made as provided in the first section of this act, whenever the Indian title shall be extinguished by treaty or otherwise, not to exceed the ratio per mile granted in the first section of this act——

Mr. McCUMBER. That is ten sections per mile.

Mr. SPOONER. If it had stopped there there would be more strength in the proposition that the Indian title being extinguished by treaty or otherwise the grant attached; but it does not stop there. It says:

*Provided*, That said lands become a part of the public lands of the United States.

That is the last word of the Congress as to that grant. "It is provided"—which qualifies all that precedes it, and it shows beyond any doubt, one would think, a purpose on the part of Congress to retain a locus penitentiæ, so to speak. The lands owned by the United States are not public lands within the land laws of the United States. In the land laws of the United States the phrase "public lands" has been defined by the Supreme Court—first, in Newall *v.* Sanger, then in Barton *v.* Northern Pacific Railroad, then in Roberts *v.* Tacoma Company, which involved tidelands—as describing lands subject to entry or settlement under the general law of the United States. The Supreme Court says, in one of its decisions, that the words "public lands" are used habitually by Congress in this sense—lands open to sale or entry under the general laws of the United States.

Mr. McCUMBER. It means lands other than those merely owned by the Government?

Mr. SPOONER. Yes.

Mr. NELSON. At all events, it must be lands to which the Indian title has been extinguished.

Mr. SPOONER. Not only that, but lands which the Government shall choose to restore to public entry under the general laws of the United States.

Mr. McCUMBER. Is it necessary that the Government restore them to public entry the moment they become the property of the United States, where they have not been carried in some other way or regarded as something more or for some purpose other than for the purpose of settlement? Do they not become by operation of law public lands?

Mr. SPOONER. To say that, strikes out the proviso. Let me call attention to it again, because I want the Senator over night to consider it:

That the same grants of lands through said Indian Territory are hereby made as provided in the first section of this act, whenever the Indian title shall be extinguished by treaty or otherwise, etc.—

That ends that—

*Provided*, That said lands become a part of the public lands of the United States.

That is in addition to the provision for the extinguishment of the Indian title. That implies, if you give any effect whatever to the language, that it was not the intention of Congress at the moment the Indian title was extinguished that these lands should become public lands of the United States. The grant only takes effect, in the language of the proviso, when the Indian title shall have been extinguished and the lands shall have become, within the meaning of the words in law, public lands of the United States.

Mr. McCUMBER. I think I can probably answer that, or I can give my opinion on it even at the present time, without thinking over night upon the subject.

Mr. SPOONER. To me it is an intricate question.

Mr. McCUMBER. I admit it is an intricate question. I admit that I might answer it probably more thoroughly by taking the time the Senator suggests, but the Senator must remember that we are dealing with lands of the Indians and selling them and handling them in many ways. We are selling them to private corporations and extinguishing title in that way; we are allotting them in severalty to the Indians, and are extinguishing title in that way. There are many different ways in which we are disposing of them.

Now, I would say that that is intended to cover this condition: The mere extinguishment of the tribal property or the tribal interest in the property would not of itself in all cases bring this other grant into being. For instance, instead of extinguishing the title, and the title thereby reverting to the United States, the lands might be sold. They might be sold to other tribes or to corporations, and they reserve, it would seem to me, the right to extinguish the Indian title, without necessarily purchasing the land themselves or the land becoming public property. What I refer to is where nothing else is done—where there is nothing but a reversion. Suppose the title does become extinguished by the operation of law, the condition under which the grant was given having come into effect by which the title of the tribe was to be extinguished; then it seems to me by operation of law it becomes land of the United States.

Now, when there is no other arrangement made with reference to that land by any law, when no law has been passed dedicating that land to any other purpose, is it not by operation public land? In other words, is it necessary that there should be an order throwing the land open?

Mr. SPOONER rose.

Mr. McCUMBER. Let me make myself clear. If that were true, then the title of the railway would not come into existence until there had been a declaration that it was thrown open for settlement, which would be entirely inconsistent with the idea of the Government holding it for other purposes.

Mr. SPOONER. The Senator in the last analysis does not construe it differently from my construction of it, because it is that proviso which to my mind—I may be mistaken about it—gives the right to Congress to dispose of the lands as it chooses now.

Mr. McCUMBER. I claim we have that right.

Mr. SPOONER. Would we have it without this proviso?

Mr. McCUMBER. I do not think so.

Mr. SPOONER. Well, that is all I claim.

Mr. WARREN rose.

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Wyoming?

Mr. WARREN. I thought the Senator from North Dakota was through. I simply desire to move an executive session when he is through.

Mr. McCUMBER. I do not know that I have any further remarks to make now.

Mr. BEVERIDGE. The unfinished business should be resumed before a motion is made to go into executive session. I do not want to have the unfinished business displaced by any manner of means.

The VICE-PRESIDENT. It was not displaced.

Mr. BEVERIDGE. Going into executive session and then adjourning upon the consideration of the bill the Senator from Minnesota has in charge would not displace it?

Mr. LODGE. The unfinished business was laid aside by unanimous consent.

Mr. KEAN. It was laid aside by unanimous consent. There can be no doubt about it.

The VICE-PRESIDENT. There was an agreement this morning, as the Chair understands, that the unfinished business should be temporarily laid aside, and it is not displaced by an intervening motion to proceed to the consideration of executive business.

Mr. WARREN. That was perfectly understood and stated.

Mr. BEVERIDGE. Very well.

## EXECUTIVE SESSION.

Mr. WARREN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After ten minutes spent in executive session the doors were reopened and (at 5 o'clock and 40 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, February 28, 1906, at 12 o'clock meridian.

## NOMINATIONS.

*Executive nominations received by the Senate February 27, 1906.*

MARSHAL.

Charles B. Hopkins, of the State of Washington, to be United States marshal for the western district of Washington. A reappointment, his term expiring March 2, 1906.

PROMOTION IN THE ARMY.

First Lieut. Harry S. Howland, Twenty-third Infantry, to be captain from January 18, 1906, vice Ramsey, Ninth Infantry, deceased.

PROMOTIONS IN THE NAVY.

Ensign Herbert C. Cocke to be a lieutenant (junior grade) in the Navy from the 1st day of July, 1905, having completed three years' service in his present grade.

Lieut. (Junior Grade) Herbert C. Cooke to be a lieutenant in the Navy from the 1st day of July, 1905, vice Lieut. Herman O. Stickney, promoted.

Lieut. Bion B. Bierer to be a lieutenant-commander in the Navy from the 10th day of February, 1906, vice Lieutenant-Commander Robert S. Griffin, promoted.

Commander Albert C. Dillingham, an additional number in his grade, to be a captain in the Navy from the 19th day of February, 1906, vice Commander Hugo Osterhaus, promoted.

PROMOTIONS IN THE MARINE CORPS.

Second Lieut. Fred D. Kilgore, of the Marine Corps, to be a first lieutenant in the Marine Corps from the 15th day of December, 1904, vice First Lieut. Harold C. Reisinger, promoted.

Second Lieut. Sidney A. Merriam, of the Marine Corps, to be a first lieutenant in the Marine Corps from the 6th day of January, 1905, vice First Lieut. George H. Mather, dismissed.

Second Lieut. William A. McNeil, of the Marine Corps, to be a first lieutenant in the Marine Corps from the 6th day of January, 1905, vice Second Lieut. Hugh M. Howard, who retired before qualifying for promotion.

Maj. George Barnett, of the Marine Corps, to be a lieutenant-colonel in the Marine Corps from the 28th day of February, 1905, vice Lieut. Col. William P. Biddle, promoted.

Maj. Charles A. Doyen, of the Marine Corps, to be a lieutenant-colonel in the Marine Corps from the 11th day of March, 1905, vice Lieut. Col. Littleton W. T. Waller, promoted.

Lieut. Col. Randolph Dickins, of the Marine Corps, to be a colonel in the Marine Corps from the 1st day of April, 1905, vice Col. Otway C. Berryman, retired.

Maj. James E. Mahoney, of the Marine Corps, to be a lieutenant-colonel in the Marine Corps from the 1st day of April, 1905, vice Lieut. Col. Randolph Dickins, promoted.

Lieut. Col. Thomas N. Wood, of the Marine Corps, to be a colonel in the Marine Corps from the 1st day of February, 1906, vice Col. Mancil C. Goodrell, retired.

Maj. Franklin J. Moses, of the Marine Corps, to be a lieutenant-colonel in the Marine Corps from the 1st day of February, 1906, vice Lieut. Col. Thomas N. Wood, promoted.

## CONFIRMATIONS.

*Executive nominations confirmed by the Senate February 27, 1906.*

COLLECTOR OF CUSTOMS.

Elwell S. Crosby, of Maine, to be collector of customs for the district of Bath and State of Maine.

DISTRICT ATTORNEY.

William H. Atwell to be United States attorney for the northern district of Texas.

PENSION AGENTS.

St. Clair A. Mulholland, of Pennsylvania, to be pension agent at Philadelphia, Pa., to take effect March 9, 1906, at the expiration of his present term.

Charles A. Orr, of New York, to be pension agent at Buffalo, N. Y., his term having expired January 13, 1906.

Augustus J. Hoitt, of Massachusetts, to be pension agent at Boston, Mass., to take effect April 27, 1906, at the expiration of his present term.

POSTMASTERS.

ARKANSAS.

James G. Brown to be postmaster at Magnolia, in the county of Columbia and State of Arkansas.

Samuel I. Clark to be postmaster at Helena, in the county of Phillips and State of Arkansas.

George E. Davis to be postmaster at Wynne, in the county of Cross and State of Arkansas.

T. O. Fitzpatrick to be postmaster at Forrest City, in the county of St. Francis and State of Arkansas.

Jeffrey A. Houghton to be postmaster at Jonesboro, in the county of Craighead and State of Arkansas.

M. R. Stimson to be postmaster at Brinkley, in the county of Monroe and State of Arkansas.

Thomas A. Tennyson to be postmaster at Arkadelphia, in the county of Clark and State of Arkansas.

Enoch H. Vance, jr., to be postmaster at Malvern, in the county of Hot Spring and State of Arkansas.

CALIFORNIA.

Paris I. Furguson to be postmaster at Healdsburg, in the county of Sonoma and State of California.

Robert P. Stephenson to be postmaster at Hollister, in the county of San Benito and State of California.

Henry W. Witman to be postmaster at Oxnard, in the county of Ventura and State of California.

IDAHO.

Warren C. Fenton to be postmaster at Boise, in the county of Ada and State of Idaho.

ILLINOIS.

G. Gale Gilbert to be postmaster at Mount Vernon, in the county of Jefferson and State of Illinois.

P. J. Harsh to be postmaster at Sullivan, in the county of Moultrie and State of Illinois.

William A. Mussett to be postmaster at Grayville, in the county of White and State of Illinois.

INDIANA.

Demas D. Bates to be postmaster at South Bend, in the county of St. Joseph and State of Indiana.

Frank Dillon to be postmaster at Rochester, in the county of Fulton and State of Indiana.

John W. Elam to be postmaster at Valparaiso, in the county of Porter and State of Indiana.

Walter L. Neible to be postmaster at Edinburg, in the county of Johnson and State of Indiana.

Robert W. Nelson to be postmaster at Warsaw, in the county of Kosciusko and State of Indiana.

William E. Peck to be postmaster at Remington, in the county of Jasper and State of Indiana.

IOWA.

John W. Campbell to be postmaster at Preston, in the county of Jackson and State of Iowa.

Eugene C. Haynes to be postmaster at Centerville, in the county of Appanoose and State of Iowa.

Charles M. Marshall to be postmaster at Moulton, in the county of Appanoose and State of Iowa.

Milton A. McCord to be postmaster at Newton, in the county of Jasper and State of Iowa.

A. D. McCulloch to be postmaster at Humeston, in the county of Wayne and State of Iowa.

Samuel W. Moorehead to be postmaster at Keokuk, in the county of Lee and State of Iowa.

Elmer E. Rayburn to be postmaster at Brooklyn, in the county of Poweshiek and State of Iowa.

Erastus T. Roland to be postmaster at Eldon, in the county of Wapello and State of Iowa.

Scott Skinner to be postmaster at Creston, in the county of Union and State of Iowa.

Millard F. Stookey to be postmaster at Leon, in the county of Decatur and State of Iowa.

KANSAS.

Osborn J. Greenleaf to be postmaster at Greensburg, in the county of Kiowa and State of Kansas.

Edward Rammel to be postmaster at Coffeyville, in the county of Montgomery and State of Kansas.

William J. Watson to be postmaster at Pittsburg, in the county of Crawford and State of Kansas.

KENTUCKY.

Benjamin W. Hall to be postmaster at Mount Sterling, in the county of Montgomery and State of Kentucky.

MICHIGAN.

Richard J. Bawden to be postmaster at Bessemer, in the county of Gogebic and State of Michigan.

John J. Davis to be postmaster at White Pigeon, in the county of St. Joseph and State of Michigan.

Willard Harwood to be postmaster at Imlay City, in the county of Lapeer and State of Michigan.

Hugh B. Laing to be postmaster at Gladstone, in the county of Delta and State of Michigan.

David B. Menerey to be postmaster at Coleman, in the county of Midland and State of Michigan.

MINNESOTA.

Laurence O'Brien to be postmaster at Preston, in the county of Fillmore and State of Minnesota.

Charles Scheers to be postmaster at Akely, in the county of Hubbard and State of Minnesota.

MISSOURI.

Scribner R. Beach to be postmaster at Maryville, in the county of Nodaway and State of Missouri.

William F. Bloebaum to be postmaster at St. Charles, in the county of St. Charles and State of Missouri.

Joseph H. Harris, to be postmaster at Kansas City, in the county of Jackson and State of Missouri.

Frank S. Jones to be postmaster at Sarcoxie, in the county of Jasper and State of Missouri.

Frank E. Miller to be postmaster at Neosho, in the county of Newton and State of Missouri.

Warren S. Randall to be postmaster at Poplar Bluff, in the county of Butler and State of Missouri.

MONTANA.

John S. Towers to be postmaster at Miles City, in the county of Custer and State of Montana.

NEBRASKA.

Albert H. Hollingworth to be postmaster at Beatrice, in the county of Gage and State of Nebraska.

Charles W. McConaughy to be postmaster at Holdrege, in the county of Phelps and State of Nebraska.

George W. Williams to be postmaster at Albion, in the county of Boone and State of Nebraska.

NEW JERSEY.

Eli R. Marsh to be postmaster at Williamstown, in the county of Gloucester and State of New Jersey.

De Witt C. Winchell to be postmaster at Carteret, in the county of Middlesex and State of New Jersey.

NEW YORK.

Adelbert C. Brink to be postmaster at Wolcott, in the county of Wayne and State of New York.

OHIO.

Allen W. Somers to be postmaster at Brookville, in the county of Montgomery and State of Ohio.

George W. Wilkinson to be postmaster at North Baltimore, in the county of Wood and State of Ohio.

OKLAHOMA.

John W. Deam to be postmaster at Geary, in the county of Blaine and Territory of Oklahoma.

TENNESSEE.

Robert S. Brown to be postmaster at Murfreesboro, in the county of Rutherford and State of Tennessee.

TEXAS.

John D. Abney to be postmaster at Grand View, in the county of Johnson and State of Texas.

Thomas L. Ball to be postmaster at Decatur, in the county of Wise and State of Texas.

Henry A. Cady to be postmaster at Ballinger, in the county of Runnels and State of Texas.

Joel D. Crawford to be postmaster at Mineral Wells, in the county of Palo Pinto and State of Texas.

James A. Gammill to be postmaster at Calvert, in the county of Robertson and State of Texas.

Andrew R. Hill to be postmaster at San Saba, in the county of San Saba and State of Texas.

Robert R. Hyland to be postmaster at Round Rock, in the county of Williamson and State of Texas.

Frank W. Reast to be postmaster at Whitesboro, in the county of Grayson and State of Texas.

VIRGINIA.

Charles Alexander to be postmaster at Boydton, in the county of Mecklenburg and State of Virginia.

WASHINGTON.

Arthur M. Blackman to be postmaster at Snohomish, in the county of Snohomish and State of Washington.

Edwin L. Brunton to be postmaster at Walla Walla, in the county of Wallawalla and State of Washington.

WISCONSIN.

Edward Cleary to be postmaster at Antigo, in the county of Langlade and State of Wisconsin.

George J. Kispert to be postmaster at Jefferson, in the county of Jefferson and State of Wisconsin.

## HOUSE OF REPRESENTATIVES.

### TUESDAY, *February 27, 1906.*

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

CORRECTION OF THE RECORD.

Mr. GAINES of Tennessee. Mr. Speaker, on yesterday I voted "no" on the canal proposition. I found I was paired—a fact I overlooked when I voted—and I want to record this statement.

The SPEAKER. Does the gentleman desire to have the Journal amended showing that he did not vote?

Mr. GAINES of Tennessee. It already shows that I was present and voted, but not that I voted "no" or "aye." I voted "no," and changed my vote from "no" to "present," as I found I was paired—a fact that I had overlooked—and I would want this statement to go into the RECORD.

The SPEAKER. Without objection, it is so ordered.

KONGO FREE STATE.

Mr. DENBY. Mr. Speaker, I have here a letter from the Secretary of State in regard to the relations of the United States to the Kongo Free State. At the suggestion and request of Members, I ask unanimous consent that this may be printed as an Executive document for the convenience of Members and referred to the Committee on Foreign Affairs.

The SPEAKER. Is there objection?

There was no objection.

Mr. DALZELL. Mr. Speaker, I ask for the regular order.

HOUSE RESOLUTION NO. 197.

Mr. ADAMS of Pennsylvania. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Pennsylvania rise?

Mr. ADAMS of Pennsylvania. I rise to a privileged question.

The SPEAKER. The gentleman will state it.

Mr. ADAMS of Pennsylvania. Mr. Speaker, under the agreement that was made by the House, I wish to call up my motion that it be ordered that House resolution No. 197 be canceled as a resolution of this House, and that the copies in the document room be removed and destroyed. And I yield to the gentleman from Mississippi [Mr. WILLIAMS].

Mr. WILLIAMS. Mr. Speaker, it will be remembered when the gentleman from Pennsylvania [Mr. ADAMS] brought this matter up last we made an agrement that it would wait until Mr. VAN DUZER could be either seen or heard from. I now have from him a letter, which I will read and insert in the RECORD. It is as follows:

PHILADELPHIA, *February 7, 1906.*

MY DEAR MR. WILLIAMS: I note action yesterday regarding a resolution purporting to have been introduced by me.

I will say that have never seen original or copy of same; that I never authorized, directed, or requested introduction of same; that it was introduced without my knowledge or consent, and am as yet unacquainted with even its purpose or language.

I was detained West by illness of my wife, who at present time is critically ill. I am suffering from effect of injury in a wreck, and have been under physician's care for ten days.

I write to explain about resolution, so you may take action necessary, if party interests are at all involved.

Yours, very truly, C. D. VAN DUZER.

Of course I have no objection in view of the request made by the gentleman from Pennsylvania [Mr. ADAMS].

Mr. ADAMS of Pennsylvania. Mr. Speaker, I would like to state that Mr. VAN DUZER knew nothing of the introduction of this bill, and my only object and the necessity for bringing it up in his absence was that a resolution became a privileged question subject to the call of any Member of the House, and it was necessary that I should bring it before the House and take the proposed action.

The SPEAKER. The question is on agreeing to the order.

The order was agreed to.

Mr. GAINES of Tennessee. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GAINES of Tennessee. Is it not a privileged question? It seems to me that we ought to pass a resolution and name a committee, providing for an investigating committee to ascertain who introduced this bill and who introduces bills here in the name of other Members and without their consent.

The SPEAKER. The rules determine who has a right to introduce bills.

Mr. GAINES of Tennessee. Yet Mr. VAN DUZER in his letter says that he did not introduce this bill. Who did introduce it?

The SPEAKER. Precisely; and the House has adopted the order which strikes it from the RECORD.

Mr. GAINES of Tennessee. Mr. Speaker, are we to be treated in this way? Can anybody not a Member write a bill, sign a Member's name thereto, come into this House, and introduce it by putting it in the bill basket, and it shall go as a bill introduced by a Member? If that is to be allowed, Members are at the mercy of anybody who would do a thing of that sort.

Mr. DALZELL. Mr. Speaker, the regular order.

Mr. GAINES of Tennessee. It is a privileged question, and this House ought to investigate and find out who introduced this bill. We have the right to know who introduced this bill—so-called.

The SPEAKER. The gentleman from Pennsylvania demands the regular order.

Mr. GAINES of Tennessee. Why, of course; we must be at the mercy of the whole world. What sort of a House of Representatives is it?

LAKE ERIE AND OHIO RIVER SHIP CANAL.

The SPEAKER. The question is on ordering the previous question on the bill the title of which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 14396) to incorporate the Lake Erie and Ohio River Ship Canal, to define the powers thereof, and to facilitate interstate commerce.

The SPEAKER. The yeas and nays have been ordered on ordering the previous question. As many as are in favor of ordering the yeas and nays on the previous question will, when their names are called, answer "yea;" as many as are opposed will answer "nay."

Mr. WILLIAMS. Mr. Speaker, for the information of the House, I ask that the Speaker again put the question upon which we are about to vote, as there was so much disorder I do not think the House understands.

The SPEAKER. The House will be in order. The gentleman from Pennsylvania moves the previous question, and upon ordering the previous question the yeas and nays are ordered. As many as are in favor of ordering the previous question will, when their names are called, answer "yea;" as many as are opposed will answer "nay."

The question was taken; and there were—yeas 168, nays 87, answered "present" 14, not voting 114, as follows:

YEAS—168.

| | | | |
|---|---|---|---|
| Acheson | Denby | Jones, Wash. | Parsons |
| Adams, Pa. | Dovener | Kahn | Patterson, Pa. |
| Alexander | Draper | Keifer | Payne |
| Allen, Me. | Dresser | Kennedy, Nebr. | Perkins |
| Barchfeld | Dunwell | Kennedy, Ohio | Pollard |
| Bartholdt | Edwards | Ketcham | Prince |
| Bates | Ellis | Kinkaid | Ransdell, La. |
| Bede | Esch | Klepper | Reeder |
| Beidler | Fassett | Kline | Reynolds |
| Bennett, Ky. | Flack | Knapp | Rhodes |
| Birdsall | Fletcher | Knopf | Rives |
| Bishop | Foss | Knowland | Roberts |
| Boutell | Foster, Vt. | Lacey | Ruppert |
| Bradley | French | Law | Samuel |
| Brick | Fulkerson | Le Fevre | Shartel |
| Brown | Fuller | Lilley, Conn. | Sibley |
| Brownlow | Gardner, Mass. | Lilley, Pa. | Slemp |
| Buckman | Gardner, Mich. | Littauer | Smith, Cal. |
| Burke, Pa. | Gilbert, Ind. | Littlefield | Smith, Iowa |
| Burleigh | Gillett, Cal. | Loud | Smith, Samuel W. |
| Burton, Del. | Gillett, Mass. | McCall | Smith, Wm. Alden |
| Burton, Ohio | Graff | McCreary, Pa. | Southwick |
| Butler, Pa. | Greene | McKinlay, Cal. | Steenerson |
| Calder | Gronna | McKinney | Stevens, Minn. |
| Calderhead | Grosvenor | McLachlan | Sulloway |
| Capron | Hale | McMorran | Tawney |
| Chaney | Hamilton | Mann | Thomas, Ohio |
| Cole | Hayes | Marshall | Tirrell |
| Conner | Hedge | Martin | Townsend |
| Cooper, Pa. | Hepburn | Meyer | Tyndall |
| Cousins | Hermann | Miller | Volstead |
| Crumpacker | Higgins | Minor | Vreeland |
| Currier | Hill, Conn. | Mondell | Wachter |
| Curtis | Hinshaw | Moon, Pa. | Waldo |
| Cushman | Hoar | Morrell | Wanger |
| Dale | Holliday | Mouser | Watkins |
| Dalzell | Howell, N. J. | Needham | Webber |
| Darragh | Howell, Utah | Olcott | Weeks |
| Davey, La. | Hubbard | Olmsted | Wiley, N. J. |
| Davidson | Hughes | Otjen | Wilson |
| Dawson | Hull | Palmer | Wood, N. J. |
| Deemer | Humphrey, Wash. | Parker | Young |

NAYS—87.

| | | | |
|---|---|---|---|
| Adamson | Clark, Fla. | Garner | Henry, Tex. |
| Bartlett | Clark, Mo. | Garrett | Hill, Miss. |
| Beall, Tex. | Clayton | Gilbert, Ky. | Hogg |
| Bennet, N. Y. | Cooper, Wis. | Gill | Houston |
| Bonynge | Davis, W. Va. | Gillespie | Humphreys, Miss. |
| Bowers | Dawes | Glass | James |
| Brantley | De Armond | Goebel | Jones, Va. |
| Broocks, Tex. | Ellerbe | Goulden | Kelliher |
| Burgess | Finley | Granger | Lamar |
| Burleson | Fitzgerald | Gregg | Lester |
| Butler, Tenn. | Flood | Hardwick | Lewis |
| Byrd | Floyd | Heflin | Livingston |
| Lloyd | Patterson, N. C. | Sheppard | Stephens, Tex. |
| McLain | Pou | Sims | Sullivan, Mass. |
| McNary | Randell, Tex. | Slayden | Thomas, N. C. |
| Macon | Rhinock | Small | Towne |
| Maynard | Richardson, Ky. | Smith, Ky. | Trimble |
| Moon, Tenn. | Rixey | Smith, Tex. | Wallace |
| Moore | Robinson, Ark. | Smyser | Webb |
| Murphy | Rucker | Southall | Weisse |
| Padgett | Russell | Spight | Williams |
| Page | Ryan | Stafford | |

ANSWERED "PRESENT"—14.

| | | | |
|---|---|---|---|
| Aiken | Driscoll | Loudenslager | Shackleford |
| Andrus | Gaines, Tenn. | McGavin | Sherley |
| Candler | Hopkins | Patterson, S. C. | |
| Dixon, Ind. | Jenkins | Powers | |

NOT VOTING—114.

| | | | |
|---|---|---|---|
| Adams, Wis. | Foster, Ind. | Lindsay | Smith, Ill. |
| Allen, N. J. | Fowler | Little | Smith, Md. |
| Ames | Gaines, W. Va. | Longworth | Smith, Pa. |
| Babcock | Garber | Lorimer | Snapp |
| Bankhead | Gardner, N. J. | Lovering | Southard |
| Bannon | Goldfogle | McCarthy | Sparkman |
| Bell, Ga. | Graham | McCleary, Minn. | Sperry |
| Bingham | Griggs | McDermott | Stanley |
| Blackburn | Gudger | McKinley, Ill. | Sterling |
| Bowersock | Haskins | Madden | Sullivan, N. Y. |
| Bowie | Haugen | Mahon | Sulzer |
| Brooks, Colo. | Hay | Michalek | Talbott |
| Broussard | Hearst | Mudd | Taylor, Ala. |
| Brundidge | Henry, Conn. | Murdock | Taylor, Ohio |
| Burke, S. Dak. | Hitt | Nevin | Underwood |
| Burnett | Howard | Norris | Van Duzer |
| Campbell, Kans. | Huff | Overstreet | Van Winkle |
| Campbell, Ohio | Hunt | Patterson, Tenn. | Wadsworth |
| Cassel | Johnson | Pearre | Watson |
| Chapman | Kitchin, Claude | Pujo | Weems |
| Cockran | Kitchin, Wm. W. | Rainey | Welborn |
| Cocks | Lafean | Reid | Wharton |
| Cromer | Lamb | Richardson, Ala. | Wiley, Ala. |
| Davis, Minn. | Landis, Chas. B. | Robertson, La. | Williamson |
| Dickson, Ill. | Landis, Frederick | Rodenberg | Wood, Mo. |
| Dixon, Mont. | Lawrence | Schneebeli | Woodyard |
| Dwight | Lee | Scott | Zenor |
| Field | Legare | Scroggy | |
| Fordney | Lever | Sherman | |

So the previous question was ordered.

The following pairs were announced:

Until further notice:

Mr. RODENBERG with Mr. REID.

Mr. DWIGHT with Mr. LEE.

Mr. LOUDENSLAGER with Mr. RICHARDSON of Alabama.

Mr. MADDEN with Mr. GARBER.

Mr. ANDRUS with Mr. SULZER.

Mr. MCKINLEY of Illinois with Mr. LEGARE.

Mr. POWERS with Mr. PUJO.

Mr. BINGHAM with Mr. VAN DUZER.

Mr. CROMER with Mr. ZENOR.

Mr. HITT with Mr. LITTLE.

Mr. WATSON with Mr. SHERLEY.

Mr. FREDERICK LANDIS with Mr. BRUNDIDGE.

Mr. DICKSON of Illinois with Mr. RAINEY.

Mr. LONGWORTH with Mr. AIKEN.

Until March 6:

Mr. CHAPMAN with Mr. HOPKINS.

For one week:

Mr. CHARLES B. LANDIS with Mr. DIXON of Indiana.

For this day:

Mr. WOODYARD with Mr. TALBOTT.

Mr. SPERRY with Mr. LINDSAY.

Mr. SCOTT with Mr. TAYLOR of Alabama.

Mr. SCHNEEBELI with Mr. STANLEY.

Mr. PEARRE with Mr. SPARKMAN.

Mr. OVERSTREET with Mr. SHACKLEFORD.

Mr. MCCLEARY of Minnesota with Mr. MCDERMOTT.

Mr. LOVERING with Mr. WILLIAM W. KITCHIN.

Mr. LAFEAN with Mr. HUNT.

Mr. HAUGEN with Mr. HOWARD.

Mr. GAINES of West Virginia with Mr. GUDGER.

Mr. CASSEL with Mr. GRIGGS.

Mr. BROOKS of Colorado with Mr. FIELD.

Mr. DAVIS of Minnesota with Mr. COCKRAN.

Mr. BOWERSOCK with Mr. BURNETT.

Mr. VAN WINKLE with Mr. BROUSSARD.

Mr. BABCOCK with Mr. BANKHEAD.

Mr. FOSS with Mr. GREGG.

Mr. TAYLOR of Ohio with Mr. CANDLER.

Mr. HUFF with Mr. PATTERSON of South Carolina.

Mr. GRAHAM with Mr. BOWIE.

Mr. JENKINS with Mr. BELL of Georgia.

Mr. STERLING with Mr. SULLIVAN of New York.

Mr. DRISCOLL with Mr. JOHNSON.

Mr. FORDNEY with Mr. LAMB.

Mr. MUDD with Mr. SMITH of Maryland.

Mr. BURKE of South Dakota with Mr. LEVER.

Mr. BANNON with Mr. GOLDFOGLE.
Mr. LAW with Mr. WILEY of Alabama.
Mr. CAMPBELL of Kansas with Mr. GAINES of Tennessee.
Mr. SHERMAN with Mr. HEARST.
Mr. LAWRENCE with Mr. ROBERTSON of Louisiana.
Mr. SNAPP with Mr. WOOD of Missouri.
Mr. GARDNER of New Jersey with Mr. HAY.
Mr. MAHON with Mr. CLAUDE KITCHIN.
Mr. WADSWORTH with Mr. UNDERWOOD.

Mr. DIXON of Montana. Mr. Speaker, I did not hear my name called.

The SPEAKER. Was the gentleman listening when his name was called, or should have been called, and failed to hear?

Mr. DIXON of Montana. I was at the back of the room and did not hear.

The SPEAKER. Was the gentleman giving his attention?

Mr. DIXON of Montana. I do not know whether I was giving my attention; I did not hear.

The SPEAKER. In the opinion of the Chair, the gentleman hardly brings himself within the rule.

Mr. DIXON of Montana. I did not hear my name when it was called.

The result of the vote was then announced as above recorded.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time.

The SPEAKER. The question is on the passage of the bill.

Mr. WILLIAMS. Mr. Speaker, upon the passage of the bill I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 196, nays 83, answered "present" 12, not voting 92, as follows:

YEAS—196.

| | | | |
|---|---|---|---|
| Acheson | Dovener | Jones, Wash. | Parsons |
| Adams, Pa. | Draper | Kahn | Patterson, Pa. |
| Adams, Wis. | Dresser | Keifer | Payne |
| Alexander | Dunwell | Kennedy, Nebr. | Perkins |
| Allen, Me. | Edwards | Kennedy, Ohio | Pollard |
| Andrus | Ellis | Ketcham | Prince |
| Barchfeld | Esch | Kinkaid | Ransdell, La. |
| Bartholdt | Fassett | Klepper | Reeder |
| Bates | Flack | Kline | Reynolds |
| Bede | Fletcher | Knapp | Rhodes |
| Beidler | Foss | Knopf | Rives |
| Bennet, N. Y. | Foster, Vt. | Knowland | Roberts |
| Birdsall | French | Lacey | Ruppert |
| Bishop | Fulkerson | Lafean | Samuel |
| Bonynge | Fuller | Law | Shartel |
| Boutell | Gardner, Mass. | Le Fevre | Sibley |
| Brick | Gardner, Mich. | Lilley, Conn. | Slemp |
| Brooks, Colo. | Gardner, N. J. | Lilley, Pa. | Smith, Cal. |
| Broussard | Gillett, Cal. | Littauer | Smith, Iowa |
| Brown | Gillett, Mass. | Littlefield | Smith, Samuel W. |
| Brownlow | Glass | Loud | Smith, Wm. Alden |
| Buckman | Goebel | Lovering | Smith, Pa. |
| Burke, Pa. | Graff | McCall | Southard |
| Burleigh | Greene | McCleary, Minn. | Southwick |
| Burton, Del. | Gronna | McCreary, Pa. | Sperry |
| Burton, Ohio | Grosvenor | McKinney | Stafford |
| Butler, Pa. | Hale | McLachlan | Steenerson |
| Calder | Hamilton | McMorran | Sterling |
| Calderhead | Haskins | Macon | Stevens, Minn. |
| Capron | Haugen | Mahon | Sulloway |
| Chaney | Hayes | Mann | Tawney |
| Cocks | Hedge | Marshall | Taylor, Ala. |
| Cole | Henry, Conn. | Martin | Thomas, Ohio |
| Conner | Hepburn | Maynard | Townsend |
| Cooper, Pa. | Hermann | Miller | Tyndall |
| Cousins | Higgins | Minor | Underwood |
| Crumpacker | Hill, Conn. | Moon, Pa. | Volstead |
| Currier | Hinshaw | Morrell | Vreeland |
| Curtis | Hoar | Mouser | Wachter |
| Cushman | Hogg | Murdock | Wadsworth |
| Dalzell | Holliday | Needham | Waldo |
| Darragh | Howell, N. J. | Norris | Wanger |
| Davey, La. | Howell, Utah | Olcott | Watkins |
| Davidson | Hubbard | Olmsted | Webber |
| Davis, Minn. | Huff | Otjen | Weeks |
| Dawson | Hughes | Overstreet | Wiley, N. J. |
| Deemer | Hull | Padgett | Wilson |
| Denby | Humphrey, Wash. | Palmer | Wood, N. J. |
| Dixon, Mont. | Humphreys, Miss. | Parker | Young |

NAYS—83.

| | | | |
|---|---|---|---|
| Adamson | Dawes | Hardwick | McLain |
| Bartlett | De Armond | Heflin | McNary |
| Beall, Tex. | Ellerbe | Henry, Tex. | Moon, Tenn. |
| Bowers | Field | Hill, Miss. | Moore |
| Brantley | Finley | Houston | Murphy |
| Broocks, Tex. | Fitzgerald | Howard | Page |
| Burgess | Flood | James | Patterson, N. C. |
| Burleson | Floyd | Jones, Va. | Pou |
| Butler, Tenn. | Garner | Kellher | Randell, Tex. |
| Byrd | Garrett | Lamar | Rhinock |
| Campbell, Ohio | Gilbert, Ky. | Lamb | Richardson, Ky. |
| Clark, Fla. | Gillespie | Lester | Rixey |
| Clark, Mo. | Goulden | Lever | Robinson, Ark. |
| Clayton | Granger | Lewis | Rucker |
| Cooper, Wis. | Gregg | Livingston | Russell |
| Davis, W. Va. | Griggs | Lloyd | Ryan |
| Sheppard | Smith, Md. | Stephens, Tex. | Wallace |
| Sims | Smith, Tex. | Sullivan, Mass. | Webb |
| Slayden | Smyser | Thomas, N. C. | Weisse |
| Small | Southall | Towne | Williams |
| Smith, Ky. | Spight | Trimble | |

ANSWERED "PRESENT"—12.

| | | | |
|---|---|---|---|
| Aiken | Dixon, Ind. | Hopkins | Loudenslager |
| Bradley | Driscoll | Jenkins | Shackleford |
| Candler | Gaines, Tenn. | Johnson | Sherley |

NOT VOTING—92.

| | | | |
|---|---|---|---|
| Allen, N. J. | Foster, Ind. | Lorimer | Scott |
| Ames | Fowler | McCarthy | Scroggy |
| Babcock | Gaines, W. Va. | McDermott | Sherman |
| Bankhead | Garber | McGavin | Smith, Ill. |
| Bannon | Gilbert, Ind. | McKinlay, Cal. | Snapp |
| Bell, Ga. | Gill | McKinley, Ill. | Sparkman |
| Bennett, Ky. | Goldfogle | Madden | Stanley |
| Bingham | Graham | Meyer | Sullivan, N. Y. |
| Blackburn | Gudger | Michalek | Sulzer |
| Bowersock | Hay | Mondell | Talbott |
| Bowie | Hearst | Mudd | Taylor, Ohio |
| Brundidge | Hitt | Nevin | Tirrell |
| Burke, S. Dak. | Hunt | Patterson, S. C. | Van Duzer |
| Burnett | Kitchin, Claude | Patterson, Tenn. | Van Winkle |
| Campbell, Kans. | Kitchin, Wm. W. | Pearre | Watson |
| Cassel | Landis, Chas. B. | Powers | Weems |
| Chapman | Landis, Frederick | Pujo | Welborn |
| Cockran | Lawrence | Rainey | Wharton |
| Cromer | Lee | Reid | Wiley, Ala. |
| Dale | Legare | Richardson, Ala. | Williamson |
| Dickson, Ill. | Lindsay | Robertson, La. | Wood, Mo. |
| Dwight | Little | Rodenberg | Woodyard |
| Fordney | Longworth | Schneebeli | Zenor |

The following additional pairs were announced:

For balance of day:

Mr. FORDNEY with Mr. HUNT.

On this vote:

Mr. MONDELL with Mr. MEYER of Louisiana.

Mr. LORIMER with Mr. SHACKLEFORD.

So the bill was passed.

Mr. JOHNSON. Mr. Speaker, I am paired with the gentleman from New York, Mr. DRISCOLL, and desire to withdraw my vote and to answer "present."

Mr. WADSWORTH. The gentleman from Alabama, Mr. UNDERWOOD, with whom I am supposed to be paired, is present and voted. Therefore I desire to withdraw my answer of "present" and to vote "aye."

The result of the vote was announced as above recorded.

On motion of Mr. DALZELL, a motion to reconsider the last vote was laid on the table.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message from the President of the United States, by Mr. BARNES, one of his secretaries, announced that the President had approved and signed bills of the following titles:

On February 23:

H. R. 8773. An act granting an increase of pension to William H. Joslin;

H. R. 7085. An act authorizing the Pea River Power Company to erect a dam in Coffee County, Ala.;

H. R. 11263. An act to authorize the construction of a bridge across the navigable waters of St. Andrews Bay;

H. R. 13567. An act to authorize the Campbell Lumber Company to construct a bridge across the St. Francis River in Clay County, Ark., at or near the point where the section line between sections 21 and 28, township 19 north, range 9 east, touches said river; and

H. R. 13568. An act to authorize the Campbell Lumber Company to construct a bridge across the St. Francis River in Clay County, Ark., at or near the point where the section line between sections 23 and 26, in township 20 north, range 9 east, touches said river.

On February 26:

H. R. 12864. An act to provide for the purchase of certain coal claims in the island of Batan, in the Philippine Islands; and

H. R. 13104. An act to amend an act entitled "An act to revise and amend the tariff laws of the Philippine Islands, and for other purposes," approved March 3, 1905.

On February 27:

H. R. 12320. An act making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1906, and for prior years, and for other purposes.

IRRIGATION OF CERTAIN LANDS ON YAKIMA RESERVATION.

Mr. JONES of Washington. Mr. Speaker, I desire to call up the bill (H. R. 10067) which I called up on Saturday last. I will state that this bill has been carefully examined by the chairman of the Committee on Arid Lands and by other members of that committee, and with a few slight amendments, which will be offered, it is entirely satisfactory to them. The bill was read in full and printed in the RECORD, and I ask that it be not read further.

The SPEAKER. The gentleman asks unanimous consent for the present consideration of a bill, the title of which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 10067) authorizing the disposition of surplus and allotted lands on the Yakima Indian Reservation, in the State of Washington, which can be irrigated under the act of Congress approved June 17, 1902, known as the reclamation act, and for other purposes.

The SPEAKER. Is there objection?

There was no objection.

Mr. JONES of Washington. There are some committee amendments.

The SPEAKER. The Clerk will report the committee amendments, if they have not been reported.

Mr. JONES of Washington. They have been read in full.

The committee amendments were agreed to.

Mr. JONES of Washington. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The gentleman from Washington offers the following amendments.

The Clerk read as follows:

After the word "practicable," in line 9, page 1, insert the words "and undertaken."

In line 11, page 3, after the word "Indians," insert "on said Yakima Indian Reservation."

In lines 16 and 17, page 3, strike out the word "purchase" and insert the word "acquire."

After the word "due," in line 1, page 4, insert "or the charges under the reclamation act."

In line 3, page 4, strike out the word "sell" and insert "dispose of;" and in same line, after the word "land," strike out "and water right."

After the word "provided," in line 4, page 4, strike out the remainder of the section.

On page 6, in line 4, strike out the word "shall" and insert "may;" and after the word "be," same line, insert "at a cost to be determined by the Secretary of the Interior."

After the word "provisions," in line 5, page 6, insert the words "of the reclamation act and." In the same line 5, page 6, strike out the word "shall."

The SPEAKER. Is a separate vote demanded on any amendment? If not, they will be considered in gross.

The amendments were considered, and agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. JONES of Washington, a motion to reconsider the last vote was laid on the table.

## ARMY APPROPRIATION BILL.

Mr. HULL. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill making appropriations for the Army. And pending that I ask unanimous consent that all those who have spoken on the bill, or may speak on the bill under the five-minute rule, have permission to extend their remarks in the RECORD.

Mr. SLAYDEN. In reference to military matters only.

Mr. HULL. In reference to military matters alone.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

The motion of Mr. HULL was then agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the Army appropriation bill, with Mr. BOUTELL in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the further consideration of the Army appropriation bill, and the Clerk will read the bill.

The Clerk read as follows:

For purchase and binding of professional books of recent date treating of military and scientific subjects for library of School of Submarine Defense, and for use of school, $1,000.

Mr. CRUMPACKER. Mr. Chairman, I move to strike out the last word. I notice quite a number of appropriations in this bill of a general character to be expended under the direction of some chief of a bureau or head of a division. I read some two or three weeks ago an article in one of the local papers stating that out of funds appropriated, to be expended under the discretion of the various divisions of the War Department, during the last ten or twelve years money had been expended in the purchase of apparatus or equipment of one kind and another that was practically useless, to the amount of nearly $30,000,000. The article, it seemed to me, contained a very severe indictment against the methods of the War Department or against Congress. I do not know how much truth there may have been in the statement, but it charged that large sums of money were appropriated to be expended by the chiefs of bureaus in their discretion, and, having little or no appreciation of the value of money, Army officers expended large sums for one thing and another of no practical value—implements and equipment that were thrown aside and abandoned almost immediately after they were purchased.

Now, in running over this bill I find the amounts appropriated in this manner are generally quite small. I would like to inquire of the chairman of the committee what he knows about the charge against the War Department of recklessly expending the public money for useless equipment and implements. What, if any, information has the committee on that subject?

Mr. HULL. Mr. Chairman, I had my attention, also, called to the same account that the gentleman from Indiana has alluded to, and my impression is that taking the last fifteen years and counting up all that has been condemned and thrown away, it would amount to a very large sum of money, and yet it would not necessarily call for any criticism on the War Department. For instance, horses, mules, wagons, harness, tents, when they become useless are condemned by a board of Army officers. Take the first cost of horses and mules that are condemned, of the wagons that are condemned, the harness that are condemned, and then take what the Government receives for them when condemned by a board of Army officers and sold at public auction and it would make a large sum of money.

Take another thing. When the Spanish war broke out we sent large quantities of supplies, commissary supplies, to Cuba. There was no provision made for storage. They were banked up on the seashore subject to damage by the weather, and a large amount of them were damaged and thrown away and virtually not sold because nobody would buy them. The same thing was true in a greater degree perhaps at Manila, in the Philippine Islands. Large quantities of medical and commissary stores that were sent there were good when shipped and, on account of lack of facilities for properly caring for them, were spoiled, spoiled because the Government could not properly care for them. And yet I doubt if the Department should be subjected to criticism for sending the articles there, for the reason that no one could tell how many troops would be sent there; no one could tell how large an army would have to be kept there, nor how long the Army would be there, and the country would have risen up in condemnation of the officers of the Army if they had not provided abundant supplies. Always in time of war there is great waste and in time of peace a certain amount will always be inevitable. If no property ever became unserviceable, the cost to the Government for support of the Army would be greatly reduced. If all our household and kitchen furniture always remained good, expense of living would be reduced. If the ships of our Navy always remained serviceable and up to date, what a great Navy we would have. I submit it is not fair to make such criticism on so small a basis of fact.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HULL. Mr. Chairman, I ask unanimous consent that the gentleman's time may be extended for five minutes.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that the time of the gentleman from Indiana may be extended for five minutes. Is there objection?

There was no objection.

Mr. CRUMPACKER. Mr. Chairman, the criticism I saw had no reference to the purchase of useful or necessary articles. It charged that useless articles, articles that were practically worthless, had been bought by various divisions of the War Department from appropriations made to the amount of about $30,000,000. It did not include horses, mules, and provisions, but the purchase of equipment, flying machines, and such things as binocular glasses, telescopes, heliostats, and a whole lot of things like that.

Mr. HULL. Mr. Chairman, I desire to say, for the benefit of the gentleman from Indiana, that the Committee on Military Affairs has never authorized the purchase of flying machines or any experimental machines of that kind. That has been done by the great and good Committee on Appropriations.

Mr. FITZGERALD. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Indiana yield to the gentleman from New York?

Mr. CRUMPACKER. I yield.

Mr. FITZGERALD. Mr. Chairman, the statement of the gentleman from Indiana [Mr. HULL] is not quite correct. The bill for the fortifications appropriations has carried every year an item which has been placed at the disposal of the Board of Ordnance, if I am not mistaken, from which they are empowered to experiment and to ascertain the usefulness of different articles of war, and it is under the general bill that that Board is authorized to do this.

Mr. HULL. Mr. Chairman, my recollection is that the flying machine was specifically authorized by the Appropriations Committee.

Mr. CRUMPACKER. That is my recollection also. What I

would like to know is which one of the committees and which one of the bills carries the appropriation that has resulted in such alleged wastefulness of the public funds. I would like to ask the gentleman from Iowa [Mr. HULL] whether, in his opinion or within his knowledge, there has been a useless waste of public funds in the purchase of equipment and experimental instruments and things like that under this general appropriation.

Mr. HULL. Not under this bill.

Mr. CRUMPACKER. Under any bill.

Mr. HULL. Well, Mr. Chairman, I regard the flying machine as absolutely absurd. I am not a scientific man, however, but a machine that will fly to the bottom of the river, to my mind, is of little use.

Mr. SLAYDEN. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Indiana yield to the gentleman from Texas?

Mr. CRUMPACKER. I will if the gentleman can furnish any information.

Mr. SLAYDEN. I desire to say that I do not think we will reach any paragraph in this bill to which the flying machine is pertinent.

Mr. CRUMPACKER. My inquiry is not confined to the flying machine alone. What I am trying to find out is whether it has been the practice of the various divisions of the War Department to use the public money wastefully in the purchase of things the value of which have not been practically demonstrated—instruments that have been cast away and abandoned.

Mr. SLAYDEN. I want to try and reply to that question.

Mr. CRUMPACKER. Then I would be very glad to hear from the gentleman on that subject.

Mr. SLAYDEN. I would say to the gentleman that unquestionably experiments are conducted by the ordnance corps, which is the scientific branch of the Army, and unquestionably as they go on in various steps of development, from one step to another, they will expend money that in one sense of the word will be wasted, as in the case of the manufacture of guns and gun carriages. Some have been manufactured that appear good to-day, but circumstances will compel the abandonment of them to-morrow, because they can get better ones.

Mr. CRUMPACKER. I appreciate the force of that proposition, but I would ask the gentleman, he being a member of the Committee on Military Affairs, if his committee investigated at all the charge contained in the public press of wasteful extravagance in the expenditure of money on the part of the War Department? Did his committee make any investigation in regard to that?

The CHAIRMAN. The time of the gentleman has again expired.

Mr. CRUMPACKER. Now, Mr. Chairman, I think I have said all that I care to say on the subject. I was groping in the dark, and I have received no information yet.

The CHAIRMAN. The time of the gentleman from Indiana has again expired.

Mr. HULL. Mr. Chairman, I did not desire to take up the time of the committee to any extent. I want to simply say I have made enough investigation of this question to become thoroughly convinced that so far as it applies to the waste of money in the purchase, from appropriations made by the Committee on Military Affairs, of unnecessary articles, there is absolutely no truth in that charge. So far as it applies to loss to the Government from loss in clothing, in artillery and cavalry horses, in wagons which are worn out; from the loss in harness that has been condemned and sold; from the loss in provisions largely brought about by our occupation of the Tropics before we had facilities for caring for the goods; from the loss in medical stores which were sent to the Philippine Islands and damaged by the weather—outside of these that are legitimate, unavoidable, which could not be helped—there is no substantial truth in the charge that there is any waste of public money. I want to say just one word more, that if you read this bill you will find it is drawn with such particularity—and has been so drawn in all the years past—that they are compelled to purchase only the things that are provided for in the language of the bill.

Mr. COOPER of Wisconsin. Will the gentleman permit a question?

Mr. HULL. Certainly.

Mr. COOPER of Wisconsin. What is the modus operandi for condemning supplies? Who has the authority—a board or what?

Mr. HULL. At a post the officer commanding the post has the initiative.

Mr. COOPER of Wisconsin. What report does he make?

Mr. HULL. A board of officers is convened, but the initiative is with the commander of the post. In the field the commanding general orders the board.

Mr. COOPER of Wisconsin. Do the officers in the Quartermaster's Department have anything to do with this?

Mr. HULL. Not necessarily at all, but they may in some cases. They are not members of the board at all.

Mr. COOPER of Wisconsin. Can they on their own initiative condemn supplies?

Mr. HULL. No.

Mr. HOLLIDAY. If the gentleman will permit me, I simply desire to say that the criticism of my colleague from Indiana is directed against the contingent amount here. I want to ask if a large amount could be wasted out of that appropriation if the whole sum were wasted?

Mr. HULL. If every dollar were wasted, it would not make up the amount that has been mentioned in a hundred years, the amounts referred to are so small.

Mr. OLMSTED. May I ask the gentleman a question?

Mr. HULL. Certainly.

Mr. OLMSTED. I wish to ask a little information in reference to these two particular paragraphs. There seems to be two items for the purchase of special electrical apparatus, one for the department of electricity, $2,400, and $2,700 for special apparatus and materials for the electrician-sergeants' division. What is the difference between the department of electricity and the electricians' division? Why are there two items?

Mr. HULL. They are for equipping the school; one is required for noncommissioned officers and the other for commissioned officers.

Mr. OLMSTED. Can not both use the same apparatus?

Mr. HULL. No; that is not done. They have separate rooms, separate apparatus; and it is not of the same order, either. One is a higher grade teaching than the other. One is a post-graduate course and the other is practically a primary school.

Mr. OLMSTED. Both are necessary?

Mr. HULL. Yes. They never educate the privates and officers together, and they could not in this case.

Mr. CRUMPACKER. Is there any board or officer of the War Department to purchase general supplies or equipment for the Army?

Mr. HULL. It is specialized. There are officers in the Commissary Department whose duty it is to inspect all provisions for the Army. There are officers in the Quartermaster's Department whose duty it is to inspect all supplies bought for the Quartermaster's Department. They have certain officers whose duty it is to inspect cloth. They go to the mills and inspect the cloth, and watch the manufacture in many cases. We have others whose duty it is and who are trained in the selecting of horses; others who are experts in the manufacture of shoes.

Mr. CRUMPACKER. What about the purchase of new and alleged useful inventions?

Mr. HULL. That does not come under this committee, and I have no knowledge of that.

Mr. CRUMPACKER. What committee has control of that subject?

Mr. HULL. The Committee on Appropriations.

Mr. OLMSTED. What officer purchases the electrical apparatus?

Mr. HULL. The commanding officer at Fort Totten, under the direction of Chief of Artillery.

Mr. OLMSTED. What officer?

Mr. HULL. The colonel of artillery, or the brigadier-general here in the Department, who is the official head of the Artillery Corps.

The CHAIRMAN. The time of the gentleman from Iowa has expired. Without objection, the pro forma amendment will be considered as withdrawn.

The Clerk read as follows:

OFFICE OF THE CHIEF SIGNAL OFFICER.

Signal Service of the Army: For expenses of the Signal Service of the Army, as follows: Purchase, equipment, and repair of field electric telegraphs, signal equipments and stores, binocular glasses, telescopes, heliostats, and other necessary instruments, including necessary meteorological instruments for use on target ranges; war balloons; telephone apparatus (exclusive of exchange service) and maintenance of the same; electrical installations and maintenance at military posts; fire control and direction apparatus and material for field artillery; maintenance and repair of military telegraph lines and cables, including salaries of civilian employees, supplies, and general repairs, and other expenses connected with the duty of collecting and transmitting information for the Army, by telegraph or otherwise, $200,000: *Provided*, That until June 30, 1907, the line receipts of the Alaskan military cable and telegraph system may be utilized in making such extensions to the system as may be approved by the President as a military necessity, such extensions to be reported to Congress by the Secretary of War.

Mr. LITTAUER. Mr. Chairman, I raise the point of order

against two provisions of this paragraph. First, on page 5, line 1, "fire control and direction apparatus and material for field artillery;" and again, against the provision in line 7, of the same page, "*Provided*, That until June 30, 1907, the line receipts of the Alaskan military cable and telegraph system may be utilized in making such extensions to the system as may be approved by the President as a military necessity, such extensions to be reported to Congress by the Secretary of War."

Mr. HULL. Does the gentleman desire to say anything on the point of order?

Mr. LITTAUER. I desire to be heard.

Mr. HULL. I desire to address the Chair on the point of order. I will wait until the gentleman from New York gets through.

Mr. LITTAUER. The first provision relates to fire control and direction apparatus and material for field artillery. The jurisdiction of the Committee on Appropriations and the Committee on Military Affairs in connection with field artillery has been repeatedly decided in favor of the Committee on Appropriations. Fire control is a new provision, now appropriated for on the fortifications bill, and is directly in charge of the Committee on Appropriations. An appropriation for this identical purpose has already been provided for in the fortifications appropriation bill already passed this year, just as it has been provided for for three years last passed.

Now, as to the proviso in line 7, the provision that the——

The CHAIRMAN. The Chair would like to ask whether "fire control" refers to appliances for the field artillery?

Mr. LITTAUER. It directly so states.

The CHAIRMAN. The Chair asked it as a question of interpretation.

Mr. LITTAUER. It means the machinery in connection with fire control of field artillery—appliances to the guns.

Mr. SMITH of Iowa. Before the gentleman from Iowa [Mr. HULL] proceeds, Mr. Chairman, may I be permitted to make a suggestion with reference to this item?

The CHAIRMAN. The Chair will be glad to hear from the gentleman from New York [Mr. LITTAUER] further if he desires to further address the Chair.

Mr. SMITH of Iowa. I understood the gentleman from New York to say that he was through.

Mr. LITTAUER. I am through with regard to that provision.

The CHAIRMAN. Then the gentleman from Iowa [Mr. SMITH] is recognized.

Mr. SMITH of Iowa. It is true that this system of fire control of field artillery is a system which has probably had its chief existence since the commencement of the Russian and Japanese war, but the system of fire control of seacoast artillery, recently devised, has always been construed to be exclusively within the jurisdiction of the Committee on Appropriations. The Committee on Appropriations has the right to authorize the purchase or construction of the field guns, and the fortifications bill, which has but recently passed the House, contained the appropriation not only for the mountain, field, and siege guns, but for the fire control of the mobile artillery. It is exactly analogous to the system of fire control of the seacoast artillery. It is an adjunct of the field artillery. It is simply the means by which it is utilized. It bears identically the same relation to the field artillery that the fire control bears to the seacoast artillery. From the time of the invention of fire control for field artillery the appropriation for it has been carried in the fortifications bill, along with the guns which are provided for by the Committee on Appropriations.

Mr. PALMER rose.

The CHAIRMAN. Does the gentleman from Iowa yield to the gentleman from Pennsylvania?

Mr. SMITH of Iowa. Certainly.

Mr. PALMER. I wish the gentleman would tell us what fire control is, anyhow.

Mr. SMITH of Iowa. Fire control, Mr. Chairman, may be said to be a device by which the guns are operated under a system of triangulation, similar in some respects to range-finding at sea. It is much more effective than range finding at sea, because it is possible to obtain a long horizontal base on which to base the triangulation, and thus it becomes much more accurate than range finding at sea.

Mr. PALMER. It enables you to shoot a man behind a hill?

Mr. SMITH of Iowa. Yes. It was utilized at first with the seacoast guns, and the sole jurisdiction of the Committee on Appropriations has never been questioned as to fire control with reference to seacoast guns. Now, the same principle is applied to the mobile artillery, the purpose of which is a matter solely within the jurisdiction of the Committee on Appropriations.

Mr. PRINCE. I desire to ask the gentleman a question.

The CHAIRMAN. Does the gentleman yield to the gentleman from Illinois?

Mr. SMITH of Iowa. Certainly.

Mr. PRINCE. You are not objecting to the necessity for the use of these words for the purpose for which it is made?

Mr. SMITH of Iowa. The matter is covered in the fortification bill, and the House has already voted an appropriation for this matter.

Mr. PRINCE. As I understand the gentleman, it is already provided for?

Mr. TAWNEY. I desire to ask the gentleman from Iowa a question, if he will yield to me.

Mr. SMITH of Iowa. Certainly.

Mr. TAWNEY. This provision is carried in the fortifications bill. Is the amount appropriated in the bill as it passed the House as great as the Department estimated and as much as they want?

Mr. SMITH of Iowa. I think not.

Mr. TAWNEY. No; and hence they went to the Committee on Military Affairs.

Mr. SMITH of Iowa. It is put in this bill in pursuance of the policy which is pursued by some of the Departments, when they fail to get an appropriation from the proper committee, to go to another committee and get it there. Now, I challenge the gentleman from Iowa——

Mr. HULL. I think that the whole matter should be thrown open when statements of that sort are made, when they are not true.

Mr. SMITH of Iowa. I challenge the gentleman from Iowa to show to this House any distinction between the relation of fire control of field batteries to the field guns, and the relation of fire control to seacoast guns; and the Committee on Military Affairs has never even claimed that they had a right to appropriate money for fire control of seacoast batteries. If the Appropriations Committee, by having the right to appropriate the money for seacoast guns and field and mountain and siege guns, acquires exclusive jurisdiction of appropriating for fire control of seacoast guns, then surely it also acquires the exclusive right to appropriate money for fire control of the mobile artillery.

Mr. HULL. Mr. Chairman, this statement of the gentleman that the Committee on Appropriations refused to make a provision for this, and then the Department came to us for an increased appropriation, is not a correct statement of this item in any sense, for the reason that the appropriation carried by this item is not what was asked by the estimate, but it has come in since for the same purpose. Now, as to the point of order, I suppose the gentleman will admit that at least field artillery is a part of the line of the Army as a matter of fact, and the gentleman will also admit that all provisions for the field artillery come under the jurisdiction of the Committee on Military Affairs, with the exception of manufacture of the guns.

Mr. SMITH of Iowa. I will not admit that.

Mr. HULL. Will you not admit that it has been frequently settled by the House?

Mr. SMITH of Iowa. No; I will not admit that.

Mr. HULL. If the gentleman will possess his soul in patience for a few minutes, I will tell him what he will admit. When the division of committees was made this item had been carried in the fortification bill, and was held by the Committee of the Whole House to still belong to the Committee on Appropriations. They thereby virtually overruled one of the provisions of the rules, and the gentleman says now, because of that, they have had jurisdiction of the field artillery. For the last four years the bill has carried a provision for field artillery for the militia, and the members of the Committee on Fortifications have never yet raised the point that it is not properly carried here.

Now, I want to ask——

Mr. SMITH of Iowa. I want to ask the gentleman a question. Does the gentleman claim that this appropriation is for the militia artillery?

Mr. HULL. Oh, no. If the gentleman can only wait a minute I will tell him what I believe.

Mr. SMITH of Iowa. I will wait cheerfully.

Mr. HULL. I do believe it is absolutely absurd for the gentleman from Iowa or the gentleman from New York to claim that a battery of artillery serving out in the Black Hills is a part of the coast defense of this country. They have never yet appropriated a dollar for fire control for field artillery. They were not asked to do it at this time. The Chief of the Signal Service appeared before us and said that all of this appliance for the field artillery was furnished by him. It is part of the range finding for guns in the field and not for the

coast defense in any way, and under the rules there is no question in my mind that it is absolutely in order. It is not an increase of the appropriation. It simply authorizes the use of the ordinary current expenses for the Signal Corps to furnish this requisite appliance for field artillery.

Mr. FITZGERALD. Will the gentleman yield to me? I wish to call his attention to the provision in the fortification bill which has already passed the House:

For the purchase, manufacture, and test of machine and automatic guns, including their carriages, sights, implements, equipments, and the machinery necessary for their manufacture at the arsenals.

That provision is carried as a provision in the fortification bill, and the gentleman never raised any question as to the jurisdiction of the Committee on Appropriations.

Mr. HULL. Well, the gentlemen in the Committee on Appropriations have a very large advantage over all the other Members of the House. They have a large clerical force of accomplished gentlemen who are paid good salaries and who are retained for years regardless of party politics, and they have the time and always proof read every bill that is introduced from another committee, have it red inked, and so they know exactly where to raise a point of order, while the rest of us are at the disadvantage of not having that information furnished us, and in many cases not having the time to carefully read and compare their measures. They slip through all the legislation they can regardless of the jurisdiction or the rights of the committee.

Mr. FITZGERALD. I think the gentleman is mistaken when he says the Committee on Appropriations have a larger clerical force than his own committee, because the clerical forces of the two committees are identical, and if the gentlemen of that committee pursued the practice that is pursued in the Committee on Appropriations, of retaining their men there regardless of their political affiliation, perhaps they might obtain the same satisfactory service.

Mr. HULL. I just want to call attention to the Book of Estimates, on page 132, under this Office of Signal Service of the Army, where there is a note by Brig. Gen. A. W. Greely, Chief Signal Officer of the Army, in which he says:

The adoption of a system of fire control and direction for the field artillery renders it advisable to insert the italicized words in these estimates, although it is believed that the words "the duty of collecting and transmitting information for the Army by telegraph or otherwise" would cover the case.

And under this appropriation he is proceeding to do the same work that we are now simply putting the words in which specifically authorize it as a part of this appropriation. I understand the gentleman from New Jersey [Mr. PARKER] desires to say a word on this subject.

The CHAIRMAN. Before the chairman of the committee takes his seat the Chair would like to ask, for information, what committee now has jurisdiction of the appropriation for the horses and the harness for the field artillery?

Mr. HULL. The Committee on Military Affairs.

Mr. CAPRON. There is no doubt about that.

Mr. FITZGERALD. Unless the Chair is ready to rule, I desire to submit some remarks.

The CHAIRMAN. The gentleman from New Jersey [Mr. PARKER] will be recognized first.

Mr. PARKER. Mr. Chairman, General Greeley has stated this matter with some care, on pages 1 and 2 of the hearing. He states generally that the Signal Corps have to manage this arrangement by which guns shall be pointed in the field; I have seen it in actual work within the past two months, and I think perhaps the Chairman will be enlightened by a statement of how it is done.

Suppose it is desired to shoot at an enemy who is seen from the top of a hill. The guns are not brought to the top of the hill, because then they would be a mark instantly for the enemy. They are placed in a hollow behind where the gunners can shoot over the hill, but can not see the mark at which they are to shoot. Instantly the Signal Corps, who now ask this appropriation, lay a telegraph line which operates by telephone from the battery of guns up to the observing point on the top of the hill, where the Signal Corps have taken their stand. There they have an instrument, a small spyglass that is leveled like a transit, by which they can take sight on the object to be shot at; and likewise we will say on a steeple in the rear, and they thus get the angle between the line of fire from the point on the top of the hill and the line back to the steeple. Then they know, or measure the distance, from that observation point to the gun's at one side in the hollow. They then calculate upon that distance, that the lines to the steeple and to the enemy will make a certain different angle at the gun from what they did at the top of the hill, and so the man down the hill having a small instrument, a telescope or transit like that used at the top of the hill, sights back upon the steeple and forward at the angle that he is directed to take by telephone, shoots over the hill at that angle, and without seeing his mark, hits that mark.

It is those instruments which are used by the Signal Service in the field which gentlemen here say belong to the fortifications appropriation. In fortifications all that work is done by fixed telescopes, instruments put in houses or at fixed points, and managed by the artillery. In the field that direction is given by the Signal Corps and by no other corps, and this provision, as explained by General Greeley, is to allow the Signal Corps to provide themselves not with fortification artillery, but with telescopic sights fitted with small graduated circles, which will tell them how to direct the guns in the field, how to shoot, and with the like sights to be put upon the guns or set near the guns, which will enable them to fulfill those directions. Now, that is all there is about it. If these implements are not implements of active warfare of the most active kind, such as belong to a moving army, I know nothing about military matters. It is that implement of the work of the Signal Corps which they are authorized by this bill to purchase from time to time.

Mr. SMITH of Iowa. Will the gentleman allow me to ask him a question?

Mr. PARKER. Certainly.

Mr. SMITH of Iowa. Does the gentleman understand that the fortification bill only includes seacoast guns?

Mr. PARKER. I contend——

Mr. SMITH of Iowa. Does not the gentleman know that it provides and appropriates for field artillery?

Mr. PARKER. For the manufacture of the field artillery, but it ought not to be extended beyond the guns and machinery for their manufacture. The Signal Corps get their guns and all their equipment and everything with which they operate by this bill from this committee, and this is only one of the means of operating the artillery.

Mr. SMITH of Iowa. Does this fire control of field artillery bear the same relation to the field guns as it does to the seacoast battery?

Mr. PARKER. Let me ask the gentleman this question: Is the seacoast fire control installed by the Signal Corps?

Mr. SMITH of Iowa. In large measure it is installed by the Signal Corps, as it is in the artillery.

Mr. PARKER. Does the gentleman mean to say that the Signal Corps installs the submarine defense and the fire control?

Mr. SMITH of Iowa. It installs the telautograph, the telephone, and all the appliances.

Mr. PARKER. The gentleman will not dispute me that all the means for the operation of the field artillery was appropriated for by the Army bill?

Mr. SLAYDEN. Mr. Chairman——

The CHAIRMAN. Does the gentleman from New Jersey yield to the gentleman from Texas?

Mr. PARKER. The gentleman from Texas is entitled to the floor in his own right.

Mr. SLAYDEN. I thought the gentleman from New Jersey had closed. Mr. Chairman, the bill and the item under discussion contains this language: "And other expenses connected with the duty of collecting and transmitting information for the Army, by telegraph or otherwise." In a footnote in the Book of Estimates, submitted by General Greely, it says that, although asking for the language to which exception has been taken, under the language which is in the bill and which has been in previous bills, the same work of collecting and transmitting information can go on as heretofore, and that embraces the kind of information necessary to control the fire. And there is some little light on the matter in the hearings, which I will read:

The CHAIRMAN. The estimates were for fire control and direction, but it is not so in the bill.
General GREELY. That comes under the head of collecting and transmitting information. That is what it is for.
The CHAIRMAN. It comes in here in this appropriation.
General GREELY. Yes; for field batteries, but not for coast defense.
The CHAIRMAN. And for field artillery.
General GREELY. Yes, sir.
The CHAIRMAN. You do not put it in because you can not spend any of this money.
General GREELY. We spend it largely for transmitting information.

Mr. SULLIVAN of Massachusetts. Mr. Chairman, if this were brought to the consideration of the Chair as a novel question, it seems to me that on the merits of the discussion the jurisdiction of appropriating for fire control and for field guns ought to be left to the Committee on Military Affairs, which is charged with the duty of legislating for the maintenance of the military establishment and making its appropriations generally. But I respectfully contend that this House has virtually settled

this question on the precedents. There is no dispute by the gentleman who is chairman of this committee that the Committee on Appropriations to-day appropriates for the field guns of the Army, whether they are used in the field or at the fortifications. The gentleman from Iowa [Mr. HULL] argues that because the Committee on Appropriations neglected to make a point of order against the jurisdiction of the Committee on Military Affairs in appropriating for field guns for the militia that that neglect operates to confer jurisdiction on the Committee on Military Affairs for field guns elsewhere. I have no doubt the Committee on Appropriations by raising the point of order could have successfully asserted its jurisdiction over the appropriations for field guns for the militia.

Now, if the question is settled as to the right of the Committee on Appropriations to appropriate money for field guns, that seems to carry with it the power to appropriate money for all auxiliaries for the field guns, and fire control is one of the necessary auxiliaries for that purpose. Therefore it seems to me, and this discussion has developed the fact, that the same Department officer has gone to two committees of this House, has asked for the appropriations from the one, and having these demands satisfied in part, he has gone to another committee and renewed his demands there and had the balance of his demands satisfied by that committee.

That illustrates a very unfortunate condition of affairs, which the Chair ought not to perpetuate by its ruling. A ruling should be made here which should decide once and for all the power of appropriation over this entire subject, so that in future two committees of the same House should not be appropriating money for the same purpose.

Mr. LACEY. Mr. Chairman, will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman yield?

Mr. SULLIVAN of Massachusetts. I do.

Mr. LACEY. The Committee on Appropriations having provided a sufficient amount for that portion of this work as may be needed on the coast defenses, why does that preclude another committee from reporting enough for the other branch, inasmuch as the Signal Officer has seen fit to divide his estimates, so much for coast defenses, so much for field artillery? Why does that exhaust the subject?

Mr. SLAYDEN. He distinctly states this is not for coast defenses.

Mr. SULLIVAN of Massachusetts. Mr. Chairman, the Appropriations Committee has already exercised its power over the subject of field batteries and field guns. Now, then, as the fire-control apparatus is used in connection with the field guns, it would seem that the jurisdiction ought not to be divided, so that one committee should appropriate for the field guns and another committee appropriate for the fire-control apparatus, which is indispensable for the use of those field guns.

Mr. LACEY. Mr. Chairman, the committee to which the gentleman belongs has especial charge of fortifications and knows the wants of fortifications. When an estimate is made for range finding for fortifications, the committee may know how much is necessary. When it comes to field artillery operated in the field, that committee has no opportunity of knowing.

Mr. SMITH of Iowa. But we have sole jurisdiction of that.

Mr. LACEY. And the other committee has the knowledge and can say how much ought to be appropriated.

Mr. SULLIVAN of Massachusetts. Mr. Chairman, I think the gentleman is begging the question. If the Chair should decide that the Committee on Appropriations had sole jurisdiction, it would follow as a matter of course that the Departments would go before the Committee on Appropriations and give to that committee the necessary information. Of course the bureau could go to the Committee on Appropriations quite as well as it could go to the Committee on Military Affairs, and I assume that the Committee on Appropriations could understand the statement made by a gentleman from the Department quite as well perhaps as the gentlemen who compose the Committee on Military Affairs. I do not believe it is a particularly difficult subject, but it seems to me that the effect of the ruling of the Chair establishing the jurisdiction of the Committee on Military Affairs would be to make this absurd division in the practice of appropriations, that the Committee on Appropriations would expend the money for the creation of the field guns, while the Committee on Military Affairs would expend the money for the fire-control apparatus used in connection with those field guns. And now that it has been indisputably established by precedents of the House that the Committee on Appropriations has jurisdiction over the field guns, it seems to me that jurisdiction over this other matter, which is auxiliary, should naturally fall within the power of the Committee on Appropriations.

Mr. CAPRON. Mr. Chairman, I would like to ask the gentleman a question. If I understand the gentleman from Massachusetts [Mr. SULLIVAN] correctly, he says that as the Committee on Appropriations makes the appropriation for the field guns—and that, I suppose, is the manufacture of field guns—that it ought to appropriate for all the auxiliary attachments of those field guns. Now, if that be true, ought not the Appropriations Committee to appropriate for the horses that haul the field guns? They certainly are attachments, and also the harness that goes on the horses and the powder that is fired in the field guns. That certainly is one of the very necessary auxiliaries of field guns. Really it seems to me that the gentleman from Massachusetts has satisfied the Chair that it is very necessary just now that the Chair should show by its ruling what an absurd position the gentleman from Massachusetts has taken, when, if his contention be true, the Appropriations Committee next year will claim that they ought to appropriate for the forage that goes to feed the horses and the rations that feed the men, holding that such are appliances to the field artillery. They are just as much appliances as those things which control the fire of the field artillery. The question is a rather long one, but the gentleman can answer it categorically.

Mr. SULLIVAN of Massachusetts. The gentleman seems to have answered his own question.

Mr. FITZGERALD rose.

The CHAIRMAN. Has the gentleman from Massachusetts concluded?

Mr. SULLIVAN of Massachusetts. I can not say anything more, Mr. Chairman, except in repetition of what I have already said. I have concluded.

Mr. FITZGERALD. Mr. Chairman, in the fortifications bill that passed the House provision was made for the manufacture of cannon, carriages, ammunition, range finders, and other instruments for fire control in field batteries.

Under two decisions, which are found on page 497 of the Digest, it has been held that the Committee on Appropriations and not the Committee on Military Affairs has jurisdiction for field guns and their appurtenances. The carriages for field guns are part of the appurtenances, ammunition is an appurtenance of field guns, and so are instruments for fire control and range finders. This language, to which exception is taken by means of the point of order raised by the gentleman from New York, is new language in this bill. The paragraph has heretofore been identical with the pending paragraph excepting this provision "for fire control and direction apparatus and material for field artillery." There can be no question that that language covers the identical appurtenances for field batteries which is covered by the language "range finders and other instruments for fire control in field batteries." The War Department submitted to the Committee on Appropriations estimates for appropriations necessary under this item, and the House passed a bill including what was deemed necessary for that purpose during the next fiscal year, but in order to obtain authority to use another fund this language is incorporated in this provision. Whatever may have been the reason for the elimination of the horses and harness, I submit that horses and harness used to drag these guns are not at all in a similar position to the carriages and other implements which would be designated appurtenances which, under the rulings in the Digest, have been held to belong to the Committee on Appropriations.

Mr. KEIFER. Mr. Chairman, I would like to ask the gentleman from New York a question.

The CHAIRMAN. Does the gentleman from New York yield to the gentleman from Ohio?

Mr. FITZGERALD. Certainly.

Mr. KEIFER. I want him to state, as he has the bill in his hand relating to coast defense and fortifications, whether the field artillery referred to in that bill does not relate to field guns which are used in fortifications along the coast?

Mr. FITZGERALD. Why, Mr. Chairman, I called the attention of the committee to this provision in the fortifications bill, "for the purchase, manufacture, and test of ammunition for machine and automatic guns, and for mountain, field, and siege cannon, including the necessary experiments in connection therewith and machinery necessary for its manufacture at the arsenals." The manufacture of all ordnance excepting the reserve guns, which were supplied for the artillery, has always been under the jurisdiction of the Committee on Appropriations.

Mr. KEIFER. But still you do not answer my question. The question is whether field artillery is not used to some extent in connection with coast fortifications, and that the provision that was made for the control of the firing of these guns did not relate to that artillery?

Mr. FITZGERALD. Not at all, because there is no mountain artillery used in connection with coast defense.

Mr. KEIFER. I am not talking about mountain artillery, because that is a wholly different thing; but let me ask him further whether or not we have provided for the fire control and direction apparatus for other field guns which were provided for in the bill as reserve field guns and not those that were assigned to the different posts and different positions all over the country where they were expected to act in connection with infantry and cavalry?

Mr. FITZGERALD. My understanding of the bill is we have provided for fire control for all the guns which were authorized heretofore or will be authorized.

Mr. KEIFER. That is not my understanding. My understanding is they went further than the field guns which were authorized to be provided to be used in connection with the fortifications along the coast and also such other field guns as were provided for, either the repairing or renewal or the construction, which were to be reserve field guns.

Mr. FITZGERALD. Oh, I think the gentleman is unquestionably mistaken.

Mr. COOPER of Wisconsin. I would like to ask the gentleman from New York a question. I believe the gentleman from New York contended a moment ago that because a provision for field artillery had been in the fortifications bill that that was evidence, at least prima facie, that the Appropriations Committee had jurisdiction of field-artillery appropriations. Is that so?

Mr. FITZGERALD. That and several decisions which were made in the House.

Mr. COOPER of Wisconsin. Now, then, does the gentleman think that because the Committee on Insular Affairs the other day reported a bill for the purchase of those claims on the Island of Batan, it not having any jurisdiction over appropriations, and the bill went through the House, that that could be cited hereafter to show that the Committee on Insular Affairs has jurisdiction of that subject-matter?

Mr. FITZGERALD. Mr. Chairman, there is a great distinction between——

Mr. COOPER of Wisconsin. If the House made an oversight in one case it might make it in another, and it ought not to go as a precedent in either.

Mr. FITZGERALD. Mr. Chairman, I think the gentleman does not distinguish between the different cases that arise. Nobody suggests for an instant that the Committee on Insular Affairs has jurisdiction to make appropriations. The Committee on Military Affairs and the Committee on Appropriations both have jurisdiction to appropriate, and very frequently there has been a conflict as to the jurisdiction of the two committees regarding appropriations for particular items. It has been decided upon at least two occasions that appurtenances for field batteries belong to the Committee on Appropriations. And in view of those decisions the chairman of the Committee on Appropriations has never raised that question since the Fifty-fifth Congress, when it was decided against him on a point of order.

Mr. LACEY. Mr. Chairman, this discussion has been confined thus far to the question of range finding, but there is a very important point of order made as to the Alaskan military cable that seems not to have been discussed. I would like to say a word on that.

The CHAIRMAN. The Chair would be glad if the gentlemen would confine their remarks on the point of order to the first point raised.

Mr. LACEY. I do not care to say anything about the first point, but the second point that was made at the same time I would like to have a word upon.

The CHAIRMAN. The Chair would be glad to hear from the gentleman from Iowa after the Chair has ruled on the first point of order.

Mr. TAWNEY. Mr. Chairman, the importance of this question arises from the fact that because of some obscurity in the line of demarkation, or the line that should be drawn between the jurisdiction of these two committees, we have the Departments first going to one committee and then to another committee in the event of their failing to secure what they ask for in the committee to which they first made their application. In this same bill we have a provision for the purchase of a cable ship. We have also another provision for submarine defense at San Francisco, both of which propositions were submitted to the Committee on Appropriations and rejected and subsequently inserted in this bill by the Committee on Military Affairs. Hence it is important, Mr. Chairman, to distinctly define the line that should mark the jurisdiction of these two committees, so that when they come before one and are refused what they ask for they can not run to another committee and claim that that committee has jurisdiction of the subject-matter which they did not succeed in getting in the appropriation bill before another committee.

Now, the Committee on Appropriations appropriates the money for field artillery, including carriages. They also appropriate money for fire control of field artillery, because it is a necessary auxiliary or appurtenance to the operation of the gun itself. Now, to my mind——

The CHAIRMAN. Will the gentleman from Minnesota [Mr. TAWNEY] permit the Chair to ask a question right there as to how long the Congress has so appropriated for the fire control of field guns?

Mr. TAWNEY. My recollection is it is about three or four years. Fire control of field artillery is a modern instrumentality or invention. It is not one that has been in use for fifty or seventy-five years. Improvements in respect to the firing of artillery are constantly being made. Range finders have been appropriated for for some years, but fire control of field artillery for only about three years.

Mr. SULLIVAN of Massachusetts. Right in line with the question of the instances which the gentleman has in mind, has the Committee on Appropriations exercised the jurisdiction to appropriate for fire control for field guns?

Mr. TAWNEY. It has. The Committee on Military Affairs has never inserted language of this kind in any appropriation bill. If money has been used for that purpose it was paid out of appropriations which did not express the purpose for which this appropriation is expressed here. So that as to anything that pertains to the gun itself I maintain that the committee that has heretofore exercised that jurisdiction should have jurisdiction over everything of that character.

Mr. SLAYDEN. Mr. Chairman——

Mr. TAWNEY. That which pertains to the operation of the gun; that which pertains to the actual firing of the gun or placing or hauling of the gun, or the forage for the animals used in hauling the guns——

Mr. CRUMPACKER. And the man behind the gun.

Mr. TAWNEY (continuing). "And the man behind the gun" is an entirely different proposition. That pertains to the operation of the instrumentality. The only jurisdiction claimed by the Committee on Appropriations is jurisdiction covering the manufacture and purchase of the instrumentality itself.

Mr. SLAYDEN. Will the gentleman permit a question?

Mr. TAWNEY. I will.

Mr. SLAYDEN. Mr. Chairman, I would like to ask the gentleman if he has seen General Greely's statement in the hearing before the committee on January 8, 1906, in which he states the item objected to in this bill for fire control, etc., was covered for all practical purposes by the language which has been in previous Army appropriation bills?

Mr. TAWNEY. It may be practically, but not actually.

Mr. SLAYDEN. But actually, he said.

Mr. TAWNEY. It never was brought in so that the Committee on Appropriations could raise the question of jurisdiction.

Mr. SLAYDEN. Will the gentleman permit me to read what General Greely said in the note to the estimate?

The adoption of a system of fire control and direction for the field artillery renders it advisable to insert the italicised words in these estimates, although it is believed that the words "the duty of collecting and transmitting information for the Army by telegraph or otherwise" would cover the case.

That language has been in several of the bills prior to this.

Mr. LITTLEFIELD. That is a matter of opinion.

Mr. TAWNEY. It is simply the opinion of General Greely.

Mr. SLAYDEN. They have operated under it and done that very thing.

Mr. TAWNEY. They have operated under a great many other appropriations, possibly, made, but in the dark.

Mr. LITTLEFIELD. Does the gentleman from Texas claim that that language would cover this kind of an expenditure?

Mr. TAWNEY. He says General Greely says so.

Mr. LITTLEFIELD. But does the gentleman from Texas claim it?

Mr. SLAYDEN. They have done it.

Mr. TAWNEY. Now, Mr. Chairman, about where the line should be drawn. It should be drawn between the thing itself and the operation of the instrumentality. Heretofore the jurisdiction of the Committee on Appropriations in the matter of appropriating money for the purchase of field artillery, including carriages—including everything that was necessary, except for the actual use—has never been questioned. If the claim of the gentleman from Iowa is right, or if his contention that because field artillery is manned and operated by the Army is correct, then there are a great many things that the Committee on Appropriations now and always has appropriated for that properly belonged to the Committee on Military Affairs. In

the Fifty-sixth Congress this specific question was submitted to the Speaker of the House of Representatives by the chairman of the Committee on Military Affairs on the one hand and by Mr. Moody, of the Committee on Appropriations, on the other hand.

Touching so much of House Document No. 291, first session Fifty-sixth Congress, as refers to the Rock Island Armory, Rock Island, Ill., and to Springfield Armory, Springfield, Mass.; and

Touching so much of the estimate of $750,000 for infantry, cavalry, and artillery equipment, submitted on page 135 of the Book of Estimates for the fiscal year 1901, as includes machinery, tools, and fixtures for their manufacture at the arsenals; and

Touching so much of the estimate of $1,100,000 for the manufacture of arms, submitted on page 136 of the Book of Estimates for the fiscal year 1901, as includes machinery, tools, and fixtures for their manufacture—

Be vacated, and that the same shall be placed on the Speaker's table for reference.

Now, that brought squarely before the Speaker of the House of Representatives the question of whether or not these instrumentalities and their manufacture should be appropriated for by the Committee on Military Affairs or by the Committee on Appropriations. And the Speaker, after considering the question and the brief filed by Mr. Moody and the brief filed by the gentleman from Iowa [Mr. HULL], decided in favor of the jurisdiction of the Committee on Appropriations.

This particular class of appropriations has been the subject of controversy between the Committee on Military Affairs and the Committee on Appropriations of the House ever since the jurisdiction over the appropriations for the military establishment was taken from the Committee on Appropriations, and in every instance has that controversy resulted in favor of the Committee on Appropriations retaining jurisdiction of all appropriations for the purchase of the instrumentalities necessary for fortifications and field artillery. If you enlarge the jurisdiction of the Committee on Military Affairs as proposed, to what extent will the Department in the future first go to one committee and failing to secure what they want, or all it wants, go to the Military Committee, which, because of its peculiar relation to the Department, represents the Department more than the House or the Government?

It is important, therefore, Mr. Chairman, in the consideration of this question to not confuse the operation of the instrumentalities of war with their manufacture or with their purchase. In the latter case the Committee on Appropriations claims jurisdiction, and has always exercised it, while in the former it does neither.

The claim of the Committee on Appropriations is not made because that committee desires to have any more work than it now has, but because the exercise of that jurisdiction in the past has resulted beneficially, and enables the House to keep a check on the appropriations for that part of the military establishment which is constantly seeking increase of appropriations for the implements of war. [Applause.]

Mr. COOPER of Wisconsin. Mr. Chairman, with all respect to the gentlemen who support the point of order, their contention amounts essentially to an effort to make an erroneous custom of the House and an erroneous ruling of ex-Speaker Henderson suffice to overrule the plain letter and spirit of the law.

Mr. SULLIVAN of Massachusetts. Has not that been the previous ruling of previous Speakers? Did it not simply confirm former rulings?

Mr. COOPER of Wisconsin. It is immaterial, in my judgment, how many erroneous rulings have been made, if they were erroneous.

Mr. SULLIVAN of Massachusetts. But the gentleman——

Mr. COOPER of Wisconsin. I have not heard any gentleman of the Committee on Appropriations assert that the original ruling was correct. I do not think that one of them as a lawyer will arise and say that by any ordinary fair rule of interpreting language the Rules of the House of Representatives confer jurisdiction upon the Committee on Appropriations over this matter of field artillery or of apparatus for use in connection with it. Here is the language of the only rule giving jurisdiction over proposed legislation to the Committee on Appropriations:

All proposed legislation shall be referred to the committees named in the preceding rule, as follows, viz:

Subjects relating—

To appropriations of the revenue for the support of the Government as herein provided, namely—

For legislative, executive, and judicial expenses;

That is not field artillery—

For sundry civil expenses—

That is not field artillery—

For fortifications—

That is not field artillery—

Coast defenses—

That is not field artillery—

For the District of Columbia—

That is not field artillery—

For pensions—

That is not field artillery—

And for all deficiencies—

That is not field artillery—

To the Committee on Appropriations.

Mr. SMITH of Iowa. Mr. Chairman, will the gentleman allow me to ask him one question there?

Mr. COOPER of Wisconsin. Yes.

Mr. SMITH of Iowa. You have said that no member of the Committee on Appropriations would claim that sundry civil expenses covered field artillery; but I say to the gentleman that at the time the Military Affairs Committee first obtained jurisdiction of the military appropriation bill that the fortifications items were carried in the sundry civil bill, and that when the rule gave the Appropriations Committee the right to pass a sundry civil bill, that bill then included not only seacoast fortifications, but all the mobile artillery; and therefore, notwithstanding the gentleman's assertion that sundry civil expenses do not include fortifications, I tell him that his statement is in conflict with the appropriations in this House from the earliest time.

Mr. COOPER of Wisconsin. I did not say anything about the sundry civil bill not including fortifications.

Mr. LITTLEFIELD. If the statement of the gentleman from Iowa is correct, does it not include field artillery as well as fortifications?

Mr. COOPER of Wisconsin. If the gentleman will permit me to conclude what I have to say, then I shall be pleased to answer any questions. The jurisdiction of the Committee on Appropriations, if it have any jurisdiction, comes from that paragraph.

Where does the Committee on Military Affairs get its jurisdiction? From another paragraph, which I will read:

All bills relating to the military establishment and the public defense, including appropriations for its support * * * to the Committee on Military Affairs.

The "military establishment" includes three principal branches, namely, the infantry, the cavalry, and the artillery.

Mr. TAWNEY. If the gentleman will permit me to interrupt him——

Mr. COOPER of Wisconsin. That is the "military establishment" of the United States within the meaning of this paragraph of the rule. Not the Navy, because there is a separate paragraph which applies exclusively to appropriations for naval affairs; but the term "military establishment" as here used includes three principal branches: the infantry, the cavalry, and the artillery—the field artillery—but not the artillery in coast defenses nor the artillery in fortifications, for both of these are specifically mentioned in the first paragraph that I read, the paragraph relating to the Committee on Appropriations.

Mr. KEIFER. Will the gentleman yield?

Mr. COOPER of Wisconsin. I will in a moment. Mr. Chairman, if, under this rule, field artillery is a part of the "military establishment" as thus defined, then appropriations for anything which goes to assist the field artillery in the "public defense" by enabling that artillery to fire more accurately belongs properly to the Committee on Military Affairs, which has jurisdiction of appropriations for the "military establishment."

Mr. TAWNEY. Will the gentleman permit a question?

Mr. COOPER of Wisconsin. In a moment. And the fact that, in clear violation of the rules, the House has heretofore permitted this appropriation to go to the wrong committee ought not now to suffice to withhold the appropriation from the jurisdiction of the proper committee, any more than a bad decision of the Supreme Court of the United States ought forever to bind that court against its better judgment.

Mr. TAWNEY. Does the gentleman from Wisconsin contend that the uniform practice of the House, based on the interpretation of this rule, is entitled to no consideration and should be ignored entirely in the determination of the identical question that is involved here?

Mr. COOPER of Wisconsin. I hold that it should not be allowed to control any man's judgment, if he honestly believes, after careful study of the written law, that the practice of the House, or the rulings of the Speaker, have been in plain violation of the law.

Mr. TAWNEY. In deciding this identical question I will state to the gentleman from Wisconsin, Mr. Blount, Chairman of

the Committee of the Whole, stated the principle which governed his decision as follows:

An examination of the statutes and of the practice of the House for a long series of years shows that prior to the adoption of the present rules the rules simply assigned the work of appropriations to the Committee on Appropriations. That committee subdivided their work into various general appropriation bills, not by virtue of any rule of the House, but for their own convenience. They were designated as the legislative, executive, and judicial bill, the sundry civil bill, the fortification bill, the District of Columbia bill, the pension bill, the deficiency bill, the military bill, the naval bill, and the bill in relation to post-offices and post-roads, etc.

The subject-matter of these several bills was designated by the Committee on Appropriations itself, and the Chair thinks that the only way of ascertaining the nature of these bills is by an examination of the substance of them. Under these designations they have been crystallized in the practice of the House until they have a significance as pregnant as the strongest language could give them. (CONGRESSIONAL RECORD, vol. 100, p. 1005.)

Mr. WM. ALDEN SMITH. What is the gentleman reading from?

Mr. TAWNEY. I am reading from a brief by Mr. Moody, submitted to the Fifty-sixth Congress, when this identical question was up and was decided at that time by the Speaker of the House of Representatives. Now, if we are going to divide the jurisdiction in this manner so that it is competent for a Department in the event of their failing to secure what they want in one committee, to enable them to go to another and secure what they have been refused in the first instance, it will lead to infinitely more reckless practices and duplication of appropriations in the future than heretofore. I repeat, Mr. Chairman, I think the line should be drawn between the purchase or manufacture of the instrumentality and its operation. This is a logical division, it is reasonable, one that has heretofore obtained, and, I think, it is one that ought now to obtain.

Mr. SULLIVAN of Massachusetts. Mr. Chairman, it seems to me that the mistake made by the gentleman from Wisconsin [Mr. COOPER] consists in treating this question as an open question. It seems to me that it is settled on the precedents, and I am perfectly willing to admit, as a member of the Appropriations Committee, that if it were not settled by precedents that the jurisdiction of this subject should properly be left to the Committee on Military Affairs. I think that that is true not only on this subject, but a great many others that are now within the jurisdiction of the Committee on Appropriations. But we may and ought to attach a great deal of value to the precedents in this House.

Now, the gentleman from Rhode Island asked if this committee were given power to appropriate for the purpose of fire-control apparatus simply because that was used in connection with field guns, why should not the Committee on Appropriations be given power to appropriate for the horses and the artillery and equipment.

He believes that because there is a close relation between the guns and the artillery equipment that one committee ought to appropriate for both, and I am willing to admit that if it were a new question that one committee should appropriate for both, but a line of division has been created by the precedents in this House. For example, in 1900 it was ruled that while the Committee on Military Affairs had power to appropriate for infantry and artillery equipment, the jurisdiction of appropriations for machinery, tools, and fixtures for their manufacture at the arsenals and armories remained in the Committee on Appropriations. So that the Committee on Appropriations has the power to spend money for the machinery, tools, and fixtures for the manufacture and repair of the equipment and supplies, and the Military Affairs Committee has power to appropriate for the very things which are manufactured by the machinery, tools, and fixtures. Therefore you could not get a closer relation than that which exists between the machine and the thing which is created by the machine, and yet this House, by its precedents, confers jurisdiction upon one committee over the machine and upon another committee over the thing that the machine creates.

Mr. COOPER of Wisconsin. Will the gentleman yield?

Mr. SULLIVAN of Massachusetts. Yes.

Mr. COOPER of Wisconsin. The gentleman speaks of appropriations for machinery for the manufacture of guns having been admitted to be under the jurisdiction of the Committee on Appropriations. The rules say that everything relating to the "military establishment" and "public defense" shall go to the Military Committee. Nobody would claim, I think, that the machines to manufacture guns are part of the military establishment. You can not cripple an enemy with a machine with which you manufacture the gun unless, perhaps, you might take a monkey wrench and hit him on the head with it. The machine with which you manufacture the gun is, of course, no part of the weapon with which we conduct the public defense. Such machinery is not part of the "military establishment." Therefore, the appropriations for those machines would very properly go to the Committee on Appropriations.

Mr. SULLIVAN of Massachusetts. Mr. Chairman, I disagree with the gentleman. I can not see any logical distinction between the power to appropriate for a machine in a Government arsenal and the things which the machine creates, or I could not, if we were treating it as an original question. It seems to me, if it were to be decided originally, that jurisdiction ought to be conferred on the Committee on Military Affairs, but if the statement made by the gentleman from Minnesota [Mr. TAWNEY] is verified by the facts in the record, namely, that since 1902 the Committee on Appropriations has exercised jurisdiction over apparatus for fire control, then it seems to me that this is a settled question and can not be decided by recourse to the logical relation between the gun and the apparatus used in connection with the guns.

Mr. LITTLEFIELD. It is res adjudicata.

Mr. HULL. Mr. Chairman, just a word. In regard to buildings and machinery there is a law on the statute books that requires all buildings that cost to exceed $20,000 to have estimates submitted therefor to the Congress of the United States, and under the rule of the House and its procedure all buildings even for the Army that cost in excess of $20,000 that are built from estimates submitted have always come from the Committee on Appropriations. But on this proposition of the gentleman from Minnesota [Mr. TAWNEY] of the distinction between the two committees, I desire to say to him and to this House, and I hope to the Chairman with some effect, that the tendency has been for the Committee on Appropriations to enlarge its jurisdiction from year to year by putting in items over which they absolutely have no jurisdiction under the rules of the House. Now, what is the jurisdiction given? They have jurisdiction for fortifications and coast defenses, and that is all in the military establishment. Under the decisions shortly after the change of committees from one committee to various committees of the House by a decision of the House they have jurisdiction over the manufacture of cannon, and I think that it would be impossible for the two committees to have joint jurisdiction over its manufacture. But, Mr. Chairman, this language here is for something that is new of itself. This language here is not an enlargement of the jurisdiction of the Committee on Military Affairs; it is simply carrying out what the jurisdiction has always been—that of jurisdiction over the Signal Corps of the Army. In the coast fortifications the Signal Corps has not the same control that it has here. In the coast fortifications, where everything is fixed, nothing is movable, except as they may move a range finder from one place to another to command different parts of the harbor; it is operated by the artillery, it is installed by the engineers.

In this case the Signal Corps furnishes all the instruments; it furnishes the men with the Army to operate the electrical appliances. It is not an increase of expenses with us; it is not reaching out after more jurisdiction; it is simply retaining what the plain letter of the rules of the House and the procedure of the House would give us, except that for the last two years they have put in their bill this language for field artillery. But, Mr. Chairman, suppose they had put in their bill last year—and a large majority of their bills go through without scrutiny as to new legislation—suppose they had put in their bill so many thousand dollars for purchasing horses for artillery and no one raised the point of order, I suppose then they would come up the next year and say, when we appropriate for horses for cavalry and artillery, that they had jurisdiction over the artillery, and here was a double appropriation.

Mr. LITTAUER. Will the gentleman not admit that the very provision sought to be taken care of by this item in the Military Affairs bill here to-day is covered by the provision in the fortification bill that passed, which says, "For range finders and other instruments for fire control in field batteries?"

Mr. HULL. I am not raising the question of what the gentleman's committee has done. The gentleman's committee has done it. I am sorry I did not know it sooner, or I would have tried to keep him from it. It is in the estimates this year. I have never looked at the gentleman's estimates before, as I try to keep well within my rights and hoped others would do the same.

Mr. PALMER. Well, is this a double appropriation?

Mr. HULL. No.

Mr. PALMER. Has not the money been appropriated in another bill?

Mr. HULL. We have not increased the appropriation one dollar. The testimony of General Greely was that in the language as it has been in our bill for the last twenty years practically they could take care of this business, but he believed it ought to be more explicit. He did not ask any increase, because he

said that the amount carried in the bill was sufficient to carry all these items.

Mr. PALMER. I understood the gentleman from New York on the Appropriation Committee to say their bill does contain an item which covers this exact expense. Now, if that bill contains an item covering fire control, why is there not a double appropriation?

Mr. HULL. It covered guns, artillery and field service.

Mr. LITTAUER. "Range finders and other instruments for fire control in field batteries," and if that provision should go out——

Mr. HULL. I do not think it affects the point of order in any particular, admitting all you say.

Mr. KEIFER. Mr. Chairman, I do not want to get tangled up in this debate, but I think the trouble is that we appropriate through the two committees for different things under the same name. I do not agree with the gentleman who undertakes to say that the military establishment is composed of infantry, cavalry, and artillery. It is composed of engineers also; it has a Department of Ordnance, Quartermasters, Signal Corps, Commissary, and all these things, and they are appropriated for in this bill. We have a great many other military things. In the fortifications bill we did appropriate for all the guns which were provided, which were liable to be used in connection with the fortifications, and for all other field guns that we were providing for that were to be in reserve. Some were to be rebuilt, some were being made anew, but I do not think the Appropriation Committee undertook to appropriate for the field guns now used with the infantry, cavalry, and artillery, and there is where the confusion comes in. Fortifications, properly speaking, are also a part of the military establishment of the United States, but in this committee division it is apparently very inconsistent.

Mr. SMITH of Iowa. Mr. Chairman, at the time that the right to report appropriation bills was given to the Committee on Military Affairs various expenses of the military defense were carried in the sundry civil bill, such as provision with reference to the making of machinery for use in the arsenals and other items. There was also a fortifications bill and there was an Army bill. When the rule was adopted to transfer a portion of the right to report appropriation bills to the Committee on Military Affairs, the language used was not so clear as might have been desired, but there is an unbroken line of precedents holding that what was transferred to the Committee on Military Affairs was the right to bring in appropriation bills for these classes of items which had theretofore been covered by the Army bill as reported by the Committee on Appropriations.

There is absolutely no conflict in the authority as to how the jurisdiction is to be determined. In this particular case something of difficulty may arise because the specific item under consideration being that of fire control is one which was not provided for by any committee prior to the division of the appropriations between the committees. The system of fire control was not known in those days. No system of fire control was then devised. It first was devised as an adjunct to the seacoast guns. Nobody has ever claimed to this hour that we ought to have given that to the Committee on Military Affairs, yet that is installed and that is operated by men who are paid by appropriations in the Army bill. The distinguished gentleman in charge of the bill has said that his committee reports the appropriations for the Signal Corps. If he means that they report the appropriations for the payment of the officers and enlisted men, then that statement is true. If he means that they bring in appropriations for those things constructed by the Signal Corps, the statement is not true without great modification and much of limitation. Very much of the money carried in the fortifications bill is expended by the Signal Corps; the work installed by it is operated by the artillery. The mere fact that it is operated by the artillery, which is paid out of this Army appropriation, has never been held to confer upon the Committee on Military Affairs the power to appropriate for the constructive work or the preparation of these things to be used by the artillery. Now, the application of fire control to field artillery was later than its application to seacoast artillery, and yet as early as 1903 the Committee on Appropriations was bringing before this House bills carrying money for fire control of field artillery. Why? Because we are charged with the duty of supplying the artillery with their implements of warfare, not with the horses, not with the harness, but with the guns, the carriages, their adjuncts and appurtenances.

We have carried these appropriations for four successive years, and it has never been whispered until this morning that the jurisdiction to appropriate for this item was in the Committee on Military Affairs. There has never been a line in an Army bill with reference to this subject except, as gentlemen say, that it was included under the general description of electric or telegraphic means of communication. For all these years the Committee on Appropriations has been in undisputed and sole possession of the jurisdiction to make these appropriations. The estimates are sent to the Committee on Appropriations for items for fire control of the mobile artillery. We report a bill out and it passes this House. It does not carry as much as the War Department would have liked. Then comes a bill from the Committee on Military Affairs putting in language never used in that bill in its history before and covering identically these same items that have been carried in the fortifications bill for four long years and making a large additional sum available to them.

Mr. LITTLEFIELD. Two hundred thousand dollars.

Mr. SMITH of Iowa. If there be aught in precedent, it is with the Committee on Appropriations on this subject. If there be aught in analogy, it is with the Committee on Appropriations on this subject. When the question of fire control of the coast fortifications came up, then was the time for the Committee on Military Affairs to say they were entitled to appropriate for that item and that it was not an appurtenant or adjunct to a seacoast gun. They never said it; they have not said it to this hour. They have no more to do with buying cannon for the line of the Army than they have to do with buying a seacoast gun. The power to appropriate for guns and carriages for the mobile artillery is just as exclusively in the Appropriation Committee as the power to appropriate for seacoast cannon. And when identically the same adjunct is applied to the mobile artillery as applied to the seacoast gun the Committee on Military Affairs, after waiting four long years, suddenly discovers that it has jurisdiction to duplicate the appropriations brought in from the Committee on Appropriations for this item, and thus give double appropriation to the War Department for this single purpose. We have, then, this matter settled by the usage of this House at least for four years. We have got it settled by analogy to seacoast fire control. The Committee on Appropriations has no ambition to acquire new labor, but it does protest against the Military Committee, after acquiescing for all of these years in the exclusive jurisdiction of the Committee on Appropriations, and then after an abundance of money has been voted by this House for this purpose, coming in here with a bill giving large additional sums for the same purpose.

Mr. HULL. I will call the attention of the Chair to the estimate submitted this year, on page 132, as the gentleman seems to lay so much stress on the estimates. On page 132 it is specifically submitted to us in that item.

Mr. SMITH of Iowa. Submitted to both, I grant.

The CHAIRMAN. The Chair would like to ask the chairman of the committee on Military Affairs for a little further information. As the Chair understands it, field guns and the heavy siege guns are manufactured at the same armory?

Mr. HULL. They are.

The CHAIRMAN. The Chair understands that the harness and horses for the field guns are appropriated for by the Committee on Military Affairs?

Mr. HULL. They are.

The CHAIRMAN. The Chair would like to ask whether this fire control and direction apparatus is movable, aside from any attachment to the guns themselves.

Mr. HULL. It must be in the very nature of things movable, and is furnished by the Signal Corps of the Army. It is never attached to the gun, except for temporary purposes.

The CHAIRMAN. The Chair is prepared to rule. The gentleman from New York [Mr. LITTAUER] makes the point of order against the words "fire control and direction apparatus and material for field artillery," in lines 1 and 2, on page 5 of the bill, contending that this item of appropriation belongs to the Appropriation Committee and not to the Committee on Military Affairs. This raises the square question of jurisdiction between these two committees. It is a question which has been before the Committee of the Whole and before the House ever since division of the appropriations, in the Forty-ninth Congress, between the various committees now reporting appropriation bills. This is an extremely important question, and the Chair has found it a very delicate one to pass upon, involving not only an interpretation of the rules and the precedents of the House, but also a review of the practice of the committees dating back for many years.

The Chair will state, in the first place, that he does not think the occupant of this chair in Committee of the Whole is called upon to consider, in passing upon such a question as this, the attitude of the Executive Departments toward the various committees of the House.

It appears that an item similar to this has been carried for the past three years in appropriation bills coming from the

Committee on Appropriations, and that no point of order has been made against those items. The present occupant of the chair, however, is compelled to find that the Chair ought not to seek shelter behind the undisputed action of the House or committee when he is called upon to decide a point of order according to the law and the precedents.

This question brings before us the history of the separation of the jurisdiction of the Appropriation Committees of the House, and the present occupant of the chair has undertaken to look into it with as much care and as fully as time permitted.

Prior to the Forty-ninth Congress all appropriation bills were framed by the Appropriations Committee, and matters relating to military affairs were scattered, at first apparently indiscriminately, between the sundry civil bill, the military bill, the fortification bill, and, of course, the various deficiency bills. Prior to the Forty-ninth Congress the rules under which authority was given to the Appropriations Committee and the Military Committee were as follows: The rules provided that matters relating to appropriations of the revenue for the support of the Government should go to the Committee on Appropriations, which matters relating to the military establishment and the public defense, other than appropriations for its support should go to the Committee on Military Affairs. When the subdivision and distribution of matters going to the various appropriation committees were made, they were made effective by the rules of the House which have prevailed down to the present time, which were as follows:

Matters relating to appropriation of the revenue for the support of the Government as herein provided, namely, for legislative, executive, and judicial expenses, for sundry civil expenses, for fortifications and coast defense, for the District of Columbia, for pensions, and for all deficiencies, to the Committee on Appropriations.

Matters relating to the military establishment and the public defense, including appropriations for its support, and that of the Military Academy, to the Committee on Military Affairs.

The language in the latter rule, it will be seen, is sufficiently broad, if standing by itself, to cover all appropriations relating to the military establishment. In order, therefore, to find out what items are not given to the Military Committee, we must determine what is meant by the language in the rule conferring jurisdiction on the Appropriation Committee, which says: "For fortifications and for coast defense."

The gentleman from Iowa who last addressed the Chair has suggested that in this division of authority the Committee on Military Affairs took only those subjects which the military bill carried under the Appropriation Committee when that committee had charge of all the bills. According to this line of reasoning, then, it would be true, of course, that the Appropriations Committee, under the language, "for fortifications and for coast defense," retains jurisdiction of only those items which previous to the separation had been carried in the fortification bill. This was a matter which so interested the Chair that he took occasion to look through all of the fortification acts from 1885 back to the civil war, that he might discover whether the fortification bills ever carried any items other than those directly connected with the fortifications and with the heavy guns of the coast defenses. But for twenty years prior to the division of jurisdiction the fortification bill carried no items except such as were directly connected with fortifications and coast defenses. Therefore the Chair sought to discover on what theory field guns were given to the Appropriations Committee after the division of jurisdiction and were covered in the fortification bill.

The last decision upon this question was made as late as 1898, on February 5 of that year, the fortification bill then being under consideration in Committee of the Whole. When this paragraph was read, "For steel field guns, $30,000," Mr. HULL, of Iowa, then chairman of the Committee on Military Affairs, made the point of order that this provision belonged to the Committee on Military Affairs and not to the Committee on Appropriations. After considerable debate, the Chairman of the committee, Mr. HOPKINS, of Illinois, held that the point of order was not well taken, and that the item "for steel field guns, $30,000," belonged to the fortification bill. He referred to certain precedents, which the Chair will allude to. On March 31, 1890, the House being in Committee of the Whole House on the state of the Union, and considering the Army appropriation bill, a paragraph for metallic cartridges for field gun batteries and steel shell and shrapnel for artillery guns was under consideration, was read, and Mr. Marcus Brewer, of Michigan, made the point of order that those items were not properly in the Army bill, since they belonged to fortifications and coast defense, and that they belonged to the jurisdiction of the Committee on Appropriations. After debate, Mr. Allen, of Michigan, being in the chair, said:

The question presented is of great difficulty and the discussion has not been sufficiently full to entirely satisfy the Chair about the precedents, but the exigencies of the work before the House will not permit further delay.

The practice of the House for the last twenty years preceding the last six years in large part has obtained under different conditions as between committees from those which now exist, and the Chair will confine himself strictly to the rule as he understands it.

He then read the rule prevailing at that time—which still prevails—which the Chair had previously read, and then said:

As the Chair understands this rule, the Committee on Appropriations in this matter is confined strictly to that which pertains to fortifications and coast defenses. The Chair holds that the provision of the bill providing for steel field guns and carriages for the same not used in fortifications nor made for fortifications nor for coast defenses properly goes to the Committee on Military Affairs, and he therefore overrules the point of order.

Immediately, on motion of Mr. JOSEPH G. CANNON, of Illinois, then chairman of the Committee on Appropriations, the committee struck out the paragraphs in question from the military bill by a vote of 91 ayes to 57 noes.

On the next day, on April 1, 1890, the Committee of the Whole House had under consideration the fortifications appropriation bill. The item in that bill against which the point of order was made (and I call the attention of the members of the committee especially to these items as enumerated) was for steel field guns, 3.2 caliber, metallic cartridges for field-gun batteries, and steel shell or shrapnel for field guns.

Mr. Cutcheon, of Michigan, made the point of order against the paragraph, and Mr. Payson, of Illinois, decided that the point of order was not well taken and overruled it, as he said, in conformity with the uniform decisions of the House.

The Chair found upon more careful examination a similar decision on the 19th of January, 1899, when Mr. Blount, of Georgia, was in the chair, and a point of order was made by Mr. Cutcheon against this provision for steel forgings for not less than twenty-four 3.6-inch field guns, $24,000. Another point of order on the same bill was made by Mr. Cutcheon against the following paragraph:

One thousand steel shrapnel for field guns; 4,800 projectiles, cast iron, for field guns.

These were on the fortifications bill. The Chair overruled the points of order.

Still, the present occupant of the chair was unable to find the reason why these field guns were appropriated for in the fortifications bill from the Appropriations Committee. But by further reference he found that on February 9, 1887, this matter came before the House and not before the Committee of the Whole. On that day the Speaker laid before the House Senate bill 662, to encourage the manufacture of steel for modern Army ordnance, armor, and other purposes; to provide heavy ordnance adapted to modern Army warfare, and for other purposes. Mr. McAdoo said:

Mr. Speaker, I make the same point of order with reference to this bill that the gentleman from Michigan made with regard to the preceding bill—that under clause 11 of the eleventh rule, which provides that all proposed legislation relating to the military establishment and the public defense, including the appropriations for its support and for that of the Military Academy, should be referred to the Committee on Military Affairs, and that this bill should be so referred.

The occupant of the chair at that time was Mr. Speaker Carlisle. The colloquy which followed, as shown by the RECORD, was participated in by his great successor as Speaker of the House, the late Speaker Reed. It appears from the colloquy preceding the reference of the bill that both Speaker Carlisle and Mr. Reed, the leader of the minority on the floor, acquiesced in the sending of this bill to the Appropriations Committee.

This occurred in 1887, very soon after the division of bills had been made and matters relating to the military establishment taken from the Appropriations Committee, with the exception of fortifications and coast defenses, and from the provisions of the bill then under consideration it seems very clear to the present occupant of the chair that the reason why Speaker Carlisle and Mr. Reed held that such bills should go to the Appropriations Committee to be considered in the fortifications bill was because the heavy siege guns and the field artillery were both manufactured by the same arsenal. The only ground on which the Appropriations Committee secured authority to appropriate for the field guns was not under the rule, but under the interpretation of the rule and by the decisions of the Speaker of the House and by the Chairmen of the Committee of the Whole. That is as nearly as the Chair has been able to analyze this subject and the disputes between the two committees.

There was no logical reason why field guns should not have been given to the Military Committee under that rule. They could not have been covered in fortifications and coast defenses under the language of the rule. It was only by an interpretation of the rule and by the decisions, as I have said, of the Speaker and of the various chairmen. Now, if we go back and examine these items that have come before the committee and

before the House, we will find that they cover, first, the guns themselves, and, second, those matters necessarily appurtenant to the guns, as carriages, shot, and ammunition. The Chair has been referred to no precedent which has held that equipment not appurtenant to the field guns, but connected with their operation, could go to the Appropriations Committee. The Chair has given due weight to the fact that this item has been carried in other Congresses in fortification bills, but the point has never been raised against them, and there are no rulings to guide the judgment of the Chair.

The Chair also gives very great weight to the point so ably made by the gentleman from Iowa [Mr. SMITH] that fortification bills have uniformly carried similar items for the coast defenses and for fortifications, and right here is where the Chair thinks is the dividing line, and why it seems to the Chair that this is such a delicate question. The fire control for guns in the coast defense are instrumentalities appurtenant to the coast defense. Fire control, on the other hand, for mobile guns in the field are instrumentalities appurtenant to the Army in its military operations and are not a part of the gun.

The Chair is confirmed in his general opinion by the very exhaustive history referred to by the gentleman from Minnesota [Mr. TAWNEY] setting forth the way in which jurisdiction was given to the Committee on Military Affairs, and by the ruling of the late Speaker Henderson following the able arguments made by Representative Moody, at that time serving on the Appropriations Committee and now Attorney-General, and the present chairman of the Military Affairs Committee. In ruling upon the items that were submitted to him the Speaker said:

> The Chair therefore holds that the appropriations for the manufacture of small arms and equipments for the infantry, cavalry, and artillery at the armories and arsenals are within the jurisdiction of the Committee on Military Affairs.

As the Chair is informed, respecting the character of this fire-control apparatus, he regards it as an equipment of the artillery establishment and not as connected with or appurtenant to the gun. And therefore this item should not go to the Appropriations Committee, which has jurisdiction of the manufacture of field guns and appurtenances, but to the Military Committee, which takes all those things which are appurtenant to the Army and the public defense. After giving the subject as thorough consideration as the time permitted, and after studying the history of the conflict of jurisdiction involved, the Chair feels constrained to overrule the point of order. [Applause.]

Mr. SMITH of Iowa. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. SMITH of Iowa. It is my desire, in view of the fact that this item is covered by an appropriation of probably $85,000, to move to strike out the words from the bill "fire control and direction apparatus," without reference to the question of jurisdiction. I wish to inquire whether that motion will be in order now or if we shall wait until the second point of order?

The CHAIRMAN. The Chair thinks it will be in order after the section is perfected. There is a point of order to another part of the same section.

Mr. SMITH of Iowa. The Chair rules that it would not be in order until the section is perfected?

The CHAIRMAN. The Chair thinks that will be the better practice.

Mr. LITTAUER. Now, Mr. Chairman, I direct the attention of the Chair to the proviso, lines 7 and 12, page 5, of the bill. This proviso changes existing law. It contravenes the law which declares that all revenues received are to be paid into the Treasury.

Mr. HULL. I think there is no question but it changes the language under which appropriations have been carried heretofore.

Mr. TAWNEY. I will ask the gentleman from Iowa if he has not an amendment to that provision?

Mr. HULL. I have an amendment which meets the judgment of a great many Members of the House, and was submitted by the gentleman from Minnesota, and I will read it:

> *Provided*, For such extensions of the Alaskan military cable and telegraph system as may be approved by the President as a military necessity, $125,000, to be paid out of amounts heretofore and hereafter received and paid into the Treasury for commercial service over said cable system, the extent of such extension and the cost thereof to be reported to Congress by the Secretary of War.

I think that is also subject to a point of order. It is a change of law; it changes existing law. I think a direct appropriation in this bill for the continuation of the work, making a specific appropriation for a specific line, as we have done in the past for several years, would be in order. If the gentleman will withhold his point of order until I can make an explanation, I will say that it was put in in this way because the governor of the Territory and Members of the House interested in the development of Alaska claimed that there was 70 or 80 miles that should be built to connect an important center where boats are cleared without waiting for the long delay that is now entailed upon them.

I do not believe that that is strictly a military necessity. The original amendment that was submitted to the Committee on Military Affairs was to make the appropriation for extension of the telegraph lines of Alaska without any regard to military necessity. The committee believes that we would have no jurisdiction over the subject unless it was for military purposes, and the language was changed from a specific appropriation for a specific line to giving the President jurisdiction to declare whether it was a military necessity or not. It is a change of law, and I do not propose to argue it. If the gentleman wants to insist on his point of order, I am ready for the Chair to rule.

The CHAIRMAN. The Chair sustains the point of order.

Mr. SMITH of Iowa. Mr. Chairman, I now move to strike from lines 1 and 2, on page 5, the words "fire control and direction apparatus and material for field artillery," those being the words against which the point of order was first laid. I wish simply to state in support of this amendment that the War Department made an estimate under this heading to the Committee on Appropriations of $150,000. After careful consideration we gave them $83,000 for this purpose. The War Department made for this purpose to the Committee on Military Affairs an estimate, as I recall it, of $208,000, and the committee's bill cuts that to $200,000. It does seem to me that, laying aside the question of jurisdiction of these committees, this appropriation having passed this House, a second appropriation, which would make available for this purpose $200,000 more ought not to pass. This system of estimating to more than one committee is certainly a reprehensible one. Under the ruling of the Chair, to which we bow, this appropriation should have been in the Army bill, but the fact remains that the appropriation came in here in the fortifications bill, has passed the House, is now in the Senate, and it is now proposed to give them under this estimate substantially all they ask, in addition to the $85,000 given them by the fortifications bill.

Mr. SLAYDEN. Mr. Chairman, would it not serve the purpose of the gentleman just as well to move to reduce this item by that amount?

Mr. SMITH of Iowa. It would serve my purpose just as well to reduce the item, but not knowing definitely as to how much of this item was intended for that specific purpose, it covering other items——

Mr. SLAYDEN. But the gentleman's contention is that the particular item he speaks of was clearly provided for by his committee with an appropriation of $85,000.

Mr. SMITH of Iowa. We thought $83,000 was an abundance.

Mr. SLAYDEN. Eighty-three thousand dollars; and that is also covered here. Certainly no harm can be done by striking it out.

Mr. SMITH of Iowa. The difficulty with the gentleman's suggestion is this—that his item includes much besides fire control.

Mr. SLAYDEN. But the gentleman has been contending that this is a duplicate appropriation.

Mr. SMITH of Iowa. I am trying to make myself plain. We do not know how much the gentleman's committee understood of this $200,000 was for fire control. Perhaps the gentleman's committee thought only $50,000. I can not tell. We do not want to move to strike out $85,000 from the report of the Committee on Military Affairs, because we don't know whether that is the right sum or not.

Mr. SLAYDEN. But did not the gentleman say that they established before his committee that they required for fire control eighty-three or eighty-five thousand dollars, and has he not contended that this is a duplicate in here?

Mr. SMITH of Iowa. We contend that this item would authorize the expenditure of $200,000 for fire control—that is to say, this item, covering many subjects, can be used for any of those subjects by the War Department.

Mr. LITTLEFIELD. That is the paragraph covering many subjects.

Mr. SMITH of Iowa. Yes. It might be used all for other purposes; it might be used all for this purpose.

Mr. SLAYDEN. The $85,000 which the gentleman's committee appropriated for fire control could not be used for any other purpose.

Mr. SMITH of Iowa. It could only be used for instruments of precision, including instruments for fire control.

Mr. SLAYDEN. And if specifically taken out of this appropriation on the motion here in the House——

Mr. SMITH of Iowa. But the objection to that is this: It may take too much out of your item.

Mr. SLAYDEN. Not if we duplicate your appropriation.

Mr. SMITH of Iowa. The gentleman's committee may have allowed only $50,000 for fire control, and they may have understood that $150,000 of this was for other purposes. I will ask the gentleman how much of this item was for fire control?

Mr. SLAYDEN. I do not remember, but I can look at the hearings.

Mr. SMITH of Iowa. If the gentleman does not know, I do not know; and consequently I do not feel that it would be fair to this committee to move to strike out $85,000 of their appropriation when perhaps only $50,000 of it was for fire control.

Mr. SLAYDEN. Have you not contended the item was duplicated, and that your committee appropriated $85,000 for this purpose? Certainly, if that is true, we would have enough if you knocked out the $85,000 provided in the Army bill.

Mr. SMITH of Iowa. The gentleman is mistaken. It may be that only $50,000 was by the Committee on Military Affairs deemed necessary for fire control. It may be they thought that $150,000 was necessary for the other subjects covered by this paragraph. Consequently, if I should move to strike out $85,000 from this appropriation it might cripple the Service in other branches. If the gentleman is able to tell me they allowed $85,000 for this purpose, I would cheerfully move to strike that amendment out under the strange circumstances with which we are confronted, but as the gentleman disavows any knowledge of how much is for fire control, and I can not tell how much is to be used for fire control, I do the only thing possible and move that for this year that this language be stricken out, so that the Department shall not be able to double its appropriation for this one subject.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. HULL. Mr. Chairman, I hope the amendment of the gentleman from Iowa will not prevail. He is making a greater bugaboo about this thing than facts justify. The Chief of the Signal Office, in his testimony before the committee, said only for the last ten months had he been engaged in this operation of equipping field batteries with fire control, and my judgment is to equip the batteries we have will not cost over $6,000 at the outside. I want to call the attention of the House to the fact that the military appropriation bill for 1905 carried under this same item for the Signal Corps that this is included in an appropriation for $208,500, and the bill for 1906, the current fiscal year, is for $208,000, while this bill only carries $200,000, a reduction with this language in over the appropriations for the last six years, when the appropriation did not carry this language under the item for the electrical appropriations for the Army, and it seems to me that it is not necessary, it is unusual, it is not fair for the gentleman, when the point has been decided against him, to come in and try to perfect this bill and strike out language that belongs in the bill and does not increase the appropriations and does not increase the expenses of the Government one dollar. Every dollar we have appropriated for fire control can properly be expended from the $200,000 carried in this bill and the amount appropriated by the Committee on Appropriations can be used on fortifications.

Mr. SMITH of Iowa. It is not available for that.

Mr. HULL. Then they can let it lie in the Treasury.

Mr. SMITH of Iowa. They will not, though.

Mr. TAWNEY. Will the gentleman permit an interruption?

Mr. HULL. Why, certainly.

Mr. TAWNEY. Will the gentleman state to the House how much of the $200,000 is intended to be used for fire control?

Mr. HULL. Our understanding from the Chief of the Signal Corps was that it was not a large expenditure, and that we need not increase the amount of $200,000 asked for in the original estimate.

Mr. TAWNEY. But that does not answer my question.

Mr. HULL. He did not state the specific amount.

Mr. TAWNEY. And you appropriated without reference to the amount to be used for fire control?

Mr. HULL. We did not ask how much. If you have a battery at an infantry or cavalry post, they can not practice shooting. It can only be done when they are out on large reservations and several batteries in action. There is one large reservation at Niobrara and one down in Oklahoma where a regiment of field artillery can be in practice and where fire control is necessary. It is impossible at a general post throughout the country for the batteries to be practiced in target shooting, because the land is not sufficient for them, but I do protest against trying to strike this language out at this time, when it does not increase or reduce the appropriation. It leaves it exactly as it is. It settles the fact of the committee's jurisdiction, and I trust that the genial gentleman from my State and the genial gentleman from Minnesota, at the head of the Committee on Appropriations, will in the future recognize the jurisdiction of the Committee on Military Affairs in the little unimportant things that we are still trying to hold. [Applause.] I hope that the motion will be voted down.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 5, lines 1 and 2, strike but the words "fire control and direction apparatus and material for field artillery."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Iowa [Mr. SMITH].

The question was taken; and on a division (demanded by Mr. TAWNEY) there were—ayes 38, noes 62.

Mr. HEFLIN. Tellers, Mr. Chairman.

Tellers were refused, not a sufficient number arising in support thereof.

So the amendment was rejected.

Mr. HULL. Mr. Chairman, in order to test the question again on the Alaskan cable and to clear my skirts of any blame for failure, I offer the amendment which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Iowa offers an amendment, which the Clerk will report.

The Clerk read as follows:

*Provided*, For such extensions of the Alaskan military cable and telegraph system as may be approved by the President as a military necessity, $125,000, to be paid out of amounts heretofore and hereafter received and paid into the Treasury for commercial service over said cable system, the extent of such extension and the cost thereof to be reported to Congress by the Secretary of War.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Iowa [Mr. HULL].

Mr. FITZGERALD. Mr. Chairman, I reserve the point of order against that. It is the same as the last provision, except a limitation upon the amount.

Mr. HULL. Mr. Chairman, I do not regard Alaska as on the same plane as other Territories on account of the great expense of communication with different parts of the territory. There is, as I understand it, some 70 or 80 miles of cable or telegraph that should be built in order to connect some of the principal ports of Alaska with a military cable system. At this time, as I understand it—that is the information before the committee—they are compelled to send to the Canadian line in order to make this connection. It is not very far to the Canadian line, but the time might come when it would not be convenient or proper, or we might not have the right to use that; and if that time should come it will be a very serious embarrassment to many of the people of the territory and might be so to the people of the United States.

Mr. FITZGERALD. Why is this appropriation made out of receipts from this line? If this line is to be extended, why not appropriate the money outright for that purpose?

Mr. HULL. This keeps track of the receipts, which I understand was the main objection to the other method of appropriation. By the other way there might be $200,000 paid in and $200,000 to be paid out and nobody would know anything about the amount. My idea is to have a specific appropriation of $125,000. I desire to say this is the provision that the gentleman from New York, the senior member of the minority on the Military Affairs Committee, has given more attention to than all the rest of us put together, and he was to have been here to make a full explanation. I have not charged myself with it very seriously. It is a matter of indifference to me.

Mr. FITZGERALD. I wish to ask the gentleman this: Does not the gentleman from Iowa believe if this cable or telegraphic system should be extended he should offer an amendment that is clearly in order appropriating directly the money for that purpose, without entangling it with this provision to take receipts?

Mr. HULL. In my judgment it would not be in order to give the President the right to determine what is military and what is not. We ourselves have determined that heretofore, and when we get it into his hands to determine, in my judgment it will be subject to a point of order because of a change in the method of appropriation. I want to say, further than that, that in my judgment any appropriation that does not specify the line or points to be connected is subject to a point of order. I will not state that this is not subject to a point of order. I am only arguing on the broader ground. I believe it is beneficial to the Government in some sense, and that, situated as they are in Alaska, they can not carry on these great works without some help from the Government.

Mr. SULLIVAN of Massachusetts rose.

Mr. HULL. I yield to the gentleman from Massachusetts.

Mr. SULLIVAN of Massachusetts. I just wanted to ask the gentleman if the receipts paid into the Treasury should happen to fall below the $125,000 that would cut off the appropriation, would it not?

Mr. HULL. To that extent; yes.

Mr. SULLIVAN of Massachusetts. Is that a desirable thing to do?

Mr. TAWNEY. I will say to the gentleman from Massachusetts [Mr. SULLIVAN] that it says "heretofore" and "hereafter." Now, during the last fiscal year there was paid into the Treasury from this service, $74,000, and it is the judgment of General Greely, the head of the Signal Corps until lately, that the receipts from that cable will amount in the next year or the present or current fiscal year, to somewhere in the neighborhood of some $200,000. And those receipts are entirely independent of charges that are made for Government messages. There is no charge for Government messages. The Government business is transmitted over the cable lines without any charge whatever. These are the commercial receipts that have been turned into the Treasury for the last fiscal year, and the estimated receipts for the current fiscal year.

And, I will say further, that the Canadian government has extended its cable to Port Simpson. The projected cable will extend from Ketchikan to Juneau, connecting at Juneau with the whole system. Ketchikan is the first American port that a ship touches in going into Alaska and the last port it touches coming back from Alaska; and this cable is considered very necessary. Our custom officers are there, and it is considered very necessary that the cable system should be extended.

I will say the only reason for providing expressly for this money to be paid out of the receipts for commercial business over this line, is to indicate that it is not to be a charge upon the Treasury, but that the service itself will pay for its extension. That is the only object.

Mr. PARKER. Mr. Chairman, I only want to bring before the House for a moment an imagination of the condition of things in Alaska. Every now and then there is a new camp; every now and then there is a rush to new gold fields; there are thousands of people in heretofore unknown places, without organization, without much government, and generally there has to be a force sent there to see to order and to make arrangements such as the Government does make, and communications are often as much a question of life and death with these people as in the case where the Government sends a rescuing expedition for whalers.

Mr. LACEY. Does the gentleman remember that the Speaker of this House brought in a special provision for reindeer to reach these Alaskan people that were away off from the line of travel?

Mr. PARKER. I do.

Now, you can not say when all these conditions will be ended. It is certain that General Greely, this man who is at the head of telegraph communications in Alaska, has made a wonderful success, and has not merely organized a system which is perfectly wonderful in its operations in this new country, but one that, instead of being a nonpaying institution, has increased in its receipts so that last year it paid $72,000, and this year it pays $150,000, and next year it will pay over $200,000 of receipts.

He only put these lines where they were needed. Hardly one of them—there have been some—but hardly one of them have been arranged by Congress or defined by Congress. The lines have been established as the needs of the situation of the coming year required. The Government regarded this as necessary in the battle with ice and snow, and for the comfort of the people that went into these summer camps in unknown countries. The Government has regarded it as almost analogous to a time of war—a war against the elements, if nothing else—and what it has done in this direction I think has been wise.

Mr. COOPER of Wisconsin. Under whose direction was this done?

Mr. PARKER. Under the direction of the Chief Signal Officer. I think this provision is subject to the point of order, but I think no point of order ought to be made against it.

Mr. SLAYDEN. I do not think this appropriation should be made, because it is not a military matter, and if the House orders this money expended for the purpose suggested it will be deliberately constructing a commercial line for the accommodation of business.

Mr. TAWNEY. We bought some coal lands in the Philippine Islands last week.

Mr. SLAYDEN. As a military necessity, to take care of the Navy. When this matter was brought before the committee upon a resolution of a member of the committee General Greely, in very halting and uncertain language, gave it a half-hearted indorsement. He was asked early in that hearing by Mr. HOLLIDAY, a member of the committee, if he had previously made this recommendation. He said:

> It was in my annual report, and it was recommended by the Secretary of War this year.

The chairman asked him:

> Is this for military purposes or for the benefit of the inhabitants of Alaska?

Evasively, the General replied:

> It is a point of strategic importance. In my report I stated that I could not say it was absolutely necessary for military purposes.

Further along Mr. SULZER inquired:

> I understand you recommend this as a military necessity?

And he said:

> I do not recommend it as a military necessity.

And every man that has made an argument before the committee has argued that it was for commercial purposes. All the supporters of the measure that have been before the committee argued it from the point of view of business. General Greely himself stated that the receipts were such in amount that they would perhaps reach a very considerable sum.

Mr. TAWNEY. Will the gentleman permit a question?

Mr. SLAYDEN. Certainly.

Mr. TAWNEY. I have a letter here from General Allen. You stated that this thing was exclusively for commercial business.

Mr. SLAYDEN. I did not state that it was exclusively for commercial business.

Mr. TAWNEY. The Government messages transmitted over this cable system during the last year amounted to $71,349.

Mr. SLAYDEN. Over the constructed lines?

Mr. TAWNEY. Over the cable system. That is the extent to which that cable system is being used by the Government today without any charge. We have a customs officer at Ketchikan, the first port that these vessels touch after getting out of Canadian waters going north and the last one coming back until they reach Puget Sound.

From the standpoint of the Government and for commercial reasons it is just as essential that this cable should be extended to Ketchikan as to have it at Juneau.

Mr. SLAYDEN. Mr. Chairman, I am sorry to say that I am not familiar with the geography of Alaska, not having had the pleasure of visiting the Territory, but I repeat that General Greely said that it was not a military necessity, and that other gentlemen came before the committee to urge it from the point of view of commercial business. If we go into this thing, let us do it frankly and admit that it is merely the construction out of public funds of a telegraph line to accommodate commerce.

Mr. FITZGERALD. Mr. Chairman, I will not say anything on the point of order just now, because I can not see any difference between this amendment and the provision originally in the bill.

Mr. TAWNEY. The difference between this provision and the one in the bill is that the receipts for commercial business over this cable system must be paid into the Treasury, and then the expenditures paid out of those receipts, which are kept separate and distinct from the general fund in the Treasury. Under the provision as it was reported by the committee the receipts need not be accounted for, except as they would appear in the extension of the cable.

Mr. FITZGERALD. My objection to this item is this: If that cable in Alaska should be built as a military necessity, the money necessary to build it should be appropriated regardless of the receipts from the cable line from commercial business. This amendment in its present shape is very misleading. It evidently would create the impression that the net receipts of this line would be used in the building of the cable. That is not a fact. It costs about $200,000 to operate the present cables there, and the cost of operation is paid out of the appropriations for the pay of the Army. This $72,000 that is turned into the Treasury is merely a net receipt after settling accounts with the other lines.

Mr. HOLLIDAY. It is the gross receipts. There are no net receipts, because the line does not pay expenses.

Mr. FITZGERALD. It is exactly the gross receipts, because they receive $102,000, and $30,000 of that is paid to the other commercial lines having connections with them, through which they transmit messages. That amount is received in addition to the $72,000 covered into the Treasury. There is also a sum for purely Government business, having a certain value. But including the value of the Government business, the gross receipts do not equal the operating expenses of the line, and to say that this extension should be made out of the receipts covered into the Treasury is to give the impression that the commercial business is so extensive that the Government is making

a profit, and that out of the profit military lines are being extended, when that is not the fact at all.

Now, if the gentleman from Iowa desires to ask the committee to appropriate some specific sum, regardless of the receipts from the operation of these lines, I would not interpose a point of order against that, but I will insist on the point of order when an amendment is in such a form as to mislead now and to be misleading hereafter to anybody who desires to ascertain the cost of maintaining or extending or operating this line.

The CHAIRMAN. Does the gentleman from New York insist on his point of order?

Mr. FITZGERALD. I do.

The CHAIRMAN. The amendment is clearly subject to the point of order, and the Chair therefore sustains the point of order made by the gentleman from New York. The Clerk will read.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. BURKE of Pennsylvania having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed without amendment bills of the following titles:

H. R. 13365. An act to amend an act entitled "An act authorizing the Kensington and Eastern Railroad Company to construct a bridge across the Calumet River," approved February 7, 1905;

H. R. 12614. An act to change the name of a portion of T street to California street; and

H. R. 7139. An act legalizing the removal of the county seat of Washita County, Okla.

The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House of Representatives was requested:

S. 4394. An act to increase the limit of cost of the post-office and court-house at Evanston, Wyo.;

S. 4130. An act to authorize the Capital City Improvement Company, of Helena, Mont., to construct a dam across the Missouri River;

S. 4128. An act permitting the building of a dam across the Red Lake River at or near the junction of Black River with said Red Lake River in Red Lake County, Minn.;

S. 3294. An act to provide for the erection of a public building at Alton, Ill.;

S. 1878. An act to provide for the purchase of a site and the erection of a public building thereon in the city of Provo, State of Utah;

S. 1792. An act to provide for the erection of a public building at Baker City, in the State of Oregon;

S. 1694. An act for the erection of a public building at Carthage, Mo.;

S. 690. An act to authorize the President of the United States to appoint John Gibbon captain and quartermaster in the Army;

S. 580. An act to provide for the purchase of a site and the erection of a public building thereon at Moscow, in the State of Idaho;

S. 398. An act to provide for the purchase of a site and the erection of a public building thereon at Greenville, in the State of Texas;

S. 333. An act in regard to a monumental column to commemorate the battle of Princeton, and appropriating $30,000 therefor;

S. 111. An act to aid in the erection of a monument or memorial at Point Pleasant, W. Va., to commemorate the battle of the Revolution fought at that point between the colonial troops and Indians October 10, 1774; and

S. 38. An act for the erection of a statue to the memory of Gen. James Miller at Peterboro, N. H.

The message also announced that the Senate had passed without amendment the following resolution:

House concurrent resolution No. 21.

*Resolved by the House of Representatives (the Senate concurring)*, That the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to submit to Congress a report upon the improvement of the so-called flats of the Anacostia River from its mouth to the District line, with recommendations and estimates of cost.

ARMY APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

PAY OF OFFICERS OF THE LINE.

For pay of officers of the line, $5,369,240: *Provided*, That all commissioned officers of the Army may transfer or assign their pay accounts, when due and payable, under such regulation as the Secretary of War may prescribe: *Provided further*, That when the office of Lieutenant-General shall become vacant it shall not hereafter be filled, but said office shall cease and determine.

Mr. GROSVENOR. Mr. Chairman, I make the point of order against the following language in this bill:

*Provided further*, That when the office of Lieutenant-General shall become vacant it shall not hereafter be filled, but said office shall cease and determine.

Mr. LITTLEFIELD rose.

Mr. GROSVENOR. I want to state what my point of order is.

Mr. LITTLEFIELD. I want to reserve another point of order in time against the first proviso. If that is understood to be reserved that is all I desire.

Mr. GROSVENOR. Certainly. I make the point of order that this proviso changes existing law.

Mr. CLARK of Missouri. I wish the gentleman from Ohio would withhold his point of order, and that the committee would give me ten minutes.

Mr. GROSVENOR. I have no objection.

The CHAIRMAN. The gentleman from Ohio reserves his point of order, and the gentleman from Missouri [Mr. CLARK] asks unanimous consent to be permitted to speak for ten minutes.

Mr. LITTLEFIELD. My point of order is also reserved as to the first proviso.

The CHAIRMAN. The gentleman from Maine reserves the point of order against the first proviso.

Mr. HULL. I should like to explain that paragraph.

Mr. LITTLEFIELD. I am going to ask the gentleman to explain it.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent that he may be permitted to proceed for ten minutes. Is there objection?

There was no objection.

Mr. CLARK of Missouri. Mr. Chairman, I think it is well to inform the Members of this House who have come into Congress since 1900 how the rank of Lieutenant-General came to be created at that time. It was a matter of common notoriety that General Miles, ranking major-general of the line, had been wanting to have his rank increased to Lieutenant-General for some years, and he never could do it. At last General Corbin, brigadier on the staff, and his friends were ambitious to have his rank raised to major-general; and by a coalescence of the friends of the two—coalescence is a polite word to use in that connection—both things were accomplished by one motion. The way it was done was by Senate amendment No. 18 on the Army appropriation bill for 1900. I was opposed to creating the rank of Lieutenant-General in time of peace and I am yet. I was so certain, however, that the House was going to agree to it in the peculiar posture of affairs that, in order to get rid of it as a perpetuity—I cared nothing at all at that time about either General Miles or General Corbin—I offered an amendment confining the Lieutenant-Generalcy to the service of General Miles. There were so many of my party and political friends opposed to my proposition that I ultimately withdrew it, though I believed then and am certain now that I was right.

There are certain compensations which come to a Member of this House, and one of them is to at last see Congress come around to his dissenting opinion. One of the greatest judges that ever sat on the supreme bench of Missouri, Thomas A. Sherwood, was there thirty years, and it is marvelous to take the decisions of that court for those three decades and see how frequently his dissenting opinion in the beginning became the opinion of the court in the end. I will read what I said as to the lieutenant-generalcy in June, 1900, because I can not improve on it now, although it was said on the spur of the moment. Here it is:

Mr. Chairman, I do not want to make any speech about the Lieutenant-Generalship, but I have one very well settled idea about this matter, without any reference whatever to the personality of General Miles or anybody else. I regard him as a good soldier, and what little personal relations I have had with him have been pleasant. I believe that the rank of Lieutenant-General is an extraordinary rank, an office of extraordinary importance, and always is or is always to be intended as an extraordinary honor to some soldier by reason of extraordinary service. I am not undertaking to say whether General Miles is entitled to it or not, but I am opposed to conferring a rank that has never been conferred on any man except George Washington, Winfield Scott, Ulysses S. Grant, William T. Sherman, Philip H. Sheridan, and John M. Schofield upon any man who accidentally, by length of service, however undistinguished, becomes the ranking major-general of the United States Army by seniority—merely that and nothing more.

The history of the Lieutenant-Generalcy in this country is an interesting bit of history. It was first conferred upon General Washington as a special mark of honor, after he had been President, at the time when a war appeared to be brewing with France. He was not only made Lieutenant-General, but as a further evidence of the love and confidence of the people he was given unusual authority of appointing his own major-generals and brigadiers—which he did—a performance unparalleled in our annals. The rank of Lieutenant-General lapsed with him, and was never revived until it was bestowed upon Gen. Winfield Scott many years later.

It lapsed again with him, and was never revived until President Lincoln concluded to place Grant in command of all the Union armies

in 1864. Then it was bestowed upon General Sherman and General Sheridan, lapsing with the latter.

After that we had no Lieutenant-General until—during the Fifty-third Congress—the rank was revived for the benefit of Gen. John M. Schofield.

Again it lapsed with his retirement, and we have had no Lieutenant-General since.

The present bill proposes to create the rank of Lieutenant-General in perpetuity, and to that I am unalterably opposed.

Now let us suppose a case. Because we walloped the Spaniards in "jig" time is no reason on earth why, within this generation and in a very few years, we may not have a stupendous war with some power of the first class. Miles will go out in two or three years, as I understand it. Then some major-general, I do not know who and I do not care who, that nobody may think is fit to command the armies of the United States in a time of war, will stand, with the rank of Lieutenant-General, in the pathway of the promotion of the soldiers who distinguish themselves on the field of battle.

The rank of Lieutenant-General is a rank that ought to be held open to confer on the man who wins great military laurels in actual service on the field. There can not be any gainsaying that proposition, and unless you put a limit on it there is some lieutenant in the Army who will begin immediately to use his political influence to-morrow to get himself boosted over his fellows having commissions of the same date as his, in order that he may be the senior captain, major, lieutenant-colonel, colonel, brigadier-general, and major-general, in order to climb to this high rank. I am in favor of restricting it to soldiers of the class who have worn it before, and there it no other sensible view to take of it either.

Now, Mr. Chairman, the situation of this bill in the House proves that I was entirely correct then, because the current of opinion in Congress in favor of abolishing the Lieutenant-Generalcy is so strong that the only way to prevent such action is to raise a point of order against it here now. Those in favor of retaining this extraordinary rank in perpetuity are afraid to submit the question to a vote, but invoke a bare technicality. When the General Staff was created we were assured that it would prove a panacea for all the ills which afflicted the military establishment; but we have come to the pitiful conclusion under this staff arrangement, as I understand it, that a Lieutenant-General or a major-general may have to take his orders from a brigadier-general who happens to be Chief of Staff. To a layman that seems preposterous.

One thing more. Here is an interesting bit of history which I dug up since I made the remarks in 1900. We came very near having a Lieutenant-General during the Mexican war. Politics has always figured in this military business. All parties have sinned more or less in this regard. It so happened that the two most distinguished generals in the Mexican war were Whigs—Gen. Zachary Taylor and Gen. Winfield Scott. The Administration was Democratic. They wanted a Democratic hero to come out of that war, and so they passed a bill through the House—and it only lacked three votes of getting through the Senate—to create the rank of Lieutenant-General; and that immortal Missourian, Col. Thomas Hart Benton, was to be made Lieutenant-General of the Army and be the Democratic hero of that war. He said himself that the reason the bill failed in the Senate was through the jealousy and machinations of James Buchanan, William L. Marcy, and Robert J. Walker, all members of Polk's Cabinet, all Democratic candidates for the Presidency, and who, having no military records themselves, did not want a Democratic hero to come out of that war. [Laughter.] Such a hero might have been in their way.

Mr. LACEY. I would like to ask the gentleman a question.

Mr. CLARK of Missouri. Very well.

Mr. LACEY. Was not there a great Democratic hero come out of that war—Pierce?

Mr. CLARK of Missouri. Oh, no. He was a good soldier, but not a great one; not a hero. Let us philosophize a little. If Benton had been made Lieutenant-General, as certain as fate he would have been elected President of the United States in 1848. Surely he would have been reelected in 1852, and a more intense, a more courageous, a more clear-headed Union man never lived on this earth. He was the chief exemplar, apostle, and defender of the Jacksonian school of Democracy; more Jacksonian than St. Andrew himself. If he had been elected President in 1848 and 1852, there never would have been any Kansas question to vex the minds of the American people, and in all human probability he would have postponed—perhaps would have prevented—the great civil war, which cursed and desolated the land.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. CLARK of Missouri. I would like five minutes more, Mr. Chairman.

The CHAIRMAN. The gentleman from Missouri asks that his time be extended five minutes. Is there objection?

There was no objection.

Mr. CLARK of Missouri. The human mind is past finding out. There have been three most conspicuous Americans, none of whom ever rose above the rank of colonel, who distinguished themselves in the field of politics or in practice at the bar, or in both. All three are great historical figures, and they lived and died in the belief, notwithstanding their triumphs at the bar, in politics, and in statesmanship, that their true vocation was war, and that they were great military geniuses—Aaron Burr, James Monroe, and Thomas H. Benton. President Roosevelt in his Life of Benton gives us a very interesting book in many respects. By the way, I may say, in passing, that Benton is the only United States Senator whose biography has been written by a President, and he is one of the very few that ever deserved such an honor. Colonel Roosevelt wrote that Life of Benton a good long time ago, and in that book he makes fun of Benton for wanting to be a Lieutenant-General. The fact on which Benton claimed he ought to be made a Lieutenant-General was that his commission as colonel of volunteers and lieutenant-colonel in the Regular Army antedated the commission of General Taylor, General Scott, or any of the rest of those generals. President Roosevelt ridicules that proposition. Now, Mr. Chairman, in the light of the military history of the United States since the beginning of the Spanish war I do not think that anybody has any right to make fun of Col. Thomas H. Benton for preferring such an argument as that. [Laughter and applause.]

The other day my friend, the gentleman from Ohio, General KEIFER, made a speech. He served as a major-general in two wars and knows something about military affairs, which I do not claim to know anything about. There are two or three sentences out of his speech which I will read as containing the essence of common sense, and therefore, I suppose, of military sense. I want to add, by the way, that we never had the rank of General but once. It was conferred on Grant; then on Sherman, and lapsed with him. Then, when Sheridan was on his deathbed, Congress very generously revived the rank for him. Here is what General KEIFER says:

> It was the policy in the Confederate States to have a general to command each army, to have a lieutenant-general for every corps of the army, the general to command every separate army in the field consisting of more than one corps, a major-general for every division of the army, and a brigadier-general for every brigade in the army. That worked out its perfection; and I believe that our Army, now organized as it is, small as it is, must always be, to be in perfect order and its whole machinery in readiness to meet any emergency, ought to have a commanding officer. I do not believe in the plan of a staff running the Army, either in peace or war.
>
> If we had a war of any magnitude it would disappear, as it ought to, over the first night. You can not command an army by means of a staff located in a room heated with hot air or steam or hot water. An army is not commanded in that way; and if we had a war we should be compelled to have commanders in the field in close touch with their troops, and who were not under the control of a staff, no matter how good or how great it was.

In a time of war that is precisely the organization we ought to have, but if we go on with these Lieutenant-Generals succeeding each other in rapid succession and disappearing suddenly, like these new-fangled guns that we have—and that is the way it has been during the last five or six years—when the tug of war comes we will be compelled to create the extraordinary rank of general in order to get somebody to command the Lieutenant-Generals. [Laughter.] In less than six years we have had four Lieutenant-Generals—Nelson A. Miles, S. M. B. Young, Adna R. Chaffee, and John C. Bates. General Bates was born in St. Charles County, in my district. He is the son of Edward Bates, Lincoln's first Attorney-General, and a nephew of Frederick Bates, the second governor of the State of Missouri. General Bates is a good soldier. So were the other Lieutenant-Generals. So are Generals Corbin and MacArthur. But, nevertheless, it is unwise to continue to confer the high rank of Lieutenant-General upon the ranking major-general. Therefore, if the point of order is sustained, I say that as soon as we can do it this extraordinary rank of Lieutenant-General ought to be abolished until we have a war, and then we should save the ranks of Lieutenant-General and of full General to confer on such men as Lee, Jackson, Grant, Thomas, Sherman, Sheridan, and soldiers of high and approved capacity to take command of great armies. That is all I have to say about it. I am more convinced now than I was in 1900 that we have no use for a Lieutenant-General in the United States in time of peace. [Applause.]

Mr. GROSVENOR. Mr. Chairman, I have no controversy with the gentleman from Missouri as to the fitness or propriety or nonpropriety of maintaining this rank of Lieutenant-General as a permanent officer of the Army in time of peace. I wish to say to the committee that my sole purpose in making this point of order is to prevent what I believe to be a great wrong, and I might say outrage, against the two soldiers who have already been designated to become Lieutenant-Generals at certain fixed times already rapidly approaching, and if this point of order is sustained, as of course it will be, I shall ask unanimous consent to put a provision in the bill providing for the abolishment on a given day of the rank of Lieutenant-General, this to take

effect at a date after the promotion of both Corbin and MacArthur. I differ with the gentleman in one respect. Great merit in war, great merit in the estimation of a great country's great appreciation by generous people does not always and necessarily come from the command of soldiers in the field. I know that the public eye is directed to achievements on the fighting or firing line, and yet I do know from my study of history that men are raised to the greatest military distinction without even, at the time when they earned that great distinction, having been commanders of fighting soldiers in the field. I think likely that the historian of the future will write that the war that opened the eyes of the world to the possibility of the highest military greatness, up to that time at least, was the Franco-Prussian war, and I believe that out of the smoke of that great conflict emerged the one great figure that drew to himself from the intelligent men of the world who wrote about it and studied it the greatest commendation that any man received from that great conflict, and that was the man who did not command a soldier in the field of that great war, Von Moltke, who has gone down in German history as the greatest military strategist and the greatest military genius that his day and generation produced.

It is the genius of war that plans campaigns and wins campaigns. It is the genius of the military mind that makes achievement possible. It is strategy and administrative excellence. It is not necessary to cite particular instances. The soldier, the company, the regiment, the brigade, the division, the corps, the army move by the inspiration of the genius and strategy of organization. The soldier in the field is there to obey orders and fight, to pursue the plans already made and marked out for him. The strategist plants the campaign and the organizer of the army furnishes the men and the material. France was overwhelmed by Germany in large part because of her defective organization. The disasters to France did not come so much at Metz and Strasburg and the great battles of the Franco-German war as they came in the war department at Paris. It was the defective organization, the corrupt commissariat, the imperfect quartermaster's department, while behind the German organization stood the great board of strategy, the great leaders of organization, and the great chieftain who directed and organized the movement.

Coming now to our own time here, I oppose the abolition of this rank at this time, because it will look to all the world as though it were done on purpose to prevent the just conferring of the rank of Lieutenant-General upon the two gentlemen whom I named in my remarks the other day. Both of them have been designated. General Corbin, about to arrive upon our shores within the next three or four days, will be a Lieutenant-General for a short time, which, I think, will extend from some time in April to some time in September. I am not going to disparage the officers who commanded troops at Santiago. They never have had just credit for it, and I am not going to disparage the men who assaulted San Juan Hill and startled the world by their gallantry. It was a gallant and splendid epoch in a war for humanity and justice, but behind it all was the man who, in the Adjutant-General's Office, with a crippled army, a deficient Quartermaster's Department, a deficiency all along the line and of everything pertaining to the war, aided as no one man did nor any two men did the ultimate achievement that saved us from military disrepute in the eyes of the world and put us on the magnificent footing that we had on the 12th day of August of that year.

I do not suggest that our War Department was not in efficient and competent hands. General Alger was a tried soldier of the civil war, an upright, faithful, and efficient citizen in time of peace, and brought to the discharge of the high duties of his great position splendid purpose, pure motives, and efficient administration; but it was the organizing of the forces in the Adjutant-General's office that took the crude and imperfect material of an army and molded and fashioned and shaped them into the organization that astonished mankind.

I know, and hundreds know, what was said at the time. The men—officers, soldiers, and sailors—won renown in the short war with Spain, and undying glory attaches itself to the name of George Dewey. I can never speak of the Spanish war without a word of commendation for my old companion in arms, General Shafter. No matter what envious tongues may utter, he was a strong type of a blunt, brave, untiring soldier. Poetry, art, and literature have joined in immortalizing the famous charge at San Juan, and the American people, whose verdict is never defective in the long run, have testified their appreciation of an achievement that consisted of the organization of a regiment and a gallant and magnificent assault upon the position of an enemy; but behind that assault and reaching all the way to the campaign and instruction and organization in the United States was being developed the genius of a tried, experienced, capable, gallant soldier, Henry Clarke Corbin, and while I will join with all mankind in the praise of Dewey, of Sampson, of Schley, I will not forget the man who made all these things possible by his genius of organization and his great knowledge of the details of army necessities.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. GROSVENOR. I will ask for five minutes more, and I will promise to ask no more time than that.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to proceed five minutes longer. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. GROSVENOR. I know nothing about—oh, I have some suspicions, but I know nothing, in fact, about—how the office of Lieutenant-General happened to be created at the time suggested by the gentleman from Missouri [Mr. CLARK], nor do I know aught of combinations that might have been formed. I know very well there were those of the House of Representatives who talked to me about it that unless the two of them should be put together they would not, either one of them perhaps, have been successful. But the office of Lieutenant-General was then created, and it has been bestowed, as I showed the other day, and as I repeat and insist, worthily ever since. There is no disparagement upon the character of the achievement and worth and merit of Chaffee as an American soldier, nor was there upon Young, nor is there upon Bates now.

Now, those men having come forth from the history of the Spanish war, and MacArthur and Corbin having been designated for the place that has been indicated, it would be a direct thrust upon those men to take from them and out from under them the office of Lieutenant-General. To do it now would be equal to, and understood to be, a vote of censure by Congress. I am perfectly willing to offer an amendment, and I have it drawn here ready to offer, to terminate this office of Lieutenant-General on the 1st day of January next, and I agree with the distinguished gentleman from Missouri in all that he has said except the military genius of Mr. Benton, which I do not know anything about, and I take his word for that even; I agree with him in all that he has said that the office of Lieutenant-General and office of General ought to be kept for the purposes that he has indicated and have them ready when the time shall come, so that in the hour of necessity military genius can be rewarded and placed in a position to make it valuable. Just how we are going to ascertain it is a question that I leave to others to decide. We began the civil war without knowing very much about what was going to happen, and there came from the low ranks of the whole Army, from practical obscurity, the men who ultimately achieved greatness, and they were complimented and honored by the power that was conferred upon them. I have no objection to that proposition, but I am not willing at this time, under these peculiar circumstances, that this bill shall pass in the form that it is now.

It is unnecessary, in the interest of economy or in the interest of carrying out the theory of the Military Committee, that this blow should be delivered against the honor and integrity of these two men. Let the act take effect in the future and I will not object. Let the act be so drawn as to protect promotions made during the current year. That will cover the cases of Corbin and MacArthur. Then I will be content and the people of the country will be content, and the result aimed at by the Military Committee will be substantially reached without the wrong and injustice that will necessarily flow from an act such as this.

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Mr. Chairman, in compliance with the authority given me to extend my remarks in the RECORD upon this topic, I desire to say that I most sincerely regret that the gentleman from Michigan [Mr. GARDNER] should have made the speech which he did make following my remarks upon this question. Nothing that he can say, however, will provoke me, no matter how I may regret his attitude, to criticise him or his career. He too was a soldier and was one of the men behind the guns. He doubtless did not receive that recognition and promotion that I know he most certainly deserved. I am not speaking of official reports nor the record of promotions, but I am speaking of my personal knowledge and personal observation when I say that he acted well his part and deserves well to-day of his country, but I regret and I hope he regrets that in the excitement of debate and in order to decorate more fully his always splendid rhetoric he should have given utterance to the language he did. There is little enough, Mr. Chairman, of recognition being given nowadays to the services of the men who served in the civil war, and the strong suggestion comes to

us, as we are approaching the end, that we be careful of what we say and do and how we act in relation to our comrades of the civil war. And, therefore, it is, I deeply regret, that the gentleman should have given utterance to an interrogatory that went on the wings of the Associated Press and made its appearance in nearly all newspapers of the United States, and that interrogatory was this: "Who is this man Corbin?" It is true, and I congratulate the gentleman upon it, that in the expurgated speech this appears: "Who is this man? What was his record?" And then the following: "The record ought to be greater than the office, and great deeds should shed luster upon the office rather than the office should shed luster upon the man." A man makes a record according to his opportunity. A man who led a small detachment of a regiment into the death trap of San Juan is just as much entitled to praise and glory and honor for that deed as though he had commanded an army of 100,000 men. According to the philosophy of the gentleman from Michigan [Mr. GARDNER], there is no avenue open for recognition unless by the accident of organization the soldier becomes commander of great bodies of men in great battles. Funston swam a river and captured a petty insurrecto, petty in every way, but it was the deed of a gallant soldier, and he was promoted to brigadier-general, and stands in the line for promotion to the head of the Army. Leonard Wood was colonel of the Rough Riders, without experience in military affairs. He did not command the charge of that brilliant regiment, and, so far as I know, until he went to the Philippine Islands, the affair at Santiago covered his military history, but he distinguished himself in Cuba. He made a proud record for himself in the Philippines, and his promotion has followed, with the approval of two Presidents and the Senate.

The proposition of the gentleman from Michigan [Mr. GARDNER] belittles the pride and glory of a private soldier, a line officer, a field officer, a regimental commander. What is he? What is his record? Who is this man? Nothing but a regimental commander. He never commanded a great campaign. Surely not! Surely not! Mr. Chairman, the true test of soldierly qualities can be summarized in these words: Unfaltering faithfulness to the duty assigned to him, intelligent obedience of orders of his superiors, the meeting of every emergency thrust upon him with unfaltering and unfailing skill and efficiency, and when that is the record of the man the question of whether he is a lieutenant, a captain, a colonel, a brigadier or a major-general enters not into the estimate. I am not willing to stand by and hear it announced that in order that a soldier shall be entitled to the highest mete of praise he shall have commanded armies in battle. The patient endurance, the intelligent study, the faithful administration of duty is as necessary in time of peace to the development of the real soldier as is the leading of battles and army corps in time of war.

But "who is this man Corbin?" I am going to enlighten my distinguished friend. I want him to know. I want him to know, so that never again, never again will he ask that question.

First, I print here as a part of my remarks the circular statement of the War Department under date of July 15, 1902, and then I add—and some of it is repetition—a fuller official record of Henry Clarke Corbin, as furnished to me on the 3d of March, 1906, by the Military Secretary:

WAR DEPARTMENT,
ADJUTANT-GENERAL'S OFFICE,
*Washington, July 15, 1902.*

STATEMENT OF THE MILITARY SERVICE OF MAJ. GEN. HENRY C. CORBIN, ADJUTANT-GENERAL, UNITED STATES ARMY.

VOLUNTEER SERVICE.

General Corbin, a native of Ohio (born September, 15, 1842), entered the volunteer service of the United States during the war of the rebellion as a second lieutenant in the Eighty-third Ohio Volunteer Infantry, July 28, 1862, but before the organization was completed he was assigned to the Seventy-ninth Ohio Volunteer Infantry, serving therein as second and first lieutenant, respectively, until November 14, 1863, when he was appointed a major of the Fourteenth United States Colored Infantry. In the following year (March 4, 1864) he was promoted to lieutenant-colonel, and September 23, 1865, made colonel of the Fourteenth United States Colored Infantry. He was honorably discharged from the volunteer service March 26, 1866, with the brevet of brigadier-general, which honorary rank was bestowed upon him in recognition of meritorious services ten days prior to muster out. During the service General Corbin was with his company of the Seventy-ninth Ohio Volunteer Infantry, in the army of the Ohio, from date of entry into the service until the 30th of November, 1862; when he was transferred to Company K of that regiment then attached to the Army of the Cumberland, joining at Murfreesboro, Tenn. He served in the field until November, 1863, when, having been appointed a major of colored troops, he joined his new regiment at Gallatin, Tenn. Upon completion of its organization, the regiment was attached to General Steadman's reserve division of the Fourteenth Army Corps (commanded by Maj. Gen. George H. Thomas), and participated in the campaigns incident to the operations in eastern Tennessee and Georgia until 1864, when the Confederate General Hood assumed the aggressive and made an active campaign against General Thomas's army. In this campaign General Corbin (then lieutenant-colonel) was engaged in action with his regiment at Pulaski, Tenn., and in numerous affairs during the movement of General Steadman's division from Decatur to Huntsville, and thence to Murfreesboro and to Nashville, Tenn. At the opening of the battle of Nashville, General Corbin, then in command of his regiment, lead in the advance and was heavily engaged the 14th, 15th, and 16th of December, and followed in the pursuit of General Hood's army from Nashville until it was captured and dispersed in Tennessee and Alabama.

For "gallant and meritorious services at Decatur, Ala.," the brevet of major was conferred, and for "gallant and meritorious services at the battle of Nashville, Tenn.," he received a brevet of lieutenant-colonel.

REGULAR ARMY SERVICE.

In 1866, upon the muster out of the Volunteer Army, and upon the recommendation of his military commanders, he was commissioned (May 11, 1866) a second lieutenant in the Regular Army. He was appointed to a captaincy of the line December 31, 1866, and from that year to 1876 he was continually in command of his company on the western frontier in campaigns against hostile Indians.

He was appointed to the Adjutant-General's Department June 16, 1880, and served therein nine years in the grade of major, seven years in the grade of lieutenant-colonel, and two years in the grade of colonel, and was, when appointed brigadier-general and adjutant-general of the Army (February 25, 1898), the senior in the corps, having served on the staffs of Generals Hunt, Schofield, Terry, Crook, Miles (with whom he participated in the Sioux Indian campaign), McCook, Ruger, Merritt, and in 1891 conducted a successful campaign against the Moqui Indians in Arizona Territory.

During the Spanish-American war General Corbin was brought into close relations with the President, and was by him consulted upon all questions of policy relating to military affairs; and, in addition to his duties as Adjutant-General of the Army, superintended the organization of 250,000 soldiers; within six months the muster out of 100,000, and subsequently 35,000 additional volunteer forces were mustered, equipped, and made effective for the Philippine service, and they, in turn, disbanded—the Regular Army having been increased during this period to three-fold its former strength.

In recognition of his services, and of the part which he took in the war, the Congress of the United States conferred upon him the rank of Major-General in the Army of the United States.

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WAR DEPARTMENT,
THE MILITARY SECRETARY'S OFFICE,
*Washington, March 3, 1906.*

STATEMENT OF THE MILITARY SERVICE OF HENRY CLARKE CORBIN.

VOLUNTEER RECORD.

He entered the Army as second lieutenant, Eighty-third Ohio Infantry, July 28, 1862; transferred to Seventy-ninth Ohio Infantry August 29, 1862; promoted first lieutenant May 11, 1863; major, Fourteenth United States colored troops, November 14, 1863; lieutenant-colonel, March 4, 1864; colonel, September 23, 1865; honorably mustered out March 26, 1866; brevetted brigadier-general March 13, 1865, for meritorious services.

SERVICE.

With his regiment in the Army of the Ohio to November, 1862, and in the Department of the Cumberland, until mustered out with his regiment, being engaged in guarding the railroads at Gallatin, Tenn., and from Mitchelville, Ky., to Nashville, Tenn., to May, 1864; in the defenses of Nashville, Tenn., and in garrison at Knoxville, Tenn., participating in the actions of Pulaski, Tenn., Dalton, Ga., Decatur, Ala., the battle of Nashville, Tenn., and in the pursuit of General Hood's army, being in action in several minor engagements in December, 1864, and January, 1865. In the winter of 1863–64 commanded expedition to the Sequatchie Valley against the rebel guerrilla Hughes driving him from the country, and bringing back a large number of colored men from which the Forty-fourth Regiment of colored troops was organized.

REGULAR ARMY RECORD.

Second lieutenant, Seventeenth Infantry, May 11, 1866; captain, Thirty-eighth Infantry, July 28, 1866; transferred to Twenty-fourth Infantry November 11, 1869; major, assistant adjutant-general, June 16, 1880; lieutenant-colonel, June 7, 1889; colonel, May 26, 1896; brigadier-general, adjutant-general, February 25, 1898; major-general, adjutant-general, June 6, 1900.

Brevetted major March 2, 1867, for gallant and meritorious services in the action at Decatur, Ala., and lieutenant-colonel March 2, 1867, for gallant and meritorious services in the battle of Nashville, Tenn.

SERVICE.

He joined the Seventeenth Infantry September 3, 1866, and served with it at Fort Gratiot, Mich., and at Independence, Mo., to October, 1866; recruiting for the Tenth Cavalry at Fort Leavenworth, Kans., to November, 1866, when he joined his company and served with it en route to and at Austin, Tex., to January 2, 1867; en route and delay to February 18, 1867, and on regimental recruiting service at Nashville, Tenn., to June, 1867. He joined the Thirty-eighth Infantry July 6, 1867, and served with it on frontier duty at Fort Hays, Kans., guarding overland stage road against hostile Indians to September 4, 1867; on the march to and at Fort Craig, N. Mex., to February 2, 1869, being engaged on a scout to the Rio Tolomas in September, 1868; on the march to and at Fort Bayard, N. Mex., to October 4, 1869, being in command of a scout after Apache Indians, near the Gila River, March 18 to April 1, 1869, and being engaged in the action with the Indians and destroying their camp at San Francisco Mountains, N. Mex., March 26, 1869. On the march to and at Fort Clark, Tex., to June 28, 1871, being engaged in surveying and building wagon road from Fort Clark to Fort McKavett, Tex., and on a scout to Beaver Lake, Tex., August 23 to September 14, 1870; on the march to and at Fort McKavett, Tex., June 28, 1871, to September 25, 1872; at Fort Brown, Tex. (at Point Isabel, Tex., August 18 to October 7, 1875), to February 14, 1876; at Washington, D. C., as witness before House committee on Texas border troubles to April 11, 1876. With his company at Fort Ringgold, Tex., to September 9, 1876; on duty at Columbus Barracks, Ohio, October 5 to 19, 1876; commanding detachment and post of Aiken, S. C., October 24, 1876, to January 11, 1877; on duty at Columbus Barracks, Ohio, to March 1, 1877; on leave to March 9, 1877; on duty with President Hayes at Executive Mansion to May 25, 1877. Awaiting orders to September 6, 1877; secretary of the Sitting Bull Commission, going north as far as Fort McLeod, Northwestern Territory, to November 24, 1877. Witness before House Military Committee to December, 1877; on recruiting service in Washington, D. C., to June 18, 1880. On duty as Assistant Adjutant-General in Adjutant-General's Office to September 1, 1882, during which time he accompanied the late President Garfield to Elberon, N. J., in September, 1881; as special aid to General Han-

cock, acting master of ceremonies and secretary of the Yorktown Centennial Commission, in October, 1881. At Newport Barracks, Ky., as Assistant Adjutant-General, Department of the South, September 4, 1882, to November 1, 1883; at Chicago, Ill., as assistant adjutant-general, Division of the Missouri, November 20, 1883 (being absent in the field with General Miles in Indian Territory July 12 to 26, 1885, and at Pine Ridge Agency, S. Dak., during the Sioux campaign January 4 to 22, 1891), to March 7, 1891; at Los Angeles, Cal., as assistant adjutant-general, Department of Arizona (in the field in connection with the disturbances at the Moqui Indian villages, June 28 to July 9, 1891), to December 2, 1892; at Washington, D. C., as assistant in the Adjutant-General's Office from December 8, 1892, and as principal assistant November 6, 1893, to October 15, 1895, and recorder of the Military Prison Board October 14, 1893, to July 1, 1895; adjutant-general, Department of the East, October 16, 1895, to September 22, 1897, and on duty in the Office of the Adjutant-General, as principal assistant, September 23, 1897, to February 25, 1898, and in charge of Adjutant-General's Office to August 15, 1903. He was on special duty, under instructions of the Secretary of War, in the Philippine Islands June 20 to September 5, 1901, and on duty witnessing the maneuvers of the German army August to September, 1902; on duty with the General Staff at Washington, D. C., August 15 to October 25, 1903; commanding Department of the East October 26, 1903, to January 15, 1904, and the Atlantic Division to October 1, 1904; commanding Division of the Philippines November 11, 1904, to February 1, 1906, being on leave October 7 to December 24, 1905, and since February 1, 1906, en route to the United States.

F. C. AINSWORTH,
*The Military Secretary.*

Now, if my friend from Michigan [Mr. GARDNER] will listen to me, I will point out to him something of "who is this man Corbin." He was the son of a farmer living in Clermont County, Ohio, and before he was 20 years of age he entered the Army as a second lieutenant. He served in the volunteer service until the 26th day of March, 1866. He was brevetted from his rank of colonel, which he had attained, by President Johnson for meritorious services throughout the war. He had risen steadily, first in the white troops and ultimately as colonel of colored troops, and during that period he fought at Pulaski, Tenn.; Dalton, Ga.; Decatur, Ala., and in the battle of Nashville, and was in hot pursuit of General Hood's army, during which he was engaged in several minor engagements. He drove the rebel guerrilla Hughes out of the Sequatchie Valley, and closed his services with the acclaim of the War Department and the encomiums of the people.

His restless spirit and his soldierly instinct suggested to him the Regular Army as a field of operation for life, and he entered it as a second lieutenant in 1866, in the Seventeenth Infantry. He went straight forward, taking the promotions as they came, except that on one memorable occasion, it is within my own personal knowledge, he waved aside an offer of promotion in the Adjutant-General's Department in favor of a disabled officer who would probably have been passed over in Corbin's interests had he not protested against it. He reached the grade of brigadier-general by successive promotions on the 25th of February, 1898, just before the Spanish war began, but he was brevetted major in 1867 for gallant and meritorious services in the battle at Decatur, Ala., and again lieutenant-colonel for gallant and meritorious services in the battle of Nashville, Tenn. These brevets were given upon the recommendation of George H. Thomas. I know another soldier whose greatest pride to-day of all his achievments in military and civil life of which he is proud—the one to which his mind recurs in hours of depression, amid the assaults of his enemies—is the fact that George H. Thomas recommended him for his services performed side by side with Corbin to receive two brevets, one from lientenant-colonel to colonel and one from colonel to brigadier-general. That officer did not command armies in the field. That officer was honored by General Thomas, who never made a mistake, and it was General Thomas who recommended that for gallant and meritorious services in battle Henry Clarke Corbin be twice promoted to grades above the grade where he was found.

We next find him in the Regular Army and the war over. The war has ceased and he is only a second lieutenant. Read his service, furnished officially by the War Department, and I think none of us will wonder that he went up from lieutenant to captain, from captain to major, major to lieutenant-colonel, lieutenant-colonel to colonel, colonel to brigadier-general, and then by the act of Congress practically he was promoted to major-general. He seems to me, as I study his record, to have been hunting for a chance to command in the field, but the chance did not offer, except as he fought the Indians, until there came the Spanish war, and then Corbin's duty was not to command soldiers in the field, not to be seeking for the glory of fighting, but to accept, with regret doubtless, the discharge of the duty he owed to the President and to the country in his great devotion and great fitness for the office which he held, and so he remained at the head of the General Staff until October 25, 1903, and then by direction of the President, in obedience to the order of his superior, he took command of the Department of the East until the 15th of January, 1904, and he took command of the Atlantic Division until October 1, 1904. During that time he stood in the presence of the great soldiers of the world and won the commendation of the men whom he met while witnessing the maneuvers of the armies of foreign countries. His soldierly bearing was commented upon in the official reports of those officers, and then, without a word of complaint, in full accord with the wishes of the President and of the Secretary of War, he went to the Philippine Islands, and from November 11, 1904, to February 1, 1906, commanded that most important of all the divisons of the Army of the United States. In the discharge of that duty I am not trespassing upon propriety when I say that he succeeded best of them all in the trying position of military commander in the Philippines. I do not criticise one of them, but, in the language of one of the highest officers in the Government, General Corbin knew best of all how to command the military in absolute harmony, in perfect accord, and in patriotic deference to the civil authorities under our dual government of the Philippines.

Mr. Chairman, the office of Lieutenant-General will be worthily bestowed upon Henry Clarke Corbin. It will be an incentive to the young soldiers of the United States to recognize that it is not indispensably necessary that West Point shall put her sign manual to the commission of a soldier to be successful; that he may rise outside the prestige of an academic education there and be recognized for his personal achievements in war and in peace, his soldierly qualities being developed by experience and faithful devotion to duty. I draw no invidious comparisons. I glory in the record of my comrades of the civil war, and, Mr. Chairman, I glory in the achievements and development and growth and military fitness and greatness of the men who fought against us. It was an American achievement. Lee and Jackson and Forrest and Hood and Longstreet and all their followers downward to the southern soldier, who fought barefooted and hungry, starving and naked, for a cause as unworthy as it was possible for a cause to be, and yet a cause that commended itself to his conscience. I am proud of their achievements, for their achievements were those of the American soldier, and during the few years left to me I shall never be found, I trust, minimizing by any process of word or act the fame and merit of a distinguished soldier on the Union side of the civil war.

Mr. GARDNER of Michigan. Mr. Chairman, I would like the indulgence of the House for five minutes. I hope that this provision will not be stricken out. I am sorry the gentleman from Ohio in his zeal for one whom he would like to see raised to the grade of Lieutenant-General finds in him a comparison with Von Moltke. Von Moltke was the master genius of a great war. He originated and directed in their operation the plans by which that war was fought. He was the man not "behind the gun" but behind the generals.

Mr. GROSVENOR. Mr. Chairman, I hope the gentleman will not, in cold blood, misrepresent anything I have said.

Mr. GARDNER of Michigan. I do not wish to misrepresent the gentleman at all.

Mr. GROSVENOR. I have made no comparison between General Corbin and anybody else. I stand for him as a splendid specimen of the American soldier, and I have not compared him with anybody. I simply pointed out to my friends on the other side that it was not necessary for a man to be present on the field of battle to confer marked honor, and I cited Von Moltke as a specimen.

Mr. GARDNER of Michigan. And the natural inference——

Mr. GROSVENOR. The inference of the gentleman is an unfriendly inference.

Mr. GARDNER of Michigan. If I am mistaken, I am sorry. But, who is this man? The highest rank he attained in war was that of lieutenant-colonel. He commanded a regiment. He never originated a campaign; he never executed a campaign. He never commanded an army in battle. Practically speaking, he knows nothing about war, except as the commander of a regiment. This is nothing against him. It is not saying that he would not have been under other circumstances a great commander; but he was not, and that ought to settle this question.

Who are the men that we have made Generals and Lieutenant-Generals? One was Grant, the great chieftain of our armies, who originated and executed the campaigns with which his name is identified. I believe with the gentleman from Missouri [Mr. CLARK] that we ought to draw the line on great deeds and not on the process of elimination by death or promotion, in giving this higher crown of the American people to her military chieftains. It is no reflection upon General Corbin, it is no reflection upon General MacArthur. General Corbin has been substantially a bureau officer for years, and not a general commanding armies. If I had had my way, I never would have

had a Miles, a creditable division commander only, to wear the shoes of Washington, and Grant, and Sherman, and Sheridan. Nor would I have Schofield, nor any of these men, do so. There is naught against them personally, but simply because theirs were not records worthy of such exalted rank.

Now, if you confer this upon Corbin and upon MacArthur, why not take in General Greely, Why not continue down the line. When these two men have been promoted and retired, some advocate of some other major-general will rise here and say that he ought to be made a lieutenant-general. It will be regarded as a reflection upon him by his friends and by the country if he is not made a lieutenant-general; and so on to the end.

I am in entire accord with the gentleman from Missouri [Mr. CLARK] in thinking that it was a great misfortune that Thomas H. Benton was not made a Lieutenant-General, if the gentleman's contention is right, for then we would have had no war between the States and none of these troublesome questions now. But there may come a war. Then what? We want the best military genius that the American Army can produce to ride at the head of that Army and direct it, and not a man made simply by choice of preference or favor by the Congress of the United States. Let him win his spurs where every great general who has worthily borne that title has won them, on the field of battle and by the demonstration of his superior ability over others of like rank.

I hope the proviso will prevail, if not to-day then by a provision in some other form, and that we will cease to minimize this great office by filling it with men of whom it is asked, "Who was this man? What was his record?" The record ought to be greater than the office, and great deeds should shed lustre upon the office rather than that the office should shed lustre upon the man. [Applause.]

Mr. KEIFER. Mr. Chairman, I yield to the gentleman from Ohio [Mr. GROSVENOR] if he desires to follow.

Mr. LACEY. Mr. Chairman——

Mr. GROSVENOR. I do not understand what the gentleman from Iowa desires to do.

Mr. LACEY. I am trying to make some remarks. I addressed the Chair. Does the gentleman want to offer his amendment at this time?

Mr. GROSVENOR. I want a ruling upon this point of order, and then want to offer my amendment, and——

The CHAIRMAN. The Chair will state that he is prepared to rule on the point of order.

Mr. KEIFER. Mr. Chairman, I desire to have a moment or two in which to answer the gentleman from Michigan [Mr. GARDNER], who has just taken his seat.

Mr. GROSVENOR. I think the cruelty of that speech answers itself.

Mr. KEIFER. Mr. Chairman, I would not desire to take any time if it were not that my silence, after hearing the reference to General Corbin, might be interpreted as something of an acquiescence in what was said with reference to him. General Corbin did not have high rank in the civil war, but he had as high a record of honor in the civil war as any soldier or officer who fought in it. In the Spanish war—and there I knew him well—he was responsible in a large sense, growing out of peculiar conditions at the War Department, for the organization of that splendid army of volunteers that went forth intending to fight that at one time great war power, Spain. He there displayed his great military talent, giving evidence of those qualities rarely found in any man in this country. His organizing power under extraordinary circumstances has never been excelled. The American Army in 1898, when the war with Spain broke out, unlike the Prussian army when the Franco-Prussian war broke out, was wholly unorganized. It had to be literally created so far as the volunteer part of it—much the larger part—was concerned. Officers of the Regular Army had to be assigned, their duties defined, etc. Complete new organizations had to be created, new officers selected, appointed, and assigned. In short, a new army had to be created, and Gen. Henry C. Corbin was the main instrument to do it. He did not belong to the great field generals that we speak of so often and so highly. He was, however, at his post day and night, and certainly members of this body and members of the Senate of the United States who had intercourse with him by day and by night, who consulted him, would bear testimony that he was a great soldier and met a great emergency, and that he won in that war by his genius and effective work honor and credit and a name that should be rewarded by making him a lieutenant-general.

Mr. GROSVENOR. Now, Mr. Chairman, after——

Mr. HULL. If the Chair will rule on the question.

The CHAIRMAN. The point of order has been made against the two provisos to this paragraph. If the gentleman from Ohio insists on the point of order to the second proviso, the Chair sustains the point of order.

Mr. GROSVENOR. Now, I ask unanimous consent to offer an amendment at this time to the bill, which I send to the Clerk to be read.

The CHAIRMAN. Without objection, the Clerk will report the amendment offered by the gentleman from Ohio.

The Clerk read as follows:

I ask unanimous consent to offer, and have agreed to, the following amendment: In line 19, page 5, after the word "prescribed," insert the following: "*Provided, further*, That when, on or after January 1, 1907, the office of Lieutenant-General shall become vacant it shall not thereafter be filled, but said office shall cease and determine.

Mr. BUTLER of Pennsylvania. Mr. Chairman, does it require unanimous consent to insert that?

The CHAIRMAN. The point of order has been raised against it.

Mr. BUTLER of Pennsylvania. Do you ask unanimous consent?

Mr. GROSVENOR. The amendment is just as vulnerable to the point of order as the original proposition.

Mr. BUTLER of Pennsylvania. I make the point of order against it.

The CHAIRMAN. The gentleman from Pennsylvania makes the point of order against the amendment.

Mr. BUTLER of Pennsylvania. I will reserve it in order that gentlemen may speak about it if they desire to, but I will press it.

The CHAIRMAN. The gentleman reserves the point of order. Unless some gentleman desires to be heard upon the point, the Chair will rule.

Mr. LACEY. I want to speak to the amendment.

The CHAIRMAN. The Chair will rule first on the amendment offered by the gentleman from Ohio, against which the gentleman from Pennsylvania makes the point of order.

Mr. LACEY. The gentleman from Pennsylvania reserves his point of order.

Mr. GROSVENOR. I hope the gentleman will withdraw the point of order.

Mr. BUTLER of Pennsylvania. I said I reserved the point of order, but if there is any doubt about my right to insist upon it, I will do it at this time, and if I may reserve it so that gentlemen may speak, I will reserve it.

Mr. LACEY. Mr. Chairman, it has been told of Cato that when it was suggested to him that he had no statue in Rome he said that he would rather have the people ask why Cato had no statue than to have it asked why he had one. So with reference to the grade of Lieutenant-General. If we do not modify or repeal this law, after a while it will become a distinction not to have been a lieutenant-general. While the law ought to be repealed at some near date, there are reasons in favor of General MacArthur and General Corbin, and the present occupant of that position, that would make the amendment suggested by the gentleman from Ohio [Mr. GROSVENOR] a fair settlement of the controversy. There would then be no civil-war veteran eligible to the place.

In this connection I would like to give just a few figures in addition to those given by the gentleman from Illinois [Mr. PRINCE] a few days ago on the question of retirement. He called attention to the fact that there were 245 brigadier-generals who had been placed upon the retired list. That was a startling number. But I want to add, for the information of the House, that out of these 245 every one of them but five served in the civil war more than forty years ago. That civil war had enlisted men and officers to the number of 2,700,000. The aggregate enlistments ran over 3,000,000, but the actual individuals to over 2,700,000 men.

Selected men out of that vast army passed into the regular service, and after this length of time—forty-one years after the war had closed—240 of them are one the retired list as brigadier-generals. Let me also call attention to the fact that 94 of these were put on by act of Congress under the law that gave every officer who is retired and who has served in the civil war in the Army the same right as was allowed some years ago to those who had retired and who had served in the Navy. The law gave them one rank above that in which they had served in the Army, and that provided that it should not exceed that of brigadier-general. So that out of 245, 94 were thus promoted by act of Congress. And it was a just provision.

It is not remarkable that out of this tremendous multitude of men, who fought the battles for the Union more than forty years ago, that 240 of those still have survived and gone upon the retired list as brigadier-generals to pass their declining years on three-quarters pay. Before having themselves retired, they must have served not less than forty years, and before

getting the additional rank they must have had service in the Union Army in the war of the rebellion.

Now, Mr. Chairman, I should like to insert in my remarks in this connection, in order that they may go along in the RECORD with those of the gentleman from Illinois [Mr. PRINCE], made the other day, a statement made from the Military Secretary's Office of the War Department. I ask the Clerk to read it in my time.

The CHAIRMAN. The gentleman from Iowa asks that a certain letter be read in his time. The letter will be read in the time of the gentleman from Iowa.

The Clerk read as follows:

WAR DEPARTMENT,
THE MILITARY SECRETARY'S OFFICE,
*Washington, February 24, 1906.*

Hon. JOHN F. LACEY,
*House of Representatives, Washington, D. C.*

SIR: Referring to your personal inquiry of this date, I have the honor to inform you that on December 1, 1905, the date of the table published on page 2918 of the CONGRESSIONAL RECORD of February 23, 1906, there were on the retired list of the Army 3 Lieutenant-Generals, 21 major-generals, and 245 brigadier-generals, and that of these all of the Lieutenant-Generals, all of the major-generals except one, and all of the brigadier-generals except five served in the Union Army during the civil war.

Very respectfully,
F. C. AINSWORTH,
*The Military Secretary.*

MEMORANDUM.—Of the 245 brigadier-generals who were on the retired list of the Army on December 1, 1905, as shown in the table published on page 2918 of the CONGRESSIONAL RECORD of February 23, 1906, 94 were advanced to the grade of brigadier-general under the provisions of the act of Congress approved April 23, 1904.

Mr. LITTLEFIELD. Mr. Chairman, having reserved the point of order on the first proviso, I understand the chairman of the committee would like to make a statement as to the reason why that appears in the bill. I understand that it is new legislation.

Mr. HULL. I should like to have the other point of order decided first. I do not want to confuse the two.

Mr. LITTLEFIELD. I understood the other was out of the way.

Mr. BUTLER of Pennsylvania. As far as I am concerned, it is not. I insist on the point of order.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. BUTLER] insists on the point of order to the amendment offered by the gentleman from Ohio [Mr. GROSVENOR], and the Chair sustains the point of order.

Mr. HULL. Now, Mr. Chairman, there is no question that the first proviso is subject to a point of order. It is only a question whether it should be made or not. If the gentleman will turn to the hearing before the Military Committee, on page 22, it will be found that the Paymaster-General makes a plea for it on the ground that at this time there is no law providing for such assignments of pay. A man may assign his pay to-day and get his money for it, sell his pay and revoke the assignment to-morrow, and leave the assignee in the lurch. He may make an assignment in San Francisco and then he may go to Manila. He has assigned so much pay to his family each month, and he may revoke that after the first month, so that no one can be paid. The Department desires to have the sanction of law for these assignments if they are to be continued. I understand the Navy has this provision now. A naval officer ordered on a sea voyage may assign his pay for any number of months he desires, and that assignment holds, because it is authorized by law. The Army has not that sanction of law for such assignment.

The object of this, I think, is simply to keep Army officers reasonably honest. I asked the Paymaster-General if they did not court-martial and discharge an officer when it was found that he had assigned his pay and got the money for it and then recalled the assignment? He said yes, when it was found out, but that in a great many cases the man will make little payments along, and the creditor will hope that he will get it all after a while if he does not get the officer turned out of the Army. I believe it is in the interest of good discipline and good administration that when a man assigns his pay and receives value for it he ought to be held to his contract and not permitted to withdraw the assignment. That is all there is in it.

Mr. LITTLEFIELD. I should like to ask the gentleman, does he understand that the operation of that legislation in connection with the Navy is found to be wise and judicious?

Mr. HULL. I am so informed, and should think it would be so.

Mr. LITTLEFIELD. If that is so, I will withdraw the point of order.

Mr. UNDERWOOD. If the gentleman from Maine withdraws the point of order, I desire to reserve it myself.

The CHAIRMAN. The gentleman from Alabama reserves the point of order against the proviso.

Mr. UNDERWOOD. Mr. Chairman, I will state that I have never believed in legislating on appropriation bills, especially as to legislation that amounts to anything. I think it is a bad form of procedure. And I believe that it would be a dangerous matter to authorize Army officers in the employ of the Government to transfer their pay under any circumstances. Of course I believe a man ought to pay his debts when he contracts them, but it has been recognized for many years, in all departments of the Government, that the salary paid to a governmental officer ought not to be subject to the ordinary processes of the courts for the collection of debts, for governmental and public reasons. It has been recognized as a good, sound policy. Now, if we waive that policy, and allow an Army officer to assign his pay, the first thing we know some officer, under pressure of debt, or under the temptation to borrow money, will assign his pay account to such an extent that he can not stay in the United States Army and live. If we authorize this assignment of pay of their salaries under legislation, why then the money will necessarily in good faith have to be transferred to the creditor.

Mr. PARKER. Does the gentleman understand that this is only after the pay is due that it can be assigned under the bill? There is no assignment beforehand. It is only when due and payable.

Mr. UNDERWOOD. Of course, I do not know what is in the mind of the gentlemen who offer the provision, but it says that all commssioned officers of the Army may transfer or assign their pay accounts when due and payable.

Mr. PARKER. When due and payable. I asked the paymaster whether they expected to allow it to be assigned before it was due and payable, and he said the wording of the amendment did not allow it and they did not expect to do it. It was intended for officers who were away from civilization—say, in Alaska—who had no paymaster coming to them for months, and who in this way would be allowed to put an assignment on their pay account and have the money paid to their wives, if it was necessary.

Mr. UNDERWOOD. Well, it is the same proposition according to the gentleman's statement. I think it would be very proper, if it has not already been done, to say that a man may assign his pay to his wife and dependent members of his family.

Mr. PARKER. After it is due is all that they ask; he is not anticipating his pay.

Mr. HULL. I will say frankly to my friend from New Jersey that in my opinion the words "when it is due and payable" only affects the Government. A man going to Manila could make an assignment reaching through several months, as I understand it.

Mr. UNDERWOOD. That is what I was coming to. He may assign his pay months in advance, but the Government does not pay it until it is due and payable. He has made his assignment, the control of his salary has gone out of his hands, and I think it a bad policy for the Government to establish a precedent of that kind. Creditors will then look to the payment of their accounts and they will give credit on the basis that they can collect an officer's salary, and for the good of the Government it is necessary to have that salary there to maintain the officer and his family. It may enable officers to live higher than they ought to, and it may furnish a temptation to live higher than they otherwise would. I do not believe it is wise in this way to change the fixed policy of the Government, and I therefore insist on the point of order. I think it is manifestly new legislation.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk, proceeding with the reading of the bill, read as follows:

PAY OF ENLISTED MEN.

For pay of enlisted men of all grades, including recruits, $8,773,106.25: *Provided*, That hereafter enlisted men qualifying as expert riflemen shall receive in addition to their pay $3 per month; those qualifying as sharpshooters, $2 per month, and those qualifying as marksmen, $1 per month, under such regulation as the Secretary of War may prescribe: *Provided further*, That so much of section 4819, Revised Statutes, as requires that 12½ cents per month be deducted from the pay of retired enlisted men of the Army and passed to the credit of the Commissioners of the Soldiers' Home in the District of Columbia, be, and the same is hereby, repealed.

For additional pay for length of service, $1,183,464.

Mr. TAWNEY. Mr. Chairman, I desire to ask the gentleman from Iowa, chairman of the Committee on Military Affairs, to what extent this will increase the pay of the Army?

Mr. HULL. My understanding is from the estimates that it will increase the pay about $76,000 a year.

Mr. TAWNEY. Is it the judgment of the committee that the results will justify that additional expenditure?

Mr. HULL. I think it will without doubt. I think it is one of the most important provisions we ever incorporated in the

bill. In other words, the effective force of the Army is determined by the ability of the men to hit the mark. It is not the number of men or the number of guns, but the number of men that can shoot, and do it effectively, which makes the Army a great destructive machine. Take the early days of the civil war. The men got their guns and went onto the firing line without any experience, and they were simply led to slaughter in many cases. Take the Russo-Japanese war, and the testimony is that the same number of bullets fired by trained marksmen would have utterly destroyed the opposing forces; they did not know how to shoot. We are naturally a nation that understands the use of firearms, but it is rapidly disappearing among our people. Now, if this small sum will add enormously to the efficiency of our Army, no one ought to hesitate to make it. It is not the men that get the additional pay that are alone benefited by this appropriation; every man in the Army is benefited by it because every man will be after it, although very few will get it. But it will raise the efficiency of the Army and benefit every man in the enlisted force.

Mr. SLAYDEN. Mr. Chairman, I wish to say a few words about this item which provides additional pay for expert riflemen, sharpshooters, and marksmen.

The regulations, Mr. Chairman, controlling these contests for the various classes of marksmen, sharpshooters, and expert riflemen are made in the War Department—carefully made—with a view of developing the efficiency of the Army and maintaining that standard of efficiency.

Mr. CRUMPACKER. Mr. Chairman, if this additional inducement is offered, is it not likely that the entire Army in the course of two or three years will have qualified as expert marksmen or sharpshooters?

Mr. SLAYDEN. Mr. Chairman, experience has shown that nothing like the entire Army, indeed but a small percentage of it, will ever qualify as expert riflemen or marksmen.

Mr. CRUMPACKER. Is the standard so high as to be out of the reach of the ordinary soldier?

Mr. SLAYDEN. It is so high as to be out of the reach of the ordinary soldier. If one will take the pains to read the regulations governing these contests he will be amazed to know the difficulties to be overcome before a soldier can qualify either as a sharpshooter or as an expert rifleman. The shots have to be fired with incredible rapidity and at great distances.

Mr. CRUMPACKER. And I suppose if they were all expert marksmen our Army need not be so large.

Mr. SLAYDEN. Unquestionably, and that is one of the reasons I so strongly favor this item. [Laughter.]

Now, Mr. Chairman, I will proceed with what I was about to say when the gentleman from Indiana [Mr. CRUMPACKER] asked his question.

The provision that hereafter enlisted men who qualify as expert riflemen shall receive, in addition to their pay, $3 per month; those who qualify as sharpshooters, $2 per month, and those who qualify as marksmen, $1 per month, under such regulation as the Secretary of War may prescribe, is, in my judgment, of very great importance.

The prime duty of a soldier in time of war is to shoot, and the more accurately he can shoot the more efficient he is as a soldier. It stands to reason, sir, that an army of 50,000 men, all of whom know how to handle their weapons and to fire with accuracy, are more useful to the country in a crisis than twice that many men would be who are unfamiliar with the use of a gun. The fact that this measure will promote the efficiency of the Army will hardly be denied by anyone. The Secretary of War and officers of the Army, and, indeed, all other people who have to do with the Army, favor some measure which will raise the standard of marksmanship. It is believed by those who have studied the question that the paragraph under discussion if enacted into law will raise it.

In the Army three kinds of rifle experts are recognized. The lowest of these are the marksmen, who are to receive $1 per month additional compensation. The next lowest are the sharpshooters, and, finally, the expert riflemen, who are to receive the $3 per month additional pay.

At present we are allowed by law to pay $1 a month to expert riflemen. The length of time this extra pay is received after qualifying, under present regulations, is three years, provided the expert rifleman continues in the arm of the service using the small arm with which he qualified.

It is most difficult to qualify as an expert rifleman. As an evidence of this, in the entire Army last year there were but 264 officers and men who qualified as such, and of these 80 were commissioned officers and 184 were enlisted men. The amount of $3 per month as a reward for qualification as an expert rifleman is not too much, and it can be assumed that any man who has the ability to shoot sufficiently well will continue year after year to keep himself up to the mark, and will also be of much benefit in teaching others to shoot. During the same year 1,439 sharpshooters qualified—officers and men.

It will no doubt interest the committee to know about how many men out of our Army of 60,000 will probably qualify under this provision of law. A memorandum made for me at the War Department estimates that the average will not exceed fifteen hundred, and the number is more apt to fall short of than to go beyond that figure. That estimate refers to expert riflemen. The number of marksmen who qualified last year was 2,484, officers and men, and the estimate made in asking for the appropriation is based on a maximum of 2,500. Experience leads us to believe that the number will be considerably less.

The benefit to the service from having expert riflemen, sharpshooters, and marksmen in the ranks of the Army is not confined to the actual ability of these men to shoot accurately, but their influence is exerted in a far greater degree in instructing other soldiers of the organization to which they respectively belong in the handling and management of the small arm. The beneficial effect is felt more when they act as instructors in marksmanship to recruits and young soldiers.

The influence of these expert riflemen is moral as well as professional. No man can become or remain an expert shot who does not keep sober. The additional pay and distinction provided for in this bill will be an incentive to sobriety and diligence which is bound to have good effect on the mass of enlisted men. It is a regrettable fact that, despite the abolition of the canteen, which was intended to make total abstainers of the entire Army, soldiers do still sometimes take too much to drink.

Under the privilege granted by the House, I will print here with my remarks an article recently published in the Army and Navy Journal, which was written by Maj. Gen. L. M. Openheimer, of the Texas National Guard. General Chaffee, lately Chief of Staff, and other soldiers of eminence have told me that General Openheimer's letter to the Army and Navy Journal was so clear and practical, and, if its suggestions were followed, would so promote the efficiency of the Army and of all American reserves, that I feel that it ought to be published in the RECORD for the benefit of all who are interested in the question.

[Extract from the Army and Navy Journal of December 23, 1905.]

THE NATIONAL GUARD AS A RESERVE.

AUSTIN, TEX., *December 6, 1905.*

*To the Editor of the Army and Navy Journal:*

Recent issues of your journal and communications from the Army War College show that the experience of the country in the Spanish-American war has impressed our military authorities and all classes with the importance of organizing a military reserve in case of war.

The authors of the communications and our military authorities in general seem to look to the National Guard forces as the sole source of material for such national reserve. I desire to premise my views by stating right here that such criticisms as may be deemed adverse or unjust by my brother officers of the National Guard are not so intended, but solely that their attention may be directed to the weak points of National Guard forces in the essential qualifications necessary for the purposes of a National Guard Reserve, and that these may have due consideration.

Having been connected with the National Guard of Texas for many years (the last five years of my service as its commanding general) and having, in the Spanish war, commanded a Texas volunteer regiment ostensibly composed of National Guard companies, I believe my experience justifies me in laying down the general proposition that the National Guard of the several States can not be depended upon for a practical and efficient reserve, nor can it be made such in the true sense of the term, and this conclusion is predicated upon the following facts:

First. The young men, rank and file, composing National Guard organizations are, with few exceptions, compelled to devote their entire attention to their everyday duties; hence can spare but little time for military purposes.

Second. Their limited time, when they are called out for drill, is devoted entirely to that character of close-order movements which are of little practical value for field purposes.

Third. Should those in authority attempt to instruct this element in the practical work that is of value in the field, this character of service would have the effect of discouraging National Guard enlistments.

Fourth. It matters not what the qualifications of National Guard organizations may be, whether efficient or otherwise, they can not be depended upon to enlist in their entirety in case of war. The regiment I commanded in the last war was composed of companies from our National Guard, and I believe that I do not exaggerate in the least when I assert that not over 20 per cent of its enlisted strength was on the company rosters when said companies were called out, and that this condition applied to a large percentage of all volunteer regiments in said Spanish war throughout the country.

Fifth. The general character of duty imposed upon the enlisted man at our State camps, such as the usual night tour of guard duty, police and fatigue duties, and the exactions of discipline, etc., frequently result in disenchantment and dampen the military ardor of the average enlisted guardsman, hence not more than 25 or 30 per cent attend the next State camp.

Sixth. The limited time, a week or ten days, devoted to such camps can not possibly give any practical results. One day is usually lost in putting the camp in order and getting routine matters in shape, the last day in turning in property and making preparations for leaving camp. Frequently a day or more is lost on account of weather; hence I assume that five days is a full average of the net time devoted to

camp work in nine out of ten of our State camps throughout the country.

Seventh. As heretofore stated, the usual routine at State camps is composed mainly of garrison duties, such as parades, reviews, and movements in close order. These, while useful for purposes of military inspiration in time of peace, are practically useless in time of war.

There are, as a general thing, some beautiful ceremonies in State camps, such as parades, reviews, etc., but this sort of thing, in the language of the French officer who witnessed the charge of Balaklava, "It is magnificent, but it is not war."

These several conditions may not be universal, but I believe them to be general. And if they be, what practical good can be accomplished by utilizing this sort of material for military maneuvers? These functions are, or should be, predicated upon the assumption that the forces, rank and file, employed in such maneuvers are proficient not alone in the elementary, but also in the technical acquirements pertaining to the profession of arms. In these functions we have been imitating the maneuvers of European armies, but we lose sight of the fact that the latter, on such occasions, are composed solely of regular troops and such as have served one or more years with the colors, and unless our National Guard has had the latter service, which is not practicable under our form of government, we might as well expect a class of boys studying the multiplication table to solve a problem in geometry.

Having adversely commented upon conditions existing in our National Guard and the fallacy of deluding ourselves that it can be depended upon as a military reserve, I desire to submit some general conclusions, which are as follows:

First. Troops are enlisted, uniformed, drilled, and mobilized for the sole and ultimate purpose of shooting at an enemy with effect and for nothing else. They may be proficient in drill, thoroughly disciplined, patriotic, and courageous, and have every other qualification of a soldier, but if they be deficient in target practice, they are absolutely useless for the purpose for which they were enlisted—in fact, are an expense and useless incumbrance. I defy anyone to sucessfully refute this general proposition. I would rather command and depend upon a company composed of marksmen than a regiment composed of men who are not. And we all know that the National Guard, generally speaking, is not proficient in this essential qualification, and when we consider the fact that the average guardsman has neither time nor facilities for target practice, we are forced to acknowledge his inefficiency in this indispensable acquirement.

We must learn to discriminate between the essential and nonessential in the formation and education of a national reserve. The essential is target practice. The nonessential is everything else, because the latter can be taught in a month, while rifle practice can not, nor is there any method by which it can be done after troops are called out. The Boer war demonstrated the results of efficiency in rifle practice. They knew not alone how to shoot, but how to hit the objective; they knew their terrain and the rudiments of security and information. Hence it required many times their number and much blood and treasure to subdue them, because the Boers were better shots than their enemy.

[a] The history of our civil war is a most striking illustration of the value of rifle practice. The Southern States at its beginning were sparsely settled as compared with to-day. Game was plentiful, and nearly every one hunted with rifle or shotgun. Hence the proficiency of the average Confederate in rifle practice was naturally greater than that of the average soldier in the Federal Army, and is proven beyond all doubt by statistics given in Fox's book, entitled "Regimental Losses in the Civil War," which shows (p. 537) that the North furnished 2,865,028 men and the Southern States (p. 552) about 600,000 men. There were killed in action 110,070 men on the Federal side and 52,954 on the Confederate side. These statistics presented in a concrete form show that the Confederates killed in action nearly 19 per cent of their own numerical strength, while the Federals killed in action less than 2 per cent of their numerical strength. This result is not a coincidence, but is the direct consequence of rifle practice, and I can present no greater or more forcible illustration of the efficiency of this indispensable military qualification. The Revolutionary war was fought under similar conditions and presents an analogous illustration of similar results.

After troops are called out it is too late to engage in target practice, as they have neither time nor facilities for such work. My regiment, the Second Texas Volunteers, served in two army corps in 1898, and had only one target practice, each man shooting five cartridges and this accomplished practically nothing.

I desire to state in general terms that the value and efficiency of a military force is in direct proportion to its proficiency in marksmanship and no greater.

The history of our Indian wars demonstrated conclusively that they were a foe not to be despised; that their efficiency was not the result of drill; that it was not affected by their inability to march in line; that their knowledge of the science of security and information was not taken from Wagner (but rather did Wagner borrow many of his principles from the Indian), but they knew the terrain of operations, could shoot with effect, and therefore constituted, in spite of disparity of numbers, quite a formidable adversary.

Proficiency in rifle practice gives troops confidence in each other and tends to make them reliable and efficient in the highest degree. Lack of it tends to make them doubtful, and they will often give way when they see their comrades falling around them and are unable to inflict corresponding punishment in return.

I respectfully suggest that what our Government should strive to formulate is a practical, not a theoretical, military reserve, and I have pointed out what I believe every officer will concede to be the practical and essential qualifications of such reserve, viz, target practice, and that all will agree as to the absolute necessity for such requirement.

When we have a reserve thus qualified, and the contingency of war demands its services, it will have to be taught only to move from line or column to the firing line and get to work. Instinct will teach the value of cover and intrenchment, and common sense the importance and formation of guard, outpost, rear guard, and other field duties.

And now as to the qualifications of volunteer and National Guard officers, as fixed by the requirements of General Orders, No. 115, series 1904. The object sought to be attained by this order has not been very successful, very few of our young men being able to spare the time for attendance at Government military schools. I also beg leave to differ as to the curriculum of requirements prescribed for volunteer officers before being placed upon the list of eligibles for commissions in case of war, as, for instance, geography, the higher mathematics, etc. The General Staff in prescribing the several requirements exacted of volunteer officers should give due consideration to the limited time at the command of young men who have to work every day for a living.

I respectfully submit that the qualifications of officers of a military reserve need only be such as—

First. To enable them to handle and care for troops in the field. This includes (*a*) the ability to teach their men how to take care of their person and general health, (*b*) preparation of food in the field, and (*c*) care of arms and equipment.

Second. How to teach their men to shoot with effect, an accomplishment acquired only by target practice.

Third. The value of prompt and implicit obedience to military authority and of correct military deportment.

Fourth. They should acquire a thorough knowledge of the principles of security and information and possess ordinary judgment as to their application to terrain and conditions of minor tactics and firing and field-service regulations.

I unhesitatingly assert that officers having these qualifications will possess as great a degree of practical efficiency as may be required in ordinary military operations. They need not be graduates of military schools, or possess a knowledge of the higher mathematics, but having the qualifications above enumerated they are qualified for command and fairly equipped for every practical duty devolving upon them. A curriculum prescribed for the acquirement of such duties is brief, practical, and in conformity with the limited time and opportunity at the disposal of our young men. When contingencies arise during military operations requiring the higher or technical acquirements, these can be supplied by professional soldiers, who are generally available on such occasions.

Now, if it be conceded that a military force is efficient in proportion to its marksmanship only, and that the National Guard has practically neither time nor opportunity for target practice, that it is impossible to make marksmen after calling out forces for field service, and that all other qualifications can be taught such force within a few weeks after taking the field, then I most respectfully submit that if the Government wishes to secure a military reserve, which is one in fact rather than form, then it must devise plans and methods adapted to the circumstances and environment of the material which must constitute such reserve.

If the attention of our War College be directed to these general propositions (and the general correctness of which can hardly be denied) I am sure the problem will be less difficult of practical solution.

Make rifle competition the subject of intercollegiate contests, and while not superseding athletic sports, encourage such rifle competition in conjunction with field sports. Let it supersede horse shows and other society functions of this nature. Enlist the cooperation of our leisure class and interest this element in making rifle practice "fashionable." If President Roosevelt will interest himself in the subject his influence will result in giving this country in less than five years a national reserve of a half million young marksmen. This acquirement, being intended primarily for national interests, the expense should be borne by the National Government and conducted under its supervision. Thus would we have a standing army and at a small cost.

To summarize all this, we should seek methods that will develop religious patriotism, methods that will make a patriot of an alien, and then teach the country how to defend this sentiment through the results of rifle practice, and we will develop a practical and efficient army reserve, having its foundation in the hearts of the nation, qualified at a month's notice to take its place on the firing line, and accomplish the purposes for which it is mobilized. Thus qualified we will have an army which can carry our flag wherever it may be ordered and competent to uphold the honor and interests of our country wherever it may be unfurled.

To carry out the details of a scheme for the creation of an army reserve along the lines indicated herein, there should be a board created, composed of three or four officers of the General Staff and line, two or three experienced officers of the National Guard, and if it be deemed advisable to formulate a plan requiring the cooperation of those in civil life, there should be added two or more gentlemen prominently identified with educational and social interests, and I think that such board can devise plans that will succeed in creating a practical and efficient army reserve.

L. M. OPENHEIMER,
*Late Colonel of Volunteers,*
*Major-General Texas National Guard, Retired.*

[a] This paragraph was contained in the original communication, but omitted in publication of same, because Colonel Church, editor of the Army and Navy Journal, writes and gives his reasons for omitting said paragraph, stating, "I think it best to omit your statistics pertaining to the civil war, for the reason that they will not be accepted as correct, * * * as more careful computation has been made since Fox's book was published."

Colonel Church cites as authority for this assertion statistics quoted from Livermore's book, entitled "Numbers and Losses in the Civil War," showing that the maximum number on the Federal rolls was 3,565,000, and 1,959,225 on the Confederate rolls.

The latter figures can not possibly be correct, as the total military population of the Southern States at the beginning of the civil war was only 1,064,193, and from these figures must be deducted about 63,000 troops furnished by Tennessee and West Virginia to the Federal Army, besides other enlistments from the other Southern States in the Federal Army, and granted that the entire military population enlisted (which probably was the case) the Confederates would have less than 1,000,000 men on the rolls.

Now, let us take Livermore's estimates of casualties, and from this standpoint we find that, say, 1,000,000 Confederates killed in action 110,000 Federals, or, say, a number equal to 11 per cent of their own numerical strength, while 3,565,000 Federals killed in action 94,000 Confederates, equal to 2.72 per cent of their own numerical strength, and when we take into consideration the fact that the Confederates were poorly armed and equipped with ordnance and ammunition, we are forced to the inevitable conclusion that these results must have been due to the increased rifle efficiency of the Confederates.

I desire further to say that these statistics are not presented from any sectional standpoint, but simply to call attention to the important military results of rifle efficiency.

L. M. O.

The Clerk read as follows:

One chief clerk, at the office of the Chief of Staff, $2,000 per annum.

Mr. TAWNEY. Mr. Chairman, a parliamentary inquiry. I observe on pages 9 and 10 provisions for the increase of the clerical force at headquarters, divisions, and departments. I want to ask if these various provisions are to be considered as

separate paragraphs or as one paragraph down to and including the bottom of page 10, just before the words "and departments." I observe the period is used at the end of each, but I think the comma is really intended. I want to ask, because if the point of order is to be made it would be too late to wait until the bottom of page 10 is reached.

The CHAIRMAN. The Chair would understand that the word "paragraph" is used in its popular acceptation, and at the end of each two lines on page 9.

Mr. HULL. Mr. Chairman, I will ask unanimous consent that all of the paragraph in regard to clerks may be read and the point of order raised then, because the same question is involved in any one of them.

The CHAIRMAN. Without objection, the portion of the bill down to and including line 21, on page 10, may be read and considered as one paragraph.

Mr. HULL. I should say down to and including line 16, on page 9, is where the clerk part comes in. The captain of the watch, and all that, is another proposition entirely.

Mr. TAWNEY. Down to and including line 13, on page 10.

The CHAIRMAN. Without objection, the Clerk will read.

The Clerk read as follows:

Six clerks at $1,800 each per annum.
Fifteen clerks at $1,600 each per annum.
Twenty-seven clerks at $1,400 each per annum.
Seventy-three clerks at $1,200 each per annum.
One hundred clerks at $1,000 each per annum.
Two clerks at $900 each per annum.
One clerk at $720 per annum.
One captain of the watch at $900 per annum.
Three watchmen at $720 each per annum.
One gardener at $720 per annum.
One packer at $840 per annum.
Two mesengers at $840 each per annum.
Seventy-four messengers at $720 each per annum.
Two messengers at $600 each per annum.
One laborer at $660 per annum.
Two laborers at $600 each per annum.
One laborer at $480 per annum.
Five charwomen at $240 each per annum.

Mr. TAWNEY. Mr. Chairman, I make the point of order now against the paragraph on page 9, line 8, down to and including line 15; also line 19, down to and including line 24, and from line 1 down to line 13, on page 10, on the ground that these paragraphs provide for an increase in the clerical force of the headquarters, divisions, and departments of the Army, and such increases are not authorized by law. However, if the gentleman in charge of the bill desires, I will simply reserve the point of order.

Mr. HULL. Oh, no; I prefer to have the gentleman make it now, so that we can argue it. I would like to know what the gentleman's reason is for making it. That statement is not any reason.

Mr. TAWNEY. Very well, I will make it. I will state, Mr. Chairman, that section 169 of the Revised Statutes expressly provides as follows:

Each head of a Department is authorized to employ in his Department such number of clerks of the several classes recognized by law and such messengers, assistant messengers, copyists, watchmen, laborers, and other employees, and at such rates of compensation, respectively, as may be appropriated for by Congress from year to year.

That is the only law authorizing a provision for additional clerks in appropriation bills. Under the decision of the Attorney-General the term "Department," as used in this statute, means only Departments presided over by a Cabinet officer in the city of Washington. I will say that this identical point was passed upon only a short time ago in respect to increases of clerks in the postal service as distinguished from clerks in the Post-Office Department. The point of order was made on the ground that under Rule XXI, clause 2, there was no authority in law for the proposed increase of the clerks, and then the further point was made, which I have referred to, namely, that under section 169 of Revised Statutes these clerks proposed were to be employed in connection with the postal service, not in connection with the Department, and therefore they were unauthorized by law.

The paragraphs that I have named propose to increase the clerical force at headquarters of divisions and departments and Office of the Chief of Staff by seventeen clerks, and requires an appropriation of $21,080 more than was provided for by the appropriation bill for the clerical force of these divisions and division headquarters for the fiscal year 1905, and $66,880 more than was appropriated for the same clerical force in 1900, when the Army was up to its full maximum limit, while at the present time it is at its minimum limit, and I fail to see the necessity for this increase of clerical force under those circumstances, and I therefore, for that reason, make the point of order.

Mr. HULL. Just a word about the matter. This matter was fought over some years ago when the gentleman from Illinois, Mr. HOPKINS, was in the chair. There is no place provided by law for any of these clerks except the appropriation bill of the Committee on Military Affairs. At that time a small increase was demanded by the Government on account of an increase of the Department. The point of order was raised, and the Chair held it was not subject to the point of order, and the question was to be decided by a vote of the House, as I remember now. Now, Mr. Chairman, if the point of order lies against this provision for additional clerks, it will lie against the provision for one dollar for one clerk, on the theory that they must be provided for by some other law. The same statute was quoted then that the gentleman from Minnesota quotes now. The proposition is an increase of about half what was asked for by the Army. If this point of order shall be overruled and we go into the merits of the question, if the committee can not show the absolute necessity for the small increase that we have given in this bill, then the House can strike out every increase we propose to make. I do not feel like going into this more fully now or imposing upon the Chair, after so arduous a day's service as this, any further trouble to-night, and I therefore move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. BOUTELL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 14397—the Army appropriation bill—and had directed him to report that they had come to no resolution thereon.

### REPRINT OF ARMY APPROPRIATION BILL.

Mr. HULL. Mr. Speaker, I am requested by several Members of the House to ask for a reprint of the Army appropriation bill, as it is impossible to get copies of the bill. I therefore ask unanimous consent that a reprint of the bill may be ordered.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

### SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 38. An act for the erection of a statue to the memory of Gen. James Miller at Peterboro, N. H.—to the Committee on the Library.

S. 4394. An act to increase the limit of cost of the post-office and court-house at Evanston, Wyo.—to the Committee on Public Buildings and Grounds.

S. 4130. An act to authorize the Capital City Improvement Company, of Helena, Mont., to construct a dam across the Missouri River—to the Committee on Interstate and Foreign Commerce.

S. 1792. An act to provide for the erection of a public building at Baker City, in the State of Oregon—to the Committee on Public Buildings and Grounds.

S. 1694. An act for the erection of a public building at Carthage, Mo.—to the Committee on Public Buildings and Grounds.

S. 690. An act to authorize the President of the United States to appoint John Gibbon captain and quartermaster in the Army—to the Committee on Military Affairs.

S. 580. An act to provide for the purchase of a site and the erection of a public building thereon at Moscow, in the State of Idaho—to the Committee on Public Buildings and Grounds.

S. 398. An act to provide for the purchase of a site and the erection of a public building thereon at Greenville, in the State of Texas—to the Committee on Public Buildings and Grounds.

S. 333. An act in regard to a monumental column to commemorate the battle of Princeton, and appropriating $30,000 therefor—to the Committee on the Library.

S. 111. An act to aid in the erection of a monument or memorial at Point Pleasant, W. Va., to commemorate the battle of the Revolution fought at that point between the Colonial troops and Indians, October 10, 1774—to the Committee on the Library.

S. 4128. An act permitting the building of a dam across the Red Lake River at or near the junction of Black River with said Red Lake River, in Red Lake County, Minn.—to the Committee on Interstate and Foreign Commerce.

S. 3294. An act to provide for the erection of a public building at Alton, Ill.—to the Committee on Public Buildings and Grounds.

S. 1878. An act to provide for the purchase of a site and the erection of a public building thereon in the city of Provo, State of Utah—to the Committee on Public Buildings and Grounds.

### ENROLLED BILLS SIGNED.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 213. An act granting an increase of pension to John M. Doersch;

S. 207. An act granting an increase of pension to Marion F. Howe;
S. 201. An act granting an increase of pension to Lyman E. Farrand;
S. 186. An act granting an increase of pension to George P. Howe;
S. 181. An act granting an increase of pension to Francis E. Stevens;
S. 176. An act granting an increase of pension to Benjamin F. Marsh;
S. 139. An act granting an increase of pension to Frederick Le Hundra;
S. 136. An act granting an increase of pension to Sabastian Laudner;
S. 2328. An act granting an increase of pension to Benjamin Franklin Bigelow;
S. 2327. An act granting an increase of pension to Sidney F. Mullin;
S. 2257. An act granting an increase of pension to Mary J. Campbell;
S. 2183. An act granting an increase of pension to George P. Trowbridge;
S. 2089. An act granting an increase of pension to John P. Campbell, No. 2;
S. 1883. An act granting an increase of pension to Nellie Raymond;
S. 1840. An act granting an increase of pension to James Prettyman;
S. 1835. An act granting an increase of pension to James G. Doane;
S. 1821. An act granting an increase of pension to Samuel L. Andrews;
S. 1799. An act granting an increase of pension to Henry Logan;
S. 1798. An act granting an increase of pension to Robert K. Smith;
S. 1744. An act granting an increase of pension to Joseph B. Papy;
S. 1736. An act granting a pension to Lena S. Fenn;
S. 1753. An act granting an increase of pension to Waldo W. Paine;
S. 1731. An act granting an increase of pension to William O. Calson;
S. 1670. An act granting an increase of pension to William McNabb;
S. 1538. An act granting an increase of pension to Indiana A. Paul;
S. 1536. An act granting an increase of pension to William H. Brown;
S. 1518. An act granting an increase of pension to Phineas F. Lull;
S. 1463. An act granting an increase of pension to Anna Z. Potter;
S. 1433. An act granting an increase of pension to Joseph W. Willard;
S. 1417. An act granting an increase of pension to Henry A. Tilton;
S. 1414. An act granting an increase of pension to Sidney G. Smith;
S. 1298. An act granting an increase of pension to Francis W. Usher;
S. 1268. An act granting an increase of pension to William Lounsberry;
S. 1037. An act granting an increase of pension to Adolphus L. Oxton;
S. 1017. An act granting an increase of pension to Mary Ryan;
S. 1010. An act granting an increase of pension to Joel M. Sawyer;
S. 992. An act granting an increase of pension to Albert E. Lyon;
S. 984. An act granting an increase of pension to William W. Benedict;
S. 970. An act granting an increase of pension to William Crome;
S. 968. An act granting an increase of pension to Edward Michaelis, alias Edward Michel;
S. 909. An act granting an increase of pension to Harvey M. D. Hopkins;
S. 2421. An act granting an increase of pension to Herrick Hodges;
S. 894. An act granting an increase of pension to Florence A. Sewell;
S. 2405. An act granting an increase of pension to John P. Winget;
S. 2377. An act granting a pension to Clara T. Leathers;
S. 2337. An act granting an increase of pension to Ellen S. Larned;
S. 2459. An act granting an increase of pension to Alexander M. Scott;
S. 2411. An act granting an increase of pension to Carrie B. Findley;
S. 2329. An act granting an increase of pension to Knute Torgeson;
S. 639. An act granting an increase of pension to George M. Bradley;
S. 640. An act granting an increase of pension to Hugh P. Buffer;
S. 853. An act granting an increase of pension to Charles Lander;
S. 789. An act granting an increase of pension to Mary E. Wolf;
S. 788. An act granting an increase of pension to Edward P. Metcalf;
S. 620. An act granting an increase of pension to Elizabeth S. Law;
S. 125. An act granting an increase of pension to John E. Hadsall;
S. 127. An act granting an increase of pension to Anthony H. Crawford;
S. 724. An act granting an increase of pension to George A. Parker;
S. 624. An act granting an increase of pension to Abbie C. Moore;
S. 124. An act granting an increase of pension to Curtis B. McIntosh;
S. 702. An act granting an increase of pension to Richard Dearborn;
S. 717. An act granting an increase of pension to Charles H. Tuck;
S. 676. An act granting an increase of pension to Joshua W. Tolford;
S. 703. An act granting an increase of pension to Edmund T. Connelly;
S. 121. An act granting an increase of pension to John Cook;
S. 79. An act granting an increase of pension to James F. Tilton;
S. 78. An act granting an increase of pension to Mary R. Blethen;
S. 77. An act granting an increase of pension to Granville P. Mason;
S. 75. An act granting an increase of pension to Urial J. Streeter;
S. 8. An act granting an increase of pension to William M. Hall;
S. 619. An act granting an increase of pension to James F. Prater;
S. 587. An act granting a pension to Mary J. Chenoweth;
S. 573. An act granting an increase of pension to Henry T. Braman;
S. 2526. An act granting an increase of pension to Thomas Welch;
S. 2482. An act granting an increase of pension to Cutler A. Chamberlin;
S. 566. An act granting an increase of pension to George Wiley;
S. 533. An act granting an increase of pension to Francis M. Munson;
S. 506. An act granting an increase of pension to James Wilson; and
S. 476. An act granting an increase of pension to Emily Peterson.

REPRINT OF BILL.

By unanimous consent, on the request of Mr. GILBERT of Indiana, a reprint of the bill (H. R. 9328) relating to notice to defendant before granting of an injunction, was ordered.

WITHDRAWAL OF PAPERS.

By unanimous consent, Mr. AIKEN was granted leave to withdraw from the files of the House, without leaving copies, the papers in the case of John W. Simpson, Fifty-eighth Congress, no adverse report having been made thereon.

By unanimous consent, Mr. AIKEN was also granted leave to withdraw from the files of the House, without leaving copies, the papers in the case of W. M. Gibson, Fifty-eighth Congress, no adverse report having been made thereon.

Mr. HULL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 5 o'clock p. m.) the House adjourned until to-morrow, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of Commerce and Labor submitting an estimate of appropriation for Staten Island lighthouse depot, New York City—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of the Interior submitting an estimate of appropriation for the Official Gazette of the Patent Office—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Commissioners of the District of Columbia submitting an estimate of appropriation for the electrical department of the District—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of the Interior submitting an estimate of appropriation for purchase of certain stock cattle for the Northern Cheyenne Indians at the Tongue River Agency, Mont.—to the Committee on Indian Affairs, and ordered to be printed.

A letter from the Secretary of State to the Hon. EDWIN DENBY, concerning conditions in the Kongo Free State—to the Committee on Foreign Affairs, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. DAVEY of Louisiana, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 14590) to authorize the Cairo and Tennessee River Railroad Company to construct a bridge across Cumberland River, reported the same without amendement, accompanied by a report (No. 1792); which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 14589) to authorize the Cairo and Tennessee River Railroad Company to construct a bridge across the Tennessee River, reported the same without amendment, accompanied by a report (No. 1793); which said bill and report were referred to the House Calendar.

Mr. ADAMSON, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 4482) to amend an act entitled "An act authorizing the construction of a bridge across the Cumberland River at or near Carthage, Tenn.," reported the same without amendment, accompanied by a report (No. 1794); which said bill and report were referred to the House Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. CURTIS: A bill (H. R. 15725) authorizing the President of the United States to enter into commercial agreements, and for other purposes—to the Committee on Ways and Means.

By Mr. McGUIRE: A bill (H. R. 15726) establishing a United States court at Sulphur, Ind. T.—to the Committee on the Judiciary.

Also, a bill (H. R. 15727) to extend incorporate limits of and validate the acts of the town council of Duncan, Chickasaw Nation, Ind. T.—to the Committee on Indian Affairs.

Also, a bill (H. R. 15728) to amend the act entitled "An act in amendment of sections 2 and 3 of an act granting pensions to soldiers and sailors who are incapacitated for the performance of manual labor, and providing for pensions to widows, minor children, and dependent parents," approved June 27, 1890—to the Committee on Invalid Pensions.

By Mr. MOON of Pennsylvania: A bill (H. R. 15729) making penal certain acts when committed within the territorial and maritime jurisdiction of the United States and prescribing the punishment therefor—to the Committee on the Judiciary.

By Mr. RYAN: A bill (H. R. 15730) authorizing a survey of Buffalo River, New York, and for other purposes—to the Committee on Rivers and Harbors.

By Mr. FRENCH: A bill (H. R. 15731) establishing an additional recording district in Indian Territory—to the Committee on the Judiciary.

By Mr. GARDNER of New Jersey: A bill (H. R. 15732) to authorize the Secretary of the Treasury to release land for street purposes to the borough of Sea Isle City, N. J.—to the Committee on Appropriations.

By Mr. LAMB: A bill (H. R. 15733) for the erection of a public building in the city of Richmond, Va.—to the Committee on Public Buildings and Grounds.

By Mr. HOAR: A bill (H. R. 15734) for the erection of a public building at Webster, Mass.—to the Committee on Public Buildings and Grounds.

By Mr. BABCOCK: A bill (H. R. 15735) to amend section 653 of the Code of Law for the District of Columbia, relative to assessment life insurance companies and associations—to the Committee on the District of Columbia.

By Mr. GILBERT of Indiana: A bill (H. R. 15736) to provide for the establishment of judicial divisions in the district of Indiana, designating the places where court shall be held, and for other purposes connected therewith—to the Committee on the Judiciary.

By Mr. AIKEN: A bill (H. R. 15737) to empower the Court of Claims to determine the value of certain legal services to Cherokee Indians by blood—to the Committee on Indian Affairs.

By Mr. RICHARDSON of Kentucky: A bill (H. R. 15738) to establish a fish-hatching and fish-cultural station in Barren County, in southern Kentucky—to the Committee on the Merchant Marine and Fisheries.

By Mr. SOUTHALL: A bill (H. R. 15739) to provide for the enlargement of the public building at Petersburg, Va., in order to accommodate the post-office and custom-house—to the Committee on Public Buildings and Grounds.

By Mr. GOULDEN: A bill (H. R. 15740) amending an act entitled "An act for the extension of M street east of Bladensburg road, and for other purposes," approved March 3, 1905—to the Committee on the District of Columbia.

By Mr. MAYNARD: A bill (H. R. 15741) to establish in the Department of Agriculture a bureau to be known as the Bureau of Public Highways, and to provide for national aid in the improvement of the public roads—to the Committee on Agriculture.

By Mr. BROOCKS of Texas: A bill (H. R. 15742) to construct a public building at Nacogdoches, Tex.—to the Committee on Public Buildings and Grounds.

By Mr. CALDER: A bill (H. R. 15743) for the relief of gaugers, storekeeper-gaugers, and storekeepers—to the Committee on Ways and Means.

By Mr. PRINCE: A bill (H. R. 15744) to abolish the office of Lieutenant-General of the Army of the United States—to the Committee on Military Affairs.

By Mr. MORRELL: A bill (H. R. 15841) to provide for the further purification of the water supply of the District of Columbia—to the Committee on the District of Columbia.

By Mr. SHEPPARD: A resolution (H. Res. 346) requesting the President of the United States to transmit to Congress information concerning the tariff relations between the United States and Germany—to the Committee on Ways and Means.

By Mr. MOON of Pennsylvania: A resolution (H. Res. 347) directing the Clerk of the House to furnish the Committee on Revision of the Laws with certain law books—to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BARCHFELD: A bill (H. R. 15745) granting an increase of pension to Edward Mailey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15746) granting an increase of pension to Melvin B. Ash—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15747) granting an increase of pension to Rachael O'Donell—to the Committee on Invalid Pensions.

By Mr. BATES: A bill (H. R. 15748) granting an increase of pension to Jacob R. Deckard—to the Committee on Invalid Pensions.

By Mr. BENNETT of Kentucky: A bill (H. R. 15749) for the relief of W. P. Adkins—to the Committee on Military Affairs.

Also, a bill (H. R. 15750) to correct the military record of James Downey—to the Committee on Military Affairs.

Also, a bill (H. R. 15751) for the relief of Eli F. Prater—to the Committee on Military Affairs.

Also, a bill (H. R. 15752) granting an honorable discharge to Thomas J. George—to the Committee on Military Affairs.

Also, a bill (H. R. 15753) for the relief of W. H. Fritts and others—to the Committee on Military Affairs.

Also, a bill (H. R. 15754) for the relief of George Smith—to the Committee on Military Affairs.

Also, a bill (H. R. 15755) for the relief of Mary Lock—to the Committee on Military Affairs.

Also, a bill (H. R. 15756) granting a pension to Robert Bartee—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15757) granting a pension to Etna Beihn—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15758) granting an increase of pension to Mary Goodposter—to the Committee on Pensions.

Also, a bill (H. R. 15759) granting an increase of pension to Simon B. Ellis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15760) granting an increase of pension to Eldridge Kenton—to the Committee on Pensions.

Also, a bill (H. R. 15761) granting an increase of pension to Lafayette North—to the Committee on Pensions.

Also, a bill (H. R. 15762) granting an increase of pension to Hiram Storms, alias Freeman—to the Committee on Pensions.

Also, a bill (H. R. 15763) granting an increase of pension to Gainford N. Upton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15764) granting an increase of pension to George S. Ross—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15765) granting an increase of pension to Stephen D. Ross—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15766) granting an increase of pension to Henry Braden—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15767) granting an increase of pension to Don D. Hendershot—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15768) granting an increase of pension to Mary J. Halbert—to the Committee on Pensions.

By Mr. BENNET of New York: A bill (H. R. 15769) granting an increase of pension to William Winslow Bennett—to the Committee on Invalid Pensions.

By Mr. BIRDSALL: A bill (H. R. 15770) granting an increase of pension to Elza Chronister—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15771) granting an increase of pension to John H. Micheals—to the Committee on Invalid Pensions.

By Mr. BONYNGE: A bill (H. R. 15772) granting an increase of pension to Josephine S. Jones—to the Committee on Invalid Pensions.

By Mr. BROUSSARD: A bill (H. R. 15773) for the relief of the estate of George Mitchelltree, deceased—to the Committee on War Claims.

Also, a bill (H. R. 15774) for the relief of the estate of Hiram Anderson, deceased—to the Committee on War Claims.

By Mr. BURTON of Ohio: A bill (H. R. 15775) granting an increase of pension to Edward Babcock—to the Committee on Invalid Pensions.

By Mr. BUTLER of Pennsylvania: A bill (H. R. 15776) granting an increase of pension to Ellen A. Gibbon—to the Committee on Invalid Pensions.

By Mr. CAMPBELL of Ohio: A bill (H. R. 15777) granting a pension to Ida M. Long—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15778) granting an increase of pension to William A. Clark—to the Committee on Invalid Pensions.

By Mr. CALDERHEAD: A bill (H. R. 15779) granting a pension to Margaret A. Jordan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15780) granting an increase of pension to Peter Cole—to the Committee on Invalid Pensions.

By Mr. COCKS: A bill (H. R. 15781) granting an increase of pension to John Henft—to the Committee on Invalid Pensions.

By Mr. DAVIDSON: A bill (H. R. 15782) granting an increase of pension to Henrietta Brown—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15783) granting an increase of pension to George W. Sutton—to the Committee on Invalid Pensions.

By Mr. DE ARMOND: A bill (H. R. 15784) granting an increase of pension to William H. Tuttle—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15785) granting an increase of pension to Oscar W. Miller—to the Committee on Invalid Pensions.

By Mr. DIXON of Indiana: A bill (H. R. 15786) for the relief of the heirs of Wilson Parker, deceased—to the Committee on War Claims.

Also, a bill (H. R. 15787) granting an increase of pension to James Harris—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15788) granting an increase of pension to Jefferson Thomas—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15789) granting an increase of pension to Fielding Arbuckle—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15790) granting an increase of pension to Nicholas W. Dorrel—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15791) granting an increase of pension to Samuel H. Wilson—to the Committee on Invalid Pensions.

By Mr. FOSTER of Vermont: A bill (H. R. 15792) for the relief of Bird L. Fletcher—to the Committee on Military Affairs.

By Mr. FULKERSON: A bill (H. R. 15793) for the relief of the legal representatives of Napoleon B. Giddings—to the Committee on War Claims.

By Mr. FULLER: A bill (H. R. 15794) granting an increase of pension to Samuel Pepper—to the Committee on Invalid Pensions.

By Mr. GILL: A bill (H. R. 15795) for the relief of Washington Bowie—to the Committee on Claims.

Also, a bill (H. R. 15796) granting a pension to Thomas Morrison—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15797) granting an increase of pension to William H. Ash—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15798) to refund legacy taxes illegally collected from the estate of Edward B. Bruce, late of Baltimore city, Md.—to the Committee on Claims.

Also, a bill (H. R. 15799) to refund legacy taxes illegally collected from the estate of Josiah S. Bowen, late of Baltimore city, Md.—to the Committee on Claims.

By Mr. GRAHAM: A bill (H. R. 15800) for the relief of Dr. W. S. Hosack—to the Committee on Claims.

Also, a bill (H. R. 15801) for the relief of the United States National Bank, of the city of Pittsburg, Pa. to the Committee on Claims.

Also, a bill (H. R. 15802) granting an increase of pension to Henry A. Harkins—to the Committee on Invalid Pensions.

By Mr. GREGG: A bill (H. R. 15803) conferring jurisdiction on the United States circuit court for the southern district of Texas, holding sessions at Galveston, in the case of the schooner *Dreadnaught*—to the Committee on the Judiciary.

By Mr. GROSVENOR: A bill (H. R. 15804) granting an increase of pension to Stephen D. Smith—to the Committee on Invalid Pensions.

By Mr. HASKINS: A bill (H. R. 15805) granting an increase of pension to Chancy D. Sargent—to the Committee on Invalid Pensions.

By Mr. JONES of Virginia: A bill (H. R. 15806) for the relief of the estate of David Heller, deceased, and E. Mary Heller—to the Committee on War Claims.

By Mr. KETCHAM: A bill (H. R. 15807) granting a pension to Catherine Arnold—to the Committee on Invalid Pensions.

By Mr. LAMAR: A bill (H. R. 15808) for the relief of Sarah E. Callahan, of Jackson County, Fla.—to the Committee on War Claims.

Also, a bill (H. R. 15809) for the relief of the St. Luke's Protestant Episcopal Church, of Marianna, Fla.—to the Committee on War Claims.

By Mr. LITTLEFIELD: A bill (H. R. 15810) for the relief of F. S. Bowker, managing owner of the schooner *William H. Davenport* and agent for the said schooner and for the owners of the cargo of lumber on board said schooner on October 2, 1899—to the Committee on Claims.

By Mr. LORIMER: A bill (H. R. 15811) granting an increase of pension to the widow of Thomas P. Smith—to the Committee on Invalid Pensions.

By Mr. McGUIRE: A bill (H. R. 15812) granting an increase of pension to George F. Watson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15813) to remove the charge of desertion from the military record of James Wilson—to the Committee on Military Affairs.

Also, a bill (H. R. 15814) to enable and authorize the city of Blackwell, in the Territory of Oklahoma, to sell certain real estate—to the Committee on the Public Lands.

Also, a bill (H. R. 15815) authorizing and directing the governor of the Chickasaw Nation and the principal chief of the Choctaw Nation to execute and deliver to the Murrow Indian Orphans' Home, a corporation of Atoka, Ind. T., a patent to described lands—to the Committee on Indian Affairs.

Also, a bill (H. R. 15816) granting section 16, township 14 north, range 4 east, Indian meridian, Lincoln County, Oklahoma Territory, to the city of Chandler, said county, for school purposes—to the Committee on the Public Lands.

Also, a bill (H. R. 15817) to place on the Indian rolls of the Comanche tribe, in Oklahoma, the name of Herman Lehmann—to the Committee on Indian Affairs.

Also, a bill (H. R. 15818) authorizing the Secretary of the Interior to issue patent to the town of Arapaho, Okla., to certain land for cemetery purposes—to the Committee on the Public Lands.

By Mr. MURDOCK: A bill (H. R. 15819) granting an increase of pension to William T. Burgess—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15820) granting an increase of pension to Rebecca J. Thompson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15821) granting an increase of pension to C. W. Hodge—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15822) granting an increase of pension to David W. Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15823) granting an increase of pension to Henry Horn—to the Committee on Invalid Pensions.

By Mr. RHINOCK: A bill (H. R. 15824) granting a pension to Elizabeth Karrell—to the Committee on Invalid Pensions.

By Mr. RHODES: A bill (H. R. 15825) for the relief of John R. Adams—to the Committee on War Claims.

By Mr. SAMUEL: A bill (H. R. 15826) granting an increase of pension to Adam Seid—to the Committee on Invalid Pensions.

By Mr. SCROGGY: A bill (H. R. 15827) granting an increase of pension to Charles Ely—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15828) granting an increase of pension to Joseph J. Juvenile—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15829) to remove the charge of desertion from the record of John Huffman—to the Committee on Military Affairs.

By Mr. SHARTEL: A bill (H. R. 15830) granting a pension to William S. Judkins—to the Committee on Invalid Pensions.

By Mr. SHERLEY: A bill (H. R. 15831) granting an increase of pension to Mittie Mitchell Choate—to the Committee on Invalid Pensions.

By Mr. SIMS: A bill (H. R. 15832) for the relief of Edward J. Trice—to the Committee on War Claims.

Also, a bill (H. R. 15833) for the relief of Absalom W. Weaver—to the Committee on War Claims.

Also, a bill (H. R. 15834) for the relief of the legal representatives of Joseph King, deceased—to the Committee on War Claims.

By Mr. TIRRELL: A bill (H. R. 15835) granting an increase of pension to George M. Thompson—to the Committee on Invalid Pensions.

By Mr. WELBORN: A bill (H. R. 15836) granting an increase of pension to Sarah A. Crosby—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15837) providing for the extension of the provisions of the pension act of June 27, 1890, to the Seventy-second Regiment Enrolled Missouri Militia—to the Committee on Invalid Pensions.

By Mr. WOODYARD: A bill (H. R. 15838) granting an increase of pension to Jonathan Pletcher—to the Committee on Invalid Pensions.

By Mr. CAPRON: A bill (H. R. 15839) granting an increase of pension to Mary Jane Burroughs—to the Committee on Invalid Pensions.

By Mr. NEEDHAM: A bill (H. R. 15840) granting an increase of pension to Edgar B. Hughson—to the Committee on Invalid Pensions.

## CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 15553) granting an increase of pension to Susan H. Isom—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 15685) granting a pension to James P. Dooley—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

## PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of organizations of railway employees, for the employers' liability bill and the anti-injunction bill—to the Committee on the Judiciary.

Also, petition of the National Grange and Dwight B. Stafford—to the Committee on Ways and Means.

Also, petition of citizens of Pennsylvania, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of citizens of Massachusetts, for a forest reserve in the White Mountains—to the Committee on Agriculture.

Also, petition of Lone Elm Grange, No. 174, and Orrie A. Parkes, of New York, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of the American Association of Masters and Pilots of Steam Vessels, Palmetto Harbor, No. 74, and Marine Engineers' Beneficial Association, No. 65, against bills H. R. 38, 5281, and 5283—to the Committee on the Merchant Marine and Fisheries.

Also, petition of bankers et al., the commissioners of pilotage and pilots, and commercial bodies et al., against bills H. R. 38, 5281, and 5283—to the Committee on the Merchant Marine and Fisheries.

By Mr. ADAMS of Pennsylvania: Petition of Robert Bryan Camp, Sons of Veterans, No. 80, of Philadelphia, Pa., against bill H. R. 8131—to the Committee on Military Affairs.

Also, petition of Joseph Wharton, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of the Seventh-Day Advent Church, against Sunday legislation for the District of Columbia—to the Committee on the District of Columbia.

By Mr. ALLEN of New Jersey: Petition of the Japanese and Korean Exclusion League, for retention of the present Chinese law—to the Committee on Foreign Affairs.

By Mr. BARCHFELD: Petition of the Merchants' Association of New York, relative to the subsidy bill—to the Committee on the Merchant Marine and Fisheries.

Also, petition of citizens of Oklahoma City, relative to location of the capital of the State—to the Committee on the Territories.

Also, petition of the State Federation of Pennsylvania Women, for the Morris law—to the Committee on Agriculture.

Also, petition of the State Federation of Pennsylvania Women, for preservation of Niagara Falls—to the Committee on Rivers and Harbors.

Also, petition of the State Federation of Pennsylvania Women, for a forest reserve in the White Mountains—to the Committee on Agriculture.

Also, petition of Fayette R. Plumb, relative to forgery of trade-marks—to the Committee on Patents.

Also, petition of the People's National Bank, relative to 10 per cent loan of capital and surplus—to the Committee on Banking and Currency.

Also, petition of Thompson & Co., of Mount Jewett, Pa., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of the St. Clair Savings and Trust Company, against bill H. R. 48 and for bill H. R. 8973—to the Committee on Banking and Currency.

Also, petition of the Equitable Life Assurance Society, relative to the Kongo Free State—to the Committee on Foreign Affairs.

Also, petition of the Ph. Hamburger Company, the H. K. Mulford Company, and the Park Carpet Mills, relative to forgery of trade-marks—to the Committee on Patents.

Also, petition of the Real Estate Savings and Trust Company, against bill H. R. 48—to the Committee on Banking and Currency.

Also, petition of George A. Bickell, of Carnegie, Pa., favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of the Ph. Hamburger Company, A. A. Wolfe & Co., and Samuel P. Haller, relative to amendment of the pure-food bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of M. P. Kennedy, relative to the Post-Office Department "fraud order"—to the Committee on Rules.

Also, petition of Theodore E. Moreland, for the telegraphers' pension bill—to the Committee on Invalid Pensions.

Also, petition of the executive committee of the Prohibition party of Erie, Pa., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, paper to accompany bill for relief of James McKenna—to the Committee on Invalid Pensions.

By Mr. BATES: Petition of the Woman's Club of Erie, Pa., for a forest reserve in the eastern part of the United States—to the Committee on Agriculture.

Also, petition of Marine National Bank and the First National Bank of Erie, Pa., for permission to loan 10 per cent of capital and surplus—to the Committee on Banking and Currency.

Also, petition of R. C. Loupe, of Corry, Pa.; George V. Thompson, of Mount Jewett, Pa.; I. L. Smith, of Newcastle, Pa., and Rev. James D. Tillinghast, of Titusville, Pa., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. BENNET of New York: Petition of Ezekial Sarasohn,

against the tariff on linotype machines—to the Committee on Ways and Means.

Also, paper to accompany bill for relief of William H. H. Pinckney—to the Committee on Invalid Pensions.

By Mr. BIRDSALL: Petition of citizens of Iowa, relative to the Kongo Free State—to the Committee on Foreign Affairs.

By Mr. BRADLEY: Petition of Brookside Grange, Patrons of Husbandry, of Newburgh, N. Y., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. BROOCKS of Texas: Paper to accompany bill for relief of John B. Hall—to the Committee on Pensions.

By Mr. BURKE of Pennsylvania: Petition of the State Federation of Pennsylvania Women, for a forest reserve in the White Mountains—to the Committee on Agriculture.

Also, petition of the State Federation of Pennsylvania Women, for the Morris law—to the Committee on Agriculture.

Also, petition of the Merchants' Association of New York, relative to subsidy of shipping—to the Committee on the Merchant Marine and Fisheries.

Also, petition of citizens of Oklahoma City, relative to location of the State capital—to the Committee on the Territories.

Also, petition of citizens of Esplen, Pa., against liquor selling in all Government buildings—to the Committee on Alcoholic Liquor Traffic.

Also, petition of the Labor World, against the tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of Samuel P. Haller, against the Heyburn pure-food bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of George Putnam Council, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of Emma L. Nispuly, relative to second-class postal rates for certain religious publications—to the Committee on the Post-Office and Post-Roads.

Also, petition of Louis J. Adler, relative to amendment of the Heyburn pure-food bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Ph. Hamburger Company, relative to amendment of the Heyburn pure-food bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of A. A. Wolfe & Co., relative to amendment of the Heyburn pure-food bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Equitable Life Assurance Society, relative to the Kongo Free State—to the Committee on Foreign Affairs.

Also, petition of Thompson & Co., of Mount Jewett, Pa., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of the Pittsburg Clearing House Association, for passage of bill H. R. 8973—to the Committee on Banking and Currency.

Also, petition of L. W. Walker, of Pittsburg, Pa., for amendment of the Heyburn pure-food bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of the executive committee of the Prohibition party of Erie, Pa., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of M. P. Kennedy, relative to the Post-Office Department "fraud order"—to the Committee on Rules.

Also, petition of Allegheny City Division, No. 314, Order of Railway Conductors, for the Bates-Penrose bill—to the Committee on the Judiciary.

Also, petition of the State Federation of Pennsylvania Women, for preservation of Niagara Falls—to the Committee on Rivers and Harbors.

Also, petition of the Standard Sanitary Manufacturing Company and the Diamond National Bank, favoring bill H. R. 8973—to the Committee on Banking and Currency.

Also, petition of the Second National Bank of Pittsburg, against bill H. R. 48—to the Committee on Banking and Currency.

By Mr. BURLEIGH: Paper to accompany bill for relief of John Green—to the Committee on Pensions.

By Mr. BUTLER of Pennsylvania: Petition of members of the Seventh-Day Adventist Church of Lancaster, Pa., against Sunday legislation for the District of Columbia—to the Committee on the District of Columbia.

By Mr. CAMPBELL of Ohio: Papers to accompany bill for relief of William A. Clark—to the Committee on Invalid Pensions.

Also, papers to accompany pension claim of Ida M. Long—to the Committee on Invalid Pensions.

By Mr. COCKRAN: Petition of Colgate Hoyt, Henry M. Crane, and others, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. COCKS: Petition of the Congregational Church of Orient, Long Island, New York, against bill H. R. 7043—to the Committee on Alcoholic Liquor Traffic.

By Mr. COOPER of Pennsylvania: Petition of R. C. Leupe, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of George U. Thompson, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. DALZELL: Petition of citizens of Allegheny County, Pa., for the McCumber-Sperry bill—to the Committee on Alcoholic Liquor Traffic.

By Mr. DARRAGH: Petition of citizens of Mecosta County, Mich., against Sunday legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. DAVIDSON: Paper to accompany bill for relief of John McCandless—to the Committee on Invalid Pensions.

By Mr. DE ARMOND: Paper to accompany bill for relief of heirs of Tillard Ragan and Anna L. Wade—to the Committee on War Claims.

Also, paper to accompany bill for relief of William H. Tuttle—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Oscar W. Miller—to the Committee on Invalid Pensions.

By Mr. DIXON of Indiana: Paper to accompany bill for relief of Wilson Parker—to the Committee on Claims.

By Mr. DOVENER: Papers to accompany bill (H. R. 1390) granting an increase of pension to Beckwith A. McNemar—to the Committee on Invalid Pensions.

By Mr. ESCH: Petition of the Woman's Club of Madison, Wis., favoring a pure-food bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of William J. Starr et al., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. FITZGERALD: Petition of citizens of Oklahoma City, for the right to designate the locality of the capital of the State—to the Committee on the Territories.

Also, petition of the Lake Seamen's Union, for continuance of marine hospitals—to the Committee on the Merchant Marine and Fisheries.

By Mr. FLETCHER: Petition of Sherman Lodge, No. 10, Brotherhood of Locomotive Firemen, of Minneapolis, Minn., for the Bates-Penrose bill—to the Committee on the Judiciary.

Also, petition of the Epworth League of the First Methodist Episcopal Church of Minneapolis, Minn., against reestablishment of the Army canteen—to the Committee on Military Affairs.

By Mr. FOSTER of Vermont: Petition of Center Grange, No. 290, of Hubbardton, Vt., for repeal of revenue tax on denatured alcohol—to the Committee on Ways and Means.

Also, petition of E. E. Adams et al., against Sunday legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. FULLER: Petition of R. S. Waddell, relative to the powder trust—to the Committee on Military Affairs.

Also, paper to accompany bill for relief of Samuel Pepper—to the Committee on Invalid Pensions.

Also, petition of the Marquette Cement Manufacturing Company, of Chicago, relative to Government investigations of cement—to the Committee on Appropriations.

Also, petition of retail merchants of La Salle, Ill., for a public building for La Salle—to the Committee on Public Buildings and Grounds.

By Mr. GILBERT of Indiana: Petition of the National Grange, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. GOEBEL: Petition of the Cincinnati Associated Organization, for an appointment of an additional judge for the southern Federal district of Ohio—to the Committee on the Judiciary.

By Mr. GOULDEN: Petition of Oliver Tilden Camp, No. 26, Sons of Veterans, against bill H. R. 8131—to the Committee on Military Affairs.

Also, petition of the Audubon Society, of New York City, for bill S. 2966—to the Committee on Agriculture.

By Mr. GRAHAM: Petition of the executive committee of the Prohibition party of Erie, Pa., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of the State Federation of Pennsylvania Women, for preservation of Niagara Falls—to the Committee on Rivers and Harbors.

Also, petition of M. P. Kennedy, relative to the People's Bank—to the Committee on Rules.

Also, petition of the National Bank of Tarentum, Pa., for bill H. R. 8973—to the Committee on Banking and Currency.

Also, petition of William T. Drury, relative to the post-office "fraud order"—to the Committee on Rules.

Also, petition of the Standard Sanitary Manufacturing Company, relative to fraudulent trade-marks—to the Committee on Patents.

Also, petition of the Ph. Hamburger Company and Max Klein & Sons, relative to amendment of the pure-food bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of the First National Bank of Natrona, Pa., favoring bill H. R. 8973—to the Committee on Banking and Currency.

Also, paper to accompany bill for relief of George W. Darley—to the Committee on Invalid Pensions.

Also, petition of the Charity Organization Society of Easton, Pa., relative to immigration—to the Committee on Immigration and Naturalization.

Also, petition of citizens of Oklahoma City, relative to location of the capital of the State—to the Committee on the Territories.

Also, petition of the Merchants' Association of New York, relative to ship-subsidy legislation—to the Committee on the Merchant Marine and Fisheries.

Also, petition of J. Mehaffey, relative to affairs in the Kongo Free State—to the Committee on Foreign Affairs.

Also, petition of the People's National Bank, for power to loan 10 per cent of capital and surplus to one person—to the Committee on Banking and Currency.

Also, petition of John A. Rhea, relative to affairs in the Kongo Free State—to the Committee on Foreign Affairs.

Also, petition of Thompson & Co., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of W. J. Robinson, relative to the post-office "fraud order"—to the Committee on Rules.

Also, petition of John Fite, relative to additional pay to the junior officers of the Army—to the Committee on Military Affairs.

Also, petition of Rudolph Tassinger, relative to the post-office "fraud order"—to the Committee on Rules.

Also, petition of Conroy, Prugh & Co., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. GRONNA: Petition of O. T. Bratterud, of North Dakota, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of N. O. Haugen, against the parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of C. A. Stubbins, of Granville, N. Dak., against bill H. R. 48—to the Committee on Banking and Currency.

By Mr. GROSVENOR: Papers to accompany bill for relief of Stephen D. Smith—to the Committee on Invalid Pensions.

By Mr. HAYES: Petition of J. D. Campbell and others, against passage of bill H. R. 12973—to the Committee on Immigration and Naturalization.

By Mr. HENRY of Connecticut: Petition of citizens of New Britain, Conn., for the McCumber-Sperry bill—to the Committee on Alcoholic Liquor Traffic.

By Mr. HINSHAW: Petition of citizens of Ashland, Nebr., against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. HITT: Petition of W. H. Wagner & Son, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. HOAR: Petition of Minnie M. Marnell Noble, against bill H. R. 7043—to the Committee on Alcoholic Liquor Traffic.

By Mr. HOWARD: Petition of Herald-Journal, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. KELIHER: Petition of the Writer, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. KENNEDY of Nebraska: Petition of E. A. Blodgett and over 100 others, against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. KENNEDY of Ohio: Petition of citizens of Ohio, for retention of the tax on imitation butter—to the Committee on Agriculture.

Also, petition of citizens of Ohio, in favor of good roads (H. R. 180)—to the Committee on Agriculture.

Also, petition of citizens of Ohio, in favor of a parcels post—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of Ohio, in favor of the Hepburn bill—to the Committee on Interstate and Foreign Commerce.

By Mr. KNOWLAND: Petition of the Chamber of Commerce of San Francisco, for an appropriation to fight the pear blight in California—to the Committee on Agriculture.

By Mr. LACEY: Petition of the Academy of Science of Davenport, Iowa, for the Mesa Verde Park—to the Committee on the Public Lands.

By Mr. LOUD: Petition of Boies Grange et al., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. McGUIRE: Paper to accompany bill for relief of George F. Wattson—to the Committee on Invalid Pensions.

By Mr. McKINLEY of Illinois: Petition of citizens of Illinois, against Sunday legislation in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of citizens of Oakland, Ill., against religious legislation for the District of Columbia—to the Committee on the District of Columbia.

By Mr. McMORRAN: Petition against religious legislation—to the Committee on the District of Columbia.

By Mr. MOON of Tennessee: Petitions of Vonare Council, Friendship Council, Chattanooga Council, Nathan Hale Council, Keystone Council, Richville Council, Hiwassee Council, Harrison Council, and Grout Council, Junior Order United American Mechanics, and R. H. Brown et al., favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. MURDOCK: Petition of citizens of Reno County, Kans., against Sunday legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. NEEDHAM: Petition of citizens of California, against religious legislation—to the Committee on the District of Columbia.

Also, petition of the Sacramento Chamber of Commerce, asking an appropriation to protect the pear industry of the State of California—to the Committee on Agriculture.

Also, protest of citizens of California, against passage of bill H. R. 7067—to the Committee on Indian Affairs.

By Mr. OVERSTREET: Petition of the Scott-Miller Company, against the anti-injunction bill—to the Committee on the Judiciary.

By Mr. PALMER: Petition of Painters, Decorators, and Paper Hangers' Union, No. 488, of Pittston, Pa., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. PAYNE: Petition of the National Grange, for repeal of revenue tax on denaturized alcohol—to the Commtitee on Ways and Means.

Also, petition of citizens of Gorham, N. Y., and C. H. Pubber et al., against bill H. R. 10510—to the Committee on the District of Columbia.

By Mr. RHINOCK: Paper to accompany bill for relief of William L. Southgate—to the Committee on Invalid Pensions.

By Mr. ROBERTS: Petition of citizens of Chelsea, Mass., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. RUPPERT: Petition of the Independent Refiners' Association, submitting data on the railway rate question—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Andover Society, of New York, indorsing the Perkins bill—to the Committee on Agriculture.

Also, petition of the New York Clearing-House Association, for bill H. R. 8973 in amended form—to the Committee on Banking and Currency.

Also, petition of the Workingmen's Federation of the State of New York, relative to bill H. R. 5281—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Hon. William E. Chandler, for passage of the Esch-Townsend railway rate bill without amendment—to the Committee on Interstate and Foreign Commerce.

Also, petition of citizens of Oklahoma City, Okla., for amendment of the capital section of the statehood bill—to the Committee on the Territories.

By Mr. RYAN: Petition of the Central Federated Union of New York, against the Littlefield bill—to the Committee on the Merchant Marine and Fisheries.

By Mr. SCHNEEBELI: Petition of the State Federation of Pennsylvania Women of Allegheny, Pa., against the Morris bill—to the Committee on Agriculture.

Also, petition of the National Grange, Patrons of Husbandry, of New Jersey, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of the Japanese and Korean Exclusion League, for retention of the Chinese law—to the Committee on Foreign Affairs.

Also, petition of Hellertown Camp, Sons of Veterans, against bill H. R. 8131—to the Committee on Military Affairs.

Also, petition of Pennsylvania State Grange, No. 1032, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. SCROGGY: Petition of W. H. Dinwiddie, of Waynesville, Ohio, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of the Ohio Live Stock Association, relative to reciprocal trade relations with foreign nations—to the Committee on Ways and Means.

Also, petition of The American Issue, of Columbus, Ohio, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of the Midas Criterion, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. SHARTEL: Petition of the Fruit Growers' Union of Missouri, relative to private car lines—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Lawrence County Educational Association, relative to removal of the United States capital—to the Committee on the District of Columbia.

By Mr. SHERLEY: Papers to accompany bill (H. R. 15700) for relief of the heirs of Henry Diehl—to the Committee on War Claims.

By Mr. SMITH of Iowa: Petition of the Daily News, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. STERLING: Petition of citizens of Illinois, and Local Union No. 766, Painters, Decorators, and Paper Hangers of America, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, paper to accompany bill for relief of William Gouge—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Charles M. Pumpelly—to the Committee on Invalid Pensions.

By Mr. THOMAS of North Carolina: Petition of the Confederate Southern Memorial Association, for bill S. 1234—to the Committee on Military Affairs.

By Mr. VOLSTEAD: Petition of citizens of Minnesota, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of citizens of Minnesota, against the Henry bill and any parcels-post scheme—to the Committee on the Post-Office and Post-Roads.

Also, petition of Aug. F. Schulz, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of citizens of Minnesota, for a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. WALLACE: Petition of citizens of El Dorado, Ark., for preservation of Niagara Falls—to the Committee on Rivers and Harbors.

By Mr. WEEKS: Petition of citizens of Foxboro, Mass., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. WEISSE: Petition of citizens of Oklahoma, for amendment to the capital location section of the statehood bill—to the Committee on the Territories.

Also, petition of John Kelley, against the tariff on linotype machines—to the Committee on Ways and Means.

## SENATE.

### WEDNESDAY, *February 28, 1906.*

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. KEAN, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

#### PAY OF OFFICERS IN THE ARMY.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Acting Auditor for the War Department, suggesting an amendment to the Army appropriation bill for the fiscal year 1907 with reference to increased pay to officers and men serving beyond the limits of the United States; which, with the accompanying paper, was referred to the Committee on Military Affairs, and ordered to be printed.

#### BRIDGE ACROSS THE MANATI RIVER.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of State, transmitting, pursuant to law, an ordinance enacted by the executive council of Porto Rico, with the approval of the governor thereof, granting to Messrs. Balserio & Giorgetti the right to construct and maintain a wooden bridge over the Manati River, connecting the estate "Esperanza" with the central "Plazuela," in the municipal district of Manati; which, with the accompanying paper, was referred to the Committee on Pacific Islands and Porto Rico, and ordered to be printed.

#### FRENCH SPOLIATION CLAIM.

The VICE-PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims transmitting the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims set out in the findings by the court relating to the vessel brig *Pamela*, Samuel Colby, master; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

#### MEMORIAL ADDRESSES ON THE LATE SENATOR PLATT.

Mr. BULKELEY. Mr. President, I desire to give notice that on April 7, immediately after the routine morning business, I shall ask the Senate to consider resolutions in commemoration of the life, character, and public services of my late colleague, Hon. Orville Hitchcock Platt.

The VICE-PRESIDENT. The notice will be entered.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the bill (S. 4482) to amend an act entitled "An act authorizing the construction of a bridge across the Cumberland River at or near Carthage, Tenn."

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

H. R. 10067. An act authorizing the disposition of surplus and allotted lands on the Yakima Indian Reservation, in the State of Washington, which can be irrigated under the act of Congress approved June 17, 1902, known as the "reclamation act," and for other purposes; and

H. R. 14396. An act to incorporate the Lake Erie and Ohio River Ship Canal, to define the powers thereof, and to facilitate interstate commerce.

#### ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following bills, and they were thereupon signed by the Vice-President:

S. 8. An act granting an increase of pension to William M. Hall;

S. 75. An act granting an increase of pension to Urial J. Streeter;

S. 77. An act granting an increase of pension to Granville P. Mason;

S. 78. An act granting an increase of pension to Mary R. Blethen;

S. 79. An act granting an increase of pension to James F. Tilton;

S. 121. An act granting an increase of pension to John Cook;

S. 124. An act granting an increase of pension to Curtis B. McIntosh;

S. 125. An act granting an increase of pension to John E. Hadsall;

S. 127. An act granting an increase of pension to Anthony H. Crawford;

S. 136. An act granting an increase of pension to Sabastian Laudner;

S. 139. An act granting an increase of pension to Frederick Le Hundra;

S. 176. An act granting an increase of pension to Benjamin F. Marsh;

S. 181. An act granting an increase of pension to Francis E. Stevens;

S. 186. An act granting an increase of pension to George P. Howe;

S. 201. An act granting an increase of pension to Lyman E. Farrand;

S. 207. An act granting an increase of pension to Marion F. Howe;

S. 213. An act granting an increase of pension to John M. Doersch;

S. 476. An act granting an increase of pension to Emily Peterson;

S. 506. An act granting an increase of pension to James Wilson;

S. 533. An act granting an increase of pension to Francis M. Munson;

S. 566. An act granting an increase of pension to George Wiley;

S. 573. An act granting an increase of pension to Henry T. Braman;
S. 587. An act granting a pension to Mary J. Chenoweth;
S. 619. An act granting an increase of pension to James F. Prater;
S. 620. An act granting an increase of pension to Elizabeth S. Law;
S. 624. An act granting an increase of pension to Abbie C. Moore;
S. 639. An act granting an increase of pension to George M. Bradley;
S. 640. An act granting an increase of pension to Hugh P. Buffer;
S. 676. An act granting an increase of pension to Joshua W. Tolford;
S. 702. An act granting an increase of pension to Richard Dearborn;
S. 703. An act granting an increase of pension to Edmund T. Connelly, alias John Marks;
S. 717. An act granting an increase of pension to Charles H. Tuck;
S. 724. An act granting an increase of pension to George A. Parker;
S. 788. An act granting an increase of pension to Edward P. Metcalf;
S. 789. An act granting an increase of pension to Mary E. Wolf;
S. 853. An act granting an increase of pension to Charles Lander;
S. 894. An act granting an increase of pension to Florence A. Sewell;
S. 909. An act granting an increase of pension to Harvey M. D. Hopkins;
S. 968. An act granting an increase of pension to Edward Michaelis, alias Edward Michel;
S. 970. An act granting an increase of pension to William Crome;
S. 984. An act granting an increase of pension to William W. Benedict;
S. 992. An act granting an increase of pension to Albert E. Lyon;
S. 1010. An act granting an increase of pension to Joel M. Sawyer;
S. 1017. An act granting an increase of pension to Mary Ryan;
S. 1037. An act granting an increase of pension to Adolphus L. Oxton;
S. 1268. An act granting an increase of pension to William Lounsberry;
S. 1298. An act granting an increase of pension to Francis W. Usher;
S. 1414. An act granting an increase of pension to Sidney G. Smith;
S. 1417. An act granting an increase of pension to Henry A. Tilton;
S. 1433. An act granting an increase of pension to Joseph W. Willard;
S. 1463. An act granting an increase of pension to Anna Z. Potter;
S. 1518. An act granting an increase of pension to Phineas F. Lull;
S. 1536. An act granting an increase of pension to William H. Brown;
S. 1538. An act granting an increase of pension to Indiana A. Paul;
S. 1670. An act granting an increase of pension to William McNabb;
S. 1731. An act granting an increase of pension to William O. Calson;
S. 1736. An act granting a pension to Lena S. Fenn;
S. 1744. An act granting an increase of pension to Joseph B. Papy;
S. 1753. An act granting an increase of pension to Waldo W. Paine;
S. 1798. An act granting an increase of pension to Robert K. Smith;
S. 1799. An act granting an increase of pension to Henry Logan;
S. 1821. An act granting an increase of pension to Samuel L. Andrews;
S. 1825. An act granting an increase of pension to James G. Doane;
S. 1840. An act granting an increase of pension to James Prettyman;
S. 1883. An act granting an increase of pension to Nellie Raymond;
S. 2089. An act granting an increase of pension to John P. Campbell, No. 2;
S. 2183. An act granting an increase of pension to George P. Trowbridge;
S. 2257. An act granting an increase of pension to Mary J. Campbell;
S. 2327. An act granting an increase of pension to Sidney F. Mullin;
S. 2328. An act granting an increase of pension to Benjamin Franklin Bigelow;
S. 2329. An act granting an increase of pension to Knute Torgeson;
S. 2337. An act granting an increase of pension to Ellen S. Larned;
S. 2377. An act granting a pension to Clara T. Leathers;
S. 2405. An act granting an increase of pension to John P. Winget;
S. 2411. An act granting an increase of pension to Carrie B. Findley;
S. 2421. An act granting an increase of pension to Herrick Hodges;
S. 2459. An act granting an increase of pension to Alexander M. Scott;
S. 2482. An act granting an increase of pension to Cutler A. Chamberlin; and
S. 2526. An act granting an increase of pension to Thomas Welch.

PETITIONS AND MEMORIALS.

Mr. PLATT presented a memorial of the Trades and Labor Assembly, American Federation of Labor, of Plattsburg, N. Y., and a memorial of Local Union No. 265, Cigar Makers' International Union of America, of Waverly, N. Y., remonstrating against the passage of the so-called "Philippine tariff bill;" which were referred to the Committee on the Philippines.

He also presented a petition of Indian River Grange, No. 19, Patrons of Husbandry, of Antwerp, N. Y., praying for the passage of the so-called "parcels-post bill;" which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a paper to accompany the bill (S. 4604) for the relief of the estate of William Van Name, deceased; which was referred to the Committee on Claims.

Mr. ALLEE presented petitions of Middletown Council, No. 2, of Middletown; of Harrington Council, No. 8, of Harrington; of Diamond Council, No. 5, of Wilmington; of May Dell Council, No. 6, of Delmar; of Georgetown Council, No. 12, of Sussex County; of Delaware Council, No. 15, of Felton; of Enterprise Council, No. 16, of Milton; of Buck Council, No. 12, of Delaware; of Liberty Bell Council, No. 21, of Seaford; of Frederica Council, No. 22, of Frederica; of Harmony Council, No. 23, of Delaware; of Stars and Stripes Council, No. 26, of Smyrna; of Eureka Council of Delaware, and of Overbrook Council, No. 98, of Overbrook, all of the Junior Order of United American Mechanics, in the State of Delaware, praying for the enactment of legislation to restrict immigration; which were referred to the Committee on Immigration.

He also presented petitions of sundry citizens of Rehoboth, Wilmington, Newark, Cheswold, Townsend, and Milford, all in the State of Delaware, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

He also presented memorials of sundry citizens of Wilmington, Newark, Middletown, Delaware City, Christiana, Red Lion, Townsend, Glasgow, Newcastle, and Edgemore, all in the State of Delaware, remonstrating against the repeal of the present anticanteen law; which were referred to the Committee on Military Affairs.

Mr. DILLINGHAM (for Mr. PROCTOR) presented a petition of Rev. Irving H. Childs and sundry other citizens of Benson, Vt., praying for an investigation of the existing conditions in the Kongo Free State; which was referred to the Committee on Foreign Relations.

Mr. DILLINGHAM presented petitions of the Domestic and Foreign Missionary Society of the Protestant Episcopal Church in the United States, of the Board of Foreign Missions of the Presbyterian Church in the United States, and of the Board of Foreign Missions of the Reformed Church in the United States, praying for the repeal of the present Chinese-exclusion law; which were referred to the Committee on Immigration.

Mr. WETMORE presented a petition of the congregation of the First Baptist Church of Pawtucket, R. I., praying for the enactment of legislation to regulate the interstate transportation

of intoxicating liquors; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the congregation of the First Free Baptist Church of Pawtucket, R. I., and a petition of the congregation of the First Baptist Church of Pawtucket, R. I., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

Mr. BULKELEY presented a petition of sundry citizens of Manchester, Conn., praying for the enactment of legislation to prevent the destruction of Niagara Falls on the American side by the diversion of the waters for manufacturing purposes; which was referred to the Committee on Forest Reservations and the Protection of Game.

He also presented a petition of the Indian Association of Hartford, Conn., praying that an appropriation be made for the purchase of small land holdings for landless Indians of northern California, for the individual division of Indian funds held by the Government, for the continuance of the schools, and the maintenance of prohibitory laws in the Indian Territory, etc.; which was referred to the Committee on Indian Affairs.

Mr. GALLINGER presented a memorial of Edwin R. Cutter Sons of Veterans' Camp, of East Jaffrey, N. H., remonstrating against the enactment of legislation to prohibit the wearing of the uniform of the Army, Navy, Marine Corps, and Revenue Service; which was referred to the Committee on Military Affairs.

He also presented a petition of the Audubon Society of New Jersey, praying for the enactment of legislation to prohibit the killing of birds and animals in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented the petition of S. W. Woodward, of Washington, D. C., praying for the enactment of legislation to provide for compulsory education in the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. PILES presented the memorial of John R. Winn and 694 other citizens of the territory of Alaska, remonstrating against the enactment of legislation to amend the laws governing labor or improvements upon mining claims in that territory; which was referred to the Committee on Territories.

He also (for Mr. ANKENY) presented petitions of the Commercial Club of Topeka, Kans.; of the Board of Trade of Pasadena, Cal.; of sundry citizens of Toppenish, Sunnyside, San Juan, Plain City, and Reardan, in the State of Washington; of sundry citizens of Topeka, Kans., and of the Shipowners' Association of San Francisco, Cal., praying for the enactment of legislation to authorize the Secretary of the Treasury to make loans to the reclamation fund; which were referred to the Committee on Irrigation.

He also (for Mr. ANKENY) presented a memorial of the Grays Harbor Trades and Labor Council, American Federation of Labor, of Aberdeen, Wash., remonstrating against the enactment of legislation relating to the complement of crews of vessels; which was referred to the Committee on Commerce.

He also (for Mr. ANKENY) presented a petition of Mount Pleasant Grange, No. 197, Patrons of Husbandry, of Washougal, Wash., praying for the enactment of legislation to remove the duty on alcohol used for domestic purposes; which was referred to the Committee on Finance.

He also (for Mr. ANKENY) presented a petition of sundry citizens of St. John, Wash., praying for the enactment of legislation to remove the duty on denaturized alcohol; which was referred to the Committee on Finance.

Mr. PENROSE presented a petition of Unity Grange, No. 1249, Patrons of Husbandry, of Laceyville; of Mount Herman Grange, No. 1120, Patrons of Husbandry, of Mount Herman; of Leatherwood Grange, No. 625, Patrons of Husbandry, and of Liberty Grange, No. 1182, Patrons of Husbandry, all in the State of Pennsylvania, praying for the enactment of legislation to remove the duty on denaturized alcohol; which were referred to the Committee on Finance.

He also presented a petition of sundry citizens of Bellevue, Pa., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which was referred to the Committee on Privileges and Elections.

He also presented a petition of the Book Concern of the African Methodist Episcopal Church of Philadelphia, Pa., praying for the removal of the tariff on composing and linotype machines and the parts thereof; which was referred to the Committee on Finance.

He also presented a petition of the National Board of Trade, praying for the enactment of legislation to facilitate the exportation of goods manufactured in the United States from imported raw materials; which was referred to the Committee on Finance.

He also presented a petition of the National Board of Trade, praying for the passage of the so-called "pure-food bill;" which was ordered to lie on the table.

### REPORTS OF COMMITTEES.

Mr. KEAN, from the Committee on Claims, to whom was referred the bill (S. 1483) for the relief of Col. Medad C. Martin, reported it without amendment, and submitted a report thereon.

He also, from the Committee on Foreign Relations, to whom was referred the amendment submitted by Mr. NELSON on January 25, 1906, proposing to increase the grade of the United States consulate at Amsterdam, Netherlands, from Class IV, Schedule B, to Class III of said schedule, intended to be proposed to the diplomatic and consular appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

Mr. BEVERIDGE, from the Committee on Foreign Relations, to whom the subject was referred, reported a bill (S. 4773) for the payment of the expenses of the delegates to the Third International Conference of American States; which was read twice by its title.

He also, from the Committee on Territories, to whom was referred the joint resolution (H. J. Res. 97) authorizing assignment of pay of teachers and other employees of the Bureau of Education in Alaska, reported it without amendment, and submitted a report thereon.

Mr. LODGE, from the Committee on Foreign Relations, reported an amendment proposing to appropriate $4,926.27 to pay the owners of the Norwegian steamship *Nicaragua* for loss sustained in saving the life of an American citizen during the political disturbances at Bluefields, Nicaragua, in 1894, intended to be proposed to the general deficiency appropriation bill, and moved that it be printed, and, with the accompanying paper, referred to the Committee on Appropriations; which was agreed to.

Mr. BURKETT, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 12948) granting an increase of pension to Frederick Bierley;

A bill (H. R. 12903) granting an increase of pension to Daniel T. Ferrier;

A bill (H. R. 9593) granting a pension to Charles M. Priddy; and

A bill (H. R. 7478) granting a pension to George W. Jackson.

Mr. CLARK of Wyoming, from the Committee on Public Lands, to whom was referred the bill (H. R. 13673) to extend the provisions of the homestead laws to certain lands in the Yellowstone Forest Reserve, reported it without amendment, and submitted a report thereon.

### REGULATION OF RAILROAD RATES.

Mr. PLATT, from the Committee on Printing, to whom was referred the following concurrent resolution submitted by Mr. TILLMAN, on the 26th instant, reported it without amendment, and it was considered by unanimous consent, and agreed to:

*Resolved by the Senate (the House of Representatives concurring)*, That there be printed 10,000 extra copies of the testimony taken by the Committee on Interstate Commerce in the consideration of the so-called "railroad rate bill," 3,000 for the use of the Senate and 7,000 for the use of the House of Representatives.

Mr. PLATT, from the Committee on Printing, to whom was referred the following concurrent resolution submitted by Mr. TILLMAN, on the 26th instant, reported it without amendment, and it was considered by unanimous consent, and agreed to:

*Resolved by the Senate (the House of Representatives concurring)*, That there be printed 10,000 extra copies of the digest, prepared under the direction of the committee, of the testimony taken by the Committee on Interstate Commerce in the consideration of the so-called "railroad rate bill," 3,000 for the use of the Senate and 7,000 for the use of the House of Representatives.

### BILLS INTRODUCED.

Mr. FRYE introduced a bill (S. 4774) relating to the movements and anchorage of vessels in Hampton Roads, the harbors of Norfolk and Newport News, and adjacent waters, in the State of Virginia; which was read twice by its title, and referred to the Committee on Commerce.

Mr. SCOTT introduced a bill (S. 4775) granting an increase of pension to Thomas A. Maulsby; which was read twice by its title, and referred to the Committee on Pensions.

Mr. SMOOT introduced a bill (S. 4776) to reimburse George W. Young, postmaster at Wanship, Utah, for loss of postage stamps; which was read twice by its title, and referred to the Committee on Claims.

Mr. McENERY introduced a bill (S. 4777) for the relief of George H. Green and another, administrators of George W. Green, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. GALLINGER introduced a bill (S. 4778) to amend section 653 of the Code of Law for the District of Columbia, relative to assessment life insurance companies and associations; which was read twice by its title, and, with the accompanying paper, referred to the Committee on the District of Columbia.

Mr. GALLINGER. I introduce a bill, which I ask may be read and referred to the Committee on the Judiciary.

The bill (S. 4779) relating to the salaries of the President and Vice-President of the United States, the Speaker of the House of Representatives, the members of the Cabinet, Senators and Representatives and Delegates in Congress, was read the first time by its title, the second time at length, and referred to the Committee on the Judiciary, as follows:

*Be it enacted, etc.*, That on and after March 4, 1909, the compensation of the herein described officers or members of the executive, legislative, and judicial departments of the Government of the United States shall be as follows: The President of the United States, $75,000 per annum; the Vice-President of the United States, $15,000 per annum; the Speaker of the House of Representatives, $12,000 per annum; each member of the Cabinet, $15,000 per annum; Senators of the United States and Representatives and Delegates in Congress, $7,500 per annum.

Mr. LODGE introduced a bill (S. 4780) granting a pension to Mary L. Wilkes; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BLACKBURN introduced a bill (S. 4781) granting an increase of pension to Joseph N. Reid; which was read twice by its title, and referred to the Committee on Pensions.

Mr. FRYE introduced a bill (S. 4782) to remove the charge of desertion from the military record of Augustin H. Finn; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. PILES introduced a bill (S. 4783) to quiet title to certain lots in the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. GAMBLE introduced a bill (S. 4784) granting an increase of pension to Lemuel Cross; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PENROSE introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 4785) granting an increase of pension to Nehemiah Brundege (with accompanying papers);

A bill (S. 4786) granting an increase of pension to George W. Coughanour (with accompanying papers);

A bill (S. 4787) granting an increase of pension to Nicholas Vautier;

A bill (S. 4788) granting an increase of pension to Alexander Bentley;

A bill (S. 4789) granting an increase of pension to Benjamin H. King;

A bill (S. 4790) granting an increase of pension to Edward W. Smith;

A bill (S. 4791) granting an increase of pension to Levi S. Hackett; and

A bill (S. 4792) granting an increase of pension to David Evans.

Mr. PENROSE introduced a bill (S. 4793) to correct the military record of Thomas Amick; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 4794) to correct the military record of John McPherson; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 4795) for the relief of Sarah R. Malone; which was read twice by its title, and referred to the Committee on Claims.

Mr. HEYBURN introduced a bill (S. 4796) granting an increase of pension to Lorinda J. White; which was read twice by its title, and, with the acompanying paper, referred to the Committee on Pensions.

### FIVE CIVILIZED TRIBES.

Mr. CLAPP. I introduce a joint resolution which I ask may be read and lie on the table.

The joint resolution (S. R. 38) extending the tribal relations and government of the Five Civilized Tribes of Indians in the Indian Territory was read the first time by its title and the second time at length, as follows:

*Resolved, etc.*, That immediately upon the dissolution of the present tribal governments of the Choctaw, Chickasaw, Cherokee, Creek, and Seminole tribes the government of said tribes, respectively, shall devolve upon the Secretary of the Interior, and the tribal existence and tribal relations shall not be in any wise affected by this change in the form of government, but shall continue unaffected until all property of such tribes, or the proceeds thereof, shall be distributed among the individual members of said tribes.

Mr. CLAPP. I desire to give notice that I shall object to unanimous consent for the consideration of Senate joint resolution 37, introduced yesterday by the Senator from Rhode Island [Mr. ALDRICH], and will move to substitute for that the joint resolution which I have just introduced.

The VICE-PRESIDENT. The joint resolution will lie on the table.

### AMENDMENTS TO BILLS.

Mr. PLATT submitted an amendment intended to be proposed by him to the bill (H. R. 14396) to incorporate the Lake Erie and Ohio River Ship Canal, to define the powers thereof, and to facilitate interstate commerce; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. SMOOT submitted an amendment intended to be proposed by him to the bill (H. R. 12707) to enable the people of Oklahoma and of the Indian Territory to form a constitution and State government and be admitted into the Union on an equal footing with the original States, and to enable the people of New Mexico and of Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States; which was ordered to lie on the table and be printed.

Mr. FULTON submitted an amendment proposing to appropriate $100,000 for the construction of a combination dipper and suction dredge and two dump scows for use at the Oregon coast harbors, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. TELLER submitted an amendment proposing to appropriate $180,000 to pay to the executor or administrator of the late C. N. Vann and W. R. Adair, respectively, the balance due under the resolution of the national council of the Osage Nation of Indians passed and approved on June 26, 1873, etc., intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

### DAMS AND POWER STATIONS AT MUSCLE SHOALS, ALABAMA.

The VICE-PRESIDENT. The morning business is closed.

Mr. MORGAN. There is a concurrent resolution from the House of Representatives on the table.

The VICE-PRESIDENT. The Chair lays before the Senate a concurrent resolution from the House of Representatives, proposing amendments in the enrollment of the bill (H. R. 297) to authorize the construction of dams and power stations on the Tennessee River at Muscle Shoals, Alabama.

Mr. HALE. It was read yesterday. There is no necessity for reading it again.

Mr. MORGAN. There is no occasion for reading it.

The VICE-PRESIDENT. It has already been read. The question is, Will the Senate agree to the concurrent resolution?

Mr. FRYE. Does my colleague withdraw his objection?

Mr. HALE. Mr. President, I arrested the resolution last night because I was not satisfied that it was in accordance with the usual method of procedure. I find that it is the process which has been resorted to heretofore in such cases. The bill came originally from the House, and this resolution comes from the House. I withdraw any further objections to its adoption.

The concurrent resolution was agreed to.

### HOUSE BILLS REFERRED.

H. R. 10067. An act authorizing the disposition of surplus and allotted lands on the Yakima Indian Reservation, in the State of Washington, which can be irrigated under the act of Congress approved June 17, 1902, known as the "reclamation act," and for other purposes, was read twice by its title, and referred to the Committee on Indian Affairs.

H. R. 14396. An act to incorporate the Lake Erie and Ohio River Ship Canal, to define the powers thereof, and to facilitate interstate commerce, was read twice by its title, and referred to the Committee on Commerce.

### REGULATION OF RAILROAD RATES.

Mr. FORAKER. Mr. President, I ask that what is commonly known as the "railroad rate bill" be laid before the Senate.

The VICE-PRESIDENT. The bill will be read by its title.

The SECRETARY. A bill (H. R. 12987) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission.

Mr. FORAKER. Mr. President, this proposed rate legislation raises some of the most important questions we have had to deal with since the civil war. It is so contrary to the spirit of our institutions and of such drastic and revolutionary character that, if not in its immediate effect, at least as a precedent, the consequences are likely to be most unusual and far-

reaching. In view of these facts I make no apology for taking the time of the Senate to speak at length upon the subject, although upon this occasion I shall confine myself chiefly to the legal questions arising. I do not speak for anybody else, only for myself.

It may be helpful, as a sort of preface, to briefly sketch the development of our railroad system, indicate the present situation, and make some general observations that have no reference to any particular bill or any particular plan that has been proposed, but which have application to the general proposition to confer the rate-making power on the Interstate Commerce Commission.

Speaking in this way, railroad building in this country commenced about 1830. Its beginning was like that which we are now witnessing as to interurban electric railroads. At the beginning all railroad companies were organized under the State laws, and, as a rule, to build only short intra-State lines. The principal cities were first connected. The less important connections followed. Branches, spurs, and lateral lines came later. In that early period the different railroads were so separate and distinct in their organization and operation, and considered themselves such competitors of each other, that they resisted all suggestions of cooperation or of common use of tracks and cars. They went so far, in some instances, as to construct their tracks of different gauge, for the purpose, among others, of making it impossible for the cars of one line to pass over the tracks of any other line. In that day there were no through routes for either passengers or freight. To travel by rail from St. Louis, Chicago, Detroit, Cincinnati, Columbus, or Cleveland to New York involved repeated changes of cars.

The railroad business of the country continued upon these lines of separability and individual corporate action with but very little, if any, consolidation until the civil war, when the necessity for the prompt transportation over long distances of troops and supplies demonstrated the advisability and necessity of through lines and harmonious systems with accompanying cooperation in management. Then commenced in a general way the wiser policy of connecting lines and operating them in harmony and for the better accommodation of their patrons. Finally there came, as an authority and encouragement for this new policy, the Act of Congress of June 15, 1866, which provided:

That every railroad company in the United States whose road is operated by steam, its successors and assigns, be, and is hereby, authorized to carry upon and over its road, boats, bridges, and ferries all passengers, troops, Government supplies, mails, freight, and property on their way from one State to another, and to receive compensation therefor, and to connect with roads of other States so as to form continuous lines for the transportation of the same to the place of destination. (R. S., sec. 5258.)

Under the protection and impetus given by this legal sanction the policy of cooperation rapidly developed, and although the period following the civil war was one of declining values until the resumption of specie payments, the construction of railroads rapidly increased, particularly in the Western States, into which the tides of population were pouring. During this period there was not only a constantly increasing demand for united and cooperative and interdependent relations, which led to the expenditure of many millions of dollars to reconstruct roads according to a standard gauge and reequip them to correspond, but there was also a universal demand for new roads and new lines of roads. New settlements brought new demands, and the rapid growth of population, towns, cities, and industries gave promise of such increasing and widespread prosperity that railroad building was in many instances unduly stimulated. In consequence, roads were built not only where there was immediate necessity, with fairly remunerative returns upon capital invested, but they were in many instances improvidently or prematurely built, and as a result there were in such instances for years less than fair returns, while in many cases there were no returns, but only losses for the investors. This rapid construction, spreading over the whole country, in all directions, but much of it unremunerative, led to the fiercest competition. Each road struggled not only to develop business on its own lines, but, by reducing rates, to carry the products of its own patrons to the most distant markets possible, invading new territory wherever they could. This brought about a conflict of interest in both the origination of business and in the finding of markets for that business. Roads that were built prematurely, or built improvidently, seeking for business sufficient to pay operating expenses and fixed charges, resorted to every method that competition could suggest to control patronage. In this behalf not only low long-distance rates but secret rebates, preferences, and discriminations of almost every character were resorted to. Many roads failed to get sufficient business and passed into the hands of receivers and were reorganized, some of them repeatedly.

The situation became so unsatisfactory that finally Congress passed the Interstate Commerce Act of February, 1887. That law, reenforced by a number of amendatory and supplementary statutes, has been in force ever since. The Interstate Commerce Commission, by it provided, has rendered much valuable service. Through the operation of these statutes, under the administration of this board, many of the evils originally complained of leading to the enactment of the statutes have been remedied. It is commonly conceded that the railroad situation in the United States is better to-day, measured by the efficiency of its service, the cost of that service, and the treatment of shippers and passengers in the rendition of that service, than it has ever been before, notwithstanding there are many evils remaining that should be in some suitable manner provided against.

In the meanwhile the railroad business of the country has grown to enormous proportions. From the last annual report of the Interstate Commerce Commission it appears that the total railroad-track mileage amounts to about 212,000 miles; that the equipment of the same amounts to 46,743 locomotives, 1,798,561 cars, and that on account of these properties there have been issued in the aggregate almost $14,000,000,000 of bonds and stocks, which are held almost altogether in this country, the owners consisting of thousands of individuals, in addition to savings banks, trust companies, insurance companies, and other kinds of institutions whose stockholders, numbering into the millions, are thus interested in these securities. It further appears from this report of the Interstate Commerce Commission that there are about 1,300,000 individuals, officers, agents, and employees on the pay rolls of these companies, to whom these railroads pay out annually in salaries and wages about $800,000,000. It is further shown by this report that these roads carried the equivalent last year of more than two billion passengers the distance of one mile, and that the freight was the equivalent of the carriage for one mile of 174,522,089,577 tons; that the passengers were carried at the rate of about two cents per mile, and the freight at the average rate of .78 of a cent per ton mile; that the gross earnings aggregated almost $2,000,000,000; while their operating expenses amounted in round figures to $1,338,000,000; that the net earnings amounted in round figures to $636,000,000.

These figures show the enormous, almost incomprehensible aggregate of values invested in railroad properties, and the tremendous, far-reaching character of the business of these carriers; the great number of persons immediately employed in connection therewith, and that there are millions of people not immediately connected with the railroads who are interested in their prosperity as holders of their securities and otherwise.

It is not to be wondered at that the upbuilding of such great interests should have been attended with many abuses and evil practices. It would be strange if it had not been. Rather the wonder is that these abuses and evil practices have not been greater than they have been. It would be strange, indeed, if there were not now, notwithstanding the improvements in the railroad situation, evil practices and abuses still remaining for which a remedy should be provided.

These evils are generally speaking of three classes—excessive rates, rebates, and discriminations.

EXCESSIVE RATES.

Of these, excessive rates are the least serious. Taking the whole country over the general average for the transportation of freight per ton per mile is less than it is in any other country. There has been some advance during the last five years, owing largely to the increased cost of labor and general operating expenses, but the average cost at this time is shown by the last report of the Interstate Commission to be, as we have seen, only 0.78 of a cent per ton mile, which is less than one-third of what it was twenty-five years ago and materially less than it is in any other country of the world. While all this is true there are, nevertheless, some instances, perhaps many in the aggregate, where rates in and of themselves are excessive, and yet, comparatively, these are but few and unimportant. This is shown by the testimony of all who have spoken on the subject. The Interstate Commerce Commissioners in their annual reports have repeatedly stated in effect what they said in their report for 1893, that "extortionate charges are seldom the subject of complaint" and that "rates as a whole are low enough."

Mr. Clements, a member of the Interstate Commerce Commission, testified before the Senate Committee on Interstate Commerce, page 2237, volume 4, "The Commission has repeatedly asserted, and, I think, established by its official statistics, that, taken as a whole, the American rates are reasonably low, particularly upon the bulk of low-grade raw materials."

Mr. Fifer, another member of the Commission, testified before the Interstate Commerce Committee of the Senate, at page 3349, as follows: "I want to add in closing that I do not believe, except in some instances where I have stated, that the railroad rates throughout this country are excessively high at all. I

have never believed that, and neither do I believe there would be, or ought to be, any great disturbance of these rates, whatever powers the Commission might be invested with."

On this subject President Roosevelt said in his remarks to the railroad employees who called upon him at the White House in November, 1905, to protest against this proposed legislation. on the ground that they feared it might prejudice them by putting their wages in jeopardy: "There has been comparatively little complaint to me of the railroad rates being, as a whole, too high."

Numerous other witnesses might be cited to this same general effect, but it is sufficient to say that all witnesses—shippers, railroad men, and others—without regard to whether they favored the proposition to confer the rate-making power on the Interstate Commerce Commission or were opposed, testified in substantial concurrence with the quotations made.

Nevertheless there should be some prompt and effective remedy provided by the law against excessive rates to whatever extent they may be indulged in and wherever they may be found.

REBATES.

A more serious class of evils, because more prejudicial in their consequences and results, are rebates. They are granted under many forms and guises, and include not only money payments, but all kinds of discriminations between shippers, such as undue allowances for terminal charges, elevator charges, refrigerator charges, icing charges, and private cars, false weights, improper classification, under billing, and many others too numerous to mention. The practice of giving rebates was a result of sharp competition between roads for business. At one time almost, if not quite, every road in the country indulged in the practice. Shippers who secured such preferences had an unjust advantage over their competitors, and the railroads that granted them suffered in the loss of revenues. The strongest and most prosperous railroads, although, like the others, granting these rebates, were always, as a rule, anxious to put a stop to the practice. In that behalf many traffic agreements and arrangements, of one kind and another, were entered into, including many others that were known as pooling arrangements. All these arrangements and agreements proved ineffectual to a greater or less extent. The pooling arrangements were more nearly observed than any others, but they were unfortunately named, and because they prevented, in some measure at least, free and active competition they were always unpopular. In consequence they were prohibited by the interstate-commerce act of 1887. Subsequent to that statute traffic agreements and arrangements were chiefly relied upon. They were in effect simply agreements between competing roads as to what were regarded as reasonable schedules of rates, coupled with the further agreement to maintain the same.

But the Supreme Court of the United States in what is known as the Trans-Missouri case, reported in volume 166, page 290, U. S. Reports, and the Joint Traffic case, reported in 171 U. S. Reports, 576, held that these traffic arrangements were in violation of the Sherman anti-trust law, which, until that litigation was commenced, was not generally understood to apply to railroads; they being fully regulated, as it was thought, by the Interstate Commerce Act. The prohibition against pooling and the invalidity, as established by these decisions, of traffic agreements and arrangements left the roads without any adequate remedy against the practice of rebates, which each road felt compelled, in justice to itself, to indulge in because its competitor did; the weak roads to get business, the strong roads to hold it. Very largely on this account the tremendous consolidations of railroad properties resulted which have occurred during the last five or six years. These consolidations have been made until practically the entire railroad system of the United States has been brought under the control of some six or seven general systems, such as the Pennsylvania, the Vanderbilts, the Rock Island, etc. The effect of these consolidations upon rebates and discriminations as to persons and places was no doubt to restrict them somewhat, but the practices continued to such an extent, and with such consequent dissatisfaction, on the part of shippers and railroads alike, that the Congress, to provide an efficient remedy against them enacted, February 19, 1903, what is known as the Elkins law.

THE ELKINS LAW.

The general scope, character, purpose, and salutary effect of this law are set forth fully by the Interstate Commerce Commission, in its Seventeenth Annual Report, dated December 15, 1903, from which I quote as follows:

Its provisions are mainly designed to prevent or more effectually reach those infractions of law, like the payment of rebates and kindred practices, which are classed as misdemeanors.

In the first place, the recent amendment makes the railway corporation itself liable to prosecution in all cases where its officers and agents are liable under the former law. Such officers and agents continue to be liable as heretofore, but this liability is now extended to the corporation which they represent. This change in the law corrects a defect which has always been a source of embarrassment to the Commission, as has been explained in previous reports, because it gave immunity to the principal and beneficiary of a guilty transaction. As a practical matter, it is believed that much benefit will result from the fact that proceedings can now be taken against the corporation.

The amended law has abolished the penalty of imprisonment, and the only punishment now provided is the imposition of fines. As the corporation can not be imprisoned or otherwise punished for misdemeanors than by money penalties, it was deemed expedient that no greater punishment be visited upon the offending officer or agent. The various arguments in favor of this change have been stated in former reports and need not here be repeated. Whether the good results claimed by its advocates will be realized is by no means certain, but the present plan should doubtless be continued until its utility is further tested.

* * * * * * *

Without further reference to the changes effected by this amendatory legislation the Commission feels warranted in saying that its beneficial bearing became evident from the time of its passage. It has proved a wise and salutary enactment. It has corrected serious defects in the original law and greatly aided the attainment of some of the purposes for which that law was enacted. No one familiar with railway conditions can expect that rate cutting and other secret devices will immediately and wholly disappear, but there is basis for a confident belief that such offenses are no longer characteristic of railway operations. That they have greatly diminished is beyond doubt, and their recurrence to the extent formerly known is altogether unlikely. Indeed, it is believed that never before in the railroad history of this country have tariff rates been so well or so generally observed as they are at the present time.

* * * * * * *

In its present form the law appears to be about all that can be provided against rate cuting in the way of prohibitive and punitive legislation. Unless further experience discloses defects not now perceived, we do not anticipate the need of further amendments of the same character and designed to accomplish the same purpose.

In its Nineteenth Annual Report, under date of December 14, 1905, the Interstate Commerce Commission, at page 13, said:

REBATES AND THE ELKINS LAW.

In our annual report for 1903 we endeavored to explain the changes in the regulating statute effected by the Elkins law, so called, which was approved in the previous February, and made some favorable comments upon its operation. A similar opinion was expressed in the report made a year ago. Further experience, however, compels us to modify in some degree the hopeful expectations then entertained. Not only have various devices for evading the law been brought into use, but the actual payment of rebates as such has been here and there resumed. Instances of this kind have been established by convincing proof, on which prosecutions have been commenced and are now pending. More frequently the unjust preference is brought about by methods which may escape the penalties of the law, but which plainly operate to defeat its purpose. This does not imply any want of satisfaction with the act of 1903, which we regard as a most admirable measure, nor any belief that there is a general return to former practices, for the fact is undoubtedly otherwise; but it does mean that this type of evil has by no means disappeared and that it is liable to increase unless effectively restrained.

They might have added that all that was necessary to "effectively restrain" that "type of evil" was to enforce the law; and that the enforcement of the law was in the hands of themselves and the Department of Justice under the general control of the President, and that the law against murder, burglary, robbery, arson, and similar crimes is as good as man has been able to devise, but that nevertheless we still occasionally hear of the commission of these offenses.

But there is further testimony as to the character of the Elkins law.

Speaking on the subject of the Elkins law and rebates, Mr. E. P. Bacon, in his statement before the Senate Interstate Commerce Committee, said, January 16, 1905, page 16, et seq., vol. 1, Interstate Commerce Committee Hearings:

I consider that the difficulty of discrimination between individual shippers is fully met by the Elkins Act of 1903. I do not see how the English language can prohibit that in any clearer terms than is done by that act, nor do I see how any means of enforcing that prohibition beyond what is provided in that act can be formulated.

I wish to say, further, that while the Elkins Act of 1903 went as far, it seems to me, as it is possible to go, yet it remains with the Commission on its part, and the Department of Justice on its part, to enforce the provisions of that act. If they are thoroughly enforced, the evils of rebates will be effectually remedied.

I really regard rebates, however, as having been fully provided for by the Elkins Act of 1903, and with the addition of some machinery I believe that the practice of paying rebates can be wholly prevented.

Mr. Bacon further testified on this subject, page 1764, vol. 3, as follows:

The suppression of rebates is only one of the evils that have been aimed at by the commercial organizations. That evil has been considered by the associations as having been effectually remedied by the passage of the Elkins Act of 1903.

S. H. Cowan, esq., one of the leading and one of the ablest of all the advocates of the proposition to confer the rate-making power on the Interstate Commerce Commission, said, on the same subject in his testimony before the Senate Interstate Commerce Committee, at page 112, vol. 1:

Fortunately, rebates have stopped. It was a fortunate thing that they did, because it was made the means of discriminations between individuals where the neighbor can engage in the purchase and sale of articles because he gets lower rates.

Governor Cummins of Iowa said on this subject in his testimony before the Interstate Commerce Committee of the Senate, at page 2052–3, Vol. 3—

> I do not think rebates and discriminations will ever disappear wholly, and I say frankly that I do not believe they will ever disappear so long as there is the element of competition. In business you may find some way of awarding favors, but I do not know of any way in which you can make the law more perfect on that point than it is now.

Commissioner Clements, of the Interstate Commerce Commission, said in his testimony before the Interstate Commerce Committee, page 3238, Vol. 4, speaking of the Elkins Act:

> * * * The Elkins Act is an act against all forbidden discriminations. * * * We have said that it has had a tremendous effect in the diminution of these abuses. * * * I have not a doubt in the world that the practice has been greatly diminished since the Elkins Act was passed.

Commissioner Knapp, chairman of the Interstate Commerce Commission, said in his testimony at page 3306, Vol. 4:

> Now, if I might add one word as to the Elkins bill. A more effective and complete measure for its purpose has not come within my observation. It is invaluable.

Commissioner Prouty, of the Interstate Commerce Commission, testified, at page 2911, vol. 4:

> * * * I think that the payment of rebates, as such, practically ceased when the Elkins bill went into effect, and it has only been resumed in aggravated instances, where apparently there could not be anything else done.

Numerous other citations might be made of similar statements from those who have been in such relation to railroad transportation as to enjoy special opportunities for knowing the nature and effect of the Elkins law as measured by its practical operation. In fact, all such witnesses who spoke on the subject testified to practically the same effect. This testimony, therefore, warrants the statement that the Elkins law has proven a most efficient measure for good, and that since its passage the practice of giving rebates and allowing discriminations among shippers has been largely discontinued, and that in so far as there are still violations of the statute of that character they can be broken up altogether by a mere enforcement of its provisions.

There has been no serious attempt to enforce this law to prevent discriminations as to localities, but a glance at its provisions will suffice to show that it is as broad, direct, explicit, and efficient to remedy that kind of an evil, wherever it may exist, as it has been found to be as to personal discriminations. That the law has not been tested in this respect is not due to any fault of the law, but because no one has seen fit to invoke it.

This law has been upheld by the Supreme Court; first, in the case of the Missouri Pacific Railway Company *v.* United States, 189 U. S., 274, which was a case of alleged discrimination against a locality, commenced before the passage of the act. The court held that the proceedings there under consideration could be maintained under that statute and remanded the case for further proceeding.

It has been again upheld and its efficiency has been again strikingly demonstrated by the decision of the Supreme Court rendered only a few days ago in the Chesapeake and Ohio and New Haven coal case, where shipments at less than the published rates, under the guise of delivering coal that the Chesapeake and Ohio had sold to the New Haven, was enjoined immediately on the filing of the bill of complaint, the parties to that important controversy thus getting full relief almost from the very moment when they instituted their proceedings therefor.

All this was virtually admitted by the House Committee when they said in their report that no further legislation was necessary as to classification or relative rates, and that—

> The law of to-day would be fairly satisfactory to all shippers if the spirit of fairness required by it had controlled the conduct of the carriers and the necessity for the proposed legislation is the result of and is made necessary by the misconduct of parties who are now most clamorous against additional restraint. If the carriers had in good faith accepted existing statutes and obeyed them there would have been no necessity for increasing the powers of the Commission or the enactment of new coercive measures.

It would have been nearer the truth if the committee had said that the law we now have is practically sufficient, if properly enforced, and that the fault, giving rise to conditions that are supposed to call for additional legislation, is not with the existing law, but with the officials who have not enforced it.

Such was the general situation when, in December, 1904, a demand arose for legislation giving the rate-making power to the Interstate Commerce Commission.

This demand had no place in the discussions of the political campaign of that year. It was not heard of until after the election.

It had been set forth a number of times in a general way in Democratic platforms, but it never commanded any serious attention until the President mentioned it in his annual message.

His popularity was so great and he so thoroughly commanded the confidence of all classes of people, that there was an immediate and very general acceptance of his recommendation.

This found expression in the Esch-Townsend bill, which passed the House at the last session almost unanimously, but failed to receive favorable consideration in the Senate.

The President renewed his recommendation in his last annual message, and the House has now, with even greater unanimity, passed the Hepburn bill.

HEPBURN BILL.

This bill increases the powers of the Commission in many respects, but I shall call attention to only its most important provisions of this character.

It makes the order of the Commission condemning a rate effective and thereby disposes of that rate, and then authorizes the Commission to name a new rate and put it into operation in place of the condemned rate.

It authorizes the Commission to compel disagreeing railroads that have nothing in common except a physical connection to operate jointly as through routes on such rates and terms as it may impose.

It dispenses with jury trials in an important class of actions to recover money by providing a procedure that makes such trials impossible.

It imposes such extreme, unreasonable, and burdensome penalties as to probably invalidate the measure in that respect. It does not provide for a proper review by the courts of the orders of the Commission, but seeks to exclude the same.

There are other provisions that merit attention, but these raise all the questions I care to discuss at this time.

There is a common agreement that, although the railroad situation is vastly improved as compared with what it was only a few years ago, there are still, as there probably always will be, many evils to remedy, and to that end there should be some kind of appropriate legislation.

The principal difference of opinion is as to whether to accomplish this common purpose the legislation to be enacted should be of an amendatory character, such as to work out these remedies in the courts, where ordinary controversies are settled, or should be such as to confer the rate-making power to be exercised in the way provided by this bill on the Interstate Commerce Commission.

I believe in the court plan, as contradistinguished from the rate-making plan, not alone because it is, as I shall endeavor to show, much simpler, much more expeditious, much more efficient, and without expense to the shipper, but because, in addition to all that, it avoids all legal and constitutional questions, while the rate-making plan as set forth in this bill encounters a number of such questions that are of the most serious character, and some of them, in my judgment, fatal.

HAS CONGRESS THE POWER TO MAKE RATES?

In the first place, there arises at the very beginning of this controversy a most serious question as to the power of Congress to fix rates at all.

I know it has been assumed throughout all this discussion, as it has been in framing this bill, that we have that power and that it is unquestioned, and I know that there are many expressions to be found in the opinions of the Supreme Court of the United States that indicate a similar assumption on the part of that court, but nevertheless, the fact remains that the court has never yet passed on that question, and there are many eminent lawyers who are of the opinion that the court will hold, when it does decide that question, that Congress does not have that power.

Their reasoning seems to me to be sound, and the effect of it absolutely fatal to this entire scheme of legislation.

I am confirmed in this opinion by what the Supreme Court said in the Northern Securities case (193 U. S., 343), where, after discussing the nature of the combination there under consideration and the evil consequences thereof, Mr. Justice Harlan, speaking for the court, said:

> Will it be said that Congress can meet such emergencies by prescribing the rates by which interstate carriers shall be governed in the transportation of freight and passengers? If Congress has the power to fix such rates—and upon that question we express no opinion—it does not choose to exercise its power in that way or to that extent.

This statement, apparently not necessary to the disposition of that case, is, at least, an announcement to the legal profession that the question of the power of Congress to fix rates in the exercise of its power to regulate commerce is an open one, upon which the court will hear argument whenever that question may be presented. If it be an open question for the Supreme Court, so, too, is it an open question for the Senate, and no mere assumption should be allowed to dispose of it. We can not dispose of it by ignoring it. It must be argued in the courts,

and I shall, therefore, discuss it now, at the beginning, where it properly belongs.

CONGRESS HAS NO POWER WITH RESPECT TO INTERSTATE COMMERCE EXCEPT THAT WHICH IS CONFERRED BY THE COMMERCE CLAUSE OF THE CONSTITUTION "TO REGULATE COMMERCE WITH FOREIGN NATIONS, AND AMONG THE SEVERAL STATES, AND WITH THE INDIAN TRIBES," AND TO ENACT ALL LEGISLATION NECESSARY TO GIVE EFFECT TO THIS POWER.

The controlling questions arising upon the construction of this clause are, first, what is "commerce," and, second, what is included in the power "to regulate?"

It was stated in 9 Wheaton, 229—

Commerce, in its simplest signification, means an exchange of goods; but in the advancement of society, labor, transportation, intelligence, care, and various mediums of exchange become commodities and enter into commerce; the subject, the vehicle, the agent, and their various operations become the objects of commercial regulations.

Mr. Justice Curtis said in Cooley *v.* The Board of Wardens, 12 Howard, 316:

The power to regulate navigation is the power to prescribe rules in conformity with which navigation must be carried on. It extends to the persons who conduct it as well as to the instruments used.

Mr. Justice Field said in Ferry Company *v.* Pennsylvania, 114 United States, 203:

Commerce among the States consists of intercourse and traffic between their citizens, and includes the transportation of persons and property and the navigation of public waters for that purpose, as well as the purchase, sale, and exchange of commodities. The power to regulate that commerce with foreign nations, vested in Congress, is the power to prescribe the rules by which it shall be governed. * * * The power embraces within its control all the instrumentalities by which that commerce may be carried on.

Numerous other cases to the same effect might be cited.

This power to regulate commerce is, therefore, as to interstate commerce, a power to regulate railroads, because they are a facility for the transportation of passengers and freight, and this general power necessarily includes the power to regulate all cars or vehicles that may be used, together with all appliances, agencies, equipments, and conveniences that may be employed in the transportation of persons and property. It also embraces trains, crews, the conductors, brakemen, switchmen, engineers, firemen, train dispatchers, freight, and passenger depots.

In maritime commerce with foreign nations this power to regulate extends to and regulates the vessels employed, the officers and crews navigating such vessels, the places and conveniences for embarkation and landing, appliances and equipment for the protection, safety, and comfort of passengers, and the protection and safety of property on board, including the signals and rules to be observed by the carrier or his employees and servants in navigation, and others of like character and purpose.

These definitions of "commerce" are broad and numerous, but broad and numerous as they are no one has ever yet named the price at which the carrier should sell his service of transportation as included within the term. Apparently until recently it has not occurred to any one to contend that the charge for this service is either an article or an instrument or a facility of commerce falling within the power of Congress to regulate The reason is plain. No one has included it because it is not commerce nor the subject of commerce.

It is an elementary proposition that the law, whether statutory or constitutional, is what the framers of it intended it should be, if that intention can be ascertained and be not in conflict with the language employed, and that it never is what, in the nature of things, it could not have been intended to be.

What, then, was the intent of the framers of the Constitution when they put the commerce clause into that instrument?

I shall not stop to gather this intent from the debates of the convention, from contemporaneous history, or from the restrictions imposed by the Constitution upon the exercise of this power, all of which show that rate making was not within the mind of the framers of the Constitution, but shall confine myself to adjudicated cases and recognized rules of construction.

In Gibbons *v.* Ogden (9 Wheat., 194) it was held, Chief Justice Marshall delivering the opinion of the court, that the word "commerce" as here used "is a unit, every part of which is included by the term." He further said in that opinion:

If this be the admitted meaning of the word in its application to foreign nations, it must carry the same meaning throughout the sentence and remain a unit, unless there be some plain intelligible cause which alters it. * * * It is the power to regulate; that is, to prescribe the rule by which commerce is to be governed.

In that same case Mr. Justice Johnson, concurring, at page 228, says:

The power to regulate foreign commerce is given in the same words, and in the same breath, as it were, with that over the commerce of the States. * * * But the language which grants power as to one description of commerce grants it as to all.

In Brown *v.* Huston (114 U. S., 630), the court said:

The power to regulate commerce among the several States is granted to Congress in terms as absolute as is the power to regulate commerce with foreign nations.

In the case of Bowman *v.* Chicago, etc., Railway Company, (125 U. S., p. 482), the Supreme Court said:

The power conferred upon Congress to regulate commerce among the States is, indeed, contained in the same clause of the Constitution which confers upon it power to regulate commerce with foreign nations. The grant is conceived in the same terms and the two powers are undoubtedly of the same class and character and equally extensive.

In the case of Crutcher *v.* Kentucky (141 U. S., 47), the court said, pp. 57–58:

It has frequently been laid down by this court that the power of Congress over interstate commerce is as absolute as it is over foreign commerce. * * * And the same thing is exactly true with regard to interstate commerce as it is with regard to foreign commerce. No difference is perceivable between the two.

Mr. Justice Field said in Pittsburg, etc., v. Bates (156 U. S., 587):

The power to regulate commerce among the several States was granted to Congress in terms as absolute as is the power to regulate commerce with foreign nations.

These authorities and others that might be cited establish the proposition that the power conferred upon the Congress as to interstate commerce is precisely the same as the power conferred upon Congress as to foreign commerce; neither more nor less.

This power, being identical in both cases, can not include the power to fix rates to be charged for transportation in the one unless also in the other. During the whole period of our country's existence no one down to this moment has ever claimed, or even suggested, either at the bar or on the bench, that it was the intention of the framers of the Constitution to confer on Congress by the commerce clause power to fix rates of compensation for the carriage of passengers or freight in foreign commerce. This is not alone, because the fixing of the carrier's compensation is not an article of commerce to be transported, not an element in the conduct of commerce that affects one way or another the question of safety or convenience in transportation of either life or property, but also because, aside from all questions about treaties and international relations generally, it would be utterly impracticable to exercise such a power with respect to international commerce. Today but little of it is carried in ships of American registry. Less was carried when the Constitution was framed. Then as now the great bulk of international commerce was carried in ships and transports over which we could not have, if we so desired, any control whatever, except only while the same might be in our ports or within our jurisdiction. Whatever we might be able to do as to American ships we could not fix rates for foreign ships. The mere suggestion of the situation as to foreign commerce, how it is carried on, and the impossibility of intelligent action in prescribing rates of charges is enough to show that such an exercise of power was not and could not have been contemplated by the framers of the Constitution when they conferred on Congress the power to regulate foreign commerce.

But if this power was not conferred as to foreign commerce neither was it as to interstate commerce.

POWER OF THE STATES.

The assumption that Congress has the power to fix rates as a part of the power to regulate commerce is largely due to the fact, no doubt, that the States undeniably have this power. But the one does not follow from the other. The cases are wholly different. The States are complete sovereignties, except only as they have delegated their powers to the Federal Government. Among the powers they have reserved is the power to grant franchises to be a corporation. It is in this proprietary power to create corporations and give them authority to conduct a designated public business, such as that of a common carrier, that the power is included to prescribe as one of the terms and conditions of such franchises that the State shall have authority to fix rates and prescribe any terms and conditions it may see fit to impose. This power is unquestioned, because the corporation is the creation of the State. It gets its every right and privilege from the State and must, therefore, accept its life and its powers and rights and privileges, subject to such conditions as the State may see fit to impose.

The Federal Government has this power also with respect to the corporations that it creates, and it has exercised it with respect to the railroad corporations it has chartered; but it does not derive this power from the commerce clause of the Constitution, which is a distinct and substantive power in and of itself, but from its general sovereign powers to promote the public welfare, establish post-roads, and provide for the national defense.

The advocates of rate-making legislation cite decisions of the

Supreme Court to the effect that the power to regulate commerce conferred upon Congress by the commerce clause is a complete plenary power. This is true, but the complete power spoken of by the court is the power to regulate. The question remains whether or not within this complete power to regulate is included the power to fix rates of compensation for a carrier to charge for the service he is to render; and for the reason that it is not necessary to the execution of the power "to regulate," which goes properly no further than may be necessary to insure comfort, safety, and uniformity of regulations in the transportation of passengers and property, and because, in the nature of things, such a power can not be exercised and never could be exercised with respect to foreign commerce, it never could have been the intention of the framers of the Constitution that any such power should be conferred.

This does not leave us at the mercy of the carriers.

IN OTHER WORDS, IF IT BE HELD THAT THE CONGRESS HAS NO POWER TO FIX RATES, IT DOES NOT FOLLOW THAT THERE IS NO POWER IN THE GOVERNMENT TO CONTROL CHARGES TO BE MADE FOR THE TRANSPORTATION OF INTERSTATE COMMERCE.

It does not so follow, because all carriers of interstate commerce, like all other public utilities, are required, in the absence of any statutory provision, simply because of the common-law rule, to charge only reasonable and just rates, and to abstain from the practice of unreasonable discriminations between individual shippers and between independent localities. This rule of the common law has been universally recognized in this country, and has always been enforced in courts of equity when their jurisdiction in such cases has been invoked. If, therefore, there were no legislation on the subject, any shipper who might be charged an excessive rate could either pay and recover back in an action at law, in a law court of proper jurisdiction, or, to avoid a multiplicity of suits, he could exhibit his bill of complaint in a court of equity and secure relief by injunction. These propositions are elementary and do not need a citation of authorities for their support, but the books are full of cases in point.

In the case of Scofield *v.* Railroad Co. (43 O. S., 571), in a most elaborate and carefully prepared opinion, the court reviews the leading cases on the subject and grants relief by injunction against a discrimination in rates. The discrimination in this case consisted in giving lower rates to the complainant's competitor on the ground that this competitor was entitled to it by reason of the larger shipments it was making.

In the case of C. & O. R. Co. *v.* The People ex rel., etc. (67 Ill., 11), the court says:

Another perfectly well-settled rule of the common law in regard to common carriers is that they shall not exercise any unjust and injurious discrimination between individuals in their rates of toll.

The supreme court of New Hampshire in McDuffee *v.* Railroad (57 N. H., 447), says at page 451:

The common and equal right is to reasonable transportation service for a reasonable compensation.

In Railway Co. *v.* People (56 Ill., 365), the court said:

The carrier is under obligation to receive and carry goods for all persons alike without injurious discrimination as to terms.

In Chicago, etc., R. R. Co. *v.* Minnesota (134 U. S., 418, 458), the court said:

The question of the reasonableness of a rate of charge for transportation by a railroad company involving, as it does, the element of reasonableness both as regards the company and as regards the public, is eminently a question for judicial investigation, requiring due process of law for its determination.

In Reagan *v.* Farmers' Loan and Trust Co. (154 U. S.), at page 397, Mr. Justice Brewer, speaking for the court, says:

* * * It has always been recognized that, if a carrier attempted to charge a shipper an unreasonable sum, the courts had jurisdiction to inquire into that matter and to award to the shipper any amount exacted from him in excess of a reasonable rate; and also in a reverse case to render judgment in favor of the carrier for the amount found to be a reasonable charge. The province of the courts is not changed, nor the limit of judicial inquiry altered, because the legislature instead of the carrier prescribes the rates.

In the case of St. Louis and San Francisco Railway *v.* Gill (156 U. S., 659), the court say:

Mr. Justice Miller, in his concurring opinion, said (in the case of Chicago Railway Company *v.* Minnesota, 134 U. S., 460): " * * * Until the judiciary has been appealed to to declare the regulation made, whether by the legislature or by the Commission, voidable for unreasonableness, the tariff of rates so fixed is the law of the land and must be submittel to both by the carrier and the parties with whom he deals; that the proper, if not the only, mode of judicial relief against the tariff of rates established by the legislature or by its commission is by a bill in chancery asserting its unreasonable character and its conflict with the Constitution of the United States, and asking a decree of the court forbidding the corporation from exacting such fare as excessive, or establishing its rights to collect the rates as being within the limits of just compensation for the service rendered."

At page 666 of the above-cited case of Railway Company *v.* Gill (156 U. S.) the court say, again citing Mr. Justice Miller:

That the remedy for a tariff alleged to be unreasonable should be sought in a bill in equity or some equivalent proceeding, wherein the rights of the public, as well as of those of the company complaining, can be protected.

Numerous other citations might be made to show, as these do, that at common law, without any legislation, carriers are bound to transport for all who apply and that they are bound to charge only reasonable and just rates; and that they are not allowed to discriminate between shippers, commodities, or places, and that if they violate any of these duties they are liable for damages, in an action at law, at the suit of the aggrieved party; or he may, to avoid a multiplicity of suits, go into a court of equity and enjoin the carrier from such illegal charges or practices.

The framers of the Constitution did not, therefore, when they conferred on Congress the power to regulate interstate commerce without coupling with it the power to fix rates, leave shippers and travelers at the mercy of the carriers as to rates of charges, discriminations, or other wrongful practices, but, on the contrary, provided for them complete remedies in the system of courts for which they made provision.

BUT IF IT SHOULD BE THAT I AM MISTAKEN IN CLAIMING THAT THE POWER TO FIX RATES IS NOT COMPREHENDED WITHIN THE POWER TO REGULATE INTERSTATE COMMERCE, AND IT BE ASSUMED THAT CONGRESS HAS THE POWER TO FIX THE COMPENSATION OF A CARRIER FOR THE TRANSPORTATION HE SELLS, THEN THE FURTHER QUESTION ARISES, HOW SHALL CONGRESS EXERCISE THAT POWER?

Manifestly it is utterly impossible for Congress by statute to fix all the rates for interstate commerce. It must resort to some plan under which it can avail itself of the help of some kind of board, commission, tribunal, or agency. But when it undertakes to do this it must take heed lest it undertake to do it in such a way as to delegate legislative authority and thus make its effort unconstitutional and unavailing, for it will be conceded that it is unconstitutional for Congress to delegate legislative power.

The chief provision of the Hepburn bill is that if after hearing a complaint the Commission—

be of opinion that any rates are unjust or unreasonable, or unjustly discriminatory, or unduly preferential or prejudicial,

it shall have power—

to determine and prescribe what will, in its judgment, be the just and reasonable and fairly remunerative rate or rates * * * to be thereafter observed in such case as the maximum to be charged; * * * and to make an order that the carrier shall cease and desist from such violation * * * and shall not thereafter publish, demand, or collect any rate * * * in excess of the maximum rate * * * so prescribed. Such order shall go into effect thirty days after notice to the carrier.

THE FIRST QUESTION RAISED BY THIS PROVISION IS WHETHER OR NOT ALL THREE OF THE POWERS OF GOVERNMENT, LEGISLATIVE, JUDICIAL, AND EXECUTIVE, CAN BE CENTERED AND COMMINGLED IN A POLITICAL BOARD, CLAIMED TO BE ADMINISTRATIVE IN ITS CHARACTER.

This proposed legislation is radically different in this respect from the interstate-commerce act. By that act the Interstate Commerce Commission was empowered to hear complaints as to unreasonable rates, and if upon such hearing it concluded that the rates challenged were unreasonable, it could condemn them and order the railroad to desist from further charging the same; but the Commission had no power to enforce this order, and if the railroad refused to comply with it the only remedy was for the Commission to sue the road in court upon the order, to secure there, by judicial decree, its enforcement.

The hearing of the complaint and the making of a finding and order with respect to a rate were to that extent in the nature of a judicial procedure, but it was not judicial in fact, because the Commission had no authority or power to give effect to its order when it made one. The net result of what it was authorized to do was, to employ the language used in the Minnesota statute hereinafter quoted, to make a recommendation, for that is all its action amounted to. If the road did not see fit to accept the conclusion of the Commission, resort must be had to the courts, where alone judicial power could be exercised.

I mention this with particularity to show that the very able lawyers who, as members of the House of Representatives and the Senate, framed the interstate-commerce act of 1887, carefully avoided conferring on the Interstate Commerce Commission any kind of power except only executive power, for they stopped short of giving it judicial power by refusing to it authority and power to execute its orders and decrees, and they carefully refrained, as the Supreme Court held, from conferring upon it the legislative power of making a new rate to be substituted for a condemned rate. They gave only the one kind of power, because they were familiar with the rule, and by their action showed their respect for it, that two kinds of power, much less three kinds of power, could not be conferred on what they clearly intended should be in legal effect, as well as in practice, only a purely executive or administrative board. This Hepburn bill, however, gives to the Commission the additional

power of executing its judgment of condemnation of a rate, which makes the power purely judicial, and then in addition gives to the Commission the power to substitute a new rate for the one it has condemned and put out of existence, which is a purely legislative act.

In addition to these two new powers, judicial and legislative, never heretofore by any act conferred on the Interstate Commerce Commission, it is allowed by this Hepburn bill to retain all the executive power with which it was originally invested, with much more power of that character added.

That the bill is unconstitutional, because of this commingling of all these powers, appears beyond question.

Ours is a constitutional government. It is a fundamental proposition embodied in our organic law that there shall be three separate, independent, and coordinate departments of government, and that there shall not be any commingling of these powers in any one authority. It is, therefore, in contravention of our constitution to confer judicial powers upon the legislative department or to confer legislative powers upon the judicial department or to confer either of these powers upon the executive department.

Mr. Moody, the Attorney-General, in an opinion given to the chairman of the Senate Interstate Commerce Committee, under date of May 5, 1905, calls attention to the proposition, at page 12 of his opinion, in the following language:

> A case arising under the laws of Kansas signally illustrates the principle that the nature of legislative and judicial powers is such that they can not be joined together and vested in the same body consistently with the theory which underlies the Constitution of the United States and those of many, if not all, the States.

Where the question arises it makes no difference whether the attempt of the legislature is to confer legislative power upon the judiciary or judicial power upon the legislature. The sole question is whether there is power to confer more than one of the powers upon the same body; to commingle them. If it be attempted, the effort is a nullity, because in conflict with the theory which underlies the organic law of our institutions.

In Kilbourn *v.* Thompson (103 U. S., 190) the Supreme Court said:

> It is believed to be one of the chief merits of the American system of written constitutional law that all the powers intrusted to government, whether State or national, are divided into the three grand departments—the executive, the legislative, and the judicial. That the functions appropriate to each of these branches of government shall be vested in a separate body of public servants, and that the perfection of the system requires that the lines which separate and divide these departments shall be broadly and clearly defined. It is also essential to the successful working of this system that the persons intrusted with power in any one of these branches shall not be permitted to encroach upon the powers confided to the others, but that each shall by the law of its creation be limited to the exercise of the powers appropriate to its own department and no other.

The wisdom of this constitutional provision for the separation of these coordinate powers of government is strikingly manifested by the jumble attempted in this instance. The proposition would be alarming if its utter unconstitutionality were not as apparent as is its unreasonableness. It involves the general supervision by a political board, appointed by the President, of a business so tremendous as to be practically incomprehensible, and so complicated and difficult in its character as to be almost beyond the power of human intellect to master it, with authority to change rates with the stroke of a pen, affecting revenues to the extent of millions of dollars, and to make new regulations of every character affecting the operation of more than 200,000 miles of railways, and affecting also, because of their relation to the railroads and their dependence upon them, almost every other kind of important business conducted throughout the length and breadth of the country; and in this behalf this board, to the judgment of which these vast interests are to be subjected, is authorized to be legislator, prosecutor, judge, jury, and marshal, all combined. In all the legislation of more than a century no such proposition has ever before been successfully presented to the American Congress. It would be an absolute disaster to the country if it should be successfully presented now, were it not that it is impossible for such a measure to receive the sanction of the courts, not alone because of the bad results which would follow from this particular legislation, but also because if such a commingling of power can be sustained as to legislation of this vastly important character it will be a precedent of such commanding force that it will be idle to ever hereafter in connection with legislation talk about three independent and coordinate departments of government, the powers of which are not to be blended and merged. It will be a fitting time, when we vote on this bill, to demonstrate that there are still three departments of government and that they are still, as our fathers intended, separate and independent as well as coordinate.

A SECOND QUESTION, EQUALLY FATAL TO THIS LEGISLATION, AT ONCE ARISES—WHETHER THE PROVISION QUOTED AMOUNTS, IF SUSTAINED, TO A DELEGATION OF LEGISLATIVE POWER.

The power conferred is "to determine and prescribe what will, in its judgment, be the just and reasonable and fairly remunerative rate * * *" and then by proper order put it into operation.

"Just and reasonable and fairly remunerative" are indefinite terms.

Different minds might, and most probably would, reach widely different conclusions as to what they required in almost any given case. All any commission could do would be to act according to its best judgment, and that is just what the bill recognizes and requires, for its requirement is "to determine and prescribe what will, in its judgment, be" the proper rate, etc.

The effect of this provision can not be avoided by a juggle of words intended to show that the Commission does not fix any specific rate and put it into operation, but only that it names a rate which, "in its judgment," is a reasonable and just rate, and thereupon the law operates to give that judgment effect as a maximum rate, for the fact remains that it is the judgment of the Commission and not the judgment of Congress that prescribes the rate, and according to the best authorities that is fatal to the measure.

In Dowling et al. *v.* Insurance Company, 92 Wisconsin, page 63, a statute was held invalid because in the opinion of the court it delegated legislative power.

The court adopted the rule laid down by Judge Ranney in 1st Ohio State, that the—

> true distinction is between the delegation of power to make the law, which necessarily involves a discretion as to what it shall be, and conferring authority or discretion as to its execution, to be exercised under and in pursuance of the law. The first can not be done; to the latter no valid objection can be made.

The statute under consideration in this Wisconsin case provided that the insurance commissioner should—

> prepare, approve, and adopt and print the form in blank of a contract or policy of fire insurance, together with such provisions, agreements, or conditions as may be indorsed thereon or added thereto and form a part of such policy and contract, and such form shall, as near as the same can be made applicable, conform to the type and form of the New York standard fire insurance policy, so called and known.

The court held that this was a delegation of legislative power, and that it was therefore unconstitutional and void.

In discussing the question the court said, at page 71:

> The act, in our judgment, wholly fails to provide definitely and clearly what the standard policy should contain, so that it would be put in use as a uniform policy required to take the place of all others, without the determination of the insurance commissioner in respect to matters involving the exercise of a legislative discretion that could not be delegated, and without which the act could not possibly be put in use as an act in conformity to which all fire insurance policies were required to be issued.

It will be noted that the statute, approximately at least, gave a standard by which the insurance commissioner was to be governed in preparing the form of policy to be adopted, for it provided that it should—

> as near as the same can be made applicable, conform to the type and form of the New York standard fire-insurance policy.

The court say upon this point:

> Evidently the conformity to "type and form" of the New York standard policy had reference to the form of that policy as embracing the substance of the provisions of the contract, and as to the size and kind of type to be used in printing the policy to be adopted. Had the commissioner wholly declined to prepare, approve, and adopt any form whatever, it would not have been possible to have carried into effect so imperfect or uncertain an enactment, or to transact business under it. Within the lines indicated, a discretion was reposed in the commissioner as to the form of the policy which embodied the substance of the contract, and which was to have the sanction and force of law. The effect clearly was to transfer to him bodily the legislative power of the State on that subject. Within the limits prescribed he was to prepare just such a policy or contract as, in his judgment and discretion, would meet the legal exigencies of the case, and no one could certainly predict what the result of his action might be.

In the case of The State ex rel. Adams *v.* Burdge and others (95 Wis., p. 390), the question before the court was whether or not a statute which undertook to authorize the State board of health, a purely administrative body, to make such regulations "as may in its judgment be necessary for the protection of the people" from contagious diseases, and give the power to designate what diseases "are dangerous or contagious to the public health," was obnoxious to the objection that it was a delegation of legislative power, and therefore unconstitutional and void, and the court held that it was.

The statute under consideration in this case authorized the board of health to make such regulations "as may, in its judgment, be necessary for the protection of the people" from contagious diseases, and gave them power to designate what diseases were contagious or dangerous to the public health. The court held that this statute was an unwarranted delegation of legislative power.

The court in this case again cites the rule laid down by Judge Ranney as drawing the true distinction between statutes that delegate legislative power and those which do not, and held the statute invalid because on its face it intrusted to the board of health the exercise of its judgment and discretion, which belonged only to the legislature.

In the case of Clark *v.* Field (143 U. S., 649), and again in the case of Buttfield *v.* Stranahan (192 U. S., 470)—the tea case—the Supreme Court sustained the statutes there under consideration enacted by Congress, which were attacked on the ground that they delegated legislative power, not by holding that it was competent for the Congress to delegate legislative power, but by so construing the statutes as to show that they did not delegate legislative power; that what the President was authorized to do under the McKinley tariff law was not legislative, but purely administrative, and what the board of experts and the Secretary of the Treasury were required to do, which was under consideration in the tea case, was likewise administrative and not legislative.

The Supreme Court in these cases, recognizing and announcing the rule that legislative power can not be delegated, found that the provisions of the statutes under consideration were such that no legislative discretion was left with the President in the one case or with the board of experts or the Secretary of the Treasury in the other.

In answer we are told by the advocates of this bill of the statutes under which the Postmaster-General and the Secretary of the Interior are invested with authority to decide various questions arising in their respective Departments, according to their judgment and discretion, which have no application whatever to the question under consideration, for the obvious reason that in all those instances the Government is dealing with its own and has a right to do so on its own terms and conditions.

So, too, they have cited as an authority for them what Chief Justice Waite said in the Munn case (94 U. S.), as follows:

> With the fifth amendment in force, Congress, in 1820, conferred power upon the city of Washington to regulate the rates of wharfage at private wharves, the sweeping of chimneys, and to fix the rates of fees therefor, and the weight and quality of bread; and in 1848 to make all necessary regulations respecting hackney carriage and the rates of fare of the same, and the rates of hauling by cartmen, wagoners, carmen, and draymen, and the rates of commission of auctioneers.

And so on, at length.

In citing this as an authority they overlook the fact that the conferring by the legislature of a State upon a municipality of such powers of local government as are enumerated in the statute quoted is an exception to the general rule as to the delegation of legislative authority. Cooley's Constitutional Limitations, sixth edition, page 226, says:

> * * * The legislature can not delegate its power to make laws; but fundamental as this maxim is, it is so qualified by the customs of race and by other maxims which regard local government, that the right of the legislature, in the entire absence of authorization or prohibition, to create town and other inferior municipal organizations, and to confer upon them the powers of local government, and especially of local taxation and the police regulation usual with such corporations, would always pass unchallenged. The legislature in these cases is not regarded as delegating its authority, because the regulation of such local affairs as are commonly left to local boards and officers is not understood to belong properly to the State.

Congress sustains the same relation to the city of Washington that a State does to the municipalities within its borders.

The essence of all these decisions is given in the case of Field *v.* Clark, page 693, where, as stating the true rule, they quote Judge Ranney, as the Wisconsin cases did, as follows:

> The true distinction is between the delegation of power to make the law, which necessarily involves a discretion as to what it shall be, and conferring authority or discretion as to its execution, to be exercised under and in pursuance of the law. The first can not be done; to the latter no valid objection can be made.

I repeat this quotation to emphasize it.

This rule indicates the distinction running through all the well-considered cases on the subject of the delegation of legislative power. According to this rule the test is whether or not the party on whom the authority is conferred is intrusted with any discretion to make the law; if so, the statute is unconstitutional. If, on the other hand, no discretion be conferred, but only an administrative duty be enjoined, the statute is valid. Discretion may be allowed as to its execution, but none as to what the law shall be.

Applying this rule we see what must be the character of the legislation enacted by Congress conferring the rate-making power on the Interstate Commerce Commission, or any other tribunal, to make it valid, namely, that no discretion to make rates, according to its opinion or judgment, can be conferred, but standards or guides and tests must be prescribed to govern the action of the Commission. To illustrate, Congress may prescribe that rates shall not exceed so much per mile per passenger, or so much per ton per mile for freight, or that on roads making a net earning of so much per mile rates shall not exceed a maximum named, while on roads making less or greater earnings that maximum shall be varied to correspond. In such instances, with such standards by which to be governed, the action of the board of commissioners or the tribunal or agency selected will be purely administrative, because it will have nothing to do in order to arrive at the rate to be fixed beyond making a calculation and working out results and then naming them.

It has been contended that the Supreme Court of the United States has sustained State statutory provisions that did not conform to this rule authorizing State commissions to make rates within the States; and it is further pointed out in support of the right of Congress to confer the rate-making power on the Interstate Commerce Commission, that the Supreme Court in the Maximum Rate case, and in other cases, indulged in expression which indicate, although that question was not before the court, that it would sustain such legislation as is now proposed if it should be enacted.

It is true that the Supreme Court has upheld statutes enacted by the States conferring this power on State commissions or commissioners, and it is true that the Supreme Court did indulge in the Maximum Rate case, and perhaps in other cases, in the character of expressions referred to, but it is also true that the precise question now presented was not presented to the court in any of these cases. And it is also true that the Supreme Court of the United States has never yet upheld a State statute conferring power to make rates on a railroad commission or commissioner as to that particular point which did not make the power so conferred purely administrative in character, or which was not enacted by virtue of a constitutional provision that authorized such legislation.

The leading cases relied upon are what are known as the Granger cases, reported in 94th U. S., the Stone case, the Reagan case, the Minnesota case, and the Maximum Rate case.

The first of the Granger cases was that of Munn *v.* The State of Illinois, 94 U. S., 113. The question involved in that case was whether or not the legislature of Illinois could fix maximum rates of elevator charges. In that case the legislature had provided that the maximum charge for the storage and handling of grain, etc., should be 2 cents per bushel for the first thirty days, and additional specified charges for longer periods of time.

There was no question in this case as to the power of the legislature to delegate legislative authority.

The next case is that of the Chicago, Burlington and Quincy Railroad Company *v.* The State of Iowa, reported at page 155, 94th U. S. This case arose under "An act to establish reasonable maximum rates of charges for the transportation of freight and passengers on the different roads of Iowa," approved March 23, 1874.

A number of questions were involved in the case, but the particular question under consideration was not and could not have been one of them. The statute is found at page 61, Laws of Iowa, 1874, but the nature of the statute is set forth at page 163 of the opinion of the court, which was delivered by Mr. Chief Justice Waite, as follows:

> The statute divides the railroads of the State into classes, according to business, and establishes a maximum of rates for each of the classes. It operates uniformly on each class and this is all the Constitution requires.

From this statement it appears that the commission provided for by the statute had only the administrative duty to perform of ascertaining to which class a particular railroad belonged and then applying the rates provided for that class. The classification was on the basis of net earnings, and maximum rates were named by the statute for each class on all articles shipped.

All this appears more fully from the following provisions of the statute:

> All railroads in this State shall be classified according to the gross amount of their respective annual earnings within the State, per mile, for the preceding year, as follows: Class "A" shall include all railroads whose gross annual earnings, per mile, shall be four thousand dollars ($4,000) or more. Class "B" shall include all railroads whose gross annual earnings, per mile, shall be three thousand dollars ($3,000) or any sum in excess thereof less than four thousand dollars ($4,000). Class "C" shall include all railroads whose gross annual earnings, per mile, shall be less than three thousand dollars ($3,000).
>
> SEC. 2. All railroad corporations, according to their classifications as herein prescribed, shall be limited to compensation per mile for the transportation of any person, with ordinary baggage not exceeding one hundred pounds in weight, as follows: Class "A" three cents; class "B," three and one-half cents; class "C," four cents: *Provided*, That no such corporation shall charge, demand, or receive any greater compensation per mile for the transportation of children twelve years of age or under, than the half rates above prescribed: *And provided also*, A charge of ten cents may be added to the fare of any passenger, when the same is paid upon the cars, if a ticket might have been procured within a reasonable time before the departure of the train.
>
> SEC. 3. The tariff rates established in the following schedule shall be considered the basis on which to compute the compensation for transporting freights, goods, merchandise, or property over any line of railroads within this State:

*Schedule of tariff rates.*

| Distances, in miles. | Merchandise, in cents, per hundred pounds. | | | | Flour and meal, in cents, per barrel, per carload. | Salt, cement, plaster and stucco, in cents, per barrel, in lots of 25 barrels or over. | All grain (except wheat) and mill stuffs, in cents, per 100 pounds, per carload. | Wheat, in cents, per 100 pounds, per carload. | Lumber, in dollars, per carload. | Horses and mules, in dollars, per carload. | Cattle and hogs, in dollars, per carload. | Sheep, in dollars, per carload, single deck. | Class A, in dollars, per carload. | Class B, in dollars, per carload. | Class C, in dollars, per carload. | Coal, in dollars and cents, per ton, per carload. |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | First class. | Second class. | Third class. | Fourth class. | | | | | | | | | | | | |
| 1 and less than 2 | 12.00 | 10.67 | 9.33 | 8.00 | 10.67 | 12.73 | 4.26 | 4.68 | 8.27 | 9.00 | 8.00 | 7.00 | 9.60 | 8.68 | 7.63 | 30 |
| 2 and less than 3 | 12.50 | 11.06 | 9.63 | 8.20 | 10.89 | 12.99 | 4.35 | 4.78 | 8.44 | 9.35 | 8.24 | 7.20 | 9.87 | 8.95 | 7.79 | 37 |
| 3 and less than 4 | 13.00 | 11.46 | 9.93 | 8.40 | 11.11 | 13.25 | 4.44 | 4.88 | 8.62 | 9.70 | 8.48 | 7.40 | 10.15 | 9.22 | 7.95 | 45 |
| 4 and less than 5 | 13.50 | 11.85 | 10.23 | 8.60 | 11.33 | 13.51 | 4.53 | 4.98 | 8.80 | 10.05 | 8.72 | 7.60 | 10.43 | 9.49 | 8.11 | 52 |
| 5 and less than 6 | 14.00 | 12.25 | 10.50 | 8.75 | 11.55 | 13.78 | 4.62 | 5.08 | 8.98 | 10.40 | 8.96 | 7.80 | 10.71 | 9.76 | 8.27 | 60 |
| 6 and less than 7 | 14.40 | 12.56 | 10.73 | 8.90 | 11.77 | 14.04 | 4.70 | 5.17 | 9.15 | 10.68 | 9.20 | 7.95 | 10.99 | 10.03 | 8.43 | 62 |
| 7 and less than 8 | 14.80 | 12.88 | 10.95 | 9.02 | 11.99 | 14.30 | 4.79 | 5.26 | 9.32 | 10.96 | 9.44 | 8.10 | 11.29 | 10.31 | 8.59 | 64 |
| 8 and less than 9 | 15.20 | 13.18 | 11.16 | 9.14 | 12.21 | 14.56 | 4.86 | 5.36 | 9.49 | 11.20 | 9.68 | 8.25 | 11.58 | 10.59 | 8.75 | 66 |
| 9 and less than 10 | 15.60 | 13.48 | 11.37 | 9.26 | 12.43 | 14.83 | 4.97 | 5.46 | 9.66 | 11.52 | 9.92 | 8.40 | 11.86 | 10.90 | 8.90 | 68 |
| 10 and less than 11 | 16.00 | 13.80 | 11.59 | 9.38 | 12.65 | 15.09 | 5.06 | 5.56 | 9.83 | 11.80 | 10.16 | 8.55 | 12.14 | 11.15 | 9.06 | 70 |
| 11 and less than 12 | 16.40 | 14.10 | 11.80 | 9.50 | 12.87 | 15.35 | 5.14 | 5.65 | 10.00 | 12.08 | 10.40 | 8.70 | 12.44 | 11.40 | 9.22 | 71 |
| 12 and less than 13 | 16.80 | 14.40 | 12.00 | 9.61 | 13.09 | 15.61 | 5.23 | 5.75 | 10.17 | 12.36 | 10.64 | 8.85 | 12.73 | 11.67 | 9.38 | 72 |
| 13 and less than 14 | 17.20 | 14.70 | 12.21 | 9.72 | 13.31 | 15.88 | 5.32 | 5.85 | 10.35 | 12.64 | 10.88 | 9.00 | 13.01 | 11.94 | 9.54 | 73 |
| 14 and less than 15 | 17.60 | 15.01 | 12.42 | 9.83 | 13.53 | 16.14 | 5.41 | 5.95 | 10.52 | 12.92 | 11.12 | 9.15 | 13.31 | 12.22 | 9.70 | 74 |
| 15 and less than 16 | 18.00 | 15.32 | 12.63 | 9.94 | 13.75 | 16.40 | 5.50 | 6.05 | 10.69 | 13.20 | 11.36 | 9.30 | 13.60 | 12.50 | 9.86 | 75 |
| 16 and less than 17 | 18.40 | 15.61 | 12.83 | 10.05 | 13.97 | 16.66 | 5.58 | 6.14 | 10.86 | 13.48 | 11.60 | 9.45 | 13.88 | 12.77 | 10.02 | 76 |
| 17 and less than 18 | 18.80 | 15.92 | 13.04 | 10.16 | 14.19 | 16.92 | 5.67 | 6.23 | 11.03 | 13.76 | 11.84 | 9.60 | 14.16 | 13.04 | 10.18 | 77 |
| 18 and less than 19 | 19.20 | 16.23 | 13.25 | 10.27 | 14.41 | 17.10 | 5.76 | 6.33 | 11.20 | 14.04 | 12.08 | 9.75 | 14.46 | 13.31 | 10.34 | 78 |
| 19 and less than 20 | 19.60 | 16.52 | 13.45 | 10.38 | 14.63 | 17.45 | 5.85 | 6.43 | 11.37 | 14.32 | 12.32 | 9.90 | 14.74 | 13.58 | 10.49 | 79 |
| 20 and less than 21 | 20.00 | 16.83 | 13.66 | 10.49 | 14.85 | 17.71 | 5.94 | 6.53 | 11.54 | 14.60 | 12.56 | 10.05 | 15.04 | 13.86 | 10.65 | 80 |
| 21 and less than 22 | 20.30 | 17.06 | 13.83 | 10.60 | 15.07 | 17.98 | 6.02 | 6.62 | 11.71 | 14.80 | 12.80 | 10.20 | 15.34 | 13.99 | 10.81 | 81 |
| 22 and less than 23 | 20.60 | 17.30 | 14.00 | 10.70 | 15.29 | 18.24 | 6.11 | 6.72 | 11.87 | 15.00 | 12.92 | 10.35 | 15.62 | 14.11 | 10.97 | 82 |
| 23 and less than 24 | 20.90 | 17.53 | 14.17 | 10.80 | 15.51 | 18.50 | 6.20 | 6.82 | 12.04 | 15.20 | 13.04 | 10.50 | 15.91 | 14.23 | 11.13 | 83 |
| 24 and less than 25 | 21.20 | 17.76 | 14.33 | 10.90 | 15.73 | 18.76 | 6.29 | 6.91 | 12.23 | 15.40 | 13.16 | 10.65 | 16.19 | 14.36 | 11.29 | 84 |
| 25 and less than 26 | 21.50 | 18.00 | 14.50 | 11.00 | 15.95 | 19.02 | 6.38 | 7.01 | 12.40 | 15.60 | 13.28 | 10.80 | 16.48 | 14.49 | 11.45 | 85 |
| 26 and less than 27 | 21.80 | 18.25 | 14.67 | 11.10 | 16.17 | 19.29 | 6.46 | 7.10 | 12.57 | 15.80 | 13.40 | 10.95 | 16.73 | 14.62 | 11.61 | 86 |
| 27 and less than 28 | 22.10 | 18.46 | 14.83 | 11.20 | 16.39 | 19.55 | 6.55 | 7.20 | 12.74 | 16.00 | 13.52 | 11.10 | 17.01 | 14.75 | 11.77 | 87 |
| 28 and less than 29 | 22.40 | 18.70 | 15.00 | 11.30 | 16.61 | 19.81 | 6.64 | 7.30 | 12.91 | 16.20 | 13.64 | 11.25 | 17.29 | 14.87 | 11.93 | 88 |
| 29 and less than 30 | 22.70 | 18.94 | 15.17 | 11.40 | 16.83 | 20.08 | 6.73 | 7.40 | 13.08 | 16.40 | 13.76 | 11.40 | 17.54 | 14.99 | 12.08 | 89 |
| 30 and less than 31 | 23.00 | 19.16 | 15.33 | 11.50 | 17.05 | 20.34 | 6.82 | 7.50 | 13.25 | 16.60 | 13.88 | 11.50 | 17.75 | 15.12 | 12.19 | 90 |
| 31 and less than 32 | 23.20 | 19.33 | 15.46 | 11.60 | 17.27 | 20.60 | 6.90 | 7.59 | 13.43 | 16.80 | 14.00 | 11.60 | 17.98 | 15.25 | 12.30 | 91 |
| 32 and less than 33 | 23.40 | 19.50 | 15.60 | 11.70 | 17.49 | 20.86 | 6.99 | 7.68 | 13.60 | 17.00 | 14.12 | 11.70 | 18.22 | 15.36 | 12.40 | 92 |
| 33 and less than 34 | 23.60 | 19.67 | 15.73 | 11.80 | 17.71 | 21.13 | 7.08 | 7.78 | 13.77 | 17.20 | 14.24 | 11.80 | 18.46 | 15.50 | 12.51 | 93 |
| 34 and less than 35 | 23.80 | 19.83 | 15.86 | 11.90 | 17.93 | 21.39 | 7.17 | 7.88 | 13.94 | 17.40 | 14.36 | 11.90 | 18.72 | 15.62 | 12.61 | 94 |
| 35 and less than 36 | 24.00 | 20.00 | 16.00 | 12.00 | 18.15 | 21.65 | 7.26 | 7.98 | 14.11 | 17.60 | 14.48 | 12.00 | 18.96 | 15.75 | 12.72 | 95 |
| 36 and less than 37 | 24.20 | 20.17 | 16.13 | 12.10 | 18.37 | 21.91 | 7.34 | 8.07 | 14.28 | 17.80 | 14.60 | 12.10 | 19.20 | 15.88 | 12.83 | 96 |
| 37 and less than 38 | 24.40 | 20.33 | 16.26 | 12.20 | 18.59 | 22.17 | 7.43 | 8.17 | 14.45 | 18.00 | 14.72 | 12.20 | 19.45 | 16.00 | 12.93 | 97 |
| 38 and less than 39 | 24.60 | 20.50 | 16.40 | 12.30 | 18.81 | 22.44 | 7.52 | 8.27 | 14.62 | 18.20 | 14.84 | 12.30 | 19.70 | 16.13 | 13.04 | 98 |
| 39 and less than 40 | 24.80 | 20.67 | 16.53 | 12.40 | 19.03 | 22.70 | 7.61 | 8.37 | 14.80 | 18.40 | 14.96 | 12.40 | 19.94 | 16.25 | 13.14 | 99 |
| 40 and less than 41 | 25.00 | 20.83 | 16.66 | 12.50 | 19.25 | 22.96 | 7.70 | 8.47 | 14.96 | 18.60 | 15.08 | 12.50 | 20.19 | 16.38 | 13.25 | 100 |
| 41 and less than 42 | 25.20 | 21.00 | 16.80 | 12.60 | 19.47 | 23.23 | 7.78 | 8.56 | 15.14 | 18.80 | 15.20 | 12.60 | 20.43 | 16.50 | 13.35 | 101 |
| 42 and less than 43 | 25.40 | 21.17 | 16.93 | 12.70 | 19.69 | 23.49 | 7.87 | 8.66 | 15.31 | 19.00 | 15.32 | 12.70 | 20.68 | 16.62 | 13.45 | 102 |
| 43 and less than 44 | 25.60 | 21.33 | 17.06 | 12.80 | 19.91 | 23.75 | 7.96 | 8.75 | 15.48 | 19.20 | 15.44 | 12.80 | 20.92 | 16.76 | 13.56 | 103 |
| 44 and less than 45 | 25.80 | 21.50 | 17.20 | 12.90 | 20.13 | 24.01 | 8.05 | 8.85 | 15.65 | 19.40 | 15.56 | 12.90 | 21.18 | 16.88 | 13.66 | 104 |
| 45 and less than 46 | 26.00 | 21.67 | 17.33 | 13.00 | 20.35 | 24.28 | 8.14 | 8.95 | 15.82 | 19.60 | 15.68 | 13.00 | 21.42 | 17.01 | 13.77 | 105 |
| 46 and less than 47 | 26.20 | 21.83 | 17.46 | 13.10 | 20.57 | 24.54 | 8.22 | 9.04 | 15.99 | 19.80 | 15.80 | 13.10 | 21.67 | 17.14 | 13.87 | 106 |
| 47 and less than 48 | 26.40 | 22.00 | 17.60 | 13.20 | 20.79 | 24.80 | 8.31 | 9.14 | 16.16 | 20.00 | 15.92 | 13.20 | 21.91 | 17.26 | 13.99 | 107 |
| 48 and less than 49 | 26.60 | 22.17 | 17.73 | 13.30 | 21.01 | 25.06 | 8.40 | 9.24 | 16.33 | 20.20 | 16.04 | 13.30 | 22.17 | 17.39 | 14.10 | 108 |
| 49 and less than 50 | 26.80 | 22.33 | 17.86 | 13.40 | 21.23 | 25.33 | 8.49 | 9.33 | 16.50 | 20.40 | 16.16 | 13.40 | 22.41 | 17.51 | 14.21 | 109 |
| 50 and less than 51 | 27.00 | 22.50 | 18.00 | 13.50 | 21.45 | 25.59 | 8.58 | 9.43 | 16.67 | 20.60 | 16.28 | 13.50 | 22.63 | 17.64 | 14.32 | 110 |

Then follow 14 similar pages of this schedule of tariff rates showing the cost of transportation according to the table given, up to a distance of 376 miles. And then follow many pages, all a part of the statute, on which are set forth a basis for computing the tariff charges on every kind of an article that the legislature could think of as likely to be transported by railroad carriers in the State of Iowa, of which the following is a sample:

CLASSIFICATION OF FREIGHTS.

SEC. 5. The following classification of freights, explanatory of the preceding schedules, shall be taken and held to be the classification in force in this State under the provision[s] of this act:

EXPLANATION OF CHARACTERS.

The class as given opposite each article, 1, 2, 3, 4, stands for first, second, third, and fourth classes, respectively; 1½ for once and a half first class, and D 1 for double first class.

Articles not enumerated will be classed with similar articles.

| | |
|---|---|
| Acids | D 1 |
| 25 carboys, or over | 1 |
| Carloads | 4 |
| Agricultural implements in carloads | Class A |
| Less than carloads as follows: | |
| Fanning mills, sulky horserakes, and similar light and bulky machines | D 1 |
| Cultivators, corn planters, harrows, shovel plows, and shearing machines | 1½ |
| Iron cultivators, wooden horserakes, reapers, mowers, harvesting machines, plows, seed drills, and feed cutters | 1 |
| Cultivators, corn planters, shovel plows, and fanning mills, when knocked down and taken apart | 1 |
| Sulky horserakes, knocked down and teeth taken out | 1 |
| Iron corn shellers | 1 |
| Threshers, one, at half-car rate. | |
| Plows, knocked down and boxed | 4 |
| Alcohol | 1 |
| Alcohol, 10 barrels or more | 2 |
| Alcohol, 20 barrels or over | 4 |
| Ale, 20 barrels or over | 4 |
| Ale, less than 20 barrels | 3 |
| Ale, in glass, packed | 1 |
| Allspice | 3 |
| Almonds, in sacks | 1 |
| Almonds, in barrels or boxes | 3 |
| Alum | 3 |
| Ammunition, fixed. (See Government supplies.) | |
| Antimony, crude | 1 |
| Anvils | 4 |
| Apple butter or sauce | 2 |
| Apples, dried | 2 |
| Apples, dried, 50 barrels or over | 4 |
| Apples, green, in bulk in carloads, same as potatoes. | |
| Apples, green, 40 barrels or more | 4 |
| Apples, green, less than 40 barrels | 3 |
| Apples, in carloads of 120 barrels or more; carload, flour rates. | |
| Ashes, pot, pearl, and soda | 4 |
| Ash boilers or kettles, large and heavy | 4 |
| Asphaltum | 4 |
| Axes | 3 |
| Ax handles, boxed | 3 |
| Ax handles, in bundles | 2 |
| Axle grease | 3 |
| Axle grease, 50 cases or over | 4 |
| Axle, iron | 3 |
| Axle, wooden | 2 |
| Bacon, loose or in bags | 2 |
| Bacon, loose, carloads | 4 |
| Bacon, packed | 4 |
| Bagging | 2 |
| Bags, in bales or bundles | 2 |

| | |
|---|---|
| Baking powders | 2 |
| Baking powders, 100 boxes or more | 3 |
| Balance wheels, 8 feet or less in diameter | 1 |
| Bandboxes | D 1 |
| Bandboxes, boxed | 1½ |
| Barilla | 3 |
| Bark mills | 2 |
| Bark, tanners' | 3 |
| Bark, tanners', in carloads | Class C |
| Barley, pearl | 3 |
| Barrels, empty, in carloads | Class C |
| Barrels, empty | 1 |
| Beer barrels | 2 |
| Half barrels | 2 |
| Quarter barrels | 2 |
| Eighth barrels | 2 |
| Baskets | D 1 |
| Baskets, carloads | Class A |
| Bath brick | 4 |
| Bath tubs | D 1 |
| Batting | D 1 |
| Bay rum | 1 |
| Beans, dry | 3 |
| Beans, dry, carload | 4 |
| Beans, castor | 3 |
| Beans, castor, carload | 4 |
| Bedcords, in bundles | 1 |
| Bed springs, in bundles | 1 |
| Bedsteads, rough | 2 |
| Bedsteads, finished in pieces | 1 |
| Beef, carloads | Class C |
| Beef, packed | 4 |
| Beef, dried, loose | 2 |
| Beehives | D 1 |
| Beer, carloads | Class A |
| Beer, same as ale. | |
| Beeswax | 2 |
| Bells | 2 |
| Bellows | 1 |
| Belting, rubber or leather | 2 |
| Benzine, same as coal oil. | |
| Benzole, same as coal oil. | |
| Berries, except cranberries | 1 |
| Bird cages, boxed | D 1 |
| Bitters, in glass, boxed | 1 |
| 100 boxes or over | 2 |
| Black lead, in barrels or boxes | 3 |
| Blacking, shoe | 3 |
| Bleaching salts or powders | 4 |
| Blankets | 1 |
| Blue vitriol | 2 |
| Blinds | 1 |
| Boats | D 1 |
| Boats, when flat car required | Class A |
| Boiler flues | 2 |
| Boilers, 30 feet long or over | 1½ |
| Less than 30 feet | 1 |
| Boiler felting | 2 |
| Boiler plates | 4 |
| Bonnets, boxed | D 1 |
| Books | 1 |
| Boots and shoes, boxed and strapped | 1 |
| Boots and shoes, not strapped | 1½ |
| Boots and shoes in trunks | 1½ |
| Borax | 2 |
| Bottles, in boxes | 2 |
| Bottles, in casks | 3 |
| Boxes, empty | 1 |
| Boxes, empty, carload | Class A |
| Bran. (See Mill stuffs.) | |
| Brass, in sheets, rods, and rivets | 2 |
| Brass vessels | 2 |
| Brass castings | 2 |
| Brass, scrap | 2 |
| Bread | 1 |
| Bread, in carloads | 4 |
| Brick | 4 |
| Brick, common, in carloads | Class C |
| Brick, fire | 4 |
| Brick, fire, in carloads | lass C |
| Brick for stove linings, loose | 1 |
| Brick for stove linings, in boxes or barrels | 4 |
| Brimstone, in boxes or kegs | 2 |
| Brimstone, in barrels or hogsheads | 4 |
| Brittania ware | 1 |
| Broom corn, in bales | 1 |
| Carloads | 4 |
| Broom-corn presses | 1½ |
| Broom-corn seed | 2 |
| Brooms, in bales or bundles | 1 |
| Broom handles | 2 |
| Broom handles, carloads | Class A |
| Brushes, loose | D 1 |
| Brushes, packed in boxes | 1 |
| Buckets | 1 |
| Burial cases | 1 |
| Burning fluid | 1 |
| Burr blocks | 4 |
| Butchers' blocks | 2 |
| Butter, in crocks | 1 |
| Butter, in kegs or boxes | 2 |
| Butter, 10,000 pounds or over | 3 |
| Cabinet ware. (*See* Furniture.) | |
| Cabinet organs | 1 |
| Caissons | 2 |
| Cable chains | 4 |
| Camphene, in wood | 1½ |
| Candles | 2 |
| Candles, 2,000 pounds or more | 4 |
| Canvas | 1 |
| Canvas, roofing | 2 |
| Canes | 1 |
| Cane mills | 2 |

More might be quoted from this statute to advantage, but the quotations made are sufficient to show its character and that the duties of the officials charged with the execution of the law were purely administrative, involving no discretion whatever.

The next case of this series was that of Peik *v.* The Chicago and Northwestern Railroad Company, reported at page 164, 94th U. S.

The nature of the statute under which this case arose is shown at page 166, where occurs the following:

> Chapter 273 classifies railroads in the State, fixes the limit of fares for the transportation of any person, classifies freights and the maximum rates therefor, and prescribes certain penalties and forfeitures for receiving any greater rate or compensation for carrying freight or passengers than the act provides. It appoints railroad commissioners and prescribes their duties and powers.

The full text of the statute on this point is as follows:

> SECTION 1. All railroads in the State of Wisconsin are hereby divided into three classes, to be known as Class A, Class B, and Class C. Class A shall include all railroads or parts of railroads in the State of Wisconsin now owned, operated, managed or leased either by the Milwaukee and St. Paul Railway Company, the Chicago and Northwestern Railway Company, or the Western Union Railway Company. Class B shall include all railroads or parts of railroads owned, operated, managed, or leased by the Wisconsin Central Railway Company, the Green Bay and Minnesota Railway Company, or the West Wisconsin Railway Company. Class C shall include all other railroads or parts of railroads in said State.
>
> SEC. 2. Any individual, company, or corporation owning, operating, managing, or leasing any railroad or part of a railroad in the several classifications, as herein prescribed, shall be limited to a compensation per mile for the transportation of any person with ordinary baggage not exceeding 100 pounds in weight, as follows: Class A, 3 cents; Class B, 3½ cents; Class C, 4 cents: *Provided*, That no such individual, company, or corporation shall charge, demand, or receive any greater compensation per mile for the transportation of children of the age of 12 years or under than one-half of the rate above prescribed: *And provided further*, That the rates for transportation herein prescribed may be reduced, as hereinafter provided.
>
> SEC. 3. All freights hereafter transported upon any railroad or part of a railroad in this State are hereby divided into four general classes, to be designated as first, second, third, and fourth classes, and into seven special classes, to be designated as Class D, E, F, G, H, I, and J. Class D shall comprise all grain in carloads; Class E shall comprise flour in lots of 50 barrels or more, and lime in lots of 24 barrels or more; Class F shall comprise salt in lots of 60 barrels or more, and cement, water lime, and stucco in lots of 24 barrels or more; Class G shall comprise lumber, lath, and shingles in carloads; Class H shall comprise live stock in carloads; Class I shall comprise agricultural implements, furniture, and wagons; Class J shall comprise coal, brick, sand, stone, and heavy fourth-class articles in carloads; and in addition to the several articles in the said special classes shall be added other articles as and in the manner hereinafter prescribed, except into Classes D, E, G, and H; and all articles not above enumerated are (or) subsequently set into said classes, as hereinafter provided, shall be placed in and belong to the four general classes, to be classified by the railroad commissioners hereinafter provided to be appointed, as said articles were classified by the Milwaukee and St. Paul Railway, which classification went into effect on the 15th day of June, 1872.

These quotations are sufficient to show that the Wisconsin statute was, so far as the principle is concerned, modeled after the Iowa statute.

In legal effect they were identical in character, and no question as to the delegation of legislative power was involved in either case, for the legislature had in both instances denied the use of judgment or discretion, and provided a rule which left nothing to be done to ascertain what the rate should be which the Commission was to prescribe, except only to ascertain to what class the road belonged, which was a purely administrative matter. Having ascertained to what class the road belonged, it remained only to apply the rate prescribed by the statute.

In the case of the Railway Co. *v.* Minnesota (134 U. S., 418), the statute under consideration is printed in the margin of the report of the case and the general nature of it is sufficiently shown by the following provisions:

Paragraph (e), section 7, page 423, 134th U. S., reads as follows:

> That in case the Commission shall at any time find that any part of the tariffs of rates, fares, charges, or classifications so filed and published, as hereinbefore provided, are in any respect unequal or unreasonable, it shall have the power and is hereby authorized and directed to compel any common carrier to change the same and adopt such rate, fare, charge, or classification as said Commission shall declare to be equal and reasonable. To which end the Commission shall, in writing, inform such common carrier in what respect such tariffs of rates, fares, charges, or classifications are unequal and unreasonable, and shall recommend what tariffs shall be substituted therefor.

(f) makes it the duty of the common carrier to publish the rates so recommended and to put them in operation, and the railroad failing to do so, then the Commission shall do so.

(g) provides that—

> if any common carrier shall refuse or neglect to carry out such recommendation made and published by such Commission, such common carrier shall be subject to a writ of mandamus, to be issued by any judge of the Supreme Court, or of any of the district courts of this State, upon application of the Commission to compel compliance with the requirements of this section and with the recommendation of the Commision, and failure to comply with the requirements of said writ of mandamus shall be punishable as and for contempt, and the said Commission, as complainants, may also apply to any judge for a writ of injunction against such common carrier from receiving or trans-

porting property or passengers within this State until such common carrier shall have complied with the requirements of this section and the recommendation of said Commission, etc.

In other words, the authority of the Commission was to recommend new rates to be substituted for condemned rates, but it had no power to put such rates into operation except by an appeal to the courts for a mandamus or injunction.

The case of Stone *v.* The Farmers' Loan and Trust Company (116 U. S., 307), arose under a statute which created a railroad commission and empowered it in certain contingencies to establish, determine, and revise railroad rates and charges, but that statute undertook to make the work of the commission administrative, and perhaps did so, for the language it employed was "in revising or establishing any and every tariff of charges, it shall be the duty of said commission to take into consideration the nature of the services to be performed and the entire business of such railroad, together with its earnings from the passenger and other traffic, and so revise such tariffs as to allow a fair and just return on the value of such railroad, its appurtenances, and equipments."

But whether this language was sufficient to make the work of the commission merely administrative is immaterial so far as the decision of the Supreme Court in that case is concerned, for, assuming that the question was involved in the case, it was not expressly passed on by the Supreme Court of the United States.

The question upon which that case was mainly argued and disposed of was as to whether or not the statute under consideration was in conflict with the charter rights of the railroad company. The supreme court of Mississippi held that it was not, and the Supreme Court of the United States affirmed that opinion, confining itself in its opinion almost exclusively to the discussion of that question. But the Supreme Court of the United States was careful to say in upholding the statute in the last paragraph of the syllabus: "The provisions of the statute of Mississippi of March 11, 1884, creating a railroad commission, are not so inconsistent and uncertain as to necessarily render the entire act void on its face."

Both the supreme court of Mississippi and the Supreme Court of the United States called attention in their opinions to the fact that the statute had not yet gone into operation, and that there might arise questions under it when put into operation that they would not undertake to decide in advance. What all this may have meant we can only conjecture, but it is fair to assume that the very able lawyers who were familiar with that decision, and who framed the constitution of Mississippi, adopted in 1890, deemed it necessary, in order to make such legislation valid beyond question, to provide as they did in that constitution for the creation of a commission, and the conferring upon it by the legislature of the powers which under the statute it was authorized to exercise.

This provision of the constitution of Mississippi is as follows:

SECTION 186. The legislature shall pass laws to prevent abuses, unjust discrimination, and extortion in all charges of express, telephone, sleeping-car, telegraph, and railroad companies, and shall enact laws for the supervision of railroads, express, telephone, telegraph, sleeping-car companies, and other common carriers in this State, by commission or otherwise, and shall provide adequate penalties to the extent, if necessary for that purpose, of forfeiture of their franchises.

Very similar comments can be made as to the Reagan case, reported in 154 U. S., 362.

The case was not disposed of upon a question of delegation of legislative power, but aside from that fact the constitution had been so amended as to authorize the creation of the commission and the exercise by it of the power involved, and for that reason the question, as here presented, could not arise.

The following is the amendment referred to:

CONSTITUTION OF TEXAS.

Amendment of 1890: The legislature shall pass laws to regulate railroad freight and passenger tariffs, to correct abuses, and prevent unjust discrimination and extortion in the rates of freight and passenger tariffs on the different railroads in this State, and enforce the same by adequate penalties, and to (the) further accomplishment of these objects and purposes may provide and establish all requisite means and agencies in this State with such powers as may be deemed adequate and advisable.

In recognition of the fact that general power to make rates can not be conferred on commissions, the different States have been in recent years amending their constitutions so as to give such authority.

The States of California, Illinois, Kentucky, Louisiana, Mississippi, North Dakota, Pennsylvania, South Carolina, Texas, Virginia, and Washington have carefully provided in their constitutions that railroad commissions shall be in some cases, and may be in others, created with power to fix rates and prescribe regulations governing railroads operating within their respective territories, or that the legislature may prescribe maximum rates and provide for the enforcement of them, and establish regulations and enforce obedience to them by commissions or such other means or agencies as the legislature may see fit to prescribe.

In some States this has not been done, but no case has yet come to the Supreme Court of the United States involving the right of a State commission to fix rates for roads within the State where such duty has not been made administrative, as in Iowa and Wisconsin, or where the statute has not been, like that in Minnesota, where it only authorized the commission to recommend rates; or where the commission has not been provided for by the constitution of the State, and where it has not been provided by the constitution that such commission when created should exercise the power involved.

When it is remembered that the States, except only as to the powers by them delegated, are complete sovereignties, and when it is remembered that they have complete sovereign power as to rates and railroads within their borders, there can not be any question of the right of the State, acting through its legislature, when all legislative power is conferred upon the legislature, or acting through commissions, where the constitution provides for the creation of a commission and for the exercise by it of legislative power, as in the States of Mississippi, Texas, Louisiana, Virginia, and other States, to make rates, and to prescribe regulations, and to do, generally speaking, all the things they have been authorized in such States to do; but the case is wholly different as to the Federal Government, which has no power, except that which is delegated and such as is necessary to be exercised to give effect to that which is delegated.

The Constitution of the United States expressly provides that all legislative power shall be vested in Congress, and it further provides that the Congress shall have power to regulate interstate commerce. There is here no division of legislative power, nor is there any authority to the Congress to delegate to any commission, board, or tribunal, or agency any part of its legislative power. The legislative power conferred upon Congress can not, therefore, be exercised by any authority except only the Congress itself, and the only question remaining is whether or not the conferring of the power to make rates upon a commission or tribunal is a delegation of that power, and that question must be determined by the terms of the statute conferring the power. If Congress has the power to fix rates, a commission can be created and it can be utilized in the fixing of rates. But it can be utilized only under some such statute as those enacted by the legislatures of Iowa and Wisconsin, when, in 1873 and 1874, they passed their respective statutes, classifying the railroads according to earnings, and providing that the officials chosen to execute them should, by computation, taking the classification as a basis, determine what statutory rates should apply. That was administrative.

The Congress could also utilize the Commission in the fixing of rates if it should see fit to resort to the policy of a mileage basis. But for the Congress to simply declare what is already the law, for it is only declaratory of the rule at common law, that rates shall be reasonable and just, and then create a commission and empower that commission to say what in its judgment a rate shall be, is, most clearly, to confer legislative power, because the rate to be fixed is the law to be enacted, and that is to be determined by the discretion of the Commission instead of the discretion of the Congress. And not only is it a delegation of legislative power, but it is a delegation of all the power the Congress has on the subject, for Congress can not constitutionally make a rate that is not a reasonable and just rate. If extortionate the courts would enjoin at the suit of the shipper, and if confiscatory they would enjoin at the suit of the carrier—in both cases on the ground that property was being taken without due process of law.

BUT IF THIS BILL BE ENACTED AND BE UPHELD, NOTWITHSTANDING THESE OBJECTIONS, THEN ANOTHER SERIOUS LEGAL QUESTION ARISES. BY THE SIXTH PARAGRAPH OF THE NINTH SECTION OF ARTICLE I OF THE CONSTITUTION IT IS PROVIDED THAT "NO PREFERENCE SHALL BE GIVEN BY ANY REGULATION OF COMMERCE OR REVENUE TO THE PORTS OF ONE STATE OVER THOSE OF ANOTHER. * * *"

For many years what are known as differentials have been allowed as between the important Atlantic coast ports of entry. Taking New York as the standard, a differential has been allowed in favor of Philadelphia of 2 cents per hundred weight on all freight for export carried by the railroads to that port, while a differential of 3 cents has been allowed as compared with New York in favor of Baltimore and Newport News, while the same rate is allowed to Boston for export, although the domestic rate ranges from 7 cents, first class, to 2 cents on sixth class, domestic. Still larger differentials have been and are allowed in favor of the ports of New Orleans and Galveston. The fixing of rates being in the hands of the carriers, they have been at liberty to make these differentials by agreement. They had their origin in an endeavor to express, in the differentials

agreed upon, the disadvantages of the respective ports of entry as compared with New York. These disadvantages consisted not only of differences in the length of haul, but also differences in the adequacy of the harbors and in the extent to which the respective ports were furnished with shipping facilities and accommodation for ocean carriage. These differentials were the subject of agreement not only on the part of the railroads, but also on the part of the cities named, acting through their respective boards of trade, chambers of commerce, and other commercial bodies and organizations.

These differentials were from the beginning the subject of much dispute and controversy, and much study and labor have been devoted to their equitable adjustment.

As early as January, 1882, Hon. Allen G. Thurman, Hon. E. B. Washburn, and Hon. Thomas M. Cooley were selected by the Trunk Line roads to act as an advisory commission to hear evidence, fully investigate, and make a report as to what differentials should be allowed as between the cities of New York, Boston, Philadelphia, and Baltimore upon freight carried eastwardly from Chicago and common points to these ports and from these ports to Chicago and other western points. They made a very thorough investigation, and wrote a very comprehensive report, which is found at page 1243, volume 2, of the Hearings of the Senate Interstate Commerce Committee. Their conclusion is found at page 1268, and I quote from it as follows:

It only remains for us to state that no evidence has been offered before us that the existing differentials are unjust, or that they operate to the prejudice of either of the Atlantic seaboard cities. Differential rates have come into existence under the operation of competitive forces; they bear the same relation to relative distance and relative cost of service; they recognize, as we think, the relative advantages of the several seaports, and they are subordinate to the great principle which compels the carriers of property competing between the same points and offering equal facilities to their customers to make the same rates. We therefore can not advise their being disturbed.

This commission is known as the Thurman Commission. It simply approved and affirmed the differentials already established. These differentials as to these Atlantic seaboard cities were continued until the year 1904, practically without change, although there were some changes in conditions that caused much dissatisfaction with them. Finally this dissatisfaction was expressed by the commercial organizations of Boston, New York, Philadelphia, and Baltimore in an application to the Interstate Commerce Commission "asking that it examine the whole subject of differential rates to and from these four cities, and determine whether the present differentials should be abolished, or, if retained, modified." In response to this application the Commission undertook the work as requested. They made a thorough examination of the whole subject, heard the statements of witnesses, arguments of counsel, and wrote an elaborate report and opinion, published as "No. 746, In the Matter of Differential Freight Rates to and from North Atlantic Ports, Decided April 27, 1905." Their conclusion is found at page 60 of their report and opinion. To state it in a word, they slightly modified the differentials and continued them. In reaching this conclusion they say, at page 62:

* * * a fair differential is one which would give to these several ports the traffic to which they are entitled * * * New York urges that its facilities upon the ocean must not be interfered with, while Baltimore and Philadelphia assert with equal positiveness that they must not be deprived of their advantages upon the land * * *.

The ideal condition would be the establishment of such rates that enterprise at either port in the way of improvement in service or facilities might be rewarded by increased business and that there might exist that healthy struggle of locality against locality which is the best security for proper commercial development. This is justly demanded by the interests of the communities involved.

In disposing of this question the interests of the carriers which serve these communities should be none the less kept in view. If, again, it can be properly done, these rates should be so adjusted that this competitive traffic will be fairly distributed between the different lines of railway which serve these ports. Each one of these four cities is reached by two or more great railway systems. The prosperity of these cities and systems can not be separated. The ability of a railroad to adequately discharge its duty for a reasonable charge depends upon the business which it can obtain, and no one of these systems should be deprived of its fair portion of this enormous export traffic. The purpose of these differentials from the first has been to distribute this business between the different carriers, and we said in our former report that this was not improper unless the means used were improper.

It should be noted that this discussion is confined entirely to the four ports, Boston, New York, Philadelphia, and Baltimore. While others are directly affected by these differentials, they have not been represented upon this hearing, and are not considered, except in so far as it may be necessary to keep in mind the effect of our conclusions here upon conditions elsewhere.

No fact has been more persistently urged upon our attention than the location of Baltimore and Philadelphia, as compared with New York and Boston, in point of distance. Baltimore is 111 miles, and Philadelphia 90 miles, nearer than New York to Chicago. The greater part of the traffic to which these differentials apply does not originate at Chicago, but we have seen that Chicago may be taken as a representative point of origin without injustice to New York. This difference in distance, if there were no competitive conditions, would justify a lower rate to Philadelphia, and a still lower rate to Baltimore.

These differentials have undoubtedly been established in the past with a view almost entirely to their influence upon the movement of export business.

* * * * * * *

This traffic, in point of fact, originates at a great number of interior points, and reaches numerous foreign destinations, but we may assume, for the purpose of illustration, that it all comes from Chicago and all goes to Liverpool. It is apparent that it may be transported between these points by any of the four ports in question. The distance by rail is somewhat shorter to Baltimore and Philadelphia than to Boston and New York. Upon the other hand, the water distance is somewhat less from Boston and New York than from Philadelphia and Baltimore. The entire through distance does not greatly vary. In other words, this traffic is fairly competitive, and rates ought, therefore, to be so adjusted that rival routes can fairly compete for it.

Apply for a moment the rule suggested by Baltimore and Philadelphia to the movement of this traffic. The domestic rate to Baltimore is 3 cents lower and to Philadelphia 2 cents lower than to New York. The domestic rate to Boston is 2 cents higher than to New York upon low-grade freight, and considerably more upon the higher classes. Now, what would be the result if carriers were compelled to charge their domestic rates upon export traffic? Plainly it would shut up the port of Boston. This fact has been obvious from the first, and it has always been conceded that export rail rates to Boston might be lower than domestic rates and not higher than export rates to New York. * * *

The real question is, on what basis shall rates be equalized through the various ports? New York and Boston insist that the through rates should be made the same in amount by all the ports. The through rate is made by adding together the inland-rail rate from the interior to the port of export and the water rate from the port of export to the foreign destination. These localities contend that if the water rate from a given port is higher, the rail rate to that port may be correspondingly lower, but only sufficiently lower to make the through rate the same. They further contend that water rates are in fact substantially the same from Baltimore and Philadelphia as from Boston and New York, and that therefore the inland-rail rates to those ports should also be the same. Baltimore and Philadelphia urge that there are certain advantages at New York and Boston in the water route which upon the same through rate would attract traffic to those ports at their expense, and they urge that these advantages shall also be equalized so that not the through rate but the advantages of transportation through the several ports shall be made equal. * * * To accomplish this result Boston is allowed to charge a lower export rate than its domestic rate. New York is also permitted, in some instances, to apply a lower differential to export than is fixed for domestic traffic. Now, when New York is allowed to reduce this differential on export traffic there is taken away from Baltimore a part of its natural advantages for the benefit of New York in order that New York may compete for this traffic. But just as Baltimore has an advantage in distance, so New York has certain advantages in ocean facilities. If, now, Baltimore is required to sacrifice its superiority upon the land for the benefit of New York, why should not New York be required to give up some portion of its superiority on the water for the benefit of Baltimore?

We do not wish to be understood as saying that this principle should be extended to the making of rail rates between competing lines. It may be that in such case the rate by every line should be the same, and that each line should sustain whatever disability it has. If in this case it were possible to definitely establish the same through rate by all these ports, if it ever had been possible to do so, the advisability of such an adjustment would deserve serious consideration. It is, however, impossible to apply that rule in fact. The ocean rate from every port is continually fluctuating and is seldom the same for two days in succession. It even varies from hour to hour. The rate may be higher from Baltimore to-day and from New York to-morrow. It can not, therefore, be determined what inland differential would produce equal rates through all the ports.

In view of the fact that Baltimore and Philadelphia have natural advantages in location, that Boston and New York have certain natural advantages in the way of ocean facilities, that it is impossible to make and maintain the same rate through all the ports, we think the true inquiry in adjusting this differential is, what will equalize the advantages of transportation through these various ports. What part of the advantage which Baltimore and Philadelphia enjoy on the score of the inland haul shall they be allowed to retain to compensate them for their disadvantage in the water haul.

The most important factor in determining the route is undoubtedly the rate.

It was said in testimony * * * that a difference of from one-fourth to one-eighth of a cent a bushel will determine the port by which grain shall be exported. Other traffic is not equally sensitive, but it must follow with respect to this low-grade freight that the through rate by all lines should be substantially the same. There are, however, other considerations. The item of insurance, quicker and more reliable service, more frequent sailings, the ability to reach a greater number of ports, superior banking facilities, and better storage facilities all influence the movement of this traffic, and in all these respects New York is superior to its competitors. The elements which enter into the problem are so various and so complex that it is manifestly impossible by any *a priori* process of reasoning to determine what inland differential will equalize all these advantages and disadvantages.

From the quotations made, and others that might be made, it is clearly shown that the purpose of these differentials is to measure as nearly as may be the respective advantages and disadvantages of the ports of entry named; and what is true as to New York, Boston, Philadelphia, and Baltimore is equally true as to Newport News, New Orleans, Galveston, and other ports of entry, and the purpose of these differentials has no relation, except indirectly and incidentally, to railroad rates, but have reference solely and directly to their effect on the respective ports of entry.

Railroads are not restrained by any law or constitutional provision from making agreements of this character. That they are of the highest importance not only to the ports with respect to which they are made, but to the whole country, is universally conceded. Without these differentials there would be a natural tendency to concentrate exports at the port having the best

harbor and shipping facilities, provided it could be substantially as easily reached by rail from the interior. The differentials are, therefore, essential to the maintenance of the system of diffusion and distribution that is now in force as to our export traffic, and which is of such vast importance not only to the railroads and these different cities, but to the whole country. But to maintain these differentials means that cities are not to have the benefit of their natural advantages, for they are to be offset or overcome by the differences in rates that are agreed upon. In other words, Philadelphia and Baltimore are to be preferred as ports of entry, to the extent of the differentials agreed upon, to New York, and Boston is to be preferred to the extent that she shall have a lower export rate from the inland than her domestic rate, and enough lower to put her on an equality with New York; and this purpose of these differentials is to give the cities they favor a direct preference as to export business to the amount of their respective differentials for the express purpose of putting them on an equality with New York. To withdraw these differentials would be, as the Commission say, to close up the port of Boston. The same remark might be made in such a contingency as to New Orleans and Galveston, to which ports a growing volume of exports has been diverted because of the equality of opportunity for such business secured to them by the differentials they enjoy.

The entire history and purpose of these differentials show that they are not indirect nor incidental preferences for the ports they favor, but that they are direct and intentional for the express purpose of overcoming the results of natural advantages and natural competition. Preferences are their principal purpose, not an incident. The cities themselves recognize this, for it was the cities and not the railroads that asked for the recent hearing before the Interstate Commerce Commissioners, sitting as arbitrators, when they had occasion to deliver the opinion from which I have quoted.

Now, as to the application of all this. If Congress undertake to exercise its power to regulate interstate commerce, it must exercise that power subject to all the restrictions and limitations imposed upon it by the Constitution. It must, therefore, avoid, in the exercise of this power to regulate, coming in conflict with any other constitutional provision that has application to it.

In the case of Pennsylvania *v.* The Wheeling and Belmont Bridge Co., 18 Howard's Reports, 421, the Supreme Court held that the *incidental* results of the construction of the bridge at Wheeling, by which interstate commerce on the Ohio River was affected, did not constitute a violation of the constitutional provision above quoted that "No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another," for the reason that the prohibition applied only to cases of *direct* preferences. The suggestion of the Attorney-General that these differentials, which have direct reference to the export trade, and, therefore, to the respective points they favor, would be merely incidental to the execution of a law requiring reasonable, just, and impartial rates, is refuted by the facts; and the further suggestion that if the contrary rule be adopted the law now in force must be held to be in violation of this provision does not help the matter. It does not help the matter because under the statute now in force there is no restriction upon the rate-making power, except only that rates in and of themselves, without reference to ports of entry, shall be reasonable and just, and no question of unreasonableness or discrimination has been or can be raised under the law as it now stands.

But, recurring to the original suggestion, it is not an argument to say that differentials would be only a legitimate incident to the making of reasonable, just, and impartial rates. That is mere assertion. Besides it conflicts with one of the great purposes of those seeking the kind of legislation that has been proposed, to secure to each locality its own particular rightful advantages of location, and thus avoid the preferring in the making of rates of one locality to the prejudice of another. That, with discrimination between individual shippers, is the very essence of this entire movement. Unless that purpose be accomplished there will be widespread and positive disappointment among the advocates of such legislation. They commonly denounce the present practice by which localities are denied what they term their rightful advantages, and are put on an equality with other localities that are at a disadvantage as compared with them, as directly and unjustly and grossly discriminatory. The advocates of rate legislation know this and yet they have carefully omitted every provision from the Hepburn bill that has been proposed that would apply to this evil—if it be an evil, as they loudly proclaim.

It seeks thus to avoid the question by entirely ignoring differentials in connection with its expressed purposes. This is open confession that Congress has no power, acting directly by commission or otherwise, to observe these differentials in the making or fixing of rates. Thus the authors of that bill acknowledge that the whole system of differentials is founded on a purpose to give direct preference to the ports respectively favored at the expense of other ports, and, therefore, if done by Congress, in contravention of the constitutional provision under consideration.

But the bill does not escape the trouble by ignoring it. It is rather only another case of the ostrich hiding its head in the sand. If the Commission is to make rates to be substituted for challenged rates that it condemns, the question will at once arise and will have to be met, for with respect to these differentials there is most acute dissatisfaction, and in the very nature of things it must be expected that this dissatisfaction will promptly manifest itself. In such contingency the Commission must act. What its action must of necessity be appears from its opinion already quoted from. It says:

> * * * When New York is allowed to reduce this differential on export traffic there is taken away from Baltimore a part of its natural advantages for the benefit of New York, in order that New York may compete for this traffic. * * *

If this be true, as it is, so, too, is the converse of the proposition equally true. To deny the differential "plainly would shut up the port of Boston."

> "We have endeavored," they say, "to find some fundamental principle by the application of which this dispute might be laid at rest, but entirely without success. * * * There is no just principle which would compel this company (the Pennsylvania), against its will, to apply at New York the same rate as at Philadelphia when the cost of rendering that service is distinctly greater. It might as a matter of competition see fit to do so, but it could not in justice be compelled to."

Again they say:

> If in this case it were possible to definitely establish the same through rate by all these ports, if it ever had been possible to do so, the advisability of such an adjustment would deserve serious consideration. It is, however, impossible to apply that rule in fact.

From these quotations it appears that the Commission clearly understands that the sole purpose of the differentials is to interfere with and affect the results of natural competition, thus directly and intentionally aiding one city to the corresponding prejudice of others. This is something carriers, unrestrained by law, are at liberty to do, and something that is of great advantage to the whole country, but which the Congress is expressly prohibited from doing, because it shall give no preference whatever as between the ports of different States.

But if we invest the Interstate Commerce Commission with the power to make rates it must exercise that power subject to this prohibition of the Constitution that there shall be no preference for the ports of one State over those of another. The whole system of differentials must in consequence be abandoned. As a result each city will then be entitled to its natural advantages, not only of location but of railroad and shipping facilities and every other kind of advantage it may possess. As a practical result New York will at once have over Boston, Philadelphia, Baltimore, Newport News, and all the other competing ports of entry, respectively, the advantages measured by their respective differentials.

The great importance of the observance of this rule is shown by the following statement of the Commission as above quoted. The Commission says:

> The most important factor in determining the route is undoubtedly the rate. * * * A difference of from one-fourth to one-eighth of a cent per bushel will determine the port by which the grain shall be exported.

As a consequence, not only would the port of Boston be closed up, but all the other ports would be at least most seriously affected. The general business that could be taken as well to one port as another under present conditions would then concentrate at the most favored port.

This is not disputed, and can not be, certainly not by the Commission itself, for its own language supports the contention. This is made more plain by Commissioner Clements, who, in his dissenting opinion, speaking to another point, says:

> * * * The facts disclosed do not, in my judgment, justify the conclusions reached, for the reason that I believe they do violence to the great principle of competition, which the Congress and the Supreme Court have so jealously and consistently nourished as one of the fundamental rights of the people. In declaring as between competing lines and competing ports what differentials shall govern, assuming that they will govern, we hamper competition, and by this regulation of distribution effect in reality a division of territory, a division of traffic, and a division of earnings, which in substance and effect tend to defeat, not only the purpose of the antitrust act against the restraint of trade, but the pooling provision of the Interstate Commerce act, with the enforcement of which the Commission is charged.

It follows that the effect of conferring the rate-making power on the Commission will be, in the event of a differential rate being challenged, to raise a question that can not be decided except against the continuance of these differential rates, and,

as a consequence, the whole system of differentials as to ports of entry will have to be abandoned. What the effect of this will be can better be imagined than described. That it means disruption of existing conditions with attendant confusion and dissatisfaction so great that it can not well be exaggerated, no one who is informed can doubt.

THROUGH ROUTES AND JOINT RATES.

The Interstate Commerce Act of February 4, 1887, provided for the supervision by the Interstate Commerce Commission of through routes and joint rates, but the provision of that act with respect to through routes and joint rates applied by its terms only to the common carriers "subject to the provisions of the act."

The provisions of that act applied to common carriers "engaged in the transportation of passengers or property wholly by railroad, or partly by railroad and partly by water when both are used, under a common control, management, or arrangement, for a continuous carriage or shipment, from one State or territory of the United States, or the District of Columbia, to any other State or Territory of the United States," etc.

In other words, the provisions of that act as to through routes and joint rates were limited in their application to carriers engaged in transportation wholly by railroad and transportation partly by railroads and partly by water, which carriers were "under a common control, management, or arrangement for a continuous carriage or shipment," etc. The provisions of the statute applied when the carriers, if they were separately owned and entirely distinct from and independent of each other, themselves established a through route and made an agreement as to the terms and conditions upon which freight and passengers should be transported over it. There was no attempt to compel carriers that could not so agree, or, for any reason, would not so agree, to submit to the establishment of through routes and joint rates, and the apportionment of the same by the Interstate Commerce Commission.

But the first section of the Hepburn bill amends the first section of the interstate commerce act of 1887 so as to make it read in this particular as follows:

That the provisions of this act shall apply to any common carrier or carriers engaged in the transportation of passengers or property wholly by railroad (or partly by railroad and partly by water when both are used under a common control, management, or arrangement for a continuous carriage or shipment) from one State or Territory of the United States to another, etc.

The effect of this amendment is to make all its provisions applicable to all railroads without regard to whether they are under a common control, management, or arrangement or not, and to routes made up partly of rail and partly of water transportation only in a certain contingency, namely, when, as under the old statute, they are subject to a common control, management, or arrangement.

The first comment that this provision excites is that there is no uniformity in the operation of the statute upon common carriers engaged in interstate commerce, for it applies in the one case to all railroads without regard to whether there is a common control, management, or arrangement, while as to routes made up of railroad and water transportation the statute applies only when those conditions exist. This is emphasized by the fact that all through water routes for interstate transportation are excluded from the provisions of the statute, such as from Chicago to Cleveland by lake, or from Cincinnati to New Orleans by river, or from Maine to Florida, or New York to Charleston or Savannah, in the coastwise trade, and many other routes of similar character that might be mentioned. They are exempted from the act, notwithstanding rebates and discriminations may be granted and practiced with respect to such shipments as well as with respect to shipments over the routes and by the carriers mentioned in the statutes, and just as harmful in their results as when granted by the railroads.

But the question of uniformity aimed at by the commerce clause of the Constitution in the regulation of interstate commerce, under the provisions of this act, thus indicated, sinks into unimportance, serious as it may be, by comparison with what follows. By one of the provisions of the first section it is made the legal duty of railroads that are not under "a common control, or a common management, or a common arrangement," to "establish through routes and just and reasonable rates applicable thereto."

Through routes are desirable, and as a rule they are now everywhere established and being operated by agreement of the railroads, but there are some instances where through routes have not been established and for the reason that the roads have been unable to agree among themselves as to the apportionment of rates or the other terms and conditions under which there should be a mutual use of their tracks.

To meet such cases the second paragraph of section 15 of the interstate-commerce act is to be amended by section 4 of the Hepburn Act, so as to read as follows:

The Commission may also, after hearing on a complaint, establish through routes and joint rates as the maximum to be charged and prescribe the division of such rates as hereinbefore provided, and the terms and conditions under which such through routes shall be operated, when that may be necessary to give effect to any provision of this act and the carriers complained of have refused or neglected to voluntarily establish such through routes and joint rates, provided no reasonable or satisfactory through route exists.

The provision, by reason of the amendment of section 1, already pointed out, applies to all railroads without regard to whether they have any interest in common or not, and by the terms of this clause the provision applies when the "carriers complained of have refused or neglected to voluntarily establish such through routes and joint rates." In other words, it is proposed by this provision of the Hepburn bill to compel independent railroads that have no relation to each other, except possibly a physical connection, to enter into an agreement for an exchange of business and to pass all their cars over the lines of each other upon such joint rates as the Commission may establish and upon such apportionment of the same as the Commission may determine and upon such other "terms and conditions as the Commission may prescribe." The effect of this provision is to compel railroads that are unable to agree to submit in all such cases to whatever arrangement the Commission may see fit to prescribe.

To illustrate, suppose a railroad originating in Ohio or some other State, building eastward and desiring a trunk line into New York should tap the Pennsylvania road at Pittsburg or some other place and demand an agreement as to through rates on terms the Pennsylvania could not and would not accept. It might well be that the Pennsylvania, an old and expensive road, especially on account of her terminals in the great cities of the East, and particularly in New York, where they have cost hundreds of millions of dollars, would demand, as only fair and equitable, a greater proportion of the joint through rate than the connecting road would be willing or able to allow. Thereupon this road would make its complaint to the Commission and the Commission on hearing would say, "It is made the duty of connecting roads to make through routes and joint rates. It is so provided in the first section of the Hepburn Act. You have neglected or refused to come to an agreement. We therefore make one for you. Whether your business is such on your own lines as to enable you to accommodate the cars and trains of the connecting road or not, we compel you to accept the same and pass them over your lines, and we fix the joint rate and your share of it at so much and the other terms and conditions necessary to be observed for this mutual interchange of business in the operation of the two roads are as follows." They order accordingly, and that is the end of it if this provision be constitutional.

What is thus done in the one case may be done in two, or a dozen, or a score, or a hundred other cases as to that same road if it is unable to agree with connecting lines seeking to use its tracks for through business. Thus it will come to pass that connecting lines wanting to have through trunk lines will see that it is unnecessary to go to the trouble and expense of building them, because they can appropriate, to the extent necessary, the Pennsylvania, or the Baltimore and Ohio, or the New York Central, or, going westward, the Union Pacific, or Southern Pacific, or Northern Pacific, or any other trunk line.

What it is thus proposed to do can be done, and done legitimately, but it can not be done in the way provided in this bill. What this bill thus provides for is a taking of private property for public use, and although that property, if you take again the Pennsylvania road for illustration, is already subject to a public use, it may be put to an additional public use, namely, a use by the connecting carrier or carriers to the extent indicated, but private property taken for a public use, although it may be a railroad already devoted to public use, can not be taken without making just compensation. The ascertainment of what is just compensation in such a case is like the ascertainment of what is just compensation in any other case, a purely judicial function that can not be exercised by a board, but only by the courts. In determining what is just compensation in such a case not only must rates of fare and the apportionment of the same be considered, but the franchises and every other element of value that may be taken or affected must be taken into the account.

Congress has no power to dispossess the courts of their jurisdiction to fix this compensation, neither can Congress prescribe a rule by which the compensation shall be ascertained. All this is settled in the case of Monongahela Navigation Co. *v.* The United States (148 U. S., p. 312).

I read as follows from page 327:

By this legislation Congress seems to have assumed the right to determine what shall be a measure of compensation. But this is a judicial and not a legislative question. The legislature may determine what private property is needed for public purposes—that is a question of a political and legislative character; but when the taking has been ordered, then the question of compensation is judicial. It does not rest with the public—taking the property, through Congress or the legislature, its representative—to say what compensation shall be paid, or even what shall be the rule of compensation. The Constitution has declared that just compensation shall be paid, and the ascertainment of that is a judicial inquiry. In Charles River Bridge *v.* Warren Bridge (11 Pet., 420, 571) Mr. Justice McLean, in his opinion, referring to a provision for compensation, found in the charter of the Warren Bridge, uses this language: "They (the legislature) provide that the new company shall pay annually to the college, in behalf of the old one, one hundred pounds. By this provision it appears that the legislature has undertaken to do what a jury of the country only could constitutionally do—assess the amount of compensation to which the complainants are entitled." See also the following authorities: Commonwealth *v.* Pittsburg and Connellsville Railroad (58 Penn. St., 26, 50); Penn. Railroad *v.* Baltimore and Ohio Railroad, 60 Maryland, 263; Isom *v.* Mississippi Central Railroad (36 Mississippi, 300).

In the last of these cases, and on page 315, will be found these observations of the court: "The right of the legislature of the State, by law, to apply the property of the citizen to the public use, and then to constitute itself the judge in its own case, to determine what is the 'just compensation' it ought to pay therefor, or how much benefit it has conferred upon the citizen by thus taking his property without his consent, or to extinguish any part of such 'compensation' by prospective conjectural advantage, or in any manner interfere with the just powers and province of courts and juries in administering right and justice, can not for a moment be admitted or tolerated under our Constitution. If anything can be clear and undeniable, upon principles of natural justice or constitutional law, it seems that this must be so."

We are not, therefore, concluded by the declaration in the act that the franchise to collect tolls is not to be considered in estimating the sum to be paid for the property.

The case is precisely in point. The Monongahela Navigation Company was a company incorporated under the laws of Pennsylvania for a public service, and the Congress undertook in authorizing its condemnation for another public use to prescribe the rule that should be followed in ascertaining and fixing just compensation and undertook to eliminate from such compensation the franchise that belonged to the corporation. The Supreme Court held, as we have seen, that this could not be done. Every question passed on in the Monongahela case would arise the very moment the Commission would undertake to establish a through route and to fix the joint rates and other terms and conditions upon which the through route so established should be operated, and there is no room for doubt as to how the courts would decide.

THE BILL ELIMINATES JURIES IN CASES WHERE THE PARTIES ARE ENTITLED TO THEM.

Section 5 of the Hepburn bill purports to amend section 16 of the Interstate Commerce Act as amended March 2, 1889. It would be more correct to have provided that what is set out in section 5 should be a substitute for section 16, because of the great dissimilarity not only in language but also in legal effect between section 16, as it now stands, of the interstate commerce act and the section as it will read if amended as proposed. Section 16 of the interstate commerce act as amended March 2, 1889, authorizes the Commission, or any party interested in any order the Commission has made under the provisions of that act, to apply by petition to the circuit court of the United States, sitting in equity, to enforce such order on complaint that the same is being violated, and the court may, in ordering compliance, make also an order for the payment by the carrier of such sum of money not exceeding $500 per day for each day that the carrier shall fail to obey its order of injunction or other process. This is in the nature of a fine for contempt, and therefore clearly within the power of the court to impose.

Controversies requiring a trial by jury are especially exempted from the operation of this provision of the existing statute.

As to controversies requiring a trial by jury a special provision is made whereby that constitutional right is carefully protected and preserved to each and every party to such proceeding.

Section 5 of the Hepburn bill amends this section so as to eliminate trial by jury altogether. The provision of this amendment is that if "the Commission shall determine that any party complainant is entitled to an award of damages, * * * the Commission shall make an order directing the carrier to pay the complainant the sum to which he is entitled on or before a day named." That is simple, straightforward, and easily understood, but without precedent in legal proceedings.

The amendment further provides, referring to these awards, that "If a carrier does not comply with an order for the payment of money within the time limit in such order, the complainant * * * may file in the circuit court of the United States for the district in which he resides * * * a petition setting forth briefly the causes for which he claims damages, and the order of the Commission in the premises. Such suit shall proceed in all respects like other civil suits for damages, except that on the trial of such suit the findings and order of the Commission shall be prima facie evidence of the facts therein stated, and except that the petitioner shall not be liable for costs in the circuit court, nor for costs at any subsequent stage of the proceedings, unless they accrue upon his appeal. If the petitioner shall finally prevail he shall be allowed a reasonable attorney's fee, to be taxed and collected as a part of the costs of the suit * * * In such suits all parties in whose favor the Commission may have made an award for damages by a single order may be joined as plaintiffs, and all of the carriers parties to such an order awarding such damages may be joined as defendants, and such suit may be maintained by such joint plaintiffs and against such joint defendants in any district where any one of such joint plaintiffs could maintain such suit against any one of such joint defendants; * * * In case of such joint suit recovery, if any, may be by judgment in favor of any one of such plaintiffs, against the defendant found to be liable to such plaintiff."

It can not be claimed for the framers of this provision that they overlooked the fact that under the seventh amendment to the Constitution, in any action brought to recover money, if the amount involved be more than $20, the parties are entitled to a trial by jury, for the provision of law now in force, which they were amending, was framed with careful reference to that fact and so as to preserve that right. It would seem, therefore, that they have intentionally framed this section in plain disregard of that constitutional provision, for surely the character of action provided for is one in which a jury trial must be allowed if the amount involved be large enough to meet the constitutional requirement in that respect, and either party to the action may so demand a jury. This provision would therefore be unconstitutional if these contemplated actions for which provision is thus made involved only one complainant and one defendant, but the section expressly provides that "in such suits all parties in whose favor the Commission may have made an award for damages by a single order may be joined as plaintiffs and all of the carriers parties to such order awarding such damages may be joined as defendants, and such suit may be maintained by such joint plaintiffs and against such joint defendants," etc.

This provision is of such character that it is not unreasonable to suppose that whenever such an order is made there are likely to be a number in most cases, perhaps, a great number of shippers in whose favor an award is made, and this award may be made under this order not against one carrier alone, but against a number of carriers. The statute by this provision clearly contemplates that there may be numerous parties in whose favor such an award may be made, and that each order making such awards may run against a number of carriers.

In the nature of things the awards thus allowed by the Commission would not be the same to each shipper or the same against each carrier. All men do not necessarily ship the same commodities or the same amounts of a particular commodity. One man ships one kind of freight and another something else. The damages for which the award provided by this section is to be made will vary in amount. Perhaps no two shippers out of twenty, fifty or one hundred will receive an award exactly equal in amount to that of any other shipper provided for in the award. Under the same order, as the statute contemplates, one man's award may be against one particular carrier, and another man's award against another particular carrier, and so on indefinitely. Each man's award will, however, be his own individual claim, in his separate and individual right, as against the carrier or carriers named in the order. In other words, each individual shipper who is named in such an award will have a separate and independent right of action against the carrier or carriers damaging him, as named in the order.

Assuming now that an award order has been made, and that the carriers refuse to pay, and a suit is brought. There may be in the case 10, 20, 50, or even 100, or perhaps more complainants in whose favor these varying but separate and independent awards are made by the order, and there may be two, a half dozen, or even a dozen carriers named as defendants. Manifestly a jury trial would be impracticable and impossible in such a case. Perhaps that is the reason why the framers of this bill eliminated that Constitutional requirement by making no provision for its observance, but that does not change the fact that the bill in this particular is a grotesque absurdity, to enact which would discredit the intelligence of the Congress.

PENALTIES.

There are many other provisions of this bill that might be justly and severely criticised, but I have called attention to enough to warrant the conclusion that if it should be passed

there will be many orders made affecting the rights of carriers, especially under section 15, as this act proposes to amend it, of the interstate commerce act, which seeks to empower the Interstate Commerce Commission to change rates and establish through routes, which the carriers will desire to litigate.

What the Commission regarded as a slight and reasonable change of rates in the Maximum Rate Case amounted to a difference in revenue to the railroads of $3,000,000 per annum. The change in rates made by the Commission in the Dressed Meats and Packing House Products case amounted during a few months, for which a computation was made, to a difference in revenue to the railroads of almost $2,000,000, and so it is likely to be in every change of rates that the Commission may make that there will be, aside from all other considerations, a large amount of money involved, to the surrender of which the carriers may feel they have no right to submit without an appeal to the courts, but in no such case can they appeal to the court under the provisions of the bill as it passed the House without subjecting themselves to the following provision as to penalties:

> Any carrier, any officer, representative, or agent of a carrier, or any receiver, trustee, lessee, or agent of either of them, who knowingly fails or neglects to obey any order made under the provisions of section fifteen of this act, shall forfeit to the United States the sum of five thousand dollars for each offense. Every distinct violation shall be a separate offense, and in case of a continuing violation each day shall be deemed a separate offense.

If an order be made that a carrier shall charge only a certain rate for the transportation of a certain article between given points, every charge of a different rate for such transportation will be a separate offense. There may be, therefore, many offenses for each day that the order is not observed. There will surely be as many as there are shipments charged for at a rate other than that fixed by the Commission. And there will be as many more as there are officers, agents, etc., of the carrier participating in the offense. Upon this theory the result to the railroad would be as many penalties of $5,000 each as there were shipments at rates other than those prescribed by the Commission, increased by the number of officers, agents, etc., participating in the offense. There might be ten or twenty or a hundred of these offenses, or even thousands, in a single day. On top of all this, in case of a continuing violation, there is to be for each day an additional $5,000. It has been claimed that the entire penalty in case of a continuing violation is to be only $5,000 a day. The language employed does not admit of this construction. But assuming that this construction is correct, then the penalty prescribed would be $5,000 per day, or at the rate of $150,000 per month.

It is fair to presume that any such litigation as a carrier would be required to resort to for protection against an order it might deem unreasonable and unjust would extend over a period of months if not years. During all such period this penalty would be piling up against it, to be paid by it in the event of a final decision upholding the order of the Commission, for while the court might have power to suspend the payments of these penalties thus imposed from day to day during the litigation, it would not have power to grant relief from the cumulative obligation in the event it should be decided that the railroad had without just cause contested the validity of the Commission's order, for in that event the restraining order would have been wrongfully issued. When it is considered that this penalty is to run against the carrier and against every officer, agent, or employee of the carrier who knowingly fails or neglects to obey any such order it is apparent that the penalties thus prescribed are of such extreme, cumulative, and burdensome character as to deter a carrier from resorting to the courts, except only where either the case is entirely clear as to its final outcome or the consequences of an obeyance of the order are of such bankrupting character as to make it impossible, with due regard for the rights of its creditors and stockholders, for it to submit.

In the case of Cotting *v.* Kansas City Stock Yards Co., 183 U. S., 79, the court, although finding it unnecessary to decide the point, took occasion to discuss the effect of cumulative and burdensome penalties upon the rights of parties to appeal to the courts. At page 100, Mr. Justice Brewer said, after speaking of the character of penalties under consideration in that case:

> In this feature of the case we are brought face to face with a question which legislation of other States is presenting. Do the laws secure to an individual an equal protection when he is allowed to come into court and make his claim or defense subject to the condition that upon a failure to make good that claim or defense the penalty for such failure either appropriates all his property or subjects him to extravagant and unreasonable loss? Let us make some illustrations to suggest the scope of this thought.
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> Suppose a law were passed that if any laboring man should bring or defend an action and fail in his claim or defense, either in whole or in part, he should in the one instance forfeit to the defendant half of the amount of his claim, and in the other be punished by a fine equal to half of the recovery against him, and that such a law, by its terms, applied only to laboring men, would there be the slightest hesitation in holding that the laborer was denied the equal protection of the laws? The mere fact that the courts are open to hear his claim of defense is not sufficient if upon him and upon him alone there is visited a substantial penalty for a failure to make good his entire claim or defense. Take another illustration: Suppose a statute that every corporation failing to establish its entire claim, or make good its entire defense, should, as a penalty therefor, forfeit its corporate franchise, and that no penalty of any kind, except the matter of costs was attached to like failures of other litigants, could it be said that the corporations received the equal protection of the laws? Take still another illustration: Suppose a law which, while opening the doors of the courts to all litigants, provided that a failure of any plaintiff or defendant to make good his entire claim or entire defense should subject him to a forfeiture of all his property or to some other great penalty; then, even if, as all litigants were treated alike, it could be said that there was equal protection of the laws, would not such burden upon all be adjudged a denial of due process of law?
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> Of course, these are extreme illustrations, and they serve only to illustrate the proposition that a statute (although in terms opening the doors of the courts to a particular litigant) which places upon him as a penalty for a failure to make good his claim or defense a burden so great as to practically intimidate him from asserting that which he believes to be his rights is, when no such penalty is inflicted upon others, tantamount to a denial of equal protection of the laws. It may be said that these illustrations are not pertinent because they are of civil actions, whereas this statute makes certain conduct by the Stock Yards Company a criminal offense, and simply imposes punishment for such offense; that it is within the competency of the legislature to prescribe the penalties for all offenses, either those existing at common law or those created by statute; and, further, that although the penalties herein imposed may be large, yet obedience to a statute like this can only be secured by large penalties; for otherwise the company, being wealthy and powerful, might defiantly disregard its mandates, trusting to the manifold chances of litigation to prevent any serious loss from disobedience. A penalty of a dollar on a large corporation, whose assets amount to millions, would not be very deterrent from disobedience. It is doubtless true that the State may impose penalties such as will tend to compel obedience to its mandates by all, individuals or corporations, and if extreme and cumulative penalties are imposed only after there has been a final determination of the validity of the statute, the question would be very different from that here presented. But when the legislature, in an effort to prevent any inquiry of the validity of a particular statute, so burdens any challenge thereof in the courts that the party affected is necessarily constrained to submit rather than take the chances of the penalties imposed, then it becomes a serious question whether the party is not deprived of the equal protection of the laws.

This language, so employed by Mr. Justice Brewer, might well have been uttered with special reference to this penalty provision of the Hepburn bill. The penalty is large; it is cumulative; it is burdensome. No railroad can afford to run the risk of it, except only in desperate cases that compel a choice between evils, and manifestly the provision was made, to quote the language of Mr. Justice Brewer, "in an effort to prevent any inquiry of the validity of this particular statute." Such a provision is wholly different from one imposing a burdensome and cumulative penalty for the continuing violation of a statute after its validity has been upheld in the courts. If this provision is to remain in the bill in the form in which it is expressed, it should be amended by the addition of a proviso that in the event of an appeal to the courts there should be an absolute suspension of the penalties during the full period that any order of such suspension may be in force while the litigation is in progress; otherwise the courts will no doubt hold it invalid.

THE BILL DOES NOT PROVIDE FOR ANY PROPER REVIEW BY THE COURTS.

Many other objections and imperfections might be pointed out, but enough have been mentioned to show why the framers of this bill should seek by the terms of it to prohibit a full review by the courts of the orders and proceedings of the Commission, except only as to whether they have been "regularly made," which means nothing more than a review of the question in any given case, whether an order of the Commission condemning a rate and fixing another to take its place has been made in conformity with the proceedings and requirements of the statute, not whether the rate condemned was or the rate substituted is reasonable or just or fairly remunerative as the bill allows and requires.

The points mentioned are sufficient, however, to show that if by any possibility this bill should be both passed and upheld by the courts, the powers conferred by it upon the Commission are so vast that there is a special reason in that fact alone for subjecting the exercise of them to the most careful scrutiny and review by the judicial department of the Government, not only on behalf of the railroads, but also on behalf of the shippers.

Fortunately some of the most important of the questions to which attention has been called can not be withheld from the courts. But the power to review the question as to whether a rate condemned or a rate made by the Commission in a given case is reasonable is, unfortunately, not one of these. The making of a rate is a legislative act, and legislative discretion of the Commission in determining what is a reasonable rate can not be interfered with by the courts in the absence of special statutory authority, unless the rate be fixed so high that it is extortionate to the shipper, or so low that it is confiscatory as to the carrier. There is some room for a difference of opinion, be-

cause of some of the expressions of the courts in some of the cases as to what will be regarded as extortion on the one hand, or confiscation on the other, but none as to the general rule.

But between extortion on the one hand, and confiscation on the other, there is, in most cases, a considerable latitude within which the action of the Commission, without special statutory provision for review of it by the courts, would be final and conclusive.

In a given case a dollar might be a point at which a rate would become extortionate, and 60 cents a point at which it would become confiscatory. A rate anywhere between these figures would be, in a legal sense, reasonable, and beyond the power of the courts, without special statutory provision, to review it, because it expressed the legislative will. If the rate were fixed at 90 cents it might yield a net revenue to the carrier of 6 per cent; if fixed at 80 cents a net revenue of 4 per cent; if fixed at 70 cents a net revenue of 2 per cent; if fixed at 60 cents no revenue at all.

Even 6 per cent might be, under certain circumstances, an unreasonably low return for the carrier. Much more might this be true as to 4 per cent or 2 per cent, and yet as the bill is framed the courts are denied jurisdiction to review all such questions, and in this denial there is strong probability, if not absolute certainty, that great and irreparable wrong may be done.

But this denial extends also to the action of the Commission in condemning the original rate, which is a purely judicial function, and without which precedent judicial action the legislative action of fixing a new rate can not be had. Whatever may be said as to the propriety of investing the court with jurisdiction to review the legislative act of fixing a new rate, it is difficult to perceive how there can be any difference of opinion as to the propriety of the courts having power to review the judicial act of denouncing and setting aside the old rate. But the bill denies this power by the restriction of the review to the question of "regularity," for the Federal courts, unlike the courts of the States, are not courts of general jurisdiction, but courts that have only the power and jurisdiction conferred by the Constitution, and such additional power and jurisdiction as may be expressly conferred by statute.

This same denial extends to orders as to rules and regulations of every character that the Commission may prescribe, and the same kind of objection to such restriction may be made.

Why should this jurisdiction be withheld from the courts? Who distrusts them? Only violators of the law have ever had occasion to fear the justice they administer.

They have been from the beginning of the common law the sure bulwark of the liberties and rights of the Anglo-Saxon race.

Unmoved by passion, prejudice, or public clamor, they have ever been the conservative, steadying, reassuring factor in American Government.

Why should the advocates of this measure, affecting as it does the highest interests of the American people, seek to exclude them from their appropriate participation in the determination of the great questions that such legislation is sure to precipitate? That there is this unwillingness to allow the courts an unrestricted review is enough not only to excite distrust of this measure, but to condemn it.

All this is intensified by the fact that in the law as it now stands there is a complete provision for this review, as well as for the protection of the right of trial by jury.

Section 16 of the interstate commerce act, as it now stands, provides that whenever any common carrier shall fail to obey any "*lawful*" order of the Commission, "not founded upon a controversy requiring a trial by jury," it shall be lawful for the Commission, or any person interested, to apply to the court to enforce such order, and the court shall have power to hear and determine the matter "speedily as a court of equity" * * * "in such manner as to do justice in the premises; and to this end such court shall have power * * * to make all such inquiries as the court may think needful to enable it to form a *just* judgment, * * * and if it be made to appear to such court * * * that the lawful order * * * drawn in question has been violated or disobeyed, it shall be lawful for the court to enforce it," etc.

Aside from all legal questions involved, there is just ground for questioning the wisdom of conferring upon a statutory board appointed by the President, such autocratic powers as this bill confers upon the Commission with respect to such tremendously important interests. But it becomes alarming when it is seriously proposed in the form of a bill that has already, with practical unanimity, passed one House of Congress, to exclude from review and supervision and control by the courts the exercise of that power, except only to the extent of inquiring and determining whether or not the proceedings under the statute have been regular. Thoughtful men may well take fright when they recall that these powers are to be given to a commission to be thus exercised without supervision or control, which, according to the decisions of the Supreme Court of the United States, has erroneously decided almost every important case upon which it has passed judgment during the whole period of the nineteen years of its existence.

To the long list of such reversals another was added on last Monday, when the Supreme Court reversed the Interstate Commerce Commission in the Fruit Growers' case. That case strikingly illustrates both the unwisdom and the injustice of conferring upon the Interstate Commerce Commission powers that are not to be supervised by the courts.

The question in the case was whether the shipper or the initial road should determine the routing of fruit shipped from California to eastern cities.

The testimony showed conclusively—in fact, there was no contention to the contrary—that the shipper insisted upon routing his fruit shipments so that he might secure rebates from the eastern connections of the initial California road.

These rebates were of large amounts, aggregating, for the next four years preceding 1900, to one of the complainants alone $175,000.

The roads took the routing into their own hands to break up this practice of rebating, and the Interstate Commerce Commission held against the right of the roads to do this. The effect of their decision, if allowed to stand, was to restore the wholesale practice that had previously been indulged in of granting rebates, or the encouragement of the most serious complaint that has ever been made against the railroads. If the Supreme Court had not had power to review and reverse, that decision would have stood, to the great detriment of all the interests involved and to the constant encouragement of a violation of the interstate-commerce act.

But, passing all that by, there is no necessity for any such legislation.

Under the Elkins law, if enforced, all kinds of rebates and discriminations as to both persons and places can be broken up and prohibited as nearly as any kind of offense against the law can be suppressed; but, if it were otherwise, this law would not help matters, but only make them worse.

It does not profess to deal with rebates or to prevent carriers engaging in other kinds of business, and has not one line in it that affords any remedy whatever against these, the greatest and most serious and most complained-of evils of all that have been mentioned.

It does not undertake to meet the demand, whether well or ill founded, for uniform classification; neither does it undertake to deal with the "relation of rates" or discrimination as to localities.

The House Committee on Interstate and Foreign Commerce in its report on this bill said with respect to it:

> This bill does not attempt to give power to the Commission to readjust classifications of freight.
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> As but little complaint has been made to the committee concerning classification, it was not deemed wise at this time to suggest new legislation upon that subject. So, too, with the question of the relation of rates. The committee has not deemed it wise at this time to suggest new legislation to change existing law upon that subject. It is one of very great importance—interesting, however, as a rule—to certain particular communities rather than to the public at large. It involves conflicts between towns and cities rather than the public generally, and it relates more to the building up of certain local interests of a local nature rather than to the interests of the people of the whole country. Therefore we thought best not to hamper or hinder the subjects of the bill by adding to them those other less urgent considerations.

In this heartless way are dismissed the appeals for relief that have been coming up to the American Congress for the last twelve months from hundreds of places which, like Cincinnati, have been claiming that they are unjustly discriminated against.

No wonder the committee felt constrained in concluding its report to say that—

> No member of the Committee on Interstate and Foreign Commerce believes that the provisions of this bill will be satisfactory to all persons who may be affected by it, nor that it will be satisfactory even to those who desire legislation upon the lines of the bill.

And yet this bill, thus confessedly unsatisfactory to every member of the House committee and probably to every member of the House of Representatives, passed the House without amendment, because, as the newspapers announced, "the order had gone forth" that, while there might be debate, no amendment—no matter how necessary it might appear—should be allowed. The bill came to the Senate, and, so far as the committee is concerned, there has been a repetition of that experience. No matter what may be its defects and no matter what this, that, or the other Senator may think, not an "i" shall be

dotted nor a "t" shall be crossed of all this important measure. To even suggest that the bill is filled with unconstitutional provisions or that it will prove impracticable in operation is heralded as a species of treason and disloyalty—to whom or to what nobody knows. The whole proceeding is without a precedent in my experience as a member of this body and probably without a precedent in the history of the nation. If we are to abdicate our functions and permit such an imperfect, ill-advised, and ill-considered bill to become a law, discredit will attach and disappointment will follow, not only to "those who desire such legislation," as the House committee suggested, but to all the people of the whole country.

It will prove thus disappointing because if it does not fail and perish in the courts, experience will shortly demonstrate the utter impracticability of satisfactory rate making by a commission.

Approximate successes in small areas, if there are any such precedents, do not afford a safe guide for the vast field presented by the whole country, embracing every section and presenting every possible complication and difficulty that can be involved in railroad operation.

These roads with their innumerable ramifications spread over the whole country, penetrating every section, crossing and recrossing each other at all important points, and wherever they cross or come in contact, and in some cases where they are thousands of miles apart or even run in opposite directions, they are in sharp competition with each other.

As a result of it all rates are adjusted with such nicety that the gross revenues of the roads are so closely calculated to meet interest, dividend, and operating expenses that a reduction of 1 mill on the cost of transporting a ton of freight per mile would so reduce the aggregate as to make it impossible for the roads to pay one dollar of dividends on their stock; and a further reduction of 1½ mills per ton per mile would make it impossible to pay one dollar of intrest on their bonded obligations.

We should hesitate to disturb such conditions.

The answer made to this suggestion is that the Commission will have so little rate-making power that no harm can result from its exercise. If there be but little, then there must be but little necessity. But the difficulty seems to lie in the fact, not fully and properly appreciated, that rates are so interwoven and interdependent that it is impossible to disturb one without affecting many, and that since there will be no mode of relief afforded under this bill except through maximum rate making, if we give such an invitation for them as this bill amounts to, there are likely to be the most serious disturbances resulting from the exercise of this power. It matters not that the Commission, as it has been contended, will consider only one rate at a time. If it should make a change in that rate all other rates in any manner dependent upon it would have to be correspondingly changed.

A change of rates on the products of the cotton mills of New England to Chicago and western points would necessitate a corresponding change of rates on the products of the cotton mills of the South to the same points, for they are all adjusted with reference to each other.

A change in the rates on coal and iron from Pennsylvania and West Virginia to northern and western points would necessitate corresponding changes on coal and iron from all points in the South to the same markets.

A change of rates on lumber from Michigan and the Northwest to the prairies of Nebraska and other States would necessitate a corresponding change not only in the rates from the lumber States of the South, but also on lumber from the far distant Pacific coast States.

A change in the rates on cotton from Memphis over the short haul across the country to the cotton mills of Georgia and the Carolinas would necessitate a corresponding change in the rates on cotton over the long haul from Memphis north and east, through Cincinnati, to the cotton mills of New England. Otherwise the roads that carry for the cotton mills of New England would lose their cotton business to the roads that carry to the cotton mills of the South, or lose it to the Mississippi River and the roads that compete with that highway to New Orleans and the other ports of the South.

Ocean transportation in the coastwise trade compels low rates over the Atlantic Coast Line to the principal points of the South. This compels the Seaboard Air Line, which parallels, to give like low rates or lose its business to the Coast Line; and the Southern Railway must meet this competition or lose its business to its competitors, and so on indefinitely. In other words, the rates over all these roads from these great cities of the North to all these great cities of the South are dependent one upon the other, and all are governed by water transportation and the conditions of nature, which constitute a power greater than the railroads, greater than the Congress, greater than any earthly power.

To touch the rates on any one of these lines is to touch the rates on all of them.

To touch the rate on any one commodity on any one of these lines is to touch the rates for that commodity over all these lines.

To touch the export rates over the lines from the Missouri and Mississippi valleys to New York and other North Atlantic ports is to touch the rates from the same points of origination over the lines to New Orleans and Galveston and other Southern ports, for they all have carefully adjusted relations to each other.

"The opening of new mines, the building of new factories, the starting of new furnaces and mills and shops, the building of new roads, the location and development of new settlements and towns and cities, the constant fluctuations of the markets at home and abroad, peace and war, droughts and floods, long and short crops, famine, pestilence, and the plague, all, whether occurring in Europe, Asia, Africa, South or North America, affect supplies, influence markets, and control the prices of transportation."

Illustrations and suggestions might be multiplied indefinitely, but enough has been said to show that it is idle to talk about the "restricted" exercise of the power of rate making, which it is proposed to confer on the Commission. No such thing is possible. It is as broad as the dependence of rates on each other and as difficult as the laws and forces of trade and commerce, and broader by far and more difficult than it is possible for any commission to deal with.

This work is done to-day by thousands of expert rate makers scattered throughout the country, familiar by long experience with the business, familiar with local conditions, and familiar with the requirements of changes in conditions as from time to time they suddenly come to pass. They may not be doing their work perfectly. Nobody claims they are. No human effort can be perfect, but they are doing this work better than it is possible for any commission to do it that we may create. All these considerations impel me irresistibly to the conclusion, irrevocable in the absence of new light, that it will be a serious mistake to enact this measure.

Many other objections might be urged, but time and strength forbid pursuing the subject further for the present, so I hasten to conclude.

What, then, are we to do? The answer is plain. We can accomplish everything desired by simply amending the Elkins law so as to broaden and strengthen it and make it more available.

This is easily done. An amendment making such provision will be offered at the proper time. I shall try to find opportunity to speak upon it then at such length as may be necessary to fully explain it. For the present it is enough to say that the purpose of this amendment will be not only to preserve the benefits of this salutary law, but to make them available, for every kind of case that can possibly arise, to the humblest shipper in all the land. This may be done by extending the provisions of the third section of the Elkins law to excessive rates, and by making it specifically applicable to every kind of rebates and discriminations as to both persons and places, and by making it the duty of the Interstate Commerce Commission not to act as judges, and legislators, and prosecutors, and sheriffs, but to address themselves to the purely executive duties of hearing complaints, exercising their powers of conciliation, and, where these powers fail and they find there is probable cause, sending the case at once, through the Attorney-General, to the proper court for immediate proceeding, in the name of the Government, for the benefit of all parties interested, without expense to the shipper.

The great difficulty shippers have had in the enforcement of their rights against the railroads has been that no shipper single handed and alone can, as a rule, afford to resort to the law with a railroad for his antagonist. The disadvantage is too great on many accounts, and particularly because the shipper is likely to be subjected to an expense he should not be required to bear; but if he can invoke the protection of the courts in the name of the Government, and without expense to himself, he will not fear to assert his rights, and if the railroad knows that it is charging him an unjust rate, or subjecting him to an unlawful discrimination, and that if it does not desist from such practice it will be called to account in the courts, where it will have the Government for prosecutor, it will in most if not in all cases make haste to agree with him.

I regret that it has seemed necessary for me to so long detain the Senate. There is much more I would say if it were

not that I fear I would overtax your patience. I reserve all that for some future opportunity, and content myself for this occasion with the addition of a word somewhat personal.

It is not either easy or agreeable to differ with the President. He is the head for the time being, not only of the nation, but also of the political party of which I am proud to be a member. I believe that the welfare of the nation is most beneficially affected and promoted by the supremacy of Republican policies, and on this account think every man who believes in the policies of that party should do all in his power to secure harmony of purpose and unity of action among its members with respect to national affairs. In this behalf he should be willing to make concessions in minor matters; but when questions arise of such commanding importance as those now under consideration it is the duty of every man who has an official responsibility to discharge with respect to them to make careful investigation and then act in accordance with the convictions he may reach as a result. To the best of my ability I have done that.

I dislike exceedingly, as every other public man does, to be arraigned before the country by unfriendly critics as prompted by unworthy motives in the attitude assumed, and to suffer in consequence in the esteem of the people. It is far pleasanter to go with the tide of public sentiment and enjoy the benefits of harmonious relations with coworkers in the public service and have the acclaim instead of the disapprobation of constituents; but no man who allows himself to be controlled against his judgment, by considerations of this character, can do his duty, or maintain his self-respect, or be entitled to retain the respect and confidence of his colleagues and constituents. If we enact this measure and it proves disappointing, as I believe it will, the people will not hear us to say in our defense that we legislated in response to their demands. They expect their representatives, especially in this body, with respect to questions of this character, to act intelligently, patriotically, and in accordance with their judgment and their oath of office which binds them to disregard public clamor and legislate for the public welfare as they see and understand it. We owe it to ourselves, as well as our constituents, to meet this just expectation.

During the delivery of Mr. FORAKER's speech,

The VICE-PRESIDENT. Will the Senator from Ohio suspend for a moment? The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. House bill 12707—the "statehood bill," so called.

Mr. BEVERIDGE. I ask that the unfinished business be temporarily laid aside until the Senator from Ohio shall have concluded his remarks.

Mr. FORAKER. I am much obliged to the Senator.

The VICE-PRESIDENT. Without objection, it is so ordered.

ARKANSAS RIVER BRIDGE.

After the conclusion of Mr. FORAKER's speech,

Mr. CLARKE of Arkansas. I ask unanimous consent for the consideration of the bill (H. R. 13308) to authorize the construction of a bridge across the Arkansas River at Pine Bluff. It is a small bill that will provoke no discussion.

The VICE-PRESIDENT. The bill will be read for the information of the Senate.

The Secretary proceeded to read the bill.

Mr. BEVERIDGE. Mr. President, may I ask what the request is?

The VICE-PRESIDENT. The Senator from Arkansas has asked unanimous consent for the present consideration of a bridge bill, which is being read for the information of the Senate. Upon the completion of the reading the question will be whether consent shall be given.

Mr. BEVERIDGE. I will give consent.

Mr. CLARKE of Arkansas. I will state that it is a House bill which passed the House, and it is pending here.

Mr. BEVERIDGE. I understand.

The VICE-PRESIDENT. The Secretary will proceed with the reading of the bill.

The Secretary resumed and concluded the reading of the bill.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill which has just been read?

Mr. BEVERIDGE. I have no objection. I intend to consent to its consideration; but when I requested that the unfinished business be temporarily laid aside it was until the Senator from Ohio [Mr. FORAKER] should conclude his remarks. That is the way the RECORD now has it. Therefore, in order that the Senator may have his bill passed, I again request that the unfinished business shall be temporarily laid aside.

The VICE-PRESIDENT. Without objection, it is so ordered. Is there objection to the present consideration of the bill which has just been read?

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SCHOOL LAND AT ST. AUGUSTINE, FLA.

Mr. TALIAFERRO. Will the Senator from Indiana yield to me to call up a bill?

The VICE-PRESIDENT. The unfinished business, at the request of the Senator from Indiana, has been temporarily laid aside.

Mr. TALIAFERRO. Then I ask leave to call up the bill (S. 1726) making provision for conveying, in fee, the piece or strip of ground in St. Augustine, Fla., known as "The Lines," for school purposes.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WESTERN JUDICIAL DISTRICT OF SOUTH CAROLINA.

Mr. LATIMER. I ask leave to call up the bill (S. 395) to provide for the appointment of a district judge for the western judicial district of South Carolina, and for other purposes.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

THE FIVE CIVILIZED TRIBES.

Mr. ALDRICH. I ask unanimous consent to call up the joint resolution which I introduced yesterday for the extension of the tribal relations of the Five Civilized Tribes.

The VICE-PRESIDENT. The joint resolution will be read for the information of the Senate:

The Secretary read the joint resolution (S. R. 37) extending the tribal relations and government of the Five Civilized Tribes of Indians in the Indian Territory; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

Mr. CLAPP. Mr. President, I offer an amendment to the joint resolution.

The VICE-PRESIDENT. The proposed amendment will be read.

Mr. ALDRICH. I understand the Senator from Minnesota desires to strike out all after the resolving clause and insert the words which he sends to the desk.

Mr. TELLER. Let it be read.

Mr. CLAPP. I prepared it very hastily.

The VICE-PRESIDENT. The amendment will be read.

The SECRETARY. Strike out all after the resolving clause and insert:

That the tribal relations of the Choctaw, Chickasaw, Cherokee, Creek, and Seminole tribes or nations shall continue unaffected until all property of such tribes or the proceeds thereof shall be distributed among the individual members of said tribes.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Minnesota.

Mr. CLARK of Wyoming. That presents, as I hear it read, an altogether different question and condition of affairs from the joint resolution which was introduced by the Senator from Rhode Island. It seems to me that it ought to be considered, and there ought to be given a little time to consider it.

Mr. ALLISON. Let it be read again.

Mr. TELLER. Let us have it read again.

The VICE-PRESIDENT. The amendment will be again read.

The SECRETARY. Strike out all after the resolving clause and insert:

That the tribal relations of the Choctaw, Chickasaw, Cherokee, Creek, and Seminole tribes or nations of Indians in the Indian Territory shall continue until all property of such tribes or the proceeds thereof shall be distributed among the individual members of said tribes.

Mr. BAILEY. Does not the Senator want to say "the tribal existence?"

Mr. CLAPP. I was going to state to the clerks that it should read as follows:

That the tribal existence and tribal relations of the tribes—

Reciting their names—

shall continue unaffected until all property of such tribes or the proceeds thereof shall be distributed among the individual members of said tribes.

Mr. CLARK of Wyoming. Perhaps the Senator who offered this substitute can relieve my mind by explaining the difference

between his resolution and the one introduced yesterday, and the different purposes that may be sought by it.

Mr. CLAPP. I will state the principal difference. As I recall the one of yesterday, it sought to continue the government of these nations. There is a vast difference between that organization which the Federal Government recognizes as the government of these tribes and the tribal existence and the relation of the tribes themselves. For instance, in many States, as in my own State, there are Indian tribes where the tribal relation and tribal existence continue, but they do not have governments which this Government recognizes.

The difficulty in the Indian Territory is that these tribes have had governments which are recognized. The objection to the continuation of those relations is very serious on the part of the Department, as it would seriously interfere with the working out of the processes for the settlement of their affairs.

Those tribes have recognized for years that their tribal government will cease. They have become, in a measure, reconciled to that condition. Now, to turn back the wheel and continue those governments would result in very serious objection, it seems to me, and such is the view of the Department.

Mr. CLARK of Wyoming. Will the Senator permit a question? Would not the effect of the Senator's amendment be to take all the line from the Indian Territory which we now have in relation to those governments and center all power in relation to them, in regard to their property, in regard to their personal rights, in regard to their tribal relations, in the hands of a single Department of the Government?

Mr. CLAPP. Under the form of the resolution, as I first had it, that, perhaps, would be true. Under the form we have it now, it leaves the whole matter in Congress, to be disposed of as we see fit from time to time.

Mr. CLARK of Wyoming. Certainly there should be some head or some guiding hand upon the line. If it be not in the Indian tribes there or in Congress here it must be in the Secretary of the Interior. It should not be left in the air. I understand, just from hearing the resolution of the Senator read, that the effect of it would be to put all this matter directly under the control of a single man, to wit, the Secretary of the Interior.

Mr. CLAPP. Not in the form of this resolution. It leaves it with Congress to deal with just as we see fit.

Mr. McCUMBER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Minnesota yield to the Senator from North Dakota?

Mr. CLAPP. With pleasure.

Mr. McCUMBER. Just for a question. I was out when the resolution was read. Does it continue both the government and the tribe?

Mr. CLAPP. It does not.

Mr. McCUMBER. It simply continues the tribal relation?

Mr. CLAPP. It provides that the tribal existence and the tribal relation shall continue unaffected until all the property of such tribes shall be distributed.

Mr. McCUMBER. What objection would the Senator have to also continuing in the same resolution the present governments until otherwise provided by law? Then you continue the matter and keep it in status quo, exactly the same as it is at the present time. Can there be any serious objection to that?

Mr. CLAPP. The objection to that largely is that those tribes have been brought to feel for years that their tribal governments would cease. There is a vast difference there between the government of each of those tribes, as we have recognized it, and the tribal relation and tribal existence.

Mr. McCUMBER. But, if the Senator will permit me, they have also been brought to believe their tribal relations would be discontinued on the 4th day of March. So the one is as broad as the other.

Mr. CLAPP. No.

Mr. LONG. From what source have they a right to believe that that would be done?

Mr. McCUMBER. As to the tribal relations?

Mr. LONG. Yes.

Mr. McCUMBER. Because the discontinuance of the government as understood by them and, I think, as understood by everyone—I will differentiate in the case of the Senator—was to the effect that the dissolution of the government meant the dissolution of the tribe.

Mr. LONG. There are provisions in the bill now pending for the continuance of the tribal relations, for making a definite and complete roll of each tribe, which shall govern in the distribution of the tribal property.

Mr. McCUMBER. Yes; but that is not continuing the government. That is simply continuing the persons who before had something to do with the government in certain positions for the purpose of carrying out some new provision. It is creating a certain office, if I may say, that is purely a Federal office, and for the purpose of signing papers.

Mr. LONG. The Senator has reference to the government.

Mr. BAILEY. If the Senator will permit me, the whole purpose of that is simply to insure the proper distribution of the property.

Mr. McCUMBER. Nothing more.

Mr. BAILEY. That is all. The tribal relations there are practically destroyed to-day. The Indians are on their separate allotments, to which they either already have a deed or to which they are now entitled to receive a deed. They have no longer any tribal court. They still have a tribal government, but after the 4th day of March they resort to the courts of the United States to assert their rights or to protect their rights. Therefore there is nothing but what the Senator from Kansas [Mr. LONG] himself described yesterday as the shell of a government there.

Mr. LONG. That is all.

Mr. BAILEY. Now, I want to state to the Senator the purpose I have in this, and I make no concealment of it. I am trying to prevent the railroad from obtaining that land.

Mr. McCUMBER. I think we all agree with the Senator on that.

Mr. BAILEY. I am sure of that. I am not so sure, however, that any of us can accomplish the result which we all desire unless the improvidence of a former Congress was protected by that proviso, which seems to have been inserted as a sober second thought, and to stipulate that this grant shall not become effective until the land becomes the public land of the United States.

I do not know enough about the public-land laws of this country, I do not know enough about the public-land decisions of our courts, to know precisely when land does become public land. It happens that the whole, or practically the whole, of my professional life has been spent in a State that had no acre of United States public land, and I never had a lawsuit in my life which involved that question in any way. Therefore I do not pretend to know when land does become public land, but I do know that if it is ever allowed to become public land this grant attaches, and nothing we can do can defeat it.

The condition of the grant to the Chickasaws and Choctaws is that it will inure—I think I quote the exact words—"to them and their descendants so long as they exist as a tribe and occupy it."

Mr. McCUMBER. "As a nation," which means "a tribe."

Mr. BAILEY. I thought the very words were "as a tribe." That is my recollection of it. I remember once having read the deed, and I think it declares "as a tribe." But whether it be tribe or nation, the condition upon which that title fails is when they cease to be a tribe or nation. It is not important within that grant that they should continue a government, but that they shall continue a tribe; and what I insist upon here is that this resolution shall continue the tribal existence.

I agree with the Senator from North Dakota and the Senator from Wyoming (and I tender my apology to the Senator from Minnesota for having intervened), that they ought to continue their tribal government so as to prevent either a lapse of all government or a devolution of the government of those 80,000 people upon the Secretary of the Interior.

There was a proposition presented this morning by the Senator having charge of the bill to do that. I protest against any man in this country being made the government of 80,000 people, even if they are Indians. That is a little too much authority to confer upon any man. If the Secretary of the Interior were as wise and as just as he was yesterday described to be by my friend from Wisconsin, I would not agree to confer upon him that extraordinary power. But even if I could consent to confer such a power upon anybody, the present Secretary of the Interior is the last man of my acquaintance upon whom I would consent to confer it.

Mr. McCUMBER. Mr. President, I made the suggestion of the continuance of the government because of the seeming objection on the part of a few Senators that it would place the matter of government wholly in the hands of the Secretary of the Interior. I will admit that there is nothing but the shell of a government left. That being so, we are committing no error, we are doing at least no harm, if we continue not the old government that existed some years ago, but the mere shell of the government as it exists now. I do not understand that there is much of a shell left in the matter of a government. I do not understand that they are performing any legislative or any executive or judicial functions among the Indian tribes. So,

practically, there is no government left. If some one takes the position that there is a government there at the present time which is doing the work that otherwise would devolve upon the Secretary of the Interior, then I have no objection, and I can not see that anyone else should have objection to the continuance of such authority if it exists.

But I wish to call the Senator's attention to the other proposition he makes, and that is the question as to when this becomes public land. In construing any section of an act or in construing the act itself it should always be construed for the purpose of effectuating its purpose. Therefore the words "public land" as used in one instrument might have a restricted construction, and as used in another instrument a very broad construction.

Now, what was the purpose of the act? The act itself is practically an agreement. The United States said through Congress to a certain railway company, "If you will build a certain railway in a certain territory you shall have every odd section of land for a distance of 10 miles on each side of the center line of your track." Now, there is a contract.

The Government also, to guard itself, uses this language in substance: "This land has already been granted to a tribe, the title to vest in such tribe or nation so long as it exists as a nation." Therefore, so long as that tribe exists as a nation it will have the right of occupancy; when it ceases to exist the Government will reinvest itself with that title. But the Government of the United States reserves to itself the right to sell or dispose of that property in any way before the tribe becomes extinguished. What does the railroad understand by that contract, and what would the courts say was understood by that contract? I think any court would have to construe that contract to mean that it was the intent of both parties to the contract that as soon as the title of the tribe became extinguished, it not having been disposed of before that time, it would revert to the Government of the United States, and would therefore become public land—that is, land of the United States.

Now, can we go further and say that the railway company understood the Government to mean that there must be something else than a reversion to the Government of the United States; that there must be, in addition thereto, an executive order on the part of the Government placing that land open to settlement? I do not believe that public land, as used in that connection and to effectuate that particular purpose, will ever be construed to mean that it is conditioned not only upon the Government becoming the owner in fee again, but also upon the further condition that it shall make an executive order thereon and open to settlement; that if it does that, then the title of the railroad accrues. If it does not do it, then the railway company shall have no title. That would be against the spirit of the law itself. Therefore I think we should construe the words "public lands" simply to be lands of the Government of the United States which may be thrown open for a public purpose, and not which must necessarily as a condition precedent be thrown open for public purposes before the right of the railway can attach.

Mr. BAILEY. Mr. President, I disclaimed any knowledge of the public land laws or decisions. I did that because I did not wish to be understood as asserting any opinion; but I am by no means sure that, entirely without reference to what may be public lands or what may not be public lands, the provision here is a provision that these lands shall become public lands before the railroad grant attaches. The words may be read to mean that whenever this title is extinguished, by treaty or otherwise, the lands become public lands under this act.

The proviso is a short one, and it could easily have been expressed without any ambiguity. It looks to me like an afterthought; but, at any rate, it runs:

*Provided*, That said lands become a part of the public lands of the United States.

That might mean that that proviso was a condition upon which, and only upon which, the grant should take effect following the other conditions, that the tribal title should be extinguished; or it might have meant—and there is strong reason for thinking it does mean—simply and only that when the tribal title was extinguished by treaty or otherwise the railroad grant vested, coupled with the condition, not that the lands which the railroad would obtain should be public lands of the United States, but that all tribal lands of the Indians whose titles should be extinguished should become public lands of the United States, and that from those public lands the railroad could select its alternate sections with indemnity according to other public land grants. In other words, that proviso may be construed merely as defining the character of all tribal lands whose title has been extinguished and not as a condition precedent to the railroad grant.

I express no opinion as to whether it means the one or the other. I hope it means that they must become public lands before the railroad grant attaches. If it does not, I very seriously doubt if anything which this Congress can do can ultimately defeat the claim of the railroads to those lands.

Those lands are probably worth to-day $90,000 to the mile, a sum sufficient to discharge the enormous debt of the M., K. & T. Railroad—for that is what it is, it being the successor of the road to which the grant was made—enough to discharge that enormous amount of bonded indebtedness and declare a dividend of 100 per cent upon its stock. Of course when the grant was made the land was probably worth only 10 or 15 cents an acre, but in the course of time it has increased, so that if the grant is now made, it will be worth not less than $90,000 to the mile. I do not believe that the Government of the United States can grant a qualified fee to A, retaining the reversion, and then after granting that reversion to B can enter into an arrangement with A which practically continues that qualified fee forever and thus defeating the revisionary right of B. A reversion is as much a vested interest in the land as the Indians' fee, and if it be true that that proviso is not a condition precedent to the taking effect of the grant, then there is no law Congress can pass, in my judgment, which can prevent the railroad from recovering that land.

Mr. CLAPP. I think the Senator is right about that.

Mr. McCUMBER. I think that is the same position that the committee has taken. I think we are all agreed in the desire to protect the Indians if we can do so.

Mr. TELLER. Mr. President, there is not any necessity just now for the dissolution of the Indian government in the Indian country. It may not be the best government that could be established there, but it has been in existence for a long time. While I understand there has been complaint of some irregularity of conduct on the part of members of the council by way of increasing fees, or something of that kind, it is a mere bagatelle which amounts to nothing compared with the amount of money at stake with reference to the lands we are now dealing with. It would be very much better indefinitely and for all time to continue the government that exists there than it would be to take the chance of allowing these lands to be absorbed by the railroad company.

We have a mere chance, Mr. President, in my opinion, to get rid of the effect of this land grant, but we certainly will not do so, in my opinion, if the tribal relation ceases. There is not a lawyer anywhere who will controvert the proposition that the title vests in the sovereign—that is, in this case, the United States. It has been the law for thousands of years in every civilized country in the world that the title to vacant, unappropriated lands without an owner should vest in the crown. It was so under the Roman law when Rome had a king, and it was so in the government after Rome ceased to have a king. In England the title to such lands vests in the crown. That has been the law of the world, as I have said. There must be somebody to own the land now in question when the Indian tribes cease to exist.

We can make it possible to get rid of this land honestly and properly, without any evasion, provided we keep the title where it is now. We do not ask to put it anywhere else; but to leave it where it is, and leave it where it was when they took this grant.

Mr. President, there is not any excuse why anybody should stand here and deny that these Indians should have the benefit of this extension. It is in the interest of the Indians, and it is not in the interest of anybody else. I do not care what the objection to it may be at the Department——

Mr. CLAPP. Mr. President——

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Minnesota?

Mr. TELLER. In a moment. I do not care what the objection may be. They may not want to be bothered with that government down there, but they ought to be bothered with it, and we ought to be bothered with it, for we have passed unconsidered and hasty legislation with reference to these matters and we are not discharging our duty as a trustee for these Indians.

I am going to insist, if I can do so, Mr. President, with no prospect of this bill passing in time to save that title in the tribes, that we must have this matter disposed of before any other business is done in this Senate.

Mr. CLAPP. Does the Senator prefer Senate joint resolution 37?

Mr. TELLER. I do not care what the resolution may be. The only objection to the joint resolution is that it merely extends the time two months.

Mr. ALDRICH. Three months.

Mr. TELLER. Well, three months. That is not long enough. We ought to extend it until we can have another session of Congress and until we can fully consider this question. I defy any man to show that any interest of the public or of the Indians will suffer by such an extension.

Mr. McCUMBER. May I ask the Senator a question?

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from North Dakota?

Mr. TELLER. I do.

Mr. McCUMBER. I ask the Senator if he has any objection to supporting the joint resolution if it be amended so as to provide for the continuation of the tribal relations until otherwise provided by law?

Mr. CLAPP. If the Senator from Colorado will permit me, I will suggest that we change the word "relations" to "existence," change "June" to "March," and also change "six" to "seven;" so as to read:

That the tribal existence and government of the Choctaw, Chickasaw, Cherokee, Creek, and Seminole tribes or nations are hereby continued in full force and effect for all purposes until the 4th day of March, A. D. 1907, etc.

Mr. TELLER. I am entirely willing to agree to that.

Mr. ALDRICH. Let there be inserted the words "unless otherwise provided by law."

Mr. BAILEY. "Until otherwise provided." Then we can deal with it.

Mr. TELLER. I am entirely content. I only want something done in this matter.

Mr. CLAPP. I call for a vote on the joint resolution. I should like to get action upon it.

Mr. SPOONER. Mr. President, only a word.

Mr. CLAPP. I yield to the Senator.

Mr. SPOONER. I have been very much interested in this legislation so far as it involves protection of the Indian lands from this railroad grant. I am not a member of the Committee on Indian Affairs, but I should like, before this matter passes and while it is being considered, to bring to the attention of the Senate a blunder—an obvious blunder—in the patent, and also another historical fact, which ought to be in the RECORD, and which, I think, makes it less dangerous to the Indians than would seem to be true if there had been no error in the patent.

The treaty, in language as clear as it is possible for anything to be expressed, not only guaranteed, but solemnly pledged the seven millions and seven additional millions, to the Cherokee Indians forever. That was the treaty. In 1830 Congress provided for a patent. There is a provision as to a reverter in the act of May 28, 1830, chapter 148 of the laws of 1830:

That in the making of any such exchange or exchanges—

This related to the whole subject of moving the Indians beyond the Mississippi River and exchanging the lands they left for lands west of the river.

That in the making of any such exchange or exchanges it shall and may be lawful for the President solemnly to assure the tribe or nation—

Using the words as synonymous—

with which the exchange is made that the United States will forever secure and guaranty them, and their heirs or successors, the country so exchanged with them, and, if they prefer it, that the United States will cause a patent or grant to be made and executed to them for the same.

Well, they did prefer it, and it was under the provision of this act of 1830 that the patent was executed. The patent prescribed the conditions which I read to the Senate yesterday—but the proviso of the act of 1830, to which the patent refers, is this:

*Provided always*, That such lands shall revert to the United States if *the Indians* become extinct or abandon the same.

That is, abandon the lands. The patent says:

Therefore, in execution of the agreements and stipulations contained in the said several treaties, the United States have *given* and *granted*, and by these presents do *give* and *grant*, unto the said Cherokee Nation, the two tracts of land, so surveyed and hereinbefore described, containing in the whole *fourteen millions three hundred and seventy-four thousand one hundred and thirty-five acres and fourteen hundredths of an acre*, to have and to hold the same, together with all the rights, privileges, and appurtenances thereto belonging to the said Cherokee Nation *forever*—

Subject to this proviso—

And subject also to the condition provided by the *act of Congress of the 28th of May, 1830*, referred to in the above-recited third article, and which condition is that the lands hereby granted shall revert to the United States if the said *Cherokee Nation* becomes extinct, or abandons the same.

It might make a very great difference——

Mr. BAILEY. Will the Senator permit me to ask him a question?

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Texas?

Mr. SPOONER. Certainly.

Mr. BAILEY. In the Senator's opinion, which would control—the treaty or the patent?

Mr. SPOONER. The law and the treaty are alike.

Mr. BAILEY. I understand; but the patent is the instrument by which the Indians acquired the title.

Mr. SPOONER. No.

Mr. BAILEY. Suppose I make a contract with the Senator from Wisconsin to convey him land upon certain conditions, but when I come to execute the deed, the deed does not follow the contract. The Senator acquires his title through the deed, and he might have a cause of action against me, because I made a deed contrary to the contract; but whoever became entitled under his deed would acquire all the rights that he acquired, and no more, I think. The trouble here, to my mind, is that we are dealing with this land according to the conveyance and not according to the contract under which it was conveyed.

Mr. SPOONER. Mr. President, that would be so under ordinary circumstances, and perhaps it is so now; I am not expressing a definite opinion as to that; but I am putting in the RECORD, for use hereafter, what is the discrepancy between the act under which this patent was executed by the executive officers of the Government and the patent itself. The condition of reverter fixed by the *act of 1830* was not the dissolution of the *Cherokee Nation* or the extinction of the Cherokee Nation as a nation, but the extinction of the *Indians*—the Cherokee Indians or their abandonment of the lands.

Now, you have the grant in the treaty of the 7,000,000 acres and the 7,000,000 additional, which were guaranteed by the Government, to be vested in the Indians and their heirs forever.

Mr. McCUMBER. May I ask the Senator a question right there?

Mr. SPOONER. In a moment.

Mr. McCUMBER. Just a brief question.

Mr. SPOONER. Very well.

Mr. McCUMBER. Suppose there were but two Indians left of the tribe, would the Senator think that the treaty was intended to convey the 14,000,000 acres to be held by those two Indians?

Mr. SPOONER. I am getting at the law and not the result of it. The patent made a departure from the act, and could not operate to minimize the title which the Indians had. The patent was only evidence of title. The patent conveyed the same land that the treaty described.

Mr. BAILEY. The treaty did not convey to the Indians and the act did not convey to the Indians any more than a contract could convey to an individual.

Mr. SPOONER. But the treaty was a contract for conveyance.

Mr. BAILEY. I want to say that I asked the Senator his opinion, not for the purpose of suggesting the doubt which I did suggest, but in the hope that he would say that the rule applying to a great public transaction like this is not precisely the rule that would obtain between individuals, and that, inasmuch as the railroad or any other grantee taking under a patent which referred to the law or to the treaty, would be charged with notice of the whole transaction. I think that is the better rule.

Mr. SPOONER. The railroad company would be charged with notice of this act of Congress.

Mr. BAILEY. I think so.

Mr. SPOONER. The railroad company and every citizen of the United States would be charged with notice that the act of Congress had made this reverter to depend upon the *extinction of the Indians*, but whether our wards would be charged with that notice or not is another thing. But one thing seems to be very clear, Mr. President, and that is the mistake of the executive department in the drafting of this patent could not be operative to diminish or narrow the real title which the act of Congress, as well as the treaty, intended to vest in those Indians.

There is another thing I want to say about that, and I do not pretend to have definite opinions regarding it. The whole thing is intricate and troublesome. There was suggested yesterday afternoon by the Senator from Utah [Mr. SUTHERLAND] a construction of section 9, which is entitled to great consideration, especially in view of this history and of the blunder in this patent:

That the same grants of lands through said Indian Territory are hereby made as provided in the first section of this act whenever the Indian title shall be extinguished by treaty or otherwise.

Now, we know the duration of the Indian title by the treaty. It was not to be a base fee.

Mr. BAILEY. Mr. President, the Senator mistakes the fee

that I described as a base fee. That is not the fee of the Cherokees, but of the Chickasaws and Choctaws, which is different.

Mr. SPOONER. Very good; but we have under the treaty a conveyance forever by the Government, or a contract to convey forever by the Government 7,000,000 acres and 7,000,000 additional to the Cherokees. We have a provision in the treaty entitling them to a patent for these same lands if they wish it. The patent would be evidence of title at least, and perhaps more, but to the same lands. There is only one possible contingency in which the Government in that situation would have contemplated the restoration of those lands to the public domain or a grant or a bestowal of those lands upon the railway company, and that would be, of course, after the Indian title had ceased to exist; and so they say here:

Whenever the Indian title shall be extinguished by treaty or otherwise.

If extinguished by treaty, it would be extinguished by consent of the Indians, and the suggestion of the Senator from Utah was that the word "otherwise," used in connection with the word "treaty," under the doctrine of noscitur ex sociis, might very well be construed to mean some other means, such as the purchase by the Government independent of treaty or some other method involving the consent of the Indians. Certainly no court, I think, would say, taking the whole history of this business, that Congress ever intended to deprive these Indians of this land, granted forever, without their consent, unless the Indians themselves became extinct and incapacitated from giving consent.

Mr. PETTUS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Alabama?

Mr. SPOONER. Certainly.

Mr. PETTUS. I desire to ask the Senator if it is possible that a patent could be of any force unless it was authorized by law?

Mr. SPOONER. The patent might be of force as a conveyance, but if the proviso did not conform to the statute it would be void.

Mr. PETTUS. Would it not necessarily be void——

Mr. SPOONER. Yes.

Mr. PETTUS. If the officer who made the patent did not have any authority to make it—unless it conformed to the law?

Mr. SPOONER. He had no authority to change the phraseology of that condition at all.

Mr. LA FOLLETTE. May I interrupt my colleague to ask a question?

The VICE-PRESIDENT. Does the senior Senator from Wisconsin yield to the junior Senator from Wisconsin?

Mr. SPOONER. Certainly.

Mr. LA FOLLETTE. Would not the court reform that patent?

Mr. SPOONER. Certainly; and the evidence would be the statute and the patent. The Government could now issue a new patent in accordance with the act of 1830.

Mr. TELLER. Mr. President, these grants are different. Some of them were in fee simple; some were not, and I doubt if any one of them can be described by any language the writers on real estate law have ever used, because the same rules that apply to contracts between two citizens will not always apply between the Government and another nation.

Mr. ALDRICH. Mr. President——

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Rhode Island?

Mr. TELLER. Yes.

Mr. ALDRICH. I am extremely anxious, as the time is very limited, that this joint resolution shall pass. The questions which are now raised are not really pertinent to this resolution.

Mr. SPOONER. They may be more pertinent than the Senator thinks.

Mr. ALDRICH. Possibly, but I have not seen the connection as yet.

Mr. TELLER. I want to say that if the Senator from Wisconsin is right, there is still just as much necessity for this legislation as if he is wrong.

Mr. SPOONER. Yes. I was only putting in the RECORD, in order that it might be utilized in defense of these Indians hereafter, the discovery of this mistake.

Mr. TELLER. I do not care to discuss the real-estate law, which is exceedingly intricate and very interesting to those who make it a study.

Mr. BAILEY. And very obscure.

Mr. TELLER. And sometimes obscure, and with all the legislation on this subject you will find it very obscure.

Mr. ALDRICH. So far as I can I accept the amendment suggested by the chairman of the committee, as to fixing the time on the 4th of March, 1907.

The VICE-PRESIDENT. The resolution as modified at the suggestion of the Senator from Minnesota will be stated again to the Senate.

The Secretary read the joint resolution, as follows:

*Resolved, etc.*, That the tribal existence and government of the Choctaw, Chickasaw, Cherokee, Creek, and Seminole tribes or nations of Indians in the Indian Territory are hereby continued in full force and effect for all purposes until the 4th day of March, A. D. 1907, and all acts and parts of acts, so far as they conflict herewith, are hereby repealed.

Mr. ALLISON. That phraseology will continue these tribal relations until the 4th of March, no matter what legislation happens in the meantime.

Mr. TELLER. Oh, no; we can repeal it.

Mr. CLAPP. Oh, no. Any law incompatible with existing law would pro tanto repeal the existing law.

Mr. ALLISON. This is a right given to these Indians to occupy the tribal lands.

Mr. TELLER. I do not think there is any question but what we could repeal this law to-morrow if we wanted to.

Mr. ALLISON. I think it would be safe to say "unless otherwise provided by law."

Mr. ALDRICH and Mr. CLAPP. There is no objection to that.

Mr. ALLISON. I think that would be the safe thing to do.

The VICE-PRESIDENT. Does the Senator from Iowa make that motion?

Mr. ALLISON. I will make that motion.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. After the words "nineteen hundred and seven" it is proposed to insert "unless otherwise provided by law."

Mr. ALLISON. I think I will modify that amendment by making it read "unless sooner provided by law."

Mr. ALDRICH. Oh, no.

Mr. ALLISON. What I want to secure is that the arrangement shall continue until the 4th of March, 1907, unless it is changed hereafter.

Mr. ALDRICH. Then let the word "hereafter" be inserted, so that it will read "unless hereafter otherwise provided by law."

Mr. ALLISON. Very well.

The VICE-PRESIDENT. The amendment as modified will be stated.

The SECRETARY. After the words "nineteen hundred and seven" it is proposed to insert "unless hereafter otherwise provided by law;" so as to make the joint resolution read:

*Resolved, etc.*, That the tribal existence and government of the Choctaw, Chickasaw, Cherokee, Creek, and Seminole tribes or nations of Indians in the Indian Territory are hereby continued in full force and effect for all purposes until the 4th of March, A. D. 1907, unless hereafter otherwise provided by law; and all acts and parts of acts, so far as they conflict herewith, are hereby repealed.

The VICE-PRESIDENT. The question is on the amendment as modified.

The amendment as modified was agreed to.

Mr. ALLISON. I think it safe enough now.

The joint resolution was reported to the Senate as amended, and the amendments were concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A joint resolution (S. R. 37) extending the tribal existence and government of the Five Civilized Tribes of Indians in the Indian Territory."

### EXECUTIVE SESSION.

The VICE-PRESIDENT. What is the further pleasure of the Senate?

Mr. ALLISON. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After fifteen minutes spent in executive session the doors were reopened.

### CONSIDERATION OF PENSION AND MILITARY RECORD BILLS.

Mr. McCUMBER. I ask unanimous consent that the Senate proceed to the consideration of unobjected pension bills on the Calendar and also unobjected bills to correct military records.

The PRESIDING OFFICER (Mr. KEAN in the chair). The Senator from North Dakota asks unanimous consent that the Senate proceed to the consideration of unobjected pension bills on the Calendar and also those to correct military records.

Mr. LODGE. And nothing else to be done this afternoon.

The PRESIDING OFFICER. And that no other business shall be transacted to-day. Is there objection to the request? The Chair hears none, and it is so ordered. The Secretary will report the first bill on the Calendar under the order just made.

HOWARD ELLIS.

The bill (S. 969) granting an increase of pension to Howard Ellis was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Howard Ellis, late of Company H, Second Regiment Minnesota Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOHN W. REED.

The bill (S. 2346) granting an increase of pension to John W. Reed was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John W. Reed, late of Company G, One hundred and thirty-seventh Regiment New York Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HENRY B. BURTON.

The bill (S. 325) granting an increase of pension to Henry B. Burton was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Henry B. Burton, late of Company B, One hundred and second Regiment Illinois Volunteer Infantry, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SAMUEL E. JOHNSON.

The bill (S. 2882) granting an increase of pension to Samuel E. Johnson was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, after the word "Infantry," to insert "and first lieutenant and adjutant, Sixty-sixth Regiment United States Colored Volunteer Infantry;" and in line 10, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel E. Johnson, late of Company D, Thirteenth Regiment Iowa Volunteer Infantry, and first lieutenant and adjutant, Sixty-sixth Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

GARRETT ROURKE.

The bill (S. 2863) granting an increase of pension to Garrett Rourke was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "fifty" and insert "thirty;" so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Garrett Rourke, late of Company E, Twenty-fourth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM M. SMITH.

The bill (S. 725) granting an increase of pension to William M. Smith was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty-six" and insert "thirty;" so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William M. Smith, late of Company B, Twenty-second Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

THOMAS MILLIMAN.

The bill (S. 2406) granting an increase of pension to Thomas Milliman was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause, and to insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas Milliman, late of Company E, Seventh Regiment Ohio Volunteer Infantry, and Company B, One hundred and sixty-sixth Regiment Ohio National Guard Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

JULIA L. PLIMPTON.

The bill (S. 1228) granting an increase of pension to Julia L. Plimpton was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the word "late," to strike out "of" and insert "captain;" so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Julia L. Plimpton, widow of Emory M. Plimpton, late captain Company M, Fourth Regiment Michigan Volunteer Cavalry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FRANK D. SMITH.

The bill (S. 4188) granting an increase of pension to Frank D. Smith was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Frank D. Smith, late of Company D, Second Regiment Wisconsin Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

NATHANIEL E. SKELTON.

The bill (S. 4187) granting an increase of pension to Nathaniel E. Skelton was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Nathaniel E. Skelton, late of Company A, Twenty-third Regiment Maine Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CARLTON A. WHEELER.

The bill (S. 4100) granting an increase of pension to Carlton A. Wheeler was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Carlton A. Wheeler, late of Company D, Third Battalion Rifles, Massachusetts Militia Infantry, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SAMUEL J. BURLOCK.

The bill (S. 3866) granting an increase of pension to Samuel J. Burlock was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Samuel J. Burlock, late of Company F, Eighth Regiment Wisconsin Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EDWIN E. NEEDHAM.

The bill (S. 203) granting an increase of pension to Edward E. Needham was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Edward E. Needham, late of Company E, Thirty-second Regiment Iowa Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment,

ordered to be engrossed for a third reading, read the third time, and passed.

FREDRICH BEHRENS.

The bill (S. 200) granting an increase of pension to Fredrich Behrens was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Fredrich Behrens, late of Company B, Twenty-first Regiment Iowa Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JAMES H. LEWIS.

The bill (S. 466) granting an increase of pension to James H. Lewis was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James H. Lewis, late of Company A, Second Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ABRAHAM WALTERS.

The bill (S. 656) granting an increase of pension to Abraham Walters was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Abraham Walters, late of Company E, Ninety-eighth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ALBERT D. CORDNER.

The bill (S. 3800) granting an increase of pension to Albert D. Cordner was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four:" so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Albert D. Cordner, late of Battery G, First Regiment Rhode Island Volunteer Light Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN H. M'KENZIE.

The bill (S. 4227) granting an increase of pension to John H. McKenzie was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions, with an amendment, in line 6, after the word "guide," to strike out "in the military service of the United States" and insert "United States Army;" so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John H. McKenzie, late scout and guide, United States Army, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CHARLES E. BISHOP.

The bill (S. 655) granting an increase of pension to Charles E. Bishop was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions, with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles E. Bishop, late of Company B, First Regiment District of Columbia Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

THOMAS EDSALL.

The bill (S. 1978) granting a pension to Thomas Edsall was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas Edsall, late of Company E, Ninth Regiment Illinois Volunteer Infantry, and to pay him a pension of $50 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MARGARET HALLETT.

The bill (S. 4181) granting an increase of pension to Margaret L. Hallett was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, before the name "Hallett," to strike out the letter "L;" and in line 9, before the word "dollars," to strike out "fifty" and insert "thirty;" so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Margaret Hallet, widow of William P. Hallett, late captain Company I, Thirteenth Regiment New York Volunteer Cavalry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Margaret Hallett."

HENRY JORDAN.

The bill (S. 1399) granting an increase of pension to Henry Jordan was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "late," to strike out "colonel" and insert "lieutenant-colonel;" and in line 8, before the word "dollars," to strike out "forty" and insert "thirty;" so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry Jordan, late lieutenant-colonel Seventeenth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. CARTER. From the Committee on Public Lands——

The VICE-PRESIDENT. Under the agreement no other business than pension and military record bills was to be transacted.

Mr. CARTER. Then I recall the request.

AMOS M. RUNKEL.

The bill (S. 482) granting an increase of pension to Amos M. Runkel was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, before the word "late," to strike out "Runkle" and insert "Runkel;" and in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Amos M. Runkel, late of Company K, Ninety-third Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Amos M. Runkel."

HENRY C. JOHNSON.

The bill (S. 4020) granting an increase of pension to Henry C. Johnson was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "late," to strike out "of" and insert "captain;" and in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry C. Johnson, late captain Company K, Thirty-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN RAUCH.

The bill (S. 2250) granting an increase of pension to John Rauch was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Rauch, late of Company E, One hundred and second Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

DAVID RANKIN.

The bill (S. 3932) granting an increase of pension to David Rankin was considered as in Committee of the Whole. It proposes to place on the pension roll the name of David Rankin, late first lieutenant Company H, Sixty-first Regiment Ohio Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PETER BETZ.

The bill (S. 1624) granting an increase of pension to Peter Betz was considered as in Committee on the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Peter Betz, late of Company H, One hundred and twenty-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ALFRED M'PHERRAN.

The bill (S. 527) granting an increase of pension to Alfred McPherran was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment in line 8, before the word "dollars," to strike out "seventy-two" and insert "thirty;" so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alfred McPherran, late of Company C, One hundred and twenty-fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SOLOMON R. RUCH.

The bill (S. 1634) granting an increase of pension to Solomon R. Ruch was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "fifty" and insert "thirty;" so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Solomon R. Ruch, late of Company A, Fourteenth Regiment United States Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FRANK WESTERVELT.

The bill (S. 3031) granting an increase of pension to Frank Westervelt was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the word "late," to insert "of Company B and;" so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Frank Westervelt, late of Company B and hospital steward Fifth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SARAH A. TYLER.

The bill (S. 1420) granting an increase of pension to Sarah A. Tyler was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Sarah A. Tyler, widow of William H. H. Tyler, late of Company G, Third Regiment New Hampshire Volunteer Infantry, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOSEPH W. LEGRO.

The bill (S. 180) granting an increase of pension to Joseph W. Legro was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joseph W. Legro, late of Company D, Twenty-second Regiment New York Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PARTHENIA W. BAKER.

The bill (S. 3125) granting a pension to Parthenia W. Baker was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Parthenia W. Baker, widow of Alpheus W. Baker, late second lieutenant Company H, Twenty-third Regiment Wisconsin Volunteer Infantry, and to pay her a pension of $15 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

GEORGE L. JAQUITH.

The bill (S. 2840) granting an increase of pension to George L. Jaquith was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George L. Jaquith, late of Company G, Twenty-first Regiment Massachusetts Volunteer Infantry, and Company G, Forty-seventh Regiment Massachusetts Volunteer Militia Infantry, and to pay him a pension of $25 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LA FORREST C. DARLING.

The bill (S. 3473) granting an increase of pension to La Forrest C. Darling was considered as in Committee of the Whole. It proposes to place on the pension roll the name of La Forrest C. Darling, late of Company I, Twelfth Regiment Vermont Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ANDREW SMITH.

The bill (S. 22) granting an increase of pension to Andrew Smith was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Andrew Smith, late of Company G, Thirty-third Regiment Massachusetts Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, or-

dered to be engrossed for a third reading, read the third time, and passed.

JOHN P. BAMBUSH.

The bill (S. 2091) granting an increase of pension to John P. Bambush was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John P. Bambush, late of Company K, Thirty-fourth Regiment Massachusetts Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SARAH E. ADAMS.

The bill (S. 2090) granting an increase of pension to Sarah E. Adams was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Sarah E. Adams, widow of George H. Adams, late of Company A, Eleventh Regiment Rhode Island Volunteer Infantry, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

GEORGE W. HALE.

The bill (S. 2968) granting a pension to George W. Hale was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George W. Hale, late of Company B, First Regiment United States Infantry, war with Mexico, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JAMES B. KELLOGG.

The bill (S. 3474) granting an increase of pension to James B. Kellogg was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, before the words "United States Navy" to insert "U S. S. Ohio, Princeton, and Mohican;" so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James B. Kellogg, late of U. S. S. Ohio, Princeton, and Mohican, United States Navy, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM BENKLER.

The bill (S. 790) granting an increase of pension to William Benkler was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty;" so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Benkler, late of Company C, Third Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JAMES M. FERNALD.

The bill (S. 1173) granting an increase of pension to James M. Fernald was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James M. Fernald, late of Company H, Fifth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ALPHONSO B. HOLLAND.

The bill (S. 19) granting an increase of pension to Alphonso B. Holland was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alphonso B. Holland, late of Company G, Second Regiment District of Columbia Volunteer Infantry, and Companies H and K, Twenty-ninth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

OSCAR B. CASWELL.

The bill (H. R. 10582) granting an increase of pension to Oscar B. Caswell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Oscar B. Caswell, late unassigned, Sixth Regiment Minnesota Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIAS SMITH.

The bill (H. R. 10258) granting an increase of pension to Elias Smith was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Elias Smith, late of the U. S. S. *North Carolina*, United States Navy, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

APPLETON GIBSON.

The bill (H. R. 10007) granting an increase of pension to Appleton Gibson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Appleton Gibson, late of Companies F and B, Twenty-fifth Regiment Massachusetts Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM BODE.

The bill (H. R. 8649) granting an increase of pension to William Bode was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William Bode, late of Company B, Twenty-fourth Regiment Illinois Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SUSAN E. ISRAEL.

The bill (S. 3888) granting an increase of pension to Susan E. Israel was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "late," to insert "first;" in line 7, after the word "Company," to strike out the letter "F" and insert "K;" and in line 9, before the word "dollars," to strike out "twenty-five" and insert "twelve;" so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Susan E. Israel, widow of Jeptha M. Israel, late first lieutenant Company K, First Regiment North Carolina Volunteers, war with Mexico, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

STEPHEN M. DAVIS.

The bill (S. 3547) granting an increase of pension to Stephen M. Davis was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Stephen M. Davis, late of Company A, Second Regiment North Carolina Volunteer Mounted Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN R. COTTON.

The bill (H. R. 11302) granting an increase of pension to John R. Cotton was considered as in Committee of the Whole.

It proposes to place on the pension roll the name of John R. Cotton, late first lieutenant Company A, Seventy-ninth Regiment Indiana Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HENRY BROWN.

The bill (H. R. 9104) granting an increase of pension to Henry Brown was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Henry Brown, late of Company D, Fourth Regiment Tennessee Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALTA M. WESTENHAVER.

The bill (H. R. 10459) granting a pension to Alta M. Westenhaver was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Alta M. Westenhaver, widow of Jackson C. Westenhaver, late of Company F, Fourth Regiment Ohio Volunteer Infantry, war with Spain, and to pay her a pension of $12 per month, and $2 per month additional on account of each of the minor children of said Jackson C. Westenhaver until they reach the age of 16 years.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HENRY SISTRUNK.

The bill (S. 1739) granting a pension to Henry Sistrunk was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Henry Sistrunk, late of Capt. L. G. Lesley's company, Florida Volunteers, Seminole Indian war, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HELEN B. READ.

The bill (S. 2153) granting an increase of pension to Helen Read was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the name "Helen," to insert the initial "B.;" in the same line, after the word "late," to insert "first lieutenant Company D and;" and in line 9, before the word "dollars," to strike out "twenty" and insert "seventeen;" so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Helen B. Read, widow of Ira B. Read, late first lieutenant Company D and captain Company E, One hundred and first Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $17 per month in lieu of that she is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Helen B. Read."

JOHN M. ODENHEIMER.

The bill (S. 1527) granting an increase of pension to John M. Odenheimer was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the word "late," to strike out "of" and insert "first lieutenant;" so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John M. Odenheimer, late first lieutenant Company L, Sixth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

RICHARD M. OGLE.

The bill (S. 3310) granting an increase of pension to Richard M. Ogle was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "forty" and insert "twenty-four;" so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Richard M. Ogle, late of Company F, Twenty-third Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DAVID M. PEARSON.

The bill (S. 597) granting an increase of pension to David M. Pearson was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "fifty" and insert "twenty-four;" so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of David M. Pearson, late of the First Independent Battery Kansas Volunteer Light Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOSEPH L. PRENTISS.

The bill (S. 589) granting an increase of pension to Joseph L. Prentiss was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph L. Prentiss, late acting medical cadet and acting assistant surgeon, United States Army, and pay him a pension at the rate of $12 per month.

Mr. TELLER. I move to amend the amendment by striking out, in line 2, before the word "dollars," the word "twelve" and inserting "twenty-four."

Mr. McCUMBER. I agree to that amendment to the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ALBERT S. BLAKE.

The bill (S. 1138) granting an increase of pension to Albert S. Blake was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, before the word "Company," to strike out "of;" and in line 8, before the word "dollars," to strike out "fifty" and insert "twenty-four;" so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Albert S. Blake, late captain Company M, Second Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LIZZIE BREMMER.

The bill (H. R. 10457) granting a pension to Lizzie Bremmer was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Lizzie Bremmer, widow of Charles Bremmer, late of Company F, Third Regiment United States Infantry, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLES H. EVERITT.

The bill (H. R. 10522) granting an increase of pension to Charles H. Everitt was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles H. Everitt, late of Company C, One hundred and forty-third Regiment New York Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DILLON F. ACKER.

The bill (H. R. 10308) granting an increase of pension to Dillon F. Acker was considered as in Committee of the Whole.

It proposes to place on the pension roll the name of Dillon F. Acker, late of Company I, Eighty-fourth Regiment New York State Militia Infantry, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN ALVES.

The bill (H. R. 8242) granting an increase of pension to John Alves was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Alves, late of Company A, Fourteenth Regiment Illinois Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES R. JORDAN.

The bill (H. R. 11653) granting an increase of pension to James R. Jordan was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James R. Jordan, late of Company K, One hundred and forty-fifth Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of $36 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN H. PARKER.

The bill (H. R. 10588) granting an increase of pension to John H. Parker was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John H. Parker, late passed midshipman, United States Navy, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSEPH L. BOSTWICK.

The bill (H. R. 10623) granting an increase of pension to Joseph L. Bostwick was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joseph L. Bostwick, late of Company L, Ninth Regiment, and Company M, Second Regiment, New York Volunteer Heavy Artillery, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SILAS G. ELLIOTT.

The bill (H. R. 8187) granting an increase of pension to Silas G. Elliott was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Silas G. Elliott, late of Company A, Twenty-ninth Regiment Ohio Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM SHANNON.

The bill (H. R. 7680) granting an increase of pension to William Shannon was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William Shannon, late second lieutenant Company I, Thirteenth Regiment West Virginia Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SIDNEY R. SMITH.

The bill (S. 3933) granting an increase of pension to Sidney R. Smith was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, after the word "Volunteer," to strike out "Infantry" and insert "Cavalry;" so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sidney R. Smith, late of Company L, Eleventh Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ELEANORA A. KEELER.

The bill (S. 1273) granting an increase of pension to Eleanora A. Keeler was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Eleanora A. Keeler, widow of George W. Keeler, late lieutenant Captain O'Neil's Company E, Second Regiment Oregon Mounted Volunteers, Oregon and Washington Territory Indian war, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DELIA A. HOOKER.

The bill (S. 3029) granting an increase of pension to Delia A. Hooker was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "fifty" and insert "thirty;" so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Delia A. Hooker, widow of Ambrose E. Hooker, late captain, Ninth Regiment United States Cavalry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ALBERT WINES.

The bill (S. 94) granting an increase of pension to Albert Wines was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, after the word "Volunteer," to strike out "Infantry" and insert "Cavalry;" so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Albert Wines, late of Company I, First Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN M'COY.

The bill (S. 3903) granting an increase of pension to John McCoy was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, before the letter "H," to strike out "Company" and insert "Battery;" so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John McCoy, late of Battery H, Second Regiment United States Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JAMES CAIN.

The bill (S. 4226) granting an increase of pension to James Cain was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, after the word "Volunteer," to strike out "Infantry" and insert "Cavalry;" so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James Cain, late of Company L, Seventh Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM CARR.

The bill (S. 548) granting an increase of pension to William Carr was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, after the word "Volunteer" to strike out "Infantry" and insert "Cavalry;" and in line 8, before the word "dollars," to strike out "fifty" and insert "thirty;" so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Carr, late of Company D, First Regiment Nebraska Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JAMES M. GARRITT.

The bill (S. 3905) granting an increase of pension to James M. Garritt was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James M. Garritt, late of Company B, Sixth Regiment Iowa Volunteer Cavalry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOHN J. QUIMBY.

The bill (H. R. 11620) granting an increase of pension to John J. Quimby was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John J. Quimby, late captain Company B, Fourteenth Regiment Maine Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PATRICK J. DONAHUE.

The bill (H. R. 10323) granting an increase of pension to Patrick J. Donahue was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Patrick J. Donahue, late of Company I, Twenty-first Regiment Connecticut Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS J. MARTIN.

The bill (H. R. 9944) granting an increase of pension to Thomas J. Martin was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "twenty" and insert "thirty;" so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas J. Martin, late of Company D, Thirtieth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

ABRAM J. HILL.

The bill (H. R. 10872) granting an increase of pension to Abram J. Hill was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Abram J. Hill, late of Company H, One hundred and ninety-fourth Regiment Ohio Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN J. BREWER.

The bill (H. R. 10611) granting a pension to John J. Brewer was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John J. Brewer, late second lieutenant Company A, Tenth Regiment Tennessee Volunteer Infantry, and to pay him a pension of $15 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JACOB M. LONGSWORTH.

The bill (H. R. 9416) granting an increase of pension to Jacob M. Longsworth was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jacob M. Longsworth, late of Company D, Eighty-first Regiment Ohio Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN KELLER.

The bill (H. R. 8926) granting an increase of pension to John Keller was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Keller, late of Company E, Twenty-fourth Regiment New Jersey Volunteer Infantry, and to pay him a pension of $36 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PHILIP B. THOMPSON.

The bill (H. R. 8847) granting an increase of pension to Philip B. Thompson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Philip B. Thompson, late captain Company C, Second Regiment Kentucky Volunteer Infantry, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS TODD.

The bill (H. R. 8846) granting an increase of pension to Thomas Todd was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas Todd, late captain Company I, Third Regiment Kentucky Volunteer Infantry, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

S. HARRIET MORRIS.

The bill (H. R. 7838) granting an increase of pension to S. Harriet Morris was considered as in Committee of the Whole. It proposes to place on the pension roll the name of S. Harriet Morris, widow of Caleb M. Morris, late captain Company C, One hundred and ninety-third Regiment Ohio Volunteer Infantry, and to pay her a pension of $20 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EVA B. KOCH.

The bill (H. R. 6859) granting a pension to Eva B. Koch was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Eva B. Koch, widow of Christian Koch, alias Christian Cook, late of Company E, Seventh Regiment United States Infantry, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS J. STEVENS.

The bill (H. R. 6613) granting a pension to Thomas J. Stevens was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas J. Stevens, late of Company D, Third Regiment Kentucky Volunteer Infantry, war with Spain.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANNA M. CASE.

The bill (H. R. 6076) granting a pension to Anna M. Case was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Anna M. Case, dependent mother of Charles C. Case, late of Company K, First Regiment United States Cavalry, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE W. BRUMMETT.

The bill (H. R. 7576) granting an increase of pension to George W. Brummett was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George W. Brummett, late of Company H, Twelfth Regiment Kentucky Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANDREW M. DUNHAM.

The bill (H. R. 7001) granting an increase of pension to Andrew M. Dunham was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Andrew M. Dunham, late of Company F, Eighty-sixth Regiment New York

Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES WHITE.

The bill (S. 218) granting an increase of pension to James White was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James White, late of Battery H, Fourth Regiment United States Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JONATHAN F. GATES.

The bill (S. 220) granting an increase of pension to Jonathan F. Gates was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jonathan F. Gates, late of Company C, Twenty-seventh Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BRIDGET EVANS.

The bill (S. 623) granting an increase of pension to Bridget Evans was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "twenty-five" and insert "twelve;" so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Bridget Evans, widow of James Evans, late of Company D, Tenth Regiment Tennessee Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JAMES M. CONRAD.

The bill (S. 641) granting an increase of pension to James M. Conrad was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "twenty-five" and insert "twenty-four;" so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James M. Conrad, late of Company H, Forty-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FREDERICK W. PARTRIDGE.

The bill (S. 1834) granting an increase of pension to Frederick W. Partridge was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "late," to strike out "of the" and insert "acting master;" and in line 7, after the word "of," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Frederick W. Partridge, late acting master, United States Navy, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ASHLEY A. YOUMANS.

The bill (S. 2332) granting an increase of pension to Ashley A. Youmans was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Ashley A. Youmans, late of Company G, Ninth Regiment New York Volunteer Heavy Artillery, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HERMAN A. KIMBALL.

The bill (H. R. 9142) granting an increase of pension to Herman A. Kimball was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Herman A. Kimball, late of Company G, Fifty-ninth and Fifty-seventh Regiments Massachusetts Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE H. RICE.

The bill (H. R. 6538) granting an increase of pension to George H. Rice was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George H. Rice, late of Company D, One hundred and thirty-fourth Regiment Illinois Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALFRED S. ISAACS.

The bill (H. R. 6977) granting an increase of pension to Alfred S. Isaacs was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Alfred S. Isaacs, late of Company G, Ninety-fifth Regiment New York Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY ANN GAUNT.

The bill (H. R. 10439) granting an increase of pension to Mary Ann Gaunt was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary Ann Gaunt, widow of James M. Gaunt, late of Company B, Second Regiment Illinois Volunteer Infantry, war with Mexico, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM H. MORRIS.

The bill (H. R. 10266) granting an increase of pension to William H. Morris was considered as Committee of the Whole. It proposes to place on the pension roll the name of William H. Morris, late of Company E, Second Regiment Kansas Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LEOLA V. FRANKS.

The bill (H. R. 4826) granting a pension to Leola V. Franks was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Leola V. Franks, widow of Thomas B. Franks, late captain Company E, Fifth Regiment United States Volunteer Infantry, war with Spain, and to pay her a pension of $20 per month and $2 per month additional on account of the minor child of said Thomas B. Franks until he reaches the age of 16 years.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LEMUEL HERBERT.

The bill (H. R. 11160) granting an increase of pension to Lemuel Herbert was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Lemuel Herbert, late of Company D, Tenth Regiment Minnesota Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LEWIS PRATT.

The bill (H. R. 11144) granting an increase of pension to Lewis Pratt was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Lewis Pratt, late of Company K, Thirty-ninth Regiment Indiana Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSIAH NICHOLSON.

The bill (H. R. 9789) granting an increase of pension to Josiah Nicholson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Josiah Nicholson, late of Company A, One hundred and twentieth Regiment Illinois Volunteer Infantry, and to pay him a pension of $40 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLES WASHBURN.

The bill (H. R. 6947) granting an increase of pension to Charles Washburn was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles Washburn, late first lieutenant Company A, Thirty-fifth Regiment Iowa Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANGEL HAUSKER.

The bill (H. R. 8044) granting an increase of pension to Angel Hausker was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Angel Hausker, late of Company E, Seventh Regiment Minnesota Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LAFAYETTE DODDS.

The bill (H. R. 8043) granting an increase of pension to Lafayette Dodds was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Lafayette Dodds, late of Company K, Eighth Regiment Ohio Volunteer Cavalry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WESLEY J. BANKS.

The bill (H. R. 7665) granting an increase of pension to Wesley J. Banks was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Wesley J. Banks, late of Company A, First Regiment Indiana Volunteer Infantry, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM J. CHENOWETH.

The bill (H. R. 10362) granting an increase of pension to William J. Chenoweth was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William J. Chenoweth, late surgeon Thirty-fifth Regiment Illinois Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANNIE M. SMITH.

The bill (H. R. 7607) granting an increase of pension to Annie M. Smith was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Annie M. Smith, widow of George F. Smith, late of Company E, Sixteenth Regiment New Hampshire Volunteer Infantry, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GLAWVINA A. PINNELL.

The bill (H. R. 7240) granting a pension to Glawvina A. Pinnell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Glawvina A. Pinnell, widow of Willis O. Pinnell, late captain Company H, Seventy-ninth Regiment Illinois Volunteer Infantry, and to pay her a pension of $20 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SAMUEL O'TOOL.

The bill (H. R. 7231) granting an increase of pension to Samuel O'Tool was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Samuel O'Tool, late of Company C, One hundred and twenty-fifth Regiment Illinois Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALICE GEARKEE.

The bill (H. R. 6941) granting an increase of pension to Alice Gearkee was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Alice Gearkee, widow of John H. Gearkee, late captain Company B, and major, Twenty-second Regiment Iowa Volunteer Infantry, and to pay her a pension of $25 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY DUFFY.

The bill (H. R. 6992) granting an increase of pension to Mary Duffy was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary Duffy, widow of Michael Duffy, late of Company G, Seventy-third Regiment New York Volunteer Infantry, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JONATHAN CARR.

The bill (H. R. 8288) granting an increase of pension to Jonathan Carr was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jonathan Carr, late first lieutenant and captain Company I, First Regiment Ohio Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN C. MESSERSCHMIDT.

The bill (H. R. 8596) granting an increase of pension to John C. Messerschmidt was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John C. Messerschmidt, late captain Company E, Fifty-second Regiment New York Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CARLON B. OSBORN.

The bill (H. R. 7941) granting an increase of pension to Carlon B. Osborn was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Carlon B. Osborn, late hospital steward, First Regiment Missouri State Militia Volunteer Cavalry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN DOLAN.

The bill (H. R. 8253) granting an increase of pension to John Dolan was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Dolan, late of Company A, and second lieutenant Company C, First Regiment New York Volunteer Mounted Rifles, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM H. FLINT.

The bill (H. R. 10722) granting an increase of pension to William H. Flint was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William H. Flint, late of Company B, One hundred and fifteenth Regiment New York Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NATHAN W. JOSSELYN.

The bill (H. R. 10918) granting an increase of pension to Nathan W. Josselyn was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Nathan W. Josselyn, late of Company H, Third Regiment Massachusetts Volunteer Cavalry, and second lieutenant Company

C, Seventy-fifth Regiment United States Colored Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES F. HUBBARD.

The bill (S. 672) granting an increase of pension to James F. Hubbard was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James F. Hubbard, late of Company K, Second Regiment Wisconsin Volunteer Cavalry, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ULRIKA BOTTCHER.

The bill (S. 675) granting a pension to Ulricke Boettcher was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, before the word "widow," to strike out "Ulricke Boettcher" and insert "Ulrika Bottcher;" and in line 7, before the word "late," to strike out "Boettcher" and insert "Bottcher;" so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ulrika Bottcher, widow of John Bottcher, late of Company B, Forty-fourth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $8 per month.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting a pension to Ulrika Bottcher."

RICHARD PHILLIPS, JR.

The bill (H. R. 6962) granting an increase of pension to Richard Phillips, jr., was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Richard Phillips, jr., late of Company B, Eighth Regiment Massachusetts Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SION B. GLAZNER.

The bill (H. R. 11096) granting an increase of pension to Sion B. Glazner was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Sion B. Glazner, late of Captain Killion's company, North Carolina Volunteers, Cherokee Indian disturbance, and to pay him a pension of $16 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES WILKINSON.

The bill (H. R. 10552) granting an increase of pension to James Wilkinson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James Wilkinson, late of Captain Ross's company, Texas Volunteer Mounted Infantry, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EZEKIAL POLK.

The bill (H. R. 10551) granting an increase of pension to Ezekial Polk was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Ezekial Polk, late of Company E, Third Regiment United States Dragoons, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN G. HARRIS.

The bill (H. R. 9579) granting an increase of pension to John G. Harris was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John G. Harris, late of Company G, Second Regiment Texas Mounted Volunteers, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN F. CLULEY.

The bill (H. R. 10521) granting an increase of pension to John F. Cluley was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John F. Cluley, late of Battery F, Second Regiment Illinois Volunteer Light Artillery, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

VOLLIE A. M'MILLEN.

The bill (H. R. 9253) granting a pension to Vollie A. McMillen was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Vollie A. McMillen, widow of Newton D. McMillen, late of Captain Highsmith's company, Texas Mounted Volunteers, war with Mexico, and to pay her a pension of $8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN J. MEELER.

The bill (H. R. 7636) granting a pension to John J. Meeler was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John J. Meeler, late of Company L, Second Regiment Arkansas Volunteer Infantry, war with Spain.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM HOLLAND.

The bill (H. R. 7599) granting an increase of pension to William Holland was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William Holland, late of Company D, First Regiment Arkansas Mounted Infantry Volunteers, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN WELCH.

The bill (H. R. 7600) granting an increase of pension to John Welch was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Welch, late of Company C, Bell's regiment, Texas Mounted Riflemen, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN SARVIS.

The bill (H. R. 6993) granting an increase of pension to John Sarvis was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Sarvis, late of Fourth Battery, Indiana Volunteer Light Artillery, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HARRIET E. ST. JOHN.

The bill (H. R. 11630) granting a pension to Harriet E. St. John was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Harriet E. St. John, widow of Thomas H. St. John, late of Company D, Fifteenth Regiment Illinois Volunteer Infantry, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARTHA E. HALLOWELL.

The bill (H. R. 12054) granting an increase of pension to Martha E. Hallowell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Martha E. Hallowell, widow of William Hallowell, late of Company K, First Regiment Massachusetts Volunteers, war with Mexico, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ROBERT C. GREGG.

The bill (S. 3156) to grant an honorable discharge from the military service to Robert C. Gregg was considered as in Committee of the Whole. It authorizes the Secretary of War to review and to revoke the order dismissing Robert C. Gregg from the service as a first lieutenant of the Forty-ninth Regiment United States Volunteer Infantry, and to issue a certificate of honorable discharge for him to date from the 31st day of March, 1900, and that said Gregg shall thereafter be held and

considered to have been honorably discharged from the military service of the United States on said date; but no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CHARLES W. HOWARD.

The bill (S. 2484) for the relief of Charles W. Howard was considered as in Committee of the Whole. It provides that Charles W. Howard shall be held and considered to have been honorably discharged, upon tender of his resignation on account of disability, from the military service of the United States as a second lieutenant of the Second Regiment Missouri Artillery Volunteers, on the 10th day of December, 1863.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM B. M'CLOY.

The bill (S. 3411) to remove the charge of desertion from the military record of William B. McCloy was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with an amendment, to add at the end the following proviso:

*Provided*, That no pay, bounty, or other emoluments shall accrue by reason of this act.

So as to make the bill read:

*Be it enacted, etc.*, That the Secretary of War be, and he is hereby, authorized and directed to remove the charge of desertion standing against the name of William B. McCloy, formerly a private in Company F, One hundred and nineteenth Pennsylvania Volunteer Infantry, to amend his military record accordingly, and to grant to said William B. McCloy an honorable discharge: *Provided*, That no pay, bounty, or other emoluments shall accrue by reason of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PETER GREEN.

The bill (S. 660) granting an honorable discharge to Peter Green was considered as in Committee of the Whole. It directs the Secretary of War to correct the military record of and grant an honorable discharge to Peter Green, late a member of the Sixth Wisconsin Battery Light Artillery Volunteers, and now a resident of Harvard, Nebr.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PETER FLEMING.

The bill (S. 1925) granting an honorable discharge to Peter Fleming was considered as in Committee of the Whole. It directs the Secretary of War to grant an honorable discharge to Peter Fleming, late of Battery E, Third Artillery.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ASHER S. BOUDEN.

The bill (H. R. 9051) granting an increase of pension to Asher S. Bouden was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Asher S. Bouden, late of Company D, Ninety-first Regiment Illinois Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM H. LORANCE.

The bill (H. R. 8944) granting an increase of pension to William H. Lorance was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William H. Lorance, late of Company C, Fifth Regiment Tennessee Volunteer Infantry, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

STOUT SHEARER.

The bill (H. R. 8794) granting an increase of pension to Stout Shearer was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Stout Shearer, late of Company G, One hundred and twenty-second Regiment United States Colored Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSEPH BAILEY.

The bill (H. R. 6516) granting an increase of pension to Joseph Bailey was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joseph Bailey, late of Company E, Forty-fifth Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLES R. ELLIS.

The bill (H. R. 7224) granting an increase of pension to Charles R. Ellis was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles R. Ellis, late of Company E, One hundred and forty-ninth Regiment Indiana Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY P. JOHANNES.

The bill (S. 4159) granting an increase of pension to Mary P. Johannes was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 9, before the word "dollars," to strike out "forty" and insert "thirty;" so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary P. Johannes, widow of John G. Johannes, late lieutenant-colonel Eighth Regiment and colonel Eleventh Regiment Maryland Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JACOB RICH.

The bill (H. R. 4685) granting an increase of pension to Jacob Rich was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jacob Rich, late of Company K, Sixty-seventh Regiment Indiana Volunteer Infantry, and to pay him a pension of $36 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM J. STURGIS.

The bill (H. R. 4962) granting an increase of pension to William J. Sturgis was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William J. Sturgis, late sergeant-major Fifth Regiment Minnesota Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

STEPHEN DICKERSON.

The bill (H. R. 4741) granting an increase of pension to Stephen Dickerson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Stephen Dickerson, late of Company C, Seventh Regiment Pennsylvania Volunteer Cavalry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANDREW J. HULL, ALIAS SPENCER J. HULL.

The bill (H. R. 8918) granting an increase of pension to Andrew J. Hull, alias Spencer J. Hull, was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Andrew J. Hull, alias Spencer J. Hull, late of Company H, Second Regiment Illinois Volunteer Light Artillery, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ADELLE D. IRWIN.

The bill (S. 2142) granting an increase of pension to Adella D. Irwin was considered as in Committe of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Adelle D. Irwin, widow of David A. Irwin, late first lieutenant, Fourth Regiment United States

Cavalry, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Adelle D. Irwin."

ANDREW RICKETTS.

The bill (H. R. 10269) granting an increase of pension to Andrew Ricketts was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Andrew Ricketts, late of Company B, First Regiment Potomac Home Brigade, Maryland Volunteer Infantry, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NATHAN C. BRADLEY.

The bill (H. R. 12027) granting an increase of pension to Nathan C. Bradley was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Nathan C. Bradley, late of Company K, One hundred and forty-fourth Regiment New York Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PHILIPP CLINE, ALIAS FRANCIS KLEIN.

The bill (H. R. 8216) granting an increase of pension to Philipp Cline, alias Francis Klein, was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Philipp Cline, alias Francis Klein, late musician, Twelfth Regiment United States Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM A. M'DONALD.

The bill (H. R. 9234) granting an increase of pension to William A. McDonald was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William A. McDonald, late of Company A, Second Regiment New York Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MATTHEW A. KNIGHT.

The bill (H. R. 10175) granting an increase of pension to Matthew A. Knight was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Matthew A. Knight, late of Capt. George Holmes's independent company Florida Volunteers, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS J. DAVIES.

The bill (S. 4286) granting an increase of pension to Thomas J. Davis was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, before the word "late," to strike out the name "Davis" and insert "Davies;" and in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas J. Davies, late of Company D, Second Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to make the bill read: "A bill granting an increase of pension to Thomas J. Davies."

DANIEL D. NASH.

The bill (S. 3751) granting an increase of pension to Daniel D. Nash was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "fifty" and insert "thirty;" so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Daniel D. Nash, late major, One hundredth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

AMANDA L. HILL.

The bill (H. R. 1979) granting an increase of pension to Amanda L. Hill was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Amanda L. Hill, widow of James M. Hill, late second lieutenant Company K, One hundred and fifteenth Regiment New York Volunteer Infantry, and to pay her a pension of $15 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EMORY EDWARD PATCH.

The bill (H. R. 9795) granting an increase of pension to Emory Edward Patch was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Emory Edward Patch, late of Company E, Thirty-third Regiment Wisconsin Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HARRY C. THORNE.

The bill (H. R. 1978) granting an increase of pension to Harry C. Thorne was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Harry C. Thorne, late of Company C, One hundred and fifteenth Regiment New York Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM HOUSE.

The bill (H. R. 1975) granting an increase of pension to William House was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William House, late of Company E, Twenty-first Regiment New York Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHAUNCEY P. DEAN.

The bill (H. R. 2954) granting an increase of pension to Chauncey P. Dean was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Chauncey P. Dean, late of the United States steamship *Tecumseh*, United States Navy, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS O'CONNOR.

The bill (S. 861) granting an increase of pension to Thomas O'Connor was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas O'Connor, late of Company D, Second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DAVID D. GRIFFITH.

The bill (S. 162) granting an increase of pension to David D. Griffith was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of David D. Griffith, late of Company H, Twenty-first Regiment Iowa Volunteer

Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN L. CLARK.

The bill (S. 2393) granting an increase of pension to John L. Clark was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the word "of," where it occurs the second time, to strike out "Company" and insert "Battery;" so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John L. Clark, late of Battery C, First Regiment Illinois Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DANIEL WOOLLEY.

The bill (S. 3242) granting an increase of pension to Daniel Woolley was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Daniel Woolley, late of Company C, Eighty-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HENRY H. HILL.

The bill (S. 555) granting an increase of pension to Henry H. Hill was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "fifty" and insert "thirty;" so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry H. Hill, late sergeant-major, and second lieutenant Company B, Fourteenth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

RICHARD T. FRIED.

The bill (S. 859) granting an increase of pension to Richard T. Fried was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Richard T. Fried, late of Company A, Forty-sixth Regiment Indiana Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HENRY RUSSELL.

The bill (S. 165) granting an increase of pension to Henry Russell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Henry Russell, late of Company M, Eleventh Regiment Missouri Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PETER BURNS.

The bill (S. 1251) granting an increase of pension to Peter Burns was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Peter Burns, late of Company H, Second Regiment Pennsylvania Reserves Volunteer Infantry, and U. S. S. Wabash, Saratoga, and Vermont, United States Navy, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM F. WILSON.

The bill (S. 1246) granting an increase of pension to William F. Wilson was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William F. Wilson, late of Company H, Fifth Regiment Pennsylvania Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ELIJAH J. SNODGRASS.

The bill (H. R. 4957) granting an increase of pension to Elijah J. Snodgrass was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Elijah J. Snodgrass, late of U. S. S. *Mound City*, United States Navy, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SAMUEL JESTER.

The bill (H. R. 3966) granting an increase of pension to Samuel Jester was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Samuel Jester, late of Company H, Fortieth Regiment Indiana Volunteer Infantry, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MATTIE SETTLEMIRE.

The bill (H. R. 2108) granting a pension to Mattie Settlemire was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mattie Settlemire, widow of John W. Settlemire, late of Company B, Seventh Regiment Tennessee Volunteer Cavalry, and to pay her a pension of $8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DANIEL HAYS.

The bill (H. R. 2116) granting an increase of pension to Daniel Hays was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Daniel Hays, late of Company B, Fourteenth Regiment United States Infantry, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BENJAMIN F. BIBB.

The bill (H. R. 2114) granting an increase of pension to Benjamin F. Bibb was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Benjamin F. Bibb, late of Company B, Second Regiment Tennessee Volunteers, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SARAH A. CHAUNCEY.

The bill (H. R. 8939) granting an increase of pension to Sarah A. Chauncey was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Sarah A. Chauncey, widow of John D. P. A. M. Chauncey, late second lieutenant Company B, Third Regiment Indiana Volunteer Infantry,

war with Mexico, and captain Company D, Thirteenth Regiment Indiana Volunteer Infantry, and to pay her a pension of $16 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RACHEL E. WARE.

The bill (H. R. 2156) granting an increase of pension to Rachel E. Ware was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Rachel E. Ware, widow of James Ware, late captain Company E, Tenth Regiment Tennessee Volunteer Cavalry, and to pay her a pension of $16 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM M. SHULTZ.

The bill (H. R. 1889) granting an increase of pension to William M. Shultz was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William M. Shultz, late of Company B, Twelfth Regiment Tennessee Volunteer Cavalry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GILBERT FORD.

The bill (H. R. 1902) granting an increase of pension to Gilbert Ford was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Gilbert Ford, late of Company E, Third Regiment Tennessee Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN T. M'GARRAUGH.

The bill (S. 4381) granting an increase of pension to John T. McGarraugh was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John T. McGarraugh, late of Company E, Fourteenth Regiment Iowa Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

AURELIA COTTEN.

The bill (S. 4380) granting a pension to Amelia Cotten was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Aurelia Cotten, dependent mother of Theodore L. Cotten, late of Company B, Seventh Regiment, and Company C, Fourteenth Regiment, Iowa Volunteer Infantry; Isaac S. Cotten, late of Company A, Twenty-seventh Regiment, and Company K, Twelfth Regiment, Iowa Volunteer Infantry; Gaylord M. Cotten, late of Company I, Third Regiment Iowa Volunteer Infantry, and Charles M. Cotten, late of Company I, Third Regiment, and Company F, Second Regiment, Iowa Volunteer Infantry, and pay her a pension at the rate of $24 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting a pension to Aurelia Cotten."

MARY C. DUANE.

The bill (S. 446) granting an increase of pension to Mary C. Duane was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 8, before the word "dollars," strike out "thirty" and insert "twenty;" and in line 9, after the word "receiving," to insert the following proviso:

*Provided*, That in the event of the death of Frank Duane, imbecile and dependent child of said Daniel J. Duane, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Mary C. Duane the name of the said Frank Duane shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month from and after the date of death of said Mary C. Duane;

So as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary C. Duane, widow of Daniel J. Duane, late first lieutenant Company A, Third Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Frank Duane, imbecile and dependent child of said Daniel J. Duane, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Mary C. Duane, the name of the said Frank Duane shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month from and after the date of death of said Mary C. Duane.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LENA SHERMAN.

The bill (S. 3472) granting an increase of pension to Lena Sherman was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "late," to strike out the word "of" and insert "second lieutenant and captain;" and in line 9, before the word "dollars," to strike out "thirty" and insert "twenty;" so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lena Sherman, widow of Buren R. Sherman, late second lieutenant and captain Company E, Thirteenth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CHARLES S. PARRISH.

The bill (S. 4006) granting an increase of pension to Charles S. Parrish was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "Regiment," to insert "and colonel One hundred and thirtieth Regiment;" and in line 8, after the words "rate of," to strike out "fifty" and insert "forty;" so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles S. Parrish, late major, Eighth Regiment and colonel One hundred and thirtieth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DAVID W. MAGEE.

The bill (S. 2216) granting an increase of pension to David W. Magee was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of David W. Magee, late of Company F, First Regiment Indiana Volunteers, war with Mexico, and lieutenant-colonel Eighty-sixth Regiment Illinois Volunteer Infantry, and colonel Forty-seventh Regiment Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

OLIVER BRENTON.

The bill (S. 3640) granting an increase of pension to Oliver Brenton was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Oliver Brenton, late of Company F, Third Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CHARLES L. NOGGLE.

The bill (S. 2473) granting an increase of pension to Charles L. Noggle was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles L. Noggle, late of Twelfth Independent Battery Wisconsin Light Artillery, and first lieutenant, Second Regiment United States Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN J. BUFFINGTON.

The bill (S. 2182) granting an increase of pension to John J. Buffington was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John J. Buffington, late of Company E, First Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

GEORGE N. DUTCHER.

The bill (H. R. 1585) granting an increase of pension to George N. Dutcher was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George N. Dutcher, late captain Company I, Fifth Regiment Michigan Volunteer Cavalry, and to pay him a pension of $40 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SUSAN J. WILLIAMS.

The bill (H. R. 1485) granting an increase of pension to Susan J. Williams was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Susan J. Williams, widow of James H. Williams, late of Company G, Ninth Regiment New Jersey Volunteer Infantry, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSEPHINE E. QUENTIN.

The bill (H. R. 1483) granting an increase of pension to Josephine E. Quentin was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Josephine E. Quentin, widow of Julius E. Quentin, late first lieutenant, Fourteenth Regiment, United States Infantry, and to pay her a pension of $25 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN L. LOVELL.

The bill (H. R. 1484) granting an increase of pension to John L. Lovell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John L. Lovell, late of Company D, One hundred and seventh Regiment New York Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JACOB C. RARDIN.

The bill (H. R. 6085) granting an increase of pension to Jacob C. Rardin was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jacob C. Rardin, late of Company F, Second Regiment West Virginia Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HENRY G. GARDNER.

The bill (H. R. 5692) granting an increase of pension to Henry G. Gardner was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Henry G. Gardner, late captain Company F and lieutenant-colonel Fourteenth Regiment Kentucky Volunteer Infantry, and to pay him a pension of $36 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PETER CLINE.

The bill (H. R. 13536) granting an increase of pension to Peter Cline was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Peter Cline, late of Company H, Thirty-ninth Regiment Kentucky Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ASA M. FOOTE.

The bill (H. R. 2478) granting an increase of pension to Asa M. Foote was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Asa M. Foote, late of Company A, Ninth Regiment New York Volunteer Cavalry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PETER D. SUTTON.

The bill (H. R. 2595) granting an increase of pension to Peter D. Sutton was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Peter D. Sutton, late of Company H, One hundred and thirteenth Regiment Illinois Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MORRIS OSBORN.

The bill (H. R. 3502) granting a pension to Morris Osborn was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Morris Osborn, dependent father of William L. Osborn, late first lieutenant Company B, Eleventh Regiment Michigan Volunteer Cavalry, and Company G, Eighth Regiment Michigan Volunteer Cavalry, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM M. MARTIN.

The bill (H. R. 3500) granting an increase of pension to William M. Martin was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William M. Martin, late of U. S. S. *Great Western*, United States Navy, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES H. KANE.

The bill (S. 187) granting an increase of pension to James H. Kane was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James H. Kane, late first lieutenant Company I, First Regiment Connecticut Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EVERETT S. FITCH.

The bill (S. 3475) granting an increase of pension to Everett S. Fitch was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Everett S. Fitch, late first lieutenant Company C, Fifth Regiment New Hampshire Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ARTHUR THOMPSON.

The bill (S. 1889) granting an increase of pension to Arthur Thompson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Arthur Thompson, late of Company D, Eleventh Regiment New Hampshire Volunteer Infantry, and captain and assistant quartermaster, United States Volunteers, war with Spain, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LEVI A. TRIPP.

The bill (S. 17) granting an increase of pension to Levi A. Tripp was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Levi A. Tripp, late of Company C, Thirtieth Regiment Maine Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOHN E. WOODSUM.

The bill (S. 1011) granting an increase of pension to John E. Woodsum was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John E. Woodsum, late of Company K, Eighth Regiment Vermont Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

NORMAN W. LOMBARD.

The bill (S. 4096) granting an increase of pension to Norman W. Lombard was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Norman W. Lombard, late of Company C, Fourth Regiment Vermont Volunteer Infantry, and to pay him a pension of $72 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

GEORGE L. COOLEY.

The bill (S. 784) granting an increase of pension to George L. Cooley was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George L. Cooley, late of Company F, Tenth Regiment Connecticut Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LEVI E. CROSS.

The bill (S. 1418) granting an increase of pension to Levi E. Cross was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Levi E. Cross, late of Company A, Eighth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN O. THORN.

The bill (S. 3036) granting an increase of pension to John O. Thorn was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, after the word "Infantry," to insert "and One hundred and fourteenth Company, Second Battalion, Veteran Reserve Corps;" so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John O. Thorn, late of Company F, Thirtieth Regiment Maine Volunteer Infantry, and One hundred and fourteenth Company, Second Battalion, Veteran Reserve Corps, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ALBERT C. ANDREWS.

The bill (S. 2344) granting an increase of pension to Albert C. Andrews was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "sixty-one" and insert "fifty-five;" so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Albert C. Andrews, late of Company H, Thirty-second Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $55 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

THEODORE H. HANSON.

The bill (S. 716) granting an increase of pension to Theodore H. Hanson was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Theodore H. Hanson, late of Company K, Twenty-fifth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CHARLES A. FAY.

The bill (S. 836) granting an increase of pension to Charles A. Fay was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles A. Fay, late of Company H, Fifth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SARGENT R. EMERSON.

The bill (S. 3575) granting an increase of pension to Sargent R. Emerson was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, after the word "of," to strike out "fifty" and insert "twenty-four;" so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sargent R. Emerson, late of Company C, Thirteenth Regiment, and Company E, Seventeenth Regiment, Vermont Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JULIUS T. WILLIAMSON.

The bill (S. 4097) granting an increase of pension to Julius T. Williamson was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the word "Companies," to strike out "A and B" and insert "B and A;" so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Julius T. Williamson, late of Companies B and A, Fifth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LIZZIE M. M'LAUCHLAN.

The bill (S. 712) granting an increase of pension to Lizzie M. McLauchlan was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, after the word "of," to insert "U. S. S. Ohio, San Jacinto, and Sassacus;" so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lizzie M. McLauchlan, widow of George H. McLauchlan, late of U. S. S. Ohio,

San Jacinto, and Sassacus, United States Navy, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HENRY D. HALL.

The bill (S. 3043) granting an increase of pension to Henry D. Hall was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, after the word "Infantry," to insert "and first lieutenant and captain, United States Revenue Marine Service;" and in line 9, before the word "dollars," to strike out "fifty" and insert "forty;" so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry D. Hall, late of Company A, First Regiment Maine Volunteer Infantry, and first lieutenant and captain, United States Revenue Marine Service, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM A. EGGLESTON.

The bill (S. 842) granting an increase of pension to William A. Eggleston was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 8, after the word "First," to insert "Regiment;" in the same line, after the word "Vermont," to insert "Volunteer;" and in line 9, before the word "dollars," to strike out "fifty" and insert "thirty;" so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William A. Eggleston, late of Company E, Fifteenth Regiment Vermont Volunteer Infantry, and Company A, First Regiment Vermont Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN C. ESTES.

The bill (S. 1665) granting an increase of pension to John C. Estes was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, before the word "Massachusetts," to strike out "Eleventh Unattached Company" and insert "Company L, Fourth Regiment;" in the same line, after the word "Volunteer," to strike out "Infantry" and insert "Heavy Artillery;" and in line 9, before the word "dollars," to strike out "fifty" and insert "thirty;" so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John C. Estes, late of Company L, Fourth Regiment Massachusetts Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BARNEY M'GIRL.

The bill (S. 4337) granting an increase of pension to Barney McGirl was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Barney McGirl, late of Company I, Second Regiment Kansas Volunteer Infantry, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JAMES LEBO.

The bill (S. 3588) granting an increase of pension to James Lebo was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, after the word "of," to strike out "fifty" and insert "thirty;" so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James Lebo, late of Company C, Ninth Regiment Kansas Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

NANCY A. TEETERS.

The bill (S. 3224) granting a pension to Nancy A. Teeters was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, after the word "Regiment," to insert "and Company F, Eighty-seventh Regiment;" and in line 9, before the word "dollars," to strike out "twenty" and insert "eight;" so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Nancy A. Teeters, widow of John Teeters, late of Company A, Eighty-fourth Regiment, and Company F, Eighty-seventh Regiment, Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $8 per month.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN HARPER.

The bill (S. 3187) granting a pension to John Harper was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the word "late," to strike out "of Company" and insert "unassigned;" so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Harper, late unassigned, One hundred and forty-ninth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ADAM COOK.

The bill (H. R. 11320) granting an increase of pension to Adam Cook was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Adam Cook, late of Company F, One hundred and forty-second Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EGBERT P. SHETTER.

The bill (H. R. 11561) granting an increase of pension to Egbert P. Shetter was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Egbert P. Shetter, late of Company F, First Regiment West Virginia Volunteer Infantry, and second lieutenant Company F, Second Regiment West Virginia Veteran Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NICHOLAS HERCHERBERGER.

The bill (H. R. 10297) granting an increase of pension to Nicholas Hercherberger was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Nicholas Hercherberger, late of Company F, Eighty-eighth Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LEMUEL P. WILLIAMS.

The bill (H. R. 3483) granting an increase of pension to Lemuel P. Williams was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Lemuel P. Williams, late of Companies F and D, Thirty-first Regiment Massachusetts Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DAVID F. M'DONALD.

The bill (H. R. 3552) granting an increase of pension to David F. McDonald was considered as in Committee of the Whole. It proposes to place on the pension roll the name of David F. McDonald, late of Company D, Third Battalion, Fifteenth Regiment United States Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSIAH M. GRIER.

The bill (H. R. 3544) granting an increase of pension to Josiah M. Grier was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Josiah M. Grier, late of Company I, Eighty-second Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES R. TODD.

The bill (H. R. 3193) granting an increase of pension to James R. Todd was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James R. Todd, late of Company F, Forty-sixth Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of $36 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HENRY V. HAMENSTAEDT.

The bill (S. 3315) granting an increase of pension to Henry V. Hamenstaedt was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "fifty" and insert "thirty;" so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry V. Hamenstaedt, late of Company A, Second Regiment Missouri Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ISAAC P. KNIGHT.

The bill (H. R. 3973) granting an increase of pension to Isaac P. Knight was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Isaac P. Knight, late second lieutenant Battery B, First Regiment Tennessee Volunteer Light Artillery, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES W. STELL.

The bill (H. R. 2306) granting an increase of pension to James W. Stell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James W. Stell, late of Capt. J. S. Gillett's company, Texas Mounted Riflemen, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE W. ADAMSON.

The bill (H. R. 2949) granting an increase of pension to George W. Adamson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George W. Adamson, late of Company C, Twenty-fourth Regiment Missouri Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM H. BYNON.

The bill (H. R. 5909) granting an increase of pension to William H. Bynon was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William H. Bynon, late of Company A, Ninety-eighth Regiment Ohio Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HARRY W. OMO.

The bill (H. R. 6400) granting a pension to Harry W. Omo was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Harry W. Omo, late of Provisional Company F, First Regiment Colorado Volunteer Infantry, war with Spain, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DAVID HANNA.

The bill (H. R. 6399) granting an increase of pension to David Hanna was considered as in Committee of the Whole. It proposes to place on the pension roll the name of David Hanna, late of Company G, One hundred and twenty-ninth Regiment Illinois Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE W. HENRY.

The bill (H. R. 6398) granting an increase of pension to George W. Henry was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George W. Henry, late captain Company D, Eleventh Regiment Missouri Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSEPH JONES MARTIN.

The bill (H. R. 2307) granting an increase of pension to Joseph Jones Martin was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joseph Jones Martin, late of Company F, Thirteenth Regiment United States Infantry, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CATHERINE B. CASEY.

The bill (H. R. 9530) granting a pension to Catherine B. Casey was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Catherine B. Casey, widow of William J. Casey, late of Company I, First Regiment Missouri Volunteer Infantry, war with Spain, and to pay her a pension of $12 per month, and $2 per month additional on account of the minor child of said William J. Casey until he reaches the age of 16 years.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSEPH E. STINES.

The bill (S. 2950) granting an increase of pension to Joseph E. Stines was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joseph E. Stines, late of Company C, Second Regiment North Carolina Volunteer Mounted Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

AUGUSTUS WALKER.

The bill (H. R. 12640) granting an increase of pension to Augustus Walker was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Augustus Walker, late of Company C, Fourth Regiment United States Artillery, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN C. CAVANAUGH, ALIAS JOHN CARPENTER.

The bill (H. R. 4192) granting an increase of pension to John C. Cavanaugh, alias John Carpenter, was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John C. Cavanaugh, alias John Carpenter, late of Company E, Thirty-seventh Regiment Illinois Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ISAIAH QUEMAN.

The bill (H. R. 6408) granting an increase of pension to Isaiah Queman was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Isaiah Queman, late of Company D, Forty-first Regiment United States

Colored Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALBERT M. HUNTER.

The bill (H. R. 3679) granting an increase of pension to Albert M. Hunter was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Albert M. Hunter, late captain Company C, First Regiment Potomac Home Brigade Maryland Volunteer Cavalry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JESSE HARRISON.

The bill (H. R. 2849) granting an increase of pension to Jesse Harrison was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jesse Harrison, late of Company A, First Regiment North Carolina Volunteer Infantry, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM MONTEITH.

The bill (H. R. 8213) granting an increase of pension to William Monteith was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William Monteith, late of Company K, Forty-eighth Regiment Wisconsin Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NATHANIEL BUCHANAN.

The bill (H. R. 2174) granting an increase of pension to Nathaniel Buchanan was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Nathaniel Buchanan, late of Company C, Fifth Regiment New Jersey Volunteer Infantry, and to pay him a pension of $36 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SAMUEL P. CARLL.

The bill (H. R. 5028) granting an increase of pension to Samuel P. Carll was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Samuel P. Carll, late of Company I, One hundred and sixty-seventh Regiment Ohio Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LEWIS L. DAUGHERTY.

The bill (H. R. 3315) granting an increase of pension to Lewis L. Daugherty was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Lewis L. Daugherty, late of Company K, Forty-eighth Regiment Indiana Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FELIX G. STIDGER.

The bill (H. R. 650) granting an increase of pension to Felix G. Stidger was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Felix G. Stidger, late of Company E, Fifteenth Regiment Kentucky Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLES FALBISANER.

The bill (H. R. 648) granting a pension to Charles Falbisaner was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles Falbisaner, late of Troop D, Fourth Regiment United States Cavalry, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN D. MOORE.

The bill (H. R. 1287) granting an increase of pension to John D. Moore was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John D. Moore, late of Company B, Ninth Regiment Iowa Volunteer Infantry, and to pay him a pension of $36 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN G. PARKER.

The bill (H. R. 1200) granting an increase of pension to John G. Parker was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John G. Parker, late of Company D, and second lieutenant Company L, First Regiment Indiana Volunteer Heavy Artillery, and to pay him a pension of $50 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES CASSADY.

The bill (H. R. 12016) granting an increase of pension to James Cassady was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James Cassady, late of Company M, Ninth Regiment New York Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CARL W. BLOCK.

The bill (H. R. 6178) granting an increase of pension to Carl W. Block was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Carl W. Block, late of Fifth Battery, Wisconsin Volunteer Light Artillery, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES B. BABCOCK.

The bill (H. R. 10477) granting an increase of pension to James B. Babcock was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James B. Babcock, late of Company F, First Regiment Wisconsin Volunteer Heavy Artillery, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLES T. HESLER.

The bill (H. R. 10476) granting a pension to Charles T. Hesler was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles T. Hesler, late of Company C, Fifteenth Regiment Minnesota Volunteer Infantry, war with Spain.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SYLVENUS HARDY.

The bill (H. R. 5830) granting an increase of pension to Sylvenus Hardy was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Sylvenus Hardy, late of Company H, Twentieth Regiment Illinois Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FRANCIS L. BROWN.

The bill (H. R. 5855) granting an increase of pension to Francis L. Brown was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Francis L. Brown, late captain Company L, Twenty-fourth Regiment New York Volunteer Cavalry, and to pay him a pension of $36 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIZABETH DILL.

The bill (H. R. 6117) granting an increase of pension to Elizabeth Dill was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Elizabeth Dill, widow of Henry C. Dill, late of Company A, First Regiment New York Volunteer Mounted Rifles, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM H. ACKERT.

The bill (H. R. 6109) granting an increase of pension to William H. Ackert was considered as in Committee of the Whole. It proposes to place on the pension roll the name of

William H. Ackert, late of Company H, Fifth Regiment New York Volunteer Heavy Artillery, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EDWARD SARLLS.

The bill (H. R. 6115) granting an increase of pension to Edward Sarlls was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Edward Sarlls, late of Company E, One hundred and twentieth Regiment New York Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM FOAT.

The bill (H. R. 4221) granting an increase of pension to William Foat was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William Foat, late of Company F, Twenty-second Regiment Wisconsin Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES H. BEULEN.

The bill (H. R. 3230) granting an increase of pension to James H. Beulen was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James H. Beulen, late of Company I, Eleventh Regiment, and Company E, Twenty-third Regiment, Wisconsin Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SYLVENUS A. FAY.

The bill (H. R. 524) granting an increase of pension to Sylvenus A. Fay was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Sylvenus A. Fay, late first lieutenant Company F, Eighty-fifth Regiment New York Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HENRY HASTINGS.

The bill (H. R. 6385) granting an increase of pension to Henry Hastings was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out the word "twenty-four" and insert "thirty;" so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry Hastings, late of Company D, Fourth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

GEORGE T. B. CARR.

The bill (H. R. 1859) granting an increase of pension to George T. B. Carr was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George T. B. Carr, late sergeant-major Twenty-second Regiment Indiana Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS T. FALLON.

The bill (H. R. 5708) granting an increase of pension to Thomas T. Fallon was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas T. Fallon, late of Company H, Thirty-fifth Regiment New Jersey Volunteer Infantry, and to pay him a pension of $40 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SADIE A. WALKER.

The bill (H. R. 6098) granting an increase of pension to Sadie A. Walker was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Sadie A. Walker, widow of Richard L. Walker, late first lieutenant Company I and captain Company A, Nineteenth Regiment Ohio Volunteer Infantry, and to pay her a pension of $17 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SUSAN WHORTON.

The bill (H. R. 3570) granting an increase of pension to Susan Whorton was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Susan Whorton, widow of James W. Whorton, late of Company A, Ninety-first Regiment Illinois Volunteer Infantry, and to pay her a pension of $20 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Ella Nora Whorton, helpless and dependent daughter of said James W. Whorton, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Susan Whorton the name of said Ella Nora Whorton shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month from and after the date of death of said Susan Whorton.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSEPH J. SPARLING.

The bill (H. R. 4751) granting an increase of pension to Joseph J. Sparling was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joseph J. Sparling, late of Company H, Second Regiment New Jersey Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARIA DYER.

The bill (H. R. 6063) granting an increase of pension to Maria Dyer was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Maria Dyer, widow of John N. Dyer, late captain Company D, Seventh Regiment Ohio Volunteer Infantry, and to pay her a pension of $30 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EDWARD J. M'CLASKEY.

The bill (H. R. 5938) granting an increase of pension to Edward J. McClaskey was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Edward J. McClaskey, late of Company G, Two hundred and tenth Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLES E. CROWE.

The bill (H. R. 6065) granting an increase of pension to Charles E. Crowe was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles E. Crowe, late of Company G, Eighty-sixth Regiment Ohio Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GILES Q. SLOCUM.

The bill (H. R. 5212) granting an increase of pension to Giles Q. Slocum was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Giles Q. Slocum, late of Company H, Seventy-fourth Regiment Indiana Volunteer Infantry, and to pay him a pension of $36 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EBENEZER S. EDGERTON.

The bill (H. R. 9059) granting an increase of pension to Ebenezer S. Edgerton was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Ebenezer S. Edgerton, late of Company G, One hundred and twenty-third Regiment New York Volunteer Infantry, and to pay him a pension of $36 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SALLIE H. MURPHY.

The bill (H. R. 5753) granting an increase of pension to Sallie H. Murphy was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Sallie H. Murphy, widow of John Murphy, late first lieutenant Company D, Fortieth Regiment Indiana Volunteer Infantry, and to pay her a pension of $17 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLES W. FULTON.

The bill (H. R. 5186) granting an increase of pension to Charles W. Fulton was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles W. Fulton, late of Company H, One hundred and fifty-fifth Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JULIUS D. ROGERS.

The bill (H. R. 2709) granting an increase of pension to Julius D. Rogers was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Julius D. Rogers, late of Capt. A. A. Stewart's company, Florida Mounted Volunteers, Florida Indian war, and to pay him a pension of $12 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

STEPHEN WEEKS.

The bill (H. R. 2703) granting an increase of pension to Stephen Weeks was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Stephen Weeks, late of Capt. A. D. Johnston's independent company, Florida Mounted Volunteers, Florida Indian war, and to pay him a pension of $12 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

OWEN DONOHOE.

The bill (H. R. 4179) granting an increase of pension to Owen Donohoe was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Owen Donohoe, late of Company F, Sixty-ninth Regiment New York Volunteer Infantry, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM D. HATCH.

The bill (H. R. 6340) granting an increase of pension to William D. Hatch was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William D. Hatch, late of Company A, Twenty-eighth Regiment Wisconsin Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALBIN L. INGRAM.

The bill (H. R. 3342) granting an increase of pension to Albin L. Ingram was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Albin L. Ingram, late first lieutenant Company A, Sixth Regiment Iowa Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SARAH JOHNSON.

The bill (H. R. 3220) granting an increase of pension to Sarah Johnson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Sarah Johnson, widow of Owen Johnson, late of Company I, Second Regiment United States Infantry, Florida Indian war, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSEPH F. CALDWELL.

The bill (H. R. 10720) granting an increase of pension to Joseph F. Caldwell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joseph F. Caldwell, late of Company K, One hundredth Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES HOOVER.

The bill (H. R. 12937) granting an increase of pension to James Hoover was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James Hoover, late of Company D, One hundred and forty-third Regiment Pennsylvania Volunteer Infantry, and Fifty-second Company, Second Battalion Veteran Reserve Corps, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES S. PELLEY.

The bill (H. R. 5605) granting an increase of pension to James S. Pelley was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James S. Pelley, late of Company K, First Regiment West Virginia Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM U. MALLORIE.

The bill (H. R. 5163) granting an increase of pension to William U. Mallorie was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William U. Mallorie, late of Company B, Tenth Regiment Pennsylvania Reserve Volunteer Infantry, and to pay him a pension of $36 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ISAAC HENRY OBER.

The bill (H. R. 4206) granting an increase of pension to Isaac Henry Ober was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Isaac Henry Ober, late of Company A, One hundred and ninety-ninth Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN C. UMSTEAD.

The bill (H. R. 4202) granting an increase of pension to John C. Umstead was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John C. Umstead, late of Company C, Fifty-first Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BLANCHE DOUGLASS.

The bill (H. R. 3983) granting a pension to Blanche Douglass was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Blanche Douglass, helpless and dependent daughter of Albert C. Douglass, late of Company K, Eighth Regiment Pennsylvania Volunteer Cavalry, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DEXTER E. W. STONE.

The bill (H. R. 2204) granting an increase of pension to Dexter E. W. Stone was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Dexter E. W. Stone, late of Company I, Thirtieth Regiment Massachusets Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JEROME WASHBURN.

The bill (H. R. 2059) granting an increase of pension to Jerome Washburn was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jerome Washburn, late second lieutenant Twentieth unattached company Massachusetts Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSEPH J. COOPER.

The bill (H. R. 2048) granting an increase of pension to Joseph J. Cooper was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joseph J.

Cooper, late of Company F, Thirty-ninth Regiment Massachusetts Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RALPH A. ADAMS.

The bill (H. R. 2054) granting an increase of pension to Ralph A. Adams was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Ralph A. Adams, late of Company E, Fourteenth Regiment United States Infantry, and to pay him a pension of $72 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALEXANDER MILLER.

The bill (H. R. 1909) granting an increase of pension to Alexander Miller was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Alexander Miller, late of Company B, First Regiment Connecticut Volunteer Heavy Artillery, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE M. DRAKE.

The bill (H. R. 1658) granting an increase of pension to George M. Drake was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George M. Drake, late of Company A, Second Regiment New York Veteran Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY BAGLEY.

The bill (H. R. 6133) granting an increase of pension to Mary Bagley was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary Bagley, widow of Alexander Bagley, late of Company A, Nineteenth Regiment Maine Volunteer Infantry, and to pay her a pension of $16 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HENRY S. STOWELL.

The bill (H. R. 6137) granting an increase of pension to Henry S. Stowell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Henry S. Stowell, late of Company F, Eighth Regiment United States Infantry, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DARIUS H. RANDALL.

The bill (H. R. 5656) granting an increase of pension to Darius H. Randall was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Darius H. Randall, late of Companies G, and B, Twenty-first Regiment Connecticut Volunteer Infantry, and second lieutenant Company H, Twenty-fifth Regiment United States Colored Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE D. STREET.

The bill (H. R. 4246) granting an increase of pension to George D. Street was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George D. Street, late of Second Battery, Massachusetts Volunteer Light Artillery, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE A. BAKER.

The bill (H. R. 3403) granting an increase of pension to George A. Baker was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George A. Baker, late of Second Battery, Vermont Volunteer Light Artillery, and First Independent Company, Vermont Volunteer Heavy Artillery, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM CHANDLER.

The bill (H. R. 2762) granting an increase of pension to William Chandler was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William Chandler, late of the U. S. S. *Ohio*, *Gemsbock*, and *Rhode Island*, United States Navy, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE BRUNER.

The bill (H. R. 6226) granting an increase of pension to George Bruner was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George Bruner, late of Company I, One hundred and seventh Regiment New York Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ABEL S. THOMPSON.

The bill (H. R. 8251) granting an increase of pension to Abel S. Thompson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Abel S. Thompson, late of Company A, One hundred and twenty-third Regiment Ohio Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM M. M'CAY.

The bill (H. R. 13457) granting an increase of pension to William M. McCay was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William M. McCay, late of Company I, First Regiment Illinois Volunteer Infantry, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ABRAHAM MATHEWS.

The bill (H. R. 5640) granting an increase of pension to Abraham Mathews was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Abraham Mathews, late of Company B, First Regiment Arkansas Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARQUIS DE LAFAYETTE BURKET.

The bill (H. R. 4886) granting an increase of pension to Marquis De Lafayette Burket was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Marquis De Lafayette Burket, late of Company E, Thirty-third Regiment Iowa Volunteer Infantry, and to pay him a pension of $36 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ISAAC H. WITHERWAX.

The bill (H. R. 4878) granting an increase of pension to Isaac H. Witherwax was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Isaac H. Witherwax, late of Company F, Sixth Regiment New York Volunteer Heavy Artillery, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AHIJAH BROWN.

The bill (H. R. 4764) granting an increase of pension to Ahijah Brown was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Ahijah Brown, late of Company G, One hundred and tenth Regiment Ohio Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HENRY M. ROBINSON.

The bill (H. R. 1359) granting an increase of pension to Henry M. Robinson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Henry M. Robinson, late of Company K, Ninth Regiment Michigan Volunteer Infantry, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EUGENE GASKILL.

The bill (S. 1230) granting an increase of pension to Eugene Gaskill was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty-six" and insert "twenty-four;" so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Eugene Gaskill, late of Company L, Eighth Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

NATHANIEL R. KENT.

The bill (S. 2096) granting an increase of pension to Nathaniel R. Kent was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, after the word "Infantry," to insert "war with Spain;" so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Nathaniel R. Kent, late of Company E, First Regiment District of Columbia Volunteer Infantry, war with Spain, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CATHERINE COYLE.

The bill (S. 3626) granting a pension to Catherine Coyle was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "twelve" and insert "eight;" so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Catherine Coyle, widow of Andrew Coyle, late of Company D, Twelfth Regiment Indiana Volunteer Cavalry, and pay her a pension at the rate of $8 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HENRY J. PATTERSON.

The bill (S. 1227) granting an increase of pension to Henry J. Patterson was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the words "late of," to insert "Company G, Third Regiment, and;" and in line 9, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry J. Patterson, late of Company G, Third Regiment, and Company F, Fifth Regiment, Michigan Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ORANGE S. MASON.

The bill (S. 721) granting an increase of pension to Orange S. Mason was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the words "late of," to insert "Company H, Eleventh Regiment, and;" and in line 9, before the word "dollars," to strike out "fifty" and insert "thirty;" so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Orange S. Mason, late of Company H, Eleventh Regiment, and Company B, Eighth Regiment, Michigan Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN CONNOR.

The bill (S. 4131) granting an increase of pension to John Connor was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Connor, late of Company K, First Regiment United States Artillery, and hospital steward, United States Army, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOSEPH NICHOLS.

The bill (H. R. 5658) granting an increase of pension to Joseph Nichols was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joseph Nichols, late of Company F, Seventeenth Regiment Ohio Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PETER WETTERICH.

The bill (H. R. 5647) granting an increase of pension to Peter Wetterich was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Peter Wetterich, late of Company G, Ninth Regiment Ohio Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WARREN A. BLYE.

The bill (H. R. 3425) granting an increase of pension to Warren A. Blye was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Warren A. Blye, late of Company I, Ninth Regiment Michigan Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES M. NOBLE.

The bill (H. R. 11842) granting an increase of pension to James M. Noble was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James M. Noble, late of Company F, Twelfth Regiment Michigan Volunteer Infantry, and to pay him a pension of $40 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EBER WATSON.

The bill (H. R. 3571) granting an increase of pension to Eber Watson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Eber Watson, late of Company C, Third Regiment Iowa Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HARRISON WHITE.

The bill (H. R. 3250) granting a pension to Harrison White was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Harrison White, late of Company I, Second Regiment Kansas State Militia, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ORTON D. FORD.

The bill (H. R. 2823) granting an increase of pension to Orton D. Ford was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Orton D. Ford, late of Company G, First Regiment Minnesota Volunteer Heavy Artillery, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HORACE HOUNSOM.

The bill (H. R. 1043) granting an increase of pension to Horace Hounsom was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Horace Hounsom, late of Company D, One hundred and forty-second Regiment Illinois Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SETH PHILLIPS.

The bill (H. R. 1032) granting an increase of pension to Seth Phillips was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Seth Phillips, late of Company G, Fifty-second Regiment Illinois Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSEPH CHANDLER, JR.

The bill (S. 4507) granting an increase of pension to Joseph Chandler, jr., was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joseph Chandler, jr., late of Company G, Eleventh Regiment New Hampshire Volunteer Infantry, and Company F, Third Regiment Veteran Reserve Corps, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JACOB G. ORTH.

The bill (S. 1645) granting an increase of pension to Jacob G. Orth was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jacob G. Orth, late of Company D, Twenty-eighth Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ELIZABETH JANE KEARNEY.

The bill (H. R. 13037) granting an increase of pension to Elizabeth Jane Kearney was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Elizabeth Jane Kearney, widow of Peter Kearney, late of Captain Blanchard's independent company, Louisiana Volunteer Infantry, war with Mexico, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HENRY T. M'DOWELL.

The bill (H. R. 11051) granting a pension to Henry T. McDowell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Henry T. McDowell, late lieutenant-colonel Thirty-ninth Regiment Ohio Volunteer Infantry, and to pay him a pension of $30 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIZA THOMPSON.

The bill (H. R. 8317) granting an increase of pension to Eliza Thompson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Eliza Thompson, widow of William G. Thompson, late of Company A, First Regiment Louisiana Volunteer Cavalry Scouts, and to pay her a pension of $20 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FRANCIS M. KELLOGG.

The bill (H. R. 7982) granting an increase of pension to Francis M. Kellogg was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Francis M. Kellogg, late quartermaster-sergeant Eleventh Regiment Iowa Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FRANCIS A. JONES.

The bill (H. R. 9146) granting an increase of pension to Francis A. Jones was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Francis A. Jones, late of Company G, One hundred and fifth Regiment Illinois Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLES S. WORD.

The bill (H. R. 9651) granting an increase of pension to Charles S. Word was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles S. Word, late of Capt. William Delay's company, First Regiment Mississippi Volunteer Infantry, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LETITIA D. WATKINS.

The bill (H. R. 10954) granting an increase of pension to Letitia D. Watkins was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Letitia D. Watkins, widow of James Watkins, late of Company D, Fourth Regiment Tennessee Volunteer Cavalry, and to pay her a pension of $16 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARCELINA S. GROFF.

The bill (S. 2735) granting a pension to Marcelina S. Groff was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Marcelina S. Groff, widow of J. J. Groff, late scout and guide, United States Army, and pay her a pension at the rate of $12 per month and $2 per month additional on account of the minor child of said J. J. Groff until he reaches the age of 16 years.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CHARLES A. POWER.

The bill (H. R. 8233) granting an increase of pension to Charles A. Power was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles A. Power, late of Company D, Thirty-first Regiment Indiana Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SAMUEL ENGLE.

The bill (H. R. 9077) granting an increase of pension to Samuel Engle was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Samuel Engle, late of Company A, Fourth Regiment Indiana Volunteer Infantry, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HENRY WASCHER.

The bill (H. R. 8664) granting an increase of pension to Henry Wascher was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Henry Wascher, late of Company F, Thirty-seventh Regiment Ohio Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FREDERICK A. AMENDE.

The bill (H. R. 8663) granting an increase of pension to Frederick A. Amende was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Frederick A. Amende, late of Company A, One hundred and sixty-fourth Regiment Ohio Volunteer Infantry, and to pay him a pension of $36 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

STEPHEN D. COHEN.

The bill (H. R. 9209) granting an increase of pension to Stephen D. Cohen was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Stephen D. Cohen, late of Company F, One hundred and sixty-seventh Regiment Ohio Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CASPER YOST.

The bill (H. R. 10437) granting an increase of pension to Casper Yost was considered as in Committee of the Whole. It

proposes to place on the pension roll the name of Casper Yost, late first lieutenant Company B, First Regiment Illinois Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES SUTHERLAND.

The bill (H. R. 13582) granting an increase of pension to James Sutherland was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James Sutherland, late of Capt. J. S. Williams's independent company, Kentucky Volunteers, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FRANCESCO DEL GINDICE.

The bill (S. 1908) granting an increase of pension to Francesco Del Gindice was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the word "musician," to insert "band;" and in line 8, before the word "dollars," to strike out "thirty" and insert "twenty;" so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Francesco Del Gindice, late musician, band, Tenth Regiment United States Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EDGAR TIBBILS.

The bill (S. 1905) granting an increase of pension to Edgar Tibbits was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the name "Edgar," to strike out "Tibbits" and insert "Tibbils;" so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edgar Tibbils, late of Company F, Second Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Edgar Tibbils."

JAMES RUTH.

The bill (S. 3714) granting an increase of pension to James Ruth was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "late," to strike out "of" and insert "captain;" and in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James Ruth, late captain Company F, Sixth Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SOLOMON F. WEHR.

The bill (S. 2044) granting a pension to Solomon F. Wehr was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "forty" and insert "twelve;" so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Solomon F. Wehr, late acting assistant surgeon, United States Army, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN G. BLESSING.

The bill (S. 3121) granting an increase of pension to John G. Blessing was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John G. Blessing, late of Company A, Sixty-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

GUNNERUS INGEBRETSON.

The bill (S. 1911) granting an increase of pension to Gunnerus Ingebretson was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars" to strike out "forty" and insert "thirty;" so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Gunnerus Ingebretson, late of Company E, Eighteenth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LORIN R. BINGHAM.

The bill (S. 2103) granting an increase of pension to Lorin R. Bingham was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Lorin R. Bingham, late of Company D, Second Regiment Iowa Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

GEORGE W. FLICK.

The bill (S. 2868) granting an increase of pension to George W. Flick was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George W. Flick, late of Company H, Ninety-third Regiment Illinois Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

RUTH F. BENNETT.

The bill (S. 2080) granting a pension to Ruth F. Bennett was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ruth F. Bennett, widow of Thomas Bennett, late of Company D, Tenth Regiment New Jersey Volunteer Infantry, and Company E, Twenty-second Regiment Veteran Reserve Corps, and pay her a pension at the rate of $8 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LORENZO D. STOKER.

The bill (H. R. 7628) granting an increase of pension to Lorenzo D. Stoker was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Lorenzo D. Stoker, late of Company D, Sixteenth Regiment United States Infantry, war with Mexico, and to pay him a pension of $50 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DANIEL V. LOWARY.

The bill (H. R. 7721) granting an increase of pension to Daniel V. Lowary was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Daniel V.

Lowary, late of Company K, Twenty-ninth Regiment Ohio Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE G. BRAIL.

The bill (H. R. 9065) granting an increase of pension to George G. Brail was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George G. Brail, late of Company G, Sixty-fourth Regiment New York Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM G. RICHARDSON.

The bill (H. R. 9851) granting an increase of pension to William G. Richardson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William G. Richardson, late of Company E, Sixty-eighth Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM OSTERMANN.

The bill (H. R. 8562) granting an increase of pension to William Ostermann was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William Ostermann, late of Company K, Fifty-second Regiment New York Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CROSBY PYLE WOODWARD.

The bill (S. 4000) granting an increase of pension to Pyle Woodward was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the word "of," where it occurs the first time, to insert the name "Crosby;" so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Crosby Pyle Woodward, late of Company E, One hundred and twenty-fourth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Crosby Pyle Woodward."

ANDREW J. COULTON, ALIAS SAMUEL MYERS.

The bill (S. 3199) granting an increase of pension to Andrew J. Coulton was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "twenty-five" and insert "twenty-four;" so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Andrew J. Coulton, alias Samuel Myers, late of Company G, Third Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Andrew J. Coulton, alias Samuel Myers."

WILLIAM F. DAVIS.

The bill (S. 1437) granting an increase of pension to William F. Davis was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William F. Davis, late of Company G, Second Regiment Maryland Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LOUCETTE E. GLAVIS.

The bill (H. R. 7213) granting an increase of pension to Loucette E. Glavis was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Loucette E. Glavis, widow of George O. Glavis, late hospital chaplain, United States Volunteers, and to pay her a pension of $15 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JACOB DACHRODT.

The bill (H. R. 9237) granting an increase of pension to Jacob Dachrodt was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jacob Dachrodt, late lieutenant-colonel One hundred and fifty-third Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MILTON A. SAEGER.

The bill (H. R. 10307) granting an increase of pension to Milton A. Saeger was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Milton A. Saeger, late of Company E, Two hundred and second Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CATHARINE BECHTOL.

The bill (S. 3492) granting an increase of pension to Catharine Bechtol was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Catharine Bechtol, widow of John W. Bechtol, late of Company D, Twentieth Regiment Pennsylvania Volunteer Cavalry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

GEORGIA BROWN.

The bill (S. 3122) granting an increase of pension to Georgia Brown was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Georgia D. Brown, widow of George M. Brown, late captain Company M, and major First Regiment Maine Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

GEORGE W. BEARD.

The bill (S. 1666) granting an increase of pension to George W. Beard was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George W. Beard, late acting third assistant engineer, United States Navy, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MARY C. BISHOP.

The bill (S. 1555) granting an increase of pension to Mary C. Bishop was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary C. Bishop, widow of John Bishop, jr., late second lieutenant Company G, and first lieutenant Company E, Twenty-ninth Regiment Connecticut Volunteer In-

fantry, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BENJAMIN F. PEIRCE.

The bill (S. 4223) granting an increase of pension to Benjamin F. Peirce was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Benjamin F. Peirce, late of Company C, Forty-ninth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HARVEY C. BROWN.

The bill (S. 1421) granting an increase of pension to Harvey C. Brown was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Harvey C. Brown, late of Company D, Fifth Regiment New Hampshire Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ORLANDO C. PINKHAM.

The bill (S. 1357) granting an increase of pension to Orlando C. Pinkham was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the words "late of," to strike out "Company D, Third Regiment," and insert "Eighth Unattached Company;" and in line 9, before the word "dollars," to strike out "sixty" and insert "forty;" so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Orlando C. Pinkham, late of Eighth Unattached Company, Massachusetts Volunteer Heavy Artillery, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LINDSAY KIRBY.

The bill (S. 4422) granting an increase of pension to Lindsay Kirby was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lindsay Kirby, late of Company E, One hundred and thirty-ninth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ALPHONSO BROOKS.

The bill (S. 4496) granting an increase of pension to Alphonso Brooks was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Alphonso Brooks, late of Third Independent Battery, Iowa Volunteer Light Artillery, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LOREN H. HOWARD.

The bill (H. R. 8156) granting an increase of pension to Loren H. Howard was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Loren H. Howard, late captain Company C, Eleventh Regiment Michigan Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HEART ECHARD.

The bill (H. R. 8061) granting an increase of pension to Heart Echard was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Heart Echard, late of Company L, Sixth Regiment Illinois Volunteer Cavalry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RICHARD H. KELLY.

The bill (H. R. 5711) granting a pension to Richard H. Kelly was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Richard H. Kelly, late of Company L, Thirteenth Regiment Minnesota Volunteer Infantry, war with Spain, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN BURNS.

The bill (H. R. 9405) granting an increase of pension to John Burns was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Burns, late of Company C, Tenth Regiment New York Volunteer Heavy Artillery, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY A. MEGRUE.

The bill (S. 599) granting an increase of pension to Mary A. Megrue was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "late," to strike out "of" and insert "captain;" and in line 8, before the word "dollars," to strike out "thirty" and insert "twenty;" so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary A. Megrue, widow of Ambrose R. Megrue, late captain Company M, Fourth Regiment Ohio Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ISAIAH MITCHELL.

The bill (S. 1130) granting an increase of pension to Isaiah Mitchell was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Isaiah Mitchell, late of Company G, One hundred and fifteenth Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

OSCAR F. RENICK.

The bill (S. 3312) granting a pension to Oscar F. Renick was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "twenty" and insert "twelve;" so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Oscar F. Renick, acting assistant surgeon, United States Army, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MARY C. MORGAN.

The bill (S. 3721) granting a pension to Mary C. Morgan was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "late," to strike out "of" and insert "captain;" and in line 9, before the word "dollars," to strike out "thirty" and insert "twenty;" so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary C. Morgan, widow of William J. Morgan, late captain Company C, One hundred and sixteenth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CHARLES CONINE.

The bill (S. 671) granting an increase of pension to Charles Conine was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles Conine, late of Company E, Nineteenth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PHILANDER BENNETT.

The bill (H. R. 9122) granting an increase of pension to Philander Bennett was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Philander Bennett, late of Company B, One hundred and twenty-third Regiment Illinois Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LEVI J. WALTON.

The bill (H. R. 7222) granting an increase of pension to Levi J. Walton was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Levi J. Walton, late of Company I, Thirtieth Regiment Ohio Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JONATHAN WOOD.

The bill (H. R. 9052) granting an increase of pension to Jonathan Wood was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jonathan Wood, late of Company G, One hundred and thirty-sixth Regiment Ohio Volunteer Infantry, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE GIBSON.

The bill (H. R. 8714) granting an increase of pension to George Gibson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George Gibson, late of Company F, Sixty-eighth Regiment Illinois Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ORLEAN DE WITT.

The bill (H. R. 9929) granting an increase of pension to Orlean De Witt was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Orlean De Witt, late of Company M, Fifth Regiment New York Volunteer Cavalry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DANIEL D. DIEHL.

The bill (H. R. 10256) granting an increase of pension to Daniel D. Diehl was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Daniel D. Diehl, late of Company H, Eighty-eighth Regiment Indiana Volunteer Infantry, and to pay him a pension of $36 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ISAAC B. HEWITT.

The bill (S. 2168) granting an increase of pension to Isaac B. Hewitt was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "late," to strike out "of the" and insert "acting first assistant engineer;" and in line 8, before the word "dollars," to strike out "twenty-four" and insert "twenty;" so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Isaac B. Hewitt, late acting first assistant engineer, United States Navy, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

AMOS M'MANUS.

The bill (S. 4595) granting an increase of pension to Amos McManus was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, before the word "and," to insert "war with Mexico;" so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Amos McManus, late of Company C, Palmetto Regiment South Carolina Volunteers, war with Mexico, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SALLIE F. SHEFFIELD.

The bill (H. R. 8493) granting an increase of pension to Sallie F. Sheffield was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "and," to insert "war with Mexico;" so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sallie F. Sheffield, widow of John Sheffield, late of Company B, Siebel's Alabama Battalion Volunteer Infantry, war with Mexico, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

ELIZABETH RUTHERFORD.

The bill (S. 3189) granting an increase of pension to Elizabeth Rutherford was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Elizabeth Rutherford, widow of Hugh Rutherford, late of Company I, Eighty-eighth Regiment Pennsylvania Volunteer Infantry, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ELIZABETH F. PARTIN.

The bill (H. R. 13078) granting an increase of pension to Elizabeth F. Partin was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Elizabeth F. Partin, widow of Andrew J. Partin, late of Company E, First Regiment Virginia Volunteer Infantry, war with Mexico, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EMSLEY KINSAULS.

The bill (H. R. 6813) granting an increase of pension to Emsley Kinsauls was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Emsley Kinsauls, late of Company E, Fourth Regiment United States

Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM DIXON.

The bill (H. R. 13084) granting an increase of pension to William Dixon was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William Dixon, late of Company A, First Regiment North Carolina Volunteer Infantry, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARTHA MILLER.

The bill (H. R. 12837) granting an increase of pension to Martha Miller was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Martha Miller, widow of William Miller, late of Captain Pouncey's company, Alabama Volunteers, Creek Indian war, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DAVID A. JONES.

The bill (H. R. 8494) granting an increase of pension to David A. Jones was considered as in Committee of the Whole. It proposes to place on the pension roll the name of David A. Jones, late of Company C, First Regiment Alabama Volunteer Infantry, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALBERT RICHARD CLARK.

The bill (H. R. 8949) granting an increase of pension to Albert Richard Clark was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Albert Richard Clark, late principal musician, field and staff, Second Regiment Ohio Volunteers, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES GALLT.

The bill (H. R. 10483) granting a pension to James Gallt was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James Gallt, dependent father of Alexander Gallt, late of Company E, Ninety-seventh Regiment New York Volunteer Infantry, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARIE G. BONHAM.

The bill (H. R. 9351) granting an increase of pension to Marie G. Bonham was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Marie G. Bonham, widow of William B. Bonham, late second lieutenant, Second Regiment United States Infantry, and to pay her a pension of $25 per month in lieu of that she is now receiving, and $2 per month additional on account of the minor child of said William B. Bonham until he reaches the age of 16 years.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARTIN L. ADAMS.

The bill (S. 251) granting an increase of pension to Martin L. Adams was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Martin L. Adams, late of Company C, Twenty-sixth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JESSE M. FURMAN.

The bill (S. 2548) granting an increase of pension to Jesse M. Furman was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jesse M. Furman, late of United States gunboat Essex, United States Navy, and Company B, First Regiment Vermont Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the time, and passed.

DOMINICK CAVANAUGH.

The bill (S. 3539) granting an increase of pension to Dominick Cavanagh was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, before the word "late," to strike out the name "Cavanagh" and insert "Cavanaugh;" and in line 8, before the word "dollars," to strike out "fifty" and insert "thirty;" so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Dominick Cavanaugh, late of Company E, First Regiment Oregon Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Dominick Cavanaugh."

WILLIAM HUGHES.

The bill (H. R. 6494) granting an increase of pension to William Hughes was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William Hughes, late of U. S. S. *Michigan*, United States Navy, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES W. REYNOLDS, ALIAS WILLIAM REYNOLDS.

The bill (H. R. 7948) granting an increase of pension to James W. Reynolds, alias William Reynolds, was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James W. Reynolds, alias William Reynolds, late of Company B, Loudoun County (Va.) Independent Rangers, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIZA C. JONES.

The bill (H. R. 8169) granting an increase of pension to Eliza C. Jones was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Eliza C. Jones, widow of William M. Jones, late of Company H, Third Regiment Tennessee Volunteer Infantry, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HINMAN RHODES.

The bill (H. R. 9906) granting an increase of pension to Hinman Rhodes was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Hinman Rhodes, late major and colonel Twenty-eighth Regiment Illinois Volunteer Infantry, and to pay him a pension of $40 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EDWIN BILLING.

The bill (H. R. 12156) granting an increase of pension to Edwin Billing was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Edwin Billing, late of Company E, First Regiment Nevada Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DAVID L. KRETSINGER.

The bill (H. R. 12290) granting an increase of pension to David L. Kretsinger was considered as in Committee of the Whole. It proposes to place on the pension roll the name of David L. Kretsinger, late first lieutenant Company G, Fifty-sixth Regiment United States Colored Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ESTELLE KUHN.

The bill (H. R. 12297) granting a pension to Estelle Kuhn was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Estelle Kuhn, widow of Charles N. Kuhn, late first lieutenant Company A and captain Company C, Sixth Regiment Maryland Volunteer Infantry, and to pay her a pension of $20 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ISAAC C. DENNIS.

The bill (H. R. 10925) granting an increase of pension to Isaac C. Dennis was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Isaac C. Dennis, late of Company M, Fourteenth Regiment Illinois Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM LEE.

The bill (H. R. 10883) granting an increase of pension to William Lee was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William Lee, late of Company C, Eighth Regiment Tennessee Volunteer Infantry, and to pay him a pension of $36 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

REANNA PILE.

The bill (H. R. 11061) granting an increase of pension to Reanna Pile was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Reanna Pile, widow of William O'Brien Pile, late of Company D, Fifth Regiment Tennessee Volunteers, war with Mexico, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN A. CONLEY.

The bill (H. R. 11724) granting an increase of pension to John A. Conley was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John A. Conley, late of Company E, Fourth Regiment Arkansas Volunteer Cavalry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY C. KIRKLAND.

The bill (H. R. 12285) granting a pension to Mary C. Kirkland was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary C. Kirkland, widow of John D. A. Kirkland, late of Company G, First Regiment Louisiana Volunteer Infantry, war with Mexico, and to pay her a pension of $8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIZABETH L. H. LABATT.

The bill (H. R. 12583) granting an increase of pension to Elizabeth L. H. Labatt was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Elizabeth L. H. Labatt, widow of David C. Labatt, late of Captain Hyam's company, Fifth Regiment Louisiana Volunteers, war with Mexico, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM G. CROCKETT.

The bill (H. R. 13050) granting an increase of pension to William G. Crockett was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William G. Crockett, late of Captain Murray's company, Second Regiment Tennessee Volunteer Infantry, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PINKNEY W. H. LEE.

The bill (H. R. 13129) granting an increase of pension to Pinkney W. H. Lee was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Pinkney W. H. Lee, late of Company I, Sixth Regiment Tennessee Volunteer Cavalry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CALAWAY G. TUCKER.

The bill (H. R. 10969) granting an increase of pension to Calaway G. Tucker was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Calaway G. Tucker, late of Company C, Third Regiment Tennessee Volunteer Infantry, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MANSON B. SCOTT.

The bill (H. R. 11777) granting an increase of pension to Manson B. Scott was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Manson B. Scott, late of Company E, Fourth Regiment Tennessee Volunteer Mounted Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WEBSTER THOMAS.

The bill (H. R. 11808) granting an increase of pension to Webster Thomas was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Webster Thomas, late first lieutenant Company D and captain Company E, Forty-seventh Regiment Ohio Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HARVEY T. DUNN.

The bill (H. R. 12388) granting an increase of pension to Harvey T. Dunn was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Harvey T. Dunn, late of Company B, One hundred and twenty-third Regiment, and Company F, Sixty-first Regiment, Illinois Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AUGUSTUS F. BRADBURY.

The bill (H. R. 12713) granting an increase of pension to Augustus F. Bradbury was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Augustus F. Bradbury, late of Company I, Seventeenth Regiment Maine Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLES H. BURLEIGH.

The bill (H. R. 12038) granting an increase of pension to Charles H. Burleigh was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles H. Burleigh, late of U. S. S. *Wabash*, *Philadelphia*, and *Princeton*, United States Navy, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MAURICE HAYES.

The bill (H. R. 8302) granting an increase of pension to Maurice Hayes was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Maurice Hayes, late of Company D, Twenty-ninth Regiment Maine Volunteer Infantry, and to pay him a pension of $36 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EDWARD L. KIMBALL.

The bill (H. R. 11916) granting an increase of pension to Edward L. Kimball was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Edward L. Kimball, late of Company K, First Regiment New

Hampshire Volunteer Cavalry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ETHAN BLODGETT.

The bill (H. R. 8556) granting an increase of pension to Ethan Blodgett was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Ethan Blodgett, late of Company A, Twenty-first Regiment Massachusetts Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PATRICK CURLEY.

The bill (H. R. 9279) granting an increase of pension to Patrick Curley was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Patrick Curley, late of Company D, Sixty-second Regiment Massachusetts Volunteer Infantry, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HENRY J. STECK.

The bill (H. R. 5957) granting an increase of pension to Henry J. Steck was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Henry J. Steck, late of Company C, Fourth Regiment Ohio Volunteer Infantry, war with Spain, and to pay him a pension of $40 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN T. HOWELL.

The bill (H. R. 12506) granting an increase of pension to John T. Howell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John T. Howell, late of Company D, Thirteenth Regiment Kentucky Volunteer Cavalry, and to pay him a pension of $24 per month in lieu of that he is now reeeiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE W. COLLIER.

The bill (H. R. 12507) granting an increase of pension to George W. Collier was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George W. Collier, late of Company D, Sixth Regiment Kentucky Volunteer Cavalry, and to pay him a pension of $36 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ENOCH BOLEN.

The bill (H. R. 11343) granting an increase of pension to Enoch Bolen was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Enoch Bolen, late of Company H, Seventy-third Regiment Ohio Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JEREMIAH SPICE.

The bill (H. R. 11205) granting an increase of pension to Jeremiah Spice was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jeremiah Spice, late of Company H, One hundred and eighty-sixth Regiment Ohio Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM LEIPNITZ.

The bill (H. R. 7649) granting an increase of pension to William Leipnitz was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William Leipnitz, late of Company G, Ninth Regiment Ohio Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SAMUEL DUNNAN.

The bill (H. R. 7711) granting an increase of pension to Samuel Dunnan was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Samuel Dunnan, late of Company B, First Regiment Pennsylvania Volunteer Light Artillery, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HORACE E. LYDY.

The bill (H. R. 11132) granting an increase of pension to Horace E. Lydy was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Horace E. Lydy, late of Company C, One hundred and fourteenth Regiment Ohio Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JACOB J. LONG.

The bill (H. R. 10807) granting an increase of pension to Jacob J. Long was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jacob J. Long, late of Company F, Twenty-third Regiment Michigan Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS CLARK.

The bill (H. R. 10741) granting an increase of pension to Thomas Clark was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas Clark, late of Company C, Second Regiment Pennsylvania Volunteers, war with Mexico, and Company D, Second Regiment Ohio Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LEVI I. SHIPMAN.

The bill (H. R. 10637) granting an increase of pension to Levi I. Shipman was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Levi I. Shipman, late of Company C, First Regiment West Virginia Volunteer Infantry, and Company E, Second Regiment West Virginia Veteran Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LEVI N. BODLEY.

The bill (H. R. 10564) granting an increase of pension to Levi N. Bodley was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Levi N. Bodley, late of Company K, Twenty-ninth Regiment Indiana Volunteer Infantry, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALFRED F. WHITE.

The bill (H. R. 8520) granting an increase of pension to Alfred F. White was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Alfred F. White, late of Company G, Fifth Regiment West Virginia Volunteer Infantry, and Company G, First Regiment West Virginia Veteran Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SUSAN W. SELFRIDGE.

The bill (H. R. 8406) granting an increase of pension to Susan W. Selfridge was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Susan W. Selfridge, widow of James R. Selfridge, late captain, United States Navy, and to pay her a pension of $40 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM B. EVERSOLE.

The bill (H. R. 12754) granting an increase of pension to William B. Eversole was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William B. Eversole, late captain Company L, Fourteenth Regiment Kentucky Volunteer Cavalry, and to pay him a pension of $40 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN M'WHORTER.

The bill (H. R. 12510) granting an increase of pension to John McWhorter was considered as in Committee of the Whole.

It proposes to place on the pension roll the name of John McWhorter, late of Eighty-second Company, United States Coast Artillery, and to pay him a pension of $17 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HENRY R. PEASE.

The bill (S. 4636) granting an increase of pension to Henry R. Pease was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry R. Pease, late of Company F, Twenty-fifth Regiment Connecticut Volunteer Infantry, and captain Company A, Eighty-fourth Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

Mr. McCUMBER. Mr. President, I move to amend the amendment by striking out the word "thirty," before the word "dollars," in line 4, and inserting the word "forty."

Mr. KEAN. I should like to know the reason for this increase. Forty dollars is rather a large pension.

Mr. McCUMBER. If the Senator is very anxious, I have the report of the committee here, which is quite lengthy, and it may be read if he so desires.

Mr. KEAN. I would not interrupt the proceedings for the length of time it would take to read the report, but I desire to inquire of the Senator whether this comes within the rule of the committee?

Mr. McCUMBER. It does.

Mr. KEAN. My attention has just been called to the report, from which I observe that the claimant is over 74 years of age. Therefore I can not see that there is any great objection to the proposed increase.

The VICE-PRESIDENT. The question is on the amendment of the Senator from North Dakota [Mr. McCUMBER] to the amendment reported by the committee.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PETER SHIPPMAN.

The bill (S. 1023) granting an increase of pension to Peter Shippman was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Peter Shippman, late of Company I, Third Regiment Minnesota Volunteer Infantry, and captain Company I, One hundred and thirteenth Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM FLUEGEL.

The bill (S. 4362) granting an increase of pension to William Fleugel was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, before the word "late," to strike out the name "Fleugel" and insert "Fluegel;" in the same line, after the word "First," to strike out "Regiment" and insert "Battalion;" and in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Fluegel, late of Company E, First Battalion Minnesota Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the ments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to William Fluegel."

FREDERICK C. STURM,

The bill (S. 4319) granting an increase of pension to Frederick C. Sturm was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "late," to strike out "of Company" and insert "captain;" in line 7, before the word "Battery," to insert "Independent;" and in line 8, before the word "dollars," to strike out "fifty" and insert "thirty-six;" so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Frederick C. Sturm, late captain Twenty-fifth Independent Battery, Indiana Volunteer Light Artillery, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JERUSHA HAYWARD BROWN.

The bill (S. 772) granting an increase of pension to Jerusha Hayward Brown was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jerusha Hayward Brown, widow of Edward M. Brown, late lieutenant-colonel Eighth Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $30 per month, such pension to be in lieu of that she is now receiving under special act of Congress approved June 9, 1896.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting a pension to Jerusha Hayward Brown."

FREDERICK ZIMMERMAN.

The bill (S. 4637) granting an increase of pension to Frederick Zimmerman was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Frederick Zimmerman, late of Company D, Sixth Regiment Minnesota Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BARNEY WHITNEY.

The bill (S. 492) granting an increase of pension to Barney Whitney was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Barney Whitney, late of Company F, Seventy-ninth Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

GOULD E. UTTER.

The bill (H. R. 11658) granting an increase of pension to Gould E. Utter, was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Gould E. Utter, late of Company F, Fortieth Regiment New York Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

KATHRYN G. HAYT.

The bill (H. R. 12839) granting an increase of pension to Kathryn G. Hayt was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Kathryn G. Hayt, widow of Stephen K. Hayt, late second lieutenant, Philippine Scouts, United States Army, and to pay her a pension of $25 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANDREW DUNNING.

The bill (H. R. 12384) granting an increase of pension to Andrew Dunning was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Andrew Dunning, late first lieutenant Company D, Eighth Regiment Illinois Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MELVIN J. LEE.

The bill (H. R. 11145) granting an increase of pension to Melvin J. Lee was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Melvin J. Lee, late of Company I, One hundred and forty-fourth Regiment Indiana Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MICHAEL COMER.

The bill (H. R. 11105) granting an increase of pension to Michael Comer was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Michael Comer, late of Company H, One hundred and thirty-fourth Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM K. SPENCER.

The bill (H. R. 7525) granting an increase of pension to William K. Spencer was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William K. Spencer, late of Company B, McLaughlin's squadron, Ohio Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANDREW J. BAKER.

The bill (H. R. 11101) granting an increase of pension to Andrew J. Baker was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Andrew J. Baker, late of Company H, Thirty-third Regiment Indiana Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NEWTON E. TERRILL.

The bill (H. R. 7955) granting an increase of pension to Newton E. Terrill was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Newton E. Terrill, late of Company K, Fifth Regiment Iowa Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY J. ALLHANDS.

The bill (H. R. 7241) granting an increase of pension to Mary J. Allhands was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary J. Allhands, widow of Francis M. Allhands, late first lieutenant Company E, Thirty-fifth Regiment Illinois Volunteer Infantry, and to pay her a pension of $17 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM J. CAMPBELL.

The bill (H. R. 7238) granting an increase of pension to William J. Campbell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William J. Campbell, late of Company D, Eighty-eighth Regiment Illinois Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FRANCIS M. HATTER.

The bill (H. R. 6565) granting an increase of pension to Francis M. Hatter was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Francis M. Hatter, late of Company H, Thirty-fifth Regiment Kentucky Volunteer Mounted Infantry, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HUGH LONGSTAFF.

The bill (H. R. 10216) granting an increase of pension to Hugh Longstaff was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Hugh Longstaff, late of Company B, First Regiment Wisconsin Volunteer Cavalry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HENDERSON ROSE.

The bill (H. R. 9567) granting an increase of pension to Henderson Rose was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Henderson Rose, late of Company H, Seventy-eighth Regiment Illinois Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AMON MILLER.

The bill (H. R. 13579) granting an increase of pension to Amon Miller was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Amon Miller, late of Company K, Twelfth Regiment United States Infantry, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM A. SOUTHWORTH.

The bill (H. R. 13141) granting an increase of pension to William A. Southworth was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William A. Southworth, late of Company A, One hundred and fourteenth Regiment, and Company E, Eighty-ninth Regiment, New York Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILHELMINA HEALEY.

The bill (H. R. 12102) granting an increase of pension to Wilhelmina Healey was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Wilhelmina Healey, widow of James M. Healey, late of Company I, One hundred and sixty-ninth Regiment New York Volunteer Infantry, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CLARA M. THOMPSON.

The bill (H. R. 11846) granting a pension to Clara M. Thompson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Clara M. Thompson, widow of Merrill C. Thompson, late of Company B, Twenty-first Regiment Wisconsin Volunteer Infantry, and to pay her a pension of $8 per month, such pension to cease upon proof that the soldier is living.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FRANKLIN J. FELLOWS.

The bill (H. R. 11672) granting an increase of pension to Franklin J. Fellows was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Franklin J. Fellows, late second lieutenant Company B, Eighth Regiment New York Volunteer Heavy Artillery, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANTON RIEDMÜLLER.

The bill (H. R. 7750) granting an increase of pension to Anton Riedmüller was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Anton Riedmüller, late of the Ninth Independent Battery, New York Volunteer Light Artillery, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE LARSON.

The bill (H. R. 10967) granting a pension to George Larson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George Larson, late of Company D, Fifth Regiment United States Cavalry, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES D. BLANDING.

The bill (H. R. 12008) granting an increase of pension to James D. Blanding was considered as in Committee of the

Whole. It proposes to place on the pension roll the name of James D. Blanding, late captain and acting commissary of subsistence, United States Commissary Department, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

STEPHEN A. STURTEVANT.

The bill (H. R. 11908) granting an increase of pension to Stephen A. Sturtevant was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Stephen V. Sturtevant, late of Company D, Seventh Regiment New York Volunteer Heavy Artillery, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLES A. PHILLIPS.

The bill (H. R. 6873) granting an increase of pension to Charles A. Phillips was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles A. Phillips, late of Company F, Eighth Regiment New York Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY E. SCOTT.

The bill (H. R. 6489) granting a pension to Mary E. Scott was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary E. Scott, late nurse Medical Department, United States Volunteers, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN GIBBONS.

The bill (H. R. 6913) granting an increase of pension to John Gibbons was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Gibbons, late of Company K, Twentieth Regiment Wisconsin Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EDWARD H. PINNEY.

The bill (H. R. 8541) granting an increase of pension to Edward H. Pinney was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Edward H. Pinney, late captain Company F, One hundred and forty-third Regiment New York Volunteer Infantry, and to pay him a pension of $36 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The VICE-PRESIDENT. That completes the Calendar of pension cases. What is the further pleasure of the Senate?

Mr. McCUMBER. Mr. President, if there are no other Senators present who desire the consideration of other business, I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 28 minutes p. m.) the Senate adjourned until to-morrow, Thursday, March 1, 1906, at 12 o'clock meridian.

## NOMINATIONS.

*Executive nominations received by the Senate February 28, 1906.*

DISTRICT ATTORNEY.

Carl Rasch, of Montana, to be United States attorney for the district of Montana. A reappointment, his term expiring March 18, 1906.

REGISTER OF LAND OFFICE.

Robert D. Johnston, of Alabama, to be register of the land office at Montgomery, Ala., vice Robert Barber, whose term will expire May 19, 1906.

PROMOTION IN REVENUE-CUTTER SERVICE.

First Assistant Engineer Urban Harvey to be a chief engineer with the rank of first lieutenant in the Revenue-Cutter Service of the United States, to rank as such from February 21, 1906, to succeed Daniel Francis Kelly, retired.

POSTMASTERS.

ARIZONA.

James H. McClintock to be postmaster at Phoenix, in the county of Maricopa and State of Arizona, in place of James H. McClintock. Incumbent's commission expires March 18, 1906.

ARKANSAS.

John R. Greenwood to be postmaster at Stamps, in the county of Lafayette and State of Arkansas, in place of John R. Greenwood. Incumbent's commission expires March 15, 1906.

CALIFORNIA.

William P. Ratliff to be postmaster at Tulare, in the county of Tulare and State of California, in place of William T. Ratliff. Incumbent's commission expires March 18, 1906.

INDIAN TERRITORY.

James A. Rose to be postmaster at Chickasha, in District 19, Indian Territory, in place of James A. Rose. Incumbent's commission expires March 1, 1906.

KANSAS.

Harvey P. Donnell to be postmaster at Waverly, in the county of Coffey and State of Kansas, in place of Harvey P. Donnell. Incumbent's commission expired January 16, 1906.

Lair D. Hart to be postmaster at Westmoreland, in the county of Pottawatomie and State of Kansas. Office became Presidential January 1, 1906.

Clinton O. Kinne to be postmaster at Alma, in the county of Wabaunsee and State of Kansas, in place of Clinton O. Kinne. Incumbent's commission expires March 15, 1906.

Bror A. Rosenquist to be postmaster at Osage City, in the county of Osage and State of Kansas, in place of Bror A. Rosenquist. Incumbent's commission expired January 16, 1906.

MAINE.

George T. Hodgman to be postmaster at Camden, in the county of Knox and State of Maine, in place of George T. Hodgman. Incumbent's commission expired January 31, 1906.

MICHIGAN.

Darwin F. Meech to be postmaster at Charlevoix, in the county of Charlevoix and State of Michigan, in place of Frederick J. Meech. Incumbent's commission expired January 21, 1906.

A. Brink Tucker to be postmaster at Otsego, in the county of Allegan and State of Michigan, in place of Gorham A. Sherwood. Incumbent's commission expires March 19, 1906.

MINNESOTA.

Carl A. Von Vleck to be postmaster at Lake City, in the county of Wabasha and State of Minnesota, in place of Joseph C. Bartlett. Incumbent's commission expires February 28, 1906.

MISSOURI.

John W. Smith to be postmaster at Thayer, in the county of Oregon and State of Missouri, in place of John W. Smith. Incumbent's commission expired February 10, 1906.

NEBRASKA.

William E. Morgan to be postmaster at Greeley, in the county of Greeley and State of Nebraska, in place of William E. Morgan. Incumbent's commission expired February 10, 1906.

NEW JERSEY.

John G. Gaston to be postmaster at Somerville, in the county of Somerset and State of New Jersey, in place of George W. Cooper, removed.

NORTH DAKOTA.

James R. Carley to be postmaster at Hillsboro, in the county of Traill and State of North Dakota, in place of James R. Carley. Incumbent's commission expires February 28, 1906.

OKLAHOMA.

William T. Little to be postmaster at Perry, in the county of Noble and Territory of Oklahoma, in place of William T. Little. Incumbent's commission expires March 15, 1906.

PENNSYLVANIA.

George D. Bonfoey to be postmaster at Sayre, in the county of Bradford and State of Pennsylvania, in place of James N. Weaver, removed.

TEXAS.

Milton O. Gleason to be postmaster at Hico, in the county of Hamilton and State of Texas, in place of Milton O. Gleason. Incumbent's commission expires March 4, 1906.

Florence Sheasby to be postmaster at Elgin, in the county of Bastrop and State of Texas, in place of Florence Sheasby. Incumbent's commission expires March 25, 1906.

Reese E. Troutman to be postmaster at Jacksonville, in the county of Cherokee and State of Texas, in place of Reese E. Troutman. Incumbent's commission expires March 14, 1906.

VERMONT.

Mark H. Moody to be postmaster at Waterbury, in the county of Washington and State of Vermont, in place of Mark H. Moody. Incumbent's commission expires March 20, 1906.

VIRGINIA.

Thomas Burroughs to be postmaster at Alexandria, in the county of Alexandria and State of Virginia, in place of Joseph L. Crupper. Incumbent's commission expires April 10, 1906.

Robert L. Gillespie to be postmaster at Graham, in the county of Tazewell and State of Virginia, in place of Robert L. Gillespie. Incumbent's commission expired January 20, 1906.

William L. Mustard to be postmaster at Pocahontas, in the county of Tazewell and State of Virginia, in place of William L. Mustard. Incumbent's commission expires March 4, 1906.

N. Clifford Nichols to be postmaster at Leesburg, in the county of Loudoun and State of Virginia, in place of N. Clifford Nichols. Incumbent's commission expires March 4, 1906.

WEST VIRGINIA.

Allison H. Fleming to be postmaster at Fairmont, in the county of Marion and State of West Virginia, in place of Allison H. Fleming. Incumbent's commission expires March 24, 1906.

WISCONSIN.

Christopher C. Gittings to be postmaster at Racine, in the county of Racine and State of Wisconsin, in place of Hiram J. Smith. Incumbent's commission expires March 18, 1906.

Peter W. MacKenzie to be postmaster at Poynette, in the county of Columbia and State of Wisconsin, in place of Peter W. MacKenzie. Incumbent's commission expires March 10, 1906.

Francis A. R. Van Meter to be postmaster at New Richmond, in the county of St. Croix and State of Wisconsin, in place of Francis A. R. Van Meter. Incumbent's commission expires March 5, 1906.

David C. Owen to be postmaster at Milwaukee, in the county of Milwaukee and State of Wisconsin, in place of Ellicott R. Stillman. Incumbent's commission expired February 7, 1906.

John M. Reese to be postmaster at Dodgeville, in the county of Iowa and State of Wisconsin, in place of John M. Reese. Incumbent's commission expires March 18, 1906.

WYOMING.

William F. Brittain to be postmaster at Sheridan, in the county of Sheridan and State of Wyoming, in place of William F. Brittain. Incumbent's commission expires March 15, 1906.

## CONFIRMATIONS.

*Executive nominations confirmed by the Senate February 28, 1906.*

CONSUL.

Harry L. Paddock, of California, to be consul of the United States at Amoy, China.

APPOINTMENT IN THE ARMY.

Maj. William P. Duvall, Artillery Corps, to be brigadier-general.

POSTMASTERS.

CALIFORNIA.

David W. Morris to be postmaster at Modesto, in the county of Stanislaus and State of California.

CONNECTICUT.

David L. Clinton to be postmaster at Clintonville, in the county of New Haven and State of Connecticut.

James A. Howarth to be postmaster at New Haven, in the county of New Haven and State of Connecticut.

FLORIDA.

John W. Garwood to be postmaster at Monticello, in the county of Jefferson and State of Florida.

Eben B. Trask to be postmaster at Plant City, in the county of Hillsboro and State of Florida.

Cyrus Lowrey to be postmaster at Clearwater (late Clearwater Harbor), in the county of Hillsboro and State of Florida.

GEORGIA.

Edwin F. Blodgett to be postmaster at Atlanta, in the county of Fulton and State of Georgia.

F. G. Boatright to be postmaster at Cordele, in the county of Crisp and State of Georgia.

W. J. Lewis to be postmaster at Dawson, in the county of Terrell and State of Georgia.

INDIANA.

David P. Burton to be postmaster at Gosport, in the county of Owen and State of Indiana.

KANSAS.

John B. Kennedy to be postmaster at Troy, in the county of Doniphan and State of Kansas.

Daniel Stough to be postmaster at Sedan, in the county of Chautauqua and State of Kansas.

MAINE.

Jessie F. Fernald to be postmaster at Kittery, in the county of York and State of Maine.

Lorenzo B. Hill to be postmaster at Togus, in the county of Kennebec and State of Maine.

MASSACHUSETTS.

Charles H. Mead to be postmaster at West Acton, in the county of Middlesex and State of Massachusetts.

Harry S. Tripp to be postmaster at Spencer, in the county of Worcester and State of Massachusetts.

MICHIGAN.

Frank J. Battersbee to be postmaster at Croswell, in the county of Sanilac and State of Michigan.

Isaac Foster to be postmaster at Gladwin, in the county of Gladwin and State of Michigan.

Allen C. Wright to be postmaster at Pellston, in the county of Emmet and State of Michigan.

MINNESOTA.

Edwin Mattson to be postmaster at Breckenridge, in the county of Wilkin and State of Minnesota.

MISSOURI.

W. P. Brown to be postmaster at Princeton, in the county of Mercer and State of Missouri.

Thomas Curry, to be postmaster at Oregon, in the county of Holt and State of Missouri.

George L. Miller to be postmaster at King City, in the county of Gentry and State of Missouri.

NEBRASKA.

Clark Robinson to be postmaster at Fairmont, in the county of Fillmore and State of Nebraska.

NEVADA.

Charles A. Beemer to be postmaster at Sparks, in the county of Washoe and State of Nevada.

NEW HAMPSHIRE.

Jesse C. Parker to be postmaster at Hillsboro Bridge, in the county of Hillsboro and State of New Hampshire.

J. P. Wellman to be postmaster at Keene, in the county of Cheshire and State of New Hampshire.

NEW JERSEY.

Louis Sabow to be postmaster at Chrome, in the county of Middlesex and State of New Jersey.

NEW YORK.

Evert B. Du Bois to be postmaster at Wallkill, in the county of Ulster and State of New York.

Melvin J. Esmay to be postmaster at Schenevus, in the county of Otsego and State of New York.

Frank W. Hallock to be postmaster at Millbrook, in the county of Dutchess and State of New York.

Montressor Van Auken to be postmaster at Cobleskill, in the county of Schoharie and State of New York.

Nathan Van Wagenen to be postmaster at New Paltz, in the county of Ulster and State of New York.

NORTH CAROLINA.

Rufus R. Harris to be postmaster at Louisburg, in the county of Franklin and State of North Carolina.

D. C. Pearson to be postmaster at Morganton, in the county of Burke and State of North Carolina.

OHIO.

Frank A. Knapp to be postmaster at Bellevue, in the county of Huron and State of Ohio.

Samuel E. Nimmons to be postmaster at Plymouth, in the county of Richland and State of Ohio.

Adelbert E. Shattuck to be postmaster at Wellston, in the county of Jackson and State of Ohio.

John B. Strobel to be postmaster at Ironton, in the county of Lawrence and State of Ohio.

SOUTH DAKOTA.

John G. Ropes to be postmaster at Groton, in the county of Brown and State of South Dakota.

TEXAS.

Berry McGee to be postmaster at Italy, in the county of Ellis and State of Texas.

UTAH.

Arthur L. Thomas to be postmaster at Salt Lake City, in the county of Salt Lake and State of Utah.

WASHINGTON.

Edwin L. Brunton to be postmaster at Walla Walla, in the county of Wallawalla and State of Washington.

WEST VIRGINIA.

James K. Hall to be postmaster at Wheeling, in the county of Ohio and State of West Virginia.

WISCONSIN.

D. C. Beebe to be postmaster at Sparta, in the county of Monroe and State of Wisconsin.

William F. Bishop to be postmaster at Peshtigo, in the county of Marinette and State of Wisconsin.

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## HOUSE OF REPRESENTATIVES.

WEDNESDAY, *February 28, 1906.*

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

FEDERAL COURT, MIAMI, FLA.

Mr. CLARK of Florida. Mr. Speaker, I ask unanimous consent for the present consideration of the following bill.

The SPEAKER. The gentleman from Florida asks unanimous consent for the present consideration of a bill which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 10080) to provide for sittings of the United States circuit and district courts of the southern district of Florida at the city of Miami, in said district.

*Be it enacted, etc.*, That from and after the passage of this act there shall be held at the city of Miami, in the southern district of Florida, a term of both the circuit and district courts of said district, on the third Monday in November of each year: *Provided*, That suitable rooms and accommodations shall be furnished for the holding of said courts at said place free of expense to the Government of the United States.

The amendment recommended by the committee was read, as follows:

In line 6 strike out the word "third" and insert the word "fourth," and in the same line strike out the word "November" and insert the word "April."

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; was read the third time, and passed.

On motion of Mr. CLARK of Florida, a motion to reconsider the last vote was laid on the table.

DELEGATE FROM ALASKA.

Mr. CUSHMAN. Mr. Speaker, I ask unanimous consent for the present consideration of Senate bill 956, providing for the election of a Delegate to the House of Representatives from the district of Alaska.

The SPEAKER. The gentleman from Washington [Mr. CUSHMAN] asks unanimous consent for the present consideration of the following bill, the title of which the Clerk will read.

The Clerk read as follows:

A bill (S. 956) providing for the election of a Delegate to the House of Representatives from the district of Alaska.

The SPEAKER. Is there objection?

Mr. PAYNE. Mr. Speaker, I would like to hear the bill read first.

The SPEAKER. The Chair will suggest that, as this is a longer bill than the Chair supposed, under all the circumstances, the gentleman from Washington [Mr. CUSHMAN] withdraw his request for the present.

Mr. CUSHMAN. Mr. Speaker, I gladly withdraw the request at this time.

BRIDGE ACROSS CUMBERLAND RIVER.

Mr. BUTLER of Tennessee. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 4482) entitled "An act to amend an act entitled 'An act authorizing the construction of a bridge across the Cumberland River at or near Carthage, Tenn.'"

The SPEAKER. The gentleman from Tennessee asks unanimous consent for the present consideration of the bill S. 4482, which the Clerk will read.

The bill was read at length.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to be read a third time; was accordingly read the third time, and passed.

On motion of Mr. BUTLER of Tennessee, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. BUTLER of Tennessee. Mr. Speaker, I move that the House Committee on Interstate and Foreign Commerce be discharged from further consideration of the bill H. R. 15091 and that the same be laid on the table, a similar Senate bill having been passed.

The SPEAKER. Is there objection?

There was no objection.

BRIDGE ACROSS TENNESSEE RIVER.

Mr. JAMES. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 14589) to authorize the Cairo and Tennessee River Railroad Company to construct a bridge across the Tennessee River.

The SPEAKER. The gentleman from Kentucky [Mr. JAMES] asks unanimous consent for the present consideration of a bill which the Clerk will report.

The bill was read at length.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to be engrossed and read a third time; was accordingly read the third time, and passed.

On motion of Mr. JAMES, a motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGE ACROSS THE CUMBERLAND RIVER.

Mr. JAMES. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 14590) to authorize the Cairo and Tennessee River Railroad Company to construct a bridge across Cumberland River.

The SPEAKER. The gentleman from Kentucky [Mr. JAMES] asks unanimous consent for the present consideration of a bill which the Clerk will report.

The Clerk read the bill at length.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to be engrossed and read a third time; was accordingly read the third time, and passed.

On motion of Mr. JAMES, a motion to reconsider the vote by which the bill was passed was laid on the table.

SALE AND CONVEYANCE OF LAND TO STATE OF MINNESOTA.

Mr. DAVIS of Minnesota. Mr. Speaker, I ask unanimous consent for present consideration of the bill (H. R. 10101) authorizing and directing the Secretary of the Interior to sell and convey to the State of Minnesota a certain tract of land situated in the county of Dakota, State of Minnesota.

The SPEAKER. The gentleman from Minnesota [Mr. DAVIS] asks unanimous consent for the present consideration of a bill, which the Clerk will report.

The Clerk read as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to sell and convey unto the State of Minnesota, under such provisions as he may direct, and for such compensation as he may deem adequate, the following tract of land, which was heretofore purchased by the United States for the purpose of allotting the same to certain Sioux Indians, residing in the State of Minnesota, situated in the county of Dakota and State of Minnesota, described as follows, to wit: Southeast quarter of the southeast quarter of section 27, township No. 115, range 17.

SEC. 2. That the proceeds arising from the sale of such land shall, if the Secretary of the Interior so elect, be paid to said proposed allottees or their representatives, or lieu lands purchased for them elsewhere.

The SPEAKER. Is there objection?

Mr. FITZGERALD. Mr. Speaker, reserving the right to object, I would like the gentleman to explain this bill.

Mr. DAVIS of Minnesota. Mr. Speaker, during the year 1888 the sum of $10,000 was appropriated for purchasing certain lands, tools, and implements for the benefit of a few remaining Sioux Indians, who had severed their tribal relations and still resided within the State of Minnesota.

The purchase of this land was for the purpose of allotting the same in severalty to said Indians. The matter has dragged along for years without such allotment being made of all such lands so purchased. The final inspection thereof was made in the year 1904, in which half a dozen or more small tracts were attempted to be allotted. The allotments were made and approved by the Secretary of the Interior as to all except a 40-acre tract lying in the county of Dakota, in the State of Minnesota. That tract was not considered to be suitable for an Indian allotment, owing to its barren condition, and being covered with water, hilly, sandy, and not useful for cultivation. Hence the allotment as to this tract was not approved by the Secretary. However, it has lain there dormant and useless for quite a number of years previous hereto, except some being pastured and a very small part slightly cultivated. During last year the State of Minnesota, through its board of control, desired to purchase this particular 40-acre tract; it is the only remaining tract of the so-called "Sioux allotment." The present bill for that purpose has passed the Committee on Public Lands unanimously.

The Secretary of the Interior and the Commissioner of Indian Affairs have approved it. It leaves to the Secretary of the Interior the sale of it to the State of Minnesota, desiring to purchase it for use in connection with the Minnesota Hospital for the Insane, located at Hastings, Minn. It is not a very valuable tract; worth less perhaps than a thousand dollars in value; and at the present time the State of Minnesota is using it for the purpose of sanitary sewerage purposes, by and with the consent of the Secretary of the Interior.

Mr. FITZGERALD. How many of these Indians have not had lands allotted to them?

Mr. DAVIS of Minnesota. All with the exception of this particular tract.

Mr. FITZGERALD. How many Indians still remain without land allotted to them?

Mr. DAVIS of Minnesota. Very few, if any.

Mr. FITZGERALD. And were they all to be given allotment on this 40 acres?

Mr. DAVIS of Minnesota. Oh, no; there were various other tracts lying in other counties, some of them in the county of Wabasha, in the district of the gentleman from Minnesota [Mr. TAWNEY].

Mr. FITZGERALD. How did this bill go to the Committee on Public Lands? These are Indian lands.

Mr. DAVIS of Minnesota. Last year I introduced a bill and had it referred to the Committee on Indian Affairs, upon the theory that the allotment had been made; but upon investigation it was found that the Indian Affairs Committee had nothing to do with it, because there never had been any allotment; that the Government owned the land in fee; that the Secretary of the Interior refused to make the allotment, because it was not a kind of land that was useful for the Indians at all. Now, the proceeds from the sale of this land is to be used for the purchase of lieu land in place of it for the same Indians.

Mr. FITZGERALD. Does this land adjoin a brick yard?

Mr. DAVIS of Minnesota. It does not.

Mr. STEPHENS of Texas. I would like to ask the gentleman what is the necessity of this bill?

Mr. DAVIS of Minnesota. The necessity is that the land will be made available for use by the Minnesota Hospital for the Insane, located at Hastings, Minn., and they are very desirous of having it. The last inspector, Mr. Downs, who appraised the land, valued it at $640; but the Secretary of the Interior will sell it to the State of Minnesota at the best price possible.

Mr. STEPHENS of Texas. How is it to be sold? To the highest bidder at auction, or by sealed bids?

Mr. DAVIS of Minnesota. The sale is to be made to the State of Minnesota for the hospital for the insane; but if the price is not satisfactory, the Secretary of the Interior will not sell it. He certainly will not sell lower than the appraised value.

Mr. STEPHENS of Texas. How are the rights of the Indians to be preserved?

Mr. DAVIS of Minnesota. The money received therefor is to be distributed to the Indians, or, in the discretion of the Secretary of the Interior, other lands will be purchased of the value thereof and allotted to them.

Mr. STEPHENS of Texas. Who has authority to make this sale under your bill?

Mr. DAVIS of Minnesota. The Secretary of the Interior alone.

Mr. STEPHENS of Texas. Under either sealed bids or open bids?

Mr. DAVIS of Minnesota. It does not provide that. It is to be made in such a manner as he deems proper.

Mr. STEPHENS of Texas. Does not the gentleman think that is a very unsafe provision? Ought it not to be at public auction or by sealed bids?

Mr. DAVIS of Minnesota. The committee did not deem that necessary.

Mr. STEPHENS of Texas. Does the gentleman think it best that it should be left so that the Secretary of the Interior shall make such trade as he sees proper?

Mr. DAVIS of Minnesota. I hardly think a matter of this importance would be crowding the discretion of the Secretary of the Interior very much, especially where he has had two or three appraisals of the value, and I can assure the gentleman that the sale will not be made for any less than the appraised value, and probably for considerably more. This tract of land is badly located, almost absolutely worthless for agricultural purposes. From one-half to three-fourths of it is covered by water from the Vermilion and Mississippi rivers two-thirds of the year.

Mr. STEPHENS of Texas. All the bills that have been reported from the Committee on Indian Affairs have been safeguarded by the provision that the lands shall be appraised and not be sold for less than the appraised value.

Mr. DAVIS of Minnesota. This land has already been appraised twice, and there is a provision that it shall not be sold for less than the appraised value.

I will inform the gentleman that the object of this is to leave it discretionary with the Secretary of the Interior, in order that he may get more than the appraisement. I think the chances are—in fact, I am confident from my knowledge of it—that he will obtain more by several hundred dollars than the $640 appraisement.

Mr. TAWNEY. The insertion of the amendment suggested by the gentleman from Texas would not prevent the Secretary of the Interior from accepting more if he could get it.

Mr. DAVIS of Minnesota. Not at all, and I am very willing to have that amendment put in.

Mr. TAWNEY. But it would prevent it being sold for less than the appraised value.

Mr. STEPHENS of Texas. I think that amendment should go in, in order to make it conform to the rule.

The SPEAKER. Is there objection?

There was no objection.

Mr. STEPHENS of Texas. I offer that amendment.

The SPEAKER. The question is first on the committee amendments.

The committee amendments were agreed to.

The SPEAKER. Is some other amendment desired?

Mr. STEPHENS of Texas. I offer the following proviso:

*Provided*, That the land shall not be sold for less than the appraised value.

The SPEAKER. The gentleman from Texas offers an amendment to be reported by the Clerk.

The Clerk read as follows:

Add at the end of section 1 the words "*Provided*, That the land shall not be sold at less than the appraised value."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and was accordingly read the third time, and passed.

On motion of Mr. DAVIS of Minnesota, a motion to reconsider the last vote was laid on the table.

## ARMY APPROPRIATION BILL.

Mr. HULL. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill making appropriations for the Army.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 14397) making appropriation for the support of the Army for the fiscal year ending June 30, 1907, with Mr. BOUTELL in the chair.

The CHAIRMAN. The Chair would state that there is a point of order under consideration, and the Chair is very desirous to hear the arguments of Members addressing themselves to this subject.

Mr. TAWNEY. Mr. Chairman, when the committee rose on yesterday the Chair had under consideration the point of order made by myself to the paragraph providing for an increase in the clerical force of the headquarters, divisions, and departments of the Army, including the office of Chief of Staff. The point of order I make is that there is no law authorizing this increase of clerical force for these offices, and that therefore the paragraphs are not in order in so far as they involve that increase. The basis of that point of order is the fact that these offices in which these clerks are to be employed do not come under the head of the Executive Departments of the Government. They are not included within what are termed "the Executive Departments of the Government."

There was a decision by the Chairman of the Committee of the Whole a few years ago, holding that increases of salaries for these clerks were in order; but subsequently, March 28, 1900, this same question again arose, and I find in the CONGRESSIONAL RECORD of the first session of the Fifty-sixth Congress, on page 3442, this ruling:

The Chair, in looking up the RECORD, discovers that the basis of the decision made by the gentleman from Illinois, while occupying the chair last year, was a statute which provides as follows—

Then follows the statute which I read on yesterday in regard to the provision in appropriation bills for increasing clerk hire for the Executive Departments of the Government. The Chairman proceeds:

So that the decision of the gentleman from Illinois last year was based upon a provision of law for whatever number of clerks Congress chose to appropriate in any particular Department—which is a proposition differing distinctly from that suggested by the gentleman from Arkansas.

Now, I have here the decision of the Attorney-General, as to what constitutes the Executive Departments, and it is only the Executive Departments that are included in section 169 of the Revised Statutes, giving the authority for the increase of clerical force in an appropriation bill. The Attorney-General, on page 267, volume 15, of the Attorney-General's Opinions, says:

The civil Executive Departments are by law established at the seat of Government. They have no existence elsewhere. Only those bureaus and offices can be deemed bureaus or offices in any of these Departments which are constituted, as they are, by the law of its organization. The Department with its bureaus and offices is, in contemplation of the law, an establishment distinct from the branches of the public service and the offices thereof which are under its supervision.

The CHAIRMAN. The Chair will ask at what date that opinion was published?

Mr. TAWNEY. May 16, 1877. That is all, Mr. Chairman, that I wish to call to the attention of the Chair at this time.

Mr. *HULL*. Mr. Chairman, I feel like apologizing to the chairman for taking his time on this question, for it does not seem to me hardly an open question. The gentleman from Minnesota [Mr. TAWNEY] refers to the increase of clerk hire; that is not involved here. He refers to places where the law fixes the salary of clerks on an appropriation bill and the change of salary; that is not involved here. The question involved here is whether on this bill we have a right to provide for clerical force necessary for the Department, divisions, and Chief of Staff. That is all that is involved here.

The same question was raised on exactly this same proposition in the third session of the Fifty-fifth Congress when the gentleman from Alabama raised the point of order on a small increase in the clerical force—not a change of salary, but a small increase in the clerical force. He argued it at length, and I and other gentlemen participated in it; but the gentleman from Illinois, who is now Speaker of the House, threw more light on the subject than any of the rest of us, and I want to read his statement. It will be found on page 2403 of the RECORD of that session.

Mr. CANNON. I want to say a word on the point of order. I do not know as to the propriety of specifically appropriating for these clerks, but I do know that in all the Departments, as well as at the headquarters of the Army, there is a clerical force under general provision of law that is larger or smaller from year to year as the necessities of the service seem to indicate, and that it is always in order upon a general appropriation bill to increase or decrease the item for clerk hire.

Then he quotes certain provisions of law. He was interrupted by the gentleman from Alabama [Mr. UNDERWOOD] and the gentleman from Tennessee [Mr. COX] and proceeded as follows:

What I undertake to say is that the clerical service in the Army and Navy may be 500 or it may be 100, just according to the necessities of the service and without the necessity of formally passing a separate law. So that it is perfectly clear to me, without discussing the wisdom of the provision, that it is in order to make appropriation for one or one hundred clerks.

The Chairman, Mr. HOPKINS of Illinois, after hearing further debate, rendered his decision:

That under this statute it seems clear to the Chair that this is simply following what is authorized by law, and in this Department of War, and is not in violation of section 2 of Rule XXI, as contended for. The Chair therefore overrules the point of order.

That question, Mr. Chairman, was raised on this identical provision of the Army bill. It was thoroughly discussed by Members of the House and was settled, as I supposed, for all time.

Mr. TAWNEY. Will the gentleman permit an interruption?

Mr. HULL. In one minute, after I have finished this sentence. The gentleman from Minnesota raises the point of order from line 4 down to and including line 18, I think. Line 4 provides for a chief clerk and is for no increase, and yet it is just as much subject to a point of order as the other. There is no place where it is provided for by any law outside of an appropriation bill.

Mr. TAWNEY. I beg the gentleman's pardon, but my point of order is not made to line 4 nor line 5 nor line 6. It commences at line 8.

Mr. HULL. Then I misunderstood the gentleman's point of order.

Mr. TAWNEY. Lines 8 and 9 provide for an increase of two clerks.

Mr. HULL. That does not obviate what I wanted to say. What is proposed, Mr. Chairman, is this: Under the provisions of law certain divisions and departments of the Army are authorized. The Office of Chief of Staff is organized under the jurisdiction of the Secretary of War, and it has been conceded always that the Army bill cares for the General of the Army. Now, the Chief of Staff for the department and divisions and that part outside of the proper department clerks—that was all regulated by an amendment agreed upon by the gentleman from Massachusetts, representing the Committee on Appropriations, and myself a few years ago, whereby each of us agreed to keep our hands off the other's territory.

Now, Mr. Chairman, if we can not increase the clerical force we can not appropriate for what are now on the rolls, because the appropriation bill expires on the 30th of June each year, and there is no permanent law by which we can appropriate for a single man. The Department asked for twenty-four clerks and we give them eleven, mostly of the lower grade. That will come up on another proposition if the Chair overrules the point of order. I do believe on this question that there is no basis for the foundation of the gentleman's point of order.

Mr. TAWNEY. Mr. Chairman, I want to say one word in reply to the gentleman from Iowa. There is no distinction between the appropriation for increase of salary and for the increase of the clerical force, and the decision which was made by the Chair following the decision which he quotes, that of Mr. HOPKINS, is identical in point here for the reason that there is no distinction between increasing the salary of the clerks and increasing the number of clerks in that Department. The point turned on this proposition. The only law on the statute books authorizing the appropriation of money for the payment of clerks or hiring clerks by Departments is section 169 of the Revised Statutes, which reads as follows:

Each head of a Department is authorized to employ in his Department such number of clerks of the several classes recognized by law, and such messengers, assistant messengers, copyists, watchmen, laborers, and other employees, and at such rates of compensation respectively as may be appropriated for by Congress from year to year.

Now, the authority to employ clerks appropriated for in appropriation bills is limited to the heads of Departments, and under the decision of the Attorney-General holding or defining what the head of a Department is, clearly there is no authority in law then for the increase of the number of clerks in these several headquarters.

The CHAIRMAN. The Chair is prepared to rule. The gentleman from Minnesota [Mr. TAWNEY] makes the point of order that the items upon pages 9 and 10 providing for an increase in the number of clerks, messengers, and laborers at headquarters of divisions and departments and the Office of the Chief of Staff are obnoxious to clause 2 of Rule XXI. So much of that clause as applies to this case is as follows:

No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law.

The first question is, What law authorizes this appropriation? The only law referred to is that contained in section 169 of the Revised Statutes, which is as follows:

Each head of a Department is authorized to employ in his Department such number of clerks of the several classes recognized by law, and such messengers, assistant messengers, copyists, watchmen, laborers, and other employees, and at such rates of compensation, respectively, as may be appropriated for by Congress from year to year.

The next question, of course, is whether these clerks referred to in the items to which objection has been made are to be employed by the head of a Department and in his Department. The gentleman from Iowa [Mr. HULL] is quite correct in his statement of the ruling made by the occupant of the Chair [Mr. HOPKINS], as referred to on page 2404 of the RECORD, third session Fifty-fifth Congress, but it appears that at that time the Chairman of the Committee of the Whole was not familiar with the ruling of the Attorney-General, which has been submitted to. In that ruling, which was referred to in the following year in the decision made by the occupant of the Chair at that time [Mr. SHERMAN of New York], overruling the decision of Mr. HOPKINS, are found these words, defining a Department:

The Department, with its bureaus or branches, is in contemplation of the law an establishment distinct from the branches of the public service and the officers thereof which are under its supervision.

This will be found in volume 15 of the opinions of the Attorney-General, on page 267. It seems, therefore, that in arriving at a conclusion on this question the present occupant of the Chair must hold that a Department, as referred to in section 169 of the Revised Statutes, refers to that branch of the Government technically known as an Executive Department, and presided over by a member of the Cabinet, and located in the city of Washington.

Now, then, are the clerks provided for in these items so employed? On page 10 of this bill, in line 18, will be found the proviso:

*Provided*, That no clerk, messenger, or laborer at headquarters of divisions, departments, or Office of the Chief of Staff shall be assigned to duty with any bureau of the War Department.

So that aside from what has been developed in the debate it would appear to the Chair that these clerks, messengers, and

laborers are to be employed outside of the Department, technically so called, and are to be employed in various parts of the country at headquarters of the Army, headquarters of the division, and at other points. It will be seen that the decision rendered by Mr. SHERMAN directly overruled the decision rendered by Mr. HOPKINS a year earlier, but this same question came up even later, on December 9, 1904, when the legislative appropriation bill was before the Committee of the Whole House, and an item in the bill provided for the increase in the number of clerks in the Civil Service Commission. A point of order was made for the same reason that has been assigned in the case under consideration, and the opinion was rendered by Mr. DALZELL, then Chairman of the Committee of the Whole. In rendering his decision he referred specifically to the point made by the gentleman from Iowa [Mr. HULL], that if the ruling of the Attorney-General were correct, there was perhaps no law providing for any of these different clerks outside of the Department proper, except the appropriation bills of previous years, and the Chairman then said:

> The enactment of an appropriation bill is not a provision of law any more than for the current year, and it gains no force by having been repeated for two, three, or any number of succeeding years.

It would appear, therefore, from the ruling of the Attorney-General and from these decisions that the clerks of the Government outside of the Departments in Washington must be provided for by specific law, and that items in an appropriation bill providing for such clerks or increasing their number beyond that previously provided by law would not be in order. The Chair, therefore, is constrained to sustain the point of order.

Mr. HULL. Mr. Chairman, I shall not appeal from the decision of the Chair, because the Chair is generally very correct in his rulings. I can not agree with the Chair, but as there is another place where this can be remedied I suggest that the items in regard to clerks, messengers, captain of the watch, and everything connected with the Department outside of Washington and affecting the War College go out of the bill, because, in my judgment, under the decision of the Chair we have no right to provide for a single clerk or messenger. I shall not raise a point of order to the few clerks left in the bill because a point of order has not been raised. They amount to nothing. If this is not corrected in another way public business must stop.

The CHAIRMAN. Will the chairman of the committee specify for the convenience of the Clerk the lines to go out with this understanding?

Mr. HULL. I can state it. There is no increase in the first, office of Chief of Staff, $2,000 per annum, and there is no increase under the provision of $1,800. I should say lines 8 and 9 would go out, because there is an increase there of 2. Ten and 11 will go out, because there is an increase of 1. Twelve and 13 will go out, because there is an increase of 3. Fourteen and 15 will go out, as there is an increase of 5. Then, I suppose, captain of the watch goes out; 3 watchmen go out, and all goes out from there down. One packer goes out. Messengers go out, because there is an increase of 5.

Mr. TAWNEY. And lines 5 and 6, page 10.

Mr. WILLIAMS. Will the gentleman permit a question?

Mr. HULL. Oh, yes.

Mr. WILLIAMS. Does the gardener go out?

Mr. HULL. Yes, sir; and laborers go out in line 8, page 10. Two laborers, at $600, in line 9, I understand, go out and 5 charwomen go out. I think that is as far as they go out.

Mr. FITZGERALD. Is it the intention of the gentleman from Iowa not to ask that the clerks now authorized be covered?

Mr. HULL. My judgment is, if we can not give what the Department think is necessary we have no right to appropriate at all. There are none authorized by law outside of this appropriation bill. If the gentleman from New York raises the point of order on the other clerks, I will cheerfully yield and say they ought to go out, as appropriations from year to year do not make law, and we have no right to keep any under the decision.

Mr. FITZGERALD. I am not raising the point of order. I am asking the gentleman from Iowa if he is deliberately requesting the House not to appropriate for clerks conceded to be required for the Department and against which no point of order has been made?

Mr. HULL. No, sir; I am only letting them go out where the point of order is raised.

Mr. FITZGERALD. The point of order, I understand, was raised against certain increases made.

Mr. HULL. Certainly; that is my understanding, too.

Mr. FITZGERALD. But the gentleman does not ask that there be kept in the bill the number of clerks heretofore authorized?

Mr. HULL. The gentleman is not asking any because they are not authorized by law. There is no law on the statute books of the country that provides for one of them. If the decision of the Chair is correct we could only provide for clerks by the favor of the Committee on Appropriations. I can not ask that.

Mr. FITZGERALD. There is no law that provides for a great many clerks that are authorized without objection.

Mr. HULL. The gentleman from Iowa does not concede that it is any more important to appropriate for what we have had heretofore than it is for the number that is now recommended. The Committee of the Whole and the House has no opportunity to pass upon whether they are necessary or not. It has passed beyond that point, and the gentleman from Iowa has nothing further to say on the subject.

Mr. TAWNEY. I will ask the gentleman whether that is what he meant by his statement a while ago when he said there is another place where these clerks could be provided for under the law.

Mr. HULL. I did not mean the Appropriations Committee, I will say to the gentleman.

Mr. TAWNEY. I wanted to know whether they are in this bill.

Mr. HULL. No, sir; it is not in this bill, but I have no doubt it will be in the bill before it becomes a law.

Mr. TAWNEY. I thought possibly they were in there now.

Mr. WILLIAMS. A parliamentary inquiry.

The CHAIRMAN. The gentleman from Mississippi will state it.

Mr. WILLIAMS. Is there still opportunity to offer an amendment along here?

The CHAIRMAN. The section has been read for amendment, and the point of order that was made has just been decided, so the section would have to be open to amendment, except so far as amendments might relate to these paragraphs which have gone out.

Mr. WILLIAMS. What goes out of the bill by the point of order—fifteen of the clerks or the increase of two clerks?

The CHAIRMAN. The entire paragraph.

Mr. WILLIAMS. Then it would require a motion to provide for thirteen clerks—putting that provision back in the bill?

The CHAIRMAN. It would require such a motion, and it would be necessary further to show that the amendment was in order upon this bill if a point of order should be raised.

Mr. WILLIAMS. So that the ruling of the Chair really is that not only the increase in clerkships and laborers, and so forth, go out, but even those that were in employ prior and are in employ now?

The CHAIRMAN. The Chair will state that it seems to be the condition in reference to many of the Departments that it is necessary to bring in a general statute providing for the clerks employed outside of the Departments, technically so called, in Washington.

Mr. WILLIAMS. And this committee can bring in a bill whenever it pleases providing for present existing force?

The CHAIRMAN. Or for any future increase in existing force.

Mr. PARKER. Mr. Chairman, in reference to this general matter, I desire simply to say that outside of any statute I have myself regarded the supply of such clerks as are needed from time to time in the management of headquarters of the Army as the carrying out of a great public work, and under the exception to the rule which provides for appropriations for that purpose the headquarters have to be maintained by those officers, and the necessary expense of maintaining those headquarters seems to be within the purview of the bill. I say this with all deference to the Chair, because it may come up on a subsequent point of order, and I do not want to be barred from putting that point before the Chair.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

In all, $329,040.

Mr. HULL. This is a kind of addition, and it is impossible to make that at this time—to make an amendment covering the exact amount—and I move it be stricken out, as it is no part of the law, anyhow.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. SLAYDEN. Mr. Chairman, which paragraph is that?

Mr. HULL. It is simply the summing up—the total in line 15, on page 10, of the bill. It will have to be changed to agree with the change in the bill.

Mr. SLAYDEN. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. SLAYDEN. With that stricken out, what becomes of the paragraph covered by lines 16, 17, and 18 and the proviso from line 18 down to line 21, inclusive?

The CHAIRMAN. That portion of the bill has not yet been read.

Mr. SLAYDEN. I have an amendment to offer to that.

The CHAIRMAN. The Clerk will read the bill.

The Clerk read as follows:

And said clerks and messengers and laborers shall be employed and assigned by the Secretary of War to the offices and positions in which they are to serve: *Provided*, That no clerk, messenger, or laborer at headquarters of divisions, departments, or office of the Chief of Staff, shall be assigned to duty with any bureau in the War Department.

Mr. HULL. Mr. Chairman, I think it is important to leave that, as far as clerks are concerned, because all of these divisions in the departments and the chiefs of staff now have seven clerks. They have no messengers or laborers. Therefore, I move to strike out the words "and messengers and laborers" on line 16.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Iowa.

The question was taken; and the amendment was agreed to.

Mr. SLAYDEN. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

Mr. SLAYDEN. Mr. Chairman, before this amendment is read I would like to submit a statement to the House to the effect that the amendment is really more pertinent to page 6, under the head of "Pay of enlisted men," and I would like if the chairman of the Committee on Appropriations will give me his attention for just a moment, in order that I may state the nature of this amendment.

Mr. HULL. It is hardly in order at this time to return to that. The gentleman had better wait until we finish up that which we are on now, and then ask unanimous consent to return to that paragraph.

Mr. SLAYDEN. I will say to the gentleman from Iowa that my purpose was to offer it as an amendment here, preferably, if I can secure permission to return to the "Pay of enlisted men."

Mr. HULL. It would be better to ask unanimous consent to return to that and offer it where the gentleman thinks it belongs.

Mr. SLAYDEN. Then I will wait, Mr. Chairman.

Mr. HULL. Mr. Chairman, I move that the words "messenger or laborer," occurring in line 19, page 10, be stricken out.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 10, line 19, strike out the words "messenger or laborer."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. HULL. If the gentleman from Texas will ask unanimous consent to return to page 6——

Mr. SLAYDEN. I ask unanimous consent to return to that part of the bill which provides for the enlisted men, and offer this as an amendment on page 6.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to return to page 6 for the purpose of offering an amendment. Is there objection?

Mr. YOUNG. Reserving the right to object, I would like to ask the gentleman what the amendment is.

Mr. SLAYDEN. The gentleman will hear it read.

The CHAIRMAN. Without objection, and pending the objection reserved by the gentleman from Michigan, the Clerk will report the amendment.

The Clerk read as follows:

Insert after line 17, page 6, the following:

"*Provided further*, That hereafter the Secretary of War shall be authorized to detach from the Army at large such number of enlisted men as may be necessary to perform duty at the various recruit depots and the United States Military Prison, and of the enlisted men so detached, and while performing such duty, there shall be allowed for each depot and the prison one who shall have the rank, pay, and allowances of battalion or squadron sergeant-major, and for each recruit and prison company one who shall have the rank, pay, and allowances of first sergeant, five the rank, pay, and allowances of sergeant, and six the rank, pay, and allowances of corporal, of the arm of the service to which they respectfully belong."

Mr. TAWNEY. I reserve the point of order.

Mr. SLAYDEN. I will state, first, that the amendment, if it should become law, will actually result in a saving, not very great in amount it is true, but an annual saving in the charges upon the Treasury. It is for the more efficient and satisfactory management of these details that are now sent to recruiting stations and to recruiting depots. Since the reorganization act of the 1st of February, 1901, three recruiting depots have been established. It is necessary to have a number of men and of a certain rank—noncommissioned rank—at these various recruiting stations and depots. In order to provide for that, enlisted men have been given the rank and detailed to the duties. The terms of these men have expired from time to time, and they have been taken away and have gone out of the service upon the expiration of their enlistments, and new men have gone in, entailing the expense on the Government of transporting other details to the various recruiting stations and depots. I will ask the Clerk to read a letter from General Bates, Chief of Staff, as to the necessity for this change.

The Clerk read as follows:

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF STAFF,
*Washington, November 29, 1905.*

The SECRETARY OF WAR.

SIR: I have the honor to invite your attention to section 31 of the act of February 2, 1901, entitled "An act to increase the efficiency of the permanent military establishment of the United States." This section provides:

"SEC. 31. That the Secretary of War is authorized to detach from the Army at large such number of enlisted men as may be necessary to perform duty at the various recruiting stations, and while performing such duty one member of each party shall have the rank, pay, and allowances of sergeant, and one the rank, pay, and allowances of corporal of the arm of the service to which they respectively belong."

Since the passage of this act, in addition to the recruiting stations referred to therein, three recruit depots have been established, one at Jefferson Barracks, Mo., one at Columbus Barracks, Ohio, and one at Fort Slocum, N. Y. At each of these depots recruit companies have been organized, to which recruits are sent, upon enlistment, for instruction, until assigned to regiments or corps. Under the provisions of the act above quoted it is impossible to give these depots the necessary noncommissioned officers for the organizations now authorized. The noncommissioned officers now with those companies were obtained by increasing the number of sergeants and corporals in certain infantry and cavalry organizations, under the provisions of sections 2 and 10 of the act of February 2, 1901, and then assigning such noncommissioned officers to the recruit companies at these three depots. This method is unsatisfactory and, in some measure, inefficient.

As it is not possible under the law to increase the number of sergeants of cavalry, the necessary sergeants for service with the recruit companies at Jefferson Barracks were detached from the Fifteenth Cavalry and the Eleventh Cavalry, these sergeants being replaced in their troops by extra corporals authorized for those regiments under the law cited above.

Nor is there any way by which a sergeant-major for the recruit battalion at each of the three depots can be obtained, and the necessity for a sergeant-major in each of them is probably greater than in any other battalions in the service, the paper work concerning an enlisted man being greater at the time of his entry into service than at any other time.

The number of noncommissioned officers provided by the method before indicated is inadequate for the duty demanded of them, and has been so reported by the Inspector-General of the Army as a result of his inspection of these depots. Each recruit company should have the peace organization of an infantry company, i. e., one first sergeant, five sergeants, and six corporals, and each recruit battalion should have one sergeant-major.

I therefore urge the submission to Congress at its coming session of the following bill:

"*Be it enacted, etc.*, That the Secretary of War is authorized to detach from the Army at large such number of enlisted men as may be necessary to perform duty at the various recruit depots, and of the enlisted men so detached, and while performing such duty, there shall be allowed for each depot one who shall have the rank, pay, and allowances of battalion or squadron sergeant-major, and for each recruit company one who shall have the rank, pay, and allowances of first sergeant, five the rank, pay, and allowances of sergeant, and six the rank, pay, and allowances of corporal, of the arm of the service to which they respectively belong."

Very respectfully,

J. C. BATES,
*Major-General, Acting Chief of Staff.*

The CHAIRMAN. Does the gentleman from Minnesota insist upon the point of order?

Mr. TAWNEY. I do not, Mr. Chairman.

The CHAIRMAN. The gentleman from Minnesota withdraws the point of order.

The question is on agreeing to the amendment of the gentleman from Texas.

The question was taken, and the amendment was agreed to.

Mr. WILLIAMS. I move to strike out the last word. We have just had a little parliamentary experience that might be rendered profitable in its way. We have discovered that about $300,000 of this bill was there without any previous authorization of law, and that makes one a little bit prone to look in doubt at these additional expenses and increases, say $24,000, offered in this bill, and what a beautiful illustration it is.

Mr. HULL. The gentleman will allow just one correction there. I simply want to correct the statement, for I know he does not wish to misstate the facts. The $329,040 includes all in the bill that comprised these positions.

Mr. WILLIAMS. Why did the gentleman ask unanimous consent to have these items stricken out?

Mr. HULL. Because it was a matter of addition. It is no part of the law, as a matter of fact. In the short time

allowed in the House it would be impossible to omit it and make the total what it should be.

Mr. WILLIAMS. How much of this was there in that shape?

Mr. HULL. The amount stricken out is part of the clerk hire.

Mr. WILLIAMS. As I understood the ruling of the Chair, in striking out the increases, it struck out existing appropriations as being equally without authorization of law. Whatever may be the amount, Mr. Chairman—let us say $100,000, whatever it may be—we discover that there has been not only an attempt in this Congress of making new places and allowing increases of salary without authorization of law, but that past Congresses have been doing it simply because the point of order was not made under the rules. So it is a beautiful illustration of the manner in which things are run. This illustrates the truth of the old saying about abuses that "grow by what they feed on—themselves." A few years ago the Army of the United States was 100,000 men. I believe it is claimed that it is now 57,000 men; yet in this bill we find a proposition to increase by twenty-three thousand eight hundred and some odd dollars the clerical service that is necessary at headquarters of the various divisions and departments in the office of the Chief of Staff in order to keep note upon the Army and see that the Army is properly clericalized.

In other words, it is well that the country should learn that even a decrease of the Army does not bring about very much of a decrease of expenditure, because right at the beginning of an increase of the Army the boys in harness, working with the party in power, have not found out where the jobs lie, and it takes them quite a long time to find out and to put new men in, and sometimes they do not find it out until the Army has been positively decreased. The illustration of this bill, that this Army, with fifty thousand and odd men, must have its clerical force increased by nearly $25,000 over and above what it was when the Army was very much larger, is a thing that I think ought to rest in the mind of the country.

Now, of course, Mr. Chairman, not one of us is deceived by anything that the House does in a moment of strenuousness. The House rises on its hind legs now and then and postures through the chairman of the Committee on Appropriations, and "undertakes to check expenditures." Of course, every one of us who has been here beyond five weeks knows that when this bill gets back from the Senate it will get back with all these House committee increases on it and some Senatorial increases besides, and then the House will pass the bill just as it comes back from the Senate, swallowing all the increases and all the extravagance, after having made a record for itself as a lover of economy upon a brilliant heyday gala day that has gone into the past.

If I could believe that we were going to stand here in conference and resist these increases, I should feel very much better. Here are three increases at $1,600; here is one increase at $1,400; here are three increases at $1,200; here are five increases at $1,000; here is an increase at $900; here is an increase at $720, and then here is one gardener provided for at $720. I do not know just what the clerical duties of the gardener are, nor where the gardener carries on his gardening, but the bill will come back to us with the gardener in it, and all the balance of it, from the Senate.

Mr. HULL. I ask unanimous consent that I may have two minutes. This is all by unanimous consent.

Mr. WILLIAMS. Before I sit down, if the gentleman from Iowa will excuse me, my mind has been enlightened, and I am told that the gardener belongs to the War College, which, I understand, has cost us something like a million dollars and now has about seven students.

Mr. HULL. Mr. Chairman, the gentleman from Mississippi is too fair a man to want to send out the impression that these clerks and messengers at department and division headquarters are not needed, and that it has been an extravagance to have them.

Mr. WILLIAMS. The gentleman did not say that. The gentleman said that these increases were not needed, and that they constitute an extravagance.

Mr. HULL. Well, I do not believe the gentleman is informed even on that subject. The Department asked for an increase of twenty-four. The committee cut it down to eleven, refused to increase in the higher salaries, and gave increases, two at $1,600, one at $1,400, three at $1,200, and five at $1,000, and refused thirteen clerks that the hearings gave us very good proof they could use to good advantage, and that they insisted they must have.

Now, I suppose it will be of some interest to the House to know where these clerks are located, and I have here a statement of them, which I will read:

*Assignment of clerks, office of Chief of Staff, division and department headquarters, etc.*

| | Clerks. | Messengers. | Laborers. |
|---|---|---|---|
| Office of Chief of Staff | 46 | 14 | 2 |
| Headquarters— | | | |
| Atlantic Division | 9 | 4 | |
| Northern Division | 8 | 4 | |
| Southwestern Division | 6 | 4 | |
| Pacific Division | 8 | 4 | |
| Philippines Division | 47 | 13 | |
| Headquarters Department— | | | |
| California | 10 | 3 | |
| Colorado | 8 | 4 | |
| Columbia | 8 | 3 | |
| Dakota | 7 | 3 | |
| East | 11 | 3 | |
| Gulf | 8 | 3 | |
| Lakes | 7 | 3 | |
| Missouri | 9 | 3 | |
| Texas | 8 | 3 | |
| District of Porto Rico | 1 | | |
| United States Military Academy | 6 | 1 | |
| Recruiting depot, Columbus Barracks | 1 | | |
| Artillery School | 1 | | |
| General Service and Staff College | 4 | | |
| Cavalry and Field Artillery School | 1 | | |
| Attending surgeon's office, Washington | | 1 | |
| Total | 214 | 73 | 2 |

The gentleman will see by this that there are serving in the office of the Chief of Staff 46 clerks, 14 messengers, and 2 laborers. Does the gentleman believe that number too many? I call the gentleman's attention to these other figures. The total is only 214 clerks, 73 messengers, and 2 laborers, in all the division and department headquarters, the Philippines, Porto Rico, the Military Academy, twenty-two different offices, scattered all over this country, and on the other side of the world.

The General of the Army, General Chaffee, a man whom I believe is just as anxious to save the public funds as the gentleman from Mississippi or any Member of this House can be; General Chaffee, who is a good soldier, an honest, upright man, who went over this carefully with the committee and showed where these additional clerks are needed, asked us to grant him 24 additional clerks. We cut down the 24 to 11.

Mr. WILLIAMS. Before the gentleman passes that—were not all these headquarters and various other appendages to the Army in existence last year and doing the work that they are doing this year?

Mr. HULL. Not entirely.

Mr. WILLIAMS. And just as important as they are this year. And if the Army itself has not grown, why must they grow?

Mr. HULL. The appropriations for the headquarters at the War College have grown on account of the increased labor. They have been trying to fill these offices with detailed men and pay them extra-duty pay, but it has not worked well; they could not get the right work done. They asked us to give them clerks, and we divided the number asked for, and proposed to let them carry on the business in part with detailed men another year and see how it would work.

Take the part of the bill the gentleman refers to as to the War College. He properly says that it has cost nearly a million of dollars. It has cost $800,000, but that is a public building authorized by law. Whether wisely or unwisely, it is too late to discuss now. Those that are familiar with military matters believe it is a wise provision to have a War College where the best officers who graduate in schools at Riley and Leavenworth and Fortress Monroe can have an additional post-graduate school for the highest training in matters pertaining to war.

Mr. SMITH of Iowa. Will the gentleman allow me to ask him a question purely for information?

Mr. HULL. Certainly.

Mr. SMITH of Iowa. What is the contemplation as to the number of persons that will attend this War College at any one time?

Mr. HULL. About thirty.

Mr. SMITH of Iowa. And it has cost $800,000?

Mr. HULL. Nearly $800,000; but it is the headquarters for all the General Staff, and it will be used largely for valuable maps and documents. It started with the proposition to have a $400,000 building, but it has grown away from that amount—whether wisely or unwisely, it is too late to discuss now.

What I want to call attention to is that it is a public building that will be finished before this fiscal year we are now legislating for begins. It is necessary to care for that building, and yet there is no authority of law that authorizes the General of the Army to employ these men, and never has been.

Mr. TAWNEY. Will the gentleman permit an interruption?

Mr. HULL. In a moment. I suppose the Committee on Appropriations would hardly have jurisdiction over it, because it does not come under the Secretary of War directly as a bureau of his Department.

Mr. TAWNEY. The gentleman's committee has jurisdiction over all legislation pertaining to the Army, has it not?

Mr. HULL. Yes.

Mr. TAWNEY. Is it not competent for the gentleman's committee to bring in a bill fixing the number of clerks by law to be employed in the different departments?

Mr. HULL. The difficulty is to get the bill through; the gentleman from Minnesota would be the first one to raise a point of order.

Mr. TAWNEY. Oh, but the gentleman does not have to have unanimous consent to consider it.

Mr. HULL. We have to have unanimous consent or else have a rule.

Mr. TAWNEY. The gentleman's committee has jurisdiction of the legislation, and the committee has never attempted it.

Mr. HULL. No; it has never been held that we had to do it. Heretofore ample authority has been given to do this on appropriation bill.

Mr. STEPHENS of Texas. Will the gentleman from Iowa permit a question?

Mr. HULL. Certainly.

Mr. STEPHENS of Texas. I believe the gentleman has stated that the General of the Army is as desirous as the committee to keep down expenses of the Government.

Mr. HULL. I think his desire is to keep the appropriations under his jurisdiction as low as he can with efficiency.

Mr. STEPHENS of Texas. I understood the gentleman to state that the General recommended twenty-four additional clerks and the committee had given them eleven.

Mr. HULL. Yes.

Mr. STEPHENS of Texas. Well, which is correct, the General or the committee?

Mr. HULL. The future will have to determine that. After another year if he finds out that he can not do the business with the enlisted men with the extra-duty pay, he is correct. If he can do it, the committee is correct.

Mr. STEPHENS of Texas. But he asks for thirteen clerks that the committee thinks that he did not need.

Mr. HULL. Oh, the gentleman from Texas is quibbling on a very small matter. The gentleman from Texas must realize that men of equal honesty, and equally desirous of promoting the public good, may have opposite views as to what the public good requires. I have even known the gentleman from Texas to differ with his colleagues whom he would admit were as honest as himself, and yet it is no imputation upon either one of them. But when the gentleman comes to me with that kind of a proposition, he is not seeking light, but only quibbling, as I know some attorneys in my State to quibble when practicing before a justice of the peace.

Mr. STEPHENS of Texas. In reply to the gentleman, let me say that the gentleman knows that the Department always asks for a great deal more than it expects to get, expecting to get it cut down in the House.

Mr. HULL. That is not my experience with the departments of the Army.

Mr. STEVENS of Minnesota. Mr. Chairman, I think it of some importance that some statement be placed in the RECORD in answer to the statement of the gentleman from Mississippi [Mr. WILLIAMS] that appropriations have been made in past years for many of these clerks and messengers without warrant of law.

I have been responsible in part for some years past for some of these appropriations, and I differ most respectfully with the gentleman from Mississippi [Mr. WILLIAMS] and with the ruling of the Chair. As I construe the law, there has been no necessity for any express provision for the employment of any of these clerks or messengers. The very situation of them, the duties they have to perform, shows the necessity. During the civil war, and for a long time after, this work was performed by a "general-service corps," so called, of the Army, composed of enlisted men, as much a part of the Army of the United States as were the infantry, cavalry, artillery, and the other branches of the service, and required no express provision of law for its existence. That was changed subsequently, but the same work of a military character remained. That work was then performed, in part by details of enlisted men, in part by the employment of these military clerks. These men do work partially military and partially civil in its character. They are under the orders of the Secretary of War the same as any officer of the Army. They are sent everywhere they are needed, wherever the Secretary of War decides they should go. This power exists under the general military authority of the Secretary of War. There is a proposition now pending somewhere, advocated by the War Department, reestablishing the general-service corps, which would, of course, take these clerks out of this bill. I believe it would be good policy for this reason. If every one of these clerks were eliminated from this bill, the service would yet have to be performed. Somebody would do it. It would be done by enlisted men from the Army detailed for that purpose and receiving extra-duty pay.

Now, that is a demoralizing thing to the Army. It is expensive, in the first place, to pay the soldier his usual monthly pay and 50 cents per day in addition. But, in addition to that, it has a very demoralizing effect upon the Army, and for this reason: These men are picked from various companies; they are private soldiers or noncommissioned officers. They are detailed to warm offices, comfortable quarters, and get extra pay for it. They are excused from the ordinary routine of a soldier's life, excused from guard duty, excused from drills and things of that kind, and perform easier clerical work. That completely demoralizes the discipline of the Army. It makes dissatisfaction with the men. It causes desertion, and is one of the things that the officers of the Army are extremely anxious to avoid. For that reason these clerks are needed in the various departmental headquarters of the country. They are engaged to prevent the use of extra-duty men, to prevent these breaches of discipline in the Army. So for that reason I desire to place on record my opinion that there was ample warrant of war for the employment of these clerks in the past; there is now; and they ought to be in the Army bill as a part of the military establishment of the country. One thing more. Some of these clerks are needed for divisions of the Army. I do not know how many, as I am not acquainted with the details of this bill. I think the creation of divisions in the Army is a mistake. I think they are only created for the purpose of employing our surplus major-generals. I think that it is an injury to public business to have military divisions. There should be nothing between the local military departments and the general War Department, and I apprehend that quite a number of these increases are needed for the military divisions, and if so, I confess I have not much sympathy with it.

Mr. FITZGERALD. Mr. Chairman, will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman yield?

Mr. STEVENS of Minnesota. Yes.

Mr. FITZGERALD. The gentleman says it is demoralizing to the discipline of the Army to employ the enlisted men as clerks. Has it the same effect when they are employed as mechanics at different places?

Mr. STEVENS of Minnesota. Certainly. The enlisted men of the Army are soldiers. They ought to be employed only in the duty of a soldier; they ought not to be employed in any other work. They are soldiers and should be used as such, and in that way only can the Army be serviceable as an Army.

Mr. FITZGERALD. But they are employed as carpenters, painters, and men of different trades.

Mr. STEVENS of Minnesota. Yes.

Mr. FITZGERALD. And no attempt has ever been made, as far as I know, to stop that.

Mr. STEVENS of Minnesota. Oh, I differ with the gentleman. Various attempts have been made. Officers have constantly complained about it to the Committee on Military Affairs, and we have tried to stop it, and it ought to be stopped. The enlisted men of the Army ought to be soldiers and soldiers only, and they ought not to be clerks and mechanics in disguise.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WILLIAMS. Mr. Chairman, I move to reinsert the last two words, for the purpose of asking a question.

The CHAIRMAN. Without objection, the gentleman from Mississippi may proceed for five minutes.

There was no objection.

Mr. WILLIAMS. Mr. Chairman, can the gentleman from Minnesota tell me how the amount of money sought to be appropriated in this bill for pay of clerks, messengers, or laborers at headquarters of divisions, departments, or office of the Chief of Staff compares with the amount appropriated under the same head when the Army was 100,000 strong?

Mr. STEVENS of Minnesota. Mr. Chairman, I am not now a member of the Military Committee, and so I do not claim to have very much information on that subject.

Mr. WILLIAMS. I will ask the gentleman from Iowa [Mr. HULL] that question, if I can have his attention.

Mr. HULL. Mr. Chairman, I will say to the gentleman that

it has increased, and it has increased because there have been more divisions and more departments created.

Mr. WILLIAMS. Then can the gentleman answer me this question: Why should there be more headquarters and more divisions and more officers, or chiefs of staff, or whatever it is, with an army of 57,000 than with an army of 100,000?

Mr. HULL. Mr. Chairman, I think the size of the Army would have very little to do with the proposition.

Mr. WILLIAMS. It would have this much to do with it, would it not? While I will admit the number of divisions, etc., ought not to increase in arithmetical proportion to the increase of the Army, I suppose it would be admitted they ought not to increase at all with a decrease of the Army?

Mr. HULL. I will say, Mr. Chairman, under the reorganization act, which provided for a very material increase in the line and staff of the Army, there was an increase of the clerical force, and I would say when we had a hundred thousand we had the same number of officers we have now; that is, the authorized hundred thousand. At the time we had the larger Army and volunteers, it was largely in the field, and very little clerical work was entailed as a result of it. Now, in the Philippine Islands, when we had the army of a hundred thousand we had only one point—at Manila. Since that time we have spread out and divided the island into departments, commanded by brigadier-generals. We did not have then the War College and the different schools for the instruction of the artillery, infantry, and cavalry, which have all made an additional increase of clerical force necessary. The General Staff has largely increased the necessity for clerical force by the law putting upon these officers certain duties of investigation, the formulation of plans, the studying of questions, etc., which have increased the clerical force, and it will be just as much now as it would be if we had 100,000 men, unless we largely increased the officers.

Mr. WILLIAMS. Now, Mr. Chairman, I understand the chairman of the Committee on Military Affairs to admit that the clerical force here and the pay for them, "Pay of clerks, messengers, and laborers at headquarters of divisions and departments," and Office of the Chief of Staff has increased, although the Army has decreased.

Mr. HULL. I will say there has been no increase since 1899, except what is proposed in this bill, with the exception of five two years ago.

Mr. WILLIAMS. It is proposed to increase them in this bill. I understand the gentleman to say that has become necessary by the evolution of events. That evolution of events has consisted chiefly in a decrease in the efficient fighting force of the United States. Now, then, from that explanation I gather only this, that even if we decrease the efficiency of the fighting force of the United States we do not decrease the number of "clerks, gardeners, captains of watch, messengers," and things that are to take care of it. I understand that it might be possible, even under that same philosophy, that in proportion as we decrease the Army the other expenses connected with the Army would increase.

Mr. Chairman, I am not a military expert. What I do not know about military affairs—although I spent two years as a cadet being taught the duty of not walking pigeontoed and getting up to a drumbeat and going to bed when a horn blew—would fill three or four Encyclopædias Britannica; but it does seem to me that a little common sense ought to teach the fact there is some mysterious undermining influence somewhere that manages always when it will to keep in statu quo at any rate offices already created, notwithstanding the decrease of the Army itself, the thing which they serve, and manages to go beyond that and to create additional offices as mere appendages to the Army service when the Army itself is decreasing in fighting force and in every other way. The gentleman says it is largely due to the reorganization bill. Some of us had the notion at that time maybe the reorganization bill would provide, as the gentleman from Minnesota said, for a few extra major-generals at new divisions and things of that sort, and now we have the proof of it. Can it be possible that a great committee of this House can not put the Army of the United States, which ought to be a working machine, upon a working-machine basis? Is it not possible that they can cut off some useless expenses of a clerical, messenger, and labor character and put it where, in case of war, the money would be doing at least some good?

I think we could get along with a lot less enlisted men and a lot less major-generals and one less Lieutenant-General and some less brigadier-generals and some less colonels, but at any rate we would be getting along with some less clerks, messengers, and laborers and gardeners and some less expensive provision for one of these war colleges, one of which I believe has now seven students and the other has eleven, at least so I am informed, the two of which have cost us, as I am also informed, considerably over a million dollars. In fact, I am informed at one of them that it costs about $33,000 a year to take care of one student. That is the average when you divide it up. And now I see that in this bill we are going further; we are going to give them a gardener. Just for what express purpose I do not know, and I do not understand why it is necessary that they should have a gardener of their own instead of buying their vegetables from the market. Perhaps we will give them barbers after while, and it would not be a bad idea to furnish them with bootblacks at the expense of the Government.

Mr. OLMSTED. Do you not think that they ought to have at least one gardener for the field service?

Mr. WILLIAMS. I think they have at least one gardener for the field service as far as the War College goes. As an agricultural proposition, of course, a "gardener for field" service is required, but as a military proposition it suggests only what an old friend once called the "inapproviousness of the interrogatory." I want to leave my injunction, which is always taken so seriously by the gentleman from Iowa, who admires my statesmanship and never by any means imitates it, and who envies my spirit of economy but never follows in my pathway—I want to enjoin upon him to use the great influence of this great committee to see if we can not get more bread in proportion to the quantity of sack. The gentleman will remember how Prince Hal was disappointed when he opened Jack Falstaff's pockets and found an enormous number of bills for an enormous number of pounds' worth of sack and only 6 pennyworths of bread. It seems to me we might get along with less fringes, and adornments, and appendages, and clerks, and messengers, and gardeners, and all the balance of the sack, and have more Army in proportion. And, by the way, the system as it is would account partially for the reason that our Army costs us two or three times as much per man as any other army on the surface of the globe.

The Clerk read as follows:

For additional pay to such officers for length of service, to be paid with their current monthly pay, $26,550.

Mr. HULL. Mr. Chairman, in line 22, page 12, of the bill, I move to strike out the words "and fifty."

I want to say just a few words in reply to my genial friend from Mississippi [Mr. WILLIAMS]. I want to say to him that I would be glad if I could occasionally agree with him, for I like him, but it is impossible to do so on these questions. After listening to his argument with attention and to his wit with admiration, I am persuaded that when he said what he did not know of the Army would make a book equal to the Encyclopedia Britannica, he was stating a fact.

Now, Mr. Chairman, we do pay our Army more than any other on earth. Why? Because under this Government we have the volunteer system only, not the conscription. In every other government, except England, a man is compelled to serve in the army, and the question of his pay does not enter into the proposition at all. We pay our soldiers more than three times as much as any other country, with the exception of Great Britain. Austria pays 90 cents a month to her soldiers, Japan pays 42 cents a month to her soldiers, Germany pays two dollars and a half a month to her soldiers, France about the same, because in these Governments it is recognized that every man must serve in the army. England has a volunteer system, and pays $9 a month to her soldiers. We pay $13. And I want to tell you, gentlemen, that I hope the time will never come when we will not be able to pay at least the pittance we now pay the Army, so that we can depend upon the volunteer soldier to carry our banner in time of peace or in time of war.

Mr. WILLIAMS. Will the gentleman permit an interruption?

Mr. HULL. Certainly.

Mr. WILLIAMS. The gentleman certainly did not understand me as objecting to the $13 a month that is paid to our enlisted men?

Mr. HULL. No; but the gentleman said that we were paying three times as much as any other nation to keep up the Army.

Mr. WILLIAMS. I was saying that there was no use for these clerks.

Mr. HULL. Now, Mr. Chairman, one other word. At the time when we were having our war with Spain and our larger Army there was a large army of civilian employees paid higher wages than is proposed by this bill. In most cases they have now been discharged and mustered out. There has been no extravagance in this matter, in my judgment. I want to say to my friend from Mississippi that under the laws that are now upon the statute books we have the best working Army we have ever had, and the equal of the working army of any country on

earth. In place of the officers spending their time in dissipation or idleness they are compelled to keep up their studies, remain abreast of the time in military information, or they are liable to lose their commission in the Army. That has led to the requirement of an elevated standard of the officers. Under the present laws, with your schools in different parts of the country, the officers are compelled to keep up or be mustered out. We have an Army that is to-day more effective than any this Republic ever had before in its history; an Army of educated and accomplished officers, of brave and patriotic enlisted force. In place of being criticised for it, my judgment is the Congress of the United States and the Department of War, which has led to this reform, should be congratulated by the whole country on raising the standard of efficiency to its present high plane.

Mr. CLARK of Missouri. Mr. Chairman, before the gentleman sits down, I would like to ask the gentleman from Iowa one question for information. Now, if these soldiers of Russia and Austria and these other places only get these odd cents a month, why do not they make them serve for nothing? Why do they give them the odd cents?

Mr. HULL. I suppose they could answer that better than I, but that is the system they are paying them under, all the same.

Mr. CLARK of Missouri. But you are an expert, and I am not.

Mr. HULL. I am not an expert on matters of the armies of foreign nations, but the armies of several nations do pay more for the higher officers, much more, than this country pays for our officers of high rank.

Mr. CLARK of Missouri. I would like to know why they pay them these few cents.

Mr. HULL. I am not able to state. I only give the information as I have it. I suppose they could make them serve for nothing. I would suggest my friend write the State Department on this.

The CHAIRMAN. Will the gentleman from Iowa state his amendment again?

Mr. HULL. Strike out, in line 22, page 12, the words "and fifty."

The Clerk read as follows:

Page 12, line 22, strike out the words "and fifty."

The amendment was agreed to.

The Clerk read as follows:

RETIRED OFFICERS.

For pay of officers on the retired list and for officers who may be placed thereon during the current year, $2,300,000: *Provided*, That retired officers of the Army above the grade of major, heretofore or hereafter assigned to active duty, shall hereafter receive their full retired pay and shall receive no further pay or allowances from the United States: *Provided further*, That a colonel or lieutenant-colonel so assigned shall receive the full pay of a major on the active list: *Provided further*, That hereafter no officer holding a rank above that of colonel shall be retired on his own application until he shall have served at least one year in such rank.

Mr. PRINCE. Mr. Chairman, I desire to offer an amendment.

The Clerk read as follows:

Amend by striking out in line 16, of page 14, the words "on his own application," and insert in lieu thereof the words "except for disability, or on account of having reached the age of 64 years."

The question was taken; and the amendment was agreed to.

Mr. HULL. Mr. Chairman, I move to strike out from line 8, after the word "dollars," down to and including the word "list," in line 14, and insert in lieu thereof the words:

That a colonel or lieutenant-colonel heretofore or hereafter assigned to active duty shall hereafter receive the same pay and allowances as a retired major would receive under like assignment.

Mr. Chairman, in support of this I desire to say that the intention is to give a colonel and lieutenant-colonel exactly the same pay on the active list when assigned to duty in the militia or to colleges or the recruiting service as a major on the active list. That was intended to be done last session of Congress, but in fixing it on the floor we gave a colonel and lieutenant-colonel that served in the schools or detailed to colleges the same as a major received, but the language as fixed here in the bill by the committee reduced the pay of the colonel and lieutenant-colonel somewhat below that of a major, which is unfair, as everyone will admit. This change in the language authorized by the committee will make it so that each one of these officers will receive the same pay. I will ask that the Clerk read the argument which I send to the desk, which fully explains the amendment.

The Clerk read as follows:

As the law stands to-day—

A retired brigadier-general assigned to *any* duty, college or otherwise, receives his retired pay only, $343.75.

A retired colonel or lieutenant-colonel assigned to *any* duty receives the active pay and commutation of quarters of a major ($339.67 if he has had twenty years' service) and mileage for travel performed under proper orders.

A retired major receives the same as a colonel or lieutenant-colonel *except* for *college* duty; he does *not* receive commutation of quarters, $48 per month, nor mileage.

Omcers below the grade of major are in the same status as that of major.

Under proposed provision, page 14—

The colonels and lieutenant-colonels will not receive commutation of quarters nor mileage for *any* duty. Thus a *major* assigned to duty with the militia, on recruiting duty, on courts-martial, boards, etc., will receive $48 per month *more* than a colonel or lieutenant-colonel, besides mileage for travel.

A brigadier-general assigned to *any* duty will receive his retired pay, $343.75, and mileage for travel performed under proper orders.

A colonel, lieutenant-colonel, or major, for all duty *except* with colleges, will receive the active pay and commutation of quarters of a major ($339.67 if he has had twenty years' service) and mileage. For college duty he will *not* receive commutation of quarters, $48 per month.

Mr. HULL. Mr. Chairman, I move the adoption of the amendment which I have sent to the Clerk's desk.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 14, beginning with the word "*Provided*," in line 8, strike out the balance of line 8 and all of lines 9, 10, 11, 12, 13, and 14 to and including the word "list," and insert:

"That a colonel or lieutenant-colonel heretofore or hereafter assigned to active duty shall hereafter receive the same pay and allowances as a retired major would receive under a like assignment."

Mr. HULL. The word "*Provided*" should be retained in the bill. It should be, strike out all after the word "*Provided*."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. FITZGERALD. Mr. Chairman, does that affect officers below these two ranks?

Mr. HULL. Oh, no; not at all.

The amendment was agreed to.

The Clerk read as follows:

For additional pay to such officers, for length of service, to be paid with their current monthly pay, $5,250.

Mr. HULL. I move to strike out the word "officers," in line 10, and to insert the word "veterinarians." As a matter of fact, a veterinarian is not an officer. Therefore, the amendment should be adopted.

Mr. FITZGERALD. Are veterinarians entitled to longevity pay?

Mr. HULL. Yes; they have all the rights of lieutenants in the Army except the rank.

Mr. FITZGERALD. Heretofore there has been no appropriation for this.

Mr. HULL. Because they have not served the five years until now in their new rank.

Mr. FITZGERALD. This will only be earned during the coming year?

Mr. HULL. This is simply an estimate of what will be earned during the fiscal year for which we are appropriating.

Mr. WILLIAMS. In that connection I wish to ask are dental surgeons also entitled to seniority pay?

Mr. HULL. No, sir; they are contract dental surgeons entirely.

Mr. WILLIAMS. I notice in one place you have thirty dental surgeons and in another place you have an appropriation for a number of contract surgeons.

Mr. HULL. The law authorizes the employment of thirty dental surgeons on the same terms that we employ contract surgeons. A dental surgeon is a contract dental surgeon and the others are contract surgeons in the active practice of medicine.

The CHAIRMAN. The Clerk will report the pending amendment.

The Clerk read as follows:

On page 15, line 10, strike out the word "officers" and insert "veterinarians."

The amendment was agreed to.

The Clerk read as follows:

For mileage to officers and contract surgeons when authorized by law, $450,000: *Provided*, That hereafter officers, active and retired, when traveling under competent orders without troops, shall be paid 7 cents per mile and no more; distances to be computed and mileage to be paid over the shortest usually traveled routes, with deduction as hereinafter provided; and payment and settlement of mileage accounts of officers shall be made according to distances and deductions computed over routes established and by mileage tables prepared by the Paymaster-General of the Army under the direction of the Secretary of War. The Secretary of War may determine what shall constitute travel and duty without troops within the meaning of the laws governing the payment of mileage and commutation of quarters to officers of the Army: *Provided further*, That officers who so desire may, upon application to the Quartermaster's Department, be furnished under their orders transportation requests for the entire journey by land, exclusive of sleeping and parlor car accommodations, or by water; and the transportation so furnished shall, if travel was performed under a mileage status, be a charge against the officer's mileage account, to be deducted at the rate of 3 cents per mile by the paymaster paying the account, and of the amount so deducted there shall be turned over to an authorized officer of the Quartermaster's Department 3 cents per mile for transportation furnished, except over any railroad which is a free or 50 per cent land-grant railroad, for the credit of the appropriation for the transportation of the Army and its sup-

plies: *And provided further*, That when the established route of travel shall, in whole or in part, be over the line of any railroad on which the troops and supplies of the United States are entitled to be transported free of charge, or over any 50 per cent land-grant railroad, officers traveling as herein provided for shall, for the travel over such roads, be furnished with transportation requests, exclusive of sleeping and parlor car accommodations, by the Quartermaster's Department: *And provided further*, That when transportation is furnished by the Quartermaster's Department, or when the established route of travel is over any of the railroads above specified, there shall be deducted from the officer's mileage account by the paymaster paying the same 3 cents per mile for the distance for which transportation has been or should have been furnished: *And provided further*, That when the station of an officer is changed while he is on leave of absence he will on joining the new station be entitled to mileage for the distance to the new station from the place where he received the order directing the change, provided the distance be no greater than from the old to the new station; but if the distance be greater he will be entitled to mileage for a distance equal to that from the old to the new station only: *And provided further*, That for all sea travel actual expenses only shall be paid to officers, contract surgeons, contract dental surgeons, and veterinarians, to paymasters' clerks, and to the expert accountant of the Inspector-General's Department, when traveling on duty under competent orders, with or without troops; but for the purpose of determining allowances for all travel under orders, or for officers and enlisted men on discharge, travel in the Philippine Archipelago, the home waters of the United States, and between the United States and Alaska shall not be regarded as sea travel and shall be paid for at the rates established by law for land travel within the boundaries of the United States.

Mr. SMITH of Iowa. Mr. Chairman, I wish to reserve a point of order on this paragraph, until I find out what new legislation is contained in it.

Mr. HULL. A great deal of this paragraph is the present law. The first change is the putting in of the words "and retired" in line 23, page 16. Then it is largely the present law, almost entirely so, down to the bottom of page 17. The reason for putting in the proviso leaving out the bond-aided roads, which is about the only change until you come down to the provisos, is that there are no bond-aided roads now that we make any deductions from. In other words, those that were bond aided have paid the debt to such an extent that the Government has taken a certain number of millions of their bonds as security and now pays them the full amount in place of deducting and applying it on their debt.

Mr. SMITH of Iowa. Does that apply to the Southern Pacific?

Mr. HULL. Yes; to the Southern Pacific and the Oregon Short Line and those lines out there.

The proviso on page 18, where the new legislation practically commences, is, beginning in line 14, that when the station of an officer is changed while he is on leave of absence he will on joining the new station be entitled to mileage for the distance to the new station from the place where he received the order directing the change, provided the distance be no greater than from the old to the new station; but if the distance be greater, he will be entitled to mileage, of course, equal to that from the old to the new station only. That is intended to cut off quite a charge upon the Government. Where officers about to be changed from one station to another get leave of absence and then get their mileage from the place where the order reaches them to their new station it makes a greater charge on the Treasury. This has added a great deal of expense to the Government on account of the increased amount paid out for mileage beyond what the committee believed should have been done. This provision simply limits it so that the mileage they receive will be no greater than it would have been if they had remained at their station and received their orders for the change and gone from the old station directly to the new. And it is a further provision, that if they are on leave of absence and take their orders while on leave, under no circumstances shall they receive an amount greater than the amount of mileage from the old station to the new.

This is expected to save a considerable sum out of this appropriation. Another provision there is in regard to sea travel. When the law was passed providing for sea travel, as we have it now, the committee understood that it would embrace all sea travel, but since that time a method has grown up of charging for the full mileage amount, in all sea travel except where the orders are direct from the United States to Manila or the Philippine Islands, and in that case they only get a dollar a day for subsistence while on the boat; but if ordered to Nagasaki, the officer gets mileage from San Francisco to Nagasaki; and if he is ordered to Manila by the way of Hongkong, he gets mileage for the entire distance. If he is ordered from here to Europe, he gets, under the present law, mileage for the whole distance. If he is ordered from here to Manila, by way of Europe, he gets a thousand dollars' mileage. We are trying to cut that off.

We had one illustration given us of a military information bureau officer being ordered to South America to investigate certain things there, and his total expense of the trip would have been about $160, as I remember it. He received about $500 for mileage. If this provision shall be incorporated in the bill, such cases as that will be impossible in the future. A man ordered to England or France—an officer on duty or a military attaché—would get only the actual transportation across the water.

The Paymaster estimates that if we put on this provision we shall save $50,000 out of this sum, and, in my judgment, with no injury to any officer of the Army, because if he is ordered from one place to another and gets his actual expenses he has certainly no cause to find fault with the Government.

In addition to the case of the officer, this peculiar situation was shown to be the fact—that the expert accountant and paymaster's clerks ordered to Manila under the present law would get transportation and 4 cents a mile for the whole distance, so that the paymaster's clerk traveling with the colonel of his corps, going in the same boat, ordered directly to Manila, would get his transportation from Washington to Manila, if here is where he started from, and 4 cents a mile in addition; so for 7,000 miles of sea travel it would be in the neighborhood of $280. As a matter of fact, the distance is great enough to give full $300. We want to cut that off, and so we put in this proviso restricting the paymaster's clerks and civil employees as well as officers that when traveling by sea they shall receive only actual expenses.

Mr. PALMER. Will the gentleman allow me an interruption?

Mr. HULL. Certainly.

Mr. PALMER. I do not understand it that way. The bill provides "that hereafter officers, active and retired, when traveling under competent orders without troops, shall be paid 7 cents per mile, and no more," and if the quartermaster furnishes the transportation they shall be charged 3 cents a mile, and that leaves 4 cents to the good.

Mr. HULL. And out of that he has to pay sleeping-car fare, his meals, and every other incidental expense of travel.

Mr. PALMER. That is supposed to cover all his other expenses?

Mr. HULL. Yes.

Mr. PALMER. In the second proviso you provide that the travel from the United States to the Philippine Islands shall not be considered as sea travel, but land travel.

Mr. HULL. Oh, no; I do not. Travel in the Philippine Archipelago shall not be considered sea travel. But to the Philippine Islands is sea travel.

Mr. PALMER. Between the United States and Alaska?

Mr. HULL. So far as Alaska is concerned, that is exempted; but not to the Philippines.

Mr. PALMER. Under this bill the officer will get his 7 cents a mile, less 3 cents for transportation furnished by the quartermaster, so that if he goes from here to Manila he gets 4 cents for every mile.

Mr. HULL. No; if he goes from here to San Francisco he gets 7 cents a mile and can buy his own ticket and pay all of his own expenses. From Manila to San Francisco he is allowed $1 a day on board transport.

Mr. PALMER. Where is that provision?

Mr. HULL. It provides that he shall have only actual expenses for all sea travel, and on the transport the only charge is $1 a day for subsistence.

Mr. PALMER. Would it not be better to provide instead of mileage to officers, contract surgeons, and so on, active and retired, when traveling without troops, that they should have their actual expenses instead of giving them 7 cents per mile?

Mr. HULL. That was the law for a good many years. In some parts of the country they got 10 cents a mile and actual expenses. It required an account of every penny paid out, and the estimate was that 7 cents a mile would not be any more charge upon the Government than the amount they received under the old law, and I think the gentleman from Pennsylvania will agree with me that except for the very long distances the 4 cents a mile saved on the cost will not pay the incidental expenses of travel.

Mr. LITTAUER. Mr. Chairman, I would like to ask the gentleman from Iowa a question. In your efforts at economy, which, I think, are in the right line, how did it come that you asked for an increase of $50,000?

Mr. HULL. Because they have asked for a deficiency of over $50,000.

Mr. LITTAUER. Will not the new provisions have a considerable effect in the way of economy?

Mr. HULL. The Paymaster-General, in reply to a question of mine, said he believed that if we adopted this provision that

we could at that time reduce the amount to $400,000, but the committee did not feel like adopting it.

Mr. LITTAUER. In what way has the necessity for this increased mileage arisen?

Mr. HULL. I think it has largely come from the abuses I have outlined. For instance, officers coming from here to Manila or going back to Manila, in place of being ordered to go to San Francisco, where there would be no mileage at all after reaching San Francisco, have been ordered by way of Europe from one point to another until they got to Manila.

Mr. LITTAUER. Under the new way, those abuses would be wiped out.

Mr. HULL. Yes.

Mr. LITTAUER. Why would not $400,000 be sufficient?

Mr. HULL. My judgment is if we keep this in I will be willing enough to try it. I would be willing to reduce it to $400,000, but I would not reduce it a dollar unless this is put in.

Mr. FITZGERALD. Does this include any class of men who are not now authorized to receive pay for mileage?

Mr. HULL. Yes.

Mr. FITZGERALD. Clerks and inspectors-general.

Mr. HULL. They get their 4 cents a mile.

Mr. FITZGERALD. And this puts them on the same basis as officers?

Mr. HULL. No; this will give them the same provisions on land that the law now provides for them, but cuts them off so that when they go to Manila or cross the ocean they shall then only get their actual expenses, which saves at least $300 on every one of the paymaster's clerks and expert accountants that goes over.

Mr. SMITH of Iowa. Mr. Chairman, the explanation is so satisfactory that I do not desire to press the point of order.

The CHAIRMAN. The gentleman from Iowa withdraws his point of order.

Mr. HULL. Mr. Chairman, in order to put to a test the Paymaster's statement, I move to strike out the words "and fifty," in line 22, page 15, so that it will read "$400,000."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 16, line 22, strike out the words "and fifty."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Pay of enlisted men, $94,800.

Mr. KAHN. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from California offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 20, line 6, after the word "dollars," insert: "For relief of the widow and minor child of Capt. Charles W. Dakin, of the San Francisco fire department, who lost his life while fighting a fire on board of the United States Army transport Meade, $5,000. For relief of the widow and minor children of Thomas J. Hennessy, of the San Francisco fire department, who lost his life while fighting a fire on board of the United States Army transport Meade, $5,000."

Mr. UNDERWOOD. Mr. Chairman, I make the point of order against this amendment.

Mr. KAHN. I hope the gentleman from Alabama will reserve the point of order until I can explain this matter.

Mr. UNDERWOOD. Mr. Chairman, I reserve the point of order.

Mr. KAHN. Mr. Chairman, on the night of the 31st of January last a fire broke out on the transport *Meade*. The vessel was to sail for Manila on the following day—on the 1st of February. The fire occurred in the hold, and these two members of the San Francisco fire department, with a number of other members of that department, went down into that hold and risked their lives in trying to save the property of the United States Government. As a matter of fact, Captain Dakin and Thomas Hennessy did lose their lives. They left families who were absolutely dependent upon them. The fire was within about 15 feet of the compartment where the combustibles on the *Meade* were stored, and if it had not been for the action of these men the possibility is that the fire would have reached this compartment, and the *Meade* would have been destroyed and dozens of other lives would have been wiped out by the catastrophe. I desire to read a letter which was submitted by General Funston to the War Department upon this subject. The letter is as follows:

HEADQUARTERS DEPARTMENT OF CALIFORNIA,
OFFICE OF THE COMMANDING GENERAL,
*San Francisco, Cal., February 12, 1906.*

THE MILITARY SECRETARY,
*War Department, Washington, D. C.*

SIR: During the disastrous fire that occurred on board the U. S. Army transport *Meade*, lying at her wharf in this city, early on the morning of the 1st instant, two members of the San Francisco fire department, Charles Dakin and Thomas J. Hennessy, lost their lives. These men, with a number of their comrades, had gone down into the hold of the ship and were making a heroic fight against the fire when they were overcome by smoke and gases and perished.

They met their deaths not from some untoward accident, but solely as a result of their heroism in sticking to their post in the presence of great and evident danger. Both left families in absolutely destitute circumstances—Dakin a widow, Frances Dakin, and a son 12 years of age, and Hennessy a widow, Ellen J. Hennessy, and three children, 4, 2, and 1 years of age, respectively.

While it is recognized that the families of these men have no legal claim against the United States, I desire to submit that it would be a very proper and graceful thing for Congress to recognize their heroic services by removing their families from the fear of want in the immediate future by an appropriation of $10,000 for the relief of the widow of each of the men named. The San Francisco fire department has on several occasions rendered highly valuable service during fires on the military reservations immediately contiguous to this city, and the present occasion gives an opportunity for the Government to recognize their services in a highly appropriate manner.

Very respectfully,

FREDERICK FUNSTON,
*Brigadier-General, Commanding.*

This letter was sent to the War Department here and was approved by the Quartermaster-General, and subsequently by the Lieutenant-General of the Army in the following words:

[Third indorsement.]

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF STAFF,
*Washington, February 21, 1906.*

Respectfully submitted to the honorable the Secretary of War, concurring in the recommendations of General Funston and the Quartermaster-General.

J. C. BATES,
*Lieutenant-General, Chief of Staff.*

Now, I submit, Mr. Chairman, that if these men had been sworn into the military service of the United States, and if they had lost their lives in that service, their widows and their orphans would have been entitled to and would undoubtedly have received pensions, but under the circumstances of this case there is no manner in which the families of these men can be provided for. I therefore sincerely hope that the gentleman from Alabama will withdraw his objection and allow the amendment to be inserted in the bill.

Mr. UNDERWOOD. Mr. Chairman, the gentleman from California has undoubtedly made a splendid appeal for some of his gallant constituents, and I do not know but that after the case has been properly considered and looked into by the proper committee of this House they ought to receive proper compensation from the Government for the services they rendered in the fire that was about to destroy one of the Government transports. But, Mr. Chairman, the gentlemen on the other side of the House seem to overlook the fact that we on this side of the House represent a constituency; that we have claims of this kind, and many and many a time I have seen a bill of equal merit and equal claim to the one that the gentleman now offers on the floor of this House as an amendment to this bill, clearly out of order, clearly not in place here, objected to by the leaders on that side of the House. We have been told that if our constituents want anything there is a Claims Committee, and we can go to the Claims Committee, the proper committee to hear these matters. It was only last year when a claim was presented here on one of the appropriation bills from a young lady who was injured for life by the absolute carelessness of an elevator conductor in one of the Government buildings, and the chairman of the committee refused to allow it to stay on the bill.

Mr. KAHN. The gentleman does not intend to convey the impression that that is an analogous case to this, where these men deliberately went down to the seat of danger in order to protect the property of the United States?

Mr. UNDERWOOD. Oh, well, it was a similar kind of a claim. Of course I recognize the fact that these constituents of yours were doing their duty, but they were paid to do that duty. As I understand it, the laws of your city very properly provide that they shall receive a pension from your city for the benefit they have rendered. I am not denying the proposition that it may be just to pay them more, and that they may be entitled to compensation from the Government of the United States, but I do say that we have a committee organized for that purpose, that it is their business, and every other Member of this House, no matter how meritorious his claim, is required to take those claims to the Committee on Claims for that committee to pass on and to be brought before this House. Now, the gentleman from California knows that. He knows that what he has proposed here is against the rules of the House. The rules of the House are always invoked to prevent Members on this side of the House from ever having a short road to get an appropriation for their constituency. And I am surprised that my friend from California should expect under these circumstances to have a matter of this kind go through by unanimous consent.

Mr. SMITH of Iowa. Mr. Chairman, will the gentleman allow me to ask him two questions?

Mr. UNDERWOOD. A dozen, if my friend from Iowa desires it.

Mr. SMITH of Iowa. I want to ask him whether his information was that the San Francisco fire department was in the discharge of its duty as a fire department in San Francisco in fighting this fire in the harbor?

Mr. UNDERWOOD. I do not know those facts. If it was investigated by the proper committee, the Committee on Claims, we would have a report before this House giving all of those facts in a satisfactory manner.

Mr. SMITH of Iowa. I want to ask the gentleman one further question. If it be conceded that there be no legal claim against the Government of the United States and appeal is made to Congress for what is in the nature of a gratuity, not in a legal sense, but in consideration of valuable services rendered to the Government, and to encourage like efforts and sacrifices in the future, would the Committee on Claims then have jurisdiction at all in that kind of a case?

Mr. UNDERWOOD. The gentleman knows that we have had a number of cases that were not legal claims. The old Ford's Theater claims were not legal claims against the Government.

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. UNDERWOOD. Mr. Chairman, I ask that I have five minutes more.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent for five minutes more. Is there objection.

There was no objection.

Mr. UNDERWOOD. I yield to the gentleman from California [Mr. KAHN].

Mr. KAHN. I was going to suggest to the gentleman that in the first place this ship was not within the jurisdiction where the fire department of San Francisco operates. In the next place, the Committee on Claims, as I understand it, will not consider at the present time claims for personal injuries. But I agree with the statement of the gentleman from Iowa [Mr. SMITH] that this is not a legal claim against the Government. It is in the nature of a gratuity, and that is the only way it can be looked at.

Mr. UNDERWOOD. I think probably it is a gratuity. I have no doubt that the claims we paid to the persons who were hurt in the old Ford's Theater disaster were all gratuities. The claim that came before this House last year for the injury to a young lady employed in the Treasury building down here was a gratuity, and Congress has granted gratuities before.

Mr. KAHN. If the gentleman will allow me, I will ask if those people in Ford's Theater were engaged in saving the property of the United States? These men in San Francisco went down to save not only property but life.

Mr. UNDERWOOD. The gentleman overlooks my proposition. I am not contending against the justice of compensating these gentlemen.

Mr. KAHN. There is no other way of doing it except by this kind of a bill.

Mr. UNDERWOOD. Oh, yes; there is. The last way this House provides for legislation of any kind is on an appropriation bill. If there is no other way to do it, then there is no way to do it here, because what the gentleman is seeking to do, and the gentleman knows it, is directly contrary to the rules of the House of Representatives. Now, there are committees that can consider this question and it is the proper way to legislate. I have no doubt that this is a proper case. Really, in my own mind, I have no doubt of it, but I have no real information on the question. I doubt if any other gentleman here has any real evidence or information as to what was done there, except what has appeared in the newspapers.

Mr. KAHN. Did the gentleman listen to the reading of General Funston's letter? He is in command there, and certainly would not make such a report to the Department unless he had fully informed himself upon the subject.

Mr. UNDERWOOD. I supposed possibly he had. I do not deny that. But I say that a matter of this kind should be looked into by a proper committee. That is what the rules of this House require. That does not stop the gentleman's efforts to relieve his constituency, but it does prevent a precedent being made here for the next time that somebody has a claim to bring in here that has not properly been looked into, and not properly considered. And, Mr. Chairman, I dislike very much in a case of this kind, that naturally appeals to one's sympathy, to raise an objection; but I do insist that it will be very bad legislation to start the putting of damage claims on appropriation bills as a matter of sympathy. Therefore, I must insist on the objection I have made.

Mr. HAYES. I hope the gentleman will withhold his objection for a moment.

Mr. UNDERWOOD. I will be glad to do so.

Mr. HAYES. I want to make a little additional statement to that made by my colleague. I want the gentleman to understand that this is not a legal claim against the United States.

Mr. UNDERWOOD. I recognize that.

Mr. HAYES. There is no committee in this House, as I understand the rules, before which this claim can go. It must come in some such way as this if the widows and children of these men are to be provided for, and, as has already been stated, these men were not obliged to go to the place where this fire was. They were not paid for going there, as the gentleman states, at all. They were called upon as volunteers to go there and put out the fire in this ship belonging to the United States; that was not within the jurisdiction of the city of San Francisco, but in the bay, upon the waters of the bay of San Francisco. These men went there; they took their lives in their hands; they lost their lives. Now, as a matter of justice—I object to the proposition that it is a gratuity that we are asking of the Government of the United States, it is simply an act of justice.

Mr. FITZGERALD. Will the gentleman allow me to ask him a question?

Mr. HAYES. Certainly.

Mr. FITZGERALD. Did these men go in this ship under the orders of the head of the fire department?

Mr. HAYES. Undoubtedly; but not subject to go.

Mr. FITZGERALD. And under such conditions would they not come within the regulations of the fire department of San Francisco——

Mr. HAYES. Undoubtedly.

Mr. FITZGERALD (continuing). Making provision for the families of men who lose their lives in the conduct of their work?

Mr. HAYES. It probably would; but the provision for the widows and children of men who lose their lives under such circumstances is very inadequate, and I think this is simply an act of justice.

Mr. FITZGERALD. I do not know whether it is or not, because I do not know what provisions are made.

Mr. HAYES. I will state, as a matter of fact, that the provision that is made is very slight and inadequate.

Mr. WILLIAMS. A good deal of this thing is like these appropriations for giving of medals of honor to people who have done deeds of conspicuous heroism, except we put this in the shape of money instead of in the shape of a medal.

Mr. HAYES. I presume it might have that appearance, but I want to state that——

Mr. WILLIAMS. I asked that question because I feel a very deep sympathy for these people myself, as far as I am personally concerned, and if the rules permit I expect they ought to be provided for.

Mr. HAYES. Now, the city government of San Francisco, or, rather, the board of fire commissioners, state the facts as they have already appeared. I do not want to take the time of the House, but it appears that the work of these men saved many hundreds of thousands of dollars' worth of property of the United States that must otherwise inevitably have been destroyed. And if the Congress should see fit to adopt the amendment of my colleague, it would not only be an act of justice, but would be regarded as a recognition of the courage that these men displayed in going down into the hold of that ship and putting the fire out, saving the ship, and saving the other property that undoubtedly would have been destroyed by the explosion if the explosives in that boat had been set on fire.

Mr. GAINES of Tennessee. How many men lost their lives in that fire?

Mr. HAYES. Two men.

Mr. GAINES of Tennessee. Firemen?

Mr. HAYES. The captain and one subaltern.

Mr. GAINES of Tennessee. Now, your case is somewhat like those where in cities they have refused to make appropriations to pay the widows and orphans of the firemen who have lost their lives in putting out some very great conflagration.

Mr. HAYES. Yes, sir; I should say it is a recognition of their heroic conduct.

Mr. GAINES of Tennessee. I do not know how it is about other cities that have failed to make the appropriation, but I know that I and others have contributed where the city has failed to do that. But there is another class of cases, of another kind from your proposition, and that is these elevator men here in our Government buildings and elsewhere in public buildings who have been injured by falling elevators, and things of that sort, and Congress has invariably refused to appropriate for it.

Mr. HAYES. But property of the United States was not saved thereby.

Mr. GAINES of Tennessee. But your case is a much broader one, it seems to me, than the elevator cases.

Mr. HAYES. Now, Mr. Chairman——

Mr. GROSVENOR. If the gentleman will yield to me, I do not look upon this matter as a claim at all.

Mr. HAYES. Not at all.

Mr. GROSVENOR. "Claim" means a claim. It has the quality of a demand, as a matter of law, or of right. Now, the gentleman from Alabama [Mr. UNDERWOOD] knows perfectly well that if he insists on this point of order it will have to be sustained, and that is an end to the doing of this righteous act that it seems to me the Government ought to be prompt to do. The gentleman from Alabama knows, when he says to take this to the Committee on Claims, that these bereaved widows and helpless orphans might as well forget that their fathers, their husbands, and their faithful men died in the service of the Government. They will get nothing. There is no such thing as getting that sort of a proposition through the Committee on Claims. It stands in the same relation to law and generosity as the $5,000 which we usually give to the widows of dead Congressmen and the funeral expenses and balance of a year's pay which we usually give the family of a dead Clerk or Doorkeeper of the House, a thing which we have done over and over again. It is upon the same footing precisely in principle, and it is not a gratuity in any proper sense. A gratuity means something for nothing. Here is a great Government, rich and powerful, that has benefited by the service of these two men, and now the question comes, shall those two widows and those children go to the poorhouse, or will this Government refuse and haggle over the question of immediate fairness? Oh, there is something so infinitely pitiable in such a proposition that I can not discuss it! [Applause.]

Mr. UNDERWOOD rose.

Mr. HAYES. Mr. Chairman, before the gentleman makes any statement, I just want to state that the suggestion of the gentleman from Tennessee [Mr. GAINES] strikes me as not right. This case is analogous to one that happened in my own town, where a large brewery just outside of the city limits caught fire. The firemen were not obliged to respond to any call to put out the fire in that brewery, but when they were called upon they volunteered. They went out and put out the fire, and the brewery, more generous than the gentleman from Alabama would have this great Government be, responded without any request, and sent a generous check, although no loss of life had come, rewarding those firemen for their gallantry and their fearless fight with the flames.

Mr. UNDERWOOD. But the statement of the gentleman from California is not correct. I have not stated that I did not want these men rewarded.

Mr. HAYES. I did not wish to be understood as so stating.

Mr. UNDERWOOD. I understood you did.

Mr. HAYES. I hope the gentleman from Alabama will not insist on his point of order, but will let the House do what clearly ought to be done to relieve these orphans and widows.

Mr. Chairman, before I take my seat I ask unanimous consent that the statement of the fire commissioners of San Francisco may be spread upon the record.

The CHAIRMAN. Unanimous consent is asked by the gentleman to print a certain document. Is there objection?

There was no objection.

The statement is as follows:

OFFICE OF THE BOARD OF FIRE COMMISSIONERS,
*San Francisco, February 7, 1906.*

Hon. E. A. HAYES,
*House of Representatives, Washington, D. C.*

DEAR SIR: On February 2, 1906, the board of fire commissioners of the city and county of San Francisco, in regular session assembled, adopted the following resolution:

"Whereas on February 2, 1906, while engaged in the voluntary and purely patriotic service of saving one of our nation's transports, the *Meade*, from destruction by fire, two of the gallant members of this department heroically gave up their lives: Therefore, be it

"*Resolved*, That the board of fire commissioners of the city and county of San Francisco does hereby place on record its testimonial to the bravery of Capt. Charles W. Dakin, of engine company No. 4, and Hoseman Thomas J. Hennessy, of engine company No. 22, and its sense of the loss to the department through the death of these two men; and be it further

"*Resolved*, That the Secretary of this commission extend to the families of the deceased its condolence in their bereavement; and be it further

"*Resolved*, That it is the sentiment of this board that it would be eminently proper and just for Congress to recognize the bravery and gallantry of the deceased by making some provision for their afflicted widows and orphaned children, and the president of this board, together with the chief engineer of the department, are herewith authorized and requested to make such representations to the National Government through Congressmen JULIUS KAHN and E. A. HAYES, of the Fourth and Fifth Congressional districts, as may best serve to bring needed relief to the distressed and afflicted families."

In accordance with said resolution, the undersigned respectfully bring to your attention the facts which led to the adoption of the resolution and the propriety of action by the Federal Government in the premises.

On Wednesday, January 31, a fire occurred upon the transport *Meade*, lying at the United States transport pier in the Bay of San Francisco. Notwithstanding the fact that the fire was outside of municipal jurisdiction, both as to the site of the fire and the location of the vessel, the fire department of San Francisco, with its usual bravery and heroism, responded to the call for aid and subdued the flames with much attendant danger and difficulty. In so doing, notwithstanding the exercise of the utmost care, the stifling fumes arising from the burning hold extinguished the lives of the two brave men whose names appear in the resolution, the subaltern losing his life in the vain endeavor to rescue his superior.

No more commendable acts of courage than those performed by these two men are recorded in the annals of local history.

Their death leaves dependent on public support two widows and four little children, entirely destitute of this world's goods. A charitable response has been made by the people of San Francisco for the temporary alleviation of their condition.

It would seem, under the circumstances, especially justifiable and proper to ask the Government of the United States to make some provision for the families of these deserving men, not only for the actual necessities which inspire this communication, but also as an encouragement for further and future deeds of valor on the part of the ever self-sacrificing membership of this department.

Therefore we respectfully, but earnestly, request you in suitable manner to present these suggestions to the proper authorities for attention and consideration.

Thanking you in advance for your courteous compliance with our request, we are, on behalf of the fire department of the city and county of San Francisco,

Very respectfully, yours,

H. M. WREDEN,
*President Board of Fire Commissioners.*
D. T. SULLIVAN,
*Chief Engineer San Francisco Fire Department.*

Mr. UNDERWOOD. Mr. Chairman, in pressing this point of order, I wish to say that what the gentleman from Ohio says about this proceeding, insisting on the rules of the House, being contemptible, is no more so than the action of the gentleman from Ohio many and many a time on the floor of this House. No matter how good a bill has come to this House for a charity, for a good purpose, the gentleman from Ohio could never, and never has in the history of his twenty years' service on the floor of this House, been able to rise above partisanship—to recognize anything that ever came from this side of the House. And I say again, Mr. Chairman——

Mr. GROSVENOR. If the gentleman will allow me, will the gentleman name one fair southern war claim, college claim, claim for the relief of the Methodist Book Concern, or any other just claim that ever came from the South, that I defeated? If he can, I will resign my seat to-day. [Applause.]

Mr. UNDERWOOD. I will say to the gentleman that his record is well known. I admit that he did support one of the college claims here from the South.

Mr. GROSVENOR. I have supported more than twenty of the college claims.

Mr. UNDERWOOD. But those claims came from the Committee on Claims. I have no objection to supporting this proposition, and have said so, if it goes to the proper Committee on Claims, is considered, and the matter looked into and determined legitimately, how much these people are entitled to.

I have just heard the amendment read at the desk. I have had no opportunity to investigate it, but I understand the gentleman asks for $5,000. Why should we give $5,000—I do not say it is a gratuity; the gentleman from California said it was a gratuity—but whether it be a gratuity or whether it be a claim, why should we give $5,000 to a widow for this service, no matter how valiant it may be, and only give $8 a month to the widow of a soldier killed in battle?

Mr. KAHN. The $8 a month rises into the thousands of dollars as the years go on. Here is a widow with children. I believe the children in one case range from 1 to 4 years of age, to be taken care of, to be reared and brought up and educated.

Mr. UNDERWOOD. I am not arguing against the legitimacy of this claim.

Mr. HULL. Mr. Chairman, I raise the point of order, and I would like the opinion of the Chair whether this discussion is in order.

The CHAIRMAN. The point of order is made by the gentleman from Alabama, and all discussion that does not relate to the point of order is by unanimous consent. The Chair is prepared to rule on the point of order.

Mr. WILLIAMS. Mr. Chairman, I would like to ask the gentleman from Alabama a question. Does not this stand upon a somewhat different basis in this, that but for this San Francisco fire department this very valuable United States transport ship would have been destroyed? Is not there a sort of quantum meruit in this; is it a mere gratuity? Has not the United States Government received a magnificent return already?

Mr. UNDERWOOD. I have not asserted that it was a gratuity.

Mr. HULL. Mr. Chairman, I make the point of order that this debate has run longer than it should, and I insist that it be confined to the question.

Mr. UNDERWOOD. Then, Mr. Chairman, I desire to confine myself to the question. I have yielded to interruptions and I merely wish to answer my colleague.

The CHAIRMAN. The Chair will state that he is prepared to rule upon the point of order made by the gentleman from Alabama.

Mr. UNDERWOOD. If the Chair is ready to rule, I have nothing further to say.

The CHAIRMAN. The Chair sustains the point of order.

Mr. LARRINAGA. Mr. Chairman, I was about to rise when the Clerk finished reading the paragraph on the Porto Rican regiment, but the gentleman from California was before me with his amendment, and I had to yield. Mr. Chairman, I wish to make a few remarks on the provision of that bill relating to the Porto Rican regiment, as I do not know whether I shall be here when the matter comes again before the House or not. I am aware, Mr. Chairman, of the peculiar circumstances under which the Commissioner from Porto Rico rises on the floor of this House to speak in behalf of his country. I know full well that it is only through the courtesy of its Members that I am allowed to speak on the floor of this House. You will appreciate, therefore, the great difficulty and the unfavorable circumstances under which I labor when I rise to say anything on matters pertaining to Porto Rico.

The last time the question relating to the Porto Rican regiment came before this House there was a great controversy as to whether the regiment should be mustered out or should be retained. The news reached Porto Rico, and I tell you, gentlemen, that a great sorrow pervaded the whole island when it was learned that there was a movement on foot to muster out that regiment. It is a matter of sentiment, Mr. Chairman, but as Mr. Wilson, an able American writer who for many years was in Porto Rico, said in his book, Political Development of Porto Rico, "sentiment is a power in Porto Rico."

There are two reasons, Mr. Chairman, why this regiment should be kept in the American Army. The first is that that body of troops is not a useless factor in the American Army. On the contrary, it is, in my opinion, a very effective military unit in the Army as it now stands.

In the next place, these Porto Rican soldiers have been trained and instructed by able, capable, and gallant American officers, and have become a very effective body of troops.

Now, Mr. Chairman, at every moment I am brought face to face with matters that I feel it is not proper for me to touch, and I trust that the kindness and courtesy of the House will overlook any error that I may commit in this line. It is impossible to deal with certain topics without touching many other matters relating to it; but I wish to say that this subject of the Porto Rico regiment is connected with the present policy of the United States. But taking the facts as they are; starting from the basis that the United States has adopted a policy of expansion; that it has taken Porto Rico, has interfered to put order in financial matters in Santo Domingo, having made Cuba a free and independent nation, and having in general paved the way for that great enterprise of the Panama Canal, it seems to me that this Porto Rican regiment is destined to be a useful military unit, one that can not be replaced by any equal body of troops from the Northern States.

To show that clearly, Mr. Chairman, I will mention some of the circumstances occurring in the case. Those soldiers have already been trained, as I said before. They are the most sober body of soldiers that you can get anywhere in the world. They are hardy, and to appreciate them properly you should see them marching up those hills every year. Those men are immune to all the climatic influences of tropical countries. They all speak the Spanish language, which is the language of all the South American northern border of the Caribbean Sea and of the border of the Gulf of Mexico and the West India Islands. Those soldiers have a military record behind them. Every one of you gentlemen knows that a bucket of water at the proper time will stop a fire which, if allowed to continue, would destroy a whole building or perhaps end in the conflagration of a whole city; and I say, Mr. Chairman, that that body of troops in Porto Rico, like the bucket of water, would serve to stop at its inception any difficulty which might arise on the Panama Canal or other neighboring place.

Those men are loyal and have always been loyal and true. That regiment in two hours can be placed on board of any United States transport and be sailing for any port on the Gulf of Mexico or the West Indies and arrive there a week ahead of any troops which could be sent down from the United States. This Government has undertaken the task of digging the Panama Canal, and it has invited the nations of the world to steam through that channel, and it is proper for this country to keep the vestibule of that corridor in good order and in proper shape, as it has already begun to do it. The United States can not shirk from the responsibility that it has assumed. That great and glorious work, which in my professional studies I have followed with special interest from its very inception, is not beyond the intelligence, the resources, and the power of this country, and it can be completed sooner than many people think, sooner than even many technical men have said, if the proper methods are used and adequate means are furnished to the efficient push of the President. Porto Rico stands in the front, at the entrance of that canal, and every ship coming from Europe or even from your own country north of Hampton Roads will have to go close to our shores through the Mona Passage. There in the middle of the channel stands the little island of Mona, with the beacon of its lights that will show to the whole world the way to the Panama Canal. Porto Rico is one of the best illuminated islands in the world, and each ship coming from Europe will sight one of its fifteen lights. The first light seen will, by its flashes, by the color of the light, by the intervals of the revolutions tell the ship on which point of the sea she is, and from there be guided as by the hand clear into the Caribbean Sea and to the Panama Canal.

I have not the time, Mr. Chairman, to finish my remarks, so I shall press on to the end. In closing, I wish to say of that Porto Rican regiment that it has a clear, clean military record behind it. In the sixteenth century they fought against the English for their country. In the seventeenth century they fought the Dutch and the French, and in the eighteenth century—in 1797—when Lord Abercrombie landed 7,000 troops in Porto Rico to take the island in the name of the King of England, it was the Porto Rican militia that went to fight the British troops and not the Spanish soldiers, because there were none in the island. Every one of these boys, when he goes to his home in the high mountains, hears the story of his forefathers who fought the enemies of their country. When that boy goes into his home the family is proud of him, and all the neighbors gather around to see him and hear the old tales recounted. Therefore they have before them something to live up to—a record of honor.

Now, Mr. Chairman, if that Porto Rican regiment were to be disbanded and the news were to reach Porto Rico, the last lingering hope to get right and justice from the United States would disappear from the country. Our people has been given an organic law that we do not want. You have given us an organic law that we think was not fair to give to a people with a civilization four hundred years old, but when we saw that you gave us that Porto Rican regiment, because we were patriotic we did not lose hope. If you strike that Porto Rican regiment off, if you muster it out, our people will think that the last hope has vanished for a better future. We hope that you will soon amend the Foraker Act and we hope also that you will not disband—that you will not muster out our dear Porto Rican regiment. [Applause.]

## MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. OTJEN having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed the following concurrent resolution:

House concurrent resolution No. 22.

*Resolved by the House of Representatives (the Senate concurring)*, That the action of the Speaker of the House of Representatives and of the Vice-President of the United States and President of the Senate in signing the enrolled bill H. R. 297—"An act to authorize the construction of dams and power stations on the Tennessee River at Muscle Shoals, Alabama"—be rescinded, and that in the reenrollment of the bill the following amendments be made:

Amend section 1 of the enrolled bill by striking out, after the word "elect," at the end of line 5, section 1, page 1, the following: "between the mouth of Malletts Creek on the east, and" in line 6 of said section, and insert in lieu thereof "and the Secretary of War may approve between a point on the southern side of the river opposite to or below the head or opening of the canal constructed by the United States on the north side of the river, on the east, and." Insert after the word "River," in line 10 of said section 1, page 1, the following: "between the two points above mentioned." Amend by adding after the word "War," in line 13 of said section 1, page 1, of said enrolled bill, the following: "for the protection of navigation and the property and other interests of the United States," so that said section 1 of the enrolled bill when amended will read as follows:

"*Be it enacted, etc.*, That any person, company, or corporation having authority therefor under the laws of the State of Alabama may hereafter erect, maintain, and use a dam or dams in or across the Tennessee River, in the State of Alabama, at such points at Muscle Shoals as they may elect, and the Secretary of War may approve, between a point on the southern side of the river opposite to, or below the head or opening of the canal constructed by the United States on the north side of the river, on the east, and the western line of section

16, township 3, range 10 on the west, for the purpose of erecting, operating, and maintaining power station and to maintain inlet and outlet races or canals and to make such other improvements on the southern bank of the Tennessee River, between the two points above mentioned, as may be necessary for the development of water power and the transmission of the same, subject always to the provisions and requirements of this act, and to such conditions and stipulations as may be imposed by the Chief of Engineers and the Secretary of War for the protection of navigation and the property and other interests of the United States."

Amend section 2, page 1, of said enrolled bill by striking out, after the word "Canal," in line 25, page 1, of said section, all down to and including the word "River," in line 25 of said section 2. Amend said section 2, page 1, of the enrolled bill, by striking out after the word "Canal," in line 28, page 1, all down to and including the word "River," in line 29, and insert in lieu thereof the following: "or the Tennessee River," so that said section 2 of the enrolled bill, as amended, will read as follows:

"SEC. 2. That detailed plans for the construction and operation of a dam or dams and other appurtenant and necessary works shall be submitted by the person, company, or corporation desiring to construct the same to the Chief of Engineers and the Secretary of War, with a map showing the location of such dam or other structures with such topographical and hydrographic data as may be necessary for a satisfactory understanding of the same, which must be approved by the Chief of Engineers and the Secretary of War before work can be commenced on said dam or dams or other structures; and after such approval of said plans no deviation whatsoever therefrom shall be made without first obtaining the approval of the Chief of Engineers and the Secretary of War: *Provided*, That the constructions hereby authorized do not interfere with the navigation of Muscle Shoals Canal or the navigation of the Tennessee River: *And provided further*, That said dam or dams and works shall be limited only to the use of the surplus water of the river not required for the navigation of the Muscle Shoals Canal or the Tennessee River, and that no structures shall be built and no operations conducted by those availing themselves of the provisions of this act which shall injure or interfere with the navigation of the Muscle Shoals Canal or impair the usefulness of any improvement made by the Government in the interest of navigation."

Amend section 3, page 2, of said enrolled bill by striking out all after the word "otherwise," in line 17 of said section 3, page 2, down to and including the word "damage," at the end of line 18 of said section and page, and insert in lieu thereof the following: "in a court of competent jurisdiction," so that said section 3 of said enrolled bill, after being so amended, will read:

"SEC. 3. That the Government of the United States reserves the right, at any time that the improvement of the navigation of the Tennessee River demands it, to construct, maintain, and operate, in connection with any dam or other works built under the provisions of this act, suitable lock or locks or any other structures for navigation purposes, and at all times to control such dam or dams or other structures, and the level of the pool caused by such dam or dams, to such an extent as may be necessary to provide facilities for navigation; and whenever Congress shall authorize the construction of such lock or other structures, the person, company, or corporation owning and controlling such dam or dams or other structures shall convey to the United States, under such terms as Congress shall prescribe, titles to such land as may be required for the use of such lock and approaches, and in addition thereto shall grant to the United States, free of cost, the free use of water power for building and operating such constructions: *Provided also*, That the person, company, or corporation building, maintaining, or operating any dam or dams or other structures under the provisions of this act shall be liable for any damage that may be inflicted thereby upon private property, either by overflow or otherwise, in a court of competent jurisdiction. The person, company, or corporation owning or operating any such dam shall maintain, at their own expense, such lights and other signals thereon and such fishways as the Secretary of Commerce and Labor shall prescribe."

The message also announced that the Senate had passed the following concurrent resolutions:

Senate concurrent resolution No. 13.

*Resolved by the Senate (the House of Representatives concurring)*, That there be printed 10,000 extra copies of the testimony taken by the Senate Committee on Interstate Commerce in the consideration of the so-called "railroad rates bill," 3,000 for the use of the Senate and 7,000 for the use of House of Representatives.

Senate concurrent resolution No. 12.

*Resolved by the Senate (the House of Representatives concurring)*, That there be printed 10,000 extra copies of the digest prepared under the direction of the committee of the testimony taken by the Senate Committee on Interstate Commerce in the consideration of the so-called "railroad rates bill," 3,000 for the use of the Senate, and 7,000 for the use of the House of Representatives.

## ARMY APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

For amount due certain Philippine scouts from Lieut. Andrus Shea, Philippine Scouts, to whom the amount was intrusted at St. Louis, Mo., and who absconded with the money, $1,722.50.

Mr. SMITH of Iowa. Mr. Chairman, I raise the point of order against this paragraph. It is not authorized by existing law, it changes existing law, and it is not within the jurisdiction of the Committee on Military Affairs to report the item.

Mr. HULL. I understand, Mr. Chairman, the point of order is on page 21, "Amount due certain Philippine scouts." There is no question but the point is well taken.

The CHAIRMAN pro tempore (Mr. OLMSTED). The Chair sustains the point of order.

The Clerk read as follows:

Hereafter the annual compensation of officers, agents, and employees of the United States for services rendered shall be divided into twelve equal installments, one of which shall be the pay for each calendar month; and in making payments for a fractional part of a month one-thirtieth of one of such installments or of a monthly compensation shall be the rate to be paid for each day. For the purpose of computing such compensation each and every month shall be held to consist of thirty days, without regard to the actual number of days in any month, thus excluding the thirty-first day of any month from the computation and treating February as if it actually had thirty days; and any person entering the military or naval service of the United States during a thirty-one day month shall be entitled to pay from the date of entry to the 30th day of said month, both days inclusive, and no more; and any person so entering said service during the month of February shall be entitled to one month's pay, less as many thirtieths thereof as the number of days that may have elapsed during that month prior to the date of his entry: *Provided*, That for one day's unauthorized absence on the 31st day of any month one day's pay shall be forfeited.

Mr. HULL. On this proposition of annual compensation of officers and agents I have had drawn up quite a lengthy argument here by the Pay Department of the Army, and that, with an amendment—striking the word "civil" out of the amendment—has been submitted to the gentleman from Iowa, a member of the Appropriations Committee. I will ask now to have read first the paper which I send to the Clerk's desk.

The Clerk read as follows:

For more than fifty years the Army was paid on a basis of thirty days constituting a month, this disposition of time being confirmed by Second Comptrollers Brodhead and Upton and adhered to by all succeeding Comptrollers. (See Dig. 2d Comp. Dec., ed. 1869, pars. 531–534, and vol. 2, Dig. 2d Comp. Dec., pars. 1142 and 1146.)

The Army Regulations of 1901 and many prior years copied almost the exact wording of Comptroller Brodhead's decision (par. 534 above referred to) into the following paragraph:

"733. When applicable, the following rules for the computation of time in payment for services will be observed:

"(1) For any full calendar month's service, at a stipulated monthly rate of compensation, payment will be made at such stipulated rate, without regard to the number of days in that month.

"(2) When service commences on an intermediate day of the month, thirty days will be assumed as the length of the month, whatever be the number of days therein.

"(3) When the service terminates on an intermediate day of the month, the actual number of days during which service was rendered in that calendar month will be allowed.

"(4) When the service embraces two or more months or parts of months but one fraction will be made, thus: From September 21 to November 25, inclusive, will be calculated—September 21 to October 20, inclusive, one month; from October 21 to November 20, inclusive, one month; from November 21 to 25, inclusive, five days; making the time allowed two months and five days.

"(5) When two fractions of months occur and both are less than a whole month, as from August 21 to September 10, the time will be determined thus: August 21 to 30, inclusive (ignoring the 31st), ten days; from September 1 to 10, inclusive, ten days; making the time allowed twenty days.

"(6) Service commencing in February will be calculated as though the month contained thirty days, thus: From February 21 to 28 (or 29), inclusive, ten days. When the service commences on the 28th day of that month, three days will be allowed, and if on the 29th, two days.

"(7) If service commences on the 31st day of any month, payment will not be made for that day.

"(8) For commutation of subsistence and for services of persons employed at a per diem rate payment will be made for the actual number of days.

"(9) When services are rendered from one given date to another the account will state clearly whether both dates are included.

"(10) In computing the wages of persons employed at a per diem allowance the day on which service begins and the day on which it ends will be allowed in the computation."

In order to have legislative sanction for the above method of payment, the following provision was inserted in the Army appropriation act of March 2, 1903 (32 Stat., 934):

"Hereafter in all payments to be made under the provisions of Army appropriation acts, when the rate of compensation is annual, payment shall be made monthly at the rate of one-twelfth of the annual rate, and of such monthly rate and of all other monthly rates of compensation one-thirtieth shall be the daily rate for compensation of pay for fractional parts of a month; and for the purposes of this act each and every month shall be held to consist of thirty days, whether the actual number of days be greater or less."

With the intention of placing all civilian employees on the same basis with the Army regarding the computation of time, the following provision was inserted in the sundry civil act of April 28, 1905 (33 Stat., 513):

"SEC. 4. That the annual compensation of officers, agents, and employees of the United States for services rendered subsequent to June 30, 1904, shall be divided into twelve equal installments, one of which shall be the pay for each calendar month; and in making payments for a fractional part of a month, one-thirtieth of one of such installments, or of a monthly compensation, shall be the rate to be paid for each day. For the purpose of computing such compensation each and every month shall be held to consist of thirty days, without regard to the actual number of days in any month, thus excluding the 31st day of any month from the computation, and treating February as if it actually had thirty days."

The following decision of the Comptroller, dated June 14, 1904, is published in War Department circular No. 33 of that year:

"These two provisions concerning the method of computing pay are substantially alike. Each provides for exactly the same method of computation and is simply the same thing expressed in language somewhat different, but meaning exactly the same thing. Each makes provision for payments of annual and monthly salaries and compensations where the service is continuous during any given month in a year, and treats each month, regardless of its number of days, as thirty days in duration. Each likewise makes provision for the payment of such salaries or compensation where the service is not continuous during any particular month, and each provides that in such case the person so serving a fractional part of a month shall be paid for such service at the rate of one-thirtieth of the monthly salary or compensation for each of said day's service."

Since that date there have been more than forty published decisions of the Comptroller on the subject, many of them in conflict with others, and most of them at variance with the long established method of computations for Army payments. In some instances, following these de-

cisions, an injustice is done the officer or soldier, while at other times he receives more than he has earned. In other words, the Comptroller has construed these laws to mean that thirty days constitute a month for the purpose of establishing a daily rate of pay for less than a month's service under any one appointment; but in computation of time for services rendered, the actual number of days in each month must be considered. This, in spite of the fact that the law says "each and every month shall be held to consist of thirty days."

EXAMPLES.

1. An officer, soldier, or civil employee, entering the service on February 28, 1905, received but one day's pay for February. The soldier will, therefore, have received pay to the expiration of his three-year enlistment, for two years, eleven months and twenty-eight days only.

2. On the other hand, if an officer, soldier, or civil employee enters the service on March 2 he receives a full month's pay, and the soldier, at the expiration of his three-year enlistment, will have received pay for three years and one day's service.

3. If the soldier mentioned in No. 1 is discharged on February 27, 1908, and reenlists February 28 he will lose one day's pay (as February, 1908, will contain twenty-nine days). Although his service will have been continuous and he will be discharged for expiration of term of service, yet the Comptroller holds that he begins to serve under a new contract on February 28 and must be paid for each service under the rule for fractional parts of a month.

4. The above applies also to soldiers discharged "for the good of the service," in order that they may be reenlisted the next day for a tour of duty in the Philippine Islands.

5. The same rule applies to court-martial forfeitures if they become affective on an intermediate day of a month—which method is clumsy and confusing and entirely unnecessary—while if the soldier is discharged before the forfeitures are collected, he gains or loses thereby according to the months involved in the transaction.

There has been a new decision in a Navy case which makes the same rule apply to commutation of quarters.

6. The question of promotion and reduction of an officer, enlisted man, or civil employees is one of the grossest misinterpretations of the intent of Congress of any of the Comptroller's numerous decisions. In a continuous service of twenty, thirty, or forty years, each time a man shall have a change in grade he may gain a day's pay, or lose one or two days, as the case may be, viz:

| | | |
|---|---|---|
| A brigadier-general's pay for one month is | $458.33 | |
| If promoted to major-general February 28, he receives | 433.00 | |
| Thus losing by his promotion | | $25.00 |
| If promoted March 1, he receives pay for March of | $625.00 | |
| If promoted March 2, he receives pay for March of | 640.28 | |
| Thus gaining by one day's delay in promotion | | 15.28 |
| Or gaining by two days' delay in promotion (from February 28) | | 40.28 |
| A private's pay on first entry into the service is | | 13.00 |
| If promoted to corporal February 28, he receives pay for February | | 12.20 |
| If promoted to corporal March 1, he receives pay for March | | 15.00 |
| If promoted to corporal March 2, he receives pay for March | | 15.43 |
| If reduced from corporal March 1, he receives pay for March | | 13.00 |
| If reduced from corporal March 2, he receives pay for March | | 13.50 |
| If reduced from corporal February 1, he receives pay for February | | 13.00 |
| If reduced from corporal February 2, he receives pay for February | | 12.20 |

The same rule of course applies to civil employees paid from Army appropriations and those in the Executive Departments, even to the transfer of what was known as "temporary clerks, War Department," to the permanent roll, under the legislative act of February 3, 1905 (33 Stat., 659) about which the Comptroller said (11 Comp., 485):

"Such transfer involves a different appropriation, and service in each position would represent service in a distinct position from service in the other and would involve a new appointment. The payments involved therefore represent payments for fractional parts of a month within the meaning of the act of April 28, 1904."

Yet these clerks were not promoted, nor transferred, nor their work changed in the slightest degree, but they were given a new appointment and took a new oath of office.

It would therefore seem wise that the following provision should be inserted in the Army appropriation bill for the fiscal year ending June 30, 1907.

During the reading of the above,

Mr. HULL. Mr. Chairman, I would ask the Clerk to waive the reading of the argument. I think it will only be necessary to place that in the RECORD, so everybody can see the full argument and reason for it, and I now move to strike out all on page 21, commencing with the word "hereafter," in line 8, down to and including the word "forfeited," on page 22, and insert the following, which has been agreed upon.

The CHAIRMAN pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Page 21, after line 7, insert:

"Hereafter, where the compensation of any person in the military service of the United States is annual or monthly the following rules for division of time and computation of pay for services rendered are hereby established:

"Annual compensation shall be divided into twelve equal installments, one of which shall be the pay for each calendar month; and in making payments for a fractional part of a month one-thirtieth of one of such installments, or of a monthly compensation, shall be the daily rate of pay. For the purpose of computing such compensation and for computing time for services rendered during a fractional part of a month in connection with annual or monthly compensation, each and every month shall be held to consist of thirty days, without regard to the actual number of days in any calendar month, thus excluding the 31st of any calendar month from the computation and treating February as if it actually had thirty days. Any person entering the service of the United States during a thirty-one-day month and serving until the end thereof shall be entitled to pay for that month from the date of entry to the thirtieth day of said month, both days inclusive; and any person entering said service during the month of February and serving until the end thereof shall be entitled to one month's pay, less as many thirtieths thereof as there were days elapsed prior to date of entry: *Provided*, That for one day's unauthorized absence on the thirty-first day of any calendar month, one day's pay shall be forfeited."

Mr. HULL. Mr. Chairman, I move the adoption of the amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

All the money hereinbefore appropriated for pay of the Army and miscellaneous shall be disbursed and accounted for by officers of the Pay Department as pay of the Army, and for that purpose shall constitute one fund.

Mr. TAWNEY. Mr. Chairman, I offer the following amendment.

The CHAIRMAN pro tempore. The gentleman from Minnesota offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 22, line 5, after the word "appropriated," insert "except the appropriation for mileage of officers and contract surgeons when authorized by law."

Mr. HULL. I have no objection to that at all.

Mr. TAWNEY. The purpose of that is to keep out of this appropriation of pay of the Army the mileage for officers and contract surgeons.

Mr. HULL. I have no objection.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Encampment of organized militia with troops of the Regular Army.

Mr. HULL. Mr. Chairman, I move to strike out the last word. When this question was discussed in my opening remarks, made in the House when this bill was first considered, I inserted, when referring to the encampments, some remarks on our foreign affairs and an article from a paper published in China giving the statement that the minister of the United States at Peking had voluntarily given out the fact that the United States proposed to reimburse, or rather return to the Chinese Government, the money received for the Boxer indemnity. Since that time I have had a letter from the Secretary of State stating that the minister at Peking had positively denied ever having had such an interview, and I want to make the statement here that his denial has taken away the criticism that I made upon his action at that time, and I want to make it as public as I made my remarks before in publishing an article which appeared in a paper from China. The fact, however, still remains that this interview was published all over the Orient, and, in my judgment, should have been contradicted through the same sources, so that the Orientals themselves would know that the minister representing this country had been misquoted. I have no information that such denial has ever been made there.

I have an extract from the Daily Record of Yokohama where the Japanese criticised action on the part of this Government looking to a return of any part of the Boxer indemnity. Among other things it says:

And would it be a politic act or an act calculated to inure to the common benefit of the nations that the United States Government should sever itself from the association of powers which, in 1900, stood up for the principle that no movement for the forcible expulsion of foreigners from Chinese territory will be tolerated by the Occident?

It then goes on and criticises the proposition as contained in the supposed interview with our minister. Therefore I say it would have been better if he had come, as we do in this country, through the press to contradict any assertion that he had ever made such a proposition. I assumed that in that country papers were more careful and had less license to publish fictitious interviews than they have here. It seems to me, Mr. Chairman, that I was mistaken, and I regret that I put in any criticism of Minister Rockhill in this proposition, while I might be disposed to criticise him for many others.

The Clerk read as follows:

QUARTERMASTER'S DEPARTMENT.

Regular supplies: Regular supplies of the Quartermaster's Department, including their care and protection, consisting of stoves and heating apparatus required for heating offices, hospitals, barracks and quarters, and recruiting stations; also ranges and stoves, and appliances for cooking and serving food, and repair and maintenance of such heating and cooking appliances; of fuel and lights for enlisted men, including recruits, guards, hospitals, storehouses, and offices, and for sale to officers, and including also fuel and engine supplies required in the operation of modern batteries at established posts; for post bakeries; for ice machines and their maintenance where required for the health and comfort of the troops and for cold storage; for the necessary furniture, text-books, paper, and equipment for the post schools and libraries; for the tableware and mess furniture for kitchens and mess halls, each and all for the enlisted men, including recruits; of forage in kind for the horses, mules, and oxen of the Quartermaster's Department at the several posts and stations and with the armies in the field, and for the horses of the several regiments of cavalry, the batteries of artillery, and such companies of infantry and scouts as may be mounted,

and for the authorized number of officers' horses, including bedding for the animals; and nothing in the act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year 1906, or any other act, shall hereafter be held or construed so as to deprive officers of the Army, wherever on duty in the military service of the United States, of forage, bedding, shoeing, or shelter for their authorized number of horses, or of any means of transportation or maintenance therefor for which provision is made by the terms of this act; of straw for soldiers' bedding, and of stationery, including blank books for the Quartermaster's Department, certificates for discharged soldiers, blank forms for the Pay and Quartermaster's departments, and for printing department orders and reports, $5,000,000: *Provided*, That no part of the appropriations for the Quartermaster's Department shall be expended on printing unless the same shall be done by contract after due notice and competition, except in such cases as the emergency will not admit of the giving notice of competition, and in cases where it is impracticable to have the necessary printing done by contract the same may be done, with the approval of the Secretary of War, by the hire of the necessary labor for the purpose. For the fiscal year ending June 30, 1907, whenever the ice machines, steam laundries, and electric plants shall not come in competition with private enterprise for sale to the public, and in the opinion of the Secretary of War it becomes necessary to the economical use and administration of such ice machines, steam laundries, and electric plants as have been or may hereafter be established in pursuance of law, surplus ice may be disposed of, laundry work may be done for other branches of the Government, and surplus electric light and power may be sold on such terms and in accordance with such regulations as may be prescribed by the Secretary of War: *Provided*, That the funds received from such sales and in payment for such laundry work shall be used to defray the cost of operation of said ice, laundry, and electric plants; and the sales and expenditures herein provided for shall be accounted for in accordance with the methods prescribed by law, and any sums remaining, after such cost of maintenance and operation have been defrayed, shall be deposited in the Treasury to the credit of the appropriation from which the cost of operation of such plant is paid.

Mr. CRUMPACKER. Mr. Chairman, I move to strike out the last word. I would like to have some explanation of that most extraordinary authority contained in this paragraph for the Secretary of War to sell the electric power and ice and run laundries for the general public.

Mr. HULL. The Secretary does not do that. This provision was put in last year, and is continued here. It provides that they are not to come into competition with the public, but in many places on the frontier the Secretary of War can dispose of some light to the great advantage of the small villages and settlers in the neighborhood of the post. There are places where the Army provides for ice where there is no other ice within a hundred or two hundred miles from the place the Government makes it. In many cases the people may want to buy a little for the sick. It is clearly understood and defined that in no case is the Government to enter into any of this work where there is the slightest competition by private enterprise.

Mr. CRUMPACKER. It seems to me the one objection to the provision is——

Mr. HULL. As to the laundry, I would say, without some provision of this kind the Army could not wash the linen for the hospitals.

Mr. GROSVENOR. If the gentleman will allow me a word I would say this: That he need not put in any proposition against interfering with private enterprise. If you allow a fellow to try one of those laundries once, as we did over in the Philippine Islands, he will never go back a second time.

Mr. CRUMPACKER. That is possible. But the provision does not limit the power in the matter explained by the chairman of the committee. And then, it seems to me, too, that if the Government shall establish ice plants and laundries and electric light and power plants authorized to serve the public that there never will be any private competition; that if communities can secure these advantages from the War Department, why, there will be no motive and nothing to prompt them from ever establishing plants of that character to supply themselves by private enterprise.

Mr. HULL. Still the Government is not engaged in this business at any place where there is any considerable number of people. The Government, in that case, would buy its ice in preference to supplying a plant in places so situated where it could possibly get the ice. Take the laundry business. The Government never does any laundry work for outside private citizens. It never has. It could not even do the washing for the hospital without this provision being put in, so we are told.

Mr. CRUMPACKER. I have heard of no abuse of this power, and of course I do not propose to object to it.

Mr. HULL. If I had those old hearings, I could convince the gentleman that there can be no abuse of it.

Mr. CRUMPACKER. The gentleman is practically convinced of it. It struck me, however, that it was an extraordinary thing for the Government to do to go into the laundry business for the public.

Mr. HULL. It is not for the public. It is only for itself.

Now, Mr. Chairman, I want to strike out, on page 26, line 10, the word "six" and insert the word "seven."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 26, line 10, strike out the word "six" and insert the word "seven."

The amendment was agreed to.

The Clerk read as follows:

Incidental expenses: Postage; cost of telegrams on official business received and sent by officers of the Army; extra pay to soldiers employed on extra duty, under the direction of the Quartermaster's Department, in the erection of barracks, quarters, and storehouses, in the construction of roads and other constant labor for periods of not less than ten days, and as clerks for post quartermasters at military posts, and for prison overseers at posts designated by the War Department for the confinement of general prisoners; for expenses of expresses to and from frontier posts and armies in the field, of escorts to paymasters and other disbursing officers, and to trains where military escorts can not be furnished; expenses of the interment of officers killed in action or who die when on duty in the field, or at military posts or on the frontiers, or when traveling under orders, and of noncommissioned officers and soldiers; and in all cases where such expenses would have been lawful claims against the Government, reimbursement may be made of expenses heretofore or hereafter incurred by individuals of burial and transportation of remains of officers, including acting assistant surgeons, not to exceed the amount now allowed in the cases of officers, and for the reimbursement in the cases of enlisted men not exceeding the amount now allowed in their cases, may be paid out of the proper funds appropriated by this act, and the disbursing officers shall be credited with such reimbursement heretofore made; but hereafter no reimbursement shall be made of such expenses incurred prior to the 21st day of April, 1898; authorized office furniture, hire of laborers in the Quartermaster's Department, including the hire of interpreters, spies, or guides for the Army; compensation of clerks and other employees to the officers of the Quartermaster's Department, and incidental expenses of recruiting; for the apprehension, securing, and delivering of deserters, including escaped military prisoners, and the expenses incident to their pursuit, and no greater sum than $50 for each deserter or escaped military prisoner shall, in the discretion of the Secretary of War, be paid to any civil officer or citizen for such services and expenses; for a donation of $5 to each dishonorably discharged prisoner upon his release from confinement, under court-martial sentence, involving dishonorable discharge; for the following expenditures required for the several regiments of cavalry, the batteries of light artillery, and such companies of infantry and scouts as may be mounted, the authorized number of officers' horses, and for the trains, to wit: Hire of veterinary surgeons, purchase of medicines for horses and mules, picket ropes, blacksmith's tools and materials, horseshoes and blacksmith's tools for the cavalry service, and for the shoeing of horses and mules, and such additional expenditures as are necessary and authorized by law in the movements and operations of the Army, and at military posts, and not expressly assigned to any other department, $1,750,000.

Mr. FITZGERALD. I move to strike out the last word. I desire to ask the attention of the chairman of the committee to this paragraph: I see on page 28, commencing with line 7, there is a provision made for extra pay to soldiers employed, extra pay for certain purposes, included "in the construction of roads and other constant labor," etc., and then on page 33 of the bill, in the item for transportation of the Army and its supplies, there is also provision made for the payment of extra-duty pay of enlisted men for certain purposes, including "opening of roads and building wharves."

Now, is the chairman of the committee able to state what part of both of these appropriations is paid as extra pay to men employed in the construction of or opening roads?

Mr. HULL. I should say the latter provision would be governed partly by the use of the extra pay. No doubt that the other provision is of little value, because the Army is not on the move, and they are not having to make many improvements that are made when they are on the march. There may be some in connection with being in camps this year.

Mr. FITZGERALD. The criticism I would make is that there are two appropriations—one for incidental expenses, the other for the transportation of the Army and its supplies—and the language in both provisions authorizes extra-duty pay for men employed in the construction of roads.

Mr. HULL. I do not know that I could answer any clearer than I have. I can only say this—that in the exigencies of the past they have used some extra-duty pay for matters outside of the post and in the post. They clearly have the right, and it is the duty, to make roads within post grounds at all times. They get extra pay for working on these roads or for extra work of any kind; but the same man does not get extra-duty pay out of each of these appropriations for the same work.

Mr. FITZGERALD. I understand that; but under the language in the two provisions it makes it possible to utilize either appropriation.

Mr. HULL. Certainly.

Mr. FITZGERALD. For the same purpose?

Mr. HULL. I should imagine that was true. I have not had my attention called to it. It is simply following the language in the Army appropriation bill as it has been for years—I should say for twenty-five or thirty years, possibly continuously for more than that. My attention was never called to it before. I will only say to the gentleman that I will try and remember it the next time and ask them why it should be placed in here.

Mr. FITZGERALD. The reason I call attention to that is

this: That when we come to this other provision, I wish to call attention to some of the purposes to which the appropriation for transportation has been applied. I find, however, that not only this appropriation is used in the construction of roads, but the appropriation for incidental supplies is available for the same purpose.

Mr. HULL. I should imagine it would be.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn.

The Clerk read as follows:

Barracks and quarters: For barracks and quarters for troops, storehouses for the safe-keeping of military stores, for offices, recruiting stations, and for the hire of buildings and grounds for summer cantonments, and for temporary buildings at frontier stations, for the construction of temporary buildings and stables, and for repairing public buildings at established posts, including the extra-duty pay of enlisted men employed on the same: *Provided*, That no part of the moneys so appropriated shall be paid for commutation of fuel or for quarters to officers or enlisted men: *Provided further*, That the number of and total sum paid for civilian employees in the Quartermaster's Department, including those paid from the funds appropriated for regular supplies, incidental expenses, barracks and quarters, Army transportation, clothing, camp and garrison equipage, shall be limited to the actual requirements of the service, and that no employee paid therefrom shall receive a salary of more than $150 per month, except upon the approval of the Secretary of War, $3,000,000.

Mr. TAWNEY. Mr. Chairman, I offer the following amendment:

The Clerk read as follows:

On page 31, at the end of line 20, insert: "*And provided further*, That of the sum herein appropriated for "Barracks and quarters" the amount expended for construction of any new building or buildings at any established military post shall not exceed, in the aggregate, the sum of $20,000, and from this appropriation only there shall be paid during the fiscal year 1907 all expenses of plumbing and sewer connections and other like expenses of interior finish or construction of buildings at military posts the construction or repairing of which is chargeable to this appropriation."

Mr. UNDERWOOD. I reserve the point of order. I would like to ask the gentleman if this is not the existing law?

Mr. TAWNEY. It is not.

Mr. UNDERWOOD. Does not the present law limit the amount of the appropriation for an Army building to $20,000?

Mr. TAWNEY. It does; but does not limit the number of buildings on which the Department can expend $20,000 in the construction. It is for that very reason that I offer this as a limitation upon this appropriation. Under the statute—section 1136—the Secretary of War has power to construct as many buildings as he may see fit, providing no one of them costs to exceed $20,000. And out of this appropriation, and under the authority of that section of the Revised Statutes, Army posts have been constructed almost complete in form, and it is for the purpose of limiting the expenditure of this appropriation that this amendment is offered.

Mr. UNDERWOOD. I did not understand the gentleman's amendment as it was read. Will he explain more fully how it reaches the question?

Mr. TAWNEY. I will read the law as it is to-day governing the authority of the Secretary of War in the expenditure of this appropriation of $3,000,000.

Permanent barracks or quarters and buildings and structures of a permanent nature shall not be constructed unless detailed estimates shall have been previously submitted to Congress and approved by a special appropriation for the same, except when constructed by the troops; and no such structures, the cost of which shall exceed $20,000, shall be erected unless by special authority of Congress.

So that, under this law as construed by the Department and under the appropriation, it is entirely competent for the Secretary of War to erect as many buildings as he may see fit, provided the maximum cost of each does not exceed $20,000. Then the last part of this proviso is for the purpose of requiring all of the expenditure that is made for buildings to be made out of this appropriation, for it is a notorious fact that in the construction of these buildings they are paying for the plumbing out of the appropriation for transportation of the Army. Even the sewers that are constructed in connection with these new buildings are paid for out of the appropriation for transportation of the Army.

The purpose of this amendment, I will say, is, first, to limit the amount that can be expended by the Secretary of War in the construction of buildings to $20,000, and also to provide that the entire cost of these buildings shall be paid out of this particular appropriation and not out of some other appropriation, as has been the practice heretofore. I think the amendment is in the line of good legislation and in the line of good administration, because we do know that in the past the Secretary of War has constructed Army posts without a scintilla of authority except that provided in the section of the Revised Statutes, which I have just read, and which I do not think Congress would approve of or ought to approve of; and for the purpose of bringing the matter to the attention of the House and, if possible, securing a greater limitation upon this appropriation than has heretofore been placed upon it, I have offered this amendment.

Mr. HULL. Mr. Chairman, I do not care to discuss the point of order, except to insist upon it. The amendment changes existing law radically, and I should like to have the Chair rule.

Mr. TAWNEY. I did not know that the point of order was made. I thought it was simply reserved.

Mr. UNDERWOOD. I did reserve the point of order, but I do not care to press it further.

Mr. HULL. I renew the point of order.

Mr. TAWNEY. As to the point of order, I will say that it is simply a limitation upon this appropriation.

*And provided further*, That of the sum herein appropriated for barracks and quarters, the amount expended in construction of any new building or buildings at any established military post, etc., shall not exceed in the aggregate the sum of $20,000.

I submit that under the rule of the House governing limitations it is not a change of existing law, but a limitation.

Mr. HULL. It is more than legislation. It is an absolute change of law. I do not care to argue the point of order further.

The CHAIRMAN. The Chair would like to hear from the gentleman from Iowa as to what law it changes, and in what respect it changes it.

Mr. HULL. By making additional requirements concerning buildings, which requirements are not now in the statute. The plumbing of a building is not considered under the present law as any part of the restriction on the $20,000. It never has been and is not now.

Mr. TAWNEY. Do you mean to say there is any law that authorizes the payment for the plumbing out of the Army transportation appropriation?

Mr. HULL. That question is not involved here.

Mr. TAWNEY. The law does not authorize it.

Mr. HULL. Every man knows that if you let a contract for a house in many cases you let a contract to one man to build your house and to another for the plumbing and to another for the furniture. By the gentleman's own statement he is intending to enlarge the requirements. It limits the number of buildings and changes the law in every respect, and the gentleman from Minnesota stated so in his argument.

Mr. TAWNEY. If the gentleman will pardon me, I did not state it was a limitation upon the number, except it limits the amount that can be expended for buildings out of this amount.

Mr. PARKER. Mr. Chairman, I want to say one word. The Army has to be moved wherever it is needed. In old times it had to be moved to frontier posts. Nowadays it is conceivable that in some of our outlying posts we might have to put a thousand men. The present law allows them to put up any number of buildings if they do not cost over $20,000 apiece. This would say that hereafter you shall not take a thousand men to any post, because you could not put up the buildings for them, and thus changes the whole law.

The CHAIRMAN. The Chair is ready to rule. If this amendment said that hereafter no money should be expended except in this way, it might be considered a change of existing law; but this amendment, as it seems to the Chair, does not prescribe anything in reference to the number or character of the buildings, but is a limitation as to what buildings the money shall be used for and what other purposes the money shall be used for. It is a limit of the expenditure of the money, and the Chair so holds, and therefore overrules the point of order.

Mr. HULL. I understand the Chair overrules the point of order.

The CHAIRMAN. Yes.

Mr. HULL. Then, Mr. Chairman, I want to say to the committee that I hope the amendment will be defeated. The law as it now stands should be repealed in regard to the limitation now existing. It is not conducive to good government and good administration to extend it beyond that now on the statute books. At the time that law was enacted there was no such thing as a large post in the country. At the time the law was enacted $20,000 would build the different buildings needed in a post, with the exception of a very few of the large buildings for administration and for the stables for cavalry and the barracks for men. This is undertaking to cripple the Government in the line of the care for the Army. I hope the gentleman from Minnesota will permit us, so far as we can, to give the Army what it needs under the rules as they now exist, and will not undertake to further cripple it in undertaking to cut down the jurisdiction of the Committee on Military Affairs. I do not believe the amendment is good legislation. I do not believe it is offered in any spirit except the general desire that every new chairman of the Committee on Appropriations has to take charge of all

the committees and see that they do not go far astray. [Laughter.]

There are Members of this House not on the Committee on Military Affairs who have the welfare of the country at large at heart as much as they would by serving on the other committee.

Mr. UNDERWOOD. May I ask the gentleman a question?

Mr. HULL. Certainly.

Mr. UNDERWOOD. Is it not a fact that the law prohibits any of these buildings being built at a cost exceeding $20,000?

Mr. HULL. Yes.

Mr. UNDERWOOD. Is it a fact that the War Department has been getting around that law by letting out several contracts for sewerage and for plumbing that goes into the houses?

Mr. HULL. My impression is that under the law the War Department has not violated the law in doing this very thing.

Mr. UNDERWOOD. Have they not let out contracts for sewerage and plumbing that goes into the houses?

Mr. HULL. If they have they had a right to do it under the law. The law does limit the cost of buildings, but I have no idea the War Department has violated the law by doing what the gentleman from Alabama suggests.

Mr. UNDERWOOD. If my friend will allow me, a building is not complete without it has got chimneys.

Mr. HULL. That is an entirely different proposition. A man may build a house that costs $20,000 and may want very expensive plumbing. Another man may want cheaper plumbing. The plumbing is not the building—another man may not want any plumbing at all, thinks it better not to have it in the house. That is not a part of a building and has never been construed to be a part of it. If I believed it possible to get some consideration of the bill before the House, I would bring in one repealing this provision of the limitation of the cost and take from the Committee on Appropriations the entire administration of the Army, but I have no hopes of getting it through. I do believe that this amendment is intended to cripple the service to the Government, and will result in bad administration in the future rather than a benefit to the Government, and I hope the amendment will be voted down.

Mr. TAWNEY. Mr. Chairman, the gentleman in charge of this bill may scold the new chairman of the Committee on Appropriations as much as he pleases. So far as I am personally concerned it has no effect whatever upon me. It is not for that purpose that he indulges in it or has indulged in that practice since he began the consideration of the bill.

It is for the purpose of trying to slide through here more legislation on this appropriation bill than any chairman of the Committee on Military Affairs or he himself has ever attempted in the past. I suppose he is presuming upon the fact that the Committee on Appropriations has a new chairman, and that no doubt has prompted him to bring in legislation in his appropriation bill that is out of order, as he knows it is, and in violation of the rules of the House of Representatives. This proposition is not offered here for the purpose of crippling the Army nor for the purpose of crippling the Military Committee nor for the purpose of reflecting upon the work of that committee. The gentleman tries to make the House believe that it is offered for that purpose without explaining how it can have that effect. He does this solely for the purpose of appealing to the prejudice of Members that he may secure the defeat of this amendment which is offered in the interests of good government and in the interests of good administration.

Now, I do not want this committee to consider this proposition for one moment because it has been offered by the chairman of the Committee on Appropriations. If it does not, on its merits, appeal to the judgment of this committee, then, I say, vote it down. Now, let us see what it is. Under existing law the Secretary of War may expend any amount of money at the Army posts that he sees fit in the construction of buildings, provided the cost of the exterior of the structure or structures do not each exceed $20,000. He may build ten new buildings; he may build twenty new buildings at a post, provided their cost, incomplete, does not exceed $200,000 in the aggregate. This is an old statute, adopted when the Army posts, as the gentleman says, were very small. Since that time our Army posts have increased amazingly in size on account of the demands of the Army officers themselves and the troops, which are much greater than they were formerly for comfort and convenience. Hence the Secretary of War presumes, under this section of the statute, to proceed and erect an entirely new post, keeping himself just within the limit of $20,000 as to the actual cost of the frame of each of the buildings. Why, they have even gone so far as to except the plumbing out of this $20,000 and pay for the plumbing in the building out of the Army transportation appropriation. Now, this proposition is to limit the total expenditure to $20,000. If they require more money than that, let them come to Congress, as required by the statute which I read. They have authority to do that. Congress is in session every year, and it is no great hardship for Congress to require the Secretary of War, when he wants to build a new Army post, to come here with his detailed plans and estimates, giving Congress some idea of the amount necessary, and then securing authority for the expenditure of that money.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. TAWNEY. Mr. Chairman, I ask unanimous consent that I may be permitted to proceed for two minutes more.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent that he may be permitted to proceed for two minutes. Is there objection?

There was no objection.

Mr. TAWNEY. Mr. Chairman, the only way in which this provision affects existing law is this: If they want to expend more than $20,000, then they will have to come to Congress. That is the only difference. Is that a hardship? Is it a hardship for the Military Committee to consider a question of whether or not they should have an appropriation for the purpose of enlarging buildings or spending more than $20,000 at any one Army post? Certainly not. And is it a hardship, or is it wrong, is it against good administration, for Congress now to require them to pay all of the expense of the building out of this appropriation instead of allowing them to go on and take that money out of appropriations set apart for purposes altogether and entirely different from the purpose for which they expend it, as they do when they pay for the plumbing of this building out of the Army transportation appropriation? That is all there is in this amendment, limiting the right or authority of the Secretary to expend not to exceed $20,000 at any one Army post. He can have as many buildings as he sees fit or make such repairs as he sees fit, provided the expenditure does not exceed $20,000; but if his expenditures go beyond that, if the estimates show that he needs more money than that, then he must come to Congress. Now, we must begin very soon to call a halt in this matter of diverting appropriations and spending more money than is actually intended to be expended by Congress. I called attention a few days ago to the way in which the Navy Department is expending public money, taking as much as $750,000 out of an appropriation for maintenance and repair of machinery and reconstructing the interior of battle ships with it—$750,000 expended without any authority of Congress whatever.

We make a large appropriation for care and maintenance of public buildings. Suppose the Secretary of the Treasury should take that lump sum appropriation and set aside $750,000 of it and then gut a Federal building and put in or reconstruct the interior of that building—exactly what the Secretary of the Navy is doing to-day—why the Secretary of the Treasury would be liable to impeachment. We have seen this practice of the War Department. We know that in several instances where new Army posts were constructed and paid for out of this appropriation without any authorization by Congress whatever, and contrary to the spirit, if not the letter, of the statute which I have quoted, and it is in the hope of putting a stop to this practice that I have offered this amendment.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. GROSVENOR. Mr. Chairman, I find myself about as near tangled up, and impossible as I ever was in my life. Since I have been a Member of Congress I have never been so mixed up. I have grown up here in a school that taught me about the best thing the average Congressman could do was to follow the lead of one of these great committees of the House, especially the committee having the bill in charge, and I came here to follow, as well as I could, the leadership of the Committee on Military Affairs upon a subject over which I supposed they had jurisdiction. I heard the able decisions of the Chair, in which he commented at some length upon the decisions by some of his predecessors, and affirmed most or all of them, and I do not know which of his predecessors were right and which were wrong, but I am sure the present Chairman is right, and now I find myself up against two leaderships.

I am reminded of a charge given by a judge of the court in Ohio of this character. It was a question between a superintendent and a general manager of one of the industrial corporations, and the court charged the jury that it was a contest between an inferior function and a superior function, and if they found the inferior function collided with the superior function the inferior function must give way and the superior

function must control. I went to get that judgment reversed in the Supreme Court and I read the charge, and Judge White, of blessed memory, stopped me in the midst of it and said that hilarity of that kind, appearing to undertake to ridicule a charge of the court below, ought not to be tolerated in the Supreme Court. I told him, however, I was reading the charge of the judge verbatim from the record itself. Now, here the question, in my mind is which is the "superior function." If it is the number of the committee actually engaged, why, the superior function is clearly the Committee on Appropriations, and in rank in the House it is the superior function anyhow. Now, it seems to me that we will have to revise the rules of the House some of these times—about the time I get back here—[applause], and more clearly define the jurisdiction of these two great committees. Ordinarily, I should be inclined to take the opinion of the Committee on Military Affairs on these questions and the Committee on Appropriations on other questions pertinent to their report, and I should not be governed in the slightest degree by the question of how long the chairman of the Committee on Appropriations had been chairman of that committee. I propose to stand with the gentleman on his merits, and up to this time his merits are very high, in my estimation, and yet I do not see any particular occasion for the collision that is going on here, and I am lost. There is where I am. If I can get a chance to vote on both sides of this question I am going to do it in the interest of the consistency which I have always maintained. "I can be happy with either were t'other dear charmer away." [Laughter.]

Mr. FITZGERALD. Mr. Chairman, when we reach another provision in this bill I want to call attention to a number of expenditures which have been made out of the appropriation for the transportation of the Army and its supplies which are entirely unjustifiable. In connection with this amendment offered by the gentleman from Minnesota [Mr. TAWNEY], however, I wish to call attention to this fact, that not only has the Department of War paid for plumbing of buildings out of the appropriation for transportation, but it has paid for the heating and lighting apparatus in those buildings out of the appropriation for supplies for the Army. In the hearings before the Committee on Military Affairs this year it appears that for heating apparatus, for electric wiring, bakeries, etc., whatever that may mean, $283,746 has been used so far out of the appropriation for supplies, and $285,732 for plumbing out of the appropriation for transportation, so that in addition to the $3,400,000 appropriated by the Army bill this year for the construction of barracks the War Department has so far taken over $500,000 from other appropriations for the same purpose. If Congress intends that buildings should be limited to a specific cost, we should see that the Department can not utilize some other fund improperly and illegally in order to increase the cost of those buildings. The Quartermaster-General stated to the Committee on Military Affairs that where hospitals were built the medical and surgical corps insists that the limit of $20,000 applies to the structure alone, and against his protest they have put in the heating plant, the plumbing plant, and the lighting plant of those buildings out of other appropriations, so that nobody knows to-day the cost of any building erected under this provision for barracks and quarters for which we have been appropriating over $3,000,000 for many years.

Now, this amendment offered by the chairman of the Committee on Appropriations will compel the Department of War to complete any building built under the law authorizing the expenditure of this money for $20,000. Let me call the attention of the committee to what has been done. The War Department submits a system of allotments made for buildings at the different barracks or posts since these appropriations were commenced. It shows they have allotted $18,000 for a cavalry stable that comes out of this appropriation. How much is allotted to heating, how much is allotted to putting in plumbing, how much it costs to sewer the buildings, it is utterly impossible to tell, because all of that work is done out of appropriations aggregating some $17,000,000. And in the interest of good administration and good legislation the Department should be compelled to use the one appropriation to complete the buildings that are authorized under this provision of the bill. There are a number of items that I will call attention to later, but this is one of the most flagrant instances that has been unearthed in which the Department has been using several funds to accomplish purposes never in contemplation by Congress when the appropriations were made. If any reform is to be effected, a stop must be put to the practice right here on this appropriation.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. PARKER. Mr. Chairman, it is a very serious charge that is brought against the Secretary of War, and a Department which is very largely made up of Army officers, whose honor has never before, so far as I know, been so impeached.

Let me call the attention of the gentleman to the rashness with which he says that the introduction of plumbing into buildings is wrongfully charged to the transportation of the Army and its supplies. He has not read the bill. If he will look on page 33, in lines 16, 17, 18, and 19, he will find, under "Transportation of the Army and its supplies," the following language:

For procuring water, and introducing the same to buildings at such posts as from their situation require it to be brought from a distance, and for the disposal of sewerage and drainage.

Now, Mr. Chairman, these matters are historical. They are governed rightly by precedent. When our posts were first established, plumbing was almost unknown. At that time some of the posts had bad well water, and they had to bring it in by pipes into the posts. This was transportation of a most necessary supply and so allowed in the Army bill. As time changed, water was introduced into the buildings and plumbing placed through them. Provision therefor was made in the Army bill. It was done according to the old precedent, charged in the old way, and known by every Congress for the last fifty years to have been charged in that way, ever since plumbing came into use, under that item of appropriation of transportation, including water supply, plumbing, and drainage. And when Congress passed the law that expenditures under another item for buildings, viz, "barracks and quarters," should not exceed $20,000 for each building, Congress knew what they were talking about, and the War Department knew what they were talking about. They were talking about a practice that was settled, namely, that the cost of a building meant the cost of the building, and that the plumbing and drainage was introduced and charged under another appropriation.

That was their belief and the honest belief of the Department. I believe it to be the law, but whether it be the law or not, even if gentlemen can make technical objections on the letter of the law, the honesty and straightforwardness of the Quartermaster's Department under the Secretary of War is manifest and appeals to this whole House, and ought not to be impugned by this attack of this Appropriation Committee and its leaders upon the War Department, because, as they say, they have found something wrong in the Department of the Navy.

Now, as to the merits of the gentleman's proposed amendment. We all know that for the sake of economy troops throughout the United States are being drawn from the smaller camps into regimental camps. We all know also that on occasions there is an outbreak, we will say, of ladronism in the Philippine Islands, and then come changes of post on the question of health, and from time to time camps have to be established of rather a large number of men as necessity requires. Now, when those camps are established, when these men—thousands of them—are drawn into a post, economical buildings are put up for them. We know that in a large post there have to be new hospitals erected, if there is an epidemic. Besides, we have to establish gymnasiums and reading rooms and little conveniences of one sort or another. Some posts have had improvements already amounting to $500,000—certainly at Leavenworth—and to say that only $20,000 worth of buildings may be added at such a post for all necessities that might arise during a year is putting a restriction upon the Secretary of War that has never been put on him in the past and that ought not to be put upon him now.

If you intend to change the Army into a fixed machine, to treat it as you do a Department situated here in Washington, and to say it must stay in one place, well and good. But if you are going to have an Army which, under the management of a live commander in chief is going to be gathered and moved where it will do the most good and where the officers and soldiers will get the most benefit, in such bodies as are necessary, you must give leave to the Secretary of War and the President to put up such buildings as will be necessary at the time without waiting for two or three years to get a Committee of Appropriations, who seem from what they assert here to care nothing about the Army, to say yea or to say nay to it.

Mr. UNDERWOOD. Mr. Chairman, I think the question that is before the House is an important one so far as good legislation is concerned. I do not think there is any greater opportunity in this House for a waste of public money than to have two appropriation committees having jurisdiction over the same subject-matter, because when that happens, if the Departments can not get the appropriations they want from one committee, they appeal to the other, and the consequence is that there is often a duplication of appropriations.

Now, the history of this proposition grows out of the fact that when the Committee on Military Affairs was authorized by the

House to report the Army appropriation bill, it was given the power to make appropriations for repairs.

The power of making appropriations for Army improvements and Army buildings was still left in the general Appropriations Committee. This brought about a conflict. Both committees were appropriating for buildings. The Military Committee appropriated for buildings under the ground of repairs, and the general Appropriations Committee appropriated for buildings on the ground of improvement. To obviate that, to prevent confusion, to keep the two committees from having jurisdiction over the same subject-matter, Congress passed this law providing that the jurisdiction of the Committee on Military Affairs should only extend to buildings that cost not exceeding $20,000, and of all buildings over and above that amount the general Appropriations Committee should have jurisdiction. Now, I think it is manifest, Mr. Chairman, that the Congress intended there to distinctly draw the line of demarkation between the jurisdiction of the two committees of the House, and if any subterfuge is resorted to in order to increase the cost of any building in any way above $20,000 it is done by way of encroaching upon the jurisdiction of the general Appropriations Committee. I therefore think it is of the utmost importance that this line should be distinctly drawn, and that we keep definite this jurisdiction of these subject-matters.

Mr. KEIFER. If the gentleman from Alabama will permit me, I want to inquire if we passed a law defining the jurisdiction of these two committees?

Mr. UNDERWOOD. Yes, sir.

Mr. KEIFER. Is there a statute of that kind?

Mr. UNDERWOOD. Yes; it has been read from the desk this morning.

Mr. KEIFER. I beg the gentleman's pardon, but he ought to know. I do not believe there is any such statute.

Mr. UNDERWOOD. I will say to the gentleman from Ohio that the gentleman from Minnesota has within the last hour—since the gentleman from Ohio has been in the House—has had it read.

Mr. KEIFER. You mean a statute on the jurisdiction of the two committees?

Mr. UNDERWOOD. In this particular matter.

Mr. KEIFER. They say about me around here it is a rule.

Mr. UNDERWOOD. Well, the gentleman may state that it does not fix the jurisdiction; the statute provides that the appropriations allowed on this military appropriation bill shall not exceed $20,000. I say that fixes the jurisdiction. I do not say that the statute says so in so many words.

Mr. KEIFER. Well, then, Mr. Chairman, I understand the gentleman withdraws his statement——

Mr. UNDERWOOD. I do not withdraw my statement.

Mr. KEIFER. That the statute fixes the jurisdiction of these two committees. My understanding is that no statute ever undertook to regulate the jurisdiction of a committee of the Senate or of the House of Representatives.

Mr. UNDERWOOD. The gentleman from Ohio did not understand what I said. I did not intend anyone to understand that we have done that by statute, and jurisdiction was fixed in so many words, but what I said was the statute says that the buildings that they build shall be limited to $20,000, and that fixes the jurisdiction, that the statute has the effect of fixing the jurisdiction of these two committees. Now, Mr. Chairman, I say it is of the utmost importance that this House shall maintain that line and hold one committee within its jurisdiction and the other committee within its.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HULL. Mr. Chairman, just a word; and first in reply to the gentleman from Alabama. He must be awfully mistaken about the statute fixing any jurisdiction here, because the statute about limiting the amount to $20,000 for any one building was passed when both appropriation bills were in the hands of the Appropriations Committee, and it is simply a provision that where the buildings cost over $20,000 detailed estimates must be submitted to Congress, and where the building is to cost $20,000 or less it is not necessary to submit estimates.

Mr. UNDERWOOD. That fixes the jurisdiction of your committee.

Mr. HULL. Not by statute. Under the rules that formerly prevailed, when the Committee on Appropriations had all these bills they put buildings of a cost of $20,000 in the Army bill and for more than $20,000 in the fortification bill, and this same old question has come up on this bill for the last eleven years. The whim of the Committee on Appropriations when they had all appropriations seems to have fixed it, not the law.

Now, so far as the argument of the gentleman from New York is concerned, that a part of the appropriation for transportation for the Army and its supplies, a certain amount is used for the purpose of sewering and for the purpose of constructing roads and plumbing on these buildings, that applies as much to the bills reported from the Committee on Appropriations as it does on those from the Committee on Military Affairs. It is used in both cases. That has nothing to do with this question before the House now. If it is the wish to limit more strictly the Department upon the expenditure of the money, it will come up when that clause of the bill is reached; not now. The question now is, Shall the Committee on Appropriations put a limitation upon this bill that virtually changes the law to-day and makes an additional requirement in order to get an appropriation from the jurisdiction of the Committee on Military Affairs and transfer it to the Committee on Appropriations? That is the question before the House.

As to the other proposition, that the gentleman from Minnesota says it is because he is new, I will appeal to this House that is hardly correct, but I will say this: That there is a long line of illustrious men who have been chairman of the Committee on Appropriations. One of the greatest parliamentarians, one of the greatest legitimate economists that has ever served in this House—what I mean by economy is proper economy—the present Speaker of this House so served; and during all the years he was chairman of that committee he never attempted to invade the functions of the Army Committee to put such a limitation upon this appropriation in the Army bill.

Mr. TAWNEY. I will ask the gentleman if the present Speaker of this House when he was chairman of the Committee on Appropriations did not object to this very appropriation and try to amend it?

Mr. HULL. He never did, to my knowledge, since I have been chairman. He never has offered such a proposition as this.

Now, when it comes to the proposition concerning the transportation of the Army it is a legitimate argument that the gentleman from New York makes, and if he can establish his contention new language should be put in there, and it should be made more difficult to spend the money on the lines suggested, but not on this amendment, and the gentleman from New York [Mr. PARKER] has splendidly answered the argument made on that subject. He has shown that from the very beginning of appropriations for the Army these same lines of procedure have been followed and have never been criticised until to-day. I am perfectly willing to meet that question when it comes up, and I am willing to throw any safeguard that may be needed around the appropriation, but I do protest against this amendment, which seeks still further to curb the Committee on Military Affairs. [Applause.]

Mr. STEVENS of Minnesota. Mr. Chairman, I have had some little experience in dealing with these matters, and it seems to me there has been a little too much heat and not quite enough light upon this proposition.

Mr. KEIFER. Good!

Mr. STEVENS of Minnesota. I think the criticisms of the gentleman from New York [Mr. FITZGERALD] were unfair and unfounded. The exact cost of every building erected by the Quartermaster's Department during the last fiscal year can be determined by the official reports of that department and by the records of this House. If gentlemen will turn to the hearings of the Committee on Military Affairs, which I presume can be obtained by sending to the committee room, they will find a detailed statement of the cost of every building erected last year, and they will find, further, that the law has been complied with in every particular, and that there have been no such illegalities or division of funds as has been so loudly charged. On pages 48 to 55 they will find these facts.

This report from the Quartermaster-General has apparently divided the disbursements for buildings into five different divisions: First, amount taken from the appropriation for military posts, carried in the sundry civil bill; second, the amount taken for the appropriation for barracks and quarters, carried in the military appropriation bill; third, the amount for plumbing, taken from the transportation item of this bill in accordance with law, as shown by the gentleman from New Jersey; fourth, the amount paid for heating, and fifth, amount paid for wiring, both taken from the item of regular supplies, on page 25 of this bill, where there is found the following language authorizing such expenditure:

> Regular supplies of the Quartermaster's Department, including care and protection, consisting of stoves and apparatus required for heating of department headquarters,

And so forth.

So that in every particular the Quartermaster's Department has complied strictly with the law, and it is the only way under the law such expenditures could be made, as the language is explicit for these purposes. They have carried their accounts so that they can ascertain the exact cost of each one of these

buildings and of every single item chargeable to each one of these separate funds, and that is what these gentlemen have been so loudly demanding. Now, more than that, they have complied with the law exactly as it stands on the statute book, by using the funds from the items which Congress provided exactly for such purposes, and have made a complete and faithful report and account of their expenditures for the information of your committees and the Congress.

Mr. SMITH of Iowa. Will the gentleman answer a question?

Mr. STEVENS of Minnesota. Certainly.

Mr. SMITH of Iowa. Do I understand that this report shows that the entire cost of these buildings, including plumbing, heating, and lighting, does not exceed in any instance $20,000?

Mr. STEVENS of Minnesota. Why, certainly; it shows exactly what each building does cost, and that is just exactly what I was coming to. I agree with the gentleman from Alabama [Mr. UNDERWOOD] that the present condition of affairs of division of authority in appropriating and providing for buildings for the military establishment is unfortunate for the public service, for the Army, and for good legislation.

Mr. WILLIAMS. Before the gentleman gets away from that point, I understand the gentleman to make the statement that the law has been precisely complied with.

Mr. STEVENS of Minnesota. I do make that statement, yes.

Mr. WILLIAMS. Now, if we really have a law that enables the Department to charge plumbing up to an appropriation provided for the transportation of troops, it is a curiosity of political literature, and the House ought to be acquainted with it so that it may amend, cancel, or otherwise change it.

Mr. STEVENS of Minnesota. I am very glad to give my views upon that, Mr. Chairman, and the exact information which seems to be needed to a fair and clear understanding of it. It is unfortunate that these misunderstandings exist, and I think that the Committee on Military Affairs should segregate the great variety of items which are now carried under the head of transportation. The general heading of transportation carries nearly forty different kinds and varieties of items which are not strictly transportation of the Army at all, using the word by its ordinary meaning, but which are all specifically mentioned and provided for in this appropriation bill under that general heading, and which items are just as legal, just as much a part of this item and bill, and just as much required in the public service as transportation. It so happens that the headline of this general paragraph embracing all these subjects is "Transportation of the Army and its supplies." Yet for convenience it is commonly designated and spoken of as the item of transportation of the Army. As a matter of fact, it embraces probably forty or fifty different kinds of items, among them the following:

For procuring water and introducing the same to buildings at such posts as from their situation require it to be brought from a distance, and for the disposal of sewage and drainage.

That is one of the mass of the items embraced under the general heading "Transportation of the Army and its supplies."

Now, I agree with the gentleman, I think that is bad legislation, and should be more specific and definite, but it is the law. I think these separate items ought to be segregated.

Mr. WILLIAMS. It is worse than bad legislation; it is absurd, isn't it?

Mr. STEVENS of Minnesota. It is; but that is the law and that has been the law for a great many years. I think there ought to be a segregation of most of these items. There has been no segregation, and Congress is responsible for the nonaction, and under these circumstances the Quartermaster's Department only perform their duty when they take the expense for procuring water out of this item; they simply comply with the law just as we have made it.

Mr. FITZGERALD. May I ask the gentleman a question?

Mr. STEVENS of Minnesota. Certainly.

Mr. FITZGERALD. I understood the gentleman to say that the statement I made was entirely misleading and unfounded.

Mr. STEVENS of Minnesota. I did say so.

Mr. FITZGERALD. I wish to call the gentleman's attention to what the Quartermaster-General of the Army said.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. FITZGERALD. I ask unanimous consent that the gentleman's time be extended five minutes.

The CHAIRMAN. The gentleman from New York asks unanimous consent that the time of the gentleman from Minnesota be extended five minutes. Is there objection?

There was no objection.

Mr. FITZGERALD. I wish to read what the Quartermaster-General said:

In reference to the construction and repair of hospitals I would bring to your attention the fact that $20,000 is not a sufficient amount to build a modern hospital. And, further, I do not think that money should be taken from the appropriations for Army transportation and regular supplies for the purpose of paying for the plumbing, heating, and lighting system of hospitals where Congress has appropriated a specific amount for the construction of these buildings. Where given an appropriation of $20,000 or more for construction of a hospital, the Medical Corps take the ground that the amount is simply for the construction of a building, and that the appropriations above named should be drawn upon for the plumbing, heating, and lighting systems, which, in the end, cause the structure to cost considerably over the amount specified by Congress for the specific work. I am of the opinion that when Congress appropriates a specific sum for construction it means that that amount will complete the building in all respects, and in modern construction these systems are wholly part of the building.

That is the statement of the Quartermaster-General; and he protests against the practice of using these other appropriations, and states that the Comptroller of the Treasury partly decided against him. As my statements are based upon those I have read, I think the gentleman is hardly justified in saying that they are unfounded.

Mr. STEVENS of Minnesota. In reply I have this to say, Mr. Chairman: There always has been a controversy between the Surgeon-General's Office and the Quartermaster-General's Office over many of the items needed for the construction of hospitals. There is a separate item for the construction and repair of hospitals on page 36 of the bill, and the Quartermaster-General's Department desires the Surgeon-General's Department to pay the whole expense of constructing the hospital, and not take the plumbing and the sewerage from the item of transportation and the heating and wiring from the item of regular supplies. That is a controversy between these two divisions in the War Department which has been going on for a great many years. The Quartermaster-General makes his estimates for his own work and his own purposes, as he knows best what is needed. Then we cut him down some, and then he sees another slice taken for purposes of another division, for its benefit, but charged to his accounts. This may make a deficiency for which he is held responsible under severe penalties, or else some public service is left undone by his Department for which he had planned and secured the means. It is an embarrassing situation for him.

But the decisions have been against him, and the Quartermaster-General has, however, complied with the law in taking the plumbing out of the transportation item and finishing hospitals just the same as it does the barracks and quarters.

Now, Mr. Chairman, I wish to say a word more as to how this matter works out. The old law providing for a limit of $20,000 was passed a great many years ago, some time in the late fifties. There has been an entire change in the construction of buildings since that law was enacted. It is now almost impossible to get any kind of a building costing less than $20,000 adapted for the purposes of quarters for the higher officers or barracks for the men. For that sum it is almost impossible to build a building to be used as a family dwelling substantial enough, or warm enough, or convenient enough, at many of the posts. If you will take the report submitted to the Committee on Military Affairs by the Quartermaster-General's Department, on pages 48 to 53, you will find as I have remarked, that last year about sixteen different buildings in which the contract for the structure was slightly less than $20,000, yet the amount charged and necessarily added, as required by law, for plumbing, heating, and wiring would make each one of these buildings cost slightly over $20,000.

Now, the only effect of this amendment suggested by my colleague from Minnesota would be to transfer the jurisdiction of the construction of these buildings from the Committee on Military Affairs to the Committee on Appropriations. It would make no difference in the character or cost of the buildings or the service to be performed, but would transfer the jurisdiction. That would be the sole effect of the bill unless you change the law as to the various items in regular supplies and change the law as to the various items embraced in the general item of transportation. You do not change the law in any particular about segregating these items. All you do would be to cast a somewhat heavier burden on the item of "Barracks and quarters" and lighten correspondingly "Transportation and regular supplies," and would not at all affect hospitals, about which my good friend from New York [Mr. FITZGERALD] feels so badly. The only effect of this amendment, then, would be to transfer the jurisdiction of constructing these sixteen or so buildings from one committee to another.

Mr. TAWNEY. Will the gentleman permit an interruption?

Mr. STEVENS of Minnesota. Certainly.

Mr. TAWNEY. Is it not true under existing law that the Secretary of War is authorized to construct as many $20,000 buildings at an Army post as he may choose?

Mr. STEVENS of Minnesota. Within the amount provided by law.

Mr. TAWNEY. Twenty thousand dollars for each building?

Mr. STEVENS of Minnesota. To be taken out of the barracks and quarters fund.

Mr. TAWNEY. Three million dollars is available for the construction of new buildings under that provision, limiting the cost of each building to $20,000, regardless of the number.

Mr. STEVENS of Minnesota. The gentleman does not quite grasp the situation.

Mr. TAWNEY. I ask the gentleman if that is not the authority that the Secretary of War has in respect to the construction of new buildings at Army posts?

Mr. STEVENS of Minnesota. Yes; but you have got to give the authority to the Secretary of War to construct new buildings within the limits provided by Congress, and he ought to have that authority; and as I have just shown, as a matter of fact, out of this fund he did only construct sixteen buildings last year, costing in the aggregate less than $300,000; so only a small part of this item is used for that class of construction.

Mr. TAWNEY. Let me ask the gentleman another question. Would it not be just as logical for Congress to appropriate three or five million dollars to be used by the Secretary of the Treasury in constructing Federal buildings anywhere that, in his judgment, the public service demanded it?

Mr. STEVENS of Minnesota. Mr. Chairman, the House has thrashed that out before. This committee and the House has to choose between these two entirely different methods of conducting public business. Whenever we attempt to segregate and specifically apply the items for the construction of buildings at different posts and as we may indicate, it has always degenerated into favoritism, and the Members of the House or the Senate particularly who have the ears of the members of the Committees on Military Affairs or of the Committees on Appropriations always get the preference and have their buildings inserted in the bill. Sometimes this has been all right, but I believe the experience on this floor is more often that it is wrong, that the public service suffers, that expenditures vastly increase without adequate benefit to the Army for them.

The CHAIRMAN. The time of the gentleman from Minnesota has again expired.

Mr. TAWNEY. Mr. Chairman, I ask unanimous consent that the time of the gentleman be extended for five minutes.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent that the time of his colleague be extended for five minutes. Is there objection?

There was no objection.

Mr. HULL. Mr. Chairman, I will state that I shall move to close debate when the gentleman from Minnesota [Mr. STEVENS] is through.

Mr. STEVENS of Minnesota. Mr. Chairman, the result is that a large number of buildings are erected which ought not to be erected. There are fifty-five military posts in this country now being actively operated by the War Department. Thirty would do the work better, and it would be better for the Army and country if the Army were so centralized. The rest are political posts. Of the buildings which would be erected by specific appropriations a large part would be political buildings if we attempted to exercise the power of Congress by designating the particular structures upon which the money should be expended.

I admit, as a general proposition, it is not good legislation to place this large power in the hands of any executive officer. As a general proposition, my colleague is right, but in this particular case when we look over the country and see so many military posts that ought not to exist, when we note the buildings constructed that ought not to be constructed, under direction of this very Congress, it is evident that the result seems to be that in the long run we get better legislation and we have better administration and more economy in the construction of buildings by giving a lump sum to the Secretary of War and compelling him to allot these items and report specifically to Congress, and be held responsible for the rightful expenditure of that money. We have had several contests upon the floor of this House at various times over this kind of legislation, and, to my recollection, in every instance where we have attempted to specify these items and compel expenditure on any one post it has resulted in detriment to the public service; and much as I dislike to see a lump sum go into the hands of any departmental officer, this is one of the cases where I think it is necessary.

Mr. TAWNEY. Will the gentleman answer a question for information?

The CHAIRMAN. Does the gentleman yield?

Mr. STEVENS of Minnesota. Certainly.

Mr. TAWNEY. Who occupies these buildings at the posts for which this $3,000,000 is appropriated?

Mr. STEVENS of Minnesota. Officers and men of the Army.

Mr. TAWNEY. Does the gentleman mean the enlisted men?

Mr. STEVENS of Minnesota. Certainly.

Mr. TAWNEY. How large are the buildings that are built for the accommodation of the enlisted men?

Mr. STEVENS of Minnesota. There are two company barracks usually.

Mr. TAWNEY. Then the buildings that are constructed for the housing of the officers, the gentleman says, can not be constructed for less than $20,000 apiece?

Mr. STEVENS of Minnesota. Some can be and some can not be, depending entirely on the location, material, and kind of buildings required for grade of officers to occupy them.

Mr. TAWNEY. How many Members of this House does the gentleman suppose are occupying buildings that cost to exceed $20,000, exclusive of grounds?

Mr. STEVENS of Minnesota. Some of those buildings will house from two to four families, depending on the location and the character of building. Some of them, I think, are obliged in some places to care for four families. The buildings are good ones, are a credit to the Government and to the constructing officers, and will last for many years and justify our expenditure as entirely wise. We can't expect self-respecting officers who will take a pride in the military service unless we properly care for them and their families at our posts. If we degrade these officers and their families, we show our own lack of realization of the true needs of the service.

Mr. WILLIAMS. Mr. Chairman, I understand the gentleman to contend that the discretion of the Secretary of War would be more wisely exercised than the discretion of Congress?

Mr. STEVENS of Minnesota. In this particular case.

Mr. WILLIAMS. That is what I mean. I have just been informed, and I would ask the gentleman whether he knows it to be correct information or not, that there has been expended $12,500 for the erection of a band stand out at Fort Riley? Does the gentleman know anything about that?

Mr. STEVENS of Minnesota. I know nothing about it. I am not on the Military Committee.

Mr. WILLIAMS. It is on page 56 of the hearings, I am informed, that the evidence was adduced.

Mr. STEVENS of Minnesota. I have no doubt it is true if it is in the book of hearings. I do not know anything about it, but it may be that it is an abuse. At the same time, Mr. Chairman, we should consider this—that Fort Riley is the largest military post in the United States, with the possible exception of Leavenworth; that a large number of troops are there; that it is one of the show places of the Army of the United States; that music is one of the necessities of military life, because, in order to have the right kind of discipline, in order to keep troops and officers and their families in the right sort of spirits and condition, we all know there should be music, and, if necessary, a band stand, and I am prepared to defend just that kind of an expenditure as a general proposition.

As to this case, I do not know anything about it. I am willing to concede that for years many of us who have been acquainted with military affairs have thought and stated that the military authorities were expending altogether too much money at Fort Riley. It has seemed to have been a favorite, and large amounts have been expended. It may have been needed; I do not know as to it. It has seemed at times as an act of undue favoritism, but yet we must defer to the judgment of some one, and conceding that there has been favoritism and extravagance here, yet on the whole our money has been very wisely, safely, and economically and honestly expended.

Mr. WILLIAMS. Not a $12,500 band stand, because my family could live in that, and I have very numerous children.

Mr. STEVENS of Minnesota. The gentleman from Rhode Island informs me that is a headquarters for the band. That may be true, and if so, the expenditure would be wise and timely. Now, Mr. Chairman, I do not desire to weary the House and I just desire to make this observation: The committee which knows the most about these matters I take to be the Committee on Military Affairs. I believe they are in closer touch with the necessities of the military service.

Now, there have been in the past some unwise economies as to many public buildings and as to many public expenditures caused by officials not knowing closely the real needs and trying to closely economize without adequate information. I believe that the wisest way in which these expenditures can be made must be under authority of the Secretary of War himself and that the best thing which can be done is to keep the jurisdiction as to such matters in this House, just as it is now, until such time as the House can compel a segregation of these items—a rearrangement of all matters connected with construction in

the War Department—which ought to be done in the near future.

Mr. HULL. Mr. Chairman, I move that all debate be now closed.

The CHAIRMAN. The gentleman from Iowa moves that all debate upon the pending paragraph be closed.

Mr. CLARK of Missouri. Mr. Chairman, before that motion is put, I would like to ask the gentleman from Iowa a question or two.

Mr. HULL. The gentleman from Minnesota, I understand, desires to speak. How much time does the gentleman desire?

Mr. TAWNEY. Only two minutes.

Mr. HULL. I move that all debate be closed after the gentleman from Minnesota concludes. However, I do not want to cut the gentleman from Missouri off from his question.

Mr. CLARK of Missouri. I want to ask this question the gentleman from Mississippi asked the gentleman from Minnesota [Mr. STEVENS], and that is, Is it true that they have spent $12,500 for a band stand at Fort Riley?

Mr. HULL. Not for a band stand solely, but for accommodations they probably did.

Mr. CLARK of Missouri. How many members are there in the band?

Mr. HULL. Well, there are a good many bands there. They have more than a brigade. They have several bands. Every regiment has a band that is there, and they have artillery, infantry, and cavalry all there. I hope I can get further information on the subject.

Mr. CLARK of Missouri. How many troops are stationed at Fort Riley?

Mr. HULL. I should say three or four thousand, although I may be mistaken in that; but if the companies are full there would be that many.

Mr. CLARK of Missouri. There is not one Member of Congress out of twenty who lives in a house that has cost half of that.

Mr. PARKER. Will the gentleman allow me? I was out at Fort Riley a week last fall and I did not see any band stand. I think there were 1,200 cavalry at work there, and nearly as much artillery, working in the same way over these hills and going through this indirect fire which I explained the other day.

Mr. CLARK of Missouri. Probably you were so busy inspecting the cavalry you did not have time to inspect the band stand?

Mr. PARKER. I inspected everything as far as I could. A great deal of the work was cavalry work and out of doors, and there were very few buildings to make any show at all. If you want to see show buildings you would have to go somewhere else.

Mr. WILLIAMS. Mr. Chairman, I made that statement and I want the House to understand where I got it, and if the gentleman from Iowa is right then this pamphlet is not right. On page 55 there is a heading of "Barracks and quarters." It begins with Alaska, and goes on——

Mr. TAWNEY. From what is the gentleman reading?

Mr. WILLIAMS. I am reading from hearings before the Committee on Military Affairs on the Army appropriation bill for the fiscal year 1906–7, and on page 56 is an item under the head of "Fort Riley," "band stand, $12,335." Not a word about accommodations for the band. There is no "etc." with which they generally cover up something in these items that are submitted to the committees by the Departments. The next item is "hay sheds," which, of course, are not accommodations for the band, and then there is something else about "converting storehouse into offices." Now, this is submitted as a statement of "allotments made for important construction since general project was approved," the general project of barracks. Now, if they have a way of stating band stand when they mean accommodations for the members of the band, then it is time they should be made to specify more particularly. This is a construction almost as bad as that recent Republican ruling that frog legs were dressed poultry.

Mr. HULL. I will say to the gentleman in answer, in one word, that all this detailed information was put in at the request of the committee after we had gotten through our hearings and was prepared after the hearing. It was simply printed for the information of the House and the committee. The item the gentleman refers to would not be affected by this amendment under any conditions. It is therefore not before the House at this time, but will be later. I am glad if the detailed statement will bring about better administration.

I move that after three minutes all debate on this amendment and the paragraph be closed.

The CHAIRMAN. The gentleman from Iowa [Mr. HULL] moves that all debate on the pending paragraph and the amendment thereto be closed after three minutes. Is there objection?

Mr. FITZGERALD. I move to amend by making it five minutes.

Mr. TAWNEY. Three minutes will be sufficient.

The motion was agreed to.

Mr. TAWNEY. Mr. Chairman, I want to say to the members of the committee that in offering this amendment I have not been prompted by any desire or did not even know that, in the event of the adoption of the amendment, the Committee on Appropriations would have jurisdiction of the appropriations for buildings at Army posts. My motive was solely and alone for the purpose of bringing to the attention of the committee the practice that obtains to-day in the administration of this appropriation of $3,000,000, and then to submit to the committee the amendment which would have the effect of putting a stop to that practice, giving Congress supervisory control to the extent of knowing what the money was to be expended for before it was spent and limiting the cost in each particular instance.

My colleague says that to do that would lead to bad administration and worse legislation. But he himself admits now that we have twenty more military posts in the United States than we ought to have. How did we get them? We got them under the present practice of the Department which this amendment seeks to correct. We obtained them without authority of law, except in so far as this statute authorizes the Secretary of War to construct as many buildings as he pleases, provided the cost of those buildings does not exceed $20,000 apiece.

Another thing, Mr. Chairman, which I think every member of this committee who has spoken for or against this amendment admits, it is bad practice to appropriate in one part of an appropriation bill for the frame of a building and then under the guise of transportation for the Army appropriate for another necessary part of that building, namely, the plumbing, the heating, and lighting. It is to put a stop to this practice that the amendment says, after limiting the cost of expenditure to $20,000:

> And from this appropriation only there shall be paid during the fiscal year 1907 all expenses of plumbing and sewer connections and other like expenses of interior finish or construction of buildings at military posts, the construction or repairing of which is chargeable to this appropriation.

Now, if this is adopted it limits the expenditure for the building to $20,000 and provides that plumbing and interior finish of those buildings must be paid out of this appropriation instead of being paid out of some other appropriation under the title of "Transportation for the Army," or any other title.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Minnesota [Mr. TAWNEY].

The question was taken; and on a division (demanded by Mr. TAWNEY) there were—ayes 37, noes 56.

So the amendment was rejected.

The Clerk read as follows:

> Transportation of the Army and its supplies: Transportation of the Army, including baggage of the troops when moving either by land or water, and including also the transportation of recruits and recruiting parties heretofore paid from the appropriation for "Expenses of recruiting" and the transportation of applicants for enlistment between recruiting stations and recruiting depots; of supplies to the militia furnished by the War Department; of the necessary agents and employees; of clothing, camp and garrison equipage, and other quartermaster's stores, from Army depots or places of purchase or delivery to the several posts and Army depots, and from those depots to the troops in the field; of horse equipments and subsistence stores from the places of purchase, and from the places of delivery under contract to such places as the circumstances of the service may require them to be sent; of ordnance, ordnance stores, and small arms from the foundries and armories to the arsenals, fortifications, frontier posts, and Army depots; freights, wharfage, tolls, and ferriages; the purchase and hire of draft and pack animals and harness, and the purchase and repair of wagons, carts, and drays, and of ships and other vessels and boats required for the transportation of troops and supplies and for garrison purposes; for drayage and cartage at the several posts; hire of teamsters and other employees; extra-duty pay of enlisted men driving teams, repairing means of transportation, and employed as train masters, and in opening roads and building wharves; transportation of funds of the Army; the expenses of sailing public transports on the various rivers, the Gulf of Mexico, and the Atlantic and Pacific oceans; and hereafter no steamship in the transport service of the United States shall be sold or disposed of without the consent of Congress having been first had or obtained; for procuring water, and introducing the same to buildings at such posts as from their situation require it to be brought from a distance, and for the disposal of sewage and drainage, and for constructing roads and wharves; for the payment of Army transportation lawfully due such land-grant railroads as have not received aid in Government bonds (to be adjusted in accordance with the decisions of the Supreme Court in cases decided under such land-grant acts), but in no case shall more than 50 per cent of full amount of service be paid: *Provided*, That such compensation shall be computed upon the basis of the tariff or lower special rates for like transportation performed for the public at large, and shall be accepted as in full for all demands for such service: *Provided further*, That in expending the money appropriated by this act, a railroad company which has not received aid in bonds of the United States, and which obtained a grant of public land to aid in the construction of its railroad on condition that such railroad should be a post route and military road, subject to the use of the United States for postal, military, naval, and other Government services, and also subject to such regulations as Congress may impose restricting the charge for such Government trans-

portation, having claims against the United States for transportation of troops and munitions of war and military supplies and property over such aided railroads, shall be paid out of the moneys appropriated by the foregoing provision only on the basis of such rate for the transportation of such troops and munitions of war and military supplies and property as the Secretary of War shall deem just and reasonable under the foregoing provision, such rate not to exceed 50 per cent of the compensation for such Government transportation as shall at that time be charged to and paid by private parties to any such company for like and similar transportation; and the amount so fixed to be paid shall be accepted as in full for all demands for such service: *Provided further*, That the number of draft animals purchased from this appropriation, added to those now on hand, shall be limited to such numbers as are actually required for the service, $11,750,000: *Provided*, That no part of this appropriation shall be applied to the payment of the expense of using transports in any other Government work than the transportation of the Army and its supplies.

Mr. SMITH of Iowa. Mr. Chairman, I wish to ask the chairman of the Committee on Military Affairs if it is a fact that out of this appropriation for transportation of the Army the War Department has purchased boats for torpedo planters?

Mr. HULL. I am inclined to think that that is true. I see from the report of the Quartermaster-General it was for the transportation of the supplies of the Army in the target practice of the artillery on the Pacific coast.

Mr. SMITH of Iowa. Will the gentleman inform us if there is any ground upon which it can be pretended that torpedo planters is covered by any of the subdivisions for transportation?

Mr. HULL. The fact of its coming into any particular division I should say it would have to be put on the ground of line 5. I yield to the gentleman from New Jersey.

Mr. PARKER. Let me read this section; that is all I desire to do:

All ships and other vessels and boats required for the transportation of troops and supplies and for garrison purposes.

The Quartermaster says and the Chief of Artillery says that they had to have artillery drill in torpedoes in these harbors, and that these boats are used specially in order to take around these torpedoes and not purely for military purposes. They are military boats.

Mr. SMITH of Iowa. Does the gentleman from Iowa claim that the torpedo planter is a boat solely for the transportation of the torpedo?

Mr. HULL. I should say, in a case of this character, it would have been much better to have come to Congress to get authority. I prefer they would not use this fund to that extent, and I will say, in view of all this debate and discussion to-day, to avoid any possible future criticism, I am in favor of the Committee on Military Affairs passing a resolution requiring these matters shall be segregated so far as possible, and that anything not absolutely authorized by law and by the usages of the past forty years shall be specifically mentioned.

Mr. KAHN. The testimony before the committee shows that these boats were not only used for the purposes of planting torpedoes, but they go from one port to another.

Mr. SMITH of Iowa. For the purpose of carrying supplies?

Mr. KAHN. Not for the purpose of transportation, but for the purpose of operating and planting torpedoes.

Mr. SMITH of Iowa. They served other purposes, and they could not be put under the provision to plant torpedoes.

Mr. HULL. My judgment is, Mr. Chairman, that wherever it is necessary to purchase a boat Congress ought to pass upon it, because it is a new departure.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn.

Mr. FITZGERALD. Mr. Chairman, I move to strike out the last word. The language of this provision is exceedingly comprehensive. As indicated in the heading, it is intended to provide for all expenditures for the "Transportation of the Army and its supplies." Under its terms authority is given to do many things incidental to that work, and provision is made for some objects but remotely related to Army transportation.

Comprehensive as is the language of this provision, however, it does not even suggest, much less authorize, many uses to which similar appropriations have been put.

Inquiries made during the present session have developed the existence of practices in almost every Department of the Government that are indefensible. Such practices have continued for many years, and time and much effort are required to eradicate them completely. Appropriations made for specific purposes by the Congress have been used for purposes never authorized, nor even in contemplation. Not only has this been a very prevailing practice, but at times pressure has been exerted upon auditing officials to pass accounts showing expenditures in unauthorized ways.

I have collected a number of items for which moneys appropriated for the "Transportation of the Army and its supplies" have been used, for which it is doubtful whether authority can be spelled out of the very broad language of this provision. They are submitted to the committee, not in criticism of the Committee on Military Affairs, but for the purpose of having the attention of Congress called to them, in the hope that the evils may in time be eliminated.

Out of such appropriations there has been expended about $170,000 for preparing the grounds of the War College and building a sea wall for their protection. Specific appropriations had been made for the War College; $800,000, it has been said. Liberal appropriations, in the opinion of many men. A limit had been placed upon the cost of the building, and yet a sea wall was built and the grounds were laid out and graded and walks and drives were built out of the appropriation for "Transportation of the Army." This is not an isolated case. The testimony is to the effect that all work for the improvement of grounds at Army posts is paid for out of this appropriation.

Mr. HULL. Of course the gentleman from New York understands that the War College is on the grounds of the Engineers' School, and that a large part of the flats has been reclaimed by building that wall, and that the appropriation he refers to is not for the War College, but for the Engineers' School, and the whole reservation of Washington Barracks.

Mr. FITZGERALD. But the testimony before the Committee on Appropriations was to the effect that $170,000 was taken from the fund for transportation of the Army, in order to lay out walks and drives and fix up the grounds, and to build that sea wall. There was no specific authority ever granted for that purpose, and I think the gentleman will agree with that statement.

Mr. HULL. The money was not expended for the War College, but for the whole reservation. Additional acres have been gathered in so as to very largely increase the area of land, and as a matter of economy the expenditure has resulted in the reclaiming of a lot of land which to-day would sell for twice as much as has been expended.

Mr. FITZGERALD. Whatever may have been the purpose or whatever may have been the result, the use of this appropriation for that purpose was utterly indefensible.

Mr. HULL. The gentleman, of course, is well aware of the fact that under the heading "Transportation of the Army and its supplies" there is included a specific item for opening roads and building wharves.

Mr. FITZGERALD. But not building sea walls and laying out grounds as gardens and drives for the accommodation of the seven or eight officers who are studying at the War College; and the gentleman from Iowa has never attempted, and I do not believe he is attempting now to justify it. This was an expenditure made by the Department under a forced and strained construction of the language in this provision.

Of the same or even a more offensive character is the practice that exists regarding the construction of hospitals for the Army, about which so much has just been said. At different times hospitals have been authorized to cost a specific sum. One bureau of the War Department has insisted that the limitation applied to the building, exclusive of the plumbing and of the heating and lighting plants. The result has been that the plumbing and the heating and lighting plants in such buildings have been installed and the money for such work taken from the appropriations for the "Transportation of the Army and its supplies," and for "Regular supplies."

Within the last few days the House learned of the manner in which certain coal lands in the island of Batan, in the Philippine Islands, were investigated and an option for their purchase obtained out of the same funds at a cost of about $37,000. Early in this session an estimate for a deficiency appropriation of $50,000 was submitted for the "Transportation of the Army and its supplies," and upon investigation it was disclosed that the money was to be used to purchase the mining claims of two Spaniards. The entire transaction was based upon the theory that as coal was used in the operation of Army transports such expenditures were properly chargeable to appropriations for transportation.

Some of the purposes for which expenditures have been made from these appropriations are unquestionably laudable. If appropriations were asked for the specific purposes they would undoubtedly be made, but no torture of the language used in this provision can justify the expenditures that have been made from these appropriations.

A year or two ago the transports *Kilpatrick* and *Sumner* were used in bringing a number of school-teachers from Porto Rico to attend summer schools in this country. The object was laudable and the results, so far as I have learned, very beneficial. But there was no authority in law for the expenditure of $47,702.67 of the amount available for "Transporting the Army and its supplies" for such a purpose. Nor can any authority be found for the expenditure of $21,101.51 of the same

funds for the trip of the Committee on Rivers and Harbors to the West Indies. To make these expenditures the law was strained and a forced construction placed upon it. To the same funds were charged the expenses of the trip of the Committee on Interstate and Foreign Commerce to the Isthmus of Panama and of similar trips of other Government officials. These trips had nothing to do with the transportation of the Army. They should not have been charged to the appropriations for such purposes. The expenditures should have been made either from moneys available for work in connection with the isthmian canal or from some other appropriate fund.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FITZGERALD. I ask unanimous consent for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. FITZGERALD. Such trips will no longer be made at the expense of this fund, as a provision in the pending bill prevents the use of this appropriation for the expense of using transports in any work other than the transportation of the Army and its supplies.

Another class of expenditures, equally objectionable from the standpoint of good administration and legislation, is in connection with the construction and repair of cables and of telegraph lines. All such work belongs to the Signal Corps. Appropriations are made for the work of the corps, yet a large sum is used yearly for such work in addition to the specific appropriations for it. For instance, the Quartermaster-General of the Army stated that the *Burnside* was used in this work last year at an expense of $169,908.07, which was charged to the appropriation for the "Transportation of the Army," although the work was of no value whatever to the Quartermaster's Department.

In the last fiscal year cable work in the Philippine Islands cost, for the charter, repair, etc., of the *Proteus*, $23,624.57; for repair and operation of Army transportation engaged in the same work, $46,219.79; for similar work on the Atlantic coast, with the *Cyrus W. Field*, $42,166.27, the *Burnside*, already mentioned, having been used on the Pacific coast at a cost of $169,908.07. In addition, $157,173.77 was expended for supplies, construction, transportation, in connection with the military telegraph system in Alaska, and $438,892.47, charged to the appropriations for transportation of the Army, which in reality was for cable and telegraph construction and repairs. These expenditures are possible only by a forced and unnatural construction of the law. The result is that work of an important and extensive character is done which is never considered nor authorized by Congress, but initiated and approved entirely within and by the Department of War.

In this bill there are two new items to which I will specifically refer at this time. One:

> For completing the equipment of military posts with the necessary lighters, launches, and yawls for submarine mine work, including the purchase of one torpedo planter for use on the Pacific coast, $150,000.

The other:

> For the construction of a seagoing cable ship of about 900 net tonnage for use in repairing and keeping in proper condition the fire-control submarine cables used in connection with the system of harbor defense on the Atlantic seaboard, $215,000.

Heretofore military posts were equipped with boats for submarine work out of the appropriations for "transportation of the Army." The language now used is "for completing" this work. Three torpedo planters have been provided in this way for the Atlantic coast. The estimate for the construction of the seagoing cable ship was included originally in the estimate for the "transportation of the Army;" but that estimate was reduced and the item separately submitted. Had that not been done, and had the entire amount asked for the transportation of the Army been allowed in this bill, it is more than likely that the ship would have been built and in service before anyone in Congress would have known of its existence.

These few instances in which appropriations for Army transportation have been diverted to other purposes have become known in a purely accidental manner. To what extent these appropriations have been diverted is not known. At this time it is not possible for me to suggest any amendment to the pending provision that will prevent such diversions. The committee has taken a step in the right direction. It should go much further.

Under a law that dates from 1812 the duty devolves upon the Quartermaster's Department of purchasing, furnishing, and distributing all military supplies for the use of the Army which other corps are not directed to provide, and the Army Regulations, after directing that the Quartermaster's Department shall have certain functions, further provide that it shall attend "to all matters connected with military operations which are not expressly assigned to some other bureau of the War Department."

While the duties imposed upon the Department are extremely broad, the language used in making appropriations for its work is seldom as comprehensive as that in which its duties are defined. It is sometimes forgotten that the fact that a Department is charged with the performance of certain work is not equivalent to an express grant to expend money for the performance of the duties charged. Last year the appropriation under this paragraph was $12,000,000; in this bill it is $11,750,000. The size of the available fund is the greatest temptation to use it.

To prevent further abuse a careful examination of the purposes to which the appropriations under this provision are put is imperative. The items should be classified and segregated under appropriate heads; definite appropriations should be made for specific purposes; expenditures should be rigidly restricted in accordance with the law. The result will be better and more efficient and more economical administration and more definite and intelligent legislation.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn.

Mr. HULL. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee determined to rise; and the Speaker having resumed the chair, Mr. BOUTELL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 14397—the Army appropriation bill—and had come to no resolution thereon.

### WITHDRAWAL OF PAPERS.

Mr. DARRAGH, by unanimous consent, was given leave to withdraw from the files of the House, without leaving copies, papers in the case of Joseph B. Riley, Fifty-seventh Congress, no adverse report having been made thereon.

### ENROLLED BILLS SIGNED.

The SPEAKER announced his signature to enrolled bills and joint resolution of the following titles:

S. 3667. An act granting an increase of pension to Martha J. Brisco;

S. 3120. An act granting an increase of pension to Mary Driscoll;

S. R. 32. Joint resolution instructing the Interstate Commerce Commission to make examinations into the subject of railroad discriminations and monopolies, and report on the same from time to time;

S. 983. An act to validate certain certificates of soldiers' additional homestead right;

S. 4029. An act granting an increase of pension to Martha G. Archer;

S. 3321. An act granting an increase of pension to Olney P. B. Wright;

S. 3311. An act granting a pension to Bernhard Schaffner;

S. 3309. An act granting an increase of pension to John C. Baber;

S. 3285. An act granting an increase of pension to Mary M. Hull;

S. 3291. An act granting an increase of pension to Matthew D. Baker, sr.;

S. 3184. An act granting an increase of pension to Alfred T. Hawk;

S. 3240. An act granting an increase of pension to John T. Jones;

S. 3126. An act granting an increase of pension to Stephen B. Tarlton;

S. 3123. An act granting an increase of pension to William H. Alban;

S. 2975. An act granting a pension to Mary L. Miller;

S. 2871. An act granting an increase of pension to Joseph Brunell, sr.;

S. 2869. An act granting an increase of pension to Rachel A. Foulk;

S. 2778. An act granting an increase of pension to John W. Langford;

S. 2797. An act granting an increase of pension to James Buggie;

S. 2557. An act granting an increase of pension to Charles F. Longfellow;

S. 2556. An act granting an increase of pension to George B. Hunter;

S. 3039. An act granting an increase of pension to Joseph Smith;

S. 2702. An act granting an increase of pension to George W. Dightman;

S. 3643. An act granting an increase of pension to Seth Raymond;

S. 3630. An act granting an increase of pension to Martin L. Barber;

S. 3605. An act granting an increase of pension to Albert Smith;

S. 3508. An act granting a pension to Mary J. Visscher;

S. 3537. An act granting an increase of pension to Anthony W. Presley;

S. 3402. An act granting an increase of pension to Jesse W. Elliott;

S. 3587. A act granting an increase of pension to Eliza Orr; and

S. 3507. An act granting an increase of pension to Isaac Van Volkenburgh.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 7139. An act legalizing the removal of the county seat of Washita County, Okla.;

H. R. 12614. An act to change the name of a portion of T street to California street; and

H. R. 13365. An act to amend an act entitled "An act authorizing the Kensington and Eastern Railroad Company to construct a bridge across the Calumet River," approved February 7, 1905.

SENATE CONCURRENT RESOLUTIONS REFERRED.

Under clause 2 of Rule XXIV, Senate concurrent resolutions of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

Senate concurrent resolution No. 13:

*Resolved by the Senate (the House of Representatives concurring)*, That there be printed 10,000 extra copies of the testimony taken by the Senate Committee on Interstate Commerce in the consideration of the so-called "railroad rate bill," 3,000 for the use of the Senate and 7,000 for the use of the House of Representatives—

To the Committee on Printing.

Senate concurrent resolution No. 12:

*Resolved by the Senate (the House of Representatives concurring)*, That there be printed 10,000 extra copies of the digest, prepared under the direction of the committee, of the testimony taken by the Senate Committee on Interstate Commerce in the consideration of the so-called "railroad rate bill;" 3,000 for the use of the Senate, and 7,000 for the use of the House of Representatives—

To the Committee on Printing.

PEOPLE'S UNITED STATES BANK, ST. LOUIS, MO.

Mr. OVERSTREET. Mr. Speaker, I am directed by the Committee on Post-Offices and Post-Roads to submit the following resolution and ask for its passage.

The Clerk read as follows:

Resolution No. 341.

*Resolved*, That the Postmaster-General be requested, if not incompatible with the public interests, to furnish the House of Representatives, at as early a date as practicable, a full statement of the facts, including copies of affidavits, papers, reports of inspectors and other officers under his control, bearing upon the order made by him withholding the rights and privileges of the mails from the People's United States Bank at St. Louis, Mo.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

Mr. HULL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 5 o'clock and 3 minutes p. m.) the House adjourned until 12 o'clock to-morrow.

## EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of War submitting an estimate of appropriation for clerks in the War Department—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of the Interior submitting an estimate of appropriation for improvement of channel of Mill Creek, in the Round Valley Indian Reservation, Cal.—to the Committee on Indian Affairs, and ordered to be printed.

A letter from the Secretary of State, transmitting an ordinance of the executive council of Porto Rico granting right to construct a bridge over the Manati River—to the Committee on Insular Affairs, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the brig *Pamela*, Samuel Colby, master—to the Committee on Claims, and ordered to be printed.

## PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. FASSETT: A bill (H. R. 15842) for the erection of a public building at Hornellsville, N. Y.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 15843) for the erection of a public building at Corning, N. Y.—to the Committee on Public Buildings and Grounds.

By Mr. KNAPP: A bill (H. R. 15844) to prevent desecration of the American flag—to the Committee on the Judiciary.

By Mr. TYNDALL: A bill (H. R. 15845) to declare a certain portion of the White River unnavigable—to the Committee on Interstate and Foreign Commerce.

By Mr. TOWNSEND: A bill (H. R. 15846) relating to bills of lading issued by carriers for the interstate transportation of property, and to certain obligations, duties, and rights in connection therewith—to the Committee on Interstate and Foreign Commerce.

By Mr. FRENCH: A bill (H. R. 15847) to authorize the sale and disposition of surplus or unallotted lands of the Coeur d'Alene Indian Reservation, in the State of Idaho, and for other purposes—to the Committee on Indian Affairs.

By Mr. HOGG: A bill (H. R. 15848) authorizing the sale of timber on the Jicarilla Apache Indian Reservation for the benefit of the Indians belonging thereto—to the Committee on Indian Affairs.

By Mr. RIXEY (by request): A bill (H. R. 15849) to protect wild waterfowl on the Potomac River and its tributaries—to the Committee on Agriculture.

By Mr. SULLIVAN of Massachusetts: A bill (H. R. 15910) to amend the act entitled "An act to regulate commutation for good conduct for United States prisoners," approved June 21, 1902—to the Committee on the Judiciary.

By Mr. SMITH of Iowa: A joint resolution (H. J. Res. 105) as to the administration of the pension laws with reference to certain persons not honorably discharged—to the Committee on Invalid Pensions.

By Mr. TOWNE: A joint resolution (H. J. Res. 106) for the relief of the heirs of George B. Simpson—to the Committee on Claims.

By Mr. COCKS: A joint resolution (H. J. Res. 107) directing the Secretary of War to submit plans and estimates for the improvement of the harbor at the mouth of the Nissequoque River, at Kings Park, Long Island, New York—to the Committee on Rivers and Harbors.

By Mr. WILLIAMS: A resolution (H. Res. 348) of inquiry for certain reports made by Herbert H. D. Peirce, Third Assistant Secretary of State—to the Committee on Foreign Affairs.

By Mr. SHACKLEFORD: A resolution (H. Res. 349) for the consideration of H. R. 13296, providing for putting wood pulp, printing paper, and typesetting machines on the free list—to the Committee on Rules.

## PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ADAMS of Wisconsin: A bill (H. R. 15850) for the relief of M. A. Johnson, of Stoughton, Dane County, Wis.—to the Committee on Claims.

By Mr. BARTHOLDT: A bill (H. R. 15851) for the relief of Charles B. Stark, assignee of Joseph C. Stark, deceased—to the Committee on War Claims.

By Mr. BARTLETT: A bill (H. R. 15852) for the relief of M. Birdsong—to the Committee on Claims.

By Mr. BENNETT of Kentucky: A bill (H. R. 15853) for the relief of Otho Adams—to the Committee on Claims.

By Mr. BENNET of New York: A bill (H. R. 15854) granting an increase of pension to Philip Schloesser—to the Committee on Invalid Pensions.

By Mr. BONYNGE: A bill (H. R. 15855) granting a pension to Will E. Kayser—to the Committee on Pensions.

Also, a bill (H. R. 15856) granting a pension to Gordon A. Thurber—to the Committee on Pensions.

Also, a bill (H. R. 15857) granting an increase of pension to Charles Ambrook—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15858) granting an increase of pension to Sarah A. Creed—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15859) ceding certain lands to Colorado State Agricultural College—to the Committee on the Public Lands.

By Mr. BOWERSOCK: A bill (H. R. 15860) granting an increase of pension to Sarah C. Morris—to the Committee on Pensions.

By Mr. BROWNLOW: A bill (H. R. 15861) granting an increase of pension to Harrison B. Carter—to the Committee on Pensions.

By Mr. CLARK of Missouri: A bill (H. R. 15862) granting an increase of pension to George W. Day—to the Committee on Pensions.

By Mr. CONNER: A bill (H. R. 15863) granting an increase of pension to Wililam Louther—to the Committee on Invalid Pensions.

By Mr. COOPER of Pennsylvania: A bill (H. R. 15864) granting an increase of pension to William F. Huston—to the Committee on Invalid Pensions.

By Mr. COUSINS: A bill (H. R. 15865) granting an increase of pension to George W. Dutton—to the Committee on Invalid Pensions.

By Mr. DARRAGH: A bill (H. R. 15866) granting a pension to Mary A. Solter—to the Committee on Pensions.

By Mr. DAVEY of Louisiana: A bill (H. R. 15867) granting an increase of pension to Annie M. Stevens—to the Committee on Invalid Pensions.

By Mr. DAWSON: A bill (H. R. 15868) granting an increase of pension to William H. Scullen—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15869) granting an increase of pension to Wilson H. McCune—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15870) granting a pension to Mary Palmer—to the Committee on Pensions.

By Mr. DWIGHT: A bill (H. R. 15871) granting an increase of pension to Oliver T. Bundy—to the Committee on Invalid Pensions.

By Mr. FASSETT: A bill (H. R. 15872) granting a pension to Harriet A. Smith—to the Committee on Invalid Pensions.

By Mr. FLETCHER: A bill (H. R. 15873) granting a pension to Peter B. Groat—to the Committee on Invalid Pensions.

By Mr. FORDNEY: A bill (H. R. 15874) granting an increase of pension to Benjamin B. Ream—to the Committee on Invalid Pensions.

By Mr. FOSTER of Indiana: A bill (H. R. 15875) granting a pension to William James—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15876) granting a pension to Andrew J. Spradley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15877) granting an increase of pension to Zackariah T. Dison—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15878) granting an increase of pension to Nathaniel Burton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15879) granting an increase of pension to Jacob Salat—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15880) granting an increase of pension to Josiah Smith—to the Committee on Invalid Pensions.

By Mr. GARDNER of New Jersey: A bill (H. R. 15881) granting an increase of pension to Elizabeth Penn—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15882) granting an increase of pension to David B. Husted—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15883) granting an increase of pension to Joseph C. Bowker—to the Committee on Invalid Pensions.

By Mr. KENNEDY of Nebraska: A bill (H. R. 15884) granting an increase of pension to Eleanor Alexander—to the Committee on Invalid Pensions.

By Mr. KLEPPER: A bill (H. R. 15885) granting an increase of pension to John H. Paynter—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15886) granting an increase of pension to John Misner—to the Committee on Pensions.

Also, a bill (H. R. 15887) granting an increase of pension to Joseph T. Milner—to the Committee on Invalid Pensions.

By Mr. McGUIRE: A bill (H. R. 15888) for the relief of Allen W. Edwards—to the Committee on War Claims.

Also, a bill (H. R. 15889) granting an increase of pension to John R. Green—to the Committee on Invalid Pensions.

By Mr. MADDEN: A bill (H. R. 15890) granting a pension to Hiram C. Barney—to the Committee on Invalid Pensions.

By Mr. MORRELL: A bill (H. R. 15891) for the relief of Miss Naomi Daly, of Philadelphia, Pa.—to the Committee on Claims.

Also, a bill (H. R. 15892) for the relief of Joseph Hunter, Philadelphia, Pa.—to the Committee on Claims.

By Mr. NEEDHAM: A bill (H. R. 15893) granting an increase of pension to Volney P. Ludlow—to the Committee on Pensions.

By Mr. OLCOTT: A bill (H. R. 15894) granting an increase of pension to Alma L. Wells—to the Committee on Invalid Pensions.

By Mr. PARKER: A bill (H. R. 15895) granting a pension to Harry Donald McFarland—to the Committee on Invalid Pensions.

By Mr. PERKINS: A bill (H. R. 15896) for the relief of Charles A. McVean—to the Committee on Claims.

By Mr. ROBERTS: A bill (H. R. 15897) for the relief of the estate of John Beacham, deceased—to the Committee on War Claims.

By Mr. SHERMAN (by request): A bill (H. R. 15898) for the relief of Clement N. Vann and William P. Adair—to the Committee on Indian Affairs.

By Mr. THOMAS of North Carolina: A bill (H. R. 15899) for the survey of Core Creek, Craven County, N. C.—to the Committee on Rivers and Harbors.

By Mr. TALBOTT: A bill (H. R. 15900) for the relief of Lorenzo A. Bailey—to the Committee on Indian Affairs.

Also, a bill (H. R. 15901) for the relief of Perry Rumler—to the Committee on War Claims.

By Mr. TYNDALL: A bill (H. R. 15902) to declare the James River, in Stone County, Mo., unnavigable—to the Committee on Rivers and Harbors.

By Mr. WOOD of New Jersey: A bill (H. R. 15903) granting an increase of pension to Henry S. Scudder—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15904) granting an increase of pension to Melvina Bottles—to the Committee on Invalid Pensions.

By Mr. CAPRON: A bill (H. R. 15905) granting an increase of pension to Ella E. Kenney—to the Committee on Invalid Pensions.

By Mr. DRISCOLL: A bill (H. R. 15906) granting a pension to Mary Caroline Ellis Hargin—to the Committee on Invalid Pensions.

By Mr. FLETCHER: A bill (H. R. 15907) granting an increase of pension to Louis De Laittre—to the Committee on Invalid Pensions.

By Mr. GILLETT of Massachusetts: A bill (H. R. 15908) to remove the charge of desertion standing against the name of Warren V. Howard—to the Committee on Military Affairs.

By Mr. KAHN: A bill (H. R. 15909) to reward the widow and minor son of Capt. Charles W. Dakin and the widow and minor children of Thomas J. Hennessy, late of the San Francisco fire department, who lost their lives while fighting a fire on board of the United States Army transport *Meade*—to the Committee on Military Affairs.

## CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 15570) granting a pension to Max Davis—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 12808) granting a pension to Anna Mansfield—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 10314) granting an increase of pension to Maurice F. Nason—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

## PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of various organizations of railway employees, favoring the Bates-Penrose bill (previously referred to the Committee on Labor)—to the Committee on the Judiciary.

By Mr. ACHESON: Petition of citizens of New Bedford, Lawrence County, Pa., for a peace conference—to the Committee on Foreign Affairs.

Also, petition of Charleroi Council, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization

By Mr. ADAMS of Wisconsin: Petition of Rock River District, No. 2, Independent Order of Good Templars, for prohibition of cigarettes and material—to the Committee on Interstate and Foreign Commerce.

By Mr. AIKEN: Petition of the bar of Lancaster County, S. C., for Chester, S. C., as a place for holding terms of court—to the Committee on the Judiciary.

By Mr. ANDRUS: Petition of the Young Men's Christian Association and the Central Church, of Yonkers, N. Y., against restoration of the Army canteen—to the Committee on Military Affairs.

By Mr. BARTHOLDT: Petition of the St. Louis Chemical Society, for the metric system—to the Committee on Coinage, Weights, and Measures.

By Mr. BARTLETT: Petition of W. H. Vaugh and the Milledgeville (Ga.) News, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. BENNET of New York: Petition of the New York Chapter of the American Institute of Architects, against the tariff on works of art—to the Committee on Ways and Means.

Also, paper to accompany bill for relief of Philip Schloener—to the Committee on Invalid Pensions.

By Mr. BENNETT of Kentucky: Petition of the Louisville Commercial Club, favoring bill H. R. 5313—to the Committee on the Post-Office and Post-Roads.

Also, petition of the Bulletin, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. BRICK: Petition of citizens of Elkhart, Ind., favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. BROWNLOW: Paper to accompany bill for relief of the heirs of Lucian Blevins and the heirs of Catherine Hopson—to the Committee on War Claims.

By Mr. CURRIER: Petition of Bear Hill Grange, of Henniker, N. H., and Prentice Hill Grange, of East Alstead, N. H., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. DALZELL: Petition of the Pittsburg Clearing House Association, for banks to loan 10 per cent of capital and surplus—to the Committee on Banking and Currency.

By Mr. DAWSON: Petition of many citizens of New York and vicinity, for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

Also, petition of C. H. Burch & Son et al., against bill H. R. 4429—to the Committee on the Post-Office and Post-Roads.

Also, petition of the Williamsburg Journal-Tribune, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. DRAPER: Petition of Battle Hill (N. Y.) Grange, No. 861, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. ESCH: Petition of the Monitor Herald, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. FASSETT: Petition of citizens of New York, against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. FLACK: Petition of the Ogdensburg News, against the tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of Fort Covington (N. Y.) Grange, for retention of the tax on oleomargarine—to the Committee on Agriculture.

By Mr. FLOYD: Papers to accompany bill H. R. 7058—to the Committee on Military Affairs.

By Mr. FORDNEY: Petition of James H. Johnson et al., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. FULLER: Petition of the American Bar Association, against repeal of the bankruptcy law—to the Committee on the Judiciary.

Also, petition of the Chicago Federation of Labor, in favor of the Goulden bill (H. R. 12472)—to the Committee on the Merchant Marine and Fisheries.

By Mr. GARDNER of New Jersey: Petitions of the National Grange, of Cumberland County, N. J., and Columbus, Medford, Upper Township, Morristown, and Vineland granges, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of citizens of Pennsylvania, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of citizens of Edge Water Park and Burlington, N. J., against bill H. R. 10500—to the Committee on the District of Columbia.

By Mr. GARDNER of Massachusetts: Petition of George C. Crowell et al., of Marblehead, Mass., relative to the Kongo Free State—to the Committee on Foreign Affairs.

By Mr. GRANGER: Petition of the Tiverton Woman's Christian Temperance Union, for restriction of liquor traffic in Oklahoma as a State—to the Committee on the Territories.

By Mr. HAMILTON: Petition of citizens of Bangor, Mich., against religious legislation for the District of Columbia—to the Committee on the District of Columbia.

Also, petition of citizens of Hastings, Mich., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. HASKINS: Petition of Glover Grange, No. 272, of Glover, Vt., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. HAYES: Petition of the Associated Veterans of the Mexican War, of San Francisco, for increase of pensions—to the Committee on Pensions.

Also, petition of M. W. Coffey et al., against passage of bill H. R. 12973—to the Committee on Foreign Affairs.

By Mr. HENRY of Connecticut: Petition of citizens of Mansfield, Conn., against religious legislation—to the Committee on the District of Columbia.

By Mr. HEPBURN: Petition of J. B. Harsh et al., of Union County, Iowa, against Sabbath legislation—to the Committee on the District of Columbia.

By Mr. HERMANN: Petition of the Express, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. HIGGINS: Petition of E. H. Jenkins, of New Haven, Conn., for an appropriation to fight the gypsy moth—to the Committee on Agriculture.

Also, petition of representatives of the Connecticut Association, for national forest preserves in the southern Appalachian and White mountains—to the Committee on Agriculture.

By Mr. HILL of Connecticut: Petition of R. G. Cutts et al., against passage of bill H. R. 10510—to the Committee on the District of Columbia.

By Mr. JAMES: Paper to accompany bill for relief of George W. Landram—to the Committee on War Claims.

By Mr. KAHN: Petition of the Associated Veterans of the Mexican War, of San Francisco, for legislation to increase the Mexican war soldiers' pensions—to the Committee on Pensions.

Also, petition of 75 residents of San Francisco, against bill H. R. 12973—to the Committee on Foreign Affairs.

By Mr. KENNEDY of Nebraska: Paper to accompany bill for relief of Henry L. Armstrong—to the Committee on Invalid Pensions.

By Mr. LACEY: Petition of the Iowa Anthropological Society, for an appropriation for the Mesa Verde National Park—to the Committee on the Public Lands.

By Mr. CHARLES B. LANDIS: Petition of Charles Grigson et al., of Veedersburg, Ind., favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. LESTER: Petition of the Columbia (S. C.) Retail Druggists' Association, favoring the Mann bill—to the Committee on Patents.

By Mr. LEVER: Petition of Subdivision No. 498, Brotherhood of Locomotive Engineers, of Abbeville, S. C., for the Bates-Penrose bill—to the Committee on the Judiciary.

By Mr. LINDSAY: Petition of Michael O'Brien, against bill H. R. 12973—to the Committee on Foreign Affairs.

Also, petition of the Burglar and Fire Proof Mail and Express Car Company, relative to casualties in the mail service from unsafe cars—to the Committee on the Post-Office and Post-Roads.

Also, petition of the New York Board of Trade and Transportation, for an appropriation for a breakwater at Point Judith (S. C. Res. 7)—to the Committee on Rivers and Harbors.

By Mr. LITTLEFIELD: Petition of citizens of Boothbay Harbor, relative to legislation for increase of pensions—to the Committee on Invalid Pensions.

By Mr. MARSHALL: Petition of citizens of North Dakota, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. OLCOTT: Petition of the New York Chapter of the American Institute of Architects, against the tariff on works of art—to the Committee on Ways and Means.

Also, petition of A. H. Overman, Frederick Strauss, and Charles W. Lee et al., of New York City, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, paper to accompany bill for relief of Alma L. Wells—to the Committee on Invalid Pensions.

By Mr. PATTERSON of Pennsylvania: Petition of Grange No. 1242, of Hegins, Pa., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. PAYNE: Petition of Union Grange, No. 171, and Charity Grange, et al., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. RIVES: Petition of citizens of Springfield, Ill., against Sunday legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. RUPPERT: Petition of the New York Chapter of the American Institute of Architects, against repeal of the duty on works of art—to the Committee on Ways and Means.

By Mr. RYAN: Petition of the New York Clearing House, for an amendment to bill H. R. 8973—to the Committee on Banking and Currency.

By Mr. SAMUEL: Petition of C. S. Woodward et al., and Mrs. Ella Hampton, against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. SULLOWAY: Petition of Edwin R. Cutter Camp, Sons of Veterans, of East Jaffrey, N. H., against bill H. R. 8131—to the Committee on Military Affairs.

By Mr. THOMAS of North Carolina: Petition of the Hibernian Benevolent Society of Wilmington, N. C., for a monument to John Barry—to the Committee on the Library.

Also, papers to accompany bill for improvement of Cave Creek—to the Committee on Rivers and Harbors.

By Mr. WANGER: Petition of the Auto Car Company; Lewis R. Kirk and Albert J. King, of Ardmore, Pa., and of John Calder, of Ilion, N. Y., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of Abbie C. Cranor et al., members of the Woman's Club of Conshohocken, Pa., for forest reservations in the White Mountains—to the Committee on Agriculture.

By Mr. WOOD of New Jersey: Petition of Hunterdon County Pomona Grange, No. 3, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

## SENATE.

THURSDAY, *March 1, 1906.*

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Journal of yesterday's proceedings was read and approved.

### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

H. R. 10080. An act to provide for sittings of the United States circuit and district courts of the southern district of Florida at the city of Miami, in said district;

H. R. 10101. An act authorizing and directing the Secretary of the Interior to sell and convey to the State of Minnesota a certain tract of land situated in the county of Dakota, State of Minnesota;

H. R. 14589. An act to authorize the Cairo and Tennessee River Railroad Company to construct a bridge across the Tennessee River; and

H. R. 14590. An act to authorize the Cairo and Tennessee River Railroad Company to construct a bridge across Cumberland River.

### ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the Vice-President:

S. 983. An act to validate certain certificates of soldiers' additional homestead right;

S. 2556. An act granting an increase of pension to George B. Hunter;

S. 2557. An act granting an increase of pension to Charles F. Longfellow;

S. 2702. An act granting an increase of pension to George W. Dightman;

S. 2752. An act granting an increase of pension to Robert S. Moore;

S. 2778. An act granting an increase of pension to John W. Langford;

S. 2797. An act granting an increase of pension to James Buggie;

S. 2869. An act granting an increase of pension to Rachel A. Foulk;

S. 2871. An act granting an increase of pension to Joseph Brunnell, sr.;

S. 2975. An act granting a pension to Mary L. Miller;

S. 3039. An act granting an increase of pension to Joseph Smith;

S. 3120. An act granting an increase of pension to Mary Driscoll;

S. 3123. An act granting an increase of pension to William H. Alban;

S. 3126. An act granting an increase of pension to Stephen B. Tarlton;

S. 3184. An act granting an increase of pension to Alfred T. Hawk;

S. 3240. An act granting an increase of pension to John T. Jones;

S. 3285. An act granting an increase of pension to Mary M. Hull;

S. 3291. An act granting an increase of pension to Matthew D. Raker, jr.;

S. 3309. An act granting an increase of pension to John C. Baber;

S. 3311. An act granting a pension to Bernhard Schaffner;

S. 3321. An act granting an increase of pension to Olney P. B. Wright;

S. 3402. An act granting an increase of pension to Jesse W. Elliott;

S. 3507. An act granting an increase of pension to Isaac Van Volkenburgh;

S. 3508. An act granting a pension to Mary J. Visscher;

S. 3537. An act granting an increase of pension to Anthony W. Presley;

S. 3587. An act granting an increase of pension to Eliza Orr;

S. 3605. An act granting an increase of pension to Albert Smith;

S. 3630. An act granting an increase of pension to Martin L. Barber;

S. 3643. An act granting an increase of pension to Seth Raymond;

S. 3667. An act granting an increase of pension to Martha J. Brisco;

S. 4029. An act granting an increase of pension to Martha G. Archer;

H. R. 7139. An act legalizing the removal of the county seat of Washita County, Okla.;

H. R. 12614. An act to change the name of a portion of T street to California street;

H. R. 13365. An act to amend an act entitled "An act authorizing the Kensington and Eastern Railroad Company to construct a bridge across the Calumet River," approved February 7, 1905; and

S. R. 32. Joint resolution instructing the Interstate Commerce Commission to make examinations into the subject of railroad discriminations and monopolies, and report on the same from time to time.

### PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of the Chamber of Commerce of Spokane, Wash., and a petition of sundry commercial bodies of eastern Washington and northern Idaho, praying for the passage of the so-called "Hepburn railroad rate bill;" which were ordered to lie on the table.

He also presented a petition of Local Division No. 153, Brotherhood of Locomotive Engineers, of Garrett, Ind., praying for the passage of the so-called "employers' liability bill" and also the "anti-injunction bill;" which was referred to the Committee on Interstate Commerce.

He also presented a memorial of the Levinson Company, of Shelbyville, Ind., remonstrating against the passage of the so-called "parcels-post bill;" which was referred to the Committee on Post-Offices and Post-Roads.

Mr. PLATT presented a petition of Local Division No. 154, Order of Railway Conductors, of Binghamton, N. Y., praying for the passage of the so-called "employers' liability bill;" which was referred to the Committee on Interstate Commerce.

He also presented the petitions of James McNeill, of Hudson, N. Y.; of George R. Blount, of Lacona, N. Y., and of Henry W. Shedd, of New York City, N. Y., praying for the removal of the internal-revenue tax on denaturized alcohol; which were referred to the Committee on Finance.

He also presented a memorial of the American Protective Tariff League of New York, remonstrating against any reduction of the schedules of the present tariff law, especially with reference to the reduction of the duty on importations from the Philippine Islands; which was referred to the Committee on the Philippines.

Mr. FULTON presented a paper to accompany the bill (S. 27) to amend section 4463 of the Revised Statutes, relating to the complement of crews of vessels; which was referred to the Committee on Commerce.

He also presented a petition of the State National Grange of Oregon and a petition of Willamette Grange, No. 52, Patrons of

Husbandry, of Benton County, Oreg., praying for the enactment of legislation to remove the tax on denaturized alcohol; which were referred to the Committee on Finance.

He also presented a petition of sundry citizens of Oregon, praying for the passage of the so-called "parcels-post bill;" which was referred to the Committee on Post-Offices and Post-Roads.

Mr. McENERY presented a paper to accompany the bill (S. 2907) for the relief of Pierre Breaux; which was referred to the Committee on Claims.

Mr. BRANDEGEE presented a petition of sundry citizens of Connecticut, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all Government buildings and grounds; which was referred to the Committee on Public Buildings and Grounds.

Mr. SPOONER presented a petition of George H. Thomas Post, Department of the Potomac, Grand Army of the Republic, of Washington, D. C., praying that an appropriation be made for the erection of a proper pavilion on the grounds of the Arlington National Cemetery; which was referred to the Committee on Military Affairs.

Mr. KNOX presented memorials of the Trades Assembly, American Federation of Labor, of Bradford; the Central Labor Union, American Federation of Labor, of Columbia, and the Federation of Trades Unions of York, all in the State of Pennsylvania, remonstrating against the repeal of the present Chinese-exclusion law; which were referred to the Committee on Immigration.

He also presented a memorial of 1,037 citizens of the Thirteenth Congressional district of Pennsylvania, remonstrating against any reduction of duty on cigars and tobacco imported from the Philippine Islands; which was referred to the Committee on the Philippines.

He also presented the petitions of R. J. Weld, of Sugar Grove; J. T. Ailman, of Thompsontown; Aaron I. Weidner, of Arendtsville; A. M. Cornell, of Columbia Crossroads; W. F. Hill, of Chambersburg; H. P. Armsby, of State College; Cyrus H. Mullin, of Mount Holly Springs; H. W. Mitchell, of Pittsburg; Nathan C. Schaeffer, of Harrisburg; John A. Woodward, of Howard, and J. A. Herr, of Mill Hall, all in the State of Pennsylvania, praying for the enactment of legislation to increase the appropriation for the support of agricultural experiment stations; which were referred to the Committee on Agriculture and Forestry.

He also presented petitions of Charleroi Council, Junior Order United American Mechanics, of Charleroi; of Labor Union No. 480, of Dubois, and Sargeant Wiant Council, No. 399, Junior Order United American Mechanics, of Oak Ridge, all in the State of Pennsylvania, praying for the enactment of legislation to restrict immigration; which were referred to the Committee on Immigration.

He also presented memorials of the First National Bank of Cannonsburg; First National Bank of McKeesport; First National Bank of Patton; the Pattison National Bank, of Elkland; Hazleton National Bank, of Hazleton; St. Clair Savings and Trust Company, of Knoxville, and Pioneer Dime Bank, of Carbondale, all in the State of Pennsylvania, remonstrating against the enactment of legislation establishing a postal savings-bank system; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of Local Division No. 325, Brotherhood of Locomotive Engineers, of Wilkinsburg; Lodge No. 228, Brotherhood of Railroad Trainmen, of Bradford; Lodge No. 651, Brotherhood of Locomotive Engineers, of St. Marys; Division No. 656, Brotherhood of Locomotive Engineers, of St. Marys; Division No. 626, Brotherhood of Locomotive Engineers, of Dubois; Division No. 65, Order of Railway Conductors, of Pittston; Lodge No. 435, Brotherhood of Railroad Trainmen, of Albion; Division No. 23, Order of Railway Conductors, of Tamaqua; Division No. 416, Brotherhood of Railroad Engineers, of Pittsburg; Altoona Lodge, No. 287, Brotherhood of Locomotive Firemen, of Altoona; Lodge No. 694, Brotherhood of Railroad Trainmen, of Marysville; Brotherhood of Locomotive Engineers, of Meadville; Division No. 104, Brotherhood of Locomotive Engineers, of Columbia, all in the State of Pennsylvania, praying for the passage of the so-called "employers' liability bill;" which were referred to the Committee on Interstate Commerce.

He also presented the memorials of E. McIver, of Pittsburg; Margaret Calderwood, of Pittsburg; M. M. Smith, of Pittsburg; Joseph S. Dodds, of Pittsburg; W. K. McElroy, of Pittsburg; O. C. Castle, of Pittsburg, and of the Allegheny County Woman's Christian Temperance Union, of Pittsburg, all in the State of Pennsylvania, remonstrating against any extension of the time limit in the interstate transportation of live stock; which were referred to the Committee on Interstate Commerce.

He also presented petitions of sundry citizens of Bellefonte; of sundry citizens of McKees Rocks, and of Mary Bingham, of Burgettstown, all in the State of Pennsylvania, praying for the enactment of legislation prohibiting the sale of intoxicating liquors in public buildings, grounds, and ships; which were referred to the Committee on Public Buildings and Grounds.

He also presented petitions of the Eighth Street Presbyterian Church of Pittsburg; the First Methodist Episcopal Church of Sheridanville; Presbyterian Church of Sheridanville; First Methodist Protestant Church of Sheridanville; United Presbyterian Church of Sheridanville; sundry citizens of McKees Rocks; of Kate N. V. Smith, of Catasauqua, and of sundry citizens of Carnegie, all in the State of Pennsylvania, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in the Indian Territory when admitted to statehood; which were ordered to lie on the table.

He also presented a petition of the congregation of the Methodist Episcopal Church of Spring City, Pa., and a petition of the congregation of the First Reformed Church of Spring City, Pa., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

He also presented memorials of the Woman's Home Missionary Society of Verona; of the First Methodist Episcopal Church of Sheridanville; of the Presbyterian Church of Sheridanville; of the Trinity Evangelical Lutheran Church, of Sheridanville, and of sundry citizens of McKees Rocks, all in the State of Pennsylvania, remonstrating against the repeal of the present anticanteen law; which were referred to the Committee on Military Affairs.

He also presented memorials of Colonel John I. Nevin Camp, No. 33, Sons of Veternas, United States Army, of Allegheny; Sergeant P. C. Grace Camp, No. 265, Sons of Veterans, United States Army, of Belle Vernon; Captain O. A. Luckenbach Camp, No. 182, Sons of Veterans, United States Army, of Bethlehem; Lieutenant D. M. Butler Camp, No. 254, Sons of Veterans, United States Army, of Roaring Spring; Roundhead Camp, No. 73, Sons of Veterans, United States Army, of Ellwood City; Colonel Robert Oldham Camp, No. 140, Sons of Veterans, United States Army, of South Bethlehem, and Colonel T. C. Harkness Camp, No. 169, Sons of Veterans, United States Army, of Wilkesbarre, all in the State of Pennsylvania, remonstrating against the enactment of legislation prohibiting the wearing of the uniform of the Army, Navy, Marine Corps, or Revenue Service; which were referred to the Committee on Military Affairs.

He also presented petitions of the Eighth Street Reformed Presbyterian Church, of Pittsburg; E. O. Emerson, of Titusville; the First Methodist Episcopal Church of Sheridanville; the Presbyterian Church of Sheridanville; the First Methodist Protestant Church of Sheridanville; Trinity Evangelical Lutheran Church, of Sheridanville; sundry citizens of Allegheny; sundry citizens of Bellevue; sundry citizens of Carnegie; sundry citizens of Pittsburg; the Second Presbyterian Church of Allegheny; Sixth United Presbyterian Church of Allegheny, and Beth Eden Baptist Church, of Allegheny, all in the State of Pennsylvania, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

He also presented petitions of J. L. Smith, of New Castle; Christian Snyder, of Forksville; Merritt C. Abbey, of Carbondale; Frank Gardner, of Sunbury; F. B. Twisden, of Gettysburg; T. S. Brewster, of Shirleysburg; C. H. Brown, of Altoona; L. W. Turner, of Harrisburg; Rev. Alford Kelley, of Frazer; New Vernon Grange, No. 608, Patrons of Husbandry, of Clarks Mills; R. C. Loupe, of Corry; Arthur B. Mann, of Coudersport; Rev. James D. Tillinghast, of Titusville; R. H. Wadsworth, of Pitcairn; George V. Thompson, of Mount Jewett; Evan B. Lewis, of Philadelphia, and Samuel Christian, of Philadelphia, all in the State of Pennsylvania, praying for the enactment of legislation to remove the duty on alcohol used for industrial purposes; which were referred to the Committee on Finance.

He also presented the petitions of R. L. Mitchell, of Philadelphia; Stephen A. Vail, of Philadelphia; of sundry members of the Bible school of Dixon Hollow, of Turtle Creek; sundry citizens of Turtle Creek; Carrie Leland, of Erie; Robert M. Lewis, of Philadelphia; A. M. Vail, of Philadelphia; J. Mehaffey, of Allegheny; John A. Rhea, of Allegheny; Edward A. Woods, of Pittsburg; of the Young Men's Christain Association of Hahnemann Medical College, of Philadelphia; George R. Sauman, of Pittsburg; Rev. A. R. Stork, of Pittsburg; Charles A. Edsall, of Pittsburg; James F. Hagen, of Philadelphia; sundry citizens of Pottstown; William H. Womsley, of Pittsburg; H. C. Danforth, of Pittsburg; Rev. C. Lee Gaul, of Philadelphia; Mary E. S. Ferris, of Pittsburg; Rev. D. L. Ferris, of Pitts-

burg; Ester F. W. Smith, of Philadelphia; George Haudke, of Erie; Rev. T. J. Gaehr, of Erie; Harvey H. Smith, of Pittsburg, and George M. Warner, of Philadelphia, all in the State of Pennsylvania, praying that an investigation be made of the existing conditions in the Kongo Free State; which were referred to the Committee on Foreign Relations.

He also presented petitions of 11 school children of Philadelphia, of the Sorosis Society of Langhorne, and of the Delaware Valley Naturalists' Union, of Philadelphia, all in the State of Pennsylvania, praying for the enactment of legislation to prevent the impending destruction of Niagara Falls on the American side by the diversion of the waters for manufacturing purposes; which were referred to the Committee on Forest Reservations and the Protection of Games.

He also presented petitions of the First National Bank of New Castle; the County National Bank, of Clearfield; the United States National Bank, of Johnstown; Burgettstown National Bank, of Burgettstown; the Pittsburg Clearing House Association, of Pittsburg; East Pittsburg National Bank, of Wilmerding; Second National Bank, of Titusville; National Bank of Carmichaels, of Carmichaels; First National Bank of Stoyestown; the First National Bank of Natrona; the First National Bank of Patton; the Southwark National Bank, of Philadelphia; the First National Bank of Derry; First National Bank of Philipsburg; the First National Bank of Grove City; Pioneer Dime Bank, of Carbondale; the People's National Bank, of Zelienople; Citizens' National Bank, of Meyersdale; First National Bank of Blairsville; the First National Bank of Addison; the People's National Bank, of East Brady; the First National Bank of Lebanon; First National Bank of McKeesport, and the People's National Bank, of Pittsburg, all in the State of Pennsylvania, praying for the enactment of legislation providing that national banks be allowed to loan 10 per cent of their capital and surplus; which were referred to the Committee on Finance.

REPORTS OF COMMITTEES.

Mr. DUBOIS, from the Committee on Public Lands, to whom was referred the bill (S. 4543) allowing settlers with permanent improvements on town sites to buy the lots on which said improvements are located at an appraised price for cash, asked to be discharged from its further consideration, and that it be referred to the Committee on Irrigation; which was agreed to.

He also, from the Committee on Indian Affairs, to whom was referred the amendment submitted by himself on February 19, 1906, directing the Commissioner of Indian Affairs to prepare a schedule of the improved lands in the Lemhi Reservation, of Idaho, ceded by the agreement of May 14, 1880, etc., intended to be proposed to the Indian appropriation bill, submitted a favorable report thereon, and moved that the report and accompanying papers be printed, and that the amendment and report be recommitted to the Committee on Indian Affairs; which was agreed to.

He also, from the same committee, to whom was referred the bill (S. 3139) for the relief of Lorenzo A. Bailey, reported it without amendment, submitted a report thereon, and moved that it be recommitted to the Committee on Indian Affairs; which was agreed to.

Mr. GEARIN, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 6936) granting an increase of pension to William Miller;

A bill (H. R. 10353) granting a pension to Thomas B. Davis; and

A bill (H. R. 11415) granting an increase of pension to Victoria Bishop.

Mr. CLAPP, from the Committee on Indian Affairs, to whom was referred the bill (S. 3704) to regulate the practice of dentistry or dental surgery in the Indian Territory, reported adversely thereon, and the bill was postponed indefinitely.

Mr. HANSBROUGH, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 4463) to amend section 2 of an act entitled "An act to provide for the appointment of a sealer and assistant sealer of weights and measures in the District of Columbia, and for other purposes," reported it without amendment, and submitted a report thereon.

Mr. FLINT, from the Committee on Public Lands, to whom was referred the bill (S. 3743) to amend an act entitled "An act granting to railroads the right of way through the public lands of the United States," approved March 3, 1875, reported it with amendments, and submitted a report thereon.

Mr. BULKELEY, from the Committee on Military Affairs, to whom was referred the bill (S. 4111) to authorize the Chief of Ordnance, United States Army, to receive four 3.6-inch breech-loading field guns, carriages, caissons, limbers, and their pertaining equipment from the State of Connecticut, reported it with an amendment, and submitted a report thereon.

Mr. HEMENWAY, from the Committee on Military Affairs, to whom was referred the bill (S. 545) for the relief of the county of Custer, State of Montana, asked to be discharged from its further consideration, and that it be referred to the Committee on Claims; which was agreed to.

Mr. CARTER, from the Committee on Public Lands, to whom was referred the bill (S. 4623) for the relief of Sarah E. Baxter, executrix of the last will and testament of Warren S. Baxter, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 3622) for the relief of the heirs of Warren S. Baxter, deceased, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

Mr. PETTUS, from the Committee on Military Affairs, to whom was referred the bill (S. 1477) to remove the charge of desertion now standing against James F. Wood, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

Mr. FRYE, from the Committee on Commerce, to whom was referred the bill (S. 4774) relating to the movements and anchorage of vessels in Hampton Roads, the harbors of Norfolk and Newport News, and adjacent waters, in the State of Virginia, reported it without amendment, and submitted a report thereon.

YAKIMA INDIAN RESERVATION LANDS.

Mr. DUBOIS. I am directed by the Committee on Indian Affairs, to whom was referred the bill (H. R. 10067) authorizing the disposition of surplus and unallotted lands on the Yakima Indian Reservation, in the State of Washington, which can be irrigated under the act of Congress approved June 17, 1902, known as the "reclamation act," and for other purposes, to report it favorably without amendment, and I ask for its present consideration.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

COLVILLE INDIAN RESERVATION LANDS.

Mr. CLARK of Montana. I am directed by the Committee on Indian Affairs, to whom was referred the bill (S. 4229) to authorize the sale and disposition of surplus or unallotted lands of the diminished Colville Indian Reservation, in the State of Washington, and for other purposes, to report it favorably without amendment.

Mr. PILES. I ask for the immediate consideration of the bill just reported by the Senator from Montana.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

Mr. HANSBROUGH. I desire to ask the Senator from Washington if it is the unanimous report of the committee?

Mr. PILES. The Committee on Indian Affairs reported the bill unanimously, I understand.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. FULTON introduced a bill (S. 4797) granting an increase of pension to Jacob Franz; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PETTUS introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Claims:

A bill (S. 4798) for the relief of Aaron C. Dean;

A bill (S. 4799) for the relief of James T. White;

A bill (S. 4800) for the relief of Thomas Seymour; and

A bill (S. 4801) for the relief of the estate of Sion Johnson, deceased.

Mr. CARTER (by request) introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 4802) for the relief of Morgan's Louisiana and Texas Railroad and Steamship Company, successor of the New Orleans, Opelousas and Great Western Railroad Company, and for other purposes;

A bill (S. 4803) for the relief of Morgan's Louisiana and Texas Railroad and Steamship Company, assignee of a certain claim of Charles Morgan, and for other purposes; and

A bill (S. 4804) for the relief of the Galveston, Houston and Henderson Railroad Company, and for other purposes..

Mr. TALIAFERRO introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Foreign Relations:

A bill (S. 4805) to prohibit aliens from taking or gathering sponges in the waters of the United States; and

A bill (S. 4806) to prohibit the use of diving apparatus in the taking of sponges.

Mr. BURROWS introduced a bill (S. 4807) granting a pension to Helen M. Barrett; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 4808) for the relief of the estate of Joshua Hill, deceased; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 4809) for the relief of John Alexander Besonen; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

He also introduced a bill (S. 4810) relating to bills of lading issued by carriers for the interstate transportation of property, and to certain obligations, duties, and rights in relation thereto; which was read twice by its title, and referred to the Committee on Interstate Commerce.

Mr. HEYBURN introduced a bill (S. 4811) granting a pension to Mae Spaulding; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. FLINT introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 4812) granting an increase of pension to Mary C. Mulholland; and

A bill (S. 4813) granting an increase of pension to Samuel M. Doolittle.

Mr. BACON introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 4814) for the relief of B. C. Thompson;

A bill (S. 4815) for the relief of Benjamin Franklin Woodall (with an accompanying paper); and

A bill (S. 4816) for the relief of the estate of George N. Anderson, deceased (with an accompanying paper).

Mr. KNOX introduced a bill (S. 4817) granting an increase of pension to Delight R. Allen; which was read twice by its title, and referred to the Committee on Pensions.

Mr. SPOONER introduced a bill (S. 4818) granting an increase of pension to George W. Peabody; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 4819) for the relief of M. A. Johnson; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. FRYE introduced a bill (S. 4820) granting an increase of pension to Hartwell Danforth; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 4821) granting an increase of pension to John E. Stewart; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CLAY introduced a bill (S. 4822) for the relief of the heirs and legal representatives of Wiley Franks, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. McCREARY introduced a bill (S. 4823) for the relief of Madison County, Ky.; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 4824) for the relief of the estate of Dr. O. P. Hill, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. NELSON introduced a bill (S. 4825) to provide for the construction of a bridge across Rainy River, in the State of Minnesota; which was read twice by its title, and referred to the Committee on Commerce.

### AMENDMENTS TO BILLS.

Mr. KITTREDGE submitted two amendments intended to be proposed by him to the bill (H. R. 12987) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission; which was ordered to lie on the table and be printed.

He also submitted an amendment proposing to appropriate $17,000 for general repairs and improvements, for cement veneer for old buildings, and for industrial and domestic science building at the Flandreau Indian School, South Dakota, intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. GAMBLE submitted an amendment proposing to appropriate $3,500 for the improvement of the Hope Indian School at Springfield, S. Dak., intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. PETTUS submitted an amendment intended to be proposed by him to the bill (H. R. 4) to amend section 3646, Revised Statutes of the United States, as amended by the act of February 16, 1885; which was referred to the Committee on Finance, and ordered to be printed.

Mr. HANSBROUGH submitted two amendments intended to be proposed by him to the bill (H. R. 12707) to enable the people of Oklahoma and of the Indian Territory to form a constitution and State government and be admitted into the Union on an equal footing with the original States; and to enable the people of New Mexico and of Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States; which were ordered to lie on the table, and be printed.

### HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Commerce:

H. R. 14589. An act to authorize the Cairo and Tennessee River Railroad Company to construct a bridge across the Tennessee River; and

H. R. 14590. An act to authorize the Cairo and Tennessee River Railroad Company to construct a bridge across the Cumberland River.

H. R. 10101. An act authorizing and directing the Secretary of the Interior to sell and convey to the State of Minnesota a certain tract of land situated in the county of Dakota, State of Minnesota, was read twice by its title, and referred to the Committee on Public Lands.

### PATRICK FALLIHEE.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 1465) granting an increase of pension to Patrick Fallihee, which was, in line 8, before the word "dollars," to strike out "forty" and insert "thirty."

Mr. McCUMBER. I move that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

### COURTS IN FLORIDA.

The VICE-PRESIDENT. The Chair lays before the Senate the bill (H. R. 10080) to provide for sittings of the United States circuit and district courts of the southern district of Florida at the city of Miami, in said district, and calls the attention of the junior Senator from Florida to it.

Mr. TALIAFERRO. I ask that the bill just laid before the Senate be substituted for Senate bill 4115, now on the Calendar, being Order of Business 1313. The title of the bill is identical.

The VICE-PRESIDENT. If there be no objection to the request of the Senator from Florida, it will be so ordered.

Mr. TALIAFERRO. I move that the Senate bill be indefinitely postponed.

The motion was agreed to.

### REGULATION OF RAILROAD RATES.

Mr. DOLLIVER. Mr. President, I ask that what is commonly known as the "railroad rate bill" be laid before the Senate.

The VICE-PRESIDENT. The bill will be read by its title.

The SECRETARY. A bill (H. R. 12987) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission.

Mr. DOLLIVER addressed the Senate. After having spoken for some time,

The VICE-PRESIDENT. The hour of 2 o'clock having arrived the Chair lays before the Senate the unfinished business, which will be read.

The SECRETARY. House bill 12707, the statehood bill so called.

Mr. BEVERIDGE. I ask that the unfinished business be temporarily laid aside until the Senator from Iowa shall have concluded his remarks.

The VICE-PRESIDENT. Without objection, it is so ordered.

Mr. DOLLIVER. Mr. President, I think that everybody familiar with the business of the Senate will bear witness to the fact that I have very seldom intruded upon your time for the discussion of public questions or for the presentation of my own views of these matters, and I confess that I approach this discussion with very great reluctance, amounting to timidity, not only because of the difficulty of the questions which are involved, but because I speak in the presence of men who, by reason of

their experience and their wisdom, are better able than I am to debate it.

I desire to acknowledge, before I go any further, the obligation I am under to the counsel and guidance of the venerable Senator from Illinois [Mr. CULLOM], unfortunately detained by sickness from the Chamber at this time. I acknowledge my indebtedness to him, because his name is associated with the efforts which during the last twenty years the American people have been making to secure a measure at least of that control of interstate commerce which is confided to them by the Constitution of the United States. His public service is identified in honorable distinction with the original interstate-commerce law, and the amendment proposed to that law, which constitutes the chief feature of the pending bill, does not differ in substance or purpose from that which he introduced in the Fifty-seventh Congress and has ever since advocated as a necessary addition to the failing powers and influence of the Interstate Commerce Commission.

I think I may also be pardoned if I refer to the measure introduced in a former Congress by the distinguished Senator from Minnesota [Mr. NELSON], and defended by him then and ever since with that intuitive good sense with which he has so often lighted up our pathway.

I do not believe it would be fair either if I omitted to refer to the fact that in 1897 the honorable Senator from Ohio [Mr. FORAKER], who spoke so ably and learnedly here yesterday, introduced into this body a bill containing a grant to the Interstate Commerce Commission of many of the powers which he condemned here yesterday as unconstitutional and in violation of sound principles.

I may say the same thing for my honored friend [Mr. ELKINS], the chairman of the Interstate Commerce Committee, because in the last Congress he had pending here a bill drawn under the advice, as I am informed, of the late Judge Logan, general counsel of the Pennsylvania Railroad Company, which conferred upon the Commission the exact powers that are now condemned in this Chamber as in violation of the Constitution of the United States.

I allude to these matters for two reasons, first for the purpose of giving honor where honor is due, and again for the purpose of protecting us, as far as I can, from the sneer that has become quite common in the corridors of the Capitol that we are acting in response to a hasty agitation that has been brought upon Congress by the enthusiasm of another Department of the Government.

I am glad for one, though I do not know what anybody else may think about it, that this question does not involve any of the differences of our partisan politics. There are, fortunately for institutions like ours, some questions so far reaching in their significance that political parties have not divided upon them, and ought not in view of the interests that are at stake to permit themselves to be drawn up by enterprising stage managers in pantomimic battle array in the Senate or in the country.

This question is one of these, and in speaking upon it I speak not as a Republican, though I have loved the old leadership of the Republican party with an affection that has never wavered since, in 1876, I stumped the State of West Virginia for Hayes and Wheeler. I speak as a Senator of the United States, representing here the convictions of nearly 3,000,000 people, yonder between the great rivers, and I feel sure that I betray no interest of theirs when I ask every man, without regard to his political party, to unite together in the effort which the American people are now making to bring the Government of the United States to an effective exercise of the power conferred upon Congress in the wisdom of our fathers for the benefit of the whole community.

It is my purpose, by the kindness of your attention, to speak on several phases of this question, some of them historical, others legal, and others again suggested by that larger outlook upon the national life which has become characteristic of these times.

It is a good deal of a wilderness we have to wander about in, and I confess with some regret that the preoccupations of my routine affairs here have been such that I have been barely able to find a few pathways into it, and have had time only to set up a few landmarks as a sort of guide to my feet in trying to make a way through it.

I think it will contribute to the orderly development of what I have to say if I state at the beginning exactly what amendments are proposed to the interstate-commerce law of 1887. I know that it will be satisfactory to nearly all of you when I say that the great body of that law has been left absolutely undisturbed by this bill. It has been on the statute books nigh on to twenty years, and owing to the subjects with which it deals it has had a rather stormy experience in the courts, so that its rough places have been worn smooth and its obscure phraseology has been made clear. So great an advantage as that ought not certainly to be thrown away, even if it were possible to rewrite the statute in a more perfect form.

The fundamental prohibitions of that law relating to excessive charges, to discriminations that are unjust and unreasonable, to undue preferences between persons and places and particular descriptions of traffic, are plain enough, and while a good many suggestions have been made to change them it has, on the whole, been thought best to leave them exactly as they are.

The same thing can be said of section 5 of the law, that section which prohibits agreements for the pooling of freight traffic and for the division of the earnings of competing railway lines. That is left undisturbed, though I ought, dealing in candor with the Senate, to say that, in my humble opinion, the time is coming when the principles involved in that section ought to be reconsidered by Congress.

It will be seen, therefore, that this bill instead of undermining the interstate-commerce law in reality fortifies and reenforces it, preserving intact those great commandments which lie at the foundation of industrial peace in the United States. They constitute a bill of commercial rights so complete that they are entitled to all the encomiums they have received in the railway literature of our language. If that law had been obediently accepted by the railway world and by the business community—for both have been parties to its nullification—if it had been treated with that reverence and sancity without which the laws of the land become a mere echo of vain moral aspirations, if they had been violated only by bad men, indifferent to the disgrace of lawlessness, the American people, if they had demanded its amendment at all, would have approached the subject in a frame of mind somewhat different from that which has actuated the present agitation in some sections of the country. The defects of that law lay not in an imperfect definition of the rights and duties of carriers, but in the failure rather to anticipate the motives that would press in from a thousand different directions to defeat the principles embodied in it.

Let me state exactly what amendments are proposed, and, if you will permit me, I will pass over without a word all of them which are minor in their significance, in order that I may get the attention of the Senate to the three conspicuous propositions with which this measure is concerned.

First of all, section 1 of the law was incomplete on account of a defective, or, I think rather I ought to say, an inadequate definition of the word "transportation." As defined in the bill, it had in practical operation this effect: It left the shippers, and especially shippers dealing in perishable products like fruit and vegetables and meats and others of a similar character, doing business not only with the carrier, but with an outside corporation, often entirely independent of the carrier, who charged, in addition to the charge made by the carrier, practically what it pleased for certain incidental services rendered in connection with the shipment; and if the shipper complains to the railroad about these charges he is informed that the charges are made by a car company with which the railroad has nothing to do; and when his complaint is presented to the car company, he is advised that the interstate-commerce law, or what has now come to be known as the legislative power of Congress, does not reach a car company renting cars in Chicago or running an ice house in New Jersey. So the shipper has been left in the hands of the Philistines. I have a job lot of these freight bills here, showing exactly how this additional charge which the railway does not make at all is made, the like of which have become painfully familiar to shippers of fruit and vegetables and other perishable products all over the United States. So flagrant have these abuses grown that even our greatest railways have not been able to protect themselves, much less their patrons, against these extortions and wrongs. Last summer a great national organization of producers and shippers and merchants met together and demanded that Congress entirely abolish private freight cars by making it unlawful for a railroad transacting interstate business to carry one of them. I do not agree with that position.

I think it would injuriously limit the facilities of commerce, and I have lived here in the last few months in such an atmosphere of constitutional doubts that I begin to suspect that perhaps such a proposition might not pass the scrutiny of the courts. At any rate, it is obvious to nearly everybody that the ordinary railroad, having use for refrigerator cars only for a few days each year on its line, could not economically own them. Therefore, in framing this bill, we have left the railroads free to do exactly as they do now, in renting on any terms which they find satisfactory these cars, so that they can be kept in use

the year round and sent where they are needed. This measure, therefore, does not make their use illegal; it leaves this $100,000,000 worth of equipment within reach of the railways of the country, but it requires the carrier to deal with the car company and the shipper to deal only with the carrier. It compels the railway company to make itself the sole beneficiary of the moneys paid for the shipment of merchandise. It follows that if this measure becomes a law all these extra charges must be computed in the transportation rate, subject to all the provisions of the interstate-commerce act; so that if they are unreasonable, or unjustly discriminatory, they can be dealt with as the statute provides. This is the first reform which this bill introduces into the existing law.

Having thus broadened the meaning of the word "transportation," by requiring that every charge incident to the service shall be reckoned as a part of the published rate, the second purpose of the bill is to provide a tribunal for the prompt and effective settlement of those controversies, likely, as I believe to become less and less numerous, which arise between the roads and their patrons growing out of alleged violations of the law. Numerous suggestions have been considered for the creation of extraordinary tribunals, administrative or judicial, before which these complaints may be presented for trial. Without disparaging any of these plans, for many of them—notably that suggested by Judge Grosscup—contain elements of wisdom, it has been deemed necessary to materially modify the machinery for enforcing the law created by the act of 1887.

It has, I know, become fashionable to belittle and underestimate the work which has been accomplished by the Interstate Commerce Commission; and I confess that in the earlier stages of my meditations upon this subject I may have joined with the multitude to do that overworked and underpaid body that injustice. I had the opinion that the interstate-commerce law had been a failure, and, in common with others, I found it easier to attribute it to its feeble administration than to anything else.

I have had the opportunity to examine with patient attention the proceedings of the Interstate Commerce Commission from the day when Judge Cooley first called it to order. I have read its decisions scattered through ten volumes of reported cases, and I will not now, whatever my prejudices may have been in other years, withhold from the faithful and conscientious men who have occupied places upon that board a sincere tribute to the fidelity and fair-minded ability which is illustrated in the record of the work which they have done. It may be true, as the honorable Senator from Ohio [Mr. FORAKER] said yesterday, I thought rather cheerfully, that they have made findings which in a few cases have been overruled by the courts, but the great mass of the work which they have done in promoting a harmonious relation between the railways and the business community did not find its way into the courts at all. And if the eminent counsel who have represented the railways before the Commission always had shown that respect for the law which would have led them to deal with the Commission in the presentation of their evidence as they would deal with the courts, they would not have invited the rebuke to the profession which the Supreme Court upon one occasion felt constrained to make; and it is possible that the meager list of the decisions of the Commission found erroneous on review would have been very much shorter during this twenty years.

I deprecate the tone of alarm with which the honorable Senator from Ohio [Mr. FORAKER] speaks of this legislation. I am not one of those who look forward to an era of perpetual hostility between the railways of the United States and the business community, of which, in the words of Mr. Justice Harlan, they are the servants. I surely would be the last one who would encourage such a thing; there ought to be no vendetta between the American people and the transportation interests of the country. I am prepared to accept as true much of what the Senator from Ohio [Mr. FORAKER] has said about the success which on the whole has attended the work of the traffic departments of our great railways in their relations to the people. It would be a strange world in which everything should go naturally to the bad. I am a believer in a good old-fashioned theology which has kept me free from many forms of anxiety. If God made this world we ought not to be surprised to find that on the whole it is a good world, with a million forces moving things in the right direction where one pushes it in the wrong. I accept the doctrine that the laws which control the market place in common with the other laws which govern the world are like the Great Lawgiver, from everlasting to everlasting, and that we ought not to leave out of the account the infinite forces which make for righteousness and fair dealing when we undertake to frame statutes auxiliary and curative in their purpose.

So I have refused utterly to get excited or to listen to those who want to create new instruments of torture for the railway systems of the United States—formidable-looking apparatus for the management of troubles that may never come. I have a strong conviction that within five years there will be established in every traffic district of the United States voluntary boards of conciliation, either put into operation by the railways themselves or, better still, authorized by Congress, in which the traffic managers and the business community, by their representatives, may sit down quietly once or twice in every year to discuss grievances and to make the public familiar with the theory and practice of railway rate making. My solemn conviction is that as time goes on this proposed power of the Interstate Commerce Commission will be a last resort and an ultimate appeal, so rare as to become occasional and exceptional in its character.

I have been depressed and discouraged in the last week more than I can say here. It has kept coming into my heart that there ought to be statesmanship enough in Congress and wisdom enough in the great leaders of business to keep the peace of the market. To my mind it is inconceivable that a legitimate property interest, representing one-sixth of the national wealth, should be allowed to drift into an attitude where its hand shall be against every man and every man's hand against it. Therefore this bill, aside from adding to the number and the salary of the Commission, takes the risk of accepting the machinery with which we have been familiar for twenty years.

The amendment which is proposed defines and enlarges the power of the Commission by authorizing it, where complaint is made that a rate is unreasonable or unduly preferential, to require the carrier to observe as a maximum in such a case the rate which, in its judgment, is in conformity with law, taking away from the carrier no part of the legal redress in the courts which belongs to it under the Constitution of the United States. Here is the battle ground of this controversy, and unless I get entirely lost in the woods that surround it, I will try to make my way back to it before I conclude what I have to say.

The third reform which this bill undertakes to make in the methods of dealing with railroad abuses is found in the amendment proposed to section 20, which requires a detailed report of the business of the railways, compelling common carriers engaged in interstate commerce to conform their system of accounts to the regulations made by the Commission and to keep them open to reasonable inspection under public authority. It is the purpose of that provision to do for American railroads what they have apparently been unable to do for themselves in the eradication of secret practices through which the law has been systematically evaded even by the most reputable railway managements in the country.

I can not altogether agree with the Senator from Ohio [Mr. FORAKER] that these secret practices have been abandoned, though I join with him in the tribute which he pays to the Elkins law. I will admit that the very awkwardness of our attempts to regulate interstate commerce has contributed to the practice of rebates and secret rate agreements with favored shippers. We have required all rates to be published and at the same time, in the faint hope of preserving what is left of competition, have treated all rate agreements as an unlawful restraint of commerce. It is obvious that where there is more than one road between two points all must have the same rate whether they agree upon it or not; so that the only possibility of competition that is left in such a case is a secret underbidding of the rate by the least scrupulous of the roads. But, be that as it may, there can be no worse affliction of our market place than these underground transactions which destroy the equality which the law requires to be observed among individual shippers.

The honorable Senator from Massachusetts [Mr. LODGE] has said on this floor that the power to fix a maximum rate gives no redress against the practice of rebates because the opportunity is the same and the temptation the same to covertly depart from a rate made by the Government as from a rate made by the roads themselves. That is literally true. Therefore unless provision is made to have every account book, record, or memorandum relating to the receipt and disbursement of money by these corporations brought under the open eye of national authority, the prospect of abating these evils is remote. There is no difficulty about punishing the crime of giving rebates, except the difficulty of finding it out. We have gone as far already in penalizing this offense as we need go; but we have made no progress whatever in searching out the offense. This bill takes a long-delayed step in that direction, and I look upon it as a fortunate thing that everybody is agreed that the step ought to be taken.

I have now spoken of the three principal things which this

measure attempts to do, and according to my promise I will now go back to the battle ground—the question of enlarging the powers of the Interstate Commerce Commission by amending section 15 of the existing law. Such an amendment is from every point of view imperative. In the first place, that section of the law is ambiguous in its meaning.

It has been said that under its provisions the Commission for ten years exercised a power which was finally taken away from it by the Supreme Court of the United States. A careful examination of the record shows that that is partly true. On the other hand it has been said that the power to fix rates was from the beginning disputed by the railroads, disclaimed by the Commission, and denied by the courts; and that is partly true. My own belief is that if the Commission had gone on following in the footsteps of the original board, confining its orders to specific cases of unreasonable or unreasonably discriminatory rates, such a question as to its power would never have been raised, because there is much in the spirit and purpose of the original law from which the right to exercise such a power in a limited way, as Judge Cooley exercised it in the case in which he changed the classification of a specific article of merchandise, might be reasonably inferred.

I have heard it said that the decision of the Supreme Court in the Maximum Rate case, decided in 1897, broke the back of the Commission; and I have heard that great tribunal assailed and maligned because it took away from the Commission the powers which had been conferred upon it by Congress.

It has been a part of my duty to examine the order of the Interstate Commerce Commission in that case, and to read again and again the opinion of the Supreme Court respecting its power to make that order, and I find myself in perfect accord with the disposition which was made of the question. To my mind the court was right in thinking that if Congress had intended to confer such a power upon the Commission it would have said so. The power to bring into judgment a score of railways, serving different sections of the country, and a hundred cities seeking access to the same market, and to balance their claims and pass sentence upon their commercial opportunities, was a jurisdiction so far-reaching that the learned judges might well hesitate to search for it among the inferences and implications and general tendencies resting vaguely in the spirit and purposes of the statute.

But even the power which the Commission attempted to exercise in that case was one of very doubtful value, just about the same power they would have if my friends who are now tiptoeing about this Chamber whispering to one another about the day in court, because the most that could be said for its orders was that they might be made the basis of a lawsuit, endless for practical purposes in time, and so complicated as to baffle the patience of the courts of justice. We are not, therefore, attempting to restore the power which the Commission lost by that decision. No careful student of this problem would do that if he could, and no Congress, in my opinion, will ever enact a law to take the development of widely separated regions, the interests of competing markets, the growth of rival seaports contending for the prizes of the ocean out of the hands of the railways which have grown up with them, and the natural laws of business which have created them, and stake their worldly prospects on the decision of any earthly tribunal even if its salary were raised to correspond with the size of such a job.

A power like that would have to be exercised by more than human wisdom if it did not lead us into sectional conflicts, based upon commercial advantages, which would shake the foundations of the Government more rudely than the New England townships, according to the testimony of Thomas Jefferson, shook them in his day, and more disastrously than the planting interests of the South shook them on the issue arising out of the regulation of foreign commerce a generation afterwards. It is needless therefore for me to say that the proposition contained in this bill does not undertake to do such a thing.

Section 15 of the act of 1887, as it is proposed to amend it, simply authorizes the Commission in case a complaint is made that a rate is unreasonable, either because it is too high or because it works a discrimination forbidden by law, or is accompanied by an unreasonable regulation or practice relating to it, to inquire into the matter, and to make an order establishing a reasonable maximum rate applicable to the case and correcting the practice found unlawful by directing the carrier to cease and desist from it. It does not give the Commission power to fix the rate. It recognizes that substantial advantages may accrue to the community by preserving the right of the carrier to initiate and control the rate within the limit fixed by the Commission. But in justice to the public it determines the line above which the rate shall not go. It provides also for the apportionment of joint rates put in effect by the Commission where the carriers are not able to make a satisfactory division, and authorizes the Commission, after hearing the complaint, to require the establishment of through routes where there is no convenient and satisfactory through line already in operation, and to determine the rate applicable to such routes.

Section 1 requires the railroads to establish through routes and just and reasonable joint rates applicable to them. Section 15 as amended proposes that if the railroads do not do that and complaint is made the Commission shall establish and put in operation through routes and joint rates applicable to them. My honorable friend from Ohio [Mr. FORAKER] says that is one of the particularly unconstitutional parts of this bill. But suppose that provision were not in this bill; suppose his theory is correct, that it is unconstitutional to require a railroad to make a through route with a joint rate applicable to it; what follows? Any railroad in America engaged in interstate commerce may escape the jurisdiction of the law altogether by the simple expedient of canceling out its joint rates. Will anybody who at all believes in the authority of the Government over this subject suppose for a moment that that could be allowed?

The bill goes a step further, and in view of the fact that so large a portion of the commerce of the country is hauled by railways for persons who own both the cars and the contents of them as well as other facilities connected with the shipment, authorizes the Commission, with a view to prevent discriminations in some respects the most odious which now exist in our market place, to determine the allowance to be made by the carrier to the shipper for the use of the facilities which he furnishes.

Such are the provisions, briefly stated, of the proposed amendment. It need not be said, yet there is no danger of overstating the truth, that no legislation affecting the railway problem can be of any value to the community unless it is based upon a solid foundation of right and justice. Therefore, whoever approaches these questions in an atmosphere of prejudice, or with a purpose soured by malice and hostility against the railroads, is likely to contribute little or nothing to their permanent solution.

Whether the position which I shall take is approved by anybody, whether the words which I shall speak are believed by anybody, I venture to express the hope that I may be acquitted of that most grievous offense which can be committed against the proprieties of a place like this—the offense of exploiting here either my own prejudices or the incoherent clamor of others against the corporations with which this legislation is concerned. I am a believer in the law of property which we have inherited from our fathers, and I look upon the statutes creating the modern business corporation as the most important step ever taken in the history of civilization to bring the resources of the world into the service of the human race. If a proposal were pending here to wrong or oppress our fellow-citizens who have invested their capital in the railways of the United States, such are the principles which have guided my thinking from the days of my youth that I would challenge the pressure of public opinion, however arrogant, in defense of the rights of property. For while nearly all of us are poor in this world's goods, even if our names are carried on the rolls of the Senate—though it is hardly possible at this day to overtake the popular fiction which disputes that—the American people as a whole are still eager and hopeful in the battle of life, with energies bent upon the accumulation of a competency for themselves and their children, and it will be a sorrowful menace to our institutions if the time should come when even a considerable number of them lose out of their hearts the ambition of honorable worldly success and either fall back contentedly into a social class to which they find themselves condemned by their surroundings or join the insignificant minority which is already in every nation plotting for the overthrow of the existing order of society.

If, then, anybody expects me to approach this question with indifference to the great property interests which it involves, or to exhibit that intemperate bigotry which shuts its eyes to the advantage which has accrued to the American people through the labors of those who within the space of a single lifetime have spread out upon this continent a network of steel like the nerves of a living creature, I will have to disappoint such a one. This measure is no act of hostility to the American railway system. It is a step in the direction of a better understanding between the industries and commerce of the community and the magnificent instrumentalities through which both have been made possible. Not a line of it has been drawn in malice toward any legitimate American enterprise. Every word of it is intended to convey the good will of the people of the United States toward that form of property which

more than any other is bound up in an absolute unity of interest with the prosperity of the whole market place.

Something has been said by the honorable Senator from Massachusetts [Mr. LODGE] about the "knock-down-and-drag-out" character of the argument for this measure. If he examines it, he will see that the popular agitation which has accompanied the proposal to amend the interstate-commerce law has differed altogether from any previous movement of public opinion upon kindred subjects at least in one important particular. There has been nothing about it revolutionary, and unless we confound earnestness with radicalism, nothing unreasonable or extreme. It was based upon the grievances of shippers and united in its support, at least at the outset, the commercial bodies of our cities, great and small; and if, during the years which have elapsed since that memorable petition was presented to Congress, elements less conservative have attached themselves to the agitation, that fact can not be set down in disparagement of the cause, but rather in reproach of those legislative delays which, however perfectly we understand them here, seem to the outside world like indifference and neglect.

But if some of those who have given expression to the public demand have indulged in noisy declamation; if shrewd and unscrupulous irritation of the public mind has sometimes taken the place of its wise guidance and instruction, that fault is one which has unfortunately affected both sides of the controversy. If demagogues, whose business is politics, and merchants, whose politics is business, have crowded one another in the presentation of the popular complaint, we have no right to resent that here; for long before the politicians heard of this matter; long before the professional reformers began to perceive the earning power of the movement, the petition of that quiet and least demonstrative section of the public, which in the quaint parlance of the English law goes by the name of the "traders," was sleeping peacefully in the files of both Houses of Congress.

So that if anybody has the right to protest against the spirit in which this great public demand has been presented, the other side of the question has not been altogether without its infirmities. If the witnesses who appeared for the railways before the Interstate Commerce Committee have good ground to resent the description of the charges which are made for the services which the railroad performs as "taxes," thereby communicating to them the odium which accompanies those public levies which Mr. Emerson says have always been unpopular because nobody thinks he gets what he pays for, these amiable railway magnates themselves, when drawn rather abruptly from the dull routine of their affairs to the exhilirating task of molding the opinions of the people, have not proved altogether unadapted to the demands of magazine advertisement or insensible to the fascinations of the Chautauqua salute.

While one side has been industriously stamping the unpalatable word "taxes" upon the traffic sheets of the railway companies, the other, with equal ingenuity, has been trying to tag the Government of the United States, engaged in discharging its function under the Constitution, as a rate fixer, a meddlesome intruder into private business.

So that if the people of the United States have something to learn about the nature and justification of a railway rate, the accomplished gentlemen who have been selected to manage our railway properties have also something to learn about their relations to the public policy of the United States. I confess a certain degree of surprise that, after all that has happened in the world, and especially in the English-speaking world, it should be necessary for anybody to restate the position of public-service corporations under the laws of the land; but when so adroit and learned a lawyer as Mr. Richard Olney, formerly Secretary of State, writes of the Government regulation of railways exactly as if the law were attempting an unwarranted interference with the sacredness of private property, and solemnly disputes the power of Congress to discharge the very duty which the Constitution expressly assigns to it, it is time for some one who does not have to unload a lot of railway securities in order to acquire the spiritual preparation needed for the task to dig up a few first principles, if only to exhibit them as a background to the educational campaign which has been going on in the United States.

I do not know what business Mr. Olney is in now, but as I perused the North American Review containing his ponderous essay on this subject, with its curious warning to Congress not to exercise its power for fear that the States, misled by its example, might be tempted to exercise theirs, and seriously attempting to prove that the correction of unreasonable railway rates is substantially the same thing as the Government ownership of railroads and equally in contravention of our fundamental law, I found it hard to believe that this is the same man who, when he was Attorney-General, searching that simple clause of the Constitution found power enough in it to send the Army across the borders of Illinois and over riotous city limits, against the protests of panic-stricken mayors and screaming governors, to keep the peace of the United States and to open the highways of interstate traffic to the American people. I do not know what has come over the spirit of the old Attorney-General, but he is certainly not as vigorous as he once was. It may be that in trying to protect the Constitution of the United States he has broken down his own, or it may be he is suffering from the effects of the pamphlets which swarmed in the mails during the past summer. [Laughter.]

We are not dealing with private property in this bill, but if we were we have the warrant of our great charter for dealing with it. But for the limitations of that instrument the political sovereignty which resides in the American people could make strange havoc with the law of private property, subject to no prohibition except the moral restraint arising from the nature and purposes of civil society. If you seek to know what the limits of national sovereignty are in dealing with private property examine carefully the epoch-making speech of Mr. Gladstone on the proposed intervention of the English Government to break up a system of land tenure founded in prescriptive right and guarded by all the sanctions of the law which had left the population of Ireland naked and helpless, a menace to the social and political life of the Empire. But in exercising its authority over common carriers, whether derived from inherent sovereignty or constitutional grant, the nation does not depart from the beaten path of precedent and tradition. I venture the assertion that there never was in the history of the world an organized political community in which commerce was sufficiently developed to bring into existence any form of internal transportation, however crude, which did not put the hand of public authority upon the rates to be collected from those who availed themselves of the vehicles which were offered for hire.

I was very much interested when the senior Senator from Massachusetts [Mr. LODGE] carried us back to the Nile and to the Euphrates and to many an ancient river and showed us the means of travel and communication that the boys enjoyed in those far-off times. [Laughter.] While he was doing it, knowing his real skill as a man of learning, I wondered how it happened he had not run across some of the customs that prevailed in early days in respect to this matter. I confess I am more interested in these than I am in the shape of the wagon wheels, because they throw a more perfect light upon the theory of the social order of which we are a part.

Professor Harper, the American scholar who occupies the chair of Semitic languages in the University of Chicago, a brother of the late Doctor Harper, president of that institution, whose untimely death has filled the whole academic world with sorrow (his brother and he collaborating together), not very many years ago made a very interesting contribution to the history of civilization by deciphering an old monument dug up in Persepolis, which had been erected in Babylon in the reign of the sixth king of the first dynasty, twenty-two hundred and fifty years before Christ. It seems from the translation that the monument contained a revision of old laws. It recited that the king had rebuilt the canals and rebuilt cities and restored the temples and reunited the nationality of his people. I have here this code of Hammurabi, older than the Hebrew Decalogue, older even than Abraham sitting before his tent, and for the benefit of those who have been led to believe that the supervision of government in the business of transportation is an innovation traceable to recent Presidential messages, I will read some extracts from it:

SEC. 271. If a man hire oxen, a wagon, and a driver, he shall pay 180 KA of grain per day.

SEC. 272. If he hire a wagon only, he shall pay 40 KA of grain per day.

SEC. 276. If a man hire a sailboat, he shall pay 2⅔ SE of silver per day as its hire.

SEC. 277. If a man hire a boat of 60 GUR (tonnage), he shall pay one-sixth of a shekel of silver as its hire per day.

I will not read any further. I have read enough to show the pressing need there must have been for the work of a literary bureau in Babylon. [Laughter.]

So far as we are concerned we have inherited our language, our literature, our institutions, and our jurisprudence from a nation which illustrates better than any other the attitude that ought to be maintained by a civilized community toward the instrumentalities of commerce and of business. These two nations, while they differ in a good many respects, are singularly akin in their commercial instincts and in their general sense of what Anglo-Saxon justice requires. Neither of them developed the modern system of transportation very early.

I got hold of a book the other day on Social life in the reign

of Queen Anne. It was by an English writer by the name of John Ashton, and the book reads as if the man understood the art of looking into those obscure places where the historian gets hold of his real material. I was interested in his statement that in that reign the pack horse was still in use for ordinary traffic throughout the Kingdom, although pack wagons had been introduced, and he preserves an advertisement of a fellow who was running a line of wagons between London and the important towns in the Kingdom—a very interesting advertisement. It told the price and gave the time table, and then it said, "Performed if God permits by Ebenezer Brookes." [Laughter.] You will notice that is similar to the philosophy of the president of the Reading Railroad: Performed by the will of God. Yet if the eminent educational specialists now doing such a good business in the United States expect the inland traffic of this country to be managed entirely under divine auspices, they will have to go back for their precedents in their social progress of the world at least beyond the reign of Queen Anne. For as early as 1691, in chapter 12, section 24, of the third year of the reign of William and Mary, we find it enacted:

That the justices of the peace of every county and other place within the realm of England or dominion of Wales shall have the power and authority, and are hereby enjoined and required at their next session after Easter day, yearly to assess and rate the prices of all land carriage of goods whatsoever to be brought into any place or places within their respective limits and jurisdiction by any common carrier or wagoner, and the rates and assessments so made to certify to the several wagoners and other chief officers of each respective market town, to which all persons may resort for information; and that no such common carrier or wagoner shall take for carriage of such goods and merchandise above the rates and prices set upon pain to forfeit for every such offense the sum of £5, to be levied by distress and sale of his or their goods by warrant of any two justices of the peace where such carrier or wagoner shall reside to the use of the party aggrieved. (2 Bac. Abr., 160.)

Our ancestors evidently were not as particular as the Babylonians about this business, since they do not appear to have exercised this power of fixing maximum rates by a commission until the folks who were engaged in the business of common carriers had begun to manifest a tendency, never since entirely wanting in this honorable occupation, to establish a sort of community of interest for the symmetrical stimulation of their receipts, for I notice that a preamble accompanies this section of the act of 1691, which reads as follows:

And whereas divers wagoners and other carriers by combination amongst themselves have raised the prices of carriage of goods in many places to excessive rates, to the great injury of trade.

It seems also that they were not blind to the value which accrued to the community from the business of the carriers, for the preamble to chapter 12 of the same act of Parliament distinctly says:

Whereas the free and easy intercourse and means of conveying goods and merchandise from one market town to another contributes very much to the advancement of trade, increase of wealth, and raising the value of lands, as well as to the ease and convenience of the subjects in general.

But while these benefits were not forgotten they seem to have been fatally bent upon meddling with these matters, for we find in the twenty-fourth year of the reign of George II an act was passed appointing commissioners for regulating the navigation of the Thames and fixing the price of water carriage, the preamble of which recites some of the reasons for this particularly annoying bit of legislation:

Whereas divers abuses have heretofore been and still are committed by the owners of the several towing paths and other passages on the banks of said rivers, and by the owners of the locks, weirs, turnpikes, dams, flood gates, and other engines in and upon or near and adjoining to the said rivers, and also by the several bargemasters and their servants navigating thereon, by reason whereof and other exactions the price of water carriage on those rivers hath of late years been very much raised, contrary to the intent and provision of divers wholesome and good laws made and passed for the due regulation of said navigation.

I will not inquire into the wisdom of these acts of Parliament; I only refer to them to show that there had been no campaign of education in England up to that time; and as the years passed our ancestors descended to particulars still more minute, for Parliament laid violent hands upon even such humble servitors of the public convenience as the hack drivers of England and, overlooking the inalienable right of the citizen to enter into private contracts on terms mutually agreeable to the parties concerned, solemnly enacted statutes fixing hackney fares throughout the Kingdom. An evil example surely, since it has been followed by every city and village in the world, including the capital of the United States, where Congress is the sole legislative authority; and we have contrived that act of oppression not in the open arena of debate, but through an administrative commission, which we have created to attend to the minor details of the District government. The victim of such an act of oppression may be an old colored man shivering in front of the Baltimore and Ohio depot. He may be the owner of the horse which he drives, eking out a miserable existence; but such is the tenderness of civilization toward the stranger within its gates that the driver is denied, by act of Congress, the poor privilege of making a bargain for the service which he renders, even with millionaire philanthropists.

We have been accustomed to base the right of the Government to interpose in matters of transportation upon too narrow a principle. Surely the Senator from Ohio [Mr. FORAKER] fell into this error. In our anxiety to make the intervention as agreeable as possible to those who are affected by it it has been usual to say that it is based upon the fact that railways enjoy certain franchises; that they exercise by permission of the State certain of its sovereign attributes, and that therefore the State has the right to step in between them and their customers; but the case of the old colored hackman, sitting in the rain in front of the Baltimore and Ohio depot on the box of his coupe, behind his own horse, waiting for customers till the midnight hour, would seem to indicate that the power of the State in such matters has a broader foundation than that. And so it has. The power of Congress over interstate commerce would be just as complete if no railroad had ever exercised the power of eminent domain, if it had enjoyed at the hands of the State no franchise or concession of any sort. If it were literally the creation of private capital, unassisted in any respect by public contributions, it would still be face to face with the sovereign authority. It is not alone on account of the privileges which common carriers enjoy that a nation reserves to itself this power to regulate them. It is on account of the nature of the business in which they are engaged and the relation to the community of the service which they render.

The wagoners of the time of William and Mary meeting together to divide the spoils were made to understand that; and it will save us a good deal of trouble in the United States in the next twenty years if the great railway managers, holding their quiet conferences to perfect plans for the new exploits of high finance, could come gradually to a realizing sense of that.

It must, however, be granted in all fairness and candor that this disability of railway property to which I have alluded, this hereditary trait never lost sight of for a moment by the courts of the United States from the first operation of railway trains until now, does not license the State to descend upon these corporations with reckless disregard to their welfare. The very infirmity of their title, the incumbrance that is upon them in the very essence of their being, gives them a peculiar claim upon the friendly oversight of the law both in their organization and in their administration, in order to promote the security of investments of actual capital in them and the maintenance of a stable basis of profits in their operation.

It must be confessed, with proper humiliation, that the history of railway building and railway management does not exhibit the wisdom of the lawmaking power in an altogether enviable light, either in England or America. There has been no lack of statesmanship in either country in the last century, but such have been the preoccupations of Parliaments and Congresses with wars and tariffs, with slaveries, with banking and currency and the coinage of money, that the energy and enterprise which projected and organized the building and operation of the railways have surpassed, on an almost immeasurable scale, the legislative foresight with which they have been directed and governed.

There never has been a time, certainly not since the great opinion of Marshall in Gibbons *v.* Ogden, when any shadow has rested upon the sovereign prerogatives of the State over the commerce of the people, unless the speech of the Senator from Ohio yesterday is such a cloud. Yet from 1826, when the first American locomotive was puffing and wheezing on the rude tramway at Quincy, Mass., carrying down to the sea the granite blocks out of which Bunker Hill Monument was built, it was more than forty years before Charles Sumner introduced into this Chamber the first act to regulate commerce among the States, and it was twenty years longer before the interstate-commerce law was passed which we have been trying to amend. They were troubled and uncertain years, to be sure. If there was anybody who seemed to understand the practical economic effects of the railway on the life of the people, I can find only a very dim record of it in our public annals. Everybody was enthusiastic, every community was full of hope, and soothsayers were numerous enough; but, so far as I can find out, the popular New England poet, John G. Saxe, writing in 1849, expressed about the total public interest there was in the railway problem in the infectious melody:

Bless me, bless me, ain't it pleasant riding on the rail?

We had a good many people who assumed the rôle of prophets. I find that William H. Seward, in the old Senate Chamber yonder, when the Pacific Railroad was under debate, turned out a

prophet on a fine scale for uninspired times. The American desert was an uninhabited wilderness, yet he saw millions of people swarming into the cities of the great plains. He looked over the tops of the Rocky Mountains and saw flowing out of them the mysterious riches of gold and silver. His eye rested upon the huts clustered about the bay of San Francisco and they were transfigured before him till he caught a glimpse of the domes and spires of the city as she sits there in her queenly beauty. The question of an isthmian canal had hardly entered into the public mind at all, yet he saw that wonderful highway of international commerce opened to mankind, a thing that some of our own folks can not see even now. [Laughter.] He looked out toward the east and before his eyes the little kingdom of Japan, no longer wrapped in swaddling bands, rose up out of the ocean to take her place among the nations of the earth. He saw the ancient empire of China, mother of civilizations, turn her wrinkled and weary face toward the dawn. He saw the flag of the American Republic affectionately saluted in all of the islands of the Pacific and the enterprises of our commerce making their way up and down all the coasts of Asia.

That was his dream; and the trouble with the building of the whole American railway system was that the American people allowed it to be carried on in the atmosphere of just such visions of the wonders that should be. In our anxiety to get the railroads built we overlooked the economic advantages which even the most backward countries in Europe secured through a proper location of the lines. We forgot, or rather we did not know, that the survey of railroads is a problem of commerce as well as of engineering, and so we allowed, by mere inattention, villages and cities and townships and counties and States to join in an indiscriminate race after every promoter who could lay down on the table a bunch of blueprints as an evidence of his good faith. There was hardly a thought for the future and hardly a gleam of light on the rough pathway over which we were to travel; a pathway strewn with the wrecks of individuals and municipalities and State governments, and littered with speculations so bold and so fraudulent that they would be identified in the stock exchanges of our day as admirable illustrations of the evolution of modern business. Progressive citizens cheerfully covered their property with taxes; cities and towns followed the contagious example of counties and States in donating their revenues and encumbering their resources with bonded indebtedness to be tossed into the nearest right of way. And even the National Government, beginning in 1850 under the leadership of Stephen A. Douglas, opened the doors of the General Land Office and invited the adventurers of the whole earth to help themselves.

Thus did that day and generation interpret the dreams of its prophets and enthusiasts. There was one word spoken in England which, if we could have heard it, if some clear-headed man had had the time to repeat it often enough in our hearing, would have saved us from many misfortunes—"Where combination is possible competition is impossible." If I had been presented with a book thirty years ago containing that sentence and could have been made to understand it, I do not think I would have voted four times in twenty years to put a 5 per cent tax upon what little I had in the world in order to get another railroad into our town. But it seems that by common consent everybody forgot that a railroad, notwithstanding the complex competitive forces that always beat upon it, is essentially a monopoly, and the fact that there is more than one between two towns does not alter that situation for any length of time.

A railroad is a monopoly, because the ordinary motives of competition do not apply to it. In ordinary business if you have a competitor and want to get him out of the way you can hammer down prices, reduce his vitality, and finally get rid of him. But you can not handle a railroad in that way. The worse you reduce its vitality, the greater inroad you make upon the earnings; the more perilously you push it to the brink of the precipice, the more fatal its competition becomes; and when at last you get it entirely swamped in bankruptcy and the creditors gather around, you have only succeeded in producing the worst possible competition to which a solvent and self-respecting corporation can be exposed.

Therefore the law of competition has no direct application to the railway system; and so those wearisome pages have been written which were read here yesterday by the Senator from Ohio [Mr. FORAKER], which tell of rate wars and secret contracts and pooling agreements and rebates and midnight tariffs and mergers and the whole brood of commercial anarchy which has cursed the market place of the American people.

But I am not here for the purpose of framing an indictment against the American railway system; very far from that. There probably is not a man here—not even my honorable friend from Ohio—who gives to these masterful and farsighted men who have built the American railways any more credit than I do. I have a personal acquaintance with many of them, and I have made it a part of my business to study the achievments of all of them. I have in my heart no morbid sentiments of any sort on the subject, and I say now that we have underrated altogether the difficulties which have been encountered by the leaders who have come to the front in this continental play of the commercial forces which have drawn the railway map of the United States. They may have made stupendous errors, but all of their mistakes put together do not equal the monumental folly which has allowed the Government of the United States to go to sleep in the midst of these mighty struggles. Nearly all of our railway problems have their origin in this din of commercial strife. Here the swindles of speculation have been perpetuated; here also are the beginnings of that endless chain of injustice and discrimination grown at last so complicated as to entangle the whole community.

I am not one of those who have deplored the tendency toward cooperation of our railway systems; the consolidation of through routes under one management; arrangements for joint traffic over several lines, and even those inventions of legal ingenuity by which the ultimate direction of independent railway properties is brought under a common interest; none of these things appear to me to injuriously affect the national welfare if the Government of the United States can be waked up to the discharge of the duty which it has neglected for so many years. This legislation conceals no threat against the movement along proper lines, toward a more perfect union of transportation activities. The people of the United States know perfectly well what is going on; and the note of alarm which they have sounded is not against the integration of railway properties. They understand that the old-time railway manager in his shirt sleeves, swearing like a pirate as he cuts his schedules to the quick in his wrath against a competing line, has disappeared; that the fires of the conflict have died out, and that the combatants have moved to New York, with lighter duties and larger salaries, and they have lost interest in both of them. What they now ask is that the one power greater than all these combinations of capital—the Government of the United States—shall take the place which the Constitution assigns to it as the guardian of the market place. That is the resolution which they have formed and to its execution they have set themselves under the superb moral leadership of the President of the United States, without a trace of malice in their hearts against any legitimate property interest.

I know how poorly I am able to present this great cause. It needs neither sneers nor contemptuous utterances to make me understand that. I am in a position which I did not seek, but from which, upon my conscience as a citizen and upon my oath as a Senator, I will not run away. It might as well be understood once for all that the American people who are behind this movement are not to be turned aside from their purpose by the taunts and derisive accusations that they are a reckless mob of rate fixers. They are not fixing rates; they are fixing civilization. They are fixing the relation of a gigantic property interest to American society as a whole, and they have not begun too early.

I hold in my hand an extract which I cut out the other day from the New York Sun, and if it will not bother you I will ask you to listen to it, because unconsciously and without a trace of humor this Associated Press report uncovers the situation that exists in the United States to-day, and throws the light of a grim satire upon the present state of the institutions in defense of which so many sacrifices have been made in other generations:

ATTORNEYS ADVISE THAT TO CONTINUE FIGHTING THE GOVERNMENT MEANS DISASTER.

CHICAGO, *December 21, 1905.*

American railway interests are to cooperate with the Government in enforcement of laws against rebates. This was made known and confirmed in Chicago to-day, where was completed, three weeks ago, the protocol for peace between the Government and the railways.

By January 1, it is said, the first orders looking to putting the new policy into operation will go forth from New York.

This is the programme declared to have been adopted by the roads on advice of a majority of twenty of the best-known railroad attorneys for the country:

No renewals of contracts or secret rebate agreements with shippers.

No extension of private car line influence.

Concerted effort to curb industrial railroads, which, by demanding inequitable division of freights, have wrung rebates from the big roads for manufacturing concerns.

The reforms came on the advice of railway lawyers that to continue fighting the Government meant to invite disaster.

What strange story is this? I have heard it contended in the Senate that every treaty must come here, at least for our inspection. But here seems to be a treaty, with a full-sized protocol attached, by which high contracting parties get together and solemnly agree that one of them, after maintaining for

nearly twenty years an independent status—an insurrectionary power, with belligerent rights—at length concedes the authority of as wise and just a statute as ever appeared in the law books of civilization. In China, I have heard it said, an immemorial usage prevents any citizen from building a house in the imperial capital more than one story high lest it should overlook the walls of the palace. The idea is not a bad one, and the time has come in the United States when no interest of property, however great, shall be allowed to overshadow the Government of the United States. The practical question which has arisen out of this controversy is not whether the law shall supervise the imposition of railway rates. Everybody agrees to that.

Even the most conspicuous of those who appeared before us representing the railways admitted that there ought to be effective supervision and control; and my honored colleague the Senator from Ohio [Mr. FORAKER] comes forward with a proposition to commit every railroad rate in the country to the equity jurisdiction of the courts whenever, upon complaint, the Interstate Commerce Commission shall choose to make the United States the plaintiff in the proceedings. And one of the curious things about our situation is that the chorus of protest against rate fixing has been so busy with its musical programme that it does not appear to realize that rate fixing is rate fixing even if the courts of justice attend to it.

I need not say that I accord to the distinguished Senator from Ohio full credit for the integrity of his purpose in bringing forward this proposal. I do not now dispute the constitutional grounds upon which his proposition is founded. I used to take my constitutional law secondhand and, owing to my temperament, in very small lots. I have seldom indulged the disposition to furnish forth a constitutional feast of my own, but have preferred to imitate the wisdom of those housewives who, instead of cooking their dinners at home, have fallen in the way of sending for professional caterers to prepare the food and set the table; but I have made up my mind during the past summer that whenever I want to know if a thing is constitutional I will attend to the details myself.

I find upon a very careful inquiry into first principles, sufficiently supported by judicial authority and precedent, that the United States can be made a plaintiff in behalf of a complainant before the Interstate Commerce Commission for the prosecution of a suit in equity to restrain any violation of the interstate-commerce law; and in case the violation consists in the unreasonableness of a rate, it may be that the court has authority to find what the reasonable rate is in that case and to enjoin all in excess of that. At any rate I will leave to others to dispute the legal competency of the honorable Senator's proposal. I base my opposition to the bill called by his name upon the ground that in reality it involves a double investigation; one by the Commission, which must necessarily be thorough before the suit could properly be ordered, and then proceedings in the court, issuing at last in a decree, more or less unmanageable, for regulating the future conduct of the defendant.

But that is not my chief objection to the Senator's proposition. This is an old and clean-cut division of opinion between those who would secure the enforcement of these laws before the courts of justice and those who think it better to hand the matter over to an administrative tribunal charged with the duty of applying the law to particular cases.

These two theories of rate regulation have been fighting side by side in the English-speaking world for more than fifty years, and I beg the indulgence of the Senate while I refer more particularly to the conflict of these opinions in England and its influence upon legislation there. It is all the more important because it is a part of our political inheritance and of our genius of self-government that we are prone to walk in the light of experience. For that reason our own legislation has followed closely after the English pattern, and the opinions which found expression in this Chamber, as the debate of 1887 shows, were noticeably colored by the experience of the English people.

Our power over this subject, within constitutional prohibitions, is exactly the power of the English Parliament within its jurisdiction, as our highest court has more than once affirmed; and besides that, the grievances against railway management, which have been most numerous here, find a perfect counterpart in what has happened there. Furthermore, it was the amalgamation of railway interests in England antedating a similar movement here by nearly a generation that aroused public opinion throughout the Kingdom to the need of parliamentary protection of ancient rights.

The English people, it is true, appear to have escaped some of our troubles because they had an inhabited country, with cities and towns and seaports already located when they began to bui'd the highways of modern commerce; while our commercial fabric, at least in the newer parts of the country, was itself the literal creation of railway enterprise. Nevertheless one can not read the debates which accompanied the agitation in England for railway control without perceiving how identical their problem was with ours, and if we have fallen behind them in the task our delay is after all excusable when we recall the issues of life and death by which the Government of the United States was beset for so many years.

Our friends on the other side of the water had an advantage of nearly everybody except us in the possession of a body of unwritten law left over from other centuries; so that the legal position of common carriers was well defined without any act of legislation at all. The thing they have been striving to accomplish has been to get their laws executed; that is to say, applied to the practical conduct of affairs. There was no dispute as to what the railroads ought to do. What they debated and decided was how to get the thing done. Their law, like ours, has always been based upon two principles; first, justice, and after that, equal rights; and I confess I have had much of my discouragement over the unhappy state of things in our own country taken away by considering how poorly the British Government with all its power has been able to get those simple precepts followed by 20,000 miles of railway lines.

I have examined many of these English railway statutes, but I confine my comments only to those which go to the heart of this matter, calling attention first to the railway and canal traffic act of 1854. I intend to quote at length from the debate on this bill, because it may properly be described as the Foraker bill of 1854. I will add that the bill offered by the distinguished Senator from Ohio is the only proposition, except the measure which I am defending here, which I shall discuss at all; because I may say candidly that I do not regard the efforts to so frame this legislation as to mix the courts and the Commission up in an endless confusion of duties as worthy of any consideration. If the courts are to be called upon ultimately to decide these questions the Commission becomes a worthless impediment in the proceedings, and if the Commission is to be charged with these duties, the courts have no business in the affair except to protect constitutional rights.

The object of the English act of 1854, as stated by Lord Stanley in the House of Lords, was twofold. First, to define the duties and obligations of railway and canal companies; second, to establish a code by which these duties and obligations would be enforced. There were two methods suggested; first, the establishment of a separate and independent board of the executive government, and, second, the conferring upon the courts of law the duty of administering the statute. Lord Stanley, the mover of the bill, said:

> There was no doubt much weight in the argument that had been urged that there would be an objection to commit the necessary powers to a portion of the executive government who would be liable to the imputation of being influenced by political feelings, and though they should not be liable to such imputation such charges would be made and destroy their utility. The other course, therefore, was adopted, and it was proposed that party having to complain of any infraction of the statutes and obligations might apply for relief to any of the superior courts of law, who could proceed by way of injunction to have obstacles removed or cause facilities to be given that were required to be given. They conceived likewise that the decision of a superior court of law was more likely to be carried into effect than the decision of any board.

Lord Campbell, a justice of the court of common pleas, replied that—

> He looked upon the object of the bill as an excellent one, but he thought the machinery was not well adapted for carrying that object into effect. The act sought to turn the judges of the courts of law into railway directors. With regard to anything of a judicial character, he hoped the judges of the courts of common law would never shirk their duties; but looking at the duties entailed upon them by this bill, he certainly thought they lay beyond the province of the judges.

Earl Gray said:

> He felt that by this bill the Government were calling upon the courts of law to enforce obligations certainly substantial in their nature, but yet of so vague and undefined a character that it would be extremely difficult for such tribunals, whose proper functions were to expound the common and statute law, to discharge such new duties satisfactorily.

At a later sitting of the House, Lord Campbell, who had undoubtedly done considerable thinking in the meantime, returned to the debate, saying that—

> He deemed it his duty to enter his protest against this bill. He had been in hopes that upon further consideration the objections to the bill which presented themselves to his mind in the first instance would have been obviated when he came to consider it more maturely, but he was sorry to say that the opportunity for reflection had strengthened them instead of weakening them. Since he last addressed their lordships on this subject he had had an opportunity of consulting many of his learned brethren on the bench respecting it. His learned brethren and himself were willing to undertake any duties which the legislature might impose upon them; they would set an example of obedience to the law and of respect to the legislature, but having consulted the judges at a meeting they had had upon this subject they were unani-

mously of opinion that the duties which they were asked to undertake under the provisions of this bill were not judicial duties, and the great majority of them stated they were not properly competent to perform those duties.

Earl Fitzwilliam said that—

He entertained decided opinion that questions of this kind could never be satisfactorily settled except by a department of the Government specially provided for that purpose. * * * As railway matters were now conducted it was clearly necessary that we should have a board who would listen to the complaints of the public and have something like an autocratic power to remedy them. This bill certainly afforded no remedy for the existing evils, for the railway directors would snap their fingers at and entirely disregard it.

I have quoted these observations because the opinion of Lord Campbell seems to coincide with that expressed by one of the most famous and honored of our own circuit judges who has given much time and attention to the questions which we are debating, and I therefore desire to read a brief statement from a recent utterance on this subject by Judge Grosscup of the United States circuit court, placing his opinion by the side of that expressed by Lord Campbell in behalf of the whole bench of the court of common pleas in England.

The core of the evil is that, as things now stand, nothing is done. In my judgment, the reason of this is not so much the difficulty of the law as it is the difficulty of its administration. One of the reasons is the incompetency, the total incompetency of the circuit court to pass upon that question. What is the daily life of a circuit court judge? One day he is exploring the intricacies of a patent case, following it through all its meanderings to its incubation away back in some inventor's brain. Another day he is hearing a personal injury case, with his sympathies in rigid control lest they should outweigh his judgment. On another day he is hearing some customs case, determining whether the particular goods under consideration come within this or within some other classification of the law. Another day he is pursuing the meanderings of some chancery case. Every day brings up some new subject covering some wide area upon which he has to be specially educated for the day's judgment.

Now call him from this judgment seat to determine a question that turns, not upon the particular rate that is laid before him, but which must take in the whole horizon of the country's commerce—that is as perplexing, as confusing, as intricate as the wire fences that the Russians put around their fortifications in the Far East to keep out the Japanese. Call him to take out of its place with the judicial forceps one of this class of cases, as the watchmaker would take out a wheel or a peg from a watch. It is a thing he can't do without taking out the whole inside of the whole rate or transportation system. Call him to decide that question, and you will submit one of the greatest, the most perplexing, the most difficult questions to a man who has had no education, no vision of the subject upon which he is expected to rule. Thus I say that the circuit court is an incompetent court.

Notwithstanding the warnings of the learned Justice, Parliament did place the administration of the act which it passed upon the court of common pleas, and for nineteen years that statute remained upon the books practically a dead letter, and in 1873 the second uprising of English opinion on this subject brought Parliament to a new consideration of the problem. Mr. Chichester Fortescue, president of the board of trade, moved to bring in a bill to make better provision for carrying into effect the railway and canal traffic act of 1854. With your permission, I will read what he said:

The present bill did not differ from that act, but he hoped it would be an improvement upon the act, and that as a result of further inquiry and larger experience the act would be rendered more effective for the purpose of attaining the object which Parliament had in view—an improvement both in respect to the provisions of the act itself and of the machinery for carrying them out.

Experience since the passing of the act (of 1854) had very conclusively shown that a court of law was not an authority fitted for giving effect to an act so peculiar and special as the railway and canal traffic act.

But after all it turned out, as many had expected, that a court of law would be a cumbrous and unfitting body for putting such an act in force; that from the very fact of its being a court of law it deterred many from coming to it who would otherwise be most anxious to avail themselves of the powers and provisions of the act; and it was itself most reluctant to undertake the duties imposed upon it by Parliament. He was not surprised that at that time Parliament should have endeavored to make use of a court of law, for there was then a distinguished judge—Chief Justice Jervis, of the common pleas—who, differing from all his brethren, thought that his own court could undertake such a task. That was not the view of his brethren, and especially of one great and eminent judge, who protested at the time against the imposition of such duties upon any court of law. He meant Lord Campbell.

He then quoted the prediction of Lord Campbell, which I have already referred to, and added:

The prediction of Lord Campbell the committee of last year found to have been entirely fulfilled, and now, at the end of nineteen years, they thought it would be well to take the advice of that noble and learned lord and to remove this jurisdiction from the court of common pleas to some other tribunal. With that view the committee recommended that the administration of the railway and canal traffic act should be transferred to a new body, which might be called "the railway and canal commission," consisting of three gentlemen of high standing and character, one, at all events, to be an eminent lawyer, and one, if possible, a man practically conversant with the management of railway traffic.

At a later stage of the debate Mr. Fortescue stated that—

He believed that the great lawyer who predicted the failure of the court of common pleas as a tribunal in these cases had been perfectly right. That court was not well suited for the administration of the laws of railway and canal traffic, nor did he think the habits of the legal mind were best fitted to decide questions which were not questions of strict law, but of direction, of administration, and of special knowledge directed to a special subject. He did not think that the question should be submitted to a purely legal tribunal, although the presence of an eminent lawyer upon it would be of the greatest advantage. They were all aware of the difficulties and fears which surrounded the entrance into a court of law, and thus parties had been prevented from making use of rights which had been confirmed by the act of 1854. This tribunal would, he believed, be well adapted for the duties which it had to perform, and would decide the questions which came before it promptly, efficiently, and cheaply.

There was little disagreement in either House that the opinion that the administration of the law by the courts had been a failure. The Marquis of Ripon expressed the common belief when he said that—

The opinion which Lord Campbell expressed before the bill of 1854 passed had been fully verified since the bill became a law.

I have gone over this matter thus at length, because it was the experience of the English traders in trying to have their matters settled by the courts that led to the existing scheme of administrative control in England and became the determining influence which guided our own course in 1887, for while the debate was raging, year after year, in both Houses of Congress, there was no contention that an act of control was unnecessary. That was conceded then almost as completely as it is now. The contention was between the administration of the law by the courts as opposed to its execution through the administrative powers of a commission. So that my learned friend from Ohio had revamped a proposition which was rejected in the land where it originated after nineteen years of trial by the English people and set aside as worthless by the Senate of the United States when it took up for serious consideration the interstate-commerce question nearly twenty years ago. I know of nothing that has happened during that twenty years, at home or abroad, which warrants the distinguished Senator from Ohio lending the influence of his great name to the revival of this discarded and abandoned public policy.

I agree perfectly with Judge Grosscup that the American people are not seeking the entertainment of lawsuits, to fill courts with questions alien to the disposition and faculties of our judges. The American people seek to have certain grievances considered in a practical way by men capable of understanding them, and above all capable of approaching the subject unconcerned about anything except the merits of the controversy. So that in supporting the pending measure I am only seeking to follow where the common sense of a kindred community, having learned its lesson from experience, has marked out the path.

This bill proposes to submit the complaint of shippers, whether they involve questions of extortion or unjust discrimination, to a tribunal of men of approved integrity and capacity, whose business it shall be, after an impartial examination, to make an end of the dispute. They will be men removed from the clamor of the street, out of the reach of mere prejudice or unbecoming zeal, not authorized to meddle in the affairs of the railway, not authorized to balance against each other the competitive markets of the United States but required to give their attention to a complaint directed against a particular railroad that the rate charged is in violation of law.

Their power is to find out whether that is so, and if found so to make an order substituting a rate which in their judgment conforms to the statute, leaving the carrier, wherever constitutional rights are invaded by the order, to secure its vacation by the courts, which will exercise in the matter a jurisdiction which it does not lie with Congress to take away or in any way abridge. Here is the battle ground of the popular movement toward an effective railway control.

I would be the last man to put forward the legislative programme which has found favor either in England or the United States as the end of all wisdom on this subject. The act of Parliament of 1873 has had to be amended again and again; it is even now in a crude and unsatisfactory state. It bears the marks of haste and a rather blind response to the insurrection of the traders. The only good thing that can be said about it is that it puts the Government in control. Parliament itself has fixed the maximum rate, in most cases far above the level of actual existing rates.

But the power of the railroad to change its rates below the maximum has been entirely paralyzed by a provision requiring the consent of the Commission before a rate already in force can be increased. In that situation, as Mr. Acworth, in his excellent little book on railway economics, has pointed out, the rates are stationary throughout the United Kingdom, and no manager dares to put his rate down on account of the interminable difficulty of afterwards getting permission to put it back up.

Mr. Acworth was kind enough to give his views informally before the Senate Committee on Interstate Commerce during his

recent visit to the United States; and according to this testimony the English statute works well except in the particular to which I have just alluded. The framers of this bill have taken care to avoid that error. The rates to be established under its authority are only reasonable limitations upon the railway charges, leaving entire elasticity in the rate schedules below that level, and I sincerely hope that no friend of rate legislation in this Congress will insist on compelling the Commission, by fixing a specific rate, to introduce into our legislation the glaring error which Mr. Acworth has pointed out in the English law.

I do not pretend, either, that the interstate-commerce act of 1887 has worked well in all particulars, though I can not honestly join in the clamor which asserts that the Supreme Court took away its power. At this moment it has in it energies that need only to be brought into activity to make it a weapon in the hands of the Commission barely less formidable than it was before the famous decision of the Supreme Court took away its life.

It has in it now all the powers which it is proposed to create in the bill of the honorable Senator from Ohio, except, possibly, the equity jurisdiction to establish a maximum reasonable rate in a suit conducted by the United States. It has in it now all the powers created in the bill prepared by the honorable Senator from West Virginia, except the power to arbitrarily fix a rate to take the place of one condemned by the courts.

Indeed, the measure prepared by the Senator from West Virginia, instead of increasing the power of the Commission, subtracts from it in a most reckless way. It requires the Commission to ascertain the merits of a complaint; to acquire the knowledge necessary to begin proceedings, and instead of sending the Commission into court, as the present law does, with a record of findings which in themselves constitute the prima facie case, leaving the railroad lawyers to walk the floor on the question of evidence, it puts that burden upon the Government and makes the proceeding from the standpoint of the public an absurd waste of time. So that if nothing better can be done than is likely to be accomplished by these learned efforts to strengthen the law it would be infinitely better to leave it exactly as it is.

If the blunder made in 1887 is to be repeated now, we might as well wind up our affairs and take our chances on the law as it is. In 1887 the House demanded the settlement of these questions in the courts; the Senate demanded their settlement by a commission. The outcome of a controversy lasting many years was a statute which said to the Commission, "Execute this law," and to the courts, "Let no act of the Commission escape."

The proposal which I am here to advocate makes an honest effort to retrace the steps into which that error has led. It says to the Commission, "Take this practical business question, this complaint of a shipper, apply to it all the knowledge you have and all the information you can get, and settle it in the lifetime of the parties interested." It says nothing to the courts, because it knows they stand ready, clothed with a jurisdiction which Congress can not take away, to protect the carrier against any error of the Commission which would operate as an oppression or an injustice. The Commission can make no order which is not fair and just to the carrier without having its act brought into judgment in the circuit court of the United States, under a jurisdiction in equity which is complete for the protection of property rights.

But the honorable Senator from Ohio [Mr. FORAKER] says that the measure proposed is unconstitutional. He expresses the opinion that Congress itself is without the power to fix a railroad rate, and proves it by quoting a decision of the Supreme Court, in which they waive the question because it was not before them. And as if to make his demonstration complete, he quotes the language of the Supreme Court in the Maximum Rate case, in which the court says, in deciding the question whether the power to fix rates had been conferred upon the Commission by the act of 1887:

> The present inquiry is limited to what Congress determined to be done with reference to the matter of rates. There were three obvious and dissimilar courses open for consideration. Congress might itself prescribe the rates, or it might commit to some subordinate tribunal this duty, or it might leave the company the right to fix rates, subject to regulations and restrictions.

The Senator says that that expression of the court is of no value in settling the constitutional power of Congress, because it was not necessary for the court to make that statement in deciding the case before it. But if it be true that Congress has no power over railway rates, it is no particular credit to the great lawyers who argued the Maximum Rate case that they did not have sense enough even to raise that question; and it is no particular compliment to the court that they put into their opinion a statement that a thing is obvious when, according to the Senator from Ohio, it is not only questionable, but almost ridiculous. So far as I am concerned, if it be true that Congress has no power to fix charges in interstate commerce, the sooner we can get from the Supreme Court a definition of our legislative jurisdiction the better it will be for all concerned.

But the Senator from Ohio, even if the court should find that Congress has the power to fix rates, retreats to the proposition that it is a power which must be exercised by Congress without the aid or intervention of any subordinate tribunal. He declares that it is unconstitutional to call in a commission to apply the law to particular cases because it is a delegation of legislative power. And he brushes away the decision of the court to which I have referred on the same general ground—that the court was wandering in its mind, and dropping unnecessary remarks about things being obvious which in reality were not so at all.

Now, the truth is that the Supreme Court, when they enunciated the proposition that Congress can fix interstate railway charges either by its own act or through a commission charged with whatever functions are necessary to perform the act required of them by the law, was walking on the highway of the great decisions that date back to the very foundation of our Government. What are the sources of these sovereign powers of the State and of the nation? Fortunately, they are well defined in our jurisprudence. They are nothing more nor less than the powers of government inherent in every sovereignty to the extent of its dominions, said Chief Justice Taney, in the License cases. The Chief Justice added:

> And whether a State passes a quarantine law or a law to punish offenses or to establish courts of justice or requiring certain instruments to be recorded or to regulate commerce within its own limits, in every case it exercises the same powers—that is to say, the power of sovereignty, the power to govern men and things. It is by virtue of this power that it legislates; and its authority to make such regulations of commerce is as absolute as its power to pass health laws, except in so far as it has been restricted by the Constitution of the United States. (5 How., 582.)

The late Chief Justice Waite probably never rendered a public service of such vast consequence to our institutions as in the famous Illinois case, which came to the Supreme Court on a writ to test the authority of the legislature to fix the charges in cases where a public service is involved. The learned Chief Justice defines the subjects of the power of the State in these words:

> Under these powers the Government regulates the conduct of its citizens one toward another, and the manner in which each shall use his own property, when such regulation becomes necessary for the public good. In their exercise it has been customary in England from time immemorial, and in this country from its first colonization, to regulate ferries, common carriers, hackmen, bakers, millers, wharfingers, innkeepers, etc., and in so doing to fix a maximum of charge to be made for services rendered, accommodations furnished, and articles sold. To this day statutes are to be found in many of the States upon some or all of these subjects, and we think it has never yet been successfully contended that such regulation came within any of the constitutional prohibitions against interference with private property. (Munn *v.* Illinois, 94 U. S., 125.)

In this country these general powers of the Government, never absent where there is political sovereignty, vested originally in the States and still remains in them, except so far as they have been delegated by the Constitution to the United States.

> When the people of the United Colonies separated from Great Britain, they changed the form but not the substance of their government. They retained for the purpose of government all the powers of the British Parliament, and through their State constitutions or other forms of social compact undertook to give practical effect to such as they deemed necessary for the common good and the security of life and property. All the powers which they retained they committed to their respective States, unless in express terms or by implication reserved to themselves. Subsequently, when it was found necessary to establish a national government for national purposes, a part of the powers of the States and of the people of the States was granted to the United States and the people of the United States. This grant operated as a further limitation of the powers of the States, so that now the governments of the States possess all the powers of the Parliament of England, except such as have been delegated to the United States or reserved by the people. The reservations by the people are shown in the prohibitions of the constitutions. (Chief Justice Waite in Munn *v.* Illinois, 94 U. S., 124.)

Now in the exercise of these powers it is certainly true that the States have complete control over their internal commerce, and may fix the compensation to be charged and received for the transportation furnished by common carriers:

> In regard to the business of common carriers limited to points within a single State, that State has the legislative power to establish the rates of compensation for such carriage. (Justice Miller in Rwy. Co. *v.* Minnesota, 134 U. S., 450.)
>
> It is now settled in this court that a State has power to limit the amount of charges by railroad companies for the transportation of persons and property within its own jurisdiction, unless restrained by some contract in the charter or unless what is done amounts to a regulation of interstate commerce. (Chief Justice Waite in Stone *v.* Trust Co., 116 U. S., 325.)
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> There can be no doubt of the general power of a State to regulate

the fares and freight which may be charged and received by railroad and other carriers and that the regulation can be carried on by means of a commission. (Justice Brewer in Reagan *v.* Trust Co., 154 U. S., 394.)

But it is obvious that this power in the hands of a State is worthless for practical purposes, unless it can be exercised through a general law by means of a commission charged with the duty of applying the law. Hence the Supreme Court has again and again justified the acts of legislatures confiding the duty of establishing rates:

The power which the legislature (of a State) has to establish rates of compensation can be exercised through a commission which it may authorize to act in the matter. (Justice Miller in Chicago, etc., Rwy. Co. *v.* Minnesota, 134 U. S., 459.)

There can be no doubt of the general power of a State to regulate the fares and freight which may be charged and received by railroad or other carriers, and that this regulation can be carried on by means of a commission. Such a commission is merely an administrative board, created by the State for carrying into effect the will of the State as expressed by its legislature. No valid objection, therefore, can be made on account of the general features of this act, then, by which the State has created the railroad commission and intrusted it with the duty of prescribing rates of fares and freights as well as other regulations for the management of the railroads of the State. (Justice Brewer in Reagan *v.* Trust Co., 154 U. S., 395.)

That the State may fix the maximum charges for the transportation of freight by railroads which shall not be unreasonable, is not disputed in this case. It has been so decided by the United States Supreme Court, and the doctrine has been recognized by this court. (Citing B. C. R. and N. G. Co. *v.* Dey, 82 Iowa, 332; C. B. and Q. Rwy. Co. *v.* Iowa, 94 U. S., 155.)

It has been held in a number of cases that statutes which create boards of commissioners and authorize them to make schedules of rates for railroad companies are not invalid for the reason here urged. The doctrine of these cases is that the functions of such boards are administrative rather than legislative; that the authority conferred upon them relates merely to the execution of the law; that a grant of legislative power to do a certain thing carries with it the power to use all proper and necessary means to accomplish that end; and that, as the reasonableness of rates changes with circumstances, and legislatures can not be constantly in session, the requirement that the statute itself shall fix the charges might preclude the legislature from the use of the agencies necessary to peform the duty imposed upon it by the Constitution; in short, that the legislature may authorize others to do things which it might properly but can not conveniently or advantageously do itself. (C. B. and Q. Rwy. *v.* Jones, 149 Ill., 378.)

That the general assembly can not surrender any portion of the legislative authority with which it is vested or authorize its exercise by any other person or body is a proposition too clear for argument and is denied by no one.

* * * * * * *

But while this is so plain as to be admitted, we think it equally undeniable that the complete exercise of legislative power by the general assembly does not necessarily require the act to so apply its provisions to the subject-matter as to compel their employment without the intervening assent of other persons, or to prevent their taking effect only upon the performance of conditions expressed in the law.

* * * * * * *

The true distinction, therefore, is between the delegation of power to make the law, which necessarily involves a discretion as to what it shall be, and conferring an authority or discretion as to its execution, to be exercised under and in pursuance of the law. The first can not be done; to the latter no valid objection can be made. (Rwy. Co. *v.* Commissioners, 1 Ohio St., 77.)

The State which I have the honor in part to represent here has had since 1888 a law requiring the railroad commission to "make for each of the railroad corporations doing business in this State, as soon as practicable, a schedule of reasonable maximum rates of charges for the transportation of freight and cars on each of said railroads," and, so far as I know, no court has doubted its validity. The same thing is true in Georgia; while in the State of Massachusetts there is recorded in Volume II of the Revised Laws, page 1034, an enactment of the legislature authorizing the commission to fix the rates on the transportation of milk, under a penalty of $5 for each can which the railways refuse to haul at the rate fixed, without the slightest suggestion of a day in court for anybody. I have mentioned these three States, whose laws have never been invalidated by the decision of any court, because they have the old-fashioned kind of constitutions and the old-fashioned separation of executive, judicial, and legislative powers which seem so dear to the heart of the honorable Senator from Ohio.

But the Senator says in effect:

What is the use of talking about States when the powers of Congress are under discussion? Do not the States stand in a fundamentally different relation to this subject?

I do not think so, and I have allowed my opinions about it to be built up very slowly on the United States Supreme Court reports. I hold that so far as control over interstate commerce is concerned Congress possesses all the powers which existed in the States before the adoption of the Constitution and which have always existed in the Parliament of England.

Is there, then—

Says Mr. Justice Harlan in the Northern Securities case—

any escape from the conclusion that, subject only to such restrictions—

Referring to the restrictions on the exercise of power which are found in the Constitution of the United States—

the power of Congress over State and international commerce is as full and complete as is the power of any State over its domestic commerce? (193 U. S., 342.)

In the case of South Carolina *v.* Georgia, the court held that:

The power to "regulate commerce" conferred by the Constitution upon Congress, is that which previously existed in the States. As was said in Gilman *v.* Philadelphia (3 Wall., 724), "Commerce includes navigation. The power to regulate commerce comprehends the control for that purpose, and to the extent necessary, of all the navigable rivers of the United States which are accessible from a State other than those in which they lie. * * * For these purposes Congress possesses all the powers which existed in the States before the adoption of the national Constitution, and which have always existed in the Parliament of England." Such has uniformly been the construction given to that clause of the Constitution which confers upon Congress the power to regulate commerce. (93 U. S., 10.)

The Senator from Ohio seems to be doubtful whether Congress may legislate in respect to commerce between the States in the exercise of the same kind of powers which the State has over its internal commerce. That doubt does not appear to have been shared by Mr. Justice Jackson in deciding the case of Kentucky *v.* The Indiana Bridge Company, for that learned Justice spoke on the subject in that case as if he had no doubt about it:

Possessing such sovereign and exclusive power over the subject of commerce among the States, it is difficult to understand why Congress may not legislate in respect thereto to the same extent both as to rates and all other matters as the States may do in respect to purely local or internal commerce. (2 L. R. A., 327.)

You will pardon me if I refer again to the Northern Securities case and quote from the opinion of Mr. Justice Harlan:

By express words of the Constitution Congress has power to "regulate commerce with foreign nations and among the several States and with the Indian tribes." In view of the numerous decisions of this court there ought not at this day to be any doubt as to the general scope of such power. In some circumstances regulation may properly take the form and have the effect of prohibition. (In re Rohrer, 140 U. S., 545; Lottery cases, 188 U. S., 321, and authorities there cited.) Again and again this court has reaffirmed the doctrine announced in the great judgment rendered by Chief Justice Marshall for the court in Gibbons *v.* Ogden (9 Wheat., 1, 196, 197), that the power of Congress to regulate commerce among the several States and with foreign nations is the power "to prescribe the *rule* by which commerce *is to be governed;*" that such power "is complete in itself, may be exercised to its utmost extent, and acknowledges no limitations other than are prescribed in the Constitution;" that "if, as has always been understood, the sovereignty of Congress, though limited to specified objects, is plenary as to these objects, the power over commerce with foreign nations and among the several States is vested in Congress as absolutely as it would be in a single government having in its constitution the same restrictions on the exercise of the power as are found in the Constitution of the United States;" that a sound construction of the Constitution allows to Congress a large discretion "with respect to the means by which the powers it confers are to be carried into execution which enable that body to perform the high duties assigned to it in the manner most beneficial to the people," and that if the end to be accomplished is within the scope of the Constitution "all means which are appropriate and which are plainly adapted to that end and which are not prohibited are constitutional."

Not all of the justices concurred in this opinion, but the great lawyer who wrote a dissenting opinion recognized fully the completeness and efficiency of the powers of Congress, as these words from the opinion of Mr. Justice White show:

At the outset the absolute correctness is admitted of the declaration of Mr. Chief Justice Marshall, in Gibbons *v.* Ogden, that the power of Congress to regulate commerce among the States and with foreign nations "is complete in itself and may be exercised to its utmost extent, and acknowledges no limitations other than are prescribed in the Constitution; and that if the end to be accomplished is within the scope of the Constitution, all means which are appropriate, which are plainly adapted to that end, and which are not prohibited are constitutional."

The plenary authority of Congress over interstate commerce, its right to regulate it to the fullest extent, to fix the rates to be charged for the movement of interstate commerce, to legislate concerning the ways and vehicles actually engaged in such traffic, and to exert any and every other power over such commerce which flows from the authority conferred by the Constitution is thus conceded.

In executing the powers conferred upon it by the Constitution it is evident that Congress ought to have a large latitude in the selection of means. If it be conceded that Congress has the power to fix railway charges throughout the United States where the traffic is interstate in character, the power would be altogether nugatory and superfluous, both from the nature of the task and from its magnitude, unless it is possible within the Constitution to leave details in the application of the law to subordinate administrative authorities. That, I take it, is what the Supreme Court meant in the case of the Interstate Commerce Commission *v.* Brimson, in which they say that—

It is a settled principle of constitutional law that "the government which has a right to do an act, and has imposed on it the duty of performing that act, must, according to the dictates of reason, be allowed to select the means; and those who contend that it may not select any appropriate means, that any particular mode of effecting the object is excepted, take upon themselves the burden of establishing that exception." (4 Wheat., 316; 154 U. S., 473.)

And again:

Congress being empowered to regulate commerce among the several States and to pass all laws necessary and proper for carrying into execution any of the powers specifically conferred, may make use of any appropriate means for the same. (Luxton *v.* Bridge Co., 153 U. S., 529.)

The honorable Senator from Ohio [Mr. FORAKER] appeared to me to base his doubts about the power of Congress on a rather narrow conception of what was in the mind of the great statesmen who laid the foundations of our institutions. It is true that the locomotive and the steel rail did not enter into their deliberations. But it ought not for that reason to be thought that they did not possess that constructive imagination which enabled them to build for the centuries. I was impressed, of course, with the learned interpretation given to our fundamental law by so great a leader in the profession as the Senator from Ohio [Mr. FORAKER]. Our fathers did not build these institutions with the modern railway in their minds; but they did build them with the whole future of human society clearly in their vision. And somehow or other, without disparaging the learning of my honorable friend, I prefer that magnificent conception of our Constitution expressed by Chief Justice Marshall in McCulloch *v.* Maryland, in these words:

Let this be done in the case under consideration. The subject is the execution of those great powers on which the welfare of a nation essentially depends. It must have been the intention of those who gave these powers to insure, so far as human prudence could insure, their beneficial execution. This could not be done by confiding the choice of means to such narrow limits as not to leave it in the power of Congress to adopt any which might be appropriate and which were conducive to the end. This provision is made in a Constitution intended to endure for ages to come, and consequently to be adapted to the various crises of human affairs. To have prescribed the means by which governments should in all future time execute its powers would have been to change entirely the character of the instrument and give it the properties of a legal code. It would have been an unwise attempt to provide by immutable rules for exigencies which, if foreseen at all, must have been seen dimly and which can be best provided for as they occur. To have declared that the best means shall not be used, but those only without which the power given would be nugatory, would have been to deprive the legislature of the capacity to avail itself of experience to exercise its reason and to accommodate its legislation to circumstances. (4 Wheat., 413.)

I conclude, therefore, that whatever a State may do within its jurisdiction in the regulation of commerce the nation may do within its jurisdiction, subject to no limitations except such as are found in the Constitution of the United States. So that, while the Senator from Ohio [Mr. FORAKER], finding that the Supreme Court appears to consider these powers of Congress so plain as to dismiss them with the dogmatic statement, "It is obvious," looks upon that far-reaching conclusion as an oversight and an accidental utterance of a court not interested in that question, I prefer to find in them the solid rock upon which this proposed legislation can stand securely in the midst of the noise and storm of controversy.

The present inquiry is limited to the question as to what it (Congress) determined should be done with reference to the matter of rates. There were three obvious and dissimilar courses open for consideration. Congress might itself prescribe the rates; or it might commit to some subordinate tribunal this duty; or it might leave with the companies the right to fix rates, subject to regulations and restrictions, as well as to that rule which is as old as the existence of common carriers, to wit, that rates must be reasonable. (Interstate Commerce Commission *v.* Rwy. Co., 167 U. S., 479.)

I recognize the fact that in attempting to go into the labyrinth of the Constitution I have taken a good many chances of not being able to get back, but I would now take up other questions of law raised by the distinguished Senator from Ohio if it were not for the fact that I have associated with me on the committee one of the greatest lawyers and most profound students of these questions with whom I have ever had the honor to be associated—the junior Senator from Minnesota [Mr. CLAPP]—and I feel sure that out of the abundance of his legal experience, an experience unusually intimate with the very litigation in the Supreme Court in which many of these questions have been tested, he will be able to supply the necessary argument to effectually defend this measure from whatever quarter it may be assailed. With a few words, therefore, somewhat personal, I will conclude what I have to say.

It has been said that I have been misled into a socialistic agitation now general in the country. I do not think so. I will tell you one thing, however, that I do believe. I believe that the time is at hand when those who desire to defend the law of property had better consult together to bring back the old institutions of society to a situation where it can be defended. I am enlisted for that fight. I have not a trace of socialistic spirit in my thinking. I do not look forward to government ownership of anything—government ownership of railroads or farms or banks or any of the instrumentalities of commerce. I do not wish to see the Government doing the business of the American people and all the rest of us standing around in front of the gilded domes of our State capitols or our National Capitol waiting for our occasional dividend out of the gross product of nothing in particular. [Laughter.] I do not yield to the fascinations of that cheap philosophy of human life. I believe in the laws that have built society up on its present basis, and I will say to you gentlemen, especially those of you who are so concerned about the great interests of property in the United States, that a storm is gathering, and the time is approaching when the American people are going to make an inquiry into the methods by which men in a few years acquire hundreds of millions of dollars and rise to an influence that threatens to subordinate even the Government of the United States.

That inquiry will be made. When that time comes, I will be on hand to defend the law of property. Capital is the earnings and the savings of labor. I believe in that. Whoever charges me with trying to forward any scheme for government ownership of railroads, or any other socialistic experiment in the United States, misunderstands both my public record and my purpose as a humble worker in the ranks of our common citizenship.

I will say another thing. This same charge of socialism was made in England in the House of Commons when the Government undertook the same sort of management of railway properties that we contemplate here to-day. A man, whose name I can not recollect just now, a solid old Welshman, I think, got up in the House of Commons and said that instead of looking toward the government ownership of railroads, the people were taking the only possible step that could be taken to make the government ownership of railways impossible, at least for generations, in the United Kingdom. I say now and here that unless we can in some way agree upon an effective regulation of railway rates we are face to face in America with problems which may ultimately involve a serious harm to our institutions by the forced resort of the people to untried methods in our business organization. I do not want to see that day, but I think I see far enough into the movements of public opinion to understand that unless the people of the United States are given some adequate protection against the abuses of railway management, or the possibility of such abuses arising in the future, there will be a formidable movement very much before the end of this generation in favor, heart and soul, of the governmental assumption of these great instrumentalities of commerce and of business.

One thing more. I have been accused by some of carelessness and indifference to the political party to which I belong. I do not intend to spend very much time defending myself against that charge. I have always enjoyed the reputation at home and nearly everywhere else of being a little violent as a partisan and a little slow in perceiving even the most obvious merits and virtues of our brethren upon the other side. I reckon it may be that I have outgrown a good deal of that; at any rate, I do not notice it in myself as much as I used to; but I still have a pretty well-grounded and vigorous conviction that the best service the Democratic party can render the American people is to stand on guard and see that their affairs are well and truly administered by the other party. [Laughter.] So that I do not know any place, except possibly right here within a limited circle, where I might be suspected of indifference to the welfare of the Republican party.

But did you ever, Mr. President, meditate upon the fact that, at the bottom, our political principles are one? If that were not so, our system of Government would be difficult if not impossible. But the fact is that underlying all our little party differences—Santo Domingo, the Philippine tariff, statehood, the shipping bill, the tariff, coinage, and all that—underlying that, these institutions of ours stand on an everlasting foundation, and around that foundation all political parties gather and are at home.

Thomas Jefferson understood what the foundation of free institutions was, and left a motto for his political descendants that has done them more good and less harm than any other thing they have had to do with from that time to this. He said: "Equal rights to all; special privileges to none." That has been good Democracy ever since; and it has been good Republicanism; for Mr. Lincoln, in the midst of the great struggle for the national life, put it into a proverb of his own when he said, "To all an unfettered start and a fair chance in the race of life." That was good Republicanism, and it is good Democracy,

And in a later time—for the good Providence that is over our affairs never leaves us very long without a distinct individual guidance—in our day we have had the same kind of leadership. Nor do I have any doubt that future generations of Americans will treasure in grateful hearts the blunt and fearless platform

of Theodore Roosevelt—"A square deal for every man; no less, no more." The doctrine is the same, and if it is not a true doctrine, our institutions have no foundation at all. I think the doctrine is forevermore true; and by the great traditions of the old Republican party I intend to defend it here and everywhere.

I desire to thank the Senate, Mr. President, for the kindness with which they have listened to me. [Manifestations of applause in the galleries.]

FIVE CIVILIZED TRIBES.

Mr. CLAPP. I ask unanimous consent that the Senate proceed to the consideration of House bill 5976, and that the unfinished business be temporarily laid aside for that purpose.

The VICE-PRESIDENT. The Senator from Minnesota asks unanimous consent that the unfinished business may be temporarily laid aside——

Mr. NELSON. I have no objection to the unfinished business being laid aside for the remainder of the day without losing its place.

The VICE-PRESIDENT. Without objection, it is so ordered. The junior Senator from Minnesota [Mr. CLAPP] asks unanimous consent for the present consideration of the bill named by him, the title of which will be stated.

The SECRETARY. A bill (H. R. 5976) to provide for the final disposition of the affairs of the Five Civilized Tribes in the Indian Territory, and for other purposes.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill.

Mr. CLAPP. I now request that the reading of the bill may be continued for the consideration of committee amendments.

The VICE-PRESIDENT. The Secretary will resume the reading of the bill.

The Secretary resumed the reading of the bill at section 14, on page 20. The next amendment of the Committee on Indian Affairs was, in section 14, page 21, line 15, to strike out the word "and" and insert the word "or;" in line 18, to strike out the word "town" and insert "municipality;" and in line 20, to strike out the word "town" and insert "municipality;" so as to make the additional proviso read:

*Provided further*, That this section shall not apply to land reserved from allotment because of the right of any railroad or railway company therein in the nature of an easement for right of way, depot, station grounds, water stations, stock yards or other uses connected with the maintenance and operation of such company's railroad, title to which tracts may be acquired by the railroad or railway company, under rules and regulations to be prescribed by the Secretary of the Interior, at a valuation to be determined by him; but if any such company shall fail to make payment within the time prescribed by the regulations or shall cease to use such land for the purpose for which it was reserved, title thereto shall thereupon vest in the owner of the legal subdivision of which the land so abandoned is a part, except lands within a municipality, the title to which, upon abandonment, shall vest in such municipality.

The amendment was agreed to.

The next amendment was, on page 21, after line 20, to insert:

The Secretary of the Interior is hereby authorized and directed to issue patents to the Murrow Indian Orphans' Home, a corporation of Atoka, Ind. T., in all cases where tracts have been allotted under his direction for the purpose of allowing the allottees to donate the tract so allotted to said Murrow Indian Orphans' Home.

In all cases where enrolled citizens of either the Choctaw or Chickasaw tribe have taken their homestead and surplus allotment and have remaining over an unallotted right to less than $10 on the basis of the allotment value of said lands, such unallotted right may be conveyed by the owners thereof to the Murrow Indian Orphans' Home aforesaid; and whenever said conveyed rights shall amount in the aggregate to as much as 10 acres of average allottable land, land to represent the same shall be allotted to the said Murrow Indian Orphans' Home, and certificate and patent shall issue therefor to said Murrow Indian Orphans' Home.

And there is hereby authorized to be conveyed to said Murrow Indian Orphans' Home, in the manner hereinbefore prescribed for the conveyance of land, the following-described lands in the Choctaw and Chickasaw nations, to wit: Sections 18 and 19 in township 2 north, range 12 east; the south half of the northeast quarter, the northeast quarter of the northeast quarter, the south half of the northwest quarter of the northeast quarter, the south half of the southeast quarter, the northeast quarter of the southeast quarter, the south half of the northwest quarter of the southeast quarter, the northeast quarter of the northwest quarter of the southeast quarter, the northeast quarter of the southeast quarter of the southwest quarter, and the northwest quarter of the northwest quarter of section 24, and the northwest quarter of the southeast quarter, the north half of the southwest quarter of the southeast quarter, the south half of the southwest quarter of the southwest quarter, the northeast quarter of the southwest quarter of the southwest quarter, and the southeast quarter of the northwest quarter of the southwest quarter of section 23, and the southwest quarter of the southwest quarter of the southeast quarter of section 26, and the southeast quarter of the northwest quarter of the northwest quarter, the south half of the northeast quarter of the northwest quarter, the northeast quarter of the northeast quarter of the northwest quarter, and the east half of the southeast quarter of the northwest quarter of section 25, all in township 2 north, range 11 east, containing 1,790 acres, as shown by the Government survey, for the purpose of the said home.

The amendment was agreed to.

The next amendment was, in section 15, page 24, line 10, to insert, after the word "at," "not less than;" so as to make the proviso read:

*Provided*, That in the event said lands are embraced within the geographical limits of a State or Territory of the United States such State or Territory or any county or municipality therein shall be allowed one year from date of establishment of such State or Territory within which to purchase any such lands and improvements within their respective limits at not less than the appraised value. Conveyances of lands disposed of under this section shall be executed, recorded, and delivered in like manner and with like effect as herein provided for other conveyances.

The amendment was agreed to.

The next amendment was, in section 16, page 24, line 22, after the word "tribes," to insert the following:

In the disposition of the unallotted lands of the Choctaw and Chickasaw nations each Choctaw and Chickasaw freedman shall be entitled to a preference right, under such rules and regulations as the Secretary of the Interior may prescribe, to purchase at the appraised value enough land to equal with that already allotted to him 40 acres in area. If any such purchaser fails to make payment within the time prescribed by said rules and regulations, then such tract or parcel of land shall revert to the said Indian tribes and be sold as other surplus lands thereof. The Secretary of the Interior is hereby authorized to sell, whenever in his judgment it may be desirable, any of the unallotted land in the Choctaw and Chickasaw nations, which is not principally valuable for mining, agricultural, or timber purposes, in tracts of not exceeding 640 acres to any one person, for a fair and reasonable price, not less than the present appraised value.

The amendment was agreed to.

The next amendment was, in section 18, page 26, line 11, after the words "United States," to strike out "for the use" and insert "in behalf;" so as to read:

That the Secretary of the Interior is hereby authorized to bring suit in the name of the United States, in behalf of the Choctaw, Chickasaw, Cherokee, Creek, or Seminole tribes, respectively, either before or after the dissolution of the tribal governments, for the collection of any moneys or recovery of any land claimed by any of said tribes, whether such claim shall arise prior to or after the dissolution of the tribal governments, and the United States courts in Indian Territory are hereby given jurisdiction to try and determine all such suits, and the Secretary of the Interior is authorized to pay from the funds of the tribe interested any costs and necessary expenses incurred in maintaining and prosecuting such suits.

The amendment was agreed to.

The Secretary began the reading of section 19, page 27.

Mr. McCUMBER. Mr. President, as I understand, we are taking this subject up now and disposing of the committee amendments.

The VICE-PRESIDENT. That is correct.

Mr. McCUMBER. I have an amendment pending before the Senate, which I propose to interpose in place of section 19. Therefore, if it is agreeable to the chairman, that section might be passed over at the present time and then acted upon after a vote is had upon my amendment.

Mr. CLAPP. That course is agreeable to me. I simply want to call the attention of the Senate to certain amendments to that section when we reach them.

The VICE-PRESIDENT. The section will be passed over.

The Secretary resumed the reading of the bill. The next amendment was, in section 20, page 28, line 23, after the word "contracts," to insert:

Except leases and rental contracts for not exceeding one year for agricultural purposes for lands other than homesteads.

So as to read:

SEC. 20. That after the approval of this act all leases and rental contracts, except leases and rental contracts for not exceeding one year for agricultural purposes for lands other than homesteads, of full-blood allottees of the Choctaw, Chickasaw, Cherokee, Creek, and Seminole tribes shall be in writing and subject to approval by the Secretary of the Interior and shall be absolutely void and of no effect without such approval.

The amendment was agreed to.

The next amendment was, on page 29, after line 6, to insert the following additional proviso:

*Provided further*, That the filing with the United States Indian agent for Union Agency at Muskogee, Ind. T., of leases and other instruments in writing required by law to be filed with said agent, shall impart the same notice and have the same effect that the filing of instruments, either for record or to remain upon the files, with the clerks of the various recording districts of the Indian Territory has or hereafter may have; and that all leases entered into for a period of one year or more shall be recorded in conformity to the law applicable to recording instruments now in force in said Indian Territory.

Mr. WARNER. Mr. President, I move to strike out all of the amendment commencing with the word "That," in line 6, down to and including the conjunction "and," in line 13.

Mr. CLAPP. And beginning the following word, "that," with a capital. That is agreeable to me.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, in section 21, page 30, line 2, after the word "lands," to insert:

That heirs of deceased Mississippi Choctaws who died before making proof of removal to and settlement in the Choctaw country and within

the period prescribed by law for making such proof may within sixty days from the passage of this act appear before the Commissioner to the Five Civilized Tribes and make such proof as would be required if made by such deceased Mississippi Choctaws; and the decision of the Commissioner to the Five Civilized Tribes shall be final therein, and no appeal therefrom shall be allowed.

The amendment was agreed to.

The next amendment was, on page 30, line 25, section 22, after the word "Indians," to strike out the words "of minors;" so as to make the clause read:

All conveyances made under this provision by heirs who are full-blood Indians are to be subject to the approval of the Secretary of the Interior, under such rules and regulations as he may prescribe.

The amendment was agreed to.

The next amendment was, in section 23, page 31, line 4, after the word "devise," to insert "and bequeath;" and in line 7, after the word "valid," to insert "if such last will and testament disinherits the parent, wife, spouse, or children of such full-blood Indian;" and in line 9, after the word "before," to insert "and approved by;" so as to make the section read:

SEC. 23. That every person of lawful age and sound mind may by last will and testament devise and bequeath all of his estate, real and personal, and all interest therein: *Provided*, That no will of a full-blood Indian devising real estate shall be valid if such last will and testament disinherits the parent, wife, spouse, or children of such full-blood Indian, unless acknowledged before and approved by a judge of the United States court for the Indian Territory, or a United States commissioner.

The amendment was agreed to.

The next amendment was, on page 31, to add as a new section, 24, the following:

SEC. 24. That in the Choctaw, Chickasaw, and Seminole nations public highways or roads two rods in width, being one rod on each side of the section line, shall be established on all section lines; and all allottees, purchasers, and others shall take title to such land subject to this provision, and if buildings or other improvements are damaged in consequence of the establishment of such public highways or roads, such damages accruing prior to the inauguration of a State government shall be determined under the direction of the Secretary of the Interior and be paid for from the funds of said tribes, respectively.

All expenses incident to the establishment of public highways or roads in the Creek, Cherokee, Choctaw, Chickasaw, and Seminole nations, including clerical hire, per diem, salary, and expenses of viewers, appraisers, and others, shall be paid under the direction of the Secretary of the Interior from the funds of the tribe or nation in which such public highways or roads are established. Any person, firm, or corporation obstructing any public highway or road, and who shall fail, neglect, or refuse for a period of ten days after notice to remove or cause to be removed any and all obstructions from such public highway or road, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not exceeding $10 per day for each and every day in excess of said ten days which said obstruction is permitted to remain: *Provided, however*, That notice of the establishment of public highways or roads need not be given to allottees or others, except in cases where such public highways or roads are obstructed, and every person obstructing any such public highway or road, as aforesaid, shall also be liable in a civil action for all damages sustained by any person who has in any manner whatever been damaged by reason of such obstruction.

The amendment was agreed to.

The next amendment was, to add as a new section the following:

SEC. 25. That any electric railway, light, or power company doing business within the limits of the Indian Territory, in compliance with the laws of the United States that are now or may be in force therein, be, and the same are hereby, invested and empowered with the right of locating, constructing, owning, operating, using, and maintaining canals, reservoirs, auxiliary steam works, and a dam or dams across any nonnavigable stream within the limits of said Indian Territory, for the purpose of obtaining a sufficient supply of water to manufacture and generate water, electric, or other power, light, and heat and to utilize and transmit and distribute such power, light, and heat to other places for its own use or other individuals or corporations, and the right of locating, constructing, owning, operating, equipping, using, and maintaining the necessary pole lines and conduits for the purpose of transmitting and distributing such power, light, and heat to other places within the limits of said Indian Territory.

That the right to locate, construct, own, operate, use, and maintain such dams, canals, reservoirs, auxiliary steam works, pole lines, and conduits in or through the Indian Territory, together with the right to acquire, by condemnation or otherwise, such land as it may deem necessary for the locating, constructing, owning, operating, using, and maintaining of such dams, canals, reservoirs, auxiliary steam works, pole lines, and conduits in or through any land held by any Indian tribe or nation, person, individual, corporation, or municipality in said Indian Territory, or in or through any lands in said Indian Territory which have been or may hereafter be allotted in severalty to any individual Indian or other person under any law or treaty, whether the same have or have not been conveyed to the allottee, with full power of alienation, is hereby granted to any company complying with the provisions of this act.

In case of the failure of any electric railway, light, or power company to make amicable settlement with any individual owner, occupant, allottee, tribe, nation, corporation, or municipality for any lands or improvements sought to be condemned or appropriated under this act all compensation and damages to be paid to the dissenting individual owner, occupant, allottee, tribe, nation, corporation, or municipality by reason of the appropriation and condemnation of said lands and improvements shall be determined as provided in sections 15 and 17 of an act of Congress entitled "An act to grant a right of way through Oklahoma Territory and the Indian Territory to the Enid and Anadarko Railway Company, and for other purposes," approved February 28, 1902 (Public No. 26), and all such proceeding hereunder shall conform to said sections, except that sections 3 and 4 of said act shall have no application, and except that hereafter the plats required to be filed by said act shall be filed with the Secretary of the Interior and with the Commissioner to the Five Civilized Tribes, and where the words "principal chief or governor" of any tribe or nation occur in said act, for the purpose of this act there is inserted the words "Commissioner to the Five Civilized Tribes."

Mr. CLAPP. Mr. President, I desire to submit an amendment to that amendment. I move to insert, after the word "tribes," in line 2, page 35, the following:

*Provided*, That all rights granted hereunder shall be subject to the control of the future Territory or State within which the Indian Territory may be situated.

The amendment to the amendment was agreed to.

Mr. LA FOLLETTE. Mr. President, before leaving section 25, I would like to ask a question of the chairman of the committee. In line 12 of that section, page 33, I notice these words:

That the right to locate, construct, own, operate, use, and maintain such dams, canals, reservoirs, auxiliary steam works, pole lines, and conduits in or through the Indian Territory, together with the right to acquire, by condemnation or otherwise.

What is the significance intended by the words "or otherwise?"

Mr. CLAPP. That comes from the fact that the allottees there, or at least some of them, are at present laboring under restrictions as to alienation, and the object of putting in the words "or otherwise" was to save any question as to the right of an allottee to convey so much land as might be required in the exercise of these rights.

Mr. LA FOLLETTE. That is to give the allottee the right to convey?

Mr. CLAPP. Yes.

Mr. LA FOLLETTE. Then I move to strike out the word "otherwise" and to substitute the words "agreement between the parties," as being a little more definite.

Mr. CLAPP. There is no objection to that amendment to the amendment.

The VICE-PRESIDENT. The amendment proposed by the Senator from Wisconsin will be stated.

The SECRETARY. Page 33, line 16, it is proposed to strike out the word "otherwise" and insert "agreement between the parties," so that if amended it will read: "by condemnation or agreement between the parties."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was to add as a new section (26) the following:

SEC. 26. That chapter 12 of Wilson's Revised and Annotated Statutes of Oklahoma of 1903 is hereby extended to and put in force in the Indian Territory, so far as the same is not locally inapplicable and in conflict with the provisions of this act: *Provided*, That wherever in said chapter the words "Territory" or "this Territory" occur there shall be substituted therefor the words "the Indian Territory," and wherever the words "governor" or "governor of the Territory" occur there shall be substituted the words "judge of the district in which the city or town is located," and wherever the words "county clerk" occur there shall be substituted the words "clerk of the United States court:" *And provided further*, That section 8 of article 1 shall be amended and enacted so that the councilmen and members of the school board shall be residents of their respective wards and elected as other city officers.

In section 8 the figures "1897" occurring in the second line and the words and figures "of 1897" occurring in the third line are stricken out and made of no effect.

In section 6 the duties devolving upon the board of county commissioners shall be performed by the council and recorder of the incorporated town or city seeking to be made a city of the first class.

In section 29, in line 16, the words "one year," shall be stricken out and the words "ten years" inserted.

In section 38, the city treasurer shall perform all of the duties therein prescribed.

The street and other improvements contemplated herein shall apply to all towns having a population of over 2,000 people.

All civil jurisdiction heretofore conferred by law upon mayors of incorporated towns and cities is hereby conferred upon the police judges of cities of the first class organized under the provisions of this act, and all laws heretofore put in force governing procedure in such cases before mayors of incorporated cities and towns shall apply to cases before such police judges.

All ordinances and resolutions legally passed by the incorporated town or city raised to a city of the first class under the provisions of this law shall remain in full force and effect, except where the same are in conflict with this act or repealed by the city of the first class.

That the tangible property of railroad corporations (exclusive of rolling stock) located within the corporate limits of incorporated cities and towns in the Indian Territory shall be assessed and taxed in proportion to its value the same as other property is assessed and taxed in such incorporated cities and towns; and all such city or town councils are hereby empowered to pass such ordinances as may be necessary for the assessment, equalization, levy, and collection, annually, of a tax on all property except as herein stated within the corporate limits and for carrying the same into effect: *Provided*, That should any person or corporation feel aggrieved by any assessment of property in the Indian Territory, an appeal from such assessment may be taken by original petition to be filed in United States court in the district in which such city or town is located, and the question of the amount and legality of such assessment, and the validity of the ordinance under which such assessment is made may be determined by such court and the costs of such proceeding shall be taxed and apportioned between the parties as the court shall find to be just and equitable.

No sewage, drainage, dead animals, refuse, or polluting matter of

such kind and amount as, either by itself or in connection with other matter, will corrupt or impair the quality of the water of any pond or stream used as a source of ice or water supply by a city, town, public institution, or water company for domestic use, or render it injurious to health, and no human excrement shall be discharged into such stream or pond or upon their banks if any filter basin so used is there situated, or into any feeders of such ponds or streams within 20 miles above the point where such supply is taken.

Whoever willfully and maliciously defiles or corrupts any spring or other source of water or reservoir, or destroys or injures any pipe, conductor of water, or other property pertaining to an aqueduct, or aids or abets in any such trespass, shall be punished by a fine of not more than $1,000, or by imprisonment for not more than one year.

Whoever willfully deposits excrement or foul or decaying matter in water which is used for the purpose of domestic water supply, or upon the shore thereof within 5 rods of the water, shall be punished by a fine of not more than $250, or by imprisonment for not more than ninety days. But the provisions of this section shall not interfere with the sewage of a city, town, or public institution where proper septic tanks and filtering beds are provided, nor prevent the enriching of lands for agricultural purposes by the owner or occupant thereof.

The amendment was agreed to.

The next amendment was, on page 38, to add as section 27 the following:

SEC. 27. That the lands belonging to the Choctaw, Chickasaw, Cherokee, Creek, or Seminole tribes, upon the dissolution of said tribes, shall not become public lands nor property of the United States, but shall be held in trust by the United States for the use and benefit of the Indians respectively comprising each of said tribes, and their heirs as the same shall appear by the rolls as finally concluded as heretofore and hereinafter provided for: *Provided*, That nothing herein contained shall interfere with any allotments heretofore or hereafter made or to be made under the provisions of this or any other act of Congress.

The amendment was agreed to.

Mr. CLAPP. At this time the Senator from Texas [Mr. BAILEY], who is absent, asked me to present an amendment to section 18, which I will send up, authorizing a set-off to suits brought. I recommend its adoption.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. At the end of section 18, page 26, line 25, after the word "disposition," insert:

Where suit is now pending, or may hereafter be filed, in any United States court in the Indian Territory, by or on behalf of any one or more of the Five Civilized Tribes, to recover moneys claimed to be due and owing to such tribe the party defendants to such suit shall have the right to set up and have adjudicated any claim it may have against such tribe, and the same may be pleaded by such party defendants as a counterclaim or set-off; and any amount that may be found due by any tribe or tribes shall be paid by the Treasurer of the United States out of any funds of such tribes upon the filing of the decree of the court with him.

The amendment was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the joint resolution (S. R. 37) extending the tribal existence and government of the Five Civilized Tribes of Indians in the Indian Territory with amendments in which it requested the concurrence of the Senate.

The VICE-PRESIDENT. The Chair lays before the Senate the amendments of the House of Representatives to Senate joint resolution 37. The amendments will be stated.

The Secretary read as follows:

IN THE HOUSE OF REPRESENTATIVES, UNITED STATES,
*March 1, 1906.*

*Resolved*, That the joint resolution from the Senate (S. R. 37) entitled "Joint resolution extending the tribal existence and government of the Five Civilized Tribes of Indians in the Indian Territory," do pass with the following amendments:

Line 3, after "and," insert "present tribal."

Line 3, strike out "government" and insert "governments."

Line 6, after "purposes," insert "under existing laws."

Line 6, strike out all after "until" down to and including "repealed," in line 9, and insert "all property of such tribes, or the proceeds thereof, shall be distributed among the individual members of said tribes."

Mr. CLAPP. I move that the Senate disagree to the amendments of the House and request a conference on the disagreeing votes of the two Houses.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate, and Mr. CLAPP, Mr. MCCUMBER, and Mr. DUBOIS were appointed.

FIVE CIVILIZED TRIBES.

The VICE-PRESIDENT. The next amendment of the Committee on Indian Affairs will be stated.

The next amendment of the Committee on Indian Affairs was, on page 39, after line 4, to add as a new section the following:

SEC. 28. That the tribal relations and government of the Choctaw, Chickasaw, Cherokee, Creek, and Seminole tribes or nations are hereby continued in full force and effect for all purposes until the 4th day of March, A. D. 1907; and all acts and parts of acts, so far as they conflict herewith, are hereby repealed.

Mr. CLAPP. The Senate committee offer as an amendment to that section on line 4, page 39, after the word "tribal," to insert "existence and tribal;" so as to read:

That the tribal existence and tribal relations and government, etc.

Mr. CULBERSON. I ask the Senator in charge of the bill what difference there is between this provision and the joint resolution?

Mr. CLAPP. There practically is very little except that this fixes a definite time, and the joint resolution, as it came from the House, leaves the time indefinite.

Mr. CULBERSON. I will ask the Senator this legal question then. If the joint resolution becomes a law before this statute, will not this statute repeal it?

Mr. CLAPP. Unquestionably.

Mr. CULBERSON. Then ought there not to be some arrangement made——

Mr. CLAPP. I think not. If this bill should become a law after the bill is perfected by the Senate carrying with it this provision, I think it would meet the same purpose as the joint resolution. The joint resolution was only suggested as a sort of makeshift in case we could not get the law passed by the 4th of March.

Mr. CULBERSON. But this provision names the 4th day of March next.

Mr. CLAPP. Nineteen hundred and seven.

Mr. CULBERSON. I thought it was 1906.

Mr. CLAPP. No; 1907.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Senator from Minnesota to the amendment of the committee.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 39, after line 9, to insert a new section, the following:

SEC. 29. That with the consent and approval of the Secretary of the Interior, and under such rules and regulations as he may prescribe, and at a price to be fixed by him, Walter Wilson, a minor, and Beulah Smith, citizens of the Cherokee Nation, may sell to the Delaware tribe or band, residing in the Cherokee Nation, for annual religious festival and camping purposes, so much of the east half of the southwest quarter of section 18, township 28 north, range 13 east, as they have each selected in allotment, or which has been selected for them, or either of them, the sale of that part selected by the minor to be made by a duly appointed guardian, without court proceedings, and the deed in each instance, when approved by the Secretary of the Interior, shall convey full legal title; and the Secretary of the Interior shall make all needful rules and regulations for the government, protection, and preservation of the tract and the improvements thereon, but the maintenance of the tract for the purposes mentioned shall be without expense to the United States Government: *Provided*, That title thereto in perpetuity shall be taken in the name of the business committee of the Delaware tribe or band recognized by the Secretary of the Interior, but no transfer of said tract of land, or any part thereof, shall be valid without the approval of the Secretary of the Interior.

Mr. CLAPP. Day before yesterday the Senator from South Carolina [Mr. TILLMAN] presented a communication from the men in charge of the school of Old Goodland asking for authority to set aside 640 acres pursuant to a memorial. I do not find the memorial, but I have instituted inquiries for it. I will send up the amendment to add it to section 29, and if the memorial does not arrive it can be stricken out in conference.

The VICE-PRESIDENT. The amendment proposed by the Senator from South Carolina will be stated.

The SECRETARY. On page 40, at the end of section 29, after the words "Secretary of the Interior," insert the following additional proviso:

*And provided further*, The Secretary of the Interior is hereby authorized in case after investigation he deems it for the best interest of the tribe to set aside 640 acres of Choctaw land for the benefit of Old Goodland Indian Orphan Industrial School, and to convey the same to said school in conjunction with the executive of the Choctaw tribe.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was concluded.

The VICE-PRESIDENT. The first amendment passed over was in section 2. It will be stated.

The SECRETARY. In section 2, line 16, strike out "in" and insert "as members of."

The amendment was agreed to.

The VICE-PRESIDENT. The next amendment which was passed over will be stated.

The SECRETARY. In section 2, line 17, after the word "Cherokee" insert the word "or," and after the word "Creek" strike out the comma and the words "or Seminole."

The amendment was agreed to.

The VICE-PRESIDENT. The next amendment passed over is section 13, on page 16. It has been read.

Mr. CLAPP. I think the motion of the Senator from Montana [Mr. CLARK] was pending to strike it out.

The VICE-PRESIDENT. The Chair will state to the Sena-

tor from Montana that the result he desires to accomplish by his motion will be accomplished by disagreeing to the committee amendment. The question is on agreeing to the amendment reported by the committee, which is to strike out section 13 from line 3 down to the word "leases," in line 13, on page 16, and insert certain other words. The question is on agreeing to the amendment of the committee.

Mr. LONG. The effect of agreeing to the amendment of the committee will be to strike out section 13 as it came from the House and insert the provisions on pages 16, 17, and 18, down to line 19, on page 20. The effect of disagreeing, as I understand, to the amendment of the committee will restore the House provision.

The VICE-PRESIDENT. The Senator from Kansas is correct in that interpretation.

Mr. LONG. Then I am in favor of disagreeing to the committee amendment.

Mr. CLARK of Montana. I propose that the Senate shall disagree to the committee amendment.

The VICE-PRESIDENT. That question is before the Senate.

Mr. LA FOLLETTE. Mr. President, with respect to section 13 I would like to say just a few words, if in order.

We are dealing with property here of very great value. The value of the coal mined from the leased portions of the coal lands last year was more than $5,000,000.

It does seem to me that the rights of the Indians and the limitations to be placed upon the transportation companies that have gone in and, in violation of law, acquired the leases in those lands ought not to be disposed of with the limited attendance that there is in the Senate this afternoon. I rise at this time only to protest against such important interests being disposed of without a quorum.

The VICE-PRESIDENT. The question of the presence of a quorum is raised. The Secretary will call the roll.

Mr. LA FOLLETTE. If the matter can be passed over until to-morrow I will not raise the question.

Mr. FRYE. It is too late now.

The VICE-PRESIDENT. Nothing is in order now except calling the roll.

Mr. LA FOLLETTE. All right.

The Secretary called the roll, and the following Senators answered to their names:

| | | | |
|---|---|---|---|
| Aldrich | Clark, Wyo. | Hansbrough | Nixon |
| Allee | Clay | Hemenway | Overman |
| Allison | Crane | Heyburn | Penrose |
| Ankeny | Culberson | Kean | Perkins |
| Bacon | Daniel | Kittredge | Pettus |
| Blackburn | Dick | La Follette | Piles |
| Bulkeley | Dillingham | Long | Scott |
| Burkett | Dryden | McCreary | Stone |
| Burnham | Dubois | McCumber | Taliaferro |
| Burrows | Flint | McEnery | Teller |
| Carter | Foster | Martin | Warner |
| Clapp | Gallinger | Millard | Warren |
| Clark, Mont. | Gamble | Morgan | Wetmore |

The VICE-PRESIDENT. Fifty-two Senators have answered to their names. A quorum is present. The Senator from Wisconsin will proceed.

Mr. LA FOLLETTE. I have amendments to offer to section 13 if in order at this time.

The VICE-PRESIDENT. The amendments are in order.

Mr. LA FOLLETTE. In lines 14 and 15, on page 17, I move to strike out the words "and with immunity from damages occasioned by subsidence."

Mr. CLAPP. Mr. President, I desire to object to that amendment, and I will be very brief. If any law is passed for the sale of this land, the chief value of course will be in the mines rather than in the surface. We sought to so draft this provision as to relieve the mines at the expense of the surface in the division of the value and in the sale of the mines independent of the surface. For that reason the words were put in. It is a matter I care nothing about.

Mr. LA FOLLETTE. Mr. President, before that amendment is voted on I wish to say that I offered a like amendment as a member of the committee and reserved the right to offer the same amendment here. It was suggested at that time by those more familiar with the locality than myself that the mining was especially deep mining and that there could be but little subsidence of the surface in any event. It was also urged that by selling the surface and mineral rights separately and exempting the purchasers of the mineral rights from liability for damages by subsidence a higher price might thereby be obtained for the Indians. That seemed plausible, Mr. President, but I have since ascertained from the Geological Survey that much of this mining is surface mining or mining very near the surface. I have also learned that in many localities the surface value of these lands is from ten to fifty dollars per acre.

It would appear, Mr. President, that any additional value arising from this provision, when these lands are offered for sale for the benefit of the Indians, will surely be sacrificed by the license to mine without reference to the destruction of surface values. When it is considered that this mining may be conducted in some instances beneath even towns and cities, it seems an extraordinary proposition, without any warrant or justification, that the right should be given specifically to mining companies to conduct their operations regardless of the damages that may result to surface property from subsidence.

I urge this further reason: Improvements remote even from towns and cities have already been made upon the surface of these lands by hundreds of people, amounting, in the aggregate, to many thousands of dollars and involving rights not to be expressed in dollars. It is wrong under these circumstances to invade this country with a new principle in violation of common-law rights. Mark you, in the leases which have heretofore been made of these coal lands no such rights have been accorded the mining companies. This proposition is a new device for extending special privilege to the companies at the expense of individual rights.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Wisconsin [Mr. LA FOLLETTE] to the amendment proposed by the committee. [Putting the question.] By the sound, the "noes" have it.

Mr. LA FOLLETTE. Mr. President, I ask for the yeas and nays on the amendment to the amendment.

The yeas and nays were ordered.

Mr. KEAN. Can we not have the amendment stated, Mr. President?

The VICE-PRESIDENT. The amendment to the amendment will be again stated.

The SECRETARY. On page 17, section 13, line 14, after the word "egress," it is proposed to strike out "and with immunity from damages occasioned by subsidence;" and on page 18, line 9, after the word "egress," to strike out "and with immunity from damages occasioned by subsidence."

Mr. LA FOLLETTE. Mr. President, I wish to make my amendment broad enough to cover those words where they are found on both pages 17 and 18.

The VICE-PRESIDENT. The Secretary will call the roll.

The Secretary proceeded to call the roll, and called the name of Mr. ALDRICH.

Mr. CLAPP. Mr. President, just a word before the vote is taken on the amendment to the committee amendment. I want to call attention to the fact that the law expressly provides where town sites are created before the lands are leased the right of immunity from damages from subsidence will not attach to such town sites.

The VICE-PRESIDENT. Debate is not in order. The Secretary will proceed with the calling of the roll.

The Secretary called the name of Mr. ALGER.

Mr. ALGER. Mr. President, before being called upon to vote, may I inquire what the pending question is?

The VICE-PRESIDENT. The question is on the adoption of the amendment proposed by the Senator from Wisconsin [Mr. LA FOLLETTE] to the amendment of the committee. It will be again stated by the Secretary.

The SECRETARY. It is proposed to strike from the bill where the words occur in the amendment of the committee to section 13 the words "and with immunity from damages occasioned by subsidence."

Mr. DANIEL. How will it read if thus amended?

The SECRETARY. So that if amended it will read:

Such land shall be sold on such terms as may be fixed by regulations as above provided for, but all such lands as are unleased at the date of the approval of this act shall be sold subject to the right of any purchasers of the mineral right to mine thereunder, together with the right of ingress and egress, and to the right of said mineral owner to acquire a sufficient amount of the surface, not exceeding 20 per cent of the said surface area, for the necessary surface works and operation of said mine, the value of said surface area for said mining purposes to be fixed by agreement between the parties in interest, etc.

The VICE-PRESIDENT. The Senator from Wisconsin [Mr. LA FOLLETTE] has also offered an amendment striking out the same words in lines 9 and 10, on page 18.

The Secretary resumed the calling of the roll.

Mr. McENERY (when his name was called). I am paired with the junior Senator from New York [Mr. DEPEW]. As he is absent, I will withhold my vote.

Mr. PETTUS (when his name was called). I desire to inquire whether the junior Senator from Masachusetts [Mr. CRANE] has voted?

The VICE-PRESIDENT. He has not voted.

Mr. PETTUS. I am paired with that Senator, and therefore withhold my vote.

Mr. WARREN (when his name was called). I have a general pair with the senior Senator from Mississippi [Mr. MONEY],

who is detained from the Chamber by illness. I do not know how that Senator would vote if present, and I therefore withhold my vote.

The roll call was concluded.

Mr. CLARK of Montana (after having voted in the negative). I am paired with the senior Senator from Indiana [Mr. BEVERIDGE], and I do not know whether or not he has voted.

The VICE-PRESIDENT. He has not voted.

Mr. CLARK of Montana. Then I withdraw my vote.

Mr. MCLAURIN. I desire to say that my colleague [Mr. MONEY] is unavoidably absent because of sickness.

The result was announced—yeas 8, nays 38, as follows:

YEAS—8.

| | | | |
|---|---|---|---|
| Bacon | Daniel | La Follette | Overman |
| Blackburn | Foster | McCreary | Patterson |

NAYS—38.

| | | | |
|---|---|---|---|
| Allee | Dick | Kean | Perkins |
| Allison | Dolliver | Kittredge | Piles |
| Ankeny | Dryden | Knox | Scott |
| Bulkeley | Dubois | Long | Stone |
| Burkett | Flint | McCumber | Taliaferro |
| Burnham | Fulton | McLaurin | Teller |
| Burrows | Gallinger | Martin | Warner |
| Clapp | Gamble | Millard | Wetmore |
| Clark, Wyo. | Hansbrough | Morgan | |
| Culberson | Heyburn | Nelson | |

NOT VOTING—43.

| | | | |
|---|---|---|---|
| Aldrich | Clay | Hale | Pettus |
| Alger | Crane | Hemenway | Platt |
| Bailey | Cullom | Hopkins | Proctor |
| Berry | Depew | Latimer | Rayner |
| Beveridge | Dillingham | Lodge | Simmons |
| Brandegee | Elkins | McEnery | Smoot |
| Burton | Foraker | Mallory | Spooner |
| Carmack | Frazier | Money | Sutherland |
| Carter | Frye | Newlands | Tillman |
| Clark, Mont. | Gearin | Nixon | Warren |
| Clarke, Ark. | Gorman | Penrose | |

So Mr. LA FOLETTE'S amendment to the amendment of the committee was rejected.

Mr. CULBERSON. Mr. President, I voted "nay" on this amendment to the amendment of the committee for the purpose of moving a reconsideration of the vote by which it has been rejected, and I therefore enter the motion to reconsider now. I do not, of course, flatter myself that anything which I may say in reference to this matter at this time will change the opinion of the Senate, but I desire to emphatically call attention to the provisions of the bill as they will remain if the amendment of the Senator from Wisconsin is rejected. In that event mining may go on notwithstanding the fact that it is carried on under private property improved and located on the surface of the ground, and notwithstanding it may go on under town sites and other communities of people. Mr. President, if injury results to private interests by virtue of the sinking or the subsidence of the ground, then it is understood under the pending bill that it is done with absolute immunity.

I understood the Senator from Minnesota [Mr. CLAPP], who has charge of this bill, to propose some character of explanation of this extraordinary provision—a provision which has the effect, and which will have the effect, of destroying private property in almost unlimited quantities, so far as the probabilities are concerned, and yet the wrongdoers will be given absolute immunity from the consequences of the infliction of such injury.

If the Senator from Minnesota, who was cut off properly by the Chair when he undertook to explain the measure with reference to town sites, has any reasonable explanation of it I should be glad to hear it now. As I have said, I voted "nay" on this amendment in order to make a motion to reconsider, so that the Senator from Minnesota might, if he saw proper and if he is able to do so, explain this extraordinary proposition to the satisfaction of the Senate.

Mr. CLAPP. Mr. President, first I desire to correct the Senator and to remind him that I was not out of order when I made the explanation in regard to the town sites, because no response had then been made on the roll call.

Mr. CULBERSON. The Chair announced that the Senator from Minnesota was out of order, and I assumed that to be the fact.

The VICE-PRESIDENT. The Chair understood that the calling of the roll had been begun and that one Senator had answered. Afterwards the Senator arose, and the Chair learned that a response had not been made. Therefore the Senator from Minnesota was not technically out of order, as the Chair at first supposed.

Mr. CLAPP. Mr. President, in regard to this amendment, I do not know that it is the duty of one Senator any more than of another to seek to advocate it. The amendment was adopted by the committee and, of course, having the bill in charge, it devolves upon me to present these matters to the Senate.

The plan which the committee finally evolved—tentatively, of course, because it is here as a proposed amendment—involved a plan of separating the surface from the mining rights and minerals. This was done upon the theory that, as a large portion of this land perhaps never would be valuable for mining and that if, as is frequently done in other portions of the country, the surface were sold subject to the mining rights, it would not interfere, very materially at least, with the settlement of that country any more than allowing the surface rights to pass with the mining rights. In reaching that conclusion, having only in mind securing the largest possible price for the Indians, it occurred to the committee that the value of the mines probably so far exceeded any possible value of the surface that it was advisable to free the purchase of the mines from all possible embarrassment as between the mines and the surface, giving value prospectively in the sale to the mine. It was thought that the sale of the mining rights would be facilitated by protecting the mining rights from liability for damage by subsidence; and if the Senator will read carefully this provision he will find that every purchase of the surface is taken subject to this reserved right. It can not accrue at present as to any surface right, but it is provided simply that when the surface right is sold the deed shall recite this reservation among the other mining reservations.

Then, to guard against towns finding themselves subject to this mining right, after they have been built up, without knowing that they might be undermined, the section relating to town sites provides that where the town is located before the land is leased, as to such land under the town this immunity shall not exist.

That is about all I care to say upon this subject. We want to so provide here as to get the most we can for those Indians, and the committee have worked on this plan. It seemed to them that the better plan was, while recognizing the somewhat nominal value of the surface, also to recognize the overwhelming proportionate value of the mine, and free the mine and the purchaser of the mine and mineral rights, as far as possible, from embarrassment.

It is a question upon which neither the committee nor its chairman has the slightest feeling. It was submitted to the Senate tentatively as an amendment, and if, with this statement, the Senate thinks it is wiser to thus take from the mining property, and perhaps to that extent enhance the surface as against the enhanced value of the mine, under a provision of this kind, it is a matter about which neither the committee nor the chairman have the slightest feeling.

Mr. DANIEL. Mr. President——

The VICE-PRESIDENT. Does the Senator from Minnesota yield to the Senator from Virginia?

Mr. CLAPP. Certainly; with pleasure.

Mr. DANIEL. I merely want to ask the Senator a question. Like him, I have no personal feeling, of course, on this subject. It is not a matter to excite feeling. My only desire is to get the matter right. As I understand, the amendment offered by the Senator from Wisconsin [Mr. LA FOLLETTE] strikes out the words "with immunity from damages occasioned by subsidence?"

Mr. CLAPP. Yes, sir.

Mr. DANIEL. And I understand the Senator to say that that is provided for as to town sites?

Mr. CLAPP. Where the town site is sold before the land is leased, then, as to that town site, the immunity under this bill does not exist.

Mr. DANIEL. Very well, then.

Mr. CLAPP. Of course, after the land has been leased, then if a town, with knowledge of that reservation, is built on that land it is built subject to this provision.

Mr. DANIEL. Why should the miner be held unaccountable, having bought the rights under what becomes a town or a farm, if he so undermines it that it caves in? Why should he be exempt from damages if he is so negligent or improvident in mining?

Mr. CLAPP. It is not a question of what the miner should be exempt from; it is not a question of what the miner's rights or interests are——

Mr. DANIEL. But is it not——

Mr. CLAPP. It is a question as to which plan will bring the most money for the Indians when this whole property is sold.

Mr. DANIEL. How many acres would be exempt that would be subject to be undermined without responsibility on the part of the miner?

Mr. CLAPP. I can only answer that from conversations with men who are here especially urging the sale of the surface, and they seem to be very well satisfied with this provision.

Mr. DANIEL. In the rough, how much land would it be that

would be underminable without responsibility on the part of the miner?

Mr. CLAPP. I can not answer that question. There are 470,000 acres, I think, segregated. I think that is the amount.

Mr. McCUMBER. Four hundred and fifty thousand.

Mr. CLAPP. Four hundred and fifty thousand acres segregated, and 750,000 acres are now held under leases. How much of the other three hundred and odd thousand acres is valuable for mining nobody knows, except so far as may appear from the Geological Survey reports.

Mr. DANIEL. But the mining rights under it are all reserved, to be sold separately?

Mr. CLAPP. Certainly.

Mr. DANIEL. Then the whole body of land of this description that is to be sold would be underminable and sold subject to be undermined, without responsibility on the part of the miner?

Mr. CLAPP. Except town sites. We provide here for the creation of town sites first.

Mr. DANIEL. Then town sites are created first?

Mr. CLAPP. Yes.

Mr. DANIEL. But no matter how many towns may be hereafter built on this immense body of land, or how many people may live upon it, or how many farms may be created, all of it is subject to have the underpinning sold out and to be undermined, without responsibility on the part of anybody who does it. Would it increase the value of the mining rights, which only occur here and there, more than it would diminish the value of the whole of an immense tract of land if every foot of the ground of the whole Territory were subject to be undermined at any time by anybody who was looking for minerals anywhere about it without any responsibility whatever on his part? I do not know exactly how to balance the values in the case; but would it not be better to let it stand according to the general rule that a man must so use his own as not to hurt another? That is the common-law rule. You can not take a prop from under a man and let him down.

Mr. CLAPP. Certainly; they can not take it from under a man if the man owns it. This bill does not contemplate that situation.

Mr. DANIEL. If he buys it, before you sell the land——

Mr. CLAPP. Then he buys it subject to knowledge of the reservation.

Mr. DANIEL. But in this whole immense territory that is to be bought you may sell the mining rights first. A mine might not come within 10 miles of another; but a right to undermine all of it would exist and excite apprehension. Would it not be a certain cloud on the title to the place to know that at any time a miner might roam around and let it drop down?

Mr. LA FOLLETTE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Virginia yield to the Senator from Wisconsin?

Mr. DANIEL. Certainly.

Mr. LA FOLLETTE. I wish merely to ask the Senator from Virginia if it is not quite clear that whatever might be gained in the value of these lands by selling subject to the right to undermine, without damages for subsidence, would be lost and much more than lost in the diminished surface value? The whole surface is to be sold, and how much of it would be undermined would be a matter of speculation, of course. The whole surface would be subject to this risk and this danger, and the values would be much more depreciated, it seems to me, than the lands would be benefited by any such provision.

Mr. DANIEL. Mr. President, this is a subject which I have not studied in the way that the Senators have who have this bill in charge; but it is a very extraordinary thing to attach to a conveyance of real estate a provision that anybody may mine under it who has a separate mining right, and destroy its value without any responsibility. It can not interfere with the ordinary industry of the miner to require that he shall have regard to not taking the bottom out of a man's property. It would only be here and there that a mine would be pursued or a vein followed. The common law provides for that. It requires that no man shall use his own so as to hurt another. It is rather extraordinary to change that ancient principle, which runs through all property everywhere, and it ought not to be done unless some very clear and distinct reason is given for it. Such an innovation upon general law ought not to be made unless it is affirmatively shown that the value to be affected on the surface is so very slight as hardly to be appreciable; and it should certainly not be done by an extraordinary provision of this description. It was upon those thoughts, that were evidently running also in the mind of the Senator from Texas, that I voted for this amendment. It seems to me to be a correct one.

Mr. TELLER. Mr. President, the total area of the reserved land is 450,000 acres. It is fair to be presumed that that is practically all coal. There may be some places in it that are not coal, but it is in the coal belt. There has been mining on that land for twenty years. As to some portions of it, it was stated before the committee by a gentleman who is familiar with that country that during that time there had been no real subsidence at all, that the depth of the coal was such that the land had not sunk. There is a town of three or perhaps four thousand people on the land, and I understand that is on leased land. Of course everybody who took possession of the leased land took it subject to the lease, and I suppose no one will contend that the persons who leased it from the Government or from the Indians through the agency of the Department are responsible for any subsidence of the land. The same party who owns the coal owns the surface, and if a man leases coal land he takes the chances of the surface dropping down. At least, that is the rule, so far as I know, in leasing coal lands.

The value of this surface for farm land is probably not one-fifth of what the coal land is worth, and as there was very little danger, probably, of subsidence, and as the committee was exceedingly anxious if the land was to be sold that the best possible price should be obtained for the Indians, both for the surface and the coal lands, it was thought if we provided that the man who bought the surface and knew when he bought it he took the chances, if somebody mined under him and the surface sank, it should be his loss and not the loss of the miner.

It is not a case where a man buys a piece of Government land and nothing is said about the risk he is running. He takes that risk. That must be put in his deed or his lease, whatever the terms under which he may occupy it; he has notice.

The stricture seems to be very severe on the committee, as if this was an unheard-of thing. It is not.

Mr. DANIEL. May I ask the Senator a question?

Mr. TELLER. Certainly.

Mr. DANIEL. How much of this surface area is coal land now?

Mr. TELLER. I stated a moment ago that there is reason to suppose it is practically all coal land.

Mr. DANIEL. There are many hundred thousand acres of coal land?

Mr. TELLER. There are 400,000 acres. One hundred and seven thousand acres are now leased as coal land. The whole area, of course, may not be coal land, but so far as the development has gone there it indicates that probably the whole is really coal land. It has not been bored or exploited, but it goes upon the theory that it is coal land. Now, if a man buys the surface and there is no coal land, of course, he takes no risk. If he is on top of a coal mine he does take the risk, but he buys it with that knowledge.

I do not think, from what I know of it and from what gentlemen who ought to know stated before the committee, that there is very much risk one way or the other. I do not know that it is very material which way the vote may go upon the amendment. I simply want to say that the committee, acting on the best possible information they could get, believed that the value was in the coal and not in the surface, and they desired in that way to bring the greatest possible price to the Indian by protecting the man who bought the mineral and letting the man who bought the surface take his chances of its dropping down.

Mr. McCUMBER. Mr. President, following out the suggestion of the Senator from Colorado, the principal danger of the amendment of the Senator from Wisconsin would be that we would not receive nearly the full value of the land as a surface or mineral land combined if we adopt that amendment.

Let us make it clear. There seems to be a mistaken idea that we are dealing with naturally agricultural land. As a matter of fact, the Government has very carefully inspected every atom of this land by 40-acre lots, and has segregated it all as coal or mineral land. The coal crops out everywhere on the land, so that it is not now agricultural land. It is segregated wholly for mineral purposes. There are 450,000 acres of it. The value is estimated all the way from fifteen million to fifty million dollars. You can, therefore, see that the real value, the real thing, is in the mineral product of that land. A quarter section of the surface is worth $1,000, and that which is under that quarter section of land is worth $15,000. We provide for the sale of both the surface and the mineral lands. The moment you say to the bidder for the $15,000 worth of coal land, "You shall be responsible for all damages for subsidence by reason of your mining operations," you may knock off $5,000 of what would be his natural bid for that land; whereas on the sale of the surface you might not receive more than $1,000, so there would be a loss of four or five thousand dollars.

Now, bearing in mind that this land is not on the market

for homesteads or for any other purpose, but is simply coal or mineral land, and that there is an agreement made with the Indians—for it belongs to the Indians—that we shall dispose of it so as to bring the greatest price for the Indians, not for the white settler who may settle upon the surface, our duty is to carry out our contract with the Indians and to sell it in such a way that it will bring the greatest possible price. If the mineral is the principal thing to be dealt with, then our contract necessarily should consider it as such, and should so protect the sale of the surface that it will not interfere with the sale of the mineral.

The committee was, as I remember, almost unanimous in favor of that proposition, and for that particular reason. So it seems to me, Mr. President, we would better subserve the interests of our ward if we sell this property in such a manner that it will bring the greatest price. No one is injured by this method, because every conveyance will contain the provision under which a sale is made.

Mr. LA FOLLETTE rose.

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Wisconsin?

Mr. McCUMBER. With pleasure.

Mr. LA FOLLETTE. I wish to inquire of the Senator from North Dakota what provision is made in the bill for individuals outside of town sites who have made improvements upon leased coal lands?

Mr. McCUMBER. I do not understand that there are any individuals who have made improvements upon leased coal lands.

Mr. LA FOLLETTE. If there are any, the bill, in its present condition, makes no provision for them.

Mr. McCUMBER. There could not be, because before any allotments or settlement was allowed upon the land, provision was made whereby this land was segregated.

Mr. LA FOLLETTE. When was that provision made, if the Senator will kindly inform me? How long ago were these lands segregated?

Mr. McCUMBER. It was somewhere about five or six years ago. I do not remember exactly.

Mr. LA FOLLETTE. If the Senator will permit me, I have here a list of individuals with the value of their property stated——

Mr. McCUMBER. Oh, there is a whole city on a portion of the land.

Mr. LA FOLLETTE. No; outside of the city—farmhouses, barns, orchards, and the like, improved property on the leased lands in one single coal district, the aggregate value of which is $65,800. The names of the individuals, the heads of families, who have improved these properties, are given here. Some of them I see have been on those lands for thirty years. If provision is made for those people, I will be glad to have the Senator call attention to it.

Mr. McCUMBER. I would like to ask the Senator when these people, as a rule, moved on the land, were they not simply squatters after the land was segregated?

Mr. LA FOLLETTE. I have the list here giving the number of years of occupation, and it ranges from four or five years to twenty-five and thirty. It is given in each case, and the number of acres of the holding of each individual. If the matter is not to be disposed of to-night, I would be glad to have this list printed in the RECORD.

Mr. CLAPP. Mr. President——

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Minnesota?

Mr. McCUMBER. Certainly.

Mr. CLAPP. I wish to say that every one of those men went on that land in defiance of the rights of the Indians, and the question is now whether their rights are paramount to the property value of the land in the Indians. It is certainly a novel proposition.

Mr. McCUMBER. I want to say another thing, Mr. President——

Mr. LA FOLLETTE. Will the Senator pardon me?

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Wisconsin?

Mr. McCUMBER. Certainly.

Mr. LA FOLLETTE. I simply want to interrogate the chairman, if permitted under the rules, before he sits down. He says that these people who went on the land thirty years ago went on it in violation of law.

Mr. CLAPP. I did not put it that strong. I said in defiance of their rights.

Mr. LA FOLLETTE. I understood the Senator to say that every individual went on in violation of law.

Mr. CLAPP. No; I did not use the words "in violation of law." I said every individual who went on went on in invasion of the rights of the Indians. The land was not subject to settlement thirty years ago, as I understand the law, and it has not yet become subject to settlement.

Mr. LA FOLLETTE. As I understand it, these people are Indians, members of tribes. I may be wrong, but——

Mr. CLAPP. Then their interest will be subserved in the value of the mines, provided this policy is a wise one as to value. If it is not, I have nothing more to say.

Mr. LA FOLLETTE. That may be possible, but they have rights there in their homes, it seems to me, and they may have some choice as to whether they shall be sold out and their homes taken from them for the benefit of some coal company.

Mr. McCUMBER. Mr. President, I just want to say this for the benefit of the Senator from Wisconsin. He says these are Indians. An allotment has been provided for every one of the Indians of those tribes. They have their lands. If a man is a member of a tribe, he has his allotment, and his allotment is outside of those 450,000 acres; and he would not be entitled to both hold his allotment outside and also to hold those mineral lands which, with the consent of the tribe and upon a sacred agreement made with the tribe, were to be segregated and were segregated and held as mineral lands solely, not open to settlement by anyone, and under an agreement that they should be held in trust for the entire tribe.

So, if there is anyone upon that land who is an Indian or an Indian's son or daughter or wife, stepchild, child by adoption, or otherwise, each one has his 80 acres of land outside of that tribe. So I can not imagine any rights that could have attached to this mineral land that we would be required to regard.

Mr. CULBERSON. Mr. President——

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Texas?

Mr. McCUMBER. Certainly.

Mr. CULBERSON. In reference to the suggestion just made by the Senator from Wisconsin [Mr. LA FOLLETTE] regarding the names of private persons who have rights, or who are supposed to have acquired rights, there, I would ask the Senator if, in case the decision of the Senate should be against a reconsideration of the vote which was taken a while ago, there would be any objection to adding to line 15, page 17, after the word "subsidence," the words "unless private rights have in the meantime intervened." We could thereby guard any existing legal rights that may arise there or which may have attached there in favor of such persons as attention has been called to.

Mr. McCUMBER. Mr. President, unless the laws, the treaties, the contracts made between the United States and the Indian tribes are absolutely of no avail, there could not be upon that tract of land, as I understand it, anyone who could have any particular right. The rights of the Indians of their tribes have been to hold their allotments elsewhere. This land was surveyed and set aside by 40-acre lots, or tracts, as mineral lands, under an agreement made with the Indian tribes, and if others outside of the tribes settled upon those lands, they settled upon Indian territory simply as squatters, and could not thereby acquire any rights.

Mr. SPOONER. Will the Senator allow me to ask him a question?

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the senior Senator from Wisconsin?

Mr. McCUMBER. Certainly.

Mr. SPOONER. Whose duty was it to protect these lands from invasion by the squatters?

Mr. McCUMBER. It was the duty of the Government, I suppose.

Mr. SPOONER. If the Government neglects that duty for thirty years and persons are allowed to construct dwellings and make homes under legislation of this kind, ought not their interests to be taken care of as against subsequent purchasers of mineral rights?

Mr. McCUMBER. Certainly not, in my belief. If a person goes upon an Indian reservation, although the Indians allow him to be there, although he does not disturb the Indians themselves, he obtains no particular right to the land on which he settles.

Mr. CLAPP. Mr. President——

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Minnesota?

Mr. McCUMBER. I will yield and let the Senator from Minnesota discuss the question.

Mr. CLAPP. I can not imagine how any rights can exist there.

Mr. KNOX rose.

The VICE-PRESIDENT. Does the Senator from Minnesota yield to the Senator from Pennsylvania?

Mr. CLAPP. Certainly.

Mr. KNOX. Mr. President, if that is true, then why should there be any objection to the amendment suggested by the Senator from Texas?

Mr. CLAPP. I was just going to say I could not see, on the other hand, any objection to the suggestion of the Senator from Texas, because if any rights have passed, we can not take them away by this legislation.

Mr. McCUMBER. I have no objection to the amendment. I simply wanted to show that it was not necessary.

Mr. CULBERSON. If the Senator will permit me, if there is no objection to the amendment I have suggested I will withdraw the motion to reconsider.

Mr. CLARK of Wyoming. I was going to suggest to the Senator that he change the wording of his amendment so that it should read something like this: "Unless private rights have heretofore attached."

Mr. SPOONER. Would that accomplish any purpose technically, if you leave it in that way? Have they rights? Will the court say they have rights? Why should they not be given rights, having settled there and lived there and expended money there, as against subsequent purchasers of mineral rights? This is a legislative enactment.

Mr. CULBERSON. That is precisely the effect of the amendment, as I think, though it might be made stronger.

Mr. CLAPP. Will the Senator read the amendment?

Mr. CULBERSON. On page 17, line 15, after the word "subsidence," add "unless private rights have heretofore intervened."

Mr. CLAPP. I accept the amendment.

Mr. SPOONER. If a man has settled there without right, how would he be protected by that? He would get no title against the Government by lapse of time.

Mr. CULBERSON. I have not gone that far. I want simply now to protect those who have rights there. The question whether we shall affirmatively give them some rights in this bill is another question.

Mr. LA FOLLETTE. May I interrupt the Senator for a moment?

Mr. CULBERSON. In one moment. The same amendment ought to go in on page 18, line 10, after the word "subsidence."

Mr. CLAPP. Exactly.

Mr. CULBERSON. I yield to the Senator from Wisconsin.

Mr. LA FOLLETTE. I want to make an inquiry of the Senator from Texas before he resumes his seat. Do you understand the amendment you are proposing will protect people who have gone on there and made improvements, some of them having been on there a quarter of a century? I am informed that they are Indians and members of these tribes, that they made their homes there, and invested their money, and subsequently coal was discovered and these lands were segregated. Then the Government comes along and says to them, "You have got to take an allotment in some other place. You have got to take 80 acres in some other place and abandon the homes you have lived on for twenty-five or thirty years." And no provision is made for paying them anything for the homes they have made there. They are to go out elsewhere and take 80 acres of raw land as their allotment.

Mr. CULBERSON. In answer to the Senator from Wisconsin I will say that my information is not such as to enable me to state as a matter of law whether these persons have any legal rights on these lands. Consequently this amendment does not go that far. The amendment seeks simply to reserve the rights which may exist there under the law.

The Senator from North Dakota insists that they have no legal rights. Other Senators insist that they have legal rights. As between these Senators my information is not sufficient to express an opinion; but the amendment will reserve whatever rights they have, and if the Senate desires to go further and create rights in these persons, if they are mere squatters, that presents another question.

Mr. McCUMBER. Mr. President, I may be in error, but I am inclined to think that we have a law already on the statute books to the effect that whenever an Indian's allotment is made elsewhere than where he has had his home provision is made for the payment to him of the value of his buildings where he has been compelled to take his allotment somewhere else. I think that is already provided for by law and that the agreement, as I have stated, was with the Indians to set aside this land for coal purposes; and a further agreement that lands should be allotted, and, if I am not mistaken, that in the agreement heretofore made for allotments provision is made for the payment of any losses and for the appraisement of the value of improvements where the residence is changed from one place to another. If I am in error, those Senators who have been longer acquainted with the laws relating to that Territory can correct me.

Mr. TELLER. Mr. President, while I have not been able to put my hand on it, I believe that in 1902 provision was made for the payment for improvements on this land. I am informed by a gentleman who ought to know that the appraisement has been made. I understand they have not been paid, but that the appraisement has been made. I will try and find that act before we get through and see whether that is a fact or not.

The VICE-PRESIDENT. Does the Chair understand the Senator from Texas to withdraw his motion to reconsider?

Mr. CULBERSON. Inasmuch as my amendment has been accepted, I withdraw the motion to reconsider.

The VICE-PRESIDENT. The motion to reconsider is withdrawn. The question is on agreeing to the amendment proposed by the Senator from Texas, which the Secretary will state.

The SECRETARY. It is proposed, in line 15, page 17, and in line 10, page 18, after the word "subsidence," to insert "unless private rights have heretofore intervened."

The amendment to the amendment was agreed to.

Mr. STONE. Mr. President, I propose an amendment to the committee amendment. I move to strike out the word "seven," on line 10, page 19, and insert "eleven;" so that these lands shall not be sold before March 4, 1911, instead of 1907.

Mr. President, I wish to say a few words in support of the amendment. The senior Senator from Wisconsin [Mr. SPOONER], speaking to some part of this section—I believe it was yesterday or the day before—remarked that he had information from the Secretary of the Interior that he believes the delay in the sale of this land and the disposition of it was instigated in the first instance, in his opinion, by some sinister influence.

Mr. SPOONER. No, Mr. President; I said I was informed that there were outside influences, sinister in the estimation of the Secretary, who desired delay, or something of that sort.

Mr. STONE. Yes; the Senator made that statement at the time. I did not rise to criticise the statement made by the Senator or by the Secretary, but I do want to say that I have information—loose outside information—that I apprehend is equally as reliable as that the Secretary of the Interior had and which was repeated to the Senator from Wisconsin, that there are interests very solicitous of having these lands sold and disposed of at the earliest possible moment.

Mr. CLAPP. Will the Senator pardon an interruption?

Mr. STONE. Certainly.

Mr. CLAPP. So far as the chairman of the committee is concerned, I would have no objection to changing it to 1911, if the conferees retain the right in conference to make some provision for the leasing. When we strike out the House provision there is no more authority for leasing, and that would make a clear monopoly of the leases that are already out. If we carry this forward five years it seems to me we ought to guard against that condition by authorizing leasing in the meantime. I make that suggestion to the Senator.

Mr. STONE. Of course what we are doing now is perfecting the amendment before we vote upon agreeing to the provision. If the amendment is offered and its consideration is finally completed, and it is adopted, of course the House provision will be eliminated. If the amendment is disagreed to, then I am inclined to offer an amendment that no leases shall be made under the House provision earlier than five years.

Mr. CLAPP. The Senator means if the amendment is so perfected as not to allow any sale for four years he would also prohibit during those five years any leasing? I simply ask the Senator, as I did not catch his statement, and not in any critical spirit.

Mr. STONE. I believe, Mr. President, in view of the fact that these lands are of such extraordinary value, and there will be such tremendous pressure from so many directions to have them disposed of and to obtain possession and ownership of them, no great harm can result by a little judicious postponement, leaving them as they are until some further development of the situation is made, so that the actual and true situation of affairs there may be better understood by the lawmaking power.

I hear stories going about the Capitol and outside the Capitol of combinations of great interests involving some persons even of such high standing—I do not know I ought to say so, but persons in official standing—that I believe it would be better to allow matters to drift as they are.

There are 107,000 acres of this tract of 450,000 acres already leased. A large amount of it is being mined and coal shipped to market for consumption. We are about to admit a State. That probably will be done during the next ten days or two

weeks. The conditions there may be very different in four or five years, and they will be very different from what they are now. There will be a better understanding of the whole situation, and I think Congress can legislate more intelligently. It is very uncertain, as all agree, whether it would be wiser to sell these lands or to lease them. Personally I favored in the committee the policy of selling them.

Mr. McCUMBER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Missouri yield to the Senator from North Dakota?

Mr. STONE. Certainly.

Mr. McCUMBER. I simply desire to call the attention of the Senator to the fact, as I understand the bill, that it does not require a sale to be made after the expiration of one year.

Mr. STONE. No; but it authorizes——

Mr. McCUMBER. But it simply places it in the discretion of the President and the Secretary, acting together, to make the sale of any part or portion of these lands if, in their judgment, it will be for the best interest of the Indians to sell any portion of them after the expiration of one year.

Mr. STONE. That is true.

Mr. McCUMBER. It does not compel the sale of the lands.

Mr. STONE. There is no compulsion about it.

Mr. CLAPP. If the Senator will pardon another interruption, the prohibition against selling prior to March 4, 1907, was on purpose to suspend this matter, so that the next Congress could give it further consideration if it was thought best.

Mr. STONE. Congress will meet again in December, a short session. It will adjourn on the 4th of March. In two or three weeks after we meet in December we will adjourn for the holidays, and then we shall be met with all the appropriation bills.

Mr. CLAPP. I do not think I have any objection to the amendment.

Mr. STONE. It seems to me we will have very little time in the next session to consider the subject. The chairman of the committee says he has no objection to the change, and if no one else objects I suppose it will go in.

Mr. TELLER. I call attention to the provision for paying these Indians. I want to read it to the Senate. I have just found it. It will be found in the document entitled "Indian Affairs, Laws, and Treaties," first volume, page 784, it being the act to ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes, approved July 1, 1902. After providing for segregation, it says:

> Such segregation and reservation shall conform to the subdivisions of the Government survey as nearly as may be, and the total segregation and reservation shall not exceed 500,000 acres. No lands so reserved shall be allotted to any member or freedman, and the improvements of any member or freedman existing upon any of the lands so segregated and reserved at the time of their segregation and reservation shall be appraised under the direction of the Secretary of the Interior, and shall be paid for out of any common funds of the two tribes in the Treasury of the United States, upon the order of the Secretary of the Interior.

I am informed that that appraisement has been made, but there has been no payment made under it. That seems to dispose of these suffering people who are on these coal lands.

Mr. CULBERSON. I will ask the Senator what effect would the measure that is pending here now have upon that law which he has read?

Mr. TELLER. Not the slightest in the world.

Mr. CULBERSON. Does not that law provide payment for the houses and improvements——

Mr. TELLER. It does.

Mr. CULBERSON. By reason of the fact that they may be injured?

Mr. TELLER. No; the act provides simply for those who are now on the reservation. It provides nothing else. They are to be paid for their improvements. I am told that that has been adjudicated as far as to determine what they are entitled to, but the payment has not been actually made. This proposed law will in no wise interfere with that.

Mr. CULBERSON. I ask the Senator if the proposed payment provided by the law read by him is to reimburse them for any damage to their property?

Mr. TELLER. It is not.

Mr. CULBERSON. And the measure that we are now considering comes along and says that there shall be damage without payment. It seems to me that the two are somewhat conflicting, and the last one might be held to repeal the other.

Mr. TELLER. This has nothing whatever to do with it; absolutely nothing. It is to pay for improvements and improvements only. These people have no legal right there. I think that with the provision the Senator has got in they will be pretty well taken care of—with this provision in the two bills.

Mr. McCUMBER. I will have to object to the amendment of the Senator from Missouri in amending this bill so that no sale or lease can be made until a period of five years. I can see that a law of that kind would greatly enhance the value of the present leases, because there would be no further competition. You could not lease any further lands, and they would have a monopoly, to a certain extent, of the coal business there.

Mr. STONE. Will the Senator permit me?

Mr. McCUMBER. Certainly.

Mr. STONE. The amendment I offered refers only to the sales of land. It does not refer to leases. I propose to strike out the word "seven" and insert the word "eleven." That refers to sales only.

Mr. McCUMBER. I understood that it covered both, but even if it covers only one it seems to me it is safe to leave the matter in the discretion of the Secretary of the Interior, together with the President of the United States, to determine whether any portion should be sold. The understanding with the Indians was that it might be sold, but it should be used for their benefit. That is the present understanding. Now, it seems to me that we should leave it somewhere and have somebody to investigate and determine the matter.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Missouri [Mr. STONE] to the amendment of the committee.

The amendment to the amendment was agreed to.

Mr. CLARK of Wyoming. I desire to offer an amendment to the committee amendment on page 17, which, I think, was inadvertently passed over in committee. After the word "States," in line 5, I move to insert "but not before March 4, 1907."

Mr. CLAPP. That is right. The amendment is accepted.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 17, line 5, after the words "United States," insert:

> But not before March 4, 1907.

The amendment to the amendment was agreed to.

Mr. McCUMBER. I offer an amendment, and before having the amendment read, I desire to say that it is one that is very important to the Indians themselves, in my opinion.

The amendment presents the question whether we will now allow the Indian to dispose of his property whereby in a very few years he will have nothing left, or whether the Government shall so hold that property in trust by proper restrictions that the Indian tribes may be preserved a short time longer. On it I shall ask for a vote of the Senate, and that Senators may know what the amendment is I suggest the want of a quorum at this time.

The VICE-PRESIDENT. The absence of a quorum is suggested. The Secretary will call the roll.

Mr. CULBERSON. Mr. President, is a motion to adjourn in order at this time?

The VICE-PRESIDENT. It is.

Mr. CULBERSON. I move that the Senate adjourn.

The Senate refused to adjourn.

The VICE-PRESIDENT. The roll of the Senate will be called, the question of a quorum having been raised.

The Secretary called the roll, and the following Senators answered to their names:

| | | | |
|---|---|---|---|
| Allee | Crane | Heyburn | Penrose |
| Allison | Culberson | Kean | Perkins |
| Ankeny | Daniel | Kittredge | Pettus |
| Bacon | Dick | Knox | Piles |
| Bulkeley | Dolliver | La Follette | Spooner |
| Burkett | Dubois | Long | Stone |
| Burnham | Frye | McCumber | Taliaferro |
| Burrows | Fulton | McLaurin | Teller |
| Carter | Gallinger | Martin | Warner |
| Clapp | Gamble | Morgan | Warren |
| Clark, Mont. | Hansbrough | Nelson | Wetmore |
| Clark, Wyo. | Hemenway | Newlands | |

The VICE-PRESIDENT. Forty-seven Senators having answered to their names, a quorum is present.

Mr. McLAURIN. I will again state that my colleague [Mr. MONEY] is unavoidably absent because of sickness. In addition, I will say what I neglected to say a while ago, that he has a general pair with the senior Senator from Wyoming [Mr. WARREN].

Mr. McCUMBER. I ask for the reading of the amendment I have offered.

The VICE-PRESIDENT. The Chair will suggest to the Senator from North Dakota that the Senate has not yet disposed of the committee's amendment in respect to section 13, and as the Senator's proposed amendment is not directed to that portion of the bill the Chair would suggest that it be withheld until that is disposed of.

Mr. LA FOLLETTE. Before leaving section 13, I think the amendment which I offered is in order.

The VICE-PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. On page 19, line 15, it is proposed to amend the committee's amendment after the word "same." The committee amendment to the word "same" is as follows:

After said appraisals as aforesaid, but not prior to March 4, 1907, the Secretary of the Interior, subject to the approval of the President, may sell the whole or any part of the coal and asphalt in and under said segregated lands, for the best price obtainable.

Mr. LA FOLLETTE. It is at that point I desire to offer an amendment, and I now offer it.

The VICE-PRESIDENT. The Secretary is going to read the amendment in connection with the text.

Mr. LA FOLLETTE. The Secretary has not the amendment that I desire to offer. It is another amendment. After the word "lands" I move to insert the words "in tracts of not to exceed 3,000 acres to any one purchaser."

The VICE-PRESIDENT. The Senator from Wisconsin proposes the following amendment, which will be stated.

The SECRETARY. On page 19, line 13, after the word "lands," insert: "in tracts not to exceed 3,000 acres to any one purchaser."

Mr. CLAPP. I have no objection to that amendment.

Mr. ALLISON. Let it be read.

The VICE-PRESIDENT. The question is on the amendment to the amendment.

Mr. CLARK of Wyoming. I suppose the purpose of the amendment is to keep the control of these tracts in limited ownership?

Mr. LA FOLLETTE. Yes, sir. I was going to say a word.

Mr. CLARK of Wyoming. It is a very proper purpose.

Mr. LA FOLLETTE. I wanted to say just this, Mr. President: On page 17, in line 16 of the page, in selling the surface of these lands it is provided that they shall be sold in tracts of not to exceed 160 acres to each purchaser; and it occurred to me that it might be in the interest of the Indians, and in the interest of the people who shall reside in that Territory hereafter, to put some limitation upon the amount of mineral lands that may be purchased. I suggest in the amendment the limitation to 3,000 acres for this reason: From the United States Geological Survey, and especially from the geologist who made the survey of these lands, and who is very familiar with the operations of the coal companies now mining coal in that locality, I am informed that 3,000 acres is the limit, or substantially the limit, that a coal company can mine out in a period of twenty-five to thirty years. It is manifest that the limitation suggested by the amendment is wise as a public policy from every point of view, and it will increase the amount of money received by the Indian at the time these sales are made. Then, in connection with the amendment which I offered in line 15, it will operate, I think, to prevent consolidation and monopoly of ownship in these coal lands.

Mr. CLARK of Wyoming. Mr. President, I think the objection to the amendment proposed by the Senator from Wisconsin [Mr. LA FOLLETTE] to the amendment of the committee lies in the fact that we perhaps should consider the value of the lands to the Indians. The suggestions which the Senator makes are proper in the line of public policy. If these were lands of the United States which we were disposing of, I think it would be proper to put the amendment in the bill; but mindful that this is the land of the Indians, mindful that it is our duty to put it in such shape that the President or the Secretary of the Interior can dispose of it for the Indians for the best sum possible, mindful of the fact that the Secretary and the President may make regulations as to the quantity of the tracts in which it shall be sold, and mindful of the fact that it will undoubtedly be their duty in the particular suggested by the Senator, I think it would be a great mistake and would possibly depreciate the value of these lands in the public market by putting a Congressional limitation on the amount to be sold in one tract.

The VICE-PRESIDENT. The question is on the amendment proposed by the Senator from Wisconsin [Mr. LA FOLLETTE] to the amendment proposed by the committee.

The amendment to the amendment was rejected.

Mr. LA FOLLETTE. I now offer an amendment to the amendment of the committee, which has heretofore been stated at the desk, to come in on line 15, on page 19, after the word "same."

The VICE-PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. In the committee amendment on page 19, after the word "same," in line 15, it is proposed to insert:

*Provided*, That no railroad company shall acquire any right, title, or interest in said coal and asphalt lands by purchase at said sale: *And provided further*, That the deeds of conveyance executed pursuant to such sale shall contain the specific provision that no railroad corporation or other common carrier, and no officer or stockholder in any railroad corporation or other common carrier engaged in transporting coal from said lands, shall ever acquire any interest by purchase or lease in any of said coal and asphalt lands whatsoever: *And provided further*, That said deeds of conveyance executed pursuant to said sale shall contain a specific provision that no person, firm, or corporation, and no association or combination of persons, firms, or corporations, shall ever acquire any interest by purchase, lease, trust, agreement, or otherwise, in and to any portion of said coal and asphalt lands whatsoever in excess of 3,000 acres: *And provided further*, That upon violation of any of said conditions all right, title, and interest in and to said lands shall revert to and vest in the United States in trust for the tribes of Indians now owning the same, and the tribal organization is hereby continued, in so far as may be necessary to execute the condition hereby created.

Mr. LA FOLLETTE. Mr. President, the extent of the coal lands belonging to these two tribes of Indians is 437,734 acres. Of these lands 104,910 acres have been leased. The royalties formerly received by the Indians were 10 cents per ton. Those royalties have been reduced to 8 cents per ton. At 8 cents per ton the royalty value of these lands to the Indians amounts to from $200 to $600 per acre. Joseph Taft, the geologist who made this survey and who is well informed as to these lands, says that $400 per acre is the minimum price, or at least a fair royalty value, to place upon the mineral rights of the entire body of lands. So we are disposing of coal lands here the royalties of which, at 8 cents per ton, according to the judgment of the geologist best acquainted with the value, are something like $175,000,000.

From the report made of the coal production I find that 14,813,000 tons were mined in the last six years, the royalty value of which was $1,235,000, in round numbers. The total value of the whole output of the Choctaw and Chickasaw coal lands for 1905 was $5,398,389.

I submit these figures, Mr. President, for the purpose of impressing upon the Senate the immense value of the lands which are sought to be disposed of by section 13 of this bill. There are 104,910 acres of these lands leased up to the present time. One hundred and thirteen leases cover this aggregate acreage.

In the first place, it should be remembered that when, in 1888, the Choctaw Coal and Railway Company secured a right of way through the Territory, the act provided, among other things, that the company:

Shall accept this right of way upon the express condition that it will neither aid, advise, nor assist in any effort looking toward the changing or extinguishing the present tenure of the Indians in their land, and will not attempt to secure from the Indian nation any further grant of land or its occupancy than is heretofore provided: *Provided*, That any violation of the condition mentioned in this section shall operate as a forfeiture of all the rights and privileges of said railroad company under this act.

In two years, notwithstanding their pledge that they would keep their hands off these Indian lands, they came back here in October, 1890, asking the ratification by Congress of eleven leases which they had made of coal lands belonging to these Indians. On the 1st day of October, 1890, Congress approved the leases. Since that time additional leases have been executed by the Secretary of the Interior until, as before stated, there are now 113 in all. These leases are now owned or controlled as follows:

The Choctaw, Oklahoma and Gulf Railroad Company, either in its own name or through its officials and stockholders, have acquired 30 leases, aggregating 28,800 acres; the Atoka Coal and Mining Company, controlled and comprising officials of the Missouri, Kansas and Texas Railway Company, have 8 leases, aggregating 7,300 acres; the Osage Coal and Mining Company (also Missouri, Kansas and Texas Railway officials) have 7 leases, aggregating 6,680 acres; and a coal company of Fort Smith and Western Railway officials have 6,680 acres, covered by 7 leases. In other words, out of a total of 113 leases made, the railroad companies, directly or indirectly, have secured control of 52 of the leases, aggregating 49,460 acres.

I am informed by the Geological Department and by letters, which I shall ask to have read, that the effect of this is practically to place the coal development in the control of these railroads, either directly or indirectly, and the consumers of coal in that section of the country completely at their mercy.

I have no doubt the argument will be made, as it has been made to other provisions here in this section particularly, that it is the duty of the Government to get the largest possible amount out of these lands for the Indians upon their sale. While this is true, it should be kept in view that the Government also owes a duty to those Indians who are to reside in that country after these coal lands shall have been sold.

But with reference to the amount that may be realized upon the sale, it seems quite apparent, Mr. President, that if these railway companies may themselves buy, or may buy through others whom they control, the capitalists of the country will not enter into competition with them in bidding for these lands.

While this bill was pending in the committee there was some newspaper mention of these coal lands and of their prospective sale in the near future. At that time, as I have been informed,

there were coal operators, or capitalists who invest in coal lands—an association of them—in session here in this city. I have since received a letter from one of them saying that if they had the opportunity to bid for those coal lands with the prospect of getting an equal and fair opportunity in shipping their product, they would go in and bid, but if the railroad companies are to be allowed to control both production and transportation in the Indian Territory, as they are doing in West Virginia, Pennsylvania, and elsewhere, capital will not go there to seek investment.

It is but a few days since that the Senator from South Carolina [Mr. TILLMAN] had read in this Chamber a letter from the present governor of West Virginia; and, in anticipation of the suggestion which may be made and which I have heard made by Senators near me while the amendment was being read, that it is all right to exclude the railroad companies from purchase here, but that it is going too far to exclude those who are officials and stockholders of the railroad companies, I call attention to the fact stated by the governor of West Virginia as to the conditions prevailing in that State. In a letter which was read from the Secretary's desk, received from the governor, he says:

It makes little difference as to the effect upon our people whether the corporation itself is directly interested in the production of coal in competition with other producers of coal or whether officers or directors or controlling stockholders are so interested. The result is the same. I have heard of cases where this company has attempted to say who shall ship coal and who shall not, and when they should ship it, and where they should ship it and where they should not.

I believe that the time has come, Mr. President, for this Government to declare a policy with respect to the ownership of coal lands by transportation companies; or to state the proposition more broadly, with respect to any transportation company going into competition with the producers who must ship over their lines. You can not conceive of a highway being open and free to all shippers alike when those who are operating the highway are interested in reducing the profits or diminishing the holdings of competitors who ship over their lines of road. As an exemplification of what is already taking place down in that Territory, I send to the Secretary's desk and ask to have read a letter.

The VICE-PRESIDENT. Without objection, the Secretary will read, as requested by the Senator from Wisconsin.

The Secretary read as follows:

ARDMORE, IND. T., *February 23, 1906.*

Hon. ROBERT M. LA FOLLETTE,
*Washington, D. C.*

DEAR SIR: Having noticed in a newspaper that you have taken an interest in the disposition of coal lands in the Choctaw Nation, Indian Territory, and that inquiries are being made as to whether the railway companies in Indian Territory own and control the output of the mines, I inclose you a clipping, together with a part of a letter head, for your information. There is no question about the Rock Island Railway, known as the "Choctaw branch" of said railway, controlling many mines near South McAlester, and that the Missouri, Kansas and Texas Railway Company and Missouri Pacific control many mines near Coalgate, in the Choctaw Nation. These mines belong to the railway companies, or to the officers of such companies, as you will understand by this letter head. Mr. A. A. Allen, general manager of the Southwestern Development Company, is also the general manager of the Missouri, Kansas and Texas Railway.

I am interested in a coal mine situated between Atoka and Lehigh, in the Choctaw Nation, and, with other independent mine owners, have to suffer because the railway companies control other mines. If we make a shipment of coal, the coal company immediately knows from the agent of the railway company who the purchaser is, and shortly we find the customer a customer of theirs. We feel the effect also in securing transportation, and while our mine is nearer to the main line of the Missouri, Kansas and Texas Railway, train load after train load of empty cars are hauled by our mine to their own, and we are compelled to take such cars as they do not need.

Again the freight rates are kept so high that the production of the mines is limited to consumers who are forced to use it because no other fuel is accessible. The fact is, the monopoly in the coal business in the Indian Territory is already oppressive, not only to the consumers, but to the independent operators, so that they can hardly afford to operate their mines at all. While I speak for no one but myself, I think the investigation contemplated in this clipping would result in great good to the people, to the operators, and to the Indian, and I commend you for the interest you are taking in this matter.

Very respectfully,

W. B. JOHNSON.

Mr. LA FOLLETTE. In view of the lateness of the hour and of the importance of the matter, as I conceive, I will ask that the bill may go over until to-morrow morning.

Mr. KEAN. If it is agreeable to the Senator in charge of the bill, I will move that the Senate proceed to the consideration of executive business.

Mr. WARNER. The chairman of the Committee on Indian Affairs, in charge of the bill, has just arrived in the Chamber.

Mr. KEAN. I will withhold the motion for the present.

Mr. CLARK of Wyoming. Mr. President, right in this connection, while the bill is under consideration, I offer the resolution which I send to the desk.

The VICE-PRESIDENT. The resolution will be read.

The Secretary read as follows:

*Resolved by the Senate of the United States*, That a select committee consisting of five Senators be appointed to fully investigate all matters connected with the condition of affairs in the Indian Territory in relation to legislation proposed by H. R. 5976 and kindred matters in said Territory with reference to the Five Civilized Tribes, and that said committee be authorized to employ all necessary clerical assistance, and said committee is authorized to sit in the city of Washington and in the Indian Territory, as circumstances may demand, with power to send for persons and papers and to administer oaths, and shall make full and complete report, together with their conclusions and recommendations, to the Senate of the United States on the first Monday in December, A. D. 1906. The necessary expenses of said committee shall be paid out of the contingent fund of the Senate.

Mr. CLARK of Wyoming. I ask unanimous consent for the present consideration of the resolution.

The VICE-PRESIDENT. Under the rule, the resolution must be referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. CLARK of Wyoming. Very well.

The VICE-PRESIDENT. The resolution will be printed and referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House insists upon its amendments to the joint resolution (S. R. 37) extending the tribal existence and government of the Five Civilized Tribes of Indians in the Indian Territory; agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. SHERMAN, Mr. CURTIS, and Mr. STEPHENS of Texas managers at the conference on the part of the House.

### ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice-President:

S. 4482. An act to amend an act entitled "An act authorizing the construction of a bridge across the Cumberland River at or near Carthage, Tenn.;

H. R. 297. An act to authorize the construction of dams and power stations on the Tennessee River at Muscle Shoals, Alabama; and

H. R. 13308. An act to authorize the construction of a bridge across the Arkansas River at Pine Bluff.

### EXECUTIVE SESSION.

Mr. KEAN. I renew my motion for an executive session.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 5 o'clock and 35 minutes p. m.) the Senate adjourned until to-morrow, Friday, March 2, 1906, at 12 o'clock meridian.

## NOMINATIONS.

*Executive nominations received by the Senate March 1, 1906.*

### SURVEYOR OF CUSTOMS.

James Jeffreys, of Tennessee, to be surveyor of customs for the port of Memphis, in the State of Tennessee. (Reappointment.)

### RECEIVERS OF PUBLIC MONEYS.

Andrew J. Gillis, of Walla Walla, Wash., now receiver of public moneys at that place, to be register of the land office at Walla Walla, vice Joseph L. Mohundro, whose term will expire March 5, 1906.

Jesse G. Miller, of Dayton, Wash., to be receiver of public moneys at Walla Walla, Wash., vice Andrew J. Gillis, to be transferred to register of the land office.

### ENGINEER IN CHIEF, REVENUE-CUTTER SERVICE.

Chief Engineer Charles A. McAllister to be Engineer in Chief of the Revenue-Cutter Service, in accordance with the act of Congress approved February 27, 1906.

### APPOINTMENTS IN THE NAVY.

John Flint, a citizen of Massachusetts, and Isadore F. Cohn, a citizen of Pennsylvania, to be assistant surgeons in the Navy from the 28th day of February, 1906, to fill vacancies existing in that grade on that date.

### PROMOTIONS IN THE NAVY.

Capt. James H. Dayton to be a rear-admiral in the Navy from the 28th day of February, 1906, vice Rear-Admiral Colby M. Chester, retired.

Commander Hugo Osterhaus to be a captain in the Navy from the 19th day of February, 1906, vice Capt. Henry W. Lyon, promoted.

Lieut. Commander Robert S. Griffin to be a commander in the Navy from the 10th day of February, 1906, vice Lieut. Commander Franklin J. Schell, who retired before qualifying for promotion.

Carpenter Clayton P. Hand to be a chief carpenter in the Navy from the 10th day of January, 1906, upon the completion of six years' service in his present grade.

## CONFIRMATIONS.

*Executive nominations confirmed by the Senate March 1, 1906.*

SECRETARIES OF EMBASSY.

Lewis Einstein, of New York, now third secretary of the embassy at London, to be second secretary of the legation of the United States at Constantinople, Turkey.

Joseph C. Grew, of Massachusetts, to be third secretary of the embassy of the United States at Mexico, Mexico.

POSTMASTERS.

KENTUCKY.

John W. Berryman to be postmaster at Versailles, in the county of Woodford and State of Kentucky.

Andrew W. Darling to be postmaster at Carrollton, in the county of Carroll and State of Kentucky.

NEW YORK.

Augustus T. England to be postmaster at Afton, in the county of Chenango and State of New York.

James H. Roberts to be postmaster at Binghamton, in the county of Broome and State of New York.

PENNSYLVANIA.

William E. Brown to be postmaster at Linesville, in the county of Crawford and State of Pennsylvania.

W. K. Galbraith to be postmaster at Canonsburg, in the county of Washington and State of Pennsylvania.

Solomon S. Ketcham to be postmaster at Overbrook, in the county of Montgomery and State of Pennsylvania.

WEST VIRGINIA.

Alexander Clohan to be potmaster at Martinsburg, in the county of Berkeley and State of West Virginia.

## HOUSE OF REPRESENTATIVES.

THURSDAY, *March 1, 1906.*

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed bills and joint resolution of the following titles; in which the concurrence of the House of Representatives was requested:

S. R. 37. Joint resolution extending the tribal existence and government of the Five Civilized Tribes of Indians in the Indian Territory;

S. 599. An act granting an increase of pension to Mary A. Megrue;

S. 1130. An act granting an increase of pension to Isaiah Mitchell;

S. 3312. An act granting a pension to Oscar F. Renick;

S. 3721. An act granting a pension to Mary C. Morgan;

S. 671. An act granting an increase of pension to Charles Conine;

S. 2168. An act granting an increase of pension to Isaac B. Hewitt;

S. 4595. An act granting an increase of pension to Amos McManus;

S. 3189. An act granting an increase of pension to Elizabeth Rutherford;

S. 251. An act granting an increase of pension to Martin L. Adams;

S. 2548. An act granting an increase of pension to Jesse M. Furman;

S. 3539. An act granting an increase of pension to Dominick Cavanagh;

S. 4636. An act granting an increase of pension to Henry R. Pease;

S. 4319. An act granting an increase of pension to Frederick C. Storm;

S. 4637. An act granting an increase of pension to Frederick Zimmerman;

S. 1023. An act granting an increase of pension to Peter Shippman;

S. 772. An act granting an increase of pension to Jerusha Hayward Brown;

S. 492. An act granting an increase of pension to Barney Whitney;

S. 969. An act granting an increase of pension to Howard Ellis;

S. 2346. An act granting an increase of pension to John W. Reed;

S. 325. An act granting an increase of pension to Henry B. Burton;

S. 2882. An act granting an increase of pension to Samuel E. Johnson;

S. 2863. An act granting an increase of pension to Garrett Rourke;

S. 725. An act granting an increase of pension to William M. Smith;

S. 2406. An act granting an increase of pension to Thomas Milliman;

S. 1228. An act granting an increase of pension to Julia L. Plimpton;

S. 4188. An act granting an increase of pension to Frank D. Smith;

S. 4187. An act granting an increase of pension to Nathaniel E. Skelton;

S. 4100. An act granting an increase of pension to Carlton A. Wheeler;

S. 3866. An act granting an increase of pension to Samuel J. Burlock;

S. 203. An act granting an increase of pension to Edward E. Needham;

S. 200. An act granting an increase of pension to Frederick Behrens;

S. 466. An act granting an increase of pension to James H. Lewis;

S. 656. An act granting an increase of pension to Abraham Walters;

S. 3800. An act granting an increase of pension to Albert D. Cordner;

S. 4227. An act granting a pension to John H. McKenzie;

S. 655. An act granting an increase of pension to Charles E. Bishop;

S. 1978. An act granting a pension to Thomas Edsall;

S. 4181. An act granting an increase of pension to Margaret L. Hallett;

S. 1399. An act granting an increase of pension to Henry Jordan;

S. 482. An act granting an increase of pension to Amos M. Runkle;

S. 4020. An act granting an increase of pension to Henry C. Johnson;

S. 2250. An act granting an increase of pension to John Rauch;

S. 3932. An act granting an increase of pension to David Rankin;

S. 1624. An act granting an increase of pension to Peter Betz;

S. 527. An act granting an increase of pension to Alfred McPherran;

S. 1634. An act granting an increase of pension to Solomon R. Ruch;

S. 3031. An act granting an increase of pension to Frank Westervelt;

S. 1420. An act granting an increase of pension to Sarah A. Tyler;

S. 180. An act granting an increase of pension to Joseph W. Legro;

S. 3125. An act granting a pension to Parthenia W. Baker;

S. 2840. An act granting an increase of pension to George L. Jaquith;

S. 3473. An act granting an increase of pension to La Forrest C. Darling;

S. 22. An act granting an increase of pension to Andrew Smith;

S. 2091. An act granting an increase of pension to John P. Bambush;

S. 2090. An act granting an increase of pension to Sarah E. Adams;

S. 2968. An act granting a pension to George W. Hale;

S. 3474. An act granting an increase of pension to James B. Kellogg;

S. 790. An act granting an increase of pension to William Benkler;

S. 1173. An act granting an increase of pension to James M. Fernald;

S. 19. An act granting an increase of pension to Alphonso B. Holland;

S. 3888. An act granting an increase of pension to Susan E. Israel;
S. 3547. An act granting an increase of pension to Stephen M. Davis;
S. 1739. An act granting a pension to Henry Sistrunk;
S. 2153. An act granting an increase of pension to Helen Read;
S. 1527. An act granting an increase of pension to John M. Odenheimer;
S. 3310. An act granting an increase of pension to Richard M. Ogle;
S. 597. An act granting an increase of pension to David M. Pearson;
S. 589. An act granting a pension to Joseph L. Prentiss;
S. 1138. An act granting an increase of pension to Albert S. Blake;
S. 3933. An act granting an increase of pension to Sidney R. Smith;
S. 1273. An act granting an increase of pension to Eleanora A. Keeler;
S. 3029. An act granting an increase of pension to Delia A. Hooker;
S. 94. An act granting an increase of pension to Albert Wines;
S. 3903. An act granting an increase of pension to John McCoy;
S. 4226. An act granting an increase of pension to James Cain;
S. 548. An act granting an increase of pension to William Carr;
S. 3905. An act granting an increase of pension to James M. Garritt;
S. 218. An act granting an increase of pension to James White;
S. 220. An act granting an increase of pension to Jonathan F. Gates;
S. 623. An act granting an increase of pension to Bridget Evans;
S. 641. An act granting an increase of pension to James M. Conrad;
S. 1834. An act granting an increase of pension to Frederick W. Partridge;
S. 2332. An act granting an increase of pension to Ashley A. Youmans;
S. 672. An act granting an increase of pension to James F. Hubbard;
S. 675. An act granting a pension to Ulricke Boettcher;
S. 660. An act granting an honorable discharge to Peter Green;
S. 1925. An act granting an honorable discharge to Peter Fleming;
S. 3156. An act to grant an honorable discharge from the military service to Robert C. Gregg;
S. 2484. An act for the relief of Charles W. Howard;
S. 3411. An act to remove the charge of desertion from the military record of William B. McCloy;
S. 4159. An act granting an increase of pension to Mary P. Johannes;
S. 2142. An act granting an increase of pension to Adella D. Irwin;
S. 4286. An act granting an increase of pension to Thomas J. Davis;
S. 3751. An act granting an increase of pension to Daniel D. Nash;
S. 861. An act granting an increase of pension to Thomas O'Connor;
S. 162. An act granting an increase of pension to David D. Griffith;
S. 2393. An act granting an increase of pension to John L. Clark;
S. 3242. An act granting an increase of pension to Daniel Woolley;
S. 555. An act granting an increase of pension to Henry H. Hill;
S. 859. An act granting an increase of pension to Richard T. Fried;
S. 165. An act granting an increase of pension to Henry Russell;
S. 1251. An act granting an increase of pension to Peter Burns;
S. 1246. An act granting an increase of pension to William F. Wilson;
S. 4381. An act granting an increase of pension to John T. McGarraugh;
S. 4280. An act granting a pension to Amelia Cotten;
S. 446. An act granting an increase of pension to Mary C. Duane;
S. 3472. An act granting an increase of pension to Lena Sherman;
S. 4006. An act granting an increase of pension to Charles S. Parrish;
S. 2216. An act granting an increase of pension to David W. Magee;
S. 3640. An act granting an increase of pension to Oliver Brenton;
S. 2473. An act granting an increase of pension to Charles L. Noggle;
S. 2182. An act granting an increase of pension to John J. Buffington;
S. 187. An act granting an increase of pension to James H. Kane;
S. 3475. An act granting an increase of pension to Everett S. Fitch;
S. 1889. An act granting an increase of pension to Arthur Thompson;
S. 17. An act granting an increase of pension to Levi A. Tripp;
S. 1011. An act granting an increase of pension to John E. Woodsum;
S. 4479. An act granting an honorable discharge to James Knight;
S. 2950. An act granting an increase of pension to Joseph E. Stines;
S. 4096. An act granting an increase of pension to Norman W. Lombard;
S. 784. An act granting an increase of pension to George L. Cooley;
S. 1418. An act granting an increase of pension to Levi E. Cross;
S. 3036. An act granting an increase of pension to John O. Thorn;
S. 2344. An act granting an increase of pension to Albert C. Andrews;
S. 716. An act granting an increase of pension to Theodore H. Hanson;
S. 836. An act granting an increase of pension to Charles A. Fay;
S. 3575. An act granting an increase of pension to Sargent R. Emerson;
S. 4097. An act granting an increase of pension to Julius T. Williamson;
S. 712. An act granting an increase of pension to Lizzie M. McLauchlan;
S. 3043. An act granting an increase of pension to Henry D. Hall;
S. 842. An act granting an increase of pension to William A. Eggleston;
S. 1665. An act granting an increase of pension to John C. Estes;
S. 4337. An act granting an increase of pension to Barney McGirl;
S. 3588. An act granting an increase of pension to James Lebo;
S. 3224. An act granting a pension to Nancy A. Teeters;
S. 3187. An act granting a pension to John Harper;
S. 3315. An act granting an increase of pension to Henry V. Hamenstaedt;
S. 1230. An act granting an increase of pension to Eugene Gaskill;
S. 2096. An act granting an increase of pension to Nathaniel R. Kent;
S. 3626. An act granting a pension to Catherine Coyle;
S. 1227. An act granting an increase of pension to Henry J. Patterson;
S. 721. An act granting an increase of pension to Orange S. Mason;
S. 4131. An act granting an increase of pension to John Connor;
S. 1726. An act making provision for conveying in fee the piece or strip of ground in St. Augustine, Fla., known as "The Lines," for school purposes;
S. 4507. An act granting an increase of pension to Joseph Chandler, jr.;
S. 1645. An act granting an increase of pension to Joseph G. Orth;
S. 2735. An act granting a pension to Marcelina S. Groff;
S. 1908. An act granting an increase of pension to Francesco Del Gindice;
S. 1905. An act granting an increase of pension to Edgar Tibbits;
S. 3714. An act granting an increase of pension to James Ruth;
S. 2044. An act granting a pension to Solomon F. Wehr;

S. 3121. An act granting an increase of pension to John G. Blessing;
S. 1911. An act granting an increase of pension to Gunnerus Ingebretson;
S. 2103. An act granting an increase of pension to Lorin R. Bingham;
S. 2868. An act granting an increase of pension to George W. Flick;
S. 2080. An act granting a pension to Ruth F. Bennett;
S. 4000. An act granting an increase of pension to Pyle Woodward;
S. 3199. An act granting an increase of pension to Andrew J. Coulton;
S. 1437. An act granting an increase of pension to William F. Davis;
S. 3492. An act granting an increase of pension to Catharine Bechtol;
S. 3122. An act granting an increase of pension to Georgia Brown;
S. 1666. An act granting an increase of pension to George W. Beard;
S. 1555. An act granting an increase of pension to Mary C. Bishop;
S. 4223. An act granting an increase of pension to Benjamin F. Peirce;
S. 1421. An act granting an increase of pension to Harvey C. Brown;
S. 1357. An act granting an increase of pension to Orlando C. Pinkham;
S. 4422. An act granting an increase of pension to Lindsay Kirby; and
S. 4496. An act granting an increase of pension to Alphonso Brooks.

The message also announced that the Senate had passed with amendments bills of the following titles; in which the concurrence of the House of Representatives was requested:

H. R. 9944. An act granting an increase of pension to Thomas J. Martin;
H. R. 6385. An act granting an increase of pension to Henry Hastings; and
H. R. 8493. An act granting an increase of pension to Sallie F. Sheffield.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 10582. An act granting an increase of pension to Oscar B. Caswell;
H. R. 10258. An act granting an increase of pension to Elias Smith;
H. R. 10007. An act granting an increase of pension to Appleton Gibson;
H. R. 8649. An act granting an increase of pension to William Bode;
H. R. 11302. An act granting an increase of pension to John R. Cotton;
H. R. 9104. An act granting an increase of pension to Henry Brown;
H. R. 10459. An act granting a pension to Alta M. Westenhaver;
H. R. 10457. An act granting a pension to Lizzie Bremmer;
H. R. 10522. An act granting an increase of pension to Charles H. Everitt;
H. R. 10308. An act granting an increase of pension to Dillon F. Acker;
H. R. 8242. An act granting an increase of pension to John Alves;
H. R. 11653. An act granting an increase of pension to James R. Jordan;
H. R. 10588. An act granting an increase of pension to John H. Parker;
H. R. 10623. An act granting an increase of pension to Joseph L. Bostwick;
H. R. 8187. An act granting an increase of pension to Silas G. Elliott;
H. R. 7680. An act granting an increase of pension to William Shannon;
H. R. 10872. An act granting an increase of pension to Abram J. Hill;
H. R. 10611. An act granting an increase of pension to John J. Brewer;
H. R. 9416. An act granting an increase of pension to Jacob M. Longsworth;
H. R. 8926. An act granting an increase of pension to John Keller;
H. R. 8847. An act granting an increase of pension to Philip B. Thompson;
H. R. 8846. An act granting an increase of pension to Thomas Todd;
H. R. 11620. An act granting an increase of pension to John J. Quimby;
H. R. 10323. An act granting an increase of pension to Patrick J. Donahue;
H. R. 7838. An act granting an increase of pension to S. Harriet Morris;
H. R. 6859. An act granting a pension to Eva B. Kack;
H. R. 6613. An act granting a pension to Thomas J. Stevens;
H. R. 6076. An act granting a pension to Anna M. Case;
H. R. 7576. An act granting an increase of pension to George W. Brummett;
H. R. 7001. An act granting an increase of pension to Andrew M. Dunham;
H. R. 9142. An act granting an increase of pension to Herman A. Kimball;
H. R. 6538. An act granting an increase of pension to George H. Rice;
H. R. 6977. An act granting an increase of pension to Alfred S. Isaacs;
H. R. 10439. An act granting an increase of pension to Mary Ann Gaunt;
H. R. 10266. An act granting an increase of pension to William H. Morris;
H. R. 4826. An act granting a pension to Leola V. Franks;
H. R. 11160. An act granting an increase of pension to Lemuel Herbert;
H. R. 11144. An act granting an increase of pension to Lewis Pratt;
H. R. 9789. An act granting an increase of pension to Josiah Nicholson;
H. R. 6947. An act granting an increase of pension to Charles Washburn;
H. R. 8044. An act granting an increase of pension to Angel Hausker;
H. R. 8043. An act granting an increase of pension to Lafayette Dodds;
H. R. 7665. An act granting an increase of pension to Wesley J. Banks;
H. R. 10362. An act granting an increase of pension to William J. Chenoweth;
H. R. 7607. An act granting an increase of pension to Annie M. Smith;
H. R. 7240. An act granting a pension to Glawvina A. Pinnell;
H. R. 7231. An act granting an increase of pension to Samuel O'Tool;
H. R. 6941. An act granting an increase of pension to Alice Gearkee;
H. R. 6992. An act granting an increase of pension to Mary Duffy;
H. R. 8288. An act granting an increase of pension to Jonathan Carr;
H. R. 8596. An act granting an increase of pension to John C. Messerschmidt;
H. R. 7941. An act granting an increase of pension to Carlon B. Osborn;
H. R. 8253. An act granting an increase of pension to John Dolan;
H. R. 10722. An act granting an increase of pension to William H. Flint;
H. R. 10918. An act granting an increase of pension to Nathan W. Josselyn;
H. R. 6962. An act granting an increase of pension to Richard Phillips, jr.;
H. R. 11096. An act granting an increase of pension to Sion B. Glazner;
H. R. 10552. An act granting an increase of pension to James Wilkinson;
H. R. 10551. An act granting an increase of pension to Ezekial Polk;
H. R. 9579. An act granting an increase of pension to John G. Harris;
H. R. 10521. An act granting an increase of pension to John F. Cluley;
H. R. 9253. An act granting a pension to Vollie A. McMillen;
H. R. 7636. An act granting a pension to John J. Meeler;
H. R. 7599. An act granting an increase of pension to William Holland;
H. R. 7600. An act granting an increase of pension to John Welch;
H. R. 6993. An act granting an increase of pension to John Sarvis;
H. R. 11630. An act granting a pension to Harriet E. St. John;

H. R. 12054. An act granting an increase of pension to Martha E. Hallowell;
H. R. 9051. An act granting an increase of pension to Asher S. Bouden;
H. R. 8944. An act granting an increase of pension to William H. Lorance;
H. R. 8794. An act granting an increase of pension to Stout Shearer;
H. R. 6516. An act granting an increase of pension to Joseph Bailey;
H. R. 7224. An act granting an increase of pension to Charles R. Ellis;
H. R. 4685. An act granting an increase of pension to Jacob Rich;
H. R. 4962. An act granting an increase of pension to William J. Sturgis;
H. R. 4741. An act granting an increase of pension to Stephen Dickerson;
H. R. 8918. An act granting an increase of pension to Andrus J. Hull;
H. R. 10269. An act granting an increase of pension to Andrew Ricketts;
H. R. 12027. An act granting an increase of pension to Nathan C. Bradley;
H. R. 8216. An act granting an increase of pension to Philipp Cline, alias Francis Klein;
H. R. 9234. An act granting an increase of pension to William A. McDonald;
H. R. 10175. An act granting an increase of pension to Matthew A. Knight;
H. R. 1979. An act granting an increase of pension to Amanda L. Hill;
H. R. 9795. An act granting an increase of pension to Emory Edward Patch;
H. R. 1978. An act granting an increase of pension to Harry C. Thorne;
H. R. 1975. An act granting an increase of pension to William House;
H. R. 2954. An act granting an increase of pension to Chauncey P. Dean;
H. R. 4957. An act granting an increase of pension to Elijah J. Snodgrass;
H. R. 3966. An act granting an increase of pension to Samuel Jester;
H. R. 2108. An act granting a pension to Mattie Settlemire;
H. R. 2116. An act granting an increase of pension to Daniel Hays;
H. R. 2114. An act granting an increase of pension to Benjamin F. Bibb;
H. R. 8939. An act granting an increase of pension to Sarah A. Chauncey;
H. R. 1483. An act granting an increase of pension to Josephine E. Quentin;
H. R. 1484. An act granting an increase of pension to John L. Lovell;
H. R. 6085. An act granting an increase of pension to Jacob C. Rardin;
H. R. 5692. An act granting an increase of pension to Henry G. Gardner;
H. R. 13536. An act granting an increase of pension to Peter Cline;
H. R. 2478. An act granting an increase of pension to Asa M. Foote;
H. R. 2595. An act granting an increase of pension to Peter D. Sutton;
H. R. 3502. An act granting a pension to Morris Osborn;
H. R. 3500. An act granting an increase of pension to William M. Martin;
H. R. 2156. An act granting an increase of pension to Rachel E. Ware;
H. R. 1889. An act granting an increase of pension to William M. Shultz;
H. R. 1902. An act granting an increase of pension to Gilbert Ford;
H. R. 1585. An act granting an increase of pension to George N. Dutcher;
H. R. 1485. An act granting an increase of pension to Susan J. Williams;
H. R. 11320. An act granting an increase of pension to Adam Cook;
H. R. 11561. An act granting an increase of pension to Egbert P. Shetter;
H. R. 10297. An act granting an increase of pension to Nicholas Hercherberger;
H. R. 3483. An act granting an increase of pension to Lemuel P. Williams;
H. R. 3552. An act granting an increase of pension to David F. McDonald;
H. R. 3544. An act granting an increase of pension to Josiah M. Grier;
H. R. 3193. An act granting an increase of pension to James R. Todd;
H. R. 13308. An act to authorize the construction of a bridge across the Arkansas River at Pine Bluff;
H. R. 3973. An act granting an increase of pension to Isaac P. Knight;
H. R. 2306. An act granting an increase of pension to James W. Stell;
H. R. 2949. An act granting an increase of pension to George W. Adamson;
H. R. 5909. An act granting an increase of pension to William H. Bynon;
H. R. 6400. An act granting a pension to Harry W. Omo;
H. R. 6399. An act granting an increase of pension to David Hanna;
H. R. 6398. An act granting an increase of pension to George W. Henry;
H. R. 2307. An act granting an increase of pension to Joseph Jones Martin;
H. R. 9530. An act granting a pension to Catherine B. Casey;
H. R. 12640. An act granting an increase of pension to Augustus Walker;
H. R. 4192. An act granting an increase of pension to John C. Cavanaugh;
H. R. 6408. An act granting an increase of pension to Isaiah Queman;
H. R. 3679. An act granting an increase of pension to Albert M. Hunter;
H. R. 2849. An act granting an increase of pension to Jesse Harrison;
H. R. 5830. An act granting an increase of pension to Sylvanus Hardy;
H. R. 5855. An act granting an increase of pension to Francis L. Brown;
H. R. 6117. An act granting an increase of pension to Elizabeth Dill;
H. R. 6109. An act granting an increase of pension to William H. Ackert;
H. R. 6115. An act granting an increase of pension to Edward Sarlls;
H. R. 4221. An act granting an increase of pension to William Foat;
H. R. 8213. An act granting an increase of pension to William Monteith;
H. R. 2174. An act granting an increase of pension to Nathaniel Buchanan;
H. R. 5028. An act granting an increase of pension to Samuel P. Carll;
H. R. 3315. An act granting an increase of pension to Lewis L. Daugherty;
H. R. 650. An act granting an increase of pension to Felix G. Stidger;
H. R. 648. An act granting a pension to Charles Falbisaner;
H. R. 1287. An act granting an increase of pension to John D. Moore;
H. R. 1200. An act granting an increase of pension to John G. Parker;
H. R. 12016. An act granting an increase of pension to James Cassaday;
H. R. 6178. An act granting an increase of pension to Carl W. Block;
H. R. 10477. An act granting an increase of pension to James B. Babcock;
H. R. 10476. An act granting a pension to Charles T. Hesler;
H. R. 3230. An act granting an increase of pension to James H. Beulen;
H. R. 524. An act granting an increase of pension to Sylvanus A. Fay;
H. R. 1859. An act granting an increase of pension to George T. B. Carr;
H. R. 5708. An act granting an increase of pension to Thomas T. Fallon;
H. R. 6098. An act granting an increase of pension to Sadie A. Walker;
H. R. 3570. An act granting an increase of pension to Susan Whorton;
H. R. 4751. An act granting an increase of pension to Joseph J. Sparking;
H. R. 6063. An act granting an increase of pension to Maria Dyer;
H. R. 5938. An act granting an increase of pension to Edward J. McClaskey;

H. R. 6065. An act granting an increase of pension to Charles E. Crowe;
H. R. 5212. An act granting an increase of pension to Giles Q. Slocum;
H. R. 9059. An act granting an increase of pension to Ebenezer S. Edgerton;
H. R. 5753. An act granting an increase of pension to Sallie H. Murphy;
H. R. 5186. An act granting an increase of pension to Charles W. Fulton;
H. R. 2709. An act granting an increase of pension to Julius D. Rogers;
H. R. 2703. An act granting an increase of pension to Stephen Weeks;
H. R. 4179. An act granting an increase of pension to Owen Donohoe;
H. R. 6340. An act granting an increase of pension to William D. Hatch;
H. R. 3342. An act granting an increase of pension to Albin L. Ingram;
H. R. 3220. An act granting an increase of pension to Sarah Johnson;
H. R. 10720. An act granting an increase of pension to Joseph F. Caldwell;
H. R. 12937. An act granting an increase of pension to James Hoover;
H. R. 5605. An act granting an increase of pension to James S. Pelley;
H. R. 5163. An act granting an increase of pension to William U. Mallorie;
H. R. 4206. An act granting an increase of pension to Isaac Henry Ober;
H. R. 4202. An act granting an increase of pension to John C. Umstead;
H. R. 3983. An act granting a pension to Blanche Douglass;
H. R. 2204. An act granting an increase of pension to Dexter E. W. Stone;
H. R. 2059. An act granting an increase of pension to Jerome Washburn;
H. R. 2048. An act granting an increase of pension to Joseph J. Cooper;
H. R. 2054. An act granting an increase of pension to Ralph A. Adams;
H. R. 1909. An act granting an increase of pension to Alexander Miller;
H. R. 1658. An act granting an increase of pension to George M. Drake;
H. R. 6133. An act granting an increase of pension to Mary Bagley;
H. R. 6137. An act granting an increase of pension to Henry S. Stowell;
H. R. 5656. An act granting an increase of pension to Darius H. Randall;
H. R. 4246. An act granting an increase of pension to George D. Street;
H. R. 3403. An act granting an increase of pension to George A. Baker;
H. R. 2762. An act granting an increase of pension to William Chandler;
H. R. 6226. An act granting an increase of pension to George Bruner;
H. R. 8251. An act granting an increase of pension to Abel S. Thompson;
H. R. 13457. An act granting an increase of pension to William M. McCoy;
H. R. 5640. An act granting an increase of pension to Abraham Mathews;
H. R. 4886. An act granting an increase of pension to Marquis De Lafayette Burket;
H. R. 4878. An act granting an increase of pension to Isaac H. Witherwax;
H. R. 4764. An act granting an increase of pension to Abijah Brown;
H. R. 1359. An act granting an increase of pension to Henry M. Robinson;
H. R. 5658. An act granting an increase of pension to Joseph Nichols;
H. R. 5647. An act granting an increase of pension to Peter Wetterich;
H. R. 3425. An act granting an increase of pension to Warren A. Blye;
H. R. 11842. An act granting an increase of pension to James M. Noble;
H. R. 3571. An act granting an increase of pension to Eber Watson;
H. R. 3250. An act granting a pension to Harrison White;
H. R. 2823. An act granting an increase of pension to Orton D. Ford;
H. R. 1043. An act granting an increase of pension to Horace Hounsom;
H. R. 1032. An act granting an increase of pension to Seth Phillips;
H. R. 13037. An act granting an increase of pension to Elizabeth Jane Kearney;
H. R. 11051. An act granting a pension to Henry T. McDowell;
H. R. 8317. An act granting an increase of pension to Eliza Thompson;
H. R. 7982. An act granting an increase of pension to Francis M. Kellogg;
H. R. 9146. An act granting an increase of pension to Francis A. Jones;
H. R. 9651. An act granting an increase of pension to Charles S. Word;
H. R. 10954. An act granting an increase of pension to Letitia D. Watkins;
H. R. 8233. An act granting an increase of pension to Charles A. Power;
H. R. 9077. An act granting an increase of pension to Samuel Engle;
H. R. 8664. An act granting an increase of pension to Henry Wascher;
H. R. 8663. An act granting an increase of pension to Frederick A. Amende;
H. R. 9209. An act granting an increase of pension to Stephen D. Cohen;
H. R. 10437. An act granting an increase of pension to Casper Yost;
H. R. 13582. An act granting an increase of pension to James Sutherland;
H. R. 7628. An act granting an increase of pension to Lorenzo D. Stoker;
H. R. 7721. An act granting an increase of pension to Daniel V. Lowary;
H. R. 9065. An act granting an increase of pension to George G. Brail;
H. R. 9851. An act granting an increase of pension to William G. Richardson;
H. R. 8562. An act granting an increase of pension to William Ostermann;
H. R. 7213. An act granting an increase of pension to Loucette E. Glavis;
H. R. 9237. An act granting an increase of pension to Jacob Dachrodt;
H. R. 10307. An act granting an increase of pension to Milton A. Saeger;
H. R. 8156. An act granting an increase of pension to Loren H. Howard;
H. R. 8061. An act granting an increase of pension to Heart Echard;
H. R. 5711. An act granting a pension to Richard H. Kelly;
H. R. 9405. An act granting an increase of pension to John Burns;
H. R. 9122. An act granting an increase of pension to Philander Burnett;
H. R. 7222. An act granting an increase of pension to Levi J. Walton;
H. R. 9052. An act granting an increase of pension to Jonathan Wood;
H. R. 8714. An act granting an increase of pension to George Gibson;
H. R. 9929. An act granting an increase of pension to Orlean De Witt;
H. R. 10256. An act granting an increase of pension to Daniel D. Diehl;
H. R. 13078. An act granting an increase of pension to Elizabeth F. Partin;
H. R. 6813. An act granting an increase of pension to Emsley Kinsauls;
H. R. 13084. An act granting an increase of pension to William Dixon;
H. R. 12837. An act granting an increase of pension to Martha Miller;
H. R. 8494. An act granting an increase of pension to David A. Jones;
H. R. 8949. An act granting an increase of pension to Albert Richard Clark;
H. R. 10483. An act granting a pension to James Gallt;
H. R. 9351. An act granting an increase of pension to Marie G. Bonham;

H. R. 6494. An act granting an increase of pension to William Hughes;
H. R. 7948. An act granting an increase of pension to James W. Reynolds;
H. R. 8169. An act granting an increase of pension to Eliza C. Jones;
H. R. 9906. An act granting an increase of pension to Hinman Rhodes;
H. R. 12156. An act granting an increase of pension to Edwin Billing;
H. R. 12290. An act granting an increase of pension to David L. Kretsinger;
H. R. 12297. An act granting a pension to Estelle Kuhn;
H. R. 8556. An act granting an increase of pension to Ethan Blodgett;
H. R. 8541. An act granting an increase of pension to Edward H. Pinney;
H. R. 8520. An act granting an increase of pension to Alfred F. White;
H. R. 8302. An act granting an increase of pension to Maurice Hayes;
H. R. 8406. An act granting an increase of pension to Susan W. Selfridge;
H. R. 7955. An act granting an increase of pension to Newton E. Terrill;
H. R. 7750. An act granting an increase of pension to Anton Riedmüller;
H. R. 7649. An act granting an increase of pension to William Leipnitz;
H. R. 6913. An act granting an increase of pension to John Gibbons;
H. R. 6873. An act granting an increase of pension to Charles A. Phillips;
H. R. 7241. An act granting an increase of pension to Mary J. Allhands;
H. R. 7525. An act granting an increase of pension to William K. Spencer;
H. R. 7238. An act granting an increase of pension to William J. Campbell;
H. R. 6489. An act granting a pension to Mary E. Scott;
H. R. 6565. An act granting an increase of pension to Francis M. Hatter;
H. R. 10216. An act granting an increase of pension to Hugh Longstaff;
H. R. 9567. An act granting an increase of pension to Henderson Rose;
H. R. 12713. An act granting an increase of pension to Augustus F. Bradbury;
H. R. 13050. An act granting an increase of pension to William G. Crockett;
H. R. 12839. An act granting an increase of pension to Kathryn G. Hayt;
H. R. 13129. An act granting an increase of pension to Pinkney W. H. Lee;
H. R. 13141. An act granting an increase of pension to William A. Southworth;
H. R. 13579. An act granting an increase of pension to Amon Miller;
H. R. 10564. An act granting an increase of pension to Levi N. Bodley;
H. R. 10637. An act granting an increase of pension to Levi I. Shipman;
H. R. 10741. An act granting an increase of pension to Thomas Clark;
H. R. 10807. An act granting an increase of pension to Jacob J. Long;
H. R. 10883. An act granting an increase of pension to William Lee;
H. R. 10925. An act granting an increase of pension to Isaac C. Dennis;
H. R. 10967. An act granting a pension to George Larson;
H. R. 10969. An act granting an increase of pension to Calaway G. Tucker;
H. R. 11061. An act granting an increase of pension to Reanna Pile;
H. R. 11105. An act granting an increase of pension to Michael Comer;
H. R. 11132. An act granting an increase of pension to Horace E. Lydy;
H. R. 11145. An act granting an increase of pension to Melvin J. Lee;
H. R. 11205. An act granting an increase of pension to Jeremiah Spice;
H. R. 11343. An act granting an increase of pension to Enoch Bolen;
H. R. 11658. An act granting an increase of pension to Gould E. Utter;
H. R. 11672. An act granting an increase of pension to Franklin J. Fellows;
H. R. 11724. An act granting an increase of pension to John A. Conley;
H. R. 11777. An act granting an increase of pension to Manson B. Scott;
H. R. 11808. An act granting an increase of pension to Webster Thomas;
H. R. 11846. An act granting a pension to Clara M. Thompson;
H. R. 11908. An act granting an increase of pension to Stephen V. Sturtevant;
H. R. 11916. An act granting an increase of pension to Edward L. Kimball;
H. R. 12008. An act granting an increase of pension to James D. Blanding;
H. R. 12038. An act granting an increase of pension to Charles H. Burleigh;
H. R. 12102. An act granting an increase of pension to Wilhelmina Healey;
H. R. 12285. An act granting a pension to Mary C. Kirkland;
H. R. 12384. An act granting an increase of pension to Andrew Dunning;
H. R. 12388. An act granting an increase of pension to Harvey T. Dunn;
H. R. 12506. An act granting an increase of pension to John T. Howell;
H. R. 12507. An act granting an increase of pension to George W. Collier;
H. R. 12510. An act granting an increase of pension to John McWhorter;
H. R. 12583. An act granting an increase of pension to Elizabeth L. H. Labott;
H. R. 12754. An act granting an increase of pension to William B. Eversole;
H. R. 9279. An act granting an increase of pension to Patrick Curley;
H. R. 5957. An act granting an increase of pension to Henry J. Steck; and
H. R. 7711. An act granting an increase of pension to Samuel Dunnan.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 3156. An act to grant an honorable discharge from the military service to Robert C. Gregg—to the Committee on Military Affairs.
S. 2484. An act for the relief of Charles W. Howard—to the Committee on Military Affairs.
S. 1925. An act granting an honorable discharge to Peter Fleming—to the Committee on Military Affairs.
S. 660. An act granting an honorable discharge to Peter Green—to the Committee on Military Affairs.
S. 395. An act to provide for the appointment of a district judge for the western judicial district of South Carolina, and for other purposes—to the Committee on the Judiciary.
S. 4479. An act granting an honorable discharge to James Knight—to the Committee on Military Affairs.
S. 3411. An act to remove the charge of desertion from the military record of William B. McCoy—to the Committee on Military Affairs.
S. 1726. an act making provision for conveying in fee the piece of strip of ground in St. Augustine, Fla., known as "The Lines," for school purposes—to the Committee on Military Affairs.
S. 661. An act for the relief of Levi J. Billings—to the Committee on War Claims.

FIVE CIVILIZED TRIBES.

Mr. CURTIS. Mr. Speaker, I am directed by the Committee on Indian Affairs to ask unanimous consent to take from the Speaker's table for present consideration Senate joint resolution 37.

The SPEAKER. The gentleman from Kansas, by direction of the Committee on Indian Affairs, asks unanimous consent to consider the following joint resolution, which the Clerk will report.

The Clerk read as follows:

Senate joint resolution No. 37.

*Resolved, etc.*, That the tribal existence and government of the Choctaw, Chickasaw, Cherokee, Creek, and Seminole tribes or nations of Indians in the Indian Territory are hereby continued in full force and effect for all purposes until the 4th day of March, A. D. 1907, unless hereafter otherwise provided by law; and all acts and parts of acts, so far as they conflict herewith, are hereby repealed.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. CURTIS. Mr. Speaker, the committee suggests several amendments, which I offer.

The Clerk read as follows:

Line 3, after the word "and," add "present tribal;" and add the letter "s" to the word "government."
Line 6, after the word "purposes," add "under existing laws."
Strike out the following words: "The 4th of March, A. D. 1907, unless hereafter otherwise provided by law, and all acts and parts of acts, so far as they conflict herewith, are hereby repealed," and add in lieu thereof "all property of such tribes, or the proceeds thereof, shall be distributed among the individual members of said tribes."

Mr. CURTIS. Mr. Speaker, the adoption of this resolution is thought to be necessary, for the reason that, under existing laws and agreements with the Five Civilized Tribes, the tribal government of each of said tribes expires on the 4th day of March, 1906.

A bill has passed the House and is now pending in the Senate which provides for the final disposition of the affairs of the Five Civilized Tribes in the Indian Territory. It was expected that this bill would pass the Senate and become a law by the 4th of March, but it is apparent that it will not become a law by that time, and much of the tribal property will remain undisposed of.

There is still unallotted, of the lands of the Choctaw and Chickasaw Indians, 4,500,000 acres; of the Cherokees, about 875,000 acres; of the Creek, about 606,000 acres. All of the lands of the Seminoles have been allotted.

It is contended by some who support this resolution that if some action is not taken by Congress to continue the present tribal relations and governments there is danger of this land becoming the property of the United States, and if it does there is fear that a land grant made to the State of Kansas for the purpose of building certain railroads, or to aid certain railroads in building, through the Indian Territory may attach. Personally, I think there is little if any danger of this grant attaching, even though this resolution should fail.

Under the treaty of the United States with the Cherokee Indians, made in 1828 and amended by the treaty of 1833, the United States agreed to grant to the Cherokees, and guaranteed to them forever, 7,000,000 acres of land described in said treaty, and also to guarantee to said Indians a perpetual outlet west and a free and unmolested use of all the country lying west of the western boundary of the 7,000,000 acres.

By this treaty the United States covenanted and agreed to convey the lands in fee simple title, but the treaty of 1846 provided that the lands covered thereby should revert to the United States if the Indians became extinct or abandoned the same. The patent also provides that the lands shall revert to the United States if the Cherokee Nation becomes extinct or abandons the same.

The question as to the effect of this clause in the patent of the Cherokees was referred to by the Supreme Court of the United States in the case of Holden *v.* Joy (17 Wallace, 250), in which the court says:

Strong doubts are entertained whether that condition in the patent is valid, as it was not authorized by the treaty under which it was issued. By the treaty the United States covenanted and agreed to convey the lands in fee simple title, and it may well be held that if that condition reduces the estate to less than a fee it is void.

The United States judge for the western district of Arkansas, in the case of the United States *v.* Ben Reese, at the May term of 1879, after reviewing the various treaties, laws, and decisions of the court with reference to the Cherokee lands of the Indian Territory, held that there is no limitation on the title conveyed by the United States to the Cherokees by the treaty of 1833; that if said treaty was inconsistent with the act of May 30, 1830, merely so much of it as was inconsistent with the language of the second article of the treaty of 1835 was a recognition of the cession of the lands, and if they had already been ceded to the Cherokees by the treaty of 1833, the agreement by the United States by the third article of the treaty of 1835 to give them a patent to these lands, according to the provisions of the act of May 28, 1830, was a mere nudum pactum. It was an attempt to place a restriction on the title which had already passed, and which, according to the first article of the treaty of 1833, was to be evidenced by a patent.

The court, after discussing the question on the basis that the condition in the patent is valid, says:

This Indian title being a base, qualified, or determinable fee, with only the possibility of reversion, and not the right of reversion, in the United States, all the estate is in the Cherokee Nation of Indians.

The patent to the Cherokees was issued on the 31st day of December, 1838.

By the third article of the treaty of the United States with the Creek Indians the United States agreed to grant a patent in fee simple to the Creek Nation of Indians for the lands of said nation. By this treaty and convention it was agreed that "whenever the same shall have been ratified by the President and the Senate of the United States the right thus granted by the United States shall be continued to said tribe of Indians so long as they shall exist as a nation and continue to occupy the country hereby assigned them." A patent was issued to the Creek Indians on the 11th day of August, 1851.

By treaty with the Choctaw Nation, of September 27, 1830, the United States agreed to convey to the Choctaw Nation a tract of country west of the Mississippi River in fee simple to them and to their heirs, to inure to them while they shall exist as a nation and live on it, but in the treaty of 1855, made with the Choctaw and Chickasaw Indians, the United States agreed, pursuant to act of Congress of May 28, 1830, to secure and guarantee the lands embraced within the said limits to the members of the Choctaw and Chickasaw tribes, their heirs and successors, to be held in common, so that each and every member of either tribe may have an equal and undivided interest in such whole, provided, however, that no part thereof shall ever be sold without the consent of both tribes, and that said lands shall revert to the United States if said Indians or their heirs become extinct or abandon the same.

It will be seen from this treaty that the Government of the United States agreed to convey to the Choctaws and Chickasaws identically the same title given to the Cherokees. In all of the agreements and laws passed since 1893 it has been the object of Congress to divide the lands of the Five Civilized Tribes so that each member would receive a fair and equal share of the tribal property.

In my judgment, under existing laws, the Government of the United States would have the right to dispose of the unallotted lands of these various tribes without further legislation and to sell what remained undisposed of to equalize allotments in accordance with the terms of existing agreements, but it seems that in 1866 the United States, for the purpose of aiding the Kansas and Neosha Valley Railroad Company, the same being a corporation organized under the laws of the State of Kansas, to construct and maintain a railroad, granted to the State of Kansas for the benefit of said railroad company every alternate section of land, or parts thereof designated by odd numbers, to the extent of 10 sections per mile on each side of said road, to be selected within 20 miles of the line of said road. By the eighth section of said act it authorizes and empowers said railroad company to extend and construct its road over the southern boundary of Kansas south through the Indian Territory to Red River at or near Preston, in the State of Texas, so as to connect with the railway now being constructed from Galveston to a point at or near Preston, in the said State, and the right of way through the Indian Territory, wherever said right is now reserved or may hereafter be reserved to the United States by treaty with the Indian tribes, is hereby granted to said company to the same extent as the grant by the sixth section of this act to the public lands. In all cases where the rights of way as aforesaid through the Indian lands shall not be reserved to the Government the said company shall, before constructing its road, procure the consent of the tribe or tribes interested, which consent, with all its terms and conditions, shall be previously approved and indorsed by the President and filed with the Secretary of the Interior. Section 9 provides that the same grants of lands through said Indian Territory are hereby made as provided in the first section of this act whenever the Indian title shall be extinct, by treaty or otherwise. The ratio per mile granted in the first section of this act provided that said lands become a part of the public lands of the United States.

Now, I do not believe this grant attaches, for two reasons. The first is the right was not reserved nor was it thereafter reserved to the United States by treaty with the Indian tribes, so the railroad was forced to take advantage of the other part of section 8, which provided the means by which they might secure right of way where the lands had not been reserved to the Government.

In each of the treaties made with the Civilized Tribes in 1866 provision was made for the granting of rights of way to railroads through the lands owned by the respective tribes. Second, two things were necessary to occur before this land grant could attach. The first was that the Indian title should be extinguished by treaty or otherwise, and the second was that the lands should become part of the public lands of the United States. The Indian title has not been extinguished in the manner contemplated by section 9 of the act of 1866, and the lands have not become a part of the public lands of the United States. A careful reading of the act of June 28, 1898, and of the various agreements made with the tribes, will con-

vince any person that it was the intention of Congress and of the tribes to prevent this land ever becoming a part of the public lands of the United States.

The act of June 28, 1898, provided for the allotment for the exclusive use and occupancy of the surface of all the lands of the nations susceptible of allotment among the citizens thereof, giving to each, so far as possible, his fair and equal share thereof, considering the nature and fertility of the soil, location, and value of the same.

In the section providing for the allotment as aforesaid the following proviso is found:

That nothing herein contained shall in any way affect the invested legal rights which may have been heretofore granted by act of Congress, nor be so construed as to confer any additonal rights upon any parties claiming under any such act of Congress.

This proviso was inserted after a hearing of the attorneys who represented the Missouri, Kansas and Texas Railroad, and the provisions of the act were drawn so as to avoid the grant ever attaching to the lands of these tribes.

The agreement with the Chickasaws and Choctaws provides that when allotments have been made the balance of the lands are to be sold at public auction and the proceeds placed in the Treasury and distributed as are other moneys of the tribes.

The Cherokee agreement provides that when allotments have been made the rest of the land shall be apportioned so as to equalize allotments.

The Creek agreement provides that the lands remaining unallotted and all undivided funds are to be used to equalize allotments, and further provides for the sale, at public auction, of all lands reserved when not needed, the proceeds to be deposited to the credit of the tribe.

The lands of the Seminoles have been allotted, so it is unnecessary to refer to this tribe.

It will be seen that the act of 1898 and the various agreements provide for a disposition of the lands of these tribes, so that no part of the same will ever become public lands of the United States.

The general counsel for the Missouri, Kansas and Texas Railroad, which claims under the grant of 1866 as the railroad to which said grant was made, recognized that there was one way only to have this grant attach, and in his brief, filed with the committee, protested against the passage of the act of 1898 in the following language:

The company justly protests against any legislative action which shall either attempt to enact an expressed denial of its claims of right, or which shall make such disposition of the lands as will amount to such denial. Especially and rightfully does the company protest against legislation which attempts to destroy this claim of right by indirection. The uniform method of extinguishing Indian occupancy title has been by allotment of small tracts to individual members of the tribe, and subjection of the residue to the operation of the public-land laws in some form. The proceeds thus realized, or the larger part, have been placed in the Treasury in trust for the Indians, or divided per capita amongst them. If, then, Congress finds it necessary in this case to resort to unusual methods of disposition, such as omitting to declare an extingushment of the Indian title or to declare the lands or any part thereof to be public lands, is it not a direct recognition of the merits of the company's claim of right?

It will be seen from this that the general counsel for the company realized that under the bills which were then pending, and which afterwards became law, that the grant to their railroad could not, and would not, attach.

Under existing laws the tribal governments are to be extinguished on the 4th of March; but this does not, in my judgment, do away with the tribal relations. A change in the form of government would not change the character of the title by which the tribal property is held, and the United States would have the right to dispose of the lands in accordance with the terms of existing agreements, which would be to allot to each member his fair share, and to sell any unallotted lands and use the proceeds for the purpose of equalizing allotments.

The Supreme Court, in the case of the Cherokee Nation *v.* Hitchcock (187 U. S., p. 294), held:

There is no question involved in this case as to the taking of property. The authority which it is proposed to exercise by virtue of the act of 1893 has relation merely to the control and development of tribal property, which still remains subject to the administrative control of the Government, even though the members of the tribe have been invested with the status of citizenship in recent legislation.

If the court thus holds in regard to the right of the Government to still control the tribal property after the members of the various tribes have become citizens, would it not also hold that the Government of the United States had the right to go further and allot lands under existing laws and agreements and to dispose of the tribal property under the provisions of said laws, the same as if the tribal government still existed? As a matter of fact, there is nothing but a shell of a government remaining among the Five Civilized Tribes.

While, in my judgment, this legislation is not at all necessary, because I do not believe that the grant to the railroad attaches or can attach, yet in view of the fact that the question has been raised by able lawyers at the other end of the Capitol, I think it safe to pass this resolution.

Mr. STEPHENS of Texas. Mr. Speaker, the necessity for the passage of this resolution arises from the fact that by recent acts of Congress the tribal government of the Five Civilized Tribes in the Indian Territory will expire on March 4 this year. If this resolution is not passed, all of said Indians lose their identity as individuals of Indian tribes and become citizens of the United States. Heretofore these tribes have held their landed property in common as tribes. The title to said lands passed from the United States by virtue of treaties made with the Indian tribes and ratified by Congress, which treaties and acts authorized the administrative branch of the Government to issue patents to the lands specified to the respective tribes. In some instances these patents did not harmonize with nor convey to the tribes the title contracted for as specified in the treaties and acts of Congress. The authors of this resolution fear that if these tribal governments are permitted to become extinct on March 4 that all the lands held by them as tribes in common under the alleged defective patents will escheat or revert to the United States and again become public domain, and in that event that certain grants made to railway corporations by Congress—subsequent, however, to the treaties and patents made to the Indians—will attach to and carry the title now held by the Indians to the corporations now holding the subsequent grants, and in that event the Indians would lose all the lands covered by the grants made to the railroad corporations; and to prevent this loss to the Indians of their lands it is deemed wise to pass this resolution and permit the tribes to hold their lands in common until they are fully disposed of by Congress for the benefit of the Indians. I deem this a wise and prudent thing to do, as it fully guarantees to the Indians the lands contracted for by them from the Government and extinguishes whatever rights may be held in any reversionary interest by the railroad companies now owning said supposed grants. The grant referred to is found in 39 United States Statutes, page 238, section 8, under act approved July 25, 1866, as follows:

SEC. 8. *And be it further enacted,* That said Kansas and Neosho Valley Railroad Company, its successors and assigns, is hereby authorized and empowered to extend and construct its railroad from the southern boundary of Kansas south, through the Indian Territory, to Red River, at or near Preston, in the State of Texas, so as to connect with the railway now being constructed from Galveston to a point at or near Preston, in said State; and the right of way through the Indian Territory, wherever such right is now reserved or may hereafter be reserved to the United States by treaty with the Indian tribes, is hereby granted to said company to the same extent as granted by the sixth section of this act through the public lands; and in all cases where the right of way, as aforesaid, through the Indian lands, shall not be reserved to the Government, the said company shall, before constructing its road, procure the consent of the tribes interested, which consent, with all its terms and conditions, shall be previously approved and indorsed by the President and filed with the Secretary of the Interior.

Mr. Speaker, I do not believe that the Indians would forfeit their lands by our failure to pass this resolution, for, in my judgment, the courts would hold that the treaties made with the various tribes, the acts of Congress, and the patents to the Indians would all be construed together, and, when so construed, that the courts would hold that the United States did not hold any reversionary interest in any of these lands to subsequently convey to any corporation or person. Hence, judging the questions here raised from a legal standpoint, as a lawyer, I do not believe that these lands could ever be recovered by the railroads, but, as a matter of prudence, I am in favor of passing this resolution.

The committee amendments were agreed to.

The joint resolution was read a third time, and passed.

On motion of Mr. CURTIS, a motion to reconsider the last vote was laid on the table.

CLERK FOR COMMITTEE ON ENROLLED BILLS.

Mr. CASSEL. Mr. Speaker, I desire to submit the following report from the Committee on Accounts.

The Clerk read as follows:

Resolution No. 342.

*Resolved,* That the chairman of the Committee on Enrolled Bills be, and he is hereby, authorized to appoint an additional clerk to said committee, who shall be paid out of the contingent fund of the House at the rate of $6 per day during the remainder of the present session.

Mr. WILLIAMS. Mr. Speaker, I would ask the gentleman to make a statement to justify this increase.

Mr. CASSEL. Mr. Speaker, this is the same resolution which has been passed each year at the request of the chairman of this committee for this additional help in order to attend to the necessary work of the committee. It is not an additional employee at all.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken, and the resolution was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had disagreed to the amendments of the House of Representatives to the joint resolution (S. R. 37) extending the tribal relations and government of the Five Civilized Tribes of Indians in the Indian Territory, had asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. CLAPP, Mr. MCCUMBER, and Mr. DUBOIS as the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the amendment of the House of Representatives to the bill (S. 1465) granting an increase of pension to Patrick Fallihee.

GEORGE W. HARMER.

Mr. CASSEL. Mr. Speaker, I submit the following privileged resolution, which I send to the desk and ask to have read.

The Clerk read as follows:

*Resolved*, That the Clerk of the House is hereby authorized and directed to pay to Mrs. Annie L. Harmer, widow of George W. Harmer, deceased, late a folder on the rolls of the Doorkeeper of the House of Representatives, a sum equal to six months' pay at the rate of compensation received by him at the time of his death, and a further sum, not exceeding $250, on account of the funeral expenses of said George W. Harmer, said amounts to be paid out of the contingent fund of the House.

With the following amendments:

Strike out the words "Mrs. Anna L. Harmer, widow," and insert "David Harmer, administrator."

Before the word "George," in line 3, insert the words "estate of."

The SPEAKER. The question is on agreeing to the amendments.

The question was taken, and the amendments were agreed to.

The SPEAKER. The question now is on agreeing to the resolution.

The question was taken, and the resolution was agreed to.

NATURAL SPRING WATER.

Mr. CASSEL. Mr. Speaker, I present the following privileged resolution, which I send to the desk and ask to have read.

The Clerk read as follows:

*Resolved*, That the Clerk of the House is hereby authorized and directed to supply the committee rooms, cloakrooms, and offices connected with the House of Representatives with pure natural spring water, the same to be paid for out of the contingent fund of the House.

Mr. PAYNE. Mr. Speaker, I would like to ask the gentleman for some explanation of that resolution.

Mr. CASSEL. Mr. Speaker, it requires very little explanation, except that for some years the House has been supplied with natural spring water, and that supply has been cut off for some reason or other. The Clerk of the House prefers to have a resolution of this kind passed, so as to authorize him to pay for the spring water to be placed in the committee rooms. It is a very small expense and yet one that we thought was proper.

Mr. STEPHENS of Texas. Mr. Speaker, I would like to inquire where that spring is situated?

Mr. CASSEL. We have made no special contract in respect to that. It authorizes the Clerk to supply the water.

Mr. STEPHENS of Texas. From any spring that he desires?

Mr. CASSEL. Yes.

Mr. FITZGERALD. Mr. Speaker, I desire to inquire of the gentleman whether the water furnished by the District of Columbia is unfit for drinking purposes?

Mr. CASSEL. Mr. Speaker, I would say that a great many persons have suffered from drinking the water now being furnished, and, from my own experience, I would be afraid to drink it. Consequently, I always use water of this kind, as do most of the Members of the House, as I understand it.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken, and the resolution was agreed to.

UNION NEWS, THOMASTON, GA.

Mr. GRIGGS. Mr. Speaker, I am directed by the Committee on the Post-Office and Post-Roads to submit the following privileged resolution, which I send to the desk and ask to have read.

The Clerk read as follows:

*Resolved*, That the Postmaster-General be, and he is hereby, directed to furnish to the House the following information, if not incompatible with the public service:

First. If a newspaper published at Thomaston, Ga., and known as "The Union News," has been at any time admitted to the mails as second-class matter; and, if so, when and for what length of time the said publication was admitted to the mails as second-class matter.

Second. If said newspaper, The Union News, has been excluded and denied admission to the mails as second-class matter; if so, when said newspaper was so denied admission to the mails as second class, and the facts upon which it was decided to exclude said newspaper from the mails as second-class matter; and to furnish to the House the decision and order of the Post-Office Department excluding said newspaper, The Union News, from the mails as second-class matter, and also the record in the Post-Office Department upon which such decision is based.

With the following amendment:

Strike out the word "service," in line 3, and insert in lieu thereof the word "interests."

Mr. GRIGGS. Mr. Speaker, I move the adoption of the amendment.

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The SPEAKER. The question now is on agreeing to the resolution.

Mr. GRIGGS. Mr. Speaker, I yield to the gentleman from Georgia [Mr. BARTLETT], the author of the resolution, such time as he may desire.

Mr. BARTLETT. Mr. Speaker, I shall not detain the House but a few moments in advocacy of the passage of this resolution. The reason why this resolution has been introduced by me is for the purpose of having the House informed of the facts and circumstances under which a newspaper published in the district which I have the honor to represent was excluded from the mails as second-class matter. I hold in my hand a copy of that newspaper. The paper for a year or more in this shape that I now present had been admitted to the mails as second-class matter. It is "The Union News," published at the instance of what is known as the "Farmers' Union of the State of Georgia," which is a part of the "Farmers' Union of the United States," and is the official organ of 40,000 farmers in Georgia and a part of an organization embracing within its membership 600,000 farmers of the United States. For a year or more the paper in the shape of the copy I hold in my hand of date March 6, 1905, was admitted to the mails as second-class matter, being a semiweekly issue. Some time in January or February of this year it was determined by the proprietors to issue the paper as a weekly paper instead of a semiweekly paper, and it was so changed and issued in a larger and more improved size and style. When this was submitted to the Post-Office Department for permission to be entered as second-class matter as a weekly paper instead of a semiweekly paper, there being no change in reference to the character of its publication, it still being devoted to the dissemination of public news and also of the matter particularly interesting to the farmers of Georgia and of that locality, the Postmaster-General, through the head of the bureau that has this matter in charge, has seen fit to exclude it from the mails at the rate for second-class matter. The issue of that paper of date February 5, 1906, a copy of which I have here and exhibit to the House, was the one submitted and is the paper that the Post-Office Department excluded from the second-class rate. There is no question raised that this publication did not have the requisite number of subscribers.

And I want to say, Mr. Speaker, to this House that while there was no effort to conceal the reasons why it was excluded, when I made a visit to this head of the bureau of the Post-Office Department that I never saw a more dogmatic assertion of power by the head of any bureau, or even in the head of a Department, when the statement was made that the paper had been excluded because it was devoted mainly and chiefly to advocating the interest of the people that it purposed to represent—the farmers of the State of Georgia and of the United States. Every other organization—the railroad employees, the locomotive engineers, the firemen, all have their organs which advocate their organization and the principles which they represent. The teachers of the United States are organized, and they have their journals. The printers, the merchants, and all trades and callings have and publish papers in their interest. I have here a publication called "American Economist," with a statment printed on the front page, as follows, in large, black type:

Devoted to the protection of American labor and industries.

It is published weekly by the American Protective Tariff League, and is entered in the New York post-office as second-class mail matter, and has been for years transmitted through the mails as such. This paper, the American Economist, is the official organ of the American Protective Tariff League and of the protectionists, and its every page, except the advertisements, contains mainly and almost solely letters and correspondence and articles maintaining the doctrines of the tariff "stand-patters," and is devoted altogether to the purpose of supporting the present high rates of the tariff. Take away from the Economist those parts of it which are devoted to upholding the doctrines of the high protective tariff and there would be nothing left of it but the advertisements. Yet no question is raised as to its right to the mails as second-class matter. The doctrines of protective tariff, in the opinion of the post-office bureau, should be promulgated at the cheap rates through the mail. I have here also a number of other publications which seem to be

issued solely to further some particular trade, calling, or interest, which have been admitted to the mails as second-class matter. The merchant, the manufacturer, the printer, the railroad employee have their own organs devoted to the interest of each. These all can be and have been admitted to the mails under the second-class rate, without protest and without limit, and, I apprehend, almost without investigation, yet when a paper like this, the Union News, which advocates the interests of the millions of farmers of the country upon whose back and shoulders have ever rested the prosperity of our country, is excluded, because a clerk in a bureau of the Post-Office Department says it should not be permitted to go through the mails at the rates prescribed for it by Congress, because its chief purpose is the advocacy of the interests of the farmers of the country.

Therefore, Mr. Speaker, I deemed it proper that the House should have, not simply through me, but an official statement of the facts upon which this conduct has been based, and in the interest of this great class that this paper, though small in size, though published in a small city in my own district, seeks to advocate, in the interest of fairness and justness, in the interest of maintaining the right of every citizen high or low of every class, the farmer and everyone else, to have equal rights in the transportation of the periodicals and the papers of this country, and I have seen fit to introduce this resolution on my responsibility, and I now ask that the House shall pass it, so that we can have the information which will show us, Mr. Speaker, the character of the despotic rule that now exists in a department of the Post-Office, so that it may be removed by the people's legislators if it can be. [Applause.]

Mr. HEFLIN. Is it not a fact that a paper is issued under the auspices of the tariff league?

Mr. BARTLETT. I had that paper here a moment ago—the American Economist.

Mr. HEFLIN. And that it is published in the interest of the protective tariff?

Mr. BARTLETT. I have it here. It is called the "American Economist," which comes to me, as I presume it comes to everyone else, in a wrapper without any stamp on it, so I judge for that reason it comes under the second-class rate, and I submit to the House if outside of the advertisements you can find anything in this paper except the advocacy of the maintenance of the present Dingley rate of high tariff, then I will apologize for it. This indicates that this American Economist and these other periodicals that are disseminating through the mails at second-class rates represent the peculiar views which their authors and those interested in it advocate, but when a paper that is published mainly in the interest of eleven or twelve million farmers of the country undertakes to have the same privilege we are met by an iron-bound rule at the hands, I say, of a clerk in this Department, and it is time, Mr. Speaker and gentlemen of the House, that the United States Congress should wake up to the proposition and realize that we are being ruled not by ourselves so much as by the bureaus in the various Departments of this Government. [Applause.] And for one, if this simple resolution in reference to the injustice and wrong that has been done this paper, though never heard of before by the Members of this House except by myself, shall result in revealing to the House and revealing to the country the autocratic and despotic power that is being used in the Post-Office Department in this matter and matters of this kind, it will serve a great purpose not only to the Members of the House, but to the people of the country, whom we represent. [Applause.]

Mr. GRIGGS. Mr. Speaker, I yield five minutes to the gentleman from Mississippi [Mr. WILLIAMS].

Mr. WILLIAMS. Mr. Speaker, it would be well, perhaps, for the House not only to know as a general proposition that the Federal Government has become one of the greatest bureaucracies in the world, and that we have with us now a Government by construction—chiefly of bureau chiefs—but to go into some specifications for which an occasion is furnished by this resolution.

I understand this paper excluded from the mail as fourth-class matter has a correct number of paid-up, or bona fide, subscribers.

This paper which has been excluded from the mails contains seven pages of reading matter and only a little over one page of advertisements. It is true that on one page of it there is an advertisement of Tom Watson's Magazine, and perhaps that may, like a red flag, have infuriated the bureau chief to such an extent that he thought the entire publication ought to be excluded from the mails. It is true that there is an advertisement of one black horse mule, 10 years old, to be sold, and of a Jersey cow and certain acres of land and certain farms, and all that; so that they seem not to be advertisements of any of the great magnates of the country, of any people who are financiers or "Napoleons of finance," and perhaps the bureau chief acted upon the idea of de minimis non curat lex. The American Economist contains about four pages of advertisements, amongst which are the advertisements of the Pittsburg Plate Glass Company, of the great glass trust; and of the Iron Table Cutlery and Hardware Company, of the great cutlery trust; and the Continental Color and Chemical Company; and the Dyewood Company; and the Linotype Company, that all of the compositors are requesting us to break up as a trust. Perhaps those advertisements did not infuriate this bureau chief so much as these advertisements of horses and Jersey cows to sell. [Applause.] Then, when we compare the printed matter, Mr. Speaker, there is a little difference. This little homely Georgia sheet contains a letter from "Brother" Davis, telling of speeches made to a large crowd present of farmers organizing a union to try to help themselves with regard to the sale of their products. And then there comes from Carrollton, Ga., a communication about the humble pursuits of the plain people, stating that "the roll is growing," and that they are "standing back and watching," and are trying to do something for the agricultural interests of the people.

Then there comes an injunction to "do more for the Farmers' Union," with a piece of poetry, signed by one Mr. Faircloth. It does not compete as poetry with that of Milton, Keats, or Pope, but it contains some very good old doctrines about the rights of the people and equality amongst the people in the United States. The next article is headed "Paulding moving on nicely." It states that they have held a big farmers' meeting there, and they seem to want the other farmers of the State of Georgia to know it, for mutual encouragement, I suppose. Then there are some resolutions of respect to a deceased farmer, signed by three men, who are, I presume, very plain farmers. Then Brother East writes about the union in Polk, and what glorious work it is doing, and how the people are diversifying their crops. Then "Brother" Bruce writes of the union in Forsyth, and urges the people to "keep 'er rolling." Mighty plain language, that. Now, perhaps Brother Bruce or the speaker alone would be homely enough to use language of that sort. [Laughter.] But it is, at any rate, indicative of the purpose to go on and do well. Then there comes an article from "Brother" Carver, and Brother Carver seems disposed to think that the agricultural interests of the country ought to get a little bit more of the profit of the boasted progress of the country than they do. Then "Brother" Tally writes and says that the farmers ought to "take more papers" and keep up better with the times, and that it would be the very best thing for them. And then along comes a bureau chief and cuts out this paper, which advises them to take more papers, because, I suppose, he does not want them to keep up with the times. They might know too much to stand pat. [Laughter.] Then comes an article on "How systems change and revolutionize the world." And in view of what "Brother" Lawson, up in Massachusetts, has recently said, there is some truth in that.

Here are some of the things for which these people contend and the doctrine this little sheet, as their organ, preaches; no treason in them—"simple annals of the poor":

1. To discourage as much as possible the present mortgage and credit system.
2. To assist our members in buying and selling.
3. To labor for the agricultural classes in the science of crop diversification and scientific agriculture.
4. To constantly strive to secure entire harmony and good will among all mankind and brotherly love among ourselves.

That last object must have struck the bureau chief athwart his hull. [Laughter.]

5. To form a more adequate union with those in authority for a more rigid and impartial enforcement of the law, that crime, vice, and immorality may be suppressed.

That squints too much at enforcing the antitrust law for an average Republican bureau chief to tolerate.

The SPEAKER. The time of the gentleman has expired.

Mr. GRIGGS. Mr. Speaker, I yield five minutes more to the gentleman from Mississippi.

Mr. WILLIAMS. Now, I hold in my hand a paper which has not been excluded by this bureau chief. It has not advertisements of the character I have indicated, but of the linotype trust, the plate-glass trust, and all the balance of it, and its advertisement contents recommended the course of nonexclusion, I suppose, to that bureau chief. What of its reading matter? First, there is a very oracular and severe article about "Germany's last scheme to write down the American tariff by opening wide the doors to undervaluation," and we are about to report this morning some important information from the Secretary of State showing how we have entered into this vile "scheme" with Germany. The American Economist did not know when it wrote that what the Republican Administration

was going to do. Then the next is, "The need of ship subsidies;" so that you can tax the farmers, the mechanics, the lawyers, the dentists, the preachers of the country to bolster up the fellow who would rather engage in what he calls the "unprofitable industry of shipbuilding that engage in some industry that is profitable. Then there follows the purpose of this newspaper, "Published weekly by the American Protective Tariff League," and devoted to a great many purposes of the league that I will not stop to read. This league is a manufacturers' union. But what peculiarly endeared the sheet to that kind of bureau chief is the article over here, the one reciting "They don't want revision." I do not know who "they" are. I have not had time to read it. Another is entitled "The logic of the situation. To stand pat is a display of wisdom indicated by all the facts." [Laughter.] Ah, my friend the Speaker smiles when he hears his well-known political doctrines enunciated in such strong phraseology. [Renewed laughter.] And how it should appeal to his heart to approve the merits of this bureau chief and the great wisdom that he has displayed in not having excluded this organ of the manufacturers' union from the mails, although he has made a sacrifice of this little paper, the organ of a farmers' union and devoted to the farmers' interest, and excluded it, although the little paper has one page of advertisements from very humble people, but one page, and the other has four pages from people who have been made rich by wresting the laws of the country to their own purposes. I think it is wonderful they did not reward that paper that helps them to wrest legislation by giving to it sixteen pages of advertisements.

Mr. Speaker, I say we are becoming a bureaucracy and a government by executive construction. Some fellow in Canada goes to raising frogs legs and he competes with a northeastern frog-leg farmer, and along comes a commissioner who decides that frog legs are dressed poultry, in order that this beautiful "government by construction" that we are now carrying on, and chiefly by bureau chiefs and commissioners, may be provided, under the provisions of a Republican tariff measure, with a construction, if not law, to protect the American frog-leg raisers.

Mr. SMITH of Iowa. Will the gentleman allow me to interrupt him?

Mr. WILLIAMS. In a moment. Not long ago I noticed that a lot of these little piano hammers began to come in—little wooden things, with a little piece of felt on the tapping part, that is put there to keep the wood from injuring the string of the piano. And the cry was raised that that was going to injure "a great American industry," and as a consequence our beautiful Government by construction held them construed to be woolen goods, partially or wholly manufactured. [Laughter and applause.]

Mr. Speaker, what is the character of authority lodged in this man? If he can arbitrarily exclude one of these papers from the mail on the ground that it is an advertising sheet, should he not exclude the other on exactly the same ground? Now I yield to the gentleman from Iowa.

Mr. SMITH of Iowa. I want to ask the gentleman if he is not aware that the Treasury Department has not ruled that frog legs were dressed poultry? Does he not know that the Department never so ruled? But under what is known as the "similitude clause" of the present law, and of many prior laws, it is required that where goods are not on the free list and are partially manufactured that they shall be rated at the rate imposed on similar articles, and that the Department held them to be similar to dressed poultry, but never held them to be dressed poultry?

Mr. WILLIAMS. Whereupon they ruled them to be similar articles and made them pay the duty imposed on dressed poultry. They did not rule that frog legs were physically dressed poultry, but legally dressed poultry, constructively dressed poultry, tariff-taxed dressed poultry, and taxed the people on them as dressed poultry, and in that far only I am wrong and recede from my exact statement. [Laughter and applause.] How frog legs get to be "partly manufactured" goods I leave the gentleman from Iowa to explain. On the ground, I suppose, that the legs are "partly manufactured" frog. By the way, Mr. Speaker, a gentleman makes the suggestion that they made that ruling turning frogs into tariff chickens, although "there was not a feather on the frog." I think that ought to go into the RECORD. [Laughter.]

Mr. GRIGGS. Having reported this resolution from the Committee on the Post-Office and Post-Roads, I deem it my duty to say to the House that it was a unanimous report, and that in that committee there was no partisan nor political bias displayed by any member thereof. It is a unanimous report, voted for by Republicans and Democrats alike, and it was not reported to the House with any idea, upon the part of the committee, of any criticism from the committee upon the bureau chief, however much he may deserve it. I regret that this discussion has taken what may seem to be a political turn. Nevertheless, as I have said, the committee unanimously reports the resolution, and I now move its adoption.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

ARMY APPROPRIATION BILL.

Mr. HULL. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill making appropriations for the Army.

The motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 14397—the Army appropriation bill—with Mr. BOUTELL in the chair.

Mr. FITZGERALD. Mr. Chairman, I now offer the following amendment.

The CHAIRMAN. The gentleman from New York offers the amendment which the Clerk will report.

The Clerk read as follows:

On page 33, in line 4, after the words "drays and" insert the word "repair."

Mr. FITZGERALD. Mr. Chairman, as this provision reads at present, it provides for the purchase and repair of ships and other vessels. Immediately following this paragraph in the bill are two paragraphs providing for the purchase of vessels necessary for garrison and other purposes, and under these circumstances it seems to me that this particular appropriation should be restricted to the repair only of such ships.

Mr. HULL. I ask that the amendment be again reported.

The amendment was again read.

Mr. HULL. That amendment would prevent the quartermaster buying a small launch that is absolutely necessary at a great many posts, and I make the point of order that it is a change in law.

Mr. FITZGERALD. I submit that the gentleman's point of order is too late, the amendment having already been debated.

Mr. HULL. I think not.

Mr. FITZGERALD. Oh, it is, undoubtedly.

Mr. HULL. I think the point of order is raised in time. I simply gave my reasons for making it. I yield, however, to the opinion of the Chair on the subject. It changes existing law, and I intended to make the point of order when I got up.

Mr. FITZGERALD. I submit to the Chair that the point of order was made too late. I had debated the amendment, and then the gentleman from Iowa made the point of order.

Mr. HULL. I was on my feet.

Mr. FITZGERALD. The point of order must be made immediately.

The CHAIRMAN. The gentleman from New York is quite correct, but if the gentleman from Iowa states that he attempted to make the point of order in the confusion the Chair must accept his statement. There was great confusion in the House.

Mr. HULL. I will state to the Chair that I had to have the amendment reported again before I could tell what it was.

Mr. FITZGERALD. But if the gentleman——

The CHAIRMAN. The committee will be in order. It is impossible for the Members or the Chair to hear what is being said.

Mr. SLAYDEN. Mr. Chairman, I was rising to a point of order.

Mr. FITZGERALD. Mr. Chairman, the amendment was offered and reported. No gentleman rose to make a point of order. I proceeded in my own time to debate the amendment, and, after having stated my reason for the adoption of the amendment, the gentleman from Iowa then asked to have it again reported, and upon the amendment being reported a second time, after debate, he made the point of order, and I submit that the point of order comes too late. He should have reserved it before any debate at all was had upon the amendment.

Mr. HULL. Mr. Chairman, I got up the first time to ask what the amendment was. I could not hear a word that was said. I knew nothing about it. The amendment was again reported.

Mr. FITZGERALD. But the notes of the Official Reporter——

The CHAIRMAN. The gentleman will please suspend. The gentleman from New York is entirely correct from his point of view, but the Chair will state that the gentleman from Iowa was on his feet, and the Chair was endeavoring to secure order,

and the Chair understands the gentleman from Iowa to state that he attempted to attract the attention of the Chair and make the point of order, and under that statement the Chair holds that the point of order was made in due time. The Chair would ask the gentleman from Iowa to state what the point of order is based upon?

Mr. HULL. The law now provides, Mr. Chairman, for the purchase and repair of ships.

Mr. SLAYDEN. I should like to submit a question. I have not yet been able to hear one word said in connection with this subject, except what has been uttered by the gentleman from New York [Mr. FITZGERALD], and I ask that the amendment be read again.

The CHAIRMAN. If there be no objection, the Clerk will again report the amendment.

The amendment was again reported.

Mr. FITZGERALD. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. FITZGERALD. Does the gentleman from Iowa claim that he attempted to make the point of order before I debated the amendment?

Mr. HULL. I did not hear anything which the gentleman said, and what I was trying to get at was to find out what the amendment was.

Mr. FITZGERALD. I submit, then, Mr. Chairman, that the gentleman should have first reserved his point of order and then have ascertained what the amendment was, and not having done that he is too late to submit his point of order.

The CHAIRMAN. The Chair will state to the gentleman from New York that the Chair has ruled and held that the point of order was made in ample time.

Mr. HULL. Now, the present language of the law has been the language of the law for a great many years; it is—

Purchase and repairs of wagons, carts, and drays, and of ships and other vessels and boats required for the transportation of troops and supplies for garrison purposes.

Now, I submit when he puts in this amendment, which cuts off the power to purchase any vessel whatever, he is changing existing law.

The CHAIRMAN. The Chair will ask the gentleman what law the gentleman from Iowa refers to?

Mr. HULL. About all the law there is is in the bill; it is a change of the language of the bill. I do not think there is any other law than this.

The CHAIRMAN. The Chair overrules the point of order.

Mr. FITZGERALD. Mr. Chairman, I will again attempt to state the purpose of this amendment. In the two paragraphs that immediately follow this paragraph of the bill there are items for the purchase of this kind of ship, lighters, launches, and yawls, and the combined appropriation amounts to $365,000. They ask in these two immediately following items $265,000 for the purchase of ships, lighters, launches, and yawls, and it appears to me that this item for the transportation of the Army should not be available for the purpose. Under the language of the bill it reads "For the purchase of wagons, carts, drays, and ships and other vessels," and there would be three specific appropriations from which this kind of vessels could be provided. For that reason I submit that the House should restrict this appropriation to the repair of these different ships, since the gentleman asks specific appropriations for other purposes in another paragraph.

Mr. HULL. Mr. Chairman, if the amendment offered by the gentleman from New York prevails, it will absolutely cut off any power to purchase the character of vessels that has always been recognized as necessary for the use of the Quartermaster and other departments in the administration of affairs. The gentleman refers to another provision in the bill, commencing with line 11, "For completing the equipment of military posts with the necessary lighters, launches, and yawls for submarine-mine work, including the purchase of one torpedo planter for use on the Pacific coast," etc., as a duplicate of the language in this paragraph. There is no duplication, and the gentleman knows that the very minute that paragraph is read the gentleman's committee will raise the point of order on it. The gentleman has not been fair to the House in the statement, because, if this language is put in, it will absolutely, in my judgment, work harm and not economy, but will make an increased expenditure in the hire of boats. The amendment should not be adopted, and I hope it will be voted down.

Mr. FITZGERALD. Will the gentleman allow me to ask him a question?

Mr. HULL. Certainly.

Mr. FITZGERALD. Has the Quartermaster's Department stated that it desired to purchase any launch, yawl, or any other vessel out of this appropriation for the coming year?

Mr. HULL. It has purchased a great many.

Mr. FITZGERALD. But has it stated that it wants to do it in the coming year?

Mr. HULL. It is a provision that is necessary to be kept in the bill so that they can purchase them as they need them. They may not need any and they may not have to do any repairs. Why should we change the law in this respect now?

Mr. FITZGERALD. Because I would like to compel the Department, like all others, to get specific appropriations for specific purposes and use the appropriations for the purposes for which they are made. Unless the gentleman can state that the Quartermaster's Department intends to, or has estimated or suggested that it would require the purchase of vessels out of this appropriation, I submit that it should not have the power to do so.

Mr. HULL. Mr. Chairman, that proposition is not a fair one either. The question of what may happen during the current year is something no man can tell. Let me ask the gentleman a question. We have a post on the Potomac River—Fort Washington—and the only way in which you can get there is by one of these small boats. We have other posts all through the country that are absolutely cut off from any communication with the outside world except by telegraph and by small boats. Suppose one of the boats should be sunk at Pugets Sound. Suppose one should blow up and be destroyed. The gentleman's amendment would make it so that we could not use a dollar of this appropriation for establishing communication with the rest of the world. It has not been abused.

Mr. FITZGERALD. They have other boats that could be used.

Mr. HULL. Oh, they could have other boats that could be used, and then you would deprive somebody else of them. There could be no good result from the amendment, and there may be great harm.

Mr. FITZGERALD. They have the power to hire boats.

Mr. PARKER. Mr. Chairman, I understand the gentleman is from New York, and I believe there is a fort there called Fort Hamilton, and there is a little ferryboat operated by the Government that goes to Governors Island.

Mr. FITZGERALD. To New York City.

Mr. PARKER. There is a ferryboat that runs down there.

Mr. FITZGERALD. Yes.

Mr. PARKER. The Government has always bought ferry boats to go to forts on islands. Does the gentleman mean to say that he is going to cut the Government off from the right to get to its forts wherever they are put in the middle of streams, as they are in many harbors?

Mr. FITZGERALD. Oh, no; that statement is not accurate. They have ample vessels to go to every post around the city of New York at present, and if anything should happen to any of the boats there they would have no difficulty whatever, even with this amendment adopted, in obtaining ample service to communicate with those posts.

Mr. PARKER. How would they obtain it?

Mr. FITZGERALD. They have boats there that could be used, and there is no danger of these boats blowing up or sinking so rapidly during the coming year if this amendment is put on.

Mr. HULL. How does the gentleman know there is such a supply of boats on hand?

Mr. FITZGERALD. Well, does the gentleman, who is the head of this committee, and who is supposed to have that information, know whether there are sufficient boats or not?

Mr. HULL. Mr. Chairman, let us have a vote on the amendment.

Mr. FITZGERALD. I would like an answer to that question, if the gentleman can give the information.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The question was taken; and the amendment was rejected.

Mr. OLMSTED. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amend by striking out, in line 24, page 33, and in line 1, page 34, the words "but in no case shall more than 50 per cent of full amount of service be paid."

Also strike out the words "be computed upon the basis of," in lines 2 and 3, on page 34, and insert the words "in no case exceed 50 per cent of."

Mr. HULL. Mr. Chairman, I reserve the point of order on that.

Mr. OLMSTED. Mr. Chairman, I will state for the benefit of the chairman of the Committee on Military Affairs and of the gentlemen of the House that this amendment is intended simply to make clear what I believe to be the present intention. As the act now reads, referring to compensation to be paid to land-grant railroads for transportation, it says, "but in no case

shall more than 50 per cent of full amount of service be paid," which does not, to my mind, express anything very definite. We do not pay service; we pay compensation for service. Then the act now proceeds, "provided that such compensation shall be computed upon the basis of the tariff or lower special rates for like transportation performed for the public at large," which seems somewhat in contradiction with the previous statement that in no case shall more than 50 per cent of full amount of service be paid.

Now, my amendment simply provides this: It strikes out the words "but in no case shall more than 50 per cent of full amount of service be paid," and strikes out also the words in line 2, page 34, "be computed upon the basis of," and amends so that the proviso shall read:

*Provided*, That such compensation shall in no case exceed 50 per cent of the tariff or lower special rates for like transportation performed for the public at large.

It simply makes it clear that to these land-grant railroads the payment for Army transportation shall in no case exceed 50 per cent of the tariff or other lower special rates paid for like transportation by the public.

Mr. HULL. Mr. Chairman, I suppose on the theory that any language would not be subject to a point of order, even where it changes the current of appropriation, I will withdraw the point of order and ask for a vote on the amendment.

The CHAIRMAN. The gentleman from Iowa withdraws his point of order. The question is on agreeing to the amendment offered by the gentleman from Pennsylvania.

The question was taken; and on a division (demanded by Mr. OLMSTED) there were—ayes 11, noes 20.

So the amendment was rejected.

The Clerk read as follows:

For completing the equipment of military posts with the necessary lighters, launches, and yawls for submarine mine work, including the purchase of one torpedo planter for use on the Pacific coast, $150,000.

Mr. SMITH of Iowa. Mr. Chairman, I raise the point of order that this paragraph is not authorized by existing law, that it changes the existing law, and that the matter is not a matter within the jurisdiction of the Committee on Military Affairs to report, but within the jurisdiction of the Committee on Appropriations, and upon the point of order I desire to be heard.

Mr. KAHN. Mr. Chairman, I desire to be heard in opposition to the point of order.

Mr. SMITH of Iowa. Rule XI provides that all proposed legislation shall be referred to the committees named in the preceding rule, as follows, namely: Subjects relating to fortifications and coast defenses to the Committee on Appropriations. The same rule provides that the following-named committees shall have leave to report at any time in the matters herein stated, namely, the committees having jurisdiction of appropriations, the general appropriation bills. It must be borne in mind that the rule provides that the Committee on Appropriations shall have jurisdiction not of seacoast fortifications, but of "seacoast fortifications and coast defenses." Under this rule the Committee on Appropriations has always exercised sole and exclusive jurisdiction in reference to the submarine mine defenses of the United States. They are as distinctive a part of the coast defense as seacoast guns. Now, this provides for "completing the equipment of military posts with the necessary lighters, launches, and yawls for submarine mine work, including the purchase of one torpedo planter for use on the Pacific coast." It will not do for gentlemen to say, as was intimated here, that a torpedo planter is simply a vessel for the purpose of transportation. The very contention upon which the Department claims the right and the need to buy or construct a torpedo planter is because the ordinary boat is not suitable for that purpose. If it be suitable for that purpose, then out of the abundance of Army transports and vessels purchased under the preceding section of this bill an abundant supply and the proper means for planting these torpedoes is already on hand or can be purchased, but it is asserted here, and will be claimed by the gentleman from California interested in this enterprise as the Representative of those people, that with the common and ordinary boats you could not lay torpedoes in San Francisco Bay in thirty days. Why? Because in order that you may expeditiously plant these torpedoes you must have not an ordinary boat, but a boat especially constructed for that purpose as an auxiliary submarine defense, a part of the seacoast defense, and in the face of the fact that this is a special boat, necessarily specially constructed to meet the need of submarine mine planting, and in the face of the fact that the matter of submarine defense is solely within the jurisdiction of the Committee on Appropriations the Quartermaster-General of the Army sent his estimate, if ever he sent any to anybody, to the Committee on Military Affairs through the Secretary of War. They never apply to the committee having jurisdiction of this subject at all, but seek to put this item into this bill, which seems upon its very face to be distinctively a part of the coast defense of the United States. If specially constructed vessels known as "torpedo planters" are not part of the coast defense, then no specific items can be said to be a part of the coast defense. I grant that if this were a boat generally used by the Quartermaster's Department for miscellaneous purposes and not specially constructed for this purpose it could be bought under the preceding section of this bill and then there would be no necessity for this item, but if this boat is to be specially constructed of a peculiar type for this purpose it is decidedly part of the coast defense of the United States and not within the jurisdiction of the Committee on Military Affairs.

They have no jurisdiction of cables to connect submarine mines with the mining casemates. They have no jurisdiction of the construction of the mining casemates. They have no jurisdiction of the provision of explosives for the submarine mines. They have nothing to do with the submarine mines directly or indirectly. They are a part of the coast defense of the United States. This item might have been adroitly drawn to conceal its purpose, and I congratulate the Committee on Military Affairs upon the fairness and the candor displayed at least in avowing in the very language of the bill that this is for the purchase of one torpedo planter for use on the Pacific coast, and other items, $150,000.

Mr. HOLLIDAY. Will the gentleman yield for a question?

Mr. SMITH of Iowa. Certainly, I yield to the gentleman.

Mr. HOLLIDAY. I desire to ask the gentleman if, in the broad sense, the whole Army establishment is not a part of the coast defense?

Mr. SMITH of Iowa. No; it is not part of the coast defense.

Mr. HOLLIDAY. On the theory that they may be called upon to defend the coast?

Mr. SMITH of Iowa. It is no part of the coast defense.

Mr. HULL. In the Book of Estimates, page 144, is found "For completing the equipment of military posts with the necessary lighters, launches, and yawls for submarine-mine work, including the purchase of one torpedo planter for use on the Pacific coast." That is the estimate submitted to the Committee on Military Affairs.

In the hearings before the committee, on page 64, we find this matter entered into as follows:

The CHAIRMAN. The next item, on page 38, is new legislation. It reads:

"For completing the equipment of military posts with the necessary lighters, launches, and yawls for submarine mine work, including the purchase of one torpedo planter for use on the Pacific coast (submitted), $150,000."

We provided for the submarine-mine work and all that under the head of engineer work.

General HUMPHREY. Not for the vessels used in this work, for which this is an estimate. We have been furnishing them heretofore.

The CHAIRMAN. What is the need for a special appropriation in the matter if the same line of work is already appropriated for elsewhere?

General HUMPHREY. That has heretofore been done out of appropriation for transportation of the Army.

The CHAIRMAN. This is on page 38 of the bill. You did not pay for that out of transportation of the Army, did you?

General HUMPHREY. The torpedo planters and transportation facilities of that nature were paid for from that appropriation.

The whole testimony will show that all of these vessels—the *Burnside*, for instance—have been carried by the Army bill from its beginning. The *Burnside* laid the cable in the Philippine Islands. It laid the cable in Alaska. It is used wherever on the Pacific coast it becomes necessary to use a cable ship, and yet it has been all the time under the jurisdiction of the Committee on Military Affairs.

Mr. SMITH of Iowa. Will the gentleman allow me to ask him a question there? You do not claim that vessel is only confined to use in connection with seacoast defense?

Mr. HULL. No; I do not claim this is, because this refers to posts; and my understanding is, Mr. Chairman, that in the maneuvering of the Army, and in these matters of infantry, cavalry, and all branches of the Army, it is defending the coast, as we call it, because that is where it happens to be located—because they use this vessel in these maneuvers and practices, and also use it for communication with the different posts. That is the evidence before us.

Now, Mr. Chairman, the Committee on Military Affairs has never desired, never attempted, and has no thought of trying to invade the jurisdiction of the Committee on Appropriations for the purpose of taking the fortifications from them; but where you are appropriating for posts and for the communication with posts, because it happens as an incident that they use it in these maneuvers, we make effective all lines of the Army, and it does not therefore destroy the character of the vessel to the point of making it a part of the coast defense.

And not only that, Mr. Chairman, but it is on the same line we had up the other day. It is a movable part of the war es-

tablishment, not of coast defense only, but everything that comes in the line of communication with the posts. And if the *Burnside* is carried on our appropriation bill, and if these other boats are carried on our appropriation bill, it seems to me that the point of order is not good in this case.

The gentleman from California [Mr. KAHN] desires to be heard.

Mr. KAHN. Mr. Chairman, within the past three years there have been constructed for use on the Atlantic seaboard four of these torpedo planters. They were constructed out of the money appropriated for the transportation of the Army.

Mr. HULL. And are under the jurisdiction of the Quartermaster's Department.

Mr. KAHN. They are, as the chairman of the committee has said, under the jurisdiction of the Quartermaster-General's Department of the Army. These vessels are used for purposes of instruction in the various fortifications on the Atlantic seaboard. One of them is stationed permanently at the School of Submarine Defense, at Fort Totten, N. Y. The others go from fort to fort, and the officers in command instruct the torpedo companies and detachments at the various fortifications how to lay the submarine mines promptly and effectively, so that in case of war the men who are connected with that branch of the service will know how to promptly and effectively perform their duties.

There is no such vessel at the present time on the Pacific coast. The testimony before the Committee on Military Affairs indicates strongly the necessity for such a vessel on that coast. It would take thirty days at the present time, with the facilities at hand, to mine the harbor of San Francisco alone. It would take a very long time to mine Puget Sound. It would take a very long time to mine the mouth of the Columbia River. The general in command of the artillery corps of the Army states specifically that it is much more difficult to mine the harbors on the Pacific coast than it is to mine those on the Atlantic coast, because the channels are so swift there. In consequence it is a much more difficult problem.

Now, in regard to the point of order, it seems that these boats are exactly analogous to the apparatus for directing the fire control of field artillery that was discussed here the other day. As I understand it, torpedoes are authorized in the fortification bill. They are delivered to the Government just as the field guns authorized in the fortifications appropriation bill are delivered to the Government. But the method of bringing these torpedoes into action is not unlike the method that is employed in bringing the field guns into action. The horses and harness that are necessary to move the field gun into its proper place are provided for in the military appropriation bill; and, in like manner, the ship that takes these torpedoes from the depots where they are stored and plants them in the proper places in the various harbors of the United States so that they might become effective against an enemy seems to me should be provided for in the military appropriation bill.

Mr. Chairman, this is the first time that this question has been raised in the House. These vessels are of comparatively recent origin. The effectiveness of submarine torpedoes was demonstrated in the late war between Japan and Russia. It is a comparatively new branch of military science. It was a submarine mine that destroyed the Russian flagship *Petropavlovsk* off Port Arthur on April 13, 1904. The gentleman who made the point of order claims that these torpedo planters are purely coast-defense vessels. I want to call the Chair's attention to the fact that the Appropriations Committee might claim, with equal force, that they have the right to appropriate for all coast-defense vessels. Under the rules governing this House all appropriations affecting fortifications and the coast defense emanate from the Committee on Appropriations, and all appropriations affecting the naval establishment come from the Committee on Naval Affairs. Now, there is a line of vessels constructed by the Navy known absolutely as coast-defense vessels. I refer to the monitors. And the gentleman might with equal propriety claim that these vessels should not be provided for by the Committee on Naval Affairs, but that they should be recommended by the Committee on Appropriations, because they are used solely for coast defense.

Mr. SULLIVAN of Massachusetts. May I ask the gentleman from California a question?

Mr. KAHN. Certainly.

Mr. SULLIVAN of Massachusetts. Has this lighter been provided for in the military appropriation bill prior to this one?

Mr. KAHN. There has never heretofore been such an item in any military appropriation bill or any other bill. It is entirely new legislation. I admit that; but I say that there is great need of it.

Mr. HULL. It was never estimated for before.

Mr. KAHN. It was never estimated for before.

Mr. SULLIVAN of Massachusetts. I understand the gentleman to say that this is the first time it has been carried in the military appropriation bill?

Mr. KAHN. This is the first time it has been carried in any bill. It is entirely new, Mr. Chairman.

Mr. SULLIVAN of Massachusetts. Then, as I understand, when the torpedoes are planted they are part of the coast defense.

Mr. KAHN. And the field gun is also a part of the national defense, and yet the chairman of the committee held the other day that appliances for the manipulation of these guns were not a part of the guns, and so, by a parity of reasoning, the ship that places these torpedoes in position should not be considered as being part of the torpedo.

Mr. SULLIVAN of Massachusetts. It seems to me, Mr. Chairman, on the statement of fact, that this is the first time that this has ever been carried in a military bill. That is a reason why the chairman might decide it upon the phraseology, and it would seem to be necessary to decide for the Appropriation Committee, as when these torpedoes are planted they are a part of the coast defenses of the country and included within fortifications, and the Committee on Appropriations has jurisdiction of appropriations for the coast defense. It is therefore properly included within the jurisdiction of the fortifications bill, and as this is a new question, and if upon passing upon it there might seem to be some doubt, then the Chair ought not to rule in favor of the Committee on Military Affairs, but should resolve the doubt in favor of the Committee on Appropriations. When the powers of this committee were distributed, in the Forty-ninth Congress, and six bills were taken from it, a minority report was made by Mr. Randall, in which he predicted that it would be very dangerous to give to committees which had power of general legislation the power to make appropriations for the subjects upon which they had the power to legislate. And he asserted that the appropriations would increase very largely in the future. That prediction has been verified to the letter. The statement made in that report was the same argument that was advanced by Mr. McKinley, late President, and then a Member of Congress, and Mr. Garfield, of Ohio.

And it was asserted then that the committees would become the special representatives of the Departments for which they made appropriations, and upon which they had the power to legislate.

That also has been verified by experience. To-day, if you will look about in this House for the chairmen of the large committees having jurisdiction over appropriations, you will not find them in their seats, except when their bills are under discussion. You will find them in their committee rooms. They are intrusted now with the power of legislating and also with the power of appropriating, and that very system has operated to take these gentlemen from the floor and confine them to their committee rooms, thus depriving the House of their services in general legislation. They have become inevitably the special champions or special advocates of the Departments for which they have the power to make appropriations. Now, as these several committees make their appropriations, not with an eye single to the total volume of revenue which we have to expend, but each with an eye single to the needs of the special Department which it is serving, it would be bad to increase the powers of these several committees, which already have the power of legislation, by a ruling of the Chair; and if it is a doubtful question—and it seems to me that it is—then I think the Chair ought to resolve that doubt in favor of that committee which is not the servant or the champion of any Department of this Government; which cares for no one Department more than another, but which looks to the total of the revenue of the Government, and makes its appropriations with an eye upon the total revenues and the needs of all the Departments, and not with regard solely to the special needs of any one Department as against the other Departments of the Government.

Mr. SMITH of Iowa. Mr. Chairman, I do not wish to discuss the merits of this proposition. I make no question as to the necessity of this vessel. My esteemed friend from California, who has given it some investigation, thinks it is a meritorious proposition, and I do not care to dispute that question with him. I am satisfied that he is probably correct in that; but I do not want it overlooked that while expressly insisting upon the jurisdiction of the Committee on Appropriations over this item, I insist that it is new legislation, which in no event is justified upon this bill.

But I want to call attention to this proposition: The installation of submarine mines is as distinctly a part of the coast defense as the installation of a seacoast cannon in any part of the fortifications becomes a part of the fortifications. The fact that these mines are removed at times and then replaced does not make the placing of them any less a part of the coast defense of the United States, and it might as well be claimed

that, while we were clothed with jurisdiction to report bills, to erect emplacements, and to buy guns, the expense incident to installation of the seacoast cannon was a matter within the jurisdiction of the Committee on Military Affairs as to claim that the expense incident to the installation of a submarine mine is not a part of the coast defense. This item bears the same relation to the coast defense by submarine methods that the installation of the seacoast cannon bears to the ordinary seacoast fortifications. This is the instrumentality for installing the seacoast defense, and complete jurisdiction of the seacoast defense inevitably and of necessity carries with it the sole jurisdiction to report appropriations for the means of installation of that defense just as fully and just as completely as it carries with it the power to report for the expenses of the installation of the seacoast guns.

The CHAIRMAN. The Chair is prepared to rule. The point of order made by the gentleman from Iowa raises again the question of jurisdiction between the Committee on Appropriations and the Committee on Military Affairs. The Chair has again been referred to the Book of Estimates, furnished by the Executive Departments of Congress, as a ground for holding that these items should go to the Committee on Military Affairs. The present occupant of the chair must again express his emphatic dissent against this body being influenced in the interpretation of its rules by the Executive Departments.

I do not know of any place where the noninterference of the executive with the legislative departments should be more carefully or more jealously guarded than in this House; and whether the Book of Estimates calling for certain items from certain committees is based upon an ignorance of the rules of this House or upon a conscious intention to influence the course of appropriations contrary to the rules of the House, the present occupant of the chair believes that it would be the unanimous opinion of this body that such estimates sent in such way should not be construed as affecting in any way the rules of this body. The question then is whether the items in this paragraph come under the rules by which the Military Affairs Committee takes jurisdiction of all those matters relating to the military establishment and to public defense, including appropriation for its support, or whether they go to the Appropriations Committee, which has jurizdiction among other things of fortifications and coast defenses. It is admitted in the argument that the submarine mines are for the defense of the coast, that the torpedo planting is for the purpose of planting torpedoes in the harbors on our coast line. So that it would seem from the debate quite clear to the Chair that these items belong exclusively to the fortification bill.

But there is another method of determining what the jurisdiction of the committee having charge of the fortification bill is in that particular measure, and the Chair has endeavored to examine the fortification bills prior to the division of the jurisdiction of the committee, and the Chair will read the items from the last fortification bill passed by Congress before the division of the jurisdiction as showing what was included in this bill when the division took place. In the bill making provision for the fortifications passed in the second session of the Forty-eighth Congress are these items:

For the purchase of movable submarine torpedoes, propelled and controlled by power operated and transmitted from shore stations, as may be recommended by the Board of Engineers of the Army of the United States and approved by the Secretary of War, $50,000.

For improvements, competitive test, and purchase of motors for movable torpedoes, $25,000.

For purchase of appliances for submarine mines for harbor defense, $10,000.

For continuation of torpedo experiments and for practical instruction of engineer troops in the details of the service, $20,000.

So that it seems clear to the Chair from the character of these instrumentalities, and principally from the fact that the same items, or exactly similar items, were uniformly carried in the fortifications bill for twenty years and were in the last bill when the division of jurisdiction took place, that these items belong to the fortifications bill; and the Chair so holds, and sustains the point of order.

The Clerk read as follows:

Construction of cable ship: For the construction of a seagoing cable ship of about 900 net tonnage for use in repairing and keeping in proper condition the fire-control submarine cables used in connection with the system of harbor defense on the Atlantic seaboard, $215,000.

Mr. SMITH of Iowa. Mr. Chairman, to this paragraph I make the same point of order as the one made to the paragraph immediately preceding.

The CHAIRMAN. And for the same reason the Chair sustains the point of order.

The Clerk, proceeding with the reading of the bill, read as follows:

Barracks and quarters, Philippine Islands: Continuing the work of providing for the proper shelter and protection of officers and enlisted men of the Army of the United States lawfully on duty in the Philippine Islands, including the acquisition of title to building sites when necessary, and including also shelter for the animals and supplies, and all other buildings necessary for post administration purposes, $150,000.

Mr. SMITH of Kentucky. Mr. Chairman, I move to strike out the last word. I would like to ask the gentleman in charge of the bill how many troops we have in the Philippine Islands.

Mr. HULL. I can not answer that with any exactness. The last adjutant's report to the Military Secretary will tell the number. I will say that a great many are being sent there now, and it is the purpose to accumulate there fifteen or twenty thousand troops.

Mr. SMITH of Kentucky. How much have we already spent for the purpose of erecting or constructing barracks in the Philippine Islands?

Mr. HULL. I should say in the neighborhood of $3,000,000. That is an offhand guess.

Mr. SMITH of Kentucky. And at how many places have we erected posts?

Mr. HULL. I think there are about 400 posts over there, but they are not all permanent barracks. We have barracks at Manila, Iloilo, and Cebu, and on the island of Mindanao. And we are having permanent barracks built in the Moro country.

Mr. SMITH of Kentucky. I withdraw the pro forma amendment.

The Clerk, proceeding with the reading of the bill, read as follows:

Maintenance of the Army War College: For supplying the necessary fuel for heating the Army War College building at Washington Barracks and for lighting the building and grounds; also for pay of a chief engineer, at $1,200 per annum; an assistant engineer, at $900; four firemen, at $720 each; one elevator conductor, at $720, $9,400.

Mr. LITTLEFIELD. Mr. Chairman, I will reserve a point of order on that to make an inquiry of the gentleman in charge of the bill. As I understand it, it is entirely new.

Mr. HULL. It is for the occupation of the War College. I am perfectly willing the gentleman should make the point of order, if he desires. I do not wish to discuss it.

Mr. LITTLEFIELD. I would like to get at the facts.

Mr. HULL. It is for the occupation, on completion, of the War College, which will be occupied the 30th of June, providing this provision goes in.

Mr. LITTLEFIELD. It is to provide for the personnel of the new War College?

Mr. HULL. That is all.

Mr. LITTLEFIELD. I withdraw the point of order, Mr. Chairman.

The Clerk read as follows:

MEDICAL DEPARTMENT.

Medical and Hospital Department: For the purchase of medical and hospital supplies, including disinfectants for military posts, camps, hospitals, hospital ships, and transports; for expenses of medical supply depots; for medical care and treatment of officers, enlisted men, and contract surgeons of the Army on duty, and of prisoners of war and other persons in military custody or confinement, at posts and stations for which no other provision is made, under such regulations as shall have been or shall be prescribed by the Secretary of War; for the proper care and treatment of epidemic and contagious diseases in the Army or at military posts or stations, including measures to prevent the spread thereof, and the payment of reasonable damages not otherwise provided for, for bedding and clothing injured or destroyed in such prevention; for the pay of male and female nurses, not including the Nurse Corps (female), and of cooks and other civilians employed for the proper care of sick officers and soldiers, under such regulations fixing their number, qualifications, assignment, pay, and allowances as shall have been or shall be prescribed by the Secretary of War; for the pay of civilian physicians employed to examine physically applicants for enlistment and enlisted men, and to render other professional services from time to time under proper authority; for the pay of other employees of the Medical Department; for the payment of express companies and local transfers employed directly by the Medical Department for the transportation of medical and hospital supplies, including bidders' samples and water for analysis; for supplies for use in teaching the art of cooking to the Hospital Corps; for the supply of the Army and Navy Hospital at Hot Springs, Ark.; for advertising, laundry, and all other necessary miscellaneous expenses of the Medical Department, $623,000: *Provided*, That hereafter the purchase of medicines and medical stores or the engagement of services not personal for the Medical Department of the Army may be made by the Medical Department in open market in the manner common among business men when the aggregate of the amount required does not exceed $200: *Provided further*, That no contract or purchase on behalf of the United States shall be made, unless the same is authorized by law or is under an appropriation adequate to its fulfillment, except in the War and Navy Departments, for clothing, subsistence, forage, fuel, quarters, transportation, or medical and hospital supplies, which, however, shall not exceed the necessities of the current year: *Provided further*, That all persons admitted to treatment in the general hospital at Fort Bayard, N. Mex., shall, while patients in said hospital, be subject to the rules and articles for the government of the armies of the United States: *Provided further*, That hereafter all moneys arising from dispositions of serviceable medical and hospital supplies authorized by law and regulation shall constitute one fund on the books of the Treasury Department, which shall be available to replace medical and hospital supplies throughout the fiscal year in which the dispositions were effected and throughout the following fiscal year.

Mr. FITZGERALD. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

On page 39, line 15, after the word "dollars," insert "and every such purchase or employment shall be promptly reported to the Secretary of War for approval, under such regulations as he may prescribe."

Mr. HULL. Mr. Chairman, I think that is the law now, but I have no objection to putting it in again.

Mr. FITZGERALD. This language is contained in the bill, page 46, in reference to another provision of the same character.

Mr. HULL. My recollection is that the general law provides for that, but I have no objection to its going in here.

The amendment was agreed to.

Mr. HULL. Mr. Chairman, I wish to offer an amendment that is recommended by the Surgeon-General. On page 38, line 7, after the word "duty," insert the words "and for applicants for enlistment while held under observation." I will state the reasons for the amendment, that under the present plan of enlisting troops they are not finally mustered into service at the place of enlistment, except at the depots and recruiting stations like Columbus, Ohio, and others, and are there examined before being finally mustered in. If one of these parties held for "observation," as they call it, becomes sick, it would be impossible for the medical officers of the United States to give him the proper medical attendance, and this amendment is intended to cure that evil. Therefore I think there can be objection to it.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Iowa.

The question was taken; and the amendment was agreed to.

Mr. TAWNEY. Mr. Chairman, I move to strike out the last word. I desire to ask the chairman of the Committee on Military Affairs the necessity for including the language on page 39, from line 16 down to and including line 22, ending with the word "year." That is the Revised Statute to-day, identically, word for word, section 3732. I simply want to know the reason for that.

Mr. HULL. My understanding was that it was not exactly the same.

Mr. TAWNEY. It is identically the same, word for word. Now, the reason I ask that is this: It may be that the act of 1872, passed subsequent to this, effected in some way a change of the previous statute, but my understanding is that it does not; that this is the statute to-day.

Mr. HULL. My understanding was that it was not entirely covered, and as a matter of precautionary safety they asked us to put it in. I did not look it up specially.

Mr. TAWNEY. I had occasion to look it up in connection with the proposed transportation of troops to the Philippine Islands.

Mr. HULL. The other proviso respecting Fort Bayard is new.

Mr. TAWNEY. I understand that. The only question I wish to have answered is why it was necessary to reenact this.

Mr. HULL. That was the information that we had.

Mr. YOUNG. Mr. Chairman, I think I can answer the gentleman's question. The words "or medical and hospital supplies" are new. It included all of these articles except those included in those words.

Mr. HULL. Yes; that is correct. I recollect that now.

The Clerk read as follows:

Army Medical Museum and library: For Army Medical Museum, preservation of specimens, and the preparation and purchase of new specimens, $4,000.

Mr. HULL. Mr. Chairman, I move to strike out the last word simply to put in a letter I have from the Quartermaster-General in regard to the band stand at Fort Riley, and while I will say I was correct in my statement that buildings were included, I was not correct as to the character of the buildings. I find that the Quartermaster-General explains it as a clerical error in the print. It should have been band stables, and I ask that this letter be read in my time and put in the RECORD.

The Clerk read as follows:

WAR DEPARTMENT,
OFFICE OF THE QUARTERMASTER-GENERAL,
*Washington, March 1, 1906.*

Hon. J. A. T. HULL,
*Chairman House Committee on Military Affairs,*
*Washington, D. C.*

SIR: Referring to the item "Riley, band stand, $12,335," on page 56 of my hearing before your committee, you are respectfully advised that the word "stand" is a clerical error and should have been "stable." The building is a stable for horses of the field, staff, and band, and has a capacity of fifty-four animals. This error crept in through the haste that was necessary to revise the hearings and return them to your committee and from the fact that I had no opportunity to read the proof of them.

Very respectfully, yours,

C. F. HUMPHREY,
*Quartermaster-General, United States Army.*

Mr. WILLIAMS. Then I understand that this is a band stable?

Mr. HULL. Yes.

Mr. WILLIAMS. What is a band stable?

Mr. HULL. All cavalry bands are mounted.

Mr. WILLIAMS. Oh, then it is a stable for the horses of the members of the band?

Mr. HULL. Yes; and fifty-four horses are provided for in that stable.

Mr. WILLIAMS. And the stable is to cost $12,335?

Mr. HULL. It is to cost that, I understand. It is not completed yet. If the gentleman will read the hearings again he will see that that is the amount that has been allotted for this.

Mr. WILLIAMS. This was simply a clerical error, and was not a band stand, but a stable?

Mr. HULL. Yes.

Mr. WILLIAMS. Does the gentleman know of what material the stable is to be built?

Mr. HULL. I do not.

Mr. PARKER. I do. All the stables there are of brick or stone, with concrete floors. I think they are of stone that is quarried near there, and the cheapest material to be found in that region.

Mr. WILLIAMS. I am willing to admit that this is a little bit less expensive as a stable than it is as a stand.

Mr. FITZGERALD. While the gentleman from Iowa is on his feet and on that question, can he state as to whether all of these buildings, the cost of which is restricted to $20,000, are erected by enlisted men as provided by law, or are they erected under contract?

Mr. HULL. They are erected by contract.

Mr. FITZGERALD. If I recollect the law, as read by the gentleman from Minnesota [Mr. TAWNEY], they can only be erected by enlisted men.

Mr. HULL. The gentleman is entirely wrong if he has any such idea as that. How could you build officers' quarters with enlisted men?

Mr. FITZGERALD. That is my recollection of the law, which surprised me very much.

Mr. HULL. Your recollection is wrong.

Mr. SLAYDEN. Mr. Chairman, I will state to the gentleman from New York that I inquired yesterday of an officer who is familiar with the situation out there, on the particular line that the gentleman himself is now examining into, and I was told that there were quarries on the ground of the Government reservation and that the services of prisoners there, and perhaps of soldiers under arrest, were used in quarrying stone for those buildings.

Mr. TAWNEY. Mr. Chairman, the law to which the gentleman referred is this:

Permanent barracks or quarters and buildings and structures of a permanent nature shall not be constructed unless detailed estimates shall have been previously submitted to Congress, and approved by a special appropriation for the same, except when constructed by the troops; and no such structures, the cost of which shall exceed $20,000, shall be erected unless by special authority of Congress.

Since citing this law yesterday, I have examined the original act, and I find the words "except when constructed by the troops" were not in the original act. I have not been able to find out when those words were inserted in the original law. I simply call attention to this in this connection because under a proper construction of this act, which is the only law authorizing the construction of barracks at forts, it seems to me impossible for the War Department to construct any building at forts without first submitting estimates to Congress, unless such buildings are built by troops at the fort, and when built by troops at a fort, such buildings so constructed shall not exceed in cost $20,000.

Mr. HULL. My judgment is the gentleman will find the law applying equally to buildings costing more than $20,000 under this bill by detailed estimates. Mr. Chairman, that is not before the House at all. If his reading of the law is correct, it means that the buildings erected by troops are taken out of both classes. It is a mere academic question, and the gentleman can carry out the debate before the Comptroller and law officers of the Government.

The Clerk read as follows:

Engineer equipment of troops: For pontoon material, tools, instruments, and supplies required for use in the engineer equipment of troops, including the purchase and preparation of engineer manuals, $40,000.

Mr. FITZGERALD. Mr. Chairman, I raise the point of order against that in order to ask the gentleman a question. Was not that in last year's bill?

Mr. HULL. Certainly not. We had on hand a quantity of equipment, and we believed, from the showing made by the engineer last year, we could leave it out for that year. Now they make the showing that they must have it, as the materials wear out.

Mr. FITZGERALD. I withdraw the point of order.

Mr. HULL. I do not desire to say anything on the point of order.

The CHAIRMAN. The gentleman withdraws the point of order.

The Clerk read as follows:

Ordnance stores—Ammunition: Manufacture or purchase of ammunition and materials therefor for small arms for reserve supply, and for the machinery necessary for its manufacture at arsenals; ammunition for burials at the National Soldiers' Home in Washington, D. C.; ammunition for firing the morning and evening gun at military posts prescribed by General Orders, No. 70, Headquarters of the Army, dated July 23, 1867, and at National Home for Disabled Volunteer Soldiers and its several Branches, including National Soldiers' Home in Washington, D. C., and Soldiers and Sailors' State Homes, $629,000.

Mr. TAWNEY. Mr. Chairman, I make the point of order against the language in this paragraph after the words "supply," in line 12, down to and including the word "arsenals," in line 13, "and for the machinery necessary for its manufacture at arsenals," on the ground that it is not within the jurisdiction of the Committee on Military Affairs and is new legislation. It is the identical question which was submitted to the House by the chairman of the Committee on Military Affairs and by Mr. Moody, a former member of the Committee on Appropriations, and I do not care to discuss it.

Mr. HULL. Mr. Chairman, I want to be heard for just a word in explanation of it. It is not the same as the question submitted by Mr. Moody and myself some years ago, because that was for an entire new plant. If the Chairman will bear with me, I want to call attention to the language used by General Crozier, but I will say first that, although the two items here have been divided up and the language has been changed in some respects, it does not change the effect.

When this language was proposed by General Crozier, I asked the question:

The CHAIRMAN. * * * I see you put in the words "machinery necessary for manufacture at arsenals."

General CROZIER. That wording is in most appropriations, and we find that it enables us to keep the plant up and purchase new machines when we need them.

The CHAIRMAN. It is more for keeping up old than in installing new plants?

In other words, without this language they can not even repair a machine. They are not trying to start any large plant. It is not intended to do so.

Mr. TAWNEY. Will the gentleman permit an inquiry? Is it not a fact that the machinery in these arsenals used in the manufacture of guns——

Mr. CAPRON. Ammunition.

Mr. TAWNEY. Ammunition and guns—the same thing—is all provided for in the sundry civil appropriation bill?

Mr. HULL. For the installation of the new plant, yes; not for keeping up the repairs.

Mr. TAWNEY. My colleague here, a member of the subcommittee on the fortifications bill, will verify the statement that in respect to every appropriation, almost, that was made for ammunition manufactured at arsenals, the identical words were included in the fortifications bill for the purchase of machinery, and the same identical explanation was made that General Crozier has given to the Military Committee.

Mr. LITTAUER. The repairs to the plant are taken care of in the sundry civil bill.

Mr. TAWNEY. The machinery and everything.

Mr. HULL. Without some language of this kind it is impossible to keep the plant running. That is the idea I have from the General. We have always had the same language, and points of order have been raised heretofore; and it was on the installation of a new plant, as was the one submitted to the Speaker, that we were ruled against. But this language, which was General Crozier's statement, has been carried heretofore in some form of this character. I do not believe the point is good. It is a matter of indifference. It may stop the manufacture for a while, until they can go to the Committee on Appropriations. That is all right. It does not affect me any more than it does any other citizen of the country.

Mr. TAWNEY. I wish to say to the gentleman from Iowa that this question was directly involved in the decision to which I referred, touching so much of the estimate—$1,100,000 for the manufacture of arms, submitted on page 136 of the Book of Estimates for the fiscal year 1901—as includes machinery, tools, and fixtures for their manufacture.

Mr. HULL. For a new plant that was proposed to be built.

Mr. TAWNEY. No; this was for the manufacture of arms; and this particular item included the purchase of machinery, tools, and fixtures for their manufacture. Now, the difficulty arising from this concurrent jurisdiction on the part of two committees over a general subject, such as the military establishment, necessarily leads to more or less confusion.

It is impossible for the House to tell, without having this matter clearly defined, just what committees should appropriate or how much this Department is getting from Congress under one or the other of the two committees. In the preparation of the fortifications bill, every appropriation for the manufacture of ammunition includes this identical language, so that they have ample authority and sufficient amount of money to purchase or repair any machinery in any arsenal used for this purpose. If this language is stricken out on my point of order, it will prevent the duplication of appropriations for the same purposes.

Mr. HULL. Has the sundry civil bill passed the House?

Mr. TAWNEY. It has not. But in the fortifications bill there are provisions for identically this same thing—for the repairs of machinery.

Mr. HULL. That would be very proper there.

Mr. TAWNEY. I made an inquiry myself as to the necessity of including it——

Mr. HULL. We do not appropriate anything for the Watervliet Arsenal. You would have to have it in for the arsenal there.

Mr. TAWNEY. You are appropriating or proposing to appropriate for purchase of machinery in an arsenal, to be used in the manufacture of ammunition.

Mr. PARKER. Small-arms ammunition.

Mr. TAWNEY. Small-arms ammunition.

The CHAIRMAN. The Chair is ready to rule. The Chair will call attention to the decision of Speaker Henderson. The decision was not limited to installation and buildings or plants, but contained also exactly the language to which the point of order has just been made. I read from the original decision of the Speaker, "And that the appropriations for buildings, installation of plants, machinery, tools, fixtures for the manufacture of small arms and equipment therefor to the Committee on Appropriations." Therefore, the Chair feels constrained to sustain the point of order.

Mr. GRAFF. Mr. Chairman, I desire to ask the chairman of the Committee on Military Affairs whether he knows to what extent smokeless powder is manufactured at the arsenals, if any?

Mr. HULL. I do not know that I can answer that.

Mr. GRAFF. After the fortification bill had been reported by the Committee on Appropriations and had passed this House, I was asked by a citizen of my own town, Peoria, Ill., Robert S. Waddell, president of the Buckeye Powder Company, to go to the War Department and ascertain what method was adopted by that Department in the purchase of smokeless powder. I went upon my mission and ascertained on my visit to the War Department that there was, in fact, absolutely no competition whatever, and that the submission of bids for smokeless powder to the War Department were theoretically on advertisements for smokeless powder, but as a matter of fact these advertisements were simply a matter of form; and while four different companies submit their bids year after year for smokeless powder, they all submit a bid at the same price—namely, 70 cents per pound for smokeless powder. About 5 cents' worth of alcohol went into the smokeless powder, leaving them 65 cents outside of the price paid for that ingredient for the manufacture and completion of that article for delivery. And I was informed by Mr. Waddell, of Peoria, president of this powder company, that the Government, paying 70 cents per pound for smokeless powder, as a matter of fact paid to these four bidders, bidding companies, a profit of about 100 per cent, and that as a matter of fact these four companies could furnish smokeless powder to the Government for 45 cents a pound and then have to themselves a profit of more than 25 per cent.

Furthermore, that these four companies, which are the Du Pont, which has a capacity of 7,000 pounds daily, or 22,100,000 pounds a year; the Laflin & Rand Company, which has a capacity of 7,000 pounds daily and 22,100,000 pounds yearly; the International, with a capacity of 6,000 pounds daily and 1,800,000 pounds yearly; and the California, which has a capacity of 4,000 pounds daily and 1,200,000 pounds yearly, are the four companies which are owned by what is known as the "Du Pont syndicate." It was insisted by this same citizen of my own city, who had himself been for twenty-one years with the Du Pont people, engaged in the manufacture of smokeless powder, that the Government could build plants, four plants, costing $250,000 each, and pay for those four plants out of the profits made now by the Du Pont syndicate in their sale to the Government of smokeless powder for a single year. I do not say this for the purpose of criticizing in any way the actions of the Committee on Military Affairs with regard to the pending item, but for the purpose of embodying this information in the RECORD, so that it may be a subject of future consideration by the committee of the House which has jurisdiction of this matter, which I under-

stand to be the Committee on Appropriations. I understand the matter of Government powder mills could not properly be placed in the bill now pending, under the rules of this House. I desire to incorporate in my remarks a printed letter from Mr. Waddell, addressed to the President and Appropriations Committees of Congress, on this subject. Mr. Waddell is a business man of high standing and a man of intelligence.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection? [After a pause.] The Chair hears none.

The letter is as follows:

*To the President and Appropriations Committees of Congress,*
*Washington, D. C.:*

This country, through the wisdom of Congress, has expended hundreds of millions of dollars in building a Navy and constructing fortifications for the defense of the Republic in times of peril. Many more millions have been expended in guns and ordnance for the use of the Navy and Army, for without these our ships and forts would be worthless. You are about to appropriate additional millions of dollars for ships, guns, men, and munitions of war. Without powder to hurl the shot and shells our Navy would be "as idle as a painted ship upon a painted ocean."

Yet this great country is wholly dependent in times of peace and war on one gigantic trust that has an absolute and exclusive monopoly for the manufacture of all the powder that the Government requires for offensive and defensive use. When you know beyond a doubt that the Du Pont trust is owned and controlled by men who daily, continually, and openly defy and break the laws of the States and nation, how much faith can be placed in their loyalty and patriotism in times of emergency and national distress?

The Du Pont powder trust owns and controls the Laflin & Rand, International, and California powder companies. They all bid separately the same price for ordnance smokeless powder, 70 cents per pound, the United States Government to furnish the alcohol, which costs approximately 5 cents per pound. This powder is made by the "powder trust" under inspection of Army and Navy officers stationed at the plants, and who know it is composed of cotton saturated in nitric and sulphuric acids, then washed, forming gun cotton that costs from 20 to 22 cents per pound. The gun cotton is then gelatinized, and when completed, with all salaries and expenses added, costs 30 to 35 cents per pound. The Navy and War Departments pay the Du Pont trust 70 cents a pound for all the Government consumes.

For several years the Departments paid the powder pool (Du Pont and Laflin & Rand) 88 and 90 cents per pound. Then the International plant was built and competition reduced the price to the present basis, when the Du Pont trust obtained control of the International product.

The capacity of the several plants are about as follows: Du Pont, 7,000 pounds daily, 2,100,000 pounds yearly; Laflin & Rand, 7,000 pounds daily, 2,100,000 pounds yearly; International, 6,000 pounds daily, 1,800,000 pounds yearly; California, 4,000 pounds daily, 1,200,000 pounds yearly.

The three eastern seaboard plants are in almost constant operation. Estimating the consumption of the Government at the capacity of the plants, say, 7,200,000 pounds per year, the net profits of the Du Pont trust are $2,520,000 a year.

The United States Government can build and equip four better plants than the "trust" owns at a cost not exceeding $250,000 each, pay for these plants out of the profits extorted from the people in a single year, and have more than a million dollars left in the Treasury that would, under present conditions, be paid to further enrich the "trust." The Navy and Army can detail scores of men, graduates of the academies, who are more competent to direct the making of the powder than those who supply it.

To the query, "If the profits are so large, why do not capitalists invest and compete?"

They know the conditions and methods of the powder trust; that the United States Government is hopelessly at the mercy of this monster, which recently swelled its capital from two millions to fifty millions, on paper. These capitalists know the competition they would offer would prove futile, and in declining assign reasons that are good, but are not complimentary to our Government.

The independent manufacturers of blasting powder and dynamite are defending their right to exist against the unfair, destructive, grafting practices of the Du Pont trust, with its rule or ruin policy. These manufacturers, holding charters from many States permitting them to conduct business, and their employees and friends have read the honest and highly commendable public utterances of the President demanding fair dealing for all the people, and they know that the United States Government is furnishing the powder trust the money that is being used to destroy all competitors of the "trust" throughout the country.

These independent manufacturers know that the Du Pont trust is one of the founders and a party to the international agreement between itself and European dynamite manufacturers fixing prices and dividing the markets of the world. They also understand the influence of this gigantic organization on the construction of the Panama Canal. It discounts Colonel Sellers's eyewater, for there is no lacking ingredient.

The executive and judicial departments are making heroic but vain efforts to enforce the antitrust laws, and the legislative branch is approving such action, or these laws would be repealed. To continue present conditions will stultify the Government.

If required, we will furinsh detailed proofs of all these statements and abundant evidence of more than I have mentioned.

Knowing that the Du Pont trust has an absolute, exclusive monopoly of all the resources of national defense and is levying extortions amounting to millions of dollars yearly on the taxpayers of the country, can the representatives of the people in Congress afford to appropriate money to perpetuate these conditions or the President approve such expenditures?

Congress appropriates and the War and Navy Departments expend the funds contributed by the whole people. The Departments are hopelessly in the clutches of the Du Pont trust, and the responsibility for this condition rests on Congress and the President.

I submit that the United States Government should not be particeps criminis in this exclusive monopoly of the trust; that the appropriation should be for powder factories that will produce supplies for the Army and Navy wholly independent of unlawful combinations. Any other course would be dangerous and a menace to the public welfare.

Whatever might at one time have been said favorable to support of individual manufacturers, this sentiment vanished with the "passing" of the individual and the advent of the trust. When any combination of millionaires flagrantly defies the law, creates an exclusive monopoly, corners the market against the United States Government on the one article without the use of which the Army and Navy would be useless, levies an extortionate price in times of peace, who could advocate such a cause? When the call comes to the patriots of the land to offer their lives at $13 per month to defend the flag, who can name the price at which the Du Pont trust will offer its products?

In times of peace this trust has prepared for war. It has cornered the market against the Government. With this knowledge, will Congress take any chances?

Should appropriations be made for purchase of powder from the trust and no provision be made to free the country from its clutches, it would be appropriate for the great Atlantic Squadron, the pride of the nation, to assemble off Barnegat and join the forts in a salute across the mud flats of Jersey, half to the honor of the old flag and the other half for the profit of their dictator, the Du Pont trust.

Perhaps it might be well to pull down Old Glory and hoist the royal purple standard of the trust so long as the country may remain under its absolute dominion. While the heads of the people are bowed in humiliation before this unlawful monopoly I would suggest another salute across the Atlantic in honor of the modern sentiment, slightly paraphrased: "Millions of dollars for tribute to the Du Pont powder trust, but not a single dollar for defense."

Respectfully,

ROBERT S. WADDELL.

PEORIA, ILL., *February 22, 1906.*

Mr. RIXEY. I desire to ask the gentleman from Illinois a question.

Mr. GRAFF. I yield to the gentleman with pleasure.

Mr. RIXEY. I understand the statement made by the gentleman from Illinois to be that the powder makers could make this powder for about 50 per cent of what they are paid?

Mr. GRAFF. That is it; and leave a profit to the manufacturers.

Mr. RIXEY. I merely want to call the gentleman's attention right on that line to the statement made by Admiral Mason two or three weeks ago. He stated that the cost of manufacturing smokeless powder at Indian Head was 60 cents a pound, and that we pay for what we purchase 70 cents a pound. I have the hearings here, and that is the statement of Admiral Mason, who is Chief of the Bureau of Ordnance. The Government now owns a factory at Indian Head, which was enlarged there—I was very active in securing the appropriation for the enlargement of that factory—and it is my belief that we ought to manufacture more powder there. Admiral Mason said that we only manufacture about 20 per cent of what we use and that what we manufacture costs us 60 cents, whereas what we purchase costs us 70 cents.

Mr. TAWNEY. Can the gentleman state the daily capacity of that factory at Indian Head?

Mr. RIXEY. I can not state it at this moment, although I have no doubt the figures appear in the hearings.

Mr. SLAYDEN. Three thousand pounds.

Mr. GRAFF. I desire to state further to the gentleman from Virginia that it was claimed by people who corresponded with me on this subject that on investigation it will be found to be true that there are no adequate facilities, including these private enterprises which now furnish practically all the Government uses of powder, to provide sufficient powder to anywhere nearly meet the needs of the country in time of war.

Mr. RIXEY. I think the hearings before the Naval Committee showed the fact that plenty of powder can be secured. The hearings went to the extent, however, of stating that it took three to six months, perhaps, to prepare this powder; that it had to be dried out, and so on; and for that and other reasons a large amount of powder had to be carried in reserve, which deteriorated to some extent; and it is a nice question as to how much powder ought to be carried in reserve, in view of the fact that it does deteriorate.

Mr. HULL. It deteriorates slightly, but not as much as formerly.

Mr. GRAFF. There is another statement which I desire to call to the attention of gentlemen, which is to the effect that the Du Pont syndicate have recapitalized their plant to the extent of ten times their original capitalization, and we would naturally infer that that increased capitalization must have been based upon the large profits which were derived from the manufacture and sale of powder.

Mr. RIXEY. I will state to the gentleman that I am sure that the hearings have demonstrated the fact that these smokeless-powder concerns are practically in agreement, and that there is practically no competition by these different factories in regard to the prices at which powder is furnished to the Government. The only protection which the Government has is the fact, as far as the Navy is concerned, that it has a smokeless-powder factory.

Mr. GRAFF. If what the gentleman says is true, that it costs the Government 60 cents a pound to make smokeless powder at Indian Head, it seems exceedingly strange to me

that these four powder companies, syndicated as they are, and knowing that they are the only bidders that there are in this country, and the only competitors for the demand for this powder on the part of the Government, would be so generous as to demand only 10 cents a pound profit, which is an exceedingly small profit for a syndicated body of manufacturers to ask from the Government when they have the Government entirely at their mercy, which is admitted on all hands.

The CHAIRMAN. The time of the gentleman has expired.

Mr. RIXEY. I move to strike out the last word. I would like to state to the gentleman that the reason is very plain. It is because the Government owns a powder factory at which it can make its own powder, and can thus control the price.

Mr. GRAFF. To what extent?

Mr. RIXEY. If it did not get the powder at a reasonable price, it could enlarge its factory at Indian Head and make all its powder there. The factory should be enlarged.

Mr. GRAFF. But the Indian Head capacity is only 3,000 pounds daily, and each one of these four plants that are now privately conducted by the Du Pont syndicate has a capacity of twice that amount. Each one of them has a capacity of twice that, and it is admitted—and I have heard it from authoritative sources which I do not feel at liberty to quote now—that there is an inadequate capacity in the United States to-day to fill the need of powder should war be precipitated.

Mr. YOUNG. Will the gentleman from Virginia yield for a question? Can the gentleman state to the House what that 60 cents of cost per pound includes? Does it include any interest on the investment at Indian Head, anything for depreciation of plant, anything for the probable blowing up of the plant, which usually occurs once in about five years?

Mr. RIXEY. It does include interest upon the plant and also a reasonable allowance for depreciation.

Mr. YOUNG. And how much is that?

Mr. RIXEY. I could not tell you that.

Mr. SLAYDEN. If the gentleman from Virginia will permit me——

Mr. YOUNG. Does not the gentleman know that the life of one of these powder plants is ordinarily not to exceed five years, that they blow up in that time, on an average?

Mr. RIXEY. I have always understood that the estimate included an allowance for depreciation. But, Mr. Chairman, I rose for the purpose of giving the statement of Admiral Mason, chief of the Bureau of Ordnance, as to the cost of the making of smokeless powder. The evidence is that it costs 60 cents a pound. There is no evidence of what it would cost the Government to purchase powder if we had no powder plant. It may be we could not make all the powder at Indian Head. The very fact that we have there a good plant, that we have men who can make this powder, and that it is easy to enlarge the plant is the reason why, in my judgment, we are enabled to purchase the powder at a reasonable price.

Mr. GRAFF. What per cent of the entire amount of smokeless powder used by the Government is produced at Indian Head at the present time?

Mr. RIXEY. About 20 per cent for the Navy.

Mr. GRAFF. And for the Army?

Mr. RIXEY. I do not suppose any part of it is used for the Army.

Mr. GRAFF. It would be an insignificant amount compared with the total amount.

Mr. RIXEY. I suppose if the Army used as much as the Navy it would be not far from 10 per cent.

Mr. GRAFF. Does the gentleman from Virginia think that the existence of the plant at Indian Head is any great threat of competition to private enterprise at the present time sufficient to cause them to lower their prices?

Mr. RIXEY. I do not know whether you would call it a threat or not; but I am sure that that is the reason why we get the powder at this comparatively reasonable price over what it costs the Government to make it.

Mr. GRAFF. Outside of the question of price, does not the gentleman think it is a vital question whether the Government will have facilities for procuring a sufficient amount of smokeless powder to meet the exigencies of the case when we are spending millions for mines, for coast defense, military establishment, naval establishment, in the event of war?

Mr. RIXEY. I have no doubt that we can get, in a reasonable time, all the powder we need. But I will go further and state to the gentleman that I will go as far as he will in providing for an increase in this factory at Indian Head for smokeless powder, and that I will then go with him, if he will go with me, and build an armor-plate factory to protect the Government against the greatest trust that has lived upon the appropriations by Congress for the past twenty years. We ought to have a factory of that kind; we ought to be able, if we never made a pound of armor plate, to make it; and if we had our own factory it would pay the interest upon the cost though we never used it.

Mr. SLAYDEN. Mr. Chairman, I have been very much interested in the debate on this item, and have received some little political encouragement from it. As a member of a party which has been engaged in trust baiting for some years, and which in doing so has marched from disaster to disaster, I welcome as allies my friend from Illinois and his associates. I think they will now go on to destruction. But, Mr. Chairman, I must confess I do not have as much indignation toward this alleged powder trust as I did have before I learned something about the facts of the case yesterday. While the powder manufacturers are perhaps charging a considerable profit, in view of the hazard of the business, it does not appear to be excessive. I had a conversation with an ordnance officer yesterday, in whose ability and in whose accuracy and judgment I have great confidence, and out of that conversation I have made a little brief memorandum which I will give to the House. The plant at Indian Head cost the Government $625,000. Then, figuring the interest on the plant, which is done here to get at the cost of that powder, at 6 per cent, and making for each year an allowance of 10 per cent for depreciation, and estimating insurance at the rate usually carried by powder manufactories, say, 6 per cent, the cost of the powder has been found to be 61 cents per pound. This price includes the cost of alcohol that is an important item in the manufacture of smokeless powder.

Mr. GRAFF. I desire to ask the gentleman whether his calculation is not somewhat misleading, because the plant at Indian Head is used for experimental purposes and for other purposes besides the making of smokeless powder?

Mr. SLAYDEN. I can only reply to that by saying that these figures were given me by a very careful man, and he assured me that they were an accurate computation.

Mr. GRAFF. I understand the plant at Indian Head is used for experimental purposes, for the testing of explosives in the matter of ordnance and ammunition; in other words, they do other things there besides the manufacture of smokeless powder.

Mr. GAINES of Tennessee. Yes; and they test armor plate.

Mr. SLAYDEN. But that has nothing to do with the manufacture of smokeless powder.

Mr. GRAFF. There are guns there, I am told, also, so the plant is used for that purpose, and it would not be fair to charge the plant to this single purpose when it is used for a great many others.

Mr. SLAYDEN. Unquestionably; but I was assured by the gentleman who gave me these figures, who is a very careful man, one of the brightest and ablest men in the Ordnance Corps, that that was as nearly a correct estimate of the cost of the manufacture of powder, adopting the usual commercial methods of computation, as it was possible to make. The cost of the powder which we buy under contract for the use of the Army is 70 cents a pound plus about 5 cents as representing the cost of the alcohol, which we furnish them free.

Mr. Chairman, this suggests the thought that if the Committee on Ways and Means and the House, in its wisdom, should give us untaxed alcohol for industrial purposes it would enable us to get cheaper powder for all purposes throughout the country, for sportsmen as well as for commercial uses.

Mr. YOUNG. Mr. Chairman, as I understand the gentleman, there is only 5 cents' worth of alcohol in a pound, and if we take off the tax how much difference would it make?

Mr. SLAYDEN. I am unable to estimate that.

Mr. YOUNG. Two cents, would it not?

Mr. SLAYDEN. It would have some influence in fixing the price of powder.

Mr. GRAFF. Right there, I was told by an officer in the War Department that the tax does not enter into this calculation, because under the law the manufacturer of smokeless powder for governmental purposes is given the alcohol tax free.

Mr. SLAYDEN. I have just stated that fact, Mr. Chairman.

Mr. GROSVENOR. Mr. Chairman, has the gentleman from Texas made any calculation as to about how much cheaper the Government would be able to furnish this alcohol if the bill now pending in the Committee on Ways and Means should be passed into law?

Mr. SLAYDEN. Mr. Chairman, I would say to the gentleman from Ohio that I have not made such a calculation, but I am told materially cheaper.

Mr. GROSVENOR. How much does the Government now pay?

Mr. SLAYDEN. I understand that alcohol could be had then

for industrial purposes at probably 12 or 15 cents a gallon. Am I correct in that?

Mr. GROSVENOR. Possibly; I do not know. My point is this, How much tax does the Government now pay?

Mr. SLAYDEN. Mr. Chairman, I have stated twice that the Government pays no tax.

Mr. GROSVENOR. Then it will not make one hair white or black.

Mr. SLAYDEN. Unquestionably not, but it will make a difference in the cost to manufacturers at large, and it might ultimately result in the establishment of more factories to supply the commercial as well as the military trade.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SLAYDEN. Mr. Chairman, I move to strike out the last word. With reference to the feature spoken of by the gentleman from Illinois [Mr. GRAFF] of this being a trust, there can be no question about it. I am assured by military authorities that the same competitive bid was made by the four great powder companies in this country, and that all the circumstances of this bidding indicated that there was collusion in the making of this price. In reference to my inquiry as to the standard of powder made by these companies, he said it was up to the required military standard. That, however, may reasonably be expected, as the Government maintains its own inspectors at the plants, and when powder is turned out for the use of the Government it goes out with the approval of the officers who are stationed there. When General Crozier, Chief of Ordnance, was before the Committee on Military Affairs, we interrogated him with reference to the accumulation of supplies for the use of the Government. The House will remember that we have been told frequently that when the Spanish-American war came on there was an inadequate supply of ammunition in this country to meet any sort of hostile attack. Now, Mr. Chairman, I for one never want to see that condition of affairs again, and much as I am opposed to having the Government engage in commercial enterprises of any sort, I would gladly see the Government embark in the manufacture of ammunition and guns and armor plate for the defense of the country rather than be put at the mercy of trusts who can hold us up in a moment of peril.

Mr. GAINES of Tennessee. Mr. Chairman, we have established, since the gentleman from Texas [Mr. SLAYDEN] and myself have been Members of Congress, in the last seven or eight or nine years, a Government powder factory. To what extent has that supplied the Government with powder, and what effect has it had upon the cost of the powder?

Mr. SLAYDEN. Except the small plant down here at Indian Head, concerning which we have just spoken definitely, the Government has no powder plant. My colleague from Texas [Mr. GILLESPIE] has now at the Clerk's desk an amendment which he proposes to offer to this paragraph to appropriate $100,000 to start the erection of a powder plant for the manufacture of powder for the Army.

Mr. GAINES of Tennessee. Now, just a minute more. The Secretary of the Navy—I think Secretary Long—recommended the building of a Government powder factory to get the Government out of being oppressed by the powder trust, and we have time and again appropriated for the purpose of seeing how the Government could work that. What effect has that factory had on the quality and price of this powder?

Mr. SLAYDEN. I will say to the gentleman from Tennessee, Mr. Chairman, that that plant is now in operation about 50 miles from the city of Washington, at Indian Head, making 3,000 pounds of powder a day.

Mr. GAINES of Tennessee. And your idea is to enlarge it?

Mr. SLAYDEN. No; but that we ought to have one for the Army. That at Indian Head is for the Navy only.

Mr. PARKER. Mr. Chairman, the gentleman from the Committee on Appropriations who opened this subject has just touched the fringe of one of the greatest dangers that beset this country if it should ever come into a time of war. It is well known that at the outbreak of the war with Spain we had only enough powder to fire one or two rounds from some of the guns in our Navy. It is not so well known that the present annual capacity of all the powder mills of this country would suffice us for but a day or two—I will not give the exact time—of actual war, and that the accumulations of powder that have been made, owing partly to changes in its form and character as improvements have been made and owing partly to the fear of deterioration which was expressed by the Navy Department, although it is not believed in by the War Department, that these accumulations are not large. We have, fortunately, a great quantity of manufacturing establishments, however, that deal with the same dangerous materials—the nitrates, nitric acid, and gun cotton—and there are celluloid companies, or manufacturers of substances in the nature of celluloid, which in the case of necessity could change their plants or, at any rate, furnish workmen who are used to dealing with these materials; and, in my judgment and that of people acquainted with the subject, we could very largely increase our capacity of manufacture in case of necessity. But there is one condition that lies back of all, and that is that the original material out of which the modern powders are made, whether for use in the mines or in the Army or Navy, is not found in this country. All of these powders used to be black powders made out of charcoal and saltpeter. Now they are all new. There is nitroglycerine, made out of nitric acid and glycerine, and gun cotton, which is made out of nitric acid and cotton. Then there is dynamite, which, I believe, has a certain clay added to nitroglycerine; but the foundation of all is in the nitric acid, and the foundation of nitric acid from which it is made is found commercially solely in the nitrates produced in Chile, and which are thence exported in very large quantities to the various countries of the world.

Every country that expects war has laid up, not an extensive quantity of smokeless powder, though they have enough at least to carry them for some months of consumption until they can make more, but every country which respects itself and its national honor is at least beginning to buy these nitrates from Chile at a cost of only about 2 cents a pound. That cost would be very greatly increased if any sudden run were made upon the market, but the cost remains about the same so long as the market is not disturbed, and a prudent government lays by these nitrates for use in case of necessity. They do not depreciate. They can be piled out of doors and rained on all the year.

Mr. GAINES of Tennessee. How about the powder, though?

Mr. PARKER. As I say, the War Department says that its powder does not depreciate, whereas the Navy Department seems to have some fear of that depreciation; and that matter is not settled. Now, only a word on the point that was raised. I believe in a Government plant to make some powder. I believe that it cuts down the price. I do not believe that if all the items of cost are considered the Government ever makes it so cheaply as private individuals or can make it so cheaply. I believe also that the maintenance in the field of large factories throughout the United States engaged in this work should be hailed, because every one is a new center which can be enlarged at any time, and we do not want to confine this matter to any one Government monopoly at any one place, because, with many men and many minds at the work, it can be enlarged to meet our necessities in time of need.

Mr. GRAFF. How are you going to accomplish the increase of our powder factories in this country?

Mr. PARKER. I do not know. If the prices are too high the nitrates are free to all and competition will come in time.

Mr. GRAFF. The fact is, I am informed, when one of these powder factories was outside of the trust at that time the price had been 90 cents a pound. Through the competition brought about through the existence of this one independent powder factory it was brought down to 60 cents a pound. Afterwards the Dupont syndicate purchased the independent plant, so now they are all in unison and simply fix the price arbitrarily that the Government has to pay for the powder.

Mr. PARKER. It has been stated that we hold down the price by our plant at Indian Head. I believe in such a plant. I do not believe in attempting a Government monopoly, but rather a Government rivalry, which will hold down the price.

Mr. GRAFF. How could 3,000 pounds daily manufactured at Indian Head be any factor in keeping down the price?

Mr. PARKER. I do not know, sir.

The CHAIRMAN (Mr. CRUMPACKER in the chair). The time of the gentleman has expired.

Mr. HULL. Mr. Chairman, I ask unanimous consent that the gentleman may have two minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. PARKER. Mr. Chairman, I only wanted, as the question had been raised, to bring before this House the necessity of our supporting any committee, whether it be of the Navy, of the Army, or of the general appropriations, in any appropriation from time to time, which will aid our Government quietly, as it may be, or openly, if it will, to acquire these indispensable supplies for this country within the near future. The Chief of Ordnance says that in fourteen years he will have powder for the Army. But Congress must not fail to see that we have abundant stores of the indispensable and comparatively cheap material of which powder is made, and which we shall be sure to need in time of war.

Mr. HULL. Mr. Chairman, I ask that we proceed with the consideration of the bill. We have had an hour now, and over.

Mr. GAINES of Tennessee. I hope the gentleman will defer his request for a moment or two.

Mr. HULL. The gentleman can have time on something else. I understand that there is an amendment at the desk, and I ask that it be reported.

The CHAIRMAN. The gentleman from Texas [Mr. GILLESPIE] offers an amendment which the Clerk will report.

The Clerk read as follows:

After the word "dollars," in line 22, page 43, add the following: "One hundred and fifty thousand of which shall be expended in the establishment of a plant for the purpose of manufacturing gunpowder."

Mr. HULL. Mr. Chairman, I raise a point of order. I will reserve it, however, in order to let the gentleman talk, if he desires to do so.

Mr. YOUNG. I will make the point of order.

The CHAIRMAN. Does the gentleman from Texas desire to be heard on the point of order?

Mr. GILLESPIE. I submit that under this paragraph providing for engaging in the manufacture of powder it appears that it is an enlargement of the work on the part of the Government. I submit also that it is not subject to a point of order.

Mr. GAINES of Tennessee. If the gentleman will yield to me for a moment, I will say that I think we have had that question time and again passed upon here, that where it simply enlarges a building that is already in existence it is not subject to a point of order. I think we had it in this very powder matter or some other similar matter.

Mr. HULL. This is no limitation on the appropriation. In other words, under the language of the amendment we could not build any structure. Therefore this is a provision for extending and providing for the erection of something that is not now authorized by law at all.

The CHAIRMAN. This amendment seems to be for the establishment of a new factory for the manufacture of gunpowder. The Chair is of the opinion that it is new legislation, and the point of order is sustained.

Mr. GILLESPIE. Mr. Chairman, I wish to offer another amendment.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

After the word "dollars," in line 22, page 43, insert: "*Provided*, That no part of the said $629,000 shall be paid to any trust or combination in restraint of trade nor to any corporation having a monopoly of the manufacture and supply of gunpowder in the United States, except in the event of an emergency."

Mr. YOUNG. Mr. Chairman, I make the point of order against that. It is new legislation and changes existing law. The Secretary now has discretion.

The CHAIRMAN. Does the gentleman from Michigan [Mr. YOUNG] desire to be heard on the point of order?

Mr. YOUNG. No.

The CHAIRMAN. The Chair is of the opinion that it is a limitation upon the appropriation contained in the paragraph.

Mr. GILLESPIE. Mr. Chairman, it seems to be admitted all around that the Government is in the clutches of an immense powder trust, a concern that exists clearly in violation of law. And the Government has its own agents there inspecting the powder produced by this illegal combination, and is in possession of the facts that stamp this concern as a violator of the law of this country. We are spending from four to five million dollars a year for powder for the Army and Navy. The only hope of escaping this powder monopoly lies in erecting and operating our own powder plants. These concerns are the masters of this Government. They are debauching the public conscience. They are gathering to themselves all the natural sources of supply of the people and the Government. It is practically admitted that the armor-plate trust dictates prices to the Government and takes its millions from the people. See what a step the steel trust has taken, as shown by the following article from this morning's Washington Post:

BIG DEAL IN IRON ORE—STEEL CORPORATION'S CONTRACT WITH JAMES J. HILL—ONE BILLION ONE HUNDRED AND TWENTY-FIVE MILLION DOLLARS IS INVOLVED—LEASE OF ALL THE HILL ORE PROPERTIES ON THE MESABA RANGE TO RUN FOR THIRTY YEARS—GUARANTEES IMMENSE INCOME FOR GREAT NORTHERN RAILROAD—DEAL PRACTICALLY CLOSED—ORE PRICES INCREASE.

CLEVELAND, OHIO, *February 28, 1906.*

It is stated that a deal involving iron ore amounting to as great a tonnage as all the ore mined in the Lake Superior ranges during the more than fifty years of their operation, a deal by which the immensely valuable ore properties of James J. Hill on the Mesaba Range are to pass into the control of the United States Steel Corporation for a period of thirty years, is about to be consummated. A special from Duluth to the Iron Trade Review concerning the deal says:

"Although no official announcement has been made, your correspondent is informed, on authority reliable beyond a question, that all of the principal terms have been agreed upon and the contract drawn. It is estimated that the Hill interests have ore deposits amounting to 300,000,000 tons, which, delivered at Lake Erie ports, would be worth $1,125,000,000.

"INCREASING PRICE FOR ORE.

"The terms of the contract provide that the steel corporation shall take a lease on these properties for thirty years, and shall pay for the first two years 70 cents per ton for the ore mined and 80 cents for the carrying of the ore from the mines to Duluth on Mr. Hill's Great Northern Railroad. It is further provided that after two years the price for ore in the ground shall be increased 5 cents every two years until, at the end of twelve years, the price shall be $1, and stay at that figure for the remaining eighteen years of the period.

"Another important provision is that the Great Northern Railroad shall be guaranteed freight amounting to 10,000,000 tons annually during the life of the lease. If mines other than those in the deal furnish the amount, the steel corporation will not be required to furnish any, but it must supply whatever is taken of the stipulated tonnage.

"IMPORTANCE OF THE DEAL.

"The great advantage of this important transaction to the corporation is evident. It insures the corporation a tremendous tonnage, and prevents the possibility of competing companies getting control of these great deposits. The policy of the officials of the corporation will be highly commended, and at the same time it is clear that the transaction will be very profitable to the Hill railroad. Last year this railroad carried 6,500,000 tons of ore, and by the new arrangement it will largely increase this tonnage at a guaranteed rate which can not be set aside by any legislation. The income which would result from the royalty would be fully $250,000,000 for all the ore, and the $8,000,000 per year which will be earned by carrying the ore will, of course, be additional. It can not, however, be stated with certainty that the corporation will mine all the Hill ore in thirty years."

It is understood that the question as to whether the quality of the ore is to be guaranteed is still undecided.

How can the Government insist that individuals be punished for violating the property rights of these concerns when they so unblushingly violate the rights not only of individuals but of communities and States and yet go unwhipped of justice? I submit, Mr. Chairman, that something ought to be done somewhere by this Congress to teach these concerns that we are not going to be always bowed down before them and subject to their extortion and dictation. The Government seems paralyzed before them.

Now, it has been intimated here that we could make more powder at Indian Head if the plant were run at its full capacity. Now, why is it not run at its full capacity? We would naturally conclude the officers of the Government overseeing both plants—because Mr. Waddell says in his article that officers of the Government inspect the powder trust's output—that it is purposely held back in order that the powder trust might get a profit of 14 cents a pound on powder, the Government paying that much more to the trust than it costs the Government to manufacture powder. I think it can be clearly learned by consulting those in authority that if the plant at Indian Head were increased and the people in charge of it forced to run it at its full capacity that the powder would not cost the Government 61 cents a pound as now stated by the gentleman from Texas. The gentleman from Illinois, according to this Mr. Waddell, from whom he quoted, shows that the powder can be manufactured for 40 cents a pound, and he seems to be a man who knows what he is talking about. And yet we stand all this, while the Government is absolutely held up by this powder trust and compelled to pay them 74 cents a pound for this powder. That is a condition I desire to protest against. [Loud applause.]

Mr. GAINES of Tennessee. Mr. Chairman, we have but to go back a year or two to find that the Secretary of the Navy said that he was not able—I do not recollect precisely his words, but I give them in substance—that we were not able to make the smokeless powder that the Government needed. Congress then established a powder factory for the purpose of not only getting enough powder for our military uses and of the proper quality, but for the purpose of vieing with this monopoly that seems to be now holding up the Government. I was not in the Chamber when the statement was made here—I presume it was made—that this powder factory is not being run to its full capacity, because, it is claimed, in effect, it would furnish too much competitive powder. I would like to ask the gentleman from Texas who said the factory was not run to its full capacity?

Mr. GILLESPIE. I think it was the gentleman from Virginia who made that statement.

Mr. GAINES of Tennessee. I would like to ask the gentleman from Virginia.

Mr. RIXEY. I do not know that I made that statement. I am not informed on the subject, and I do not know whether it is run to its full capacity.

Mr. GAINES of Tennessee. Do you know how much it does make?

Mr. RIXEY. I am informed it makes about 20 per cent of what we use.

Mr. GAINES of Tennessee. It makes about 20 per cent of what we need for the Navy. Why not enlarge it to make all we need?

But, Mr. Chairman, what I rose particularly to urge is this: The gentleman from Virginia [Mr. RIXEY] and I entered Congress the same year—March 4, 1897. He and I have favored

the building of a Government armor-plate factory, not so much for the purpose of making in this factory armor plate, but that it might be held in terrorem over this monopoly that has been holding up the Government and compelling it to pay unreasonable prices for that indispensable product—armor plate. President Lincoln commented upon the condition of the United States during the civil war, and in substance said that we had no Government factories to furnish military supplies, and recommended the building of public factories for that purpose. I have frequently said on the floor of this House, Mr. Chairman, that foreign countries have these public factories, and they divide public work between the public factory and that of the private factory to keep both in good running order and to avoid monopoly and be ready for war by the aid of both kinds of factories. Thus the private factory and the government factory are kept in readiness to meet any of the responsibilities of peace or war.

Another point, Mr. Chairman: A Government factory is supervised and watched day and night by an officer of the Army or Navy under oath, and subject to court-martial if derelict. Hence there is little chance of the factory being burned or destroyed. A private factory is watched by private individuals and private labor, not under oath, not subject to being court-martialed, not subject to being punished if they go to sleep at their posts. Hence fires may occur. If we erect a Government armor factory or a Government powder factory which is watched day and night by men under oath, the officers or watchmen may be court-martialed if they do not do their duty. Therefore there is less liability of the destruction of it. Again, a private factory could sell out to the enemy, a public factory could not.

It does seem to me that the great committee having this matter in charge should make an appropriation at an early day to extend this Government powder factory, not so much for the purpose of making all our powder, but so that we would have it in time of war and peace to meet any exigency. With this factory, at all times we could compete more successfully with the powder trust which seems to be in existence.

I should like to ask whether the Department of Justice is investigating this powder factory trust. I will ask my friend from Iowa [Mr. HULL] if there is any investigation in progress on that subject. Here is one gentleman on the Republican side [Mr. GRAFF] and one on the Democratic side [Mr. GILLESPIE], both of whom say, and nobody disputes it, that here is a great unlawful powder concern that is to-day doing business with and holding up the Government at oppressive prices. I presume that the Attorney-General—good, industrious, faithful man that he is—is investigating the matter, but I should like to ask, What are the facts?

Mr. HULL. I have no information on the subject. I suppose the gentleman from Tennessee is always correct on those matters.

Mr. GAINES of Tennessee. The presumption of law is that the Attorney-General is doing his duty, but what is the fact? I will say, however, that Attorney-General Moody has done more against the trusts than any Attorney-General we have ever had, but he has had more money and more law to do so than his predecessors. I want to give him more law and more money to keep up this work, and I should like to see this powder monopoly investigated. It should be at once, but I do not believe anything is being done in this matter to curb this combine.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. HULL. Mr. Chairman, the gentleman who has precipitated this discussion belongs to the Committee on Appropriations, and the Committee on Appropriations, under the rules of the House, is the only power that can start this building for a powder plant unless there is an independent law providing that it shall be done. But as a part of the national defense I should imagine if the estimates were submitted to Congress they would be referred to that committee, and then they would have full power to act. The Indian Head powder plant is entirely outside of the jurisdiction either of the Committee on Appropriations or the Committee on Military Affairs.

Mr. GAINES of Tennessee. Was that powder factory erected under a special or a general law?

Mr. HULL. It was instituted on an appropriation bill reported by the Naval Committee; but we have absolutely nothing to do with it. Whether it is run to its full capacity or not run at all is none of the business of the Committee on Military Affairs.

Mr. WILLIAMS. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Iowa yield to the gentleman from Mississippi?

Mr. HULL. Yes; provided I do not get cut off so that I can not speak to the amendment. I want to speak to the amendment. Does the gentleman desire to ask a question?

Mr. WILLIAMS. I notice in this bill that we are already manufacturing ammunition and materials therefor for small arms for reserve supply.

Mr. HULL. It says "manufacture or purchase of ammunition."

Mr. WILLIAMS. And we appropriate for the machinery necessary for the manufacture of ammunition at arsenals.

Mr. HULL. I will say to the gentleman that the words "machinery necessary for its manufacture," and so forth, went out on a point of order, and the Chair has held that that belongs entirely to the Committee on Appropriations.

Mr. WILLIAMS. Lines 10 to 22, on page 43?

Mr. HULL. Commencing at the word "supply," in line 12, on page 43, down to and including the word "arsenals," in line 13, and those words have gone out.

Mr. WILLIAMS. That does not strike out the language then "manufacture or purchase of ammunition?"

Mr. HULL. Not at all.

Mr. WILLIAMS. Then if there is still a proviso for the manufacture or purchase of ammunition——

Mr. HULL. Under those words what we purchased is covered by this appropriation, and what we manufacture in the way of cartridges is covered by this appropriation.

Mr. WILLIAMS. But this language says not only purchase, but manufacture.

Mr. HULL. Certainly, and we do manufacture under this a great deal of material for the small arms, but not the powder.

Mr. WILLIAMS. Does not the word "ammunition" mean powder?

Mr. HULL. Oh, yes; and what powder is made of.

Mr. WILLIAMS. Then the gentleman is contending that this means something that it is construed to mean rather than what it says.

Mr. HULL. It means what it says.

Mr. WILLIAMS. The point I am trying to make is that there is a provision in here for the manufacture of powder.

Mr. HULL. Not only for powder and ammunition, but material for small arms.

Mr. WILLIAMS. Then any provision touching the manufacture of powder is germane to this bill.

Mr. HULL. I have not raised that question. On the proposition of the gentleman's amendment I want to talk for a moment. I want to say to the House that if the amendment shall be adopted you absolutely tie up the hands of the Government so that it can not accumulate any ammunition at all. You would have to go into the courts to determine, or anyone could put you into the courts to determine whether there was a combination to manufacture the powder of this country, which is purchased by the Government.

Mr. GILLESPIE. Will the gentleman from Iowa admit that the trust does exist and that the Government can't get it anywhere else?

Mr. HULL. The gentleman from Iowa is not lawyer enough to draw the line where a large corporation is running its business to determine whether it is a trust combination, a monopoly, or a strictly legitimate business. That is a question for the law officers of the Government. But you would tie up the appropriation until it was determined in the courts. Now, I want to say to the gentleman that when the proposition to manufacture comes before the House in a proper way I will support that proposition. It could not come from the Committee on Military Affairs, but until the time comes that we shall manufacture for ourselves I protest against tying the hands of the Government so that it will be powerless, in the face of the world, to accumulate any supply of ammunition.

Mr. GILLESPIE. I submit that if we adopt this amendment that it will pave the way for manufacturing our own powder.

Mr. HULL. Oh, no; it would say in effect that for a year the Government could not accumulate smokeless powder anywhere. It says until the Government manufactures we shall not accumulate anything. It does not pave the way, and I sincerely hope that this House, on both sides, will vote against an amendment so mischievous in character, so well calculated to work injury to the interests of the country.

The question was taken; and the amendment was rejected.

Mr. WILLIAMS. Mr. Chairman, before this section is left I move to strike out, in line 21, the word "six" and substitute for it the word "nine;" so that it will read "nine hundred and twenty-nine thousand dollars," instead of "six hundred and twenty-nine thousand dollars."

Now, I will state why I offer that amendment. That clause reads as follows:

Ordnance stores, ammunition, manufacture or purchase of ammunition, etc.—

For several purposes, and then appropriates $629,000. I offer to make it $929,000 in order, without being subject to the point

of order, to furnish, under the proviso of the bill providing for the manufacture of powder, a sufficient amount of money for the Government to manufacture powder at its own works. The gentleman from Iowa has just stated that if a resolution was offered for the Government to manufacture its own powder, he would vote for it. Here is his chance. I offer the amendment to give him his chance. This amendment is not subject to a point of order. It merely increases the amount of the appropriation, and it will give the Government money enough, at least, to begin to manufacture its own powder so as not to leave us in the helpless condition that the gentleman from Iowa has just said that we are now in. If we pass the resolution offered by Mr. GILLESPIE, of Texas, not to buy powder from any trust, even a convicted trust under the antitrust laws of the United States, the gentleman from Iowa admits that we would now find ourselves completely cut off from the power to buy powder at all, and our hands, under the resolution, would be completely tied.

Mr. HULL. If the gentleman's amendment would be effective, I would feel very kindly disposed toward it, but the gentleman is too good a parliamentarian, as a leader of the minority, and too good a lawyer to believe for one minute that if we were to make an appropriation even of $3,000,000, in place of his $900,000, that one penny of it could be used for the erection of buildings or the purchase or installation of machinery for the manufacture of powder. That can only be brought about by this House appropriating specifically for the erection of the building and the installation of machinery. Under the rules of the House, and under the decisions of the Chair, it would not be in order to offer that on this bill.

Now, Mr. Chairman, I want to say to the House that the Committee on Military Affairs has not cut down——

Mr. WILLIAMS. Before the gentleman passes from that I want to say a word. He says that not a penny of this will be devoted to the purpose of manufacturing powder.

Mr. HULL. No; I did not say that. I said for the erection of buildings and the installation of machinery.

Mr. WILLIAMS. Is not the Government already manufacturing powder at Indian Head?

Mr. HULL. We are buying nitrates and accumulating supplies for the Army. At Indian Head the Navy has a small powder plant.

Mr. WILLIAMS. If that be true, the Executive Department is now spending the money for the purpose it has been appropriated for. This very clause appropriates a part of the money carried by it for the manufacture of powder. If the gentleman admits that the Departments of this Government, under the present Administration, will not welcome an opportunity, where the money appropriated for them enables them to do so, to get out of the clutches of this great powder trust, which is one of the most immense grafts in this country, then I stand corrected. But I am not ready to admit that the Government of the United States would not be glad to use this $300,000 for the purpose of escaping the present exploitation.

Mr. HULL. Mr. Chairman, let the gentleman then offer an amendment here and get unanimous consent, appropriating $300,000 for the erection of a building and the installation of machinery to manufacture smokeless powder, and then if his amendment would go through it would be of some use; but, Mr. Chairman, this amendment is of no value for the reason that if made not a dollar of it could be used for the purpose the gentleman has in his mind. Not only that, but I want to say in the creation of reserve ammunition, in the supply of reserve arms, the Committee on Military Affairs has given to the Ordnance Department every dollar that it asked for.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Mississippi.

The question was taken, and the amendment was rejected.

Mr. WILLIAMS. Mr. Chairman, the gentleman from Iowa having invited me to ask unanimous consent for the following resolution, I shall now do so.

Mr. HULL. Mr. Chairman, I would prefer the gentleman to say that I suggested a way to the gentleman rather than that I invited him.

The CHAIRMAN. The gentleman from Mississippi offers an amendment, which the clerk will report.

The Clerk read as follows:

Page 43, line 21, after the word "Homes," strike out the words "six hundred and twenty-nine thousand dollars" and insert in lieu thereof the words "$929,000, $300,000 of which shall be expended for the erection of a plant for the manufacture of powder."

Mr. TAWNEY. Mr. Chairman, I make the point of order against the amendment.

The CHAIRMAN. The Chair sustains the point of order.

Mr. WILLIAMS. Mr. Chairman, the Chair sustained the point of order so soon that I did not get an opportunity to discuss it. I desired to ask the gentleman from Minnesota [Mr. TAWNEY] a question, if he will reserve his point for a moment.

The CHAIRMAN. Does the gentleman from Mississippi move to strike out the last word?

Mr. WILLIAMS. Yes; I will move to strike out the last word. I might just as well ask it here. I desire to ask the gentleman from Minnesota [Mr. TAWNEY] if he is in collusion with the imputed intention of the executive department not to get out from the clutch of this powder trust; and if he is not, why he made the point of order?

Mr. TAWNEY. Mr. Chairman, I will say to the gentleman from Mississippi, in the first place, that it is not established that the Chief Executive is in collusion with the powder trust, and in the next place, if he is, I am not in sympathy with it.

Mr. WILLIAMS. I did not say the Chief Executive was in collusion with the powder trust.

Mr. TAWNEY. But the gentleman's question implied that.

Mr. WILLIAMS. I asked if the gentleman was in collusion with the imputed intention—imputed by the gentleman from Iowa—imputed intention of the Executive Departments not to try to get out from the clutch of this trust.

Mr. HULL. The gentleman from Iowa made no such imputation.

Mr. WILLIAMS. And I asked the gentleman from Minnesota [Mr. TAWNEY] if he is not, why he made the point of order.

Mr. TAWNEY. Simply because this is not the way to get out. If we are in the clutches of the powder trust, this is not the way to get out of its clutches.

Mr. WILLIAMS. Now, Mr. Chairman, I will take my five minutes on that point. Mr. Chairman, I am much fonder of things substantial than I am of things parliamentary. The gentleman says that he makes the point of order because this is not the right place for the legislation. Every place is the right place to do right, and if the gentleman thinks that we ought not to be paying 65 cents to the Dupont powder trust for powder which can be made and sold for 40 cents, then he should leave it to somebody who thinks it is right to do that to make the point of order. There are two ways of voting against a bill. One is to vote against it and the other is to make a point of order against it. There are two ways of voting against an attempt to get out of the clutch of a trust. One is to vote against it when the proposition is presented in a separate bill and the other is to make the point of order against it when you are trying to get it upon a bill. The gentleman is the chairman of the great Committee on Appropriations. The country will understand that in making this point of order he is representing the policy of his party, and the country can not be deceived with the notion that he makes it merely because he has some sort of a religion of fetish worship about the rules of the House. He is not sworn to make a point of order. It is not his duty to make a point of order. He makes it in pursuance of a policy, and being the chairman of that great committee he is making it in pursuance of the policy of his party.

Mr. TAWNEY. Will the gentleman permit an interruption?

Mr. WILLIAMS. Just in a moment. If the gentleman had taken the position that he did not think any trust was selling the powder and that he was not in sympathy with the idea of getting out from its clutches, he could have stood upon safe ground, but when he says he is in sympathy with the idea of escaping from its clutches and then makes a point of order on a proviso offered to this bill, which is the only present available opportunity to escape that is furnished him, he is upon thin ice. Now, I yield to the gentleman.

Mr. TAWNEY. The gentleman's amendment provides for nothing except an appropriation of $300,000 for the construction of a powder factory?

Mr. WILLIAMS. Yes.

Mr. TAWNEY. In what way will that amendment destroy this alleged powder trust?

Mr. WILLIAMS. I will tell the gentleman. In the language of the gentleman from Iowa, it would take ten or twelve years time now to get the plant fully furnished and equipped, and this $300,000 is the beginning of a Government plant, and, therefore, of the end of the powder-trust clutch. It will not be the end of it now, but it is the beginning of its hold on the Government, and I made it a small item on purpose, so we could start with the building at this time and then, as room is furnished, get the plant ready, and then we can go ahead and make the powder.

Mr. TAWNEY. What would be the capacity of a powder plant costing $300,000?

Mr. WILLIAMS. I do not believe it would be very large, but if——

Mr. TAWNEY. Can you give the House any idea? I want

to find out how much you know about destroying the powder trust and of the capacity of a plant costing $300,000.

Mr. WILLIAMS. I know it is a beginning in that direction. I know it is a precedent set, and I know if set it will be followed, and now, "a Daniel having come to judgment," I will ask the gentleman these two questions. The first one is, How much do you think would be necessary as an appropriation right now? Would a million do?

Mr. TAWNEY. For the erection of a powder plant?

Mr. WILLIAMS. Yes; and to equip it this year.

Mr. TAWNEY. I do not know what the consumption of the United States is, and I was going to ask the gentleman from Mississippi if he knew.

Mr. WILLIAMS. Oh, this is not to make powder for the world, or even for the United States; it is to make powder for the Army and Navy. We can ascertain the amount purchased by the Army and Navy each year, and it seems to me a building costing $300,000 ought to be big enough to contain equipment enough to provide all that the Army and Navy need, but now that such a plant necessary may be put down, I now promise the gentleman if he thinks this amount is not all that is necessary to erect a building for beginning the work, I will put it at any figure he thinks proper.

Mr. TAWNEY. I do not know.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. WILLIAMS. Then how do you know that $300,000 is not sufficient?

Mr. TAWNEY. I know that will provide for a plant producing 3,000 pounds a day, that is all.

Mr. WILLIAMS. This amendment contemplates only for the building, that is all. It will build a house big enough to contain the machinery. We can equip it later.

Mr. SHERLEY. Mr. Chairman, I want to ask the chairman of the Committee on Military Affairs if he can tell the House what sum would have been necessary for "the machinery necessary for manufacturing ammunition at arsenals?"

Mr. HULL. Well, Mr. Chairman, the understanding we had from the Chief of Ordnance was that it was only a small amount, that it was used more for repairs. The Committee on Military Affairs did not claim to have jurisdiction over the installation of any new plant.

Mr. SHERLEY. Well, can the gentleman give the House any figures? Would it cost $5,000 or $10,000 or $20,000?

Mr. HULL. They said if they wanted small repairs they would get them out of this. Some years it would cost only $5,000, some years $10,000, and some years less.

Mr. SHERLEY. I presume the gentlemen in fixing on the sum asked for, $629,000, had some estimate upon which to base the figures.

Mr. HULL. No; the estimate on that was very small and varied so it was not considered as cutting any figure at all one way or another in the appropriation.

Mr. SHERLEY. You ask $629,000 as being necessary for the ammunition without regard to the machinery?

Mr. HULL. No; I should imagine there was probably a few thousand dollars put in there for repairs.

Mr. SHERLEY. The reason why I ask the gentleman this question is this: It appears if we strike out some item on a point of order we are worse off than if we do not, because you keep the same sum and expend more money for less purposes.

Mr. HULL. I would say this: As far as that is concerned, an amendment to reduce it $29,000 would not meet with any objection on my part, as I had the feeling, to be frank with you, that any surplus that was saved out of this item could be put into reserve ammunition to good advantage.

Mr. SHERLEY. I desire then to offer the following amendment:

On page 43, line 21, strike out the words "and twenty-nine," so that the appropriation will read "six hundred thousand dollars."

Mr. HULL. Mr. Chairman, I have no objection to the amendment at all.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Kentucky.

The amendment was agreed to.

Mr. SULLIVAN of Massachusetts. Mr. Chairman, I move to strike out the last word. I wish to reenforce, if I can, in my humble way, the argument made by the gentleman from Mississippi [Mr. WILLIAMS] and point out to the gentleman from Minnesota [Mr. TAWNEY] that whatever theory he may base his attitude upon, the fact remains he is standing by his objection, by having raised this point of order, between the Government of the United States and the exactions of the great powder trust. I do not believe the Government ought to go into the business of manufacturing as a general principle, but there are some cases where it may properly do so. For example, all of those things which are necessary for the defense of this Government ought to be provided by the Government itself, either wholly or at least partially. The Government should not be made dependent for its supply of powder upon trusts in the United States or upon importation. In time of war it might not be easy to import powder. In time of war domestic trusts would increase the price enormously, and there ought to be left in the Government some means of defending itself against the exactions of the manufacturers of powder abroad and the trusts that manufacture it at home. And therefore if the gentleman did not make his point of order and even a small beginning were made by the establishment of a small plant for the manufacture of powder, we could increase the size of that plant so that in war times we could manufacture powder and not be dependent upon the trusts here or upon the manufacturers of powder abroad.

The Clerk read as follows:

Small-arms target practice: Ammunition, targets, and other accessories, for small-arms target practice and instruction; marksmen's medals, prize arms, and insignia for all arms of the service; and for the machinery necessary for their manufacture at arsenals, $1,200,000.

Mr. HULL. According to the ruling of the Chair, the words "machinery necessary for their manufacture at arsenals" should go out.

The CHAIRMAN. Without objection, the Clerk will make the alteration in the bill.

Mr. WILLIAMS. Mr. Chairman, I want to offer this amendment:

In line 23, page 43, after the word "ammunition," insert "which shall be manufactured by the Government."

Mr. TAWNEY. I make the point of order, Mr. Chairman, that we have already passed that paragraph.

Mr. WILLIAMS. Oh, no; we have not. The Clerk just this minute read it.

The CHAIRMAN. The Clerk will read the amendment offered by the gentleman from Mississippi [Mr. WILLIAMS].

The Clerk read as follows:

On page 43, line 23, after the word "ammunition," insert "which shall be manufactured by the Government."

Mr. TAWNEY. We just struck out part of lines 1 and 2, on page 44, after the conclusion of the reading of that paragraph.

Mr. WILLIAMS. Not all of the paragraph was stricken out, but only a part of it, and this applies to the part not stricken out.

Mr. HULL. Mr. Chairman, I make the point of order——

The CHAIRMAN. The Chair overrules the point of order made on the ground that the paragraph has been read. That is the only ground on which it was made.

Mr. HULL. I understood him to make it on other grounds.

Mr. TAWNEY. I understood the gentleman from Mississippi [Mr. WILLIAMS] offered his amendment at the bottom of page 43, in line 22. If that is not the fact, then I make the point of order that it is unauthorized by law.

Mr. WILLIAMS. Mr. Chairman, a parliamentary inquiry.

Mr. HULL. Let us decide the question.

The CHAIRMAN. The amendment offered by the gentleman from Mississippi [Mr. WILLIAMS], as the Chair understood it, was in line 23, on page 43, in a paragraph which had not come to its conclusion until the end of line 3, on page 44. The gentleman from Minnesota [Mr. TAWNEY] made a point of order that the paragraph had been passed. That point of order the Chair overruled.

Mr. TAWNEY. I understood the amendment offered by the gentleman from Mississippi followed the word "dollars" in line 22, at the end of the paragraph of "ordnance, stores, and ammunition."

The CHAIRMAN. The Clerk will again report the amendment.

The Clerk read as follows:

Page 43, line 23, after the word "ammunition," insert "which shall be manufactured by the Government."

Mr. TAWNEY. Then, I make the point of order, Mr. Chairman, that this amendment is for an object not authorized by law.

Mr. WILLIAMS. Upon that point of order, Mr. Chairman, I will reply simply that this is a restriction upon the sort of powder to be procured, and the places whence to be bought. It is a limitation upon the language of the bill.

The CHAIRMAN. The Chair would ask the gentleman——

Mr. TAWNEY. It would cause the Government to go into the construction of a new line of work.

Mr. WILLIAMS. The Government is already making powder, Mr. Chairman.

The CHAIRMAN. The Chair would ask the gentleman from Mississippi whether the Government now has a manufactory for the manufacture of this powder?

Mr. WILLIAMS. The Government is now manufacturing powder. On page 43, line 10, beginning the clause immediately prior to this, the bill says that there shall be appropriated $629,000 for a certain purpose, and one of them is, you will find, on line 10, a provision for "*manufacture* or purchase of ammunition." So that the Government is now manufacturing powder by law. Whether the War Department is doing it in fact or not I do not know. But I understand it is doing it as a matter of fact.

Mr. HULL. In the matter of manufacturing a powder, there is a manufacture of powder for the Navy. If we start to manufacture, this would carry it right on. We do manufacture some of the material, but we do not manufacture the powder.

Mr. WILLIAMS. Mr. Chairman, I do not know whether, as a matter of fact, or not the War Department manufactures any powders or has ever manufactured any or not, but I do know that there is authority of law for it in existing law, and that therefore this is a limitation of the manner and method—a restriction. It makes no difference, so far as the point of order is concerned, whether a pound is really ever manufactured or not by the Army Department. The fact is that it is manufactured by the Navy Department; but if the War Department wants to manufacture it authority of law is here already for the manufacture of powder.

Mr. MADDEN. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The Chair will state to the gentleman that there is a point of order raised.

Mr. GAINES of Tennessee. I want to be heard, Mr. Chairman, on the inquiry that the Chair has just made. I want to read from the report of the Secretary of the Navy, made to the Fifty-sixth Congress, and directly on that point, under the head of "Powder," page 30:

The Government powder factory at Indian Head is progressing favorably and will be completed in a few months. Unavoidable delays in obtaining materials have retarded its progress to some extent, and it is preferable to do good rather than hasty work. It is neither expected nor desired to enter into competition at these works with private manufacturers, except as to quality, it being the policy of the Department to foster the commercial industry, upon which the country must largely draw for its supply.

Also I want to read from the report of the Secretary of the Navy of November 17, 1900, on page 13, in which he says:

Manufacturers of smokeless powder are now experiencing little difficulty in supplying powder of excellent quality which meets the required climatic, physical, and ballistic tests. Three of the battle ships and one cruiser have already received an outfit of smokeless powder, and other vessels will be supplied as they are commissioned.

The manufacture of smokeless powder by the Government has been successfully carried on during the past year.

So, as a matter of fact, we are making powder. I do not know how much we are making, but this amendment simply enlarges the appropriation for manufacturing powder by the Government, and is not new legislation and does not change existing law.

The CHAIRMAN. The Chair is prepared to rule. The amendment offered by the gentleman from Mississippi provides that out of the $1,200,000 appropriated, in so far as it relates to ammunition, it shall be expended for ammunition which shall be manufactured by the Government.

Now, the present occupant of this chair thinks that the decision of this question must be based exclusively upon the facts in the case, not upon the language in this or other bills concerning the purchase or manufacture of ammunition, but upon the actual facts of the case. If the Government, in any of its departments, has no facilities for manufacturing powder, then this amendment would have a tendency to force the Government into establishing a manufactory for the purpose of making powder. If, however, as appears from the facts brought forth in this debate, the Government of the United States is manufacturing ammunition, it would seem that this amendment is simply a limitation and merely prescribes the method in which this money shall be expended; and if there is no contradiction of the fact that the Government is manufacturing powder, the Chair would hold the amendment is in order as a limitation, and overrules the point of order.

The question is on agreeing to the amendment.

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. WILLIAMS. Division, Mr. Chairman!

The committee divided; and there were—ayes 54, noes 81.

Mr. WILLIAMS. I ask for tellers, Mr. Chairman.

Tellers were ordered; and the Chairman appointed Mr. HULL and Mr. WILLIAMS.

The committee again divided; and the tellers reported—ayes 53, noes 85.

Accordingly the amendment was rejected.

Mr. MADDEN. Mr. Chairman, I desire to offer an amendment at the end of line 22.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

At the end of line 22, on page 43, insert:

"And it is hereby declared to be the fixed policy of the Government to enter upon the manufacture of all powder needed for use of the Army and the Navy."

Mr. HULL. Mr. Chairman, I raise the point of order on that for two reasons. One is that we have passed that paragraph and proceeded to the next one, and the other is that it is entirely a change of existing law.

The CHAIRMAN. It is only necessary to pass upon the first point. The Chair sustains the point of order.

Mr. HULL. Mr. Chairman, I move to strike out, in line 2, page 44, the words "two hundred thousand."

The CHAIRMAN. The gentleman from Iowa offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 44, in lines 2 and 3, strike out "two hundred thousand;" so that it will read "one million dollars."

Mr. HULL. We have stricken out all about machinery.

Mr. SHERLEY. I should like to ask the gentleman if that $200,000 covers the amount necessary for the building of machinery?

Mr. HULL. I should say that would amply cover it, because it is not so much for building machinery as it is supplying machines to replace old ones. My understanding is that it will more than cover it.

Mr. SHERLEY. That is all right. I had intended to offer a similar amendment.

The amendment was agreed to.

The Clerk read as follows:

Ordnance stores and supplies: For overhauling, cleaning, repairing, and preserving ordnance and ordnance stores in the hands of troops and at the arsenals, posts, and depots; for purchase and manufacture of ordnance stores to fill requisitions of troops; for infantry, cavalry, and artillery equipments, including horse equipments for cavalry and artillery, and the machinery necessary for their manufacture at arsenals, $1,185,000.

Mr. HULL. Mr. Chairman, I suggest that the words in lines 3 and 4, after "artillery," down to and including "arsenals," are out of order in this bill, and ought to go out, under the previous ruling of the Chairman.

The CHAIRMAN. If there be no objection, the Clerk will make the alteration.

There was no objection.

The Clerk read as follows:

National trophy and medals for rifle contests: That for the purpose of furnishing a national trophy and medals and other prizes to be provided and contested for annually, under such regulations as may be prescribed by the Secretary of War, said contest to be open to the Army, Navy, Marine Corps, and the National Guard or organized militia of the several States, Territories, and of the District of Columbia, and for the cost of the trophy, prizes, and medals herein provided for, and for the promotion of rifle practice, the sum of $5,000 be, and the same is hereby, appropriated out of any money in the Treasury not otherwise appropriated, to be expended for the purposes hereinbefore prescribed under the direction of the Secretary of War, $5,000.

Mr. MADDEN. Mr. Chairman, I move to strike out all after the word "dollars," in line 15, including the word "appropriated," in line 17.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 45, in lines 15, 16, and 17, strike out the words "be, and the same is hereby, appropriated out of any money in the Treasury not otherwise appropriated.

Mr. MADDEN. That would make the item read:

And for the promotion of rifle practice the sum of $5,000, to be expended for the purposes hereinbefore prescribed under the direction of the Secretary of War.

Mr. HULL. I have no objection to that amendment at all.

Mr. MADDEN. It seems superfluous to have that language there.

The amendment was agreed to.

The Clerk read as follows:

Hereafter all funds received as the value of military stores transferred by the several staff departments of the Army to the Insular Department of the Philippines, or work done, shall be deposited in the Treasury of the United States and remain available during the fiscal year in which the transaction occurred and the following year for the procurement of like military stores to replace those so transferred.

Mr. MADDEN. I move to strike out the paragraph just read, because it seems to be a duplicate of one printed on page 46, commencing at line 17 and running down to line 23.

Mr. HULL. No; they are different propositions.

Mr. MADDEN. Then I withdraw my amendment.

The CHAIRMAN. If there be no objection, the amendment will be withdrawn.

There was no objection.

The Clerk read as follows:

Whenever the Ordnance Department, under existing regulations, procures stores for other Executive Departments or bureaus, including the Philippine government, its appropriations shall be applicable to defray the necessary expenses in connection with the procurement, subject to reimbursement from time to time, or on completion of the work, from the department or bureau for which the stores were procured.

Hereafter the purchase of supplies and the procurement of services for all branches of the Army service may be made in open market, in the manner common among business men, when the aggregate of the amount required does not exceed $500; but every such purchase shall be promptly reported to the Secretary of War for approval, under such regulations as he may prescribe.

Mr. TAWNEY. I reserve the point of order, for the purpose of asking the gentleman from Iowa a question or two about these paragraphs.

Mr. HULL. It is subject to a point of order.

Mr. TAWNEY. I am not making the point of order; but does not this first paragraph, on page 46, have the effect of increasing the appropriation heretofore made for that purpose?

Mr. HULL. Do you mean the Ordnance Department? No; I think not. The Ordnance Department under existing regulations does procure stores for some other Executive Departments and bureaus, and especially the Philippine government. They have repaired their guns at the expense of the General Government. They furnish guns to the constabulary. They take charge of that, and they sell guns.

Now, they pay out of the insular treasury for this work; but unless you have this provision the Ordnance Department is crippled to that extent, because in place of being able to reuse that money in the way it was appropriated for they are short the amount that they furnish to the Philippine government.

Mr. TAWNEY. In the next paragraph, on which this point of order is reserved, I would like to have the gentleman's opinion as to whether it will not result in an increase of appropriation there.

Mr. HULL. Yes; it will. There is a $300 increase there, and it puts in the Medical Department as well as the others.

Mr. TAWNEY. I withdraw the point of order, Mr. Chairman.

The Clerk read as follows:

All funds received as the value of military stores transferred by the several staff departments of the Army to the insular department of the Philippines, or work done, shall be deposited in the Treasury of the United States and remain available during the fiscal year in which the transaction occurred and during the following year for the procurement of military stores.

Mr. TAWNEY. Mr. Chairman, I move to strike out the last word. I would like to have the chairman explain that provision.

Mr. HULL. That is on the line of the provision we had last year. House Document 424 shows that the provision in the Army bill for this fiscal year contains the following provision:

All funds received as the value of military stores transferred by the several staff departments of the Army to the insular department of the Philippines shall be deposited in the Treasury of the United States and remain available during the fiscal year 1906 for the procurement of like military stores to replace those so transferred.

Now, this makes it available for the fiscal year and the following year, because the way it was passed last year it was not effective.

Mr. TAWNEY. I withdraw the pro forma amendment.

Mr. MADDEN. Mr. Chairman, I am still of the opinion that commencing on line 17, page 46, is a duplication of that which is contained in line 20 and following on page 45. If the chairman of the committee can explain why it is not a duplicate, I would like to have him do it; otherwise I want to reserve a point of order until I hear what he has to say.

Mr. HULL. My impression is that the gentleman from Illinois is right and that from line 17 to line 23, on page 46, should be stricken out.

Mr. MADDEN. I move, Mr. Chairman, that the paragraph commencing in line 17 and ending in line 23, on page 46, be stricken out.

Mr. HULL. I think that is correct.

The amendment was agreed to.

The Clerk read as follows:

To enable the Secretary of War to prepare the ground and suitably mark the graves of soldiers and sailors buried on Isle St. Michel, commonly known as "Crab Island," the sum of $20,000, or such portion thereof as may be necessary.

Mr. UNDERWOOD. Mr. Chairman, I offer the following amendment:

The Clerk read as follows:

Insert, after line 3, on page 47, the following:

That a commission is hereby created to be known as the Confederate Memorial Commission, to consist of three members, who shall receive an annual salary of $5,000 per year, payable monthly. The President of the United States shall, by and with the advice and consent of the Senate, appoint the commission from veterans of the Union and Confederate armies. Vacancies occurring therein shall be filled in the same manner. It shall have the authority and exercise the powers herein set forth under the supervision of the Chief of Engineers and the direction of the Secretary of War.

SEC. 2. That said commission shall organize within thirty days after its appointment by the selection of such officers as may be required in the performance of its duties, and shall also adopt rules and regulations, not inconsistent with law, to govern its deliberations, subject to the approval of the Secretary of War.

SEC. 3. That it shall be the duty of the said commission to mature and adopt such plan or plans, from examinations already made of the graves of Confederate soldiers, looking to the preservation, protection, and beautifying of the same, and shall supervise the expenditure of any moneys appropriated by Congress looking to the protection, care, and beautifying of the graves of Confederate soldiers, which disbursements shall be audited by the Auditor for the War Department.

Mr. KAHN. Mr. Chairman, I make the point of order against that.

Mr. UNDERWOOD. I ask the gentleman from California to reserve his point of order until I can be heard.

Mr. KAHN. I will reserve it.

Mr. UNDERWOOD. Mr. Chairman, I note that the committee in this appropriation bill reports an item here "to enable the Secretary of War to prepare the ground and suitably mark the graves of soldiers and sailors buried on Isle St. Michel, commonly known as 'Crab Island,' the sum of $20,000." Of course the item would be, in all probability, subject to a point of order if the point of order were made, which I do not propose to make against that item in the bill. But I want to say that the amendment I have offered is along the same lines. The amendment offered by the committee in the bill proposes to take care of the Union soldiers.

Mr. HULL. Oh, no; of the war of 1812.

Mr. UNDERWOOD. Well, they are soldiers of the United States and still Union soldiers. The provision that I offer here is along the lines of the bill, I think, and of a bill that has already been reported to this House by the Committee on Military Affairs to mark the graves of the Confederate soldiers.

Mr. KEIFER. On that island?

Mr. UNDERWOOD. No; it is a general bill. Now, Mr. Chairman, it has been the sweet pleasure for the women of the South to decorate and, as far as lay in their power, to preserve the graves of the Confederate soldiers; but it is beyond their power to accomplish that which I believe we owe to the future. I believe the graves of the northern soldiers and Confederate soldiers belong to the country; that no country ever amounted to anything that has not a history, and that unless we preserve the history of our country we are on the downward grade. The bravery and glory of those who bore our flag, whether they were on the northern side or on the southern side of the line, is a part of the glory of our country; and we owe it to the children of our country, whether they come from southern blood or from northern blood, to mark the graves of their forefathers. Now, this bill or this amendment which I offer does not contemplate a large expenditure of money at any time. It certainly does not contemplate a large expenditure now; but I will say that through the southern country there are a few cemeteries where a Confederate soldier is buried that monuments have been erected over the graves of that private soldier. Many of these plats are still extant where you could locate the grave of the particular soldier and erect a headstone for that particular man at that grave.

If you let time run much further, those tablets, those memoranda of records from which you can erect these monuments will have gone, and then it will be impossible to do so in the future. Now, all this amendment provides is the appointment of three commissioners from the Confederate and from the Union armies—old soldiers on both sides—to collect these records and report to Congress what we should do in reference to the preserving of the Confederate graves. It is a matter in which the whole country is interested. It is no more out of order than the provision in the bill that has just preceded it, and I hope the point of order will not be made.

Mr. HULL. Mr. Chairman, I will state to the gentleman from Alabama [Mr. UNDERWOOD] that the Committee on Military Affairs by unanimous vote this morning reported out the Senate bill known as the "Foraker bill," fixed up by amendment exactly as the women of the South asked us.

Mr. UNDERWOOD. But this is the same thing.

Mr. HULL. No; it is not the same thing, and we put $200,000 in that bill, and when we take that bill up and pass it through the House it can become a law before this one. There is no use of loading down the appropriation bill with it. It is true this is just as much in order as the proviso which precedes it, but the time for raising the point of order on that has passed.

Mr. UNDERWOOD. I do not intend to raise the point of order.

Mr. HULL. We wanted to do just what the good women of

the South, who cherish in their hearts the memory of their brave who are buried near northern prisons, desired, and we have made all the requirements that the South has asked of us—North and South on the committee uniting to do this work as one of the peace offerings of this time to all the passions of the past. [Applause.]

Mr. UNDERWOOD. Mr. Chairman, if the gentleman will allow me just a moment, I will say this: I appreciate, as a southern man, what the committee has done, so far as the Foraker bill is concerned. I believe it is right; but that bill applies merely to the graves near northern prisons. Now, I think that the soldier who died south of the Mason and Dixon line is just as near and dear to the hearts of his people as any Confederate soldier who died north of that line.

Mr. HULL. Mr. Chairman, I will say to the gentleman that the Confederates who appeared before us on that proposition say that where their dead lie in their own neighborhoods and among their own people the South does not ask and does not expect and would not tolerate the Federal Government taking charge of those graves.

Mr. UNDERWOOD. I will say to my friend that some people have said that, but I have received petitions, and a number of them, that desire this very thing to be done as to the southern graves. Now, I will state that I have received letters from these ladies the gentleman speaks of. They have beautified the graves; but I can point to a number of cemeteries in the South where to-day there is not a monument raised. It is true the cemeteries are kept clean; they are beautified as far as our people have the money to beautify them; but they have not erected any headstones to mark out where the individual soldier lies, where his people can come and find him in the future. They have not the money to do it. The Federal Government has the money, and I think it would be a proper tribute to the glory of these people.

Mr. KAHN and Mr. HARDWICK rose.

The CHAIRMAN. The Chair will recognize the gentleman from California.

Mr. HARDWICK. Mr. Chairman, I would like to ask the gentleman from Alabama a question.

Mr. KAHN. Mr. Chairman, I will yield the floor to the gentleman from Alabama until he can answer the question of his colleague.

Mr. HARDWICK. Mr. Chairman, I desire to ask the gentleman this question, if this does not correctly represent the position of the ladies of the South on this question. I hold in my hand this letter from the Ladies' Memorial Association of Georgia, in which they say that they are in favor of the provisions of the Foraker bill only, and that they do not desire that any special care be given by the Government to any Confederate graves in the South.

Mr. UNDERWOOD. Mr. Chairman, I will say to the gentleman that I do not so understand the letter. My understanding of the letter was that they preferred the Foraker bill to the bill introduced by the gentleman from Illinois [Mr. PRINCE], because the Foraker bill provided for a commission to look after these matters, instead of subordinate employees of the War Department.

Mr. HARDWICK. The concluding sentence of the letter, I will state, is this:

> The decided preference of these associations is for the provisions of the Foraker bill.

Mr. UNDERWOOD. I will say to the gentleman that I have had letters myself from the ladies in reference to this bill that I have introduced, and the objection was to the Prince bill, not to the idea of taking care of the graves in the South. The objection was to not having officers of the Union and Confederate armies of high character and standing to do this work. That is what they want.

Mr. WILLIAMS. Mr. Chairman, as the son of a Confederate soldier who is very proud of being one, I hope the gentleman from Alabama [Mr. UNDERWOOD] will withdraw his amendment. I have received letters from Gen. Stephen D. Lee, the last lieutenant-general of the Confederacy and the chief of the Order of United Confederate Veterans; I have received letters from Mrs. Lizzie George Henderson, the head of the Daughters of the Confederacy; from Mrs. Behan, at the Southern Memorial Society, and I have received letters from the Sons of Confederate Veterans of the various camps, all united in requesting that the Foraker bill be reported from the Committee on Military Affairs to the House just as it passed the Senate, and all saying that it would be perfectly satisfactory to them from every standpoint, sentiment being the most precious of all. All of us I think are united in this. I think no daughter and no son of a Confederate veteran whose body is safely buried within the soil of his own country desires anybody else except the family of the buried soldier to decorate and keep his grave. [Applause.] I am not asking even the legislation which the Committee on Military Affairs is going to report, except for the reason that the graves are upon northern soil adjacent to prisons held by the Federal Government during the war, outside of Dixieland, and it is not possible for us to give them the care and attention which people like to give to the graves of those whom they respect. I hope that nothing will be done to interfere with the passage of the bill which the Committee on Military Affairs of the House is going to bring into the House, which I understand is the bill passed by the Senate.

Mr. HULL. There is only one amendment, and that is agreed upon by the Daughters of the Confederacy, and that is simply in regard to the purchase of the land, in the discretion of the Secretary of War.

Mr. WILLIAMS. I understand that.

Mr. HULL. That is the only change made in the bill.

Mr. WILLIAMS. I understand that.

Mr. KAHN. The gentleman from Ohio desires to address the Chair, and I have no desire to interfere with him.

Mr. GROSVENOR. Mr. Chairman, I have listened with profound admiration to the remarks made by the gentleman from Mississippi. During the last Congress the so-called "Foraker bill" had been passed by the Senate, and at the request of the distinguished Senator, who was also for his age a most distinguished soldier, I looked after the interest of that bill in this House, and tried in various ways to reach an opportunity to have it passed. During the time it was pending I heard from not only Members on this floor who were ex-Confederate soldiers, but from a great many gentlemen who came to the city, and during the recess between the Fifty-eighth and Fifty-ninth Congresses I heard a great deal in the southern cities about the so-called "Foraker bill." I understand that what the gentleman from Mississippi has said is exactly a correct statement of the public sentiment of the South. Their anxiety for the passage of the Foraker bill is not that they are not abundantly able and abundantly willing to do all that they could do to carry out their sentimental, patriotic, and affectionate purposes, but it is because the Federal Government has the data upon which alone this purpose could be carried into execution.

I might refer to Johnsons Island, a beautiful spot, where, under the superintendency of the Federal Government, these unfortunate soldiers were laid to rest, and whatever of data, whatever of identication there remain are in the hands of the Federal Government, and the same may be said of the surroundings of hospitals and prisons in Chicago and elsewhere—in the North and in the South—and it was the patriotic purpose of Congress, Mr. Chairman—not of the North, not of the South—but it was the patriotic purpose of the Congress of the United States, in the discharge of its duty, to do what was proposed to be done. [Applause.] It was not an offer coming from the North to be executed as a gratuity to the South, but it was an act of humanity, of decency, of loyalty and good fellowship, with a purpose to put one more flower over the chasm we have been trying to close up for so many years. [Applause.] So I hope that there will be no opposition coming upon this floor when that bill shall come up, nor yet in the form of amendment to the pending bill, that seeks to supersede the operation of the Foraker bill. Let that bill be accepted in the spirit in which it has come here and it will go a long way to carry out the suggestion that McKinley made, that Roosevelt has made, and to which every patriotic lover of his country to-day says Amen. [Applause.]

Mr. HARDWICK. Mr. Chairman, I received in the mail yesterday morning a letter, which I desire to call to the attention of the committee. It is as follows:

ATLANTA, GA., *February 24, 1906.*

Hon. W. T. HARDWICK,
*House of Representatives.*

DEAR SIR: The Ladies' Memorial Association, of this city, representing, as they believe, the strong sentiment of all similar associations in Georgia, respectfully urge that your sympathetic attention be given to the measures now pending in Congress concerning the care of Confederate graves, by our Government.

The ladies of these associations feel that they can not show too earnestly their great concern that the graves of those brave soldiers of the Confederate as well as of the Union Armies who died in service or were killed in battle should not become a reproach to our country or to any part of its people on account of neglect.

These associations have not failed to prevent this reproach so far as the graves are accessible, but thousands of southern soldiers died and were buried far away, where their graves have no proper care. For these graves especially they make this appeal to Congress, and pray that their voice may be favorably heard. The decided preference of these associations is for the provisions of the Foraker bill, and they respectfully urge their adoption.

Very truly, yours,

Mrs. W. D. ELLIS,
*President Ladies' Memorial Association of Atlanta, Ga.*
Mrs. JOSEPH MORGAN,
Mrs. S. H. MELONE,
Miss LUCY EVANS.
*Committee.*

Now, Mr. Chairman, I am utterly opposed to the adoption of the amendment offered by the gentleman from Alabama [Mr. UNDERWOOD], even if the point of order against it be not insisted upon. So far as the South is concerned, our ladies have demonstrated, in splendid loyalty and in touching love, their ability to take care of the Confederate graves that are located in our own midst. And we do not ask and we do not desire, and I believe I speak the overwhelming sentiment of the South when I say that we would not appreciate the aid there. We can take care of the graves of our own dead whenever they are on our own soil. The memorial associations everywhere ask only that Congress give this aid under circumstances detailed by the gentleman from Mississippi [Mr. WILLIAMS] and by the gentleman from Ohio [Mr. GROSVENOR]—namely, when those graves are away from the South, where the loving care of the women of the South can not reach them.

I therefore respectfully submit, in the interest and in behalf of the ladies of the South, that the passage of any such amendment as this would be, whether intentional or not—and I know that it would be unintentional—a reflection upon that tender love and grateful care which the women of the South have ever bestowed, in our own land, upon the graves of our dead. And I earnestly hope the gentleman from Alabama [Mr. UNDERWOOD] will not insist upon his motion. [Applause.]

Mr. PRINCE. Mr. Chairman, in the beginning of this Congress Mr. FORAKER introduced a bill in the Senate to mark the graves of the soldiers and sailors of the Confederate Army and Navy who died in northern prisons and were buried near the prisons where they died, and for other purposes. A bill identical with the bill that Senator FORAKER introduced was introduced by me in the House. The bill introduced by the Senator was referred to the appropriate committee of the Senate, and they reported his original bill with certain amendments. During the time this proceeding was going on in the Senate like action was being taken in the House on the bill I introduced. The Comittee on Military Affairs made some amendments to that bill. They reported it to the House and it is now on the Calendar. In the meantime, as the two bills as amended came before the country they brought the attention of those who are directly interested in the result. After much discussion on the part of the Confederate soldiers of the South and on the part of the Daughters of the Confederacy, they were led to believe, and I do not question their judgment, that they preferred the Foraker bill as amended to the Prince bill as amended.

To-day we had a hearing before the Military Committee. There appeared before us a gentleman in behalf of the Southern Confederacy Memorial Association, and one of its principal officers. There also appeared before us a lady, who is a historian of the Daughters of the Confederacy. We gave them a hearing, and as a result of that hearing the committee unanimously agreed upon, and authorized me to report to the House, the Foraker bill as it is, with a slight amendment.

I desire to say that much, so that the House will know that it is the unanimous desire of the Committee on Military Affairs to carry out the wishes of the representatives of the late Southern Confederacy and the representatives of the Daughters of the late Southern Confederacy. That bill, as I have said, was reported to-day and will be on the Calendar. At the earliest moment that the House will permit me under its rules, or otherwise, to take that bill up I stand ready to present it, and I ask that it be unanimously voted for by the Members of this House. [Applause.]

Mr. UNDERWOOD. I will ask the gentleman from California [Mr. KAHN] to yield to me just a minute.

Mr. Chairman, I think the House does not understand from what the gentleman from Mississippi [Mr. WILLIAMS] and the gentleman from Georgia [Mr. HARDWICK] have said what the purport of this bill is. Now, I want to say in the beginning that when I arose and offered this amendment I did not know that the Military Committee had reported the Foraker bill. It was only reported this morning. Necessarily being in the records and undisclosed, I had no way of obtaining that information, not being a member of the committee. I am heartily in favor of the Foraker bill and have always been, but this bill is not along that line.

Now, I understand what my friends say about our southern women taking care of our southern graves, and I know they are very jealous about it and very desirous of doing it. But there are certain records that you can not preserve more than a generation unless you have some means of preserving them. This does not say to Congress what it shall do or what this resolution shall do. It is an effort to preserve the history of the Confederate soldiers in the civil war.

If you will listen a minute, you will see that this does not interfere with what is to be done under the Foraker bill. After providing for the appointment of a commission, it says—

That it shall be the duty of said commission to mature and adopt such plan or plans, from examinations already made of the graves of Confederate soldiers, looking to the preservation, protection, and beautifying of the same.

Now, in those cases where they are preserved, why this commission would have nothing to do; but there are certain places where they are not preserved, where, unfortunately, there is nobody to take care of them, and in the interest of and in connection with the sentiment of the southern people to take care of these graves where opportunities have not been given I am pleading to-day. So that is all this amendment amounts to.

Mr. KEIFER. Will the gentleman allow me a question?

Mr. UNDERWOOD. I will.

Mr. KEIFER. I want to ask if it ever occurred to the gentleman that no such attempt has ever been made on the part of the United States as to make a record of Union soldiers.

Mr. UNDERWOOD. Well, I must say that when the Union soldiers were being buried right after the war, and national cemeteries made, I was a very young man, and really did not know much about it.

Mr. KEIFER. But this is a proposition to go to the private graveyards and the church cemeteries and all that, throughout the South, and gather up and make up a record, is it not?

Mr. UNDERWOOD. Now, I will say to my friend from Ohio, the object is to appoint a commission and ascertain the facts as to the condition of these graves and report to Congress for its consideration. It does not propose any affirmative action on the part of Congress at this time.

Mr. KEIFER. The record that you propose to make is a record of those buried in private graveyards and private lots; and I wish to suggest to the gentleman that I, with others, will go as far as we have gone in reference to Union soldiers, but I think this amendment, if adopted, would be very unfortunate in its effect upon the measure that the committee, I understand, is reporting.

Mr. UNDERWOOD. I will say to the gentleman from Ohio that it is evident from this amendment that it does not intend to do anything affirmative now, but merely intends to appoint a commission to ascertain the facts and conditions and report them to Congress, so that we can have them, if desired in the future, to legislate intelligently in reference to the matter of preserving the records. It is the record which we wish to preserve, so that in the future Congress can act if it desires, and the Foraker bill does not cover that ground.

Mr. SPIGHT. Mr. Chairman, I am one of the few ex-Confederate soldiers on this floor, and think I know something of southern sentiment along the lines about which we have been talking. While our people gratefully accept the patriotic offer on the part of the Government to care for the graves of Confederate prisoners who are buried in northern graveyards, we neither expect nor desire that anything of the kind shall be done with reference to the graves of our dead who are sleeping in their own soil. Not only do our women feel this way about it, but the living ex-Confederate soldiers themselves and the sons and daughters of the dead feel the same way. I think that the offering of the amendment by the gentleman from Alabama is unfortunate, and I hope that he will withdraw it and not either have it ruled out on a point of order or voted down in this House. [Applause.]

Mr. KAHN. Mr. Chairman, as a member of the Committee on Military Affairs, I heartily approve of the Foraker bill, which the committee agreed to report this morning, and when it comes up for discussion on this floor I shall be very glad to raise my voice, if necessary, and give my vote in its favor. I believe that the graves of the soldiers and sailors of the Confederate army and navy who died in northern prisons should be properly marked by our Government. The bill which the gentleman from Alabama has offered as an amendment to the Army appropriation bill, however, is entirely out of order. The gentleman has made a splendid appeal, a splendid speech for the benefit of his gallant constituents; but the gentleman must know, if he knows anything of legislation, that this is not a proper place to offer such an amendment. [Laughter.] The gentleman knows that you can not legislate in this fashion; that what the gentleman has proposed here is against the rules of the House. I am surprised that my friend from Alabama should expect to have a matter of this kind go through, practically, by unanimous consent. I have no doubt but that his is a proper case, but I say that a matter of this kind should be looked into by a proper committee. When the gentleman's bill is reported to this House in a proper manner from the proper committee, and it comes up for discussion in this House, then

I think will be the proper time to take it up for consideration. I must insist upon the objection I have made. [Laughter and applause.]

The CHAIRMAN. The Chair sustains the point of order.

Mr. SULLIVAN of Massachusetts. Mr. Chairman, I ask unanimous consent to go back to the last paragraph on page 44, in order that I may ask the gentleman from Iowa, the chairman of the committee, to give attention to a matter which I think has escaped his attention.

Mr. HULL. I noticed that. There is only one more paragraph to read; let us read that, and then your request to return to the paragraph will be in order.

Mr. SULLIVAN of Massachusetts. Very well.

The Clerk read as follows:

That the Secretary of War be, and he is hereby, authorized to expend the sum of $5,000, or so much thereof as may be necessary, in protecting and preserving the battlefield of Balls Bluff, in Loudoun County, Va., and the burial place of those killed in that battle. In his discretion and within said appropriation said Secretary of War is authorized to buy so much of said battlefield as he deems proper for the purposes aforesaid. The sum of $5,000, or so much thereof as may be necessary, is hereby appropriated for this purpose.

Mr. HOAR. Mr. Chairman, I desire to offer the following amendment.

The CHAIRMAN. The gentleman from Massachusetts offers an amendment, which will be reported by the Clerk.

The Clerk read as follows:

On page 47, in line 4, after the word "that," insert the words "the sum of $5,000 be, and the same is hereby, appropriated, and."

On page 47, in line 5, strike out the words "sum of $5,000" and insert the word "same."

On page 47, in line 11, strike out the sentence after the word "aforesaid."

Mr. HULL. I ask that the paragraph be read as it will read after the amendment is adopted.

The CHAIRMAN. The Clerk will report the paragraph as it will read when amended.

The Clerk read as follows:

That the sum of $5,000 be, and the same is hereby, appropriated, and the Secretary of War be, and he is hereby, authorized to expend the same, or so much thereof as may be necessary, in protecting and preserving the battlefield of Balls Bluff, in Loudoun County, Va., and the burial place of those killed in that battle. In his discretion and within said appropriation said Secretary of War is authorized to buy so much of said battlefield as he deems proper for the purposes aforesaid.

Mr. HULL. I have no objection to that amendment at all.

Mr. SULLIVAN of Massachusetts. That means that only $5,000 will be appropriated?

Mr. HULL. That is all.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Massachusetts.

The amendment was agreed to.

Mr. SULLIVAN of Massachusetts. Now, Mr. Chairman, I submit my request.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent to return to the last paragraph on page 44, to the title of "Ordnance stores and supplies," for the purpose of asking a question of the chairman of the committee.

Mr. SULLIVAN of Massachusetts. I call the attention of the chairman of the committee to the fact that the item for machinery necessary for the manufacture of equipments for the infantry and cavalry and for ordnance has been stricken out, but that the total amount appropriated remains unchanged, which would operate to leave a surplus in the hands of the Department officer.

Mr. HULL. If the gentleman will ask unanimous consent to strike out the words "and eighty-five," I will raise no objection.

Mr. SULLIVAN of Massachusetts. I ask unanimous consent to strike out, in line 4, page 45, the words "and eighty-five."

The CHAIRMAN. The gentleman from Massachusetts offers an amendment to be reported by the Clerk.

The Clerk read as follows:

On page 45, line 4, strike out the words "and eighty-five."

The amendment was agreed to.

Mr. HULL. I move that the committee do now rise and report the bill to the House with the amendments and with a favorable recommendation.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. BOUTELL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had directed him to report back to the House the bill (H. R. 14397) making appropriation for the support of the Army for the fiscal year ending June 30, 1907, with sundry amendments, and with the recommendation that the amendments be agreed to, and that as amended the bill do pass.

The SPEAKER. Is a separate vote demanded on any of the amendments? If not, they will be voted upon in gross.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. HULL, a motion to reconsider the last vote was laid on the table.

TARIFF RELATIONS BETWEEN UNITED STATES AND GERMANY.

Mr. PAYNE. Mr. Speaker, I desire to present the following privileged report from the Committee on Ways and Means.

The Clerk read as follows:

Resolution No. 346.

*Resolved*, That the President of the United States is hereby requested, if not incompatible with the public interest, to transmit to Congress information as to what arrangement or agreement the Department of State has made with the German Government in reference to the tariff relations between the United States and Germany.

Mr. PAYNE. Mr. Speaker, I desire to have the report read so far as it includes the letter from Secretary Root.

The Clerk read as follows:

[House Report No. 1833, to accompany H. Res. 346.]

Mr. PAYNE, from the Committee on Ways and Means, to whom was referred House resolution 346, calling upon the President of the United States for information as to what arrangement or agreement the Department of State has made with the German Government, reports back the resolution with the recommendation that it be laid upon the table.

The resolution was submitted by the Committee on Ways and Means to the Secretary of State, who replies, under date of February 28 instant, transmitting the entire arrangement or agreement and all papers relating thereto between the United States and the German Government in reference to the subject-matter of the resolution. This correspondence and the papers received from the Secretary of State are made a part of this report, as follows:

DEPARTMENT OF STATE,
*Washington, February 28, 1906.*

MY DEAR MR. PAYNE: I have your letter of to-day inclosing copy of a resolution introduced in the House yesterday requesting "information as to what arrangement or agreement the Department of State has made with the German Government in reference to tariff relations between the United States and Germany."

Perhaps the simplest treatment of the subject will be to give you the information now. There has been no arrangement or agreement made with the German Government in reference to the tariff relations between the United States and Germany, except as appears in the inclosed correspondence.

The proclamation referred to in my letter of February 19, 1906, continuing the duties of section 3 of the Dingley tariff act has been issued. The amended consular regulations, Nos. 678 and 680, referred to in my letter of February 16, 1906, have been prepared and will probably have been signed by the President by the time your committee meets.

Very sincerely, yours,

ELIHU ROOT.

The Hon. SERENO E. PAYNE,
*Chairman Committee on Ways and Means,*
*House of Representatives.*

(Inclosures:) To German ambassador, February 16, 19, 21, and 23, 1906. From German ambassador, February 18, 24, and 26, 1906, with memorandum.

Mr. PAYNE. Mr. Speaker, I ask unanimous consent that the accompanying papers be printed with the report without reading them.

Mr. SHEPPARD. Mr. Speaker, I was about to ask for the same thing, as I introduced the resolution, and I hope it will not be objected to.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The papers are as follows:

DEPARTMENT OF STATE,
*Washington, February 16, 1906.*

EXCELLENCY: I have received from the Secretary of the Treasury a formulation of the various changes in the Customs Laws and Regulations, to which the Treasury gives its assent, upon the several points as to which you desire changes.

1. You said in your letter of November 21: "It is now almost entirely the rule that the exporter has to appear personally before the American consul in order to get his invoice legalized. Could the rule be made the exception?"

I inclose herewith, marked "A," a proposed amendment of section 678 of our Consular Regulations, which I think accomplishes what you desire.

2. You say: "Would it be possible to have the invoice legalized, at the choice of the exporter, in the district where the goods have been bought or in the district where the importer lives?"

The proposed amendment of regulation 678 above referred to also provides that the invoice may be legalized at the choice of the exporter in the district in which the goods were bought or in the district where they were manufactured. This I understand to be a substantial compliance with your wish.

3. You say: "Could, under certain circumstances, the American consul in making his inquiries about the dutiable value be instructed to cooperate with competent German chambers of commerce?"

I inclose a proposed amendment of Consular Regulation No. 680, making it the duty of consular officers to confer with the German chambers of commerce, and making it their duty also to report the communications which they may receive from such bodies, so that their views and action shall be before the appraising officers in this country. The proposed amended regulation 680 is marked "B."

4. You say: "Could the special agents or commissioners sent by the United States to Germany (special Treasury experts and agents) in order to investigate in cases of special importance the market value be notified to the German Government and in certain cases cooperate with the competent German chambers of commerce?"

I inclose a proposed instruction to the agent of our Treasury Depart-

ment charged with such matters in Germany which I think will accomplish what you desire. It is marked "C."

5. You say: "Could, in certain cases in which the accuracy of the value declared by the importer had been rendered probable by certificates of German official chambers of commerce, the importer be allowed, if nevertheless the American customs authorities do not accept his declaration, the possibility of defending himself in a more efficient way than he now can? Could the appraisers be instructed to give the motives of their decisions in all cases in which they decide against the certificates of these chambers of commerce?"

I inclose a proposed rule, or order, from the Secretary of the Treasury to the Board of General Appraisers, which requires them to make the hearing in such cases open and in the presence of the importer or his attorneys whenever the public interests will not be prejudiced thereby. It is believed that this will accomplish what you desire as fully as is practicable. It does not seem to be practicable to require a regular trial, as in a court of law, upon every case of appraisement. That would be something unknown to the administration of customs laws anywhere in the world and wholly incapable of practical operation. The whole theory under which our customs laws are administered is that the appraising officer shall reach a conclusion as to the value upon the best information that he can get. The rule now proposed goes as far in the direction of turning this ascertainment of value into a trial *as our Treasury* thinks it is possible to go. This proposed rule is marked "D."

6. You say: "Could it be arranged that an additional duty be levied only in case the appraised value exceeds the declared value more than 10 per cent?"

This would require Congressional action. I inclose, marked "E," a proposed recommendation from the Secretary of the Treasury to Congress, which applies the rule for which you ask to the extent of 5 per cent, and, as to the remaining 5 per cent, gives the Secretary of the Treasury authority to waive or remit the additional duty upon a certificate that the undervaluation was the result of honest difference of opinion—that is to say, under the proposed rule the additional duty would be imposed only in case the appraised value exceeds the declared value more than 5 per cent, and could then be remitted up to the point of a 10 per cent difference upon a certificate of good faith.

7. You say: "Could goods on consignment be treated like goods that have been sold as regards the reexamination of costs of production?"

You will recall that in an interview with Baron Bussche he indicated this was intended to call for an application of section 7 of the customs-administration law, which permits the owner or consignee of purchased merchandise at the time of entry an addition to the cost or value given in the invoice, so as to raise the invoice value to the actual market value or the wholesale price of such merchandise at the time of exportation to the United States. The second paragraph of the proposed recommendation by the Secretary of the Treasury marked "B" contains a further recommendation for the necessary amendment of section 7 to comply with your wish regarding consigned goods.

I beg you to believe, my dear Baron, that in our treatment of all these subjects we have been actuated by a strong desire to comply with the wishes of your Government and to obviate any annoyances or hindrances to German producers and merchants in the conduct of their trade with the United States. We would greatly deplore any interference with that trade, and we are anxious to avoid, so far as it can possibly be done, every occasion for irritation on the part of the persons engaged in it. We sincerely hope that the trade between our countries may continue and increase upon both sides with mutual satisfaction and profit.

Accept, Excellency, the renewed assurance of my highest consideration.

ELIHU ROOT.

His Excellency BARON SPECK VON STERNBURG.

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A.

CONSULAR REGULATIONS.

Section 678. Invoices of merchandise purchased for export to the United States must be produced for certification to the consul of the district at which the merchandise was purchased, or in the district in which it was manufactured, but as a rule consular officers shall not require the personal attendance at his office of the shipper, purchaser, manufacturer, owner, or his agent, for the purpose of making declarations to invoices, but he shall certify invoices sent to him through the mails or by messenger. To conform to the statute which requires that merchandise shall be invoiced at the market value or wholesale price of such merchandise as bought and sold in usual wholesale quantities at the time of exportation to the United States in the principal markets of the country whence imported, consuls will certify to invoices the additional cost of transportation from the place of manufacture to the place of shipment whenever the invoice is presented to be consulated in a country other than the one from which the merchandise is being directly exported to the United States.

B.

CONSULAR REGULATIONS.

680. When the invoice and declaration are received by the consul it is his duty to examine carefully each item and satisfy himself that it is true and correct. In aid of this examination it shall be the duty of such consular officer to confer with official chambers of commerce and other trade organizations in his district, and he shall report any and all written communications from such commercial bodies and trade organizations that may be submitted to him in writing, together with all schedules of prices furnished him officially for that purpose, and the consul is authorized, in his discretion, to call for the bills of sale of merchandise purchased for export to the United States, to inquire into the cost of production of merchandise not obtained by purchase, to demand samples, and, if the conditions require it, to examine the entire consignment. Whenever an invoice is offered for certification which covers consolidated shipments consisting of the productions of different manufacturers, the consul may demand the submission of the manufacturers' bills relating thereto. Even when the merchandise has been purchased for export and the invoice sets out truly the price paid, the consul should ascertain whether the price represents the market value of the goods.

C.

In conducting investigations for purposes of discovering market value or cost of manufacture of merchandise produced within your district, you are directed to confer with chambers of commerce and other trade organizations, and to report to this Department all information you derive from these sources, together with price lists submitted and approved by such organizations.

D.

You are hereby directed that in reappraisement cases pending before a board of three the hearing shall be open and in the presence of the importer or his attorney whenever, in the judgment of the board, the public interest will not be prejudiced thereby.

E.

I beg to recommend the following amendments and modifications of the customs administrative act of June 10, 1890:

1. That section 7 of the customs administrative act of June 10, 1890, be so amended as to permit at the time entry is made such addition to the cost or value given in the invoice of consigned merchandise as, in the opinion of the consignee or his agent, may raise the same to the actual market value or wholesale price thereof the same as is by said act permissible of merchandise actually purchased.

2. I further recommend that section 7 be so amended as to impose no additional duty for undervaluation unless such undervaluation shall equal 5 per cent of the market value of the merchandise, and that the Secretary of the Treasury be authorized to remit all additional duty whenever the undervaluation is less than 10 per cent of the value of the imported merchandise, provided the board of general appraisers shall certify that, in its opinion, the undervaluation is the result of good-faith differences of opinion or error.

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IMPERIAL GERMAN EMBASSY,
*Washington, February 18, 1906.*

Mr. SECRETARY: As the American Government has not found it possible to arrive at a decision on my memorandum of November 4 the German Government, fully recognizing the difficulties of the American Government in dealing with the question, is ready to fulfill the desire which has been expressed to me by the President and by yourself, and recommended by me to my Government. The German Government is willing to grant to the United States for a certain period those reduced customs duties which have been fixed by the treaties concluded in 1904 and 1905 between Germany on one side and Belgium, Italy, Austria-Hungary, Russia, Roumania, Switzerland, and Servia on the other side. To-day a bill will be introduced in the Reichstag with a view to authorize the Federal Council (Bundesrath) to grant to the United States of America until 30th of June, 1907, these reduced duties. In making this concession the German Government expects that Germany will enjoy after March 1, 1906, the reduced duties of section 3 of the Dingley tariff as heretofore.

May I ask you, Mr. Secretary, to favor me with a written confirmation of this at your earliest convenience?

The German Government further hopes that the existing severity and rigidness of the American customs administration will be lessened, and that during the time granted the negotiations which have been entered into will continue and finally lead to a conclusion satisfactory to both parties.

Believe me, Mr. Secretary, yours, most sincerely,

STERNBURG.

The Hon. ELIHU ROOT,
*Secretary of State of the United States.*

* * * And also to state that the President will issue a proclamation with regard to section 3 in due time.

The negotiations in the Reichstag will begin on Tuesday next.

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DEPARTMENT OF STATE,
*Washington, February 19, 1906.*

EXCELLENCY: I have the honor to acknowledge the receipt of your note of February 18 advising me that the German Government is willing to grant to the United States for a certain period those reduced customs duties which have been fixed by the treaties of 1904 and 1905 between Germany, Belgium, Italy, Austria-Hungary, Russia, Roumania, Switzerland, and Servia, and that a bill is about to be introduced in the Reichstag with a view to authorize the Bundesrath to grant these reduced duties to the United States until June 30, 1907.

I beg to say that upon the accomplishment of the purpose thus stated, by the assurance to the United States of such reduced duties until the 30th of June, 1907, the President will promptly issue the necessary proclamation for assuring to Germany the reduced duties of section 3 of the Dingley tariff, as heretofore.

I hope that the communication which I had the honor of addressing to you Friday, the 16th instant, enumerating certain proposed changes in the customs administrative law and regulations will be regarded by your Government as evidence of the President's strong desire to relieve our customs administration from everything which seems to German exporters to have any feature of severity. I hope also that during the period which, under the proposed action of the German Government, will continue until the 30th of June, 1907, a satisfactory way will be found to establish a permanent basis for the mutual trade of both countries upon terms satisfactory to both. I am sure that there could not be a more sincere and kindly purpose, or more reasonable and open-minded views, than have actuated the representatives of both countries in the treatment of this subject, and I feel great confidence that a continuance of the same attitude on both sides will lead to a conclusion in conformity with the strong desire for real friendship between the German and American peoples which we both entertain.

Accept, Excellency, the renewed assurances of my highest consideration.

ELIHU ROOT.

His Excellency BARON SPECK VON STERNBURG.

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FEBRUARY 21, 1906.

MY DEAR BARON: The President authorizes me to say that the regulation marked "C" in the memorandum handed me by you to-day can be modified in accordance with your suggestion by inserting the word "first;" so that it will read:

"In conducting investigations for purposes of discovering market value or cost of manufacture of merchandise produced within your district, you are directed to confer, first, with chambers of commerce and other trade organizations, and to report to this Department all information you derived from these sources, together with price lists submitted and approved by such organizations."

The other memorandum relating to inclusion of the first general appraiser in the provision relating to open hearings has been sent to the

Secretary of the Treasury for an expression of opinion by him, and I hope to be able to advise you regarding that to-morrow.

Always faithfully, yours,

ELIHU ROOT.

His Excellency BARON SPECK VON STERNBURG.

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FEBRUARY 23, 1906.

MY DEAR BARON: Regarding the inclusion of the first general appraiser in the provision authorizing open hearing in reappraisement cases, the Secretary of the Treasury says that it can be done if you are specially urgent for it, but he thinks that I ought to say to you that he does not consider it probable that the first general appraiser will consider it practicable to give hearings which will be in the nature of court proceedings, and that he does not think the authority conferred in the new rule would be very much exercised by the first general appraiser—that is to say, he thinks that if the authority were given the appraiser would quite uniformly rule that the public interests would be prejudiced by the open hearing.

Referring to your letter of February 22, I have asked the Secretary of the Treasury to favor me with an expression of his views upon the questions which you asked, and I will communicate with you immediately upon hearing from him.

Very sincerely, yours,

ELIHU ROOT.

His Excellency BARON SPECK VON STERNBURG.

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[Confidential.]

IMPERIAL GERMAN EMBASSY,
*Washington, February 24, 1906.*

DEAR MR. SECRETARY: In reply to your letter of the 23d instant, permit me to say that our people interested in the matter think that the possibility of open hearings before the first general appraiser is essential. They also believe that the first general appraiser will not uniformly rule that the public interests would be prejudiced by the open hearing, if he is left entire discretion in this respect. I therefore would be greatly obliged to you if you would have the proposed modification inserted.

Believe me, Mr. Secretary, very sincerely, yours,

STERNBURG.

The Hon. ELIHU ROOT,
*Secretary of State of the United States, Washington.*

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IMPERIAL GERMAN EMBASSY,
*Washington, February 26, 1906.*

DEAR MR. SECRETARY: Permit me, in connection with my statements of this morning, to inclose a memorandum explaining the status of our new customs law. Could I ask you to be so kind as to send me a short notice of the date on which the proclamation of the President regarding section 3 of the Dingley tariff will be issued?

Believe me, Mr. Secretary, most sincerely, yours,

STERNBURG.

The Hon. ELIHU ROOT,
*Washington, D. C.*

MEMORANDUM.—The bill has come before the Bundesrath and will immediately be submitted to the Emperor for signature. In the meantime the Bundesrath has made use of the power conferred upon this body, and decided on Saturday last to grant, until further notice, to the products of the United States the rates of the German conventional tariff without setting a term within the fixed time. As soon as the act has received the signature of His Majesty it will be published, together with the resolution of the Bundesrath.

Mr. PAYNE. Mr. Speaker, I move that the resolution lie on the table.

The motion was agreed to.

MARKING GRAVES OF CONFEDERATE SOLDIERS AND SAILORS.

Mr. PRINCE. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 1234) to provide for the appropriate marking of the graves of the soldiers and sailors of the Confederate army and navy who died in northern prisons and were buried near the prisons where they died, and for other purposes.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Secretary of War be, and he is hereby, authorized and directed to ascertain the locations and condition of all the graves of the soldiers and sailors of the Confederate army and navy in the late civil war, 1861 to 1865, who died in Federal prisons and military hospitals in the North and who were buried near their places of confinement with power, in his discretion, to acquire possession or control over all grounds where said prison dead are buried not now possessed or under the control of the United States Government; to cause to be prepared accurate registers in triplicate, one for the superintendent's office in the cemetery, one for the Quartermaster-General's Office, and one for the War Records Office, Confederate archives, of the places of burial, the number of the grave, the name, company, regiment, or vessel and State, of each Confederate soldier and sailor who so died, by verification with the Confederate archives in the War Department at Washington, D. C.; to cause to be erected over said graves white marble headstones similar to those recently placed over the graves in the "Confederate section" in the national cemetery at Arlington, Va., similarly inscribed; to build proper fencing for the preservation of said burial grounds, and to care for said burial grounds in all proper respects not herein specifically mentioned; the said work to be completed within two years, at the end of which a report of the same shall be made to Congress.

That for the carrying out of the objects set forth herein there be appropriated, out of any money in the Treasury of the United States not otherwise appropriated, the sum of $200,000, or so much thereof as may be necessary.

And the Secretary of War is hereby authorized and directed to appoint some competent person as commissioner to ascertain the location of such Confederate graves not heretofore located, and to compare the names of those already marked with the registers in the cemeteries, and correct the same when found necessary, as preliminary to the work of marking the graves with suitable headstones, and to fix the compensation of said commissioner, at the rate not to exceed $2,500 per annum, who shall be allowed necessary traveling expenses.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. MANN. Mr. Speaker, I would like to ask the gentleman a question. We have in Chicago the Confederate mound in Oakwood Cemetery, a plat of ground under the care of the Government, in which 4,000 Confederate soldiers are buried who died at Camp Douglass. The Government has undertaken to care for the ground under a bill which I introduced in the Fifty-seventh Congress, and an annual appropriation of $250 is made for the care of it. A Confederate association has erected upon this ground a large monument. The ground stands in the middle of Oakwood Cemetery. It has no fence around it; it is not possible to ascertain the names of all the soldiers buried there, but to put a fence around it, to put up marble slabs on the ground would simply be to disfigure what is now probably one of the most beautiful resting places to be found in this country.

Now, I wish to ask the gentleman whether, under this bill, the Secretary of War will be required to walk into this beautiful cemetery, into this ground where these soldiers are buried, and put up a lot of little dinky slabs around this beautiful monument and then put a fence around it?

Mr. PRINCE. In answer to the gentleman I will say that I do not think he would be compelled to do it. If the graves of the dead are so sufficiently marked to satisfy those that are interested in the marking of the graves, I see no necessity for his going there and putting up those markers.

Mr. MANN. That will depend upon the terms of the bill. Of course these graves are not marked at all. There is a plot of ground, and there is no possibility of marking the graves except that they could put up a lot of marble slabs purporting to mark the graves. The graves themselves are beyond marking. The ground has been raised, it is grassed over, trees have been planted on it by the Government, and it has been put in a perfectly beautiful condition. Now, will this bill require the Secretary of War to ruin this piece of ground?

Mr. PRINCE. I should say not.

Mr. PAYNE. Why not put in a proviso that it shall not apply to this cemetery?

Mr. MANN. It seems to me that might be well.

Mr. PRINCE. I am frank to say if the gentleman will submit an amendment or proviso that I will have no objection to it. I do not think there is any necessity for it.

Mr. WILLIAMS. He can not mark the graves if he does not know where the graves are.

Mr. MANN. I apprehend he will find that condition of affairs at most of the graves, but that they will mark the graves there in regular order in their places, whether they find the actual graves or not. It is true, I suppose, in all of the camp prisons, as it was there that trenches were dug in which a large number of these soldiers were buried. There is no way of ascertaining where these men are individually buried. Of course, in many places it would look better to put up a headstone or a footstone in the semblance of ascertaining the exact places, but I do not want a bill passed, if I can help it, which will spoil what is certainly now the most beautiful resting place for the Confederate dead in the North.

Mr. STEPHENS of Texas. If we could insert in the bill the words "where practicable," I think it would be satisfactory.

Mr. HEPBURN. Why not put in a proviso that the provisions of this bill shall not apply to that cemetery.

Mr. MANN. Why can not the gentleman tell me the place to put in a proviso that the provisions of this bill shall not apply to the Confederate mound in Oakwood Cemetery, Chicago?

Mr. KEIFER. If the gentleman will allow me to suggest, the same condition, in some degree, exists at Columbus, Ohio, and other places, I presume, and it better be made general.

Mr. WILLIAMS. Oh, Mr. Speaker, I hope that will not be done.

Mr. MANN. Mr. Speaker, I think the Confederate mound in Oakwood Cemetery is the only place that is now actually cared for by the Government in the North where the Confederate dead are buried.

Mr. WILLIAMS. Oh, no; there are some out here at Arlington. Certainly the Secretary of War can be trusted in a matter of this kind.

Mr. KEIFER. If he is given discretion.

Mr. WILLIAMS. He is given that discretion.

Mr. MANN. If he is given the discretion, I am satisfied. Why not put in the words "in his discretion."

Mr. PRINCE. It is impossible to mark anything where there is not anything.

Mr. LACEY. Mr. Speaker, I would suggest an amendment, at the end of line 16, on page 2, to add the following:

*Provided*, That as to cemeteries already under Government care the fence and markers may be omitted.

Mr. MANN. That satisfies me.

Mr. HULL. Mr. Speaker, I shall object to any amendment made to this bill. It has been perfected now exactly as the people in interest want it.

Mr. WILLIAMS. Mr. Speaker, if the gentleman from Illinois [Mr. MANN] will yield a moment, I desire to suggest that wherever it can not be ascertained that a soldier has been buried, wherever his grave can not be identified, there will be no possibility even of there being a marking of the grave. Wherever it can be identified, we do not care where it is; if a particular Confederate soldier can be ascertained to have been buried in that particular place, we want it marked. Now, as far as the situation described by the gentleman from Illinois [Mr. MANN] is concerned, there seems to be no possibility of identifying a grave, and, of course, it would be a matter of barbarity to erect headstones on guesswork, and nobody would attempt it—certainly not this Confederate commission; but if they could find that a certain Confederate soldier of a certain company and regiment is buried in a particular spot, they desire to mark it, and where they can not ascertain it, of course they will not mark it.

Mr. MANN. Now, the gentleman would not contend, I suppose, that if the Confederate mound were not now being taken care of this bill would not apply to the case?

Mr. WILLIAMS. Why, it could not apply——

Mr. MANN. Because it is a futile proceeding for Congress to pass a bill upon this subject if it does not propose to actually take care of the resting place of these soldiers.

Mr. WILLIAMS. It must first "ascertain" in order to "mark." Where it can not ascertain it can not mark.

Mr. KEIFER. Will the gentleman from Mississippi allow me to make this suggestion? I have the original bill in my hand, and I have no objection to it, and I am anxious that it should pass, as its friends in the South desire it, but I suggest that in line 8, where it reads "to cause to be erected over said graves white marble headstones," that after the word "erect" I would put in the words "where practicable," adding nothing more, but putting those two words in there, so it would read:

To cause to be erected where practicable over said graves white marble headstones similar to those, etc.

Mr. WILLIAMS. Well, could they be erected if it was not practicable?

Mr. KEIFER. It requires it emphatically here, so they might have to put them where they ought not to be put.

Mr. MANN. We do not want headstones in the Confederate mound; we do not want a fence around it. It would offend every Confederate soldier who came to Chicago and visited this place, and I presume more have gone to that graveyard there than to any graveyard in the North. This is now in a most beautiful spot, and it is cared for under an annual appropriation.

Mr. HULL. Is not this true, Mr. Speaker: It is under the direction of a Confederate, and it is not expected to take charge of a place like the Chicago cemetery that is provided for by law now, and where the mound has been cared for and so much appropriated annually for its care? Therefore how can this bill interfere with it? My objection to commencing to interfere with the bill by amendment is this, that it has been gone over carefully by the committee and it has been carefully considered by General Lee——

THE FIVE CIVILIZED TRIBES.

The SPEAKER. Will the gentleman suspend for a moment? If there be no objection, the Chair will lay before the House a Senate bill with House amendments disagreed to, so that it may go to conference.

The Clerk read as follows:

Senate joint resolution 37, extending the tribal existence and government of the Five Civilized Tribes of Indians in the Indian Territory.

Mr. CURTIS. Mr. Speaker, I ask the House to insist upon the House amendments and agree to a conference upon it.

The SPEAKER. The gentleman from Kansas moves that the House do insist upon its amendments and agree to a conference. Is there objection? [After a pause.] The Chair hears none.

The SPEAKER announced the following conferees: Mr. SHERMAN, Mr. CURTIS, and Mr. STEPHENS of Texas.

MARKING GRAVES OF CONFEDERATE SOLDIERS AND SAILORS.

Mr. HULL. Mr. Speaker, I was just saying this bill has been carefully considered, not only by the committees of the Senate and the House, but it was prepared by General Lee and the good women of the South. This bill places the responsibility on the ex-Confederate commissioner. There is nothing, in my mind, that would justify going into general amendments by the House. The cemetery at Chicago is already fixed. A Confederate, a man who holds in as tender reverence the dead of the Confederacy as anyone can, will be appointed to look after this matter, so it is in the hands of friends; and to assume even that he will so act as to desecrate a grave is something that, to my mind, is a violent assumption, and I did hope, after we had reported it, after we had had full conference with the Daughters of the Confederacy and with representative generals of the Confederacy this morning, that we would pass the bill as it was reported and as they expect it will be passed, and it will save explanation if we do so. In my judgment, no harm will come to any cemetery now cared for by the Government, and parties directly interested will be happy.

Mr. CANDLER. Mr. Speaker, I want to say I have the honor of having Gen. Stephen D. Lee as one of my constituents, and I have had considerable correspondence with reference to this bill, and I know that the Foraker bill, and I understand this is the same, meets his absolute approval, and he desires this to pass without amendment.

Mr. MANN. Mr. Speaker, if I had felt that this bill would interfere with the Confederate mound at Chicago I probably should have raised an objection to the consideration of the bill until it were properly amended. I do not ask that the bill be amended. I asked in the first place, hoping that there might be a response that this bill would not affect the situation there. Apparently the bill is directory upon the War Department, but all I ask now is that if it be found that the War Department believes that under the bill it is compelled to enter upon the Confederate mound at the Oakwood Cemetery and put up gravestones there not wanted, and a fence that would be a desecration, this House and Congress will promptly meet the appeal of the ex-Confederates of Chicago and amend the law so that it will not apply to that place.

Mr. GROSVENOR. Will the gentleman allow me a word?

Mr. PRINCE. I yield to the gentleman.

Mr. GROSVENOR. Suppose we pass the bill now as it is. There are two or more amendments to the Senate bill. Should the bill now be passed, then it will come upon the question of concurring by the Senate. And all of us who appreciate the position taken by the gentleman from Illinois [Mr. MANN] will see to it that the objection or suggestion of the gentleman is made in the Senate or in the conference, as the case may be.

Mr. MANN. I appreciate fully the suggestion of the gentleman from Ohio [Mr. GROSVENOR], which, like all of his suggestions, is very bright; but the truth is, I have all I can do trying to look after my work at this end of the Capitol without attending to the other end. I appreciate the suggestion, however, and may act on it.

The SPEAKER. Without objection, the committee amendment will be reported.

The Clerk read as follows:

On page 1, in line 9, after the word "confinement," insert "with power, in his discretion."

The SPEAKER. The question is on agreeing to the committee amendment.

The amendment was agreed to.

Mr. UNDERWOOD. Mr. Speaker——

Mr. PRINCE. Mr. Speaker, I think I have the floor. If it is proper now to discuss the bill, I want to yield some time——

Mr. KEIFER. Let us pass the bill.

Mr. GOULDEN. Pass it, and then discuss it.

The SPEAKER. The gentleman from Illinois [Mr. PRINCE] has the floor.

The question is on the passage of the bill as amended.

The question was taken, and the bill as amended was ordered to be read a third time; was accordingly read a third time, and passed.

On motion of Mr. PRINCE, a motion to reconsider the last vote was laid on the table.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 297. An act to authorize the construction of dams and power stations on the Tennessee River at Muscle Shoals, Alabama; and

H. R. 13308. An act to authorize the construction of a bridge across the Arkansas River at Pine Bluff.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 4482. An act to amend an act entitled "An act authorizing the construction of a bridge across the Cumberland River at or near Carthage, Tenn."

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. OTJEN, for four days, on account of important business.

Mr. PAYNE. Mr. Speaker, I move that the House do now adjourn.

Accordingly (at 4 o'clock and 45 minutes p. m.) the House adjourned.

## EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of the Navy submitting an estimate of deficiency appropriation for coal and transportation, Bureau of Equipment—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Interior, transmitting, in response to the inquiry of the House, a report of the Commissioner of the General Land Office as to the conduct of the land office at Kingfisher, Okla.—to the Committee on the Public Lands, and ordered to be printed.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. PRINCE, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 15744) to abolish the office of Lieutenant-General of the Army of the United States, reported the same with amendment, accompanied by a report (No. 1825); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

## REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. McLAIN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 3541) granting a pension to Dora Weathersby, reported the same with amendment, accompanied by a report (No. 1796); which said bill and report were referred to the Private Calendar.

Mr. MACON, from the Committee on Pensions, to which was referred the bill of the House (H. R. 4598) granting an increase of pension to James B. Barry, reported the same with amendment, accompanied by a report (No. 1797); which said bill and report were referred to the Private Calendar.

Mr. AIKEN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 5725) granting an increase of pension to John G. Davis, reported the same with amendment, accompanied by a report (No. 1798); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 5726) granting an increase of pension to Cate E. Cobb, reported the same with amendment, accompanied by a report (No. 1799); which said bill and report were referred to the Private Calendar.

Mr. MACON, from the Committee on Pensions, to which was referred the bill of the House (H. R. 8530) granting a pension to Benjamin Q. Ward, reported the same with amendment, accompanied by a report (No. 1800); which said bill and report were referred to the Private Calendar.

Mr. PATTERSON of Pennsylvania, from the Committee on Pensions, to which was referred the bill of the House (H. R. 9296) granting an increase of pension to Elizabeth D. Hoppin, reported the same with amendment, accompanied by a report (No. 1801); which said bill and report were referred to the Private Calendar.

Mr. MACON, from the Committee on Pensions, to which was referred the bill of the House (H. R. 10450) granting an increase of pension to Silas H. Ballard, reported the same with amendment, accompanied by a report (No. 1802); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 10562) granting a pension to Alpheus M. Beall, reported the same with amendment, accompanied by a report (No. 1803); which said bill and report were referred to the Private Calendar.

Mr. BENNETT of Kentucky, from the Committee on Pensions, to which was referred the bill of the House (H. R. 10785) granting a pension to Thomas J. Chambers, reported the same with amendment, accompanied by a report (No. 1804); which said bill and report were referred to the Private Calendar.

Mr. AIKEN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 13526) granting a pension to Levi N. Lunsford, reported the same with amendment, accompanied by a report (No. 1805); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 13537) granting an increase of pension to Elizabeth B. Busbee, reported the same with amendment, accompanied by a report (No. 1806); which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON of Kentucky, from the Committee on Pensions, to which was referred the bill of the House (H. R. 14113) granting an increase of pension to Isaac N. Perry, reported the same without amendment, accompanied by a report (No. 1807); which said bill and report were referred to the Private Calendar.

Mr. LONGWORTH, from the Committee on Pensions, to which was referred the bill of the House (H. R. 14437) granting an increase of pension to Marquis M. De Burger, reported the same with amendment, accompanied by a report (No. 1808); which said bill and report were referred to the Private Calendar.

Mr. AIKEN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 14824) granting an increase of pension to Samuel P. Newman, reported the same with amendment, accompanied by a report (No. 1809); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 14823) granting an increase of pension to William Woods, reported the same with amendment, accompanied by a report (No. 1810); which said bill and report were referred to the Private Calendar.

Mr. CAMPBELL of Kansas, from the Committee on Pensions, to which was referred the bill of the House (H. R. 14909) granting a pension to John W. Creager, reported the same with amendment, accompanied by a report (No. 1811); which said bill and report were referred to the Private Calendar.

Mr. PATTERSON of Pennsylvania, from the Committee on Pensions, to which was referred the bill of the House (H. R. 15251) granting an increase of pension to Alexander M. Taylor, reported the same with amendment, accompanied by a report (No. 1812); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 15252) granting an increase of pension to Samuel Allbright, reported the same with amendment, accompanied by a report (No. 1813); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 15253) granting an increase of pension to Balos C. Dewees, reported the same with amendment, accompanied by a report (No. 1814); which said bill and report were referred to the Private Calendar.

Mr. MACON, from the Committee on Pensions, to which was referred the bill of the House (H. R. 15304) granting an increase of pension to Irwin O'Bryan, reported the same with amendment, accompanied by a report (No. 1815); which said bill and report were referred to the Private Calendar.

Mr. PATTERSON of Pennsylvania, from the Committee on Pensions, to which was referred the bill of the House (H. R. 15385) granting an increase of pension to William Lucas, reported the same with amendment, accompanied by a report (No. 1816); which said bill and report were referred to the Private Calendar.

Mr. McLAIN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 15393) granting an increase of pension to Nancy N. Allen, reported the same with amendment, accompanied by a report (No. 1817); which said bill and report were referred to the Private Calendar.

Mr. CAMPBELL of Kansas, from the Committee on Pensions, to which was referred the bill of the House (H. R. 15536) granting an increase of pension to Henry H. Tillson, reported the same with amendment, accompanied by a report (No. 1818); which said bill and report were referred to the Private Calendar.

Mr. McLAIN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 15553) granting an increase of pension to Susan H. Isom, reported the same with amendment, accompanied by a report (No. 1819); which said bill and report were referred to the Private Calendar.

Mr. MILLER, from the Committee on Claims, to which was referred the bill of the House (H. R. 12840) for the relief of L. Biertempfel, reported the same without amendment, accom-

panied by a report (No. 1820); which said bill and report were referred to the Private Calendar.

Mr. McGAVIN, from the Committee on Claims, to which was referred the bill of the House (H. R. 11676) for the relief of persons who sustained property damage caused by fire at the Rock Island Arsenal, reported the same without amendment, accompanied by a report (No. 1821); which said bill and report were referred to the Private Calendar.

Mr. GARRETT, from the Committee on Claims, to which was referred the bill of the House (H. R. 8699) for the relief of James A Carroll, reported the same without amendment, accompanied by a report (No. 1822); which said bill and report were referred to the Private Calendar.

Mr. MOUSER, from the Committee on Claims, to which was referred the bill of the House (H. R. 13418) for the relief of W. S. Hammaker, reported the same without amendment, accompanied by a report (No. 1823); which said bill and report were referred to the Private Calendar.

Mr. BEALL of Texas, from the Committee on Claims, to which was referred the bill of the House (H. R. 9298) for the relief of the estate of David C. Haynes, deceased, reported the same with amendment, accompanied by a report (No. 1824); which said bill and report were referred to the Private Calendar.

Mr. HOWELL of Utah, from the Committee on Claims, to which was referred the bill of the Senate (S. 1894) for the relief of P. S. Corbett, reported the same with amendment, accompanied by a report (No. 1826); which said bill and report were referred to the Private Calendar.

Mr. KAHN, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 15909) to reward the widow and minor son of Capt. Charles W. Dakin and the widow and minor children of Thomas J. Hennessy, late of the San Francisco fire department, who lost their lives while fighting a fire on board of the United States Army transport *Meade*, reported the same with amendment, accompanied by a report (No. 1828); which said bill and report were referred to the Private Calendar.

Mr. HOGG, from the Committee on Claims, to which was referred the bill of the House (H. R. 11978) to reimburse Toney E. Proctor for services as appraiser of the town of Wagoner, Ind., T., reported the same without amendment, accompanied by a report (No. 1832); which said bill and report were referred to the Private Calendar.

## PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. CURRIER: A bill (H. R. 15911) to amend the laws of the United States relating to the registration of trademarks—to the Committee on Patents.

By Mr. JENKINS: A bill (H. R. 15912) to amend the act creating the Spanish Treaty Claims Commission, approved March 2, 1901—to the Committee on the Judiciary.

By Mr. TAYLOR of Ohio (by request): A bill (H. R. 15913) to amend section 2 of an act approved June 6, 1896, entitled "An act relating to the sale of gas in the District of Columbia"—to the Committee on the District of Columbia.

By Mr. MURPHY: A bill (H. R. 15914) to provide for sittings of the United States circuit and district courts of the southern division of the western district of Missouri at the city of Rolla, in said district, and for other purposes—to the Committee on the Judiciary.

By Mr. RIXEY: A bill (H. R. 15915) to regulate the procedure and punishment for hazing at the United States Naval Academy—to the Committee on Naval Affairs.

By Mr. REEDER: A bill (H. R. 15916) for leasing the public domain—to the Committee on the Public Lands.

By Mr. WEEMS: A bill (H. R. 15917) regulating proof of the length of military and naval service under the act of June 27, 1890—to the Committee on Invalid Pensions.

By Mr. BABCOCK: A bill (H. R. 15918) to regulate the manufacture and sale of "patent" and "proprietary" medicines—to the Committee on the District of Columbia.

By Mr. LACEY: A bill (H. R. 15919) to provide for the entry of agricultural lands within forest reserves—to the Committee on the Public Lands.

By Mr. GILLETT of Massachusetts: A bill (H. R. 15920) providing for fees for examination for admission to the civil service—to the Committee on Reform in the Civil Service.

By Mr. POLLARD: A bill (H. R. 15921) to amend the pension law of 1890—to the Committee on Invalid Pensions.

By Mr. BEDE: A bill (H. R. 15923) to provide for the construction of a bridge across Rainy River, in the State of Minnesota—to the Committee on Interstate and Foreign Commerce.

By Mr. STEPHENS of Texas: A bill (H. R. 16006) establishing a United States court at Sulphur, Ind. T.—to the Committee on the Judiciary.

By Mr. STEENERSON: A bill (H. R. 16007) appropriating the receipts from the sale and disposal of public lands in certain States to the construction of works for the drainage or reclamation of swamp and overflowed lands—to the Committee on the Public Lands.

By Mr. GILBERT of Indiana: A bill (H. R. 16008) to provide for the establishment of judicial divisions in the district of Indiana, designating the places where court shall be held, and for other purposes connected therewith—to the Committee on the Judiciary.

By Mr. SMITH of Pennsylvania: A joint resolution (H. J. Res. 108) proposing an amendment to the Constitution providing for the repeal of the second section of the fourteenth amendment—to the Committee on the Census.

By Mr. SULLIVAN of Massachusetts: A resolution (H. Res. 350) requesting the Secretary of the Treasury to communicate to Congress certain information concerning revenue from customs—to the Committee on the Judiciary.

## PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. McNARY: A bill (H. R. 15922) granting a pension to Mary C. Fallon—to the Committee on Invalid Pensions.

By Mr. ACHESON: A bill (H. R. 15924) granting an increase of pension to Thomas D. Welch—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15925) granting an increase of pension to Abraham Walker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15926) granting an increase of pension to W. H. Aiken—to the Committee on Invalid Pensions.

By Mr. BARTLETT: A bill (H. R. 15927) for the relief of Benjamin Franklin Woodall—to the Committee on War Claims.

By Mr. BELL of Georgia: A bill (H. R. 15928) granting an increase of pension to Herbert D. Ingersoll—to the Committee on Invalid Pensions.

By Mr. BENNETT of Kentucky: A bill (H. R. 15929) granting a pension to William A. Holt—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15930) for the relief of George Taylor, administrator of the estate of Elizabeth Taylor, deceased—to the Committee on War Claims.

By Mr. BROWNLOW: A bill (H. R. 15931) for the relief of the estate of William Haynes Kilby, deceased—to the Committee on War Claims.

By Mr. BURLEIGH: A bill (H. R. 15932) granting an increase of pension to Hartley B. Cox—to the Committee on Invalid Pensions.

By Mr. BURNETT: A bill (H. R. 15933) for the relief of Aaron C. Dean—to the Committee on War Claims.

Also, a bill (H. R. 15934) for the relief of James T. White—to the Committee on War Claims.

Also, a bill (H. R. 15935) for the relief of Thomas Seymour—to the Committee on War Claims.

Also, a bill (H. R. 15936) for the relief of the estate of Sion Johnson, deceased—to the Committee on War Claims.

By Mr. BUTLER of Tennessee: A bill (H. R. 15937) for the relief of John M. B. Walker, of Cumberland County, Tenn.—to the Committee on War Claims.

Also, a bill (H. R. 15938) for the relief of John M. B. Walker, administrator of the estate of James Walker, deceased—to the Committee on War Claims.

By Mr. CAMPBELL of Kansas: A bill (H. R. 15939) for the relief of William H. Linton—to the Committee on Military Affairs.

Also, a bill (H. R. 15940) granting a pension to James M. Carley—to the Committee on Pensions.

By Mr. CASSEL: A bill (H. R. 15941) granting a pension to Lydia A. Keller—to the Committee on Pensions.

By Mr. CLARK of Missouri: A bill (H. R. 15942) for the relief of John H. Frick—to the Committee on War Claims.

By Mr. DALE: A bill (H. R. 15943) granting an increase of pension to William D. Jones—to the Committee on Invalid Pensions.

By Mr. DIXON of Indiana: A bill (H. R. 15944) granting a pension to Levin W. Hudson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15945) granting a pension to Cynthia A. Compton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15946) granting an increase of pension to John H. Berry—to the Committee on Invalid Pensions.

By Mr. DRESSER: A bill (H. R. 15947) granting an increase of pension to Philip H. Haupt—to the Committee on Pensions.

By Mr. FLOYD: A bill (H. R. 15948) to correct the military record of John Smith—to the Committee on Military Affairs.

Also, a bill (H. R. 15949) granting an increase of pension to Elias Yarborough—to the Committee on Invalid Pensions.

By Mr. GARRETT: A bill (H. R. 15950) for the relief of the heirs of T. N. Ferrell, deceased—to the Committee on War Claims.

By Mr. GILL: A bill (H. R. 15951) for the relief of Charles J. Boteler—to the Committee on Claims.

Also, a bill (H. R. 15952) for the relief of the heirs of William P. Custis, deceased—to the Committee on War Claims.

Also, a bill (H. R. 15953) granting a pension to Lily Rosenberger—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15954) granting a pension to Eliza F. Edwards—to the Committee on Invalid Pensions.

By Mr. GUDGER: A bill (H. R. 15955) for the relief of J. A. Reagan—to the Committee on War Claims.

By Mr. HENRY of Connecticut: A bill (H. R. 15956) granting an increase of pension to Walter F. Bean—to the Committee on Invalid Pensions.

By Mr. HEPBURN: A bill (H. R. 15957) granting a pension to Harrison Rightmire—to the Committee on Invalid Pensions.

By Mr. HILL of Mississippi: A bill (H. R. 15958) for the relief of the estate of John F. Bryan, deceased—to the Committee on War Claims.

Also, a bill (H. R. 15959) for the relief of the estate of John McFarland, deceased—to the Committee on War Claims.

By Mr. HOWELL of New Jersey: A bill (H. R. 15960) for the relief of Samuel Jewell—to the Committee on Claims.

By Mr. HUMPHREY of Washington: A bill (H. R. 15961) to quiet title to certain lots in the District of Columbia—to the Committee on the District of Columbia.

By Mr. JAMES: A bill (H. R. 15962) for the relief of the estate of T. J. Pritchett, deceased—to the Committee on War Claims.

Also, a bill (H. R. 15963) for the relief of George W. Landram and H. M. Henson—to the Committee on War Claims.

By Mr. KLEPPER: A bill (H. R. 15964) granting a pension to Rhoda Thogmartin—to the Committee on Invalid Pensions.

By Mr. KLINE: A bill (H. R. 15965) granting an increase of pension to Stephen D. Gangwere—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15966) granting an increase of pension to Jefferson Good—to the Committee on Invalid Pensions.

By Mr. LAMAR: A bill (H. R. 15967) granting a pension to Susan R. H. Davis—to the Committee on Pensions.

Also, a bill (H. R. 15968) granting a pension to Nancy Brewton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15969) granting a pension to Elizabeth Wester—to the Committee on Pensions.

Also, a bill (H. R. 15970) granting a pension to Elizabeth Wester—to the Committee on Pensions.

Also, a bill (H. R. 15971) granting a pension to Mary Jernigan—to the Committee on Pensions.

Also, a bill (H. R. 15972) granting an increase of pension to Thomas J. Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15973) to remove the charge of desertion against Joseph Jernigan—to the Committee on Military Affairs.

By Mr. McKINLAY of California: A bill (H. R. 15974) granting an increase of pension to Martin C. King—to the Committee on Invalid Pensions.

By Mr. McLAIN: A bill (H. R. 15975) for the relief of the estate of C. H. Barland, deceased—to the Committee on War Claims.

Also, a bill (H. R. 15976) for the relief of John A. Brent—to the Committee on War Claims.

Also, a bill (H. R. 15977) granting an increase of pension to Mary E. Ramsey—to the Committee on Pensions.

By Mr. MACON: A bill (H. R. 15978) for the relief of the estate of John Jones, deceased—to the Committee on War Claims.

By Mr. MANN: A bill (H. R. 15979) granting an increase of pension to Sarah A. Davis—to the Committee on Invalid Pensions.

By Mr. MARTIN: A bill (H. R. 15980) granting an increase of pension to John F. Smith—to the Committee on Invalid Pensions.

By Mr. OLMSTED: A bill (H. R. 15981) granting an increase of pension to William Hampton, sr.—to the Committee on Invalid Pensions.

By Mr. PATTERSON of Pennsylvania: A bill (H. R. 15982) granting an increase of pension to Henrietta W. Wilson—to the Committee on Invalid Pensions.

By Mr. PEARRE: A bill (H. R. 15983) for the relief of the estate of David Hollenberger—to the Committee on War Claims.

Also, a bill (H. R. 15984) granting an increase of pension to Jonathan W. Crum—to the Committee on Invalid Pensions.

By Mr. REYNOLDS: A bill (H. R. 15985) granting an increase of pension to James Aarons—to the Committee on Invalid Pensions.

By Mr. RHINOCK: A bill (H. R. 15986) granting an increase of pension to Nicholas Mount—to the Committee on Invalid Pensions.

By Mr. RHODES: A bill (H. R. 15987) for the relief of the heirs of Burton Randolph, deceased—to the Committee on War Claims.

By Mr. SMITH of Pennsylvania: A bill (H. R. 15988) granting an increase of pension to Peter McCanna—to the Committee on Invalid Pensions.

By Mr. SPERRY: A bill (H. R. 15989) for the relief of the heirs of Eneas Munson—to the Committee on Claims.

By Mr. SPIGHT: A bill (H. R. 15990) for the relief of the estate of John M. Rook, deceased—to the Committee on War Claims.

Also, a bill (H. R. 15991) for the relief of the estate of Robert W. Smith, deceased—to the Committee on War Claims.

By Mr. STEVENS of Minnesota: A bill (H. R. 15992) granting a pension to Regina Ebert—to the Committee on Invalid Pensions.

Also, a bill (H. R. 15993) to correct the record of Joseph Samec—to the Committee on Naval Affairs.

By Mr. STERLING: A bill (H. R. 15994) for the relief of Morgan's Louisiana and Texas Railroad Company, assignee of a certain claim of Charles Morgan—tto the Committee on War Claims.

Also, a bill (H. R. 15995) for the relief of the Galveston, Houston and Henderson Railroad Company—to the Committee on War Claims.

Also, a bill (H. R. 15996) for the relief of Morgan's Louisiana and Texas Railroad and Steamship Company, successor of the New Orleans, Opelousas and Great Western Railroad Company—to the Committee on War Claims.

By Mr. TRIMBLE: A bill (H. R. 15997) for the relief of James H. Fuqua—to the Committee on War Claims.

Also, a bill (H. R. 15998) for the relief of Lizzie R. Ashurst, administratrix of the estate of William Ashurst, deceased—to the Committee on War Claims.

Also, a bill (H. R. 15999) for the relief of Lizzie R. Ashurst, administratrix of the estate of William Ashurst, deceased—to the Committee on War Claims.

By Mr. TYNDALL: A bill (H. R. 16000) granting an increase of pension to William Foeste, alias William Foster—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16001) granting an honorable discharge to Jackson Knight—to the Committee on Military Affairs.

By Mr. WEEMS: A bill (H. R. 16002) granting a pension to Theodore T. Bruce—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16003) granting an increase of pension to Charles Williams—to the Committee on Invalid Pensions.

By Mr. WELBORN: A bill (H. R. 16004) granting an increase of pension to William J. Fulkerson—to the Committee on Invalid Pensions.

By Mr. BRADLEY: A bill (H. R. 16005) granting an increase of pension to Hezekiah J. Reynolds—to the Committee on Invalid Pensions.

## CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 15867) granting an increase of pension to Annie M. Stevens—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 15906) granting a pension to Mary Caroline Ellis Hargin—Committee on Invalid Pensions discharged, and referred to Committee on Pensions.

## PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of Ferdinand Halzendorl, for indemnity on account of alleged unjustifiable detention in Germany—to the Committee on Foreign Affairs.

Also, petition of various organizations of railway employees, for passage of the Bates-Penrose bill—to the Committee on the Judiciary.

Also, petition of the National Marine Engineers' Beneficial Association, against bill H. R. 5281—to the Committee on the Merchant Marine and Fisheries.

Also, petition of All Souls' Church, of Chicago, relative to the Kongo Free State—to the Committee on Foreign Affairs.

By Mr. ACHESON: Petition of the Protective Tariff League, against change of schedules on any Philippine goods—to the Committee on Ways and Means.

Also, paper to accompany bill for relief of Abraham Walker—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Thomas D. Welch—to the Committee on Invalid Pensions.

By Mr. ADAMS of Pennsylvania: Petition of Strikersville Council, No. 975, Junior Order United American Mechanics, and citizens of Leighton, Pa., favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of the Philadelphia Maritime Exchange, for bill H. R. 5281—to the Committee on the Merchant Marine and Fisheries.

By Mr. ANDREWS: Petition of the Santa Fe Board of Trade, for Pajarito Cliff National Park—to the Committee on the Public Lands.

Also, petition of Robert Black et al., of Silver City, N. Mex., relative to bill H. R. 10853—to the Committee on the Judiciary.

By Mr. BENNETT of Kentucky: Petition of the American Protective Tariff League, against change of schedules relative to Philippine goods—to the Committee on Ways and Means.

Also, petition of the Louisville Commercial Club, against repeal of the bankruptcy law—to the Committee on the Judiciary.

By Mr. BURNETT: Paper to accompany bill for relief of Thomas Seymour—to the Committee on War Claims.

Also, paper to accompany bill for relief of James T. White—to the Committee on War Claims.

Also, paper to accompany bill for relief of Aaron C. Dean—to the Committee on War Claims.

Also, paper to accompany bill for relief of estate of Leon Johnson—to the Committee on War Claims.

By Mr. CALDER: Petition of citizens of New York, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. CAPRON: Papers to accompany bill (H. R. 15839) granting an increase of pension to Mary Jane Burroughs, to accompany bill granting an increase of pension to Mrs. Abbey J. Bryant, and to accompany bill granting a pension to Ella E. Kerney—to the Committee on Invalid Pensions.

By Mr. COCKRAN: Petition of New York Chapter, American Institute of Architects, for repeal of the duty on art works—to the Committee on Ways and Means.

Also, petition of A. N. Eager et al., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. COOPER of Wisconsin: Petitions of Beulah M. Adams and Mary L. Strong, for preservation of Niagara Falls—to the Committee on Rivers and Harbors.

By Mr. DALE: Petition of the Navy League of the United States, for placing naval militia on the same basis as land militia—to the Committee on Naval Affairs.

Also, petition of the Pennsylvania Prison Society, for bill S. 3250—to the Committee on the Judiciary.

Also, petition of the Dames of 1846, for increase of pension for Mexican war veterans—to the Committee on Pensions.

Also, petitions of C. F. Davis, C. E. Glaab, and William Naegeli, Scranton, Pa., against the post-office "fraud order"—to the Committee on Rules.

Also, petition of the National Business League of Chicago, against bill S. 1345—to the Committee on Foreign Affairs.

Also, petition of T. D. Lewis Council, No. 1015, Junior Order United American Mechanics, against bill H. R. 8131—to the Committee on Military Affairs.

Also, petition of the National Board of Trade, approving bill S. 529—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Philip Argal, of Denver, Colo., and J. T. Kingsbury, president of the University of Utah, for the Mondell bill—to the Committee on Mines and Mining.

Also, petition of George V. Thompson, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of the Philadelphia Maritime Exchange, for bill H. R. 5281—to the Committee on the Merchant Marine and Fisheries.

Also, petition of I. L. Smith, principal of Smith's Business College, and C. A. Van Warnier, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of the American Protective Tariff League, against the Philippine tariff bill—to the Committee on Ways and Means.

Also, petition of George V. Thompson, against a parcels post—to the Committee on the Post-Office and Post-Roads.

Also, petition of Richard O'Brien and J. E. O'Brien, of Scranton, Pa., for bill S. 2165—to the Committee on Invalid Pensions.

Also, petition of citizens of Carbondale, Pa., against liquor in Government buildings and for protection of no-license towns, etc.—to the Committee on Alcoholic Liquor Traffic.

Also, petition of the Independent Refiners' Association, of Titusville and Oil City, Pa., for change in the railway rate laws—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Pioneer Dime Bank, of Carbondale, Pa., approving bill H. R. 8973—to the Committee on Banking and Currency.

Also, petition of the Pittsburg Filter Manufacturing Company, for bill H. R. 9748—to the Committee on the District of Columbia.

Also, petition of the Religious Liberty Bureau, against bill H. R. 10510—to the Committee on the District of Columbia.

Also, petition of the Religious Liberty Bureau, against bills H. R. 3022 and 10510—to the Committee on the District of Columbia.

Also, petition of the State Federation of Pennsylvania Women, for preservation of Niagara Falls—to the Committee on Rivers and Harbors.

Also, petition of the Delaware Valley Naturalists' Union, for preservation of Niagara Falls—to the Committee on Rivers and Harbors.

Also, paper to accompany bill for relief of William D. Jones—to the Committee on Invalid Pensions.

Also, petition of the Japanese and Korean League, for retention of the present Chinese law—to the Committee on Foreign Affairs.

Also, petition of the Brewers' Association, for a Federal judicial court in the Orient—to the Committee on Foreign Affairs.

Also, petition of the Postum Cereal Company, for bill H. R. 15262—to the Committee on Agriculture.

Also, petitions of the West Side Bank, of Scranton, Pa.; the Pioneer Dime Bank, of Carbondale, Pa., and the Merchants and Mechanics' Bank, of Scranton, Pa., against bill H. R. 48—to the Committee on Banking and Currency.

By Mr. DENBY: Petition of a local union of the Painters, Decorators, and Paper Hangers of America, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of J. L. Lewis and 16 others, for reorganization of the naval militia—to the Committee on Naval Affairs.

Also, petition of the governor of Utah and State officials, for reorganization of the naval militia—to the Committee on Ways and Means.

By Mr. DRAPER: Petitions of the American Beet Sugar Association, the American Cane Growers' Association, and the Michigan Sugar Manufacturers' Association, against change of schedules in the tariff on Philippine products—to the Committee on Ways and Means.

Also, petition of the New York Credit Men's Association, opposing repeal of the bankruptcy law—to the Committee on the Judiciary.

By Mr. DRESSER: Petition of citizens of Pennsylvania, for protection of Niagara Falls—to the Committee on Rivers and Harbors.

Also, petition of the State Federation of Pennsylvania Women, for the Morris law and a national reservation in the White Mountains—to the Committee on Agriculture.

Also, petition of 300 to 400 citizens of Bellefonte, Pa., against sale of liquor in Government buildings and parks—to the Committee on Alcoholic Liquor Traffic.

Also, petition of Arthur M. Thomm, against bill H. R. 12973—to the Committee on Foreign Affairs.

By Mr. DRISCOLL: Petition of citizens of New York, against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. DUNWELL: Petition of the New York Credit Men's Association, against repeal of the bankruptcy law—to the Committee on the Judiciary.

Also, petition of the American Beet Sugar Association et al., against change of schedules in the tariff on Philippine products—to the Committee on Ways and Means.

By Mr. ESCH: Petition of American Beet Sugar Association et al., against change of schedules in the tariff on Philippine goods—to the Committee on Ways and Means.

By Mr. FITZGERALD: Petition of the Buffalo Credit Men's Association and resolution of the Credit Men's Association of

New York City, opposing repeal of the bankruptcy act—to the Committee on the Judiciary.

By Mr. FLACK: Paper to accompany bill (H. R. 9309) for a public building at Rouse Point, N. Y.—to the Committee on Public Buildings and Grounds.

By Mr. FOSS: Petition of citizens of Glencoe, Ill., relative to the Kongo Free State—to the Committee on Foreign Affairs.

By Mr. GARRETT: Paper to accompany bill for relief of heirs of T. K. Ferrell—to the Committee on War Claims.

By Mr. GILL: Petition of Robert Brooksson and others and John Myerson and others, against bill H. R. 10510—to the Committee on the District of Columbia.

By Mr. GREENE: Petition of the Massachusetts Association of Sealers of Weights and Measures, for the metric system—to the Committee on Coinage, Weights, and Measures.

Also, petition of many citizens of New York and vicinity, for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

Also, petition of citizens of New England, for a national forestry reservation in the White Mountains—to the Committee on Agriculture.

By Mr. GRONNA: Petition of Webster Merrifield, president of the University of North Dakota, for the metric system—to the Committee on Coinage, Weights, and Measure.

Also, petition of the North Dakota Educational Association, for preservation of Niagara Falls—to the Committee on Rivers and Harbors.

Also, petition of Arthur G. Lewis, relative to reclamation of lands in the Red River Valley—to the Committee on the Public Lands.

Also, petition of J. L. Newgard, against a parcels-post law, etc.—to the Committee on the Post-Office and Post-Roads.

By Mr. GROSVENOR: Petition of citizens of Athens, Ohio, for repeal of the tariff on works of art—to the Committee on Ways and Means.

By Mr. HENRY of Connecticut: Petition of the Connecticut Forest Association, for a forest reservation in the White Mountains—to the Committee on Agriculture.

By Mr. HERMANN: Petition of the Dames of 1846, for an increase of pensions for Mexican war veterans—to the Committee on Pensions.

Also, petition of the Sailors' Union of Portland, Oreg., against bill S. 27—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the Brotherhood of Locomotive Engineers, of La Grande, Oreg., for the Bates-Penrose bill—to the Committee on the Judiciary.

Also, petition of the Jewish Tribune, of Portland, Oreg., relative to the refusal of the Russian postal authorities to honor American money orders—to the Committee on the Post-Office and Post-Roads.

By Mr. HIGGINS: Petition of citizens of Willimantic, Conn., favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. HUBBARD: Petition of citizens of Iowa, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. HUFF: Petition of Grange No. 908, of Pennsylvania, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of the George V. Thompson Company, against domestic parcels-post legislation—to the Committee on the Post-Office and Post-Roads.

Also, paper to accompany bill for relief of William Conner—to the Committee on Military Affairs.

By Mr. HULL: Petition of citizens of Iowa, against the law to restore liquors to soldiers and sailors—to the Committee on Military Affairs.

Also, petition of citizens of Stony City, Iowa, against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. KLINE: Petition of the Union Gazette, of Allentown, Pa., for removal of the tax on linotype machines—to the Committee on Ways and Means.

By Mr. KNAPP: Petition of citizens of Bernhards Bay, N. Y., for a parcels post—to the Committee on the Post-Office and Post-Roads.

Also, petition of Indian River Grange, No. 19, for retention of the tax on oleomargarine—to the Committee on Agriculture.

Also, petition of Indian River Grange, No. 9, for good roads—to the Committee on Agriculture.

Also, petition of Dexter Grange, No. 724, for a parcels post—to the Committee on the Post-Office and Post-Roads.

By Mr. KNOWLAND: Petition of the Associated Veterans of the Mexican War, for an increase of pensions to $30—to the Committee on Pensions.

By Mr. LACEY: Petition of the Santa Fe (N. Mex.) Board of Trade, for the Pajarito Cliff Dwellers' National Park—to the Committee on the Public Lands.

By Mr. LAFEAN: Petition of members of St. James Lutheran Sabbath school, of Gettysburg, Pa., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. LINDSAY: Petition of the American Beet Sugar Association et al., against change of the schedule in the tariff on any Philippine products—to the Committee on Ways and Means.

Also, petition of the New York Credit Men's Association, against repeal of the bankruptcy law—to the Committee on the Judiciary.

Also, petition of the International Association of Mechanics, District Lodge No. 15, of New York, relative to pay of Government employees—to the Committee on Labor.

By Mr. LIVINGSTON: Petition of citizens of Atlanta, Ga., relative to the Kongo Free State—to the Committee on Foreign Affairs.

By Mr. McKINLEY of Illinois: Petition of the American Protective Tariff League, against change of schedules of the existing tariff on Philippine products—to the Committee on Ways and Means.

By Mr. MACON: Paper to accompany bill for relief of John Jones—to the Committee on War Claims.

By Mr. MANN: Paper to accompany bill for relief of Sarah A. Davis—to the Committee on Invalid Pensions.

By Mr. MARSHALL: Petition of Arthur G. Lewis, auditor of Cass County, N. Dak., relative to the reclamation of lands in the Red River Valley—to the Committee on Agriculture.

Also, petition of citizens of North Dakota, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. MOUSER: Petition of Huron Grange, No. 138, and citizens of Ohio, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of citizens of Ohio, for retention of 10 per cent tax on imitation butter—to the Committee on Agriculture.

By Mr. NEEDHAM: Petition of the Nonpartisan Union Labor League, for retention of the present Chinese law—to the Committee on Foreign Affairs.

Also, petition of the Associated Veterans of the Mexican War, for an increase of pensions—to the Committee on Pensions.

By Mr. NORRIS: Petition of citizens of Nebraska, opposing the parcels-post bill—to the Committee on the Post-Office and Post-Roads.

By Mr. OLMSTED: Petition of the Fortnightly Club of Steelton, Pa., against commercial spoliation of Niagara Falls—to the Committee no Rivers and Harbors.

By Mr. PARSONS: Petition of New York Chapter of the American Institute of Architects, against the tariff on art works—to the Committee on Ways and Means.

By Mr. PATTERSON of Pennsylvania: Numerous letters and papers against repeal of the canteen law—to the Committee on Military Affairs.

By Mr. REYNOLDS: Petition of the Dames of 1846, in favor of bill H. R. 6010—to the Committee on Pensions.

Also, petition of the Altoona Evening Gazette, for removal of the tax on linotype machines—to the Committee on Ways and Means.

Also, papers to accompany bill (H. R. 14856) for the relief of Burdine Blake and to accompany bill for the relief of John Lee—to the Committee on Invalid Pensions.

Also, petition of Grange No. 1120, of Pennsylvania, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of Orient Council, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of Washington Camp, No. 79, Patriotic Sons of America, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of Blair County Grange, No. 37, for the establishment of a parcels-post and post-check currency—to the Committee on the Post-Office and Post-Roads.

Also, petition of Col. James Crowther Camp, No. 89, Sons of Veterans, asking an amendment of bill H. R. 8131—to the Committee on Military Affairs.

Also, papers to accompany bill (H. R. 14759) for the relief of Jacob Chamberlain and to accompany bill (H. R. 13730) for the relief of Joseph Shrayer—to the Committee on Invalid Pensions.

Also, petition of D. M. Butler Camp, No. 254, Sons of Veterans, against bill H. R. 8131—to the Committee on Military Affairs.

By Mr. ROBERTS: Petition of the New England Shoe and Leather Association, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. RUCKER: Petition of citizens of Utica, Mo., against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. SMITH of Pennsylvania: Petition of General Phil Kearny Camp, No. 36, Sons of Veterans, against bill H. R. 8131—to the Committee on Military Affairs.

Also, petition of citizens of Punxsutawney, Pa., against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. SMITH of Texas: Papers to accompany bill (H. R. 4483), for public building at San Angelo, Tex.—to the Committee on Public Buildings and Grounds.

By Mr. SMYSER: Petition of W. B. Hughes and 19 others, of Holmes County, Ohio, for a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of Tuscarawas (Ohio) Council, No. 64, D. of P., favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. SPERRY: Petition of the Connecticut Forestry Association, for a forest reservation in the White Mountains—to the Committee on Agriculture.

By Mr. SPIGHT: Paper to accompany bill for relief of estate of Robert W. Smith—to the Committee on War Claims.

Also, paper to accompany bill for relief of estate of John M. Rook—to the Committee on War Claims.

By Mr. STEVENS of Minnesota: Petition of the Minnesota Retail Implement Dealers' Association, for Interstate Commerce Commission control of railroad rates—to the Committee on Interstate and Foreign Commerce.

Also, petition of citizens of St. Paul, Minn., against the tariff on hides—to the Committee on Ways and Means.

Also, petition of citizens of St. Paul, Minn., for the metric system—to the Committee on Coinage, Weights, and Measures.

By Mr. SULLOWAY: Petition of Lake Shore Grange, New Hampshire, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. TAYLOR of Ohio: Petition of citizens of West Washington, D. C., relative to excessive charges by the Georgetown Gas Company—to the Committee on the District of Columbia.

By Mr. TIRRELL: Petition of the Fitchburg Board of Trade, relative to improvement in the consular service—to the Committee on Foreign Affairs.

By Mr. WEEMS: Paper to accompany bill for relief of George E. O'Neal—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Oliver H. Mansfield—to the Committee on Invalid Pensions.

Also, petition of Robert M. Eaton et al., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

## SENATE.

### FRIDAY, *March 2, 1906.*

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. HANSBROUGH, and by unanimous consent, the further reading was dispensed with.

#### LABOR CONDITIONS IN HAWAII.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of Commerce and Labor, stating that he had forwarded to the Speaker of the House of Representatives the third report of the Commissioner of Labor on labor conditions in the Territory of Hawaii, prepared in accordance with the provisions of section 76 of "An act to provide a government for the Territory of Hawaii," as amended April 8, 1904; which was referred to the Committee on Pacific Islands and Porto Rico, and ordered to be printed.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the bill (S. 1234) to provide for the appropriate marking of the graves of the soldiers and sailors of the Confederate army and navy who died in northern prisons and were buried near the prisons where they died, and for other purposes, with an amendment; in which it requested the concurrence of the Senate.

The message also announced that the House had passed the bill (H. R. 14397) making appropriations for the support of the Army for the fiscal year ending June 30, 1907; in which it requested the concurrence of the Senate.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the joint resolution (S. R. 37) extending the tribal existence and government of the Five Civilized Tribes of Indians in the Indian Territory.

#### ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the Vice-President:

S. 1465. An act granting an increase of pension to Patrick Fallihee;

H. R. 10067. An act authorizing the disposition of surplus and allotted lands on the Yakima Indian Reservation, in the State of Washington, which can be irrigated under the act of Congress approved June 17, 1902, known as the reclamation act, and for other purposes; and

S. R. 37. Joint resolution extending the tribal existence and government of the Five Civilized Tribes of Indians in the Indian Territory.

#### PETITIONS AND MEMORIALS.

Mr. PLATT presented a petition of the Ministerial Union of Troy, N. Y., praying for the enactment of legislation to restrict immigration; which was referred to the Committee on Immigration.

He also presented a petition of Local Lodge No. 36, Brotherhood of Railroad Trainmen, of Binghamton, N. Y., praying for the passage of the so-called "employers' liability bill" and also the "anti-injunction bill;" which was referred to the Committee on Interstate Commerce.

Mr. NELSON presented a petition of sundry citizens of Minneapolis, Minn., praying for an investigation of the existing conditions in the Kongo Free State; which was referred to the Committee on Foreign Relations.

He also presented a petition of the Commercial Club of Duluth, Minn., praying for the enactment of legislation to establish a signal station at Knife Island, in Lake Superior, in that State; which was referred to the Committee on Commerce.

He also presented a memorial of Camp No. 5, Minnesota Division, Sons of Veterans, of Duluth, Minn., remonstrating against the enactment of legislation to prohibit the wearing of the uniform of the Army, Navy, Marine Corps, or Revenue Service; which was referred to the Committee on Military Affairs.

He also presented a memorial of the Epworth League of the First Methodist Episcopal Church of Minneapolis, Minn., remonstrating against the repeal of the present Army canteen law; which was referred to the Committee on Military Affairs.

Mr. PILES presented a petition of the Central Labor Council of Seattle, Wash., praying for the enactment of legislation relating to the complement of crews of vessels; which was referred to the Committee on Commerce.

He also presented a petition of the Commercial Club of Hoquiam, Wash., praying for the enactment of legislation to establish a light-house, life-saving station, and a telegraph station north of Grays Harbor, at or near Point Granville, in that State; which was referred to the Committee on Commerce.

He also presented a petition of the Chamber of Commerce of Everett, Wash., praying that an increased appropriation be made to aid in the reclamation of arid lands; which was referred to the Committee on Irrigation.

Mr. HANSBROUGH presented a petition of the Educational Association of North Dakota, praying for the enactment of legislation to prevent the impending destruction of Niagara Falls on the American side by the diversion of the waters for manufacturing purposes; which was referred to the Committee on Forest Reservations and the Protection of Game.

Mr. KEAN presented a petition of Elizabeth Lodge, No. 688, Brotherhood of Locomotive Engineers, of Elizabeth, N. J., and a petition of Jersey City Lodge, No. 53, Brotherhood of Locomotive Engineers, of Jersey City, N. J., praying for the passage of the so-called "employers' liability bill" and also the "anti-injunction bill;" which were referred to the Committee on Interstate Commerce.

He also presented a petition of the Woman's Foreign Missionary Society of Camden, N. J., praying for an investigation of the existing conditions in the Kongo Free State; which was referred to the Committee on Foreign Relations.

Mr. CRANE presented a petition of the Associated Charities of Lynn, Mass., praying for the enactment of legislation to restrict immigration; which was referred to the Committee on Immigration.

Mr. GALLINGER presented petitions of the Washington Board of Trade, of the Civic Center, of R. Ross Perry & Son, of Henry T. Satterlee, bishop of Washington, and of S. R. Bond,

all of Washington, D. C., and of the National Consumers' League of New York City, N. Y., praying for the enactment of legislation providing compulsory education in the District of Columbia; which were referred to the Committee on the District of Columbia.

Mr. BACON presented sundry papers to accompany the bill (S. 4730) for the relief of Jacob Cohen; which were referred to the Committee on Claims.

He also presented a paper to accompany the bill (S. 4729) for the relief of the Jerusalem Evangelical Lutheran Church, Ebenezer, Ga.; which was referred to the Committee on Claims.

He also presented sundry papers to accompany the bill (S. 4732) for the relief of the estate of Sarah S. Maner, deceased; which were referred to the Committee on Claims.

Mr. WETMORE presented a petition of Rhode Island Lodge, No. 390, Brotherhood of Railroad Trainmen, of Providence, R. I., praying for the passage of the so-called "employers' liability bill" and also the "anti-injunction bill;" which was referred to the Committee on Interstate Commerce.

REPORTS OF COMMITTEES.

Mr. PATTERSON, from the Committee on Public Lands, to whom was referred the bill (S. 2188) granting to the city of Durango, in the State of Colorado, certain lands therein described for water reservoirs, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 3245) creating the Mesa Verde National Park, reported it without amendment, and submitted a report thereon.

Mr. PLATT, from the Committee on Printing, to whom was referred the bill (S. 4673) to provide for the allowance and payment to the employees of the Government Printing Office of the same leave of absence as is allowed to the clerks and employees of the Executive Departments of the Government, reported it without amendment.

Mr. HANSBROUGH, from the Committee on Public Lands, to whom was referred the bill (S. 3414) providing for a public highway on the east side of the Fort Sherman abandoned military reservation, Idaho, reported it with an amendment, and submitted a report thereon.

He also, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 4470) to amend an act entitled "An act to provide for the appointment of a sealer and assistant sealer of weights and measures in the District of Columbia, and for other purposes," approved March 2, 1895, reported it without amendment, and submitted a report thereon.

He also, from the Committee on Public Lands, to whom was referred the bill (H. R. 8461) to amend chapter 1495, Revised Statutes of the United States, entitled "An act for the survey and allotment of lands now embraced within the limits of the Flathead Indian Reservation, in the State of Montana, and the sale and disposal of all surplus lands after allotment," as amended by section 9 of chapter 1479, Revised Statutes of the United States, asked to be discharged from its further consideration, and that it be referred to the Committee on Indian Affairs; which was agreed to.

Mr. CLARK of Montana, from the Committee on Indian Affairs, to whom was referred the bill (H. R. 8461) to amend chapter 1495, Revised Statutes of the United States, entitled "An act for the survey and allotment of lands now embraced within the limits of the Flathead Indian Reservation, in the State of Montana, and the sale and disposal of all surplus lands after allotment," as amended by section 9 of chapter 1479, Revised Statutes of the United States, reported it without amendment, and submitted a report thereon.

Mr. PILES, from the Committee on Commerce, to whom were referred the following bills, reported them severally without amendment:

A bill (H. R. 14590) to authorize the Cairo and Tennessee River Railroad Company to construct a bridge across Cumberland River; and

A bill (H. R. 14589) to authorize the Cairo and Tennessee River Railroad Company to construct a bridge across the Tennessee River.

Mr. PERKINS. I am directed by the Committee on Commerce, to whom was referred the bill (H. R. 13398) to amend section 4400 of the Revised Statutes relating to inspection of steam vessels, to report it without amendment. I ask that the bill just reported by me take the place of Senate bill No. 3724 on the Calendar, being Order of Business 801, and that the Senate bill be postponed indefinitely.

The VICE-PRESIDENT. Without objection it is so ordered.

Mr. GALLINGER, from the Committee on the District of Columbia, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 4426) to amend section 927 of the Code of Law for the District of Columbia, relating to insane criminals; and

A bill (H. R. 13842) to amend an act entitled "An act to incorporate the Eastern Star Home for the District of Columbia," approved March 10, 1902.

Mr. DILLINGHAM, from the Committee on the District of Columbia, to whom was referred the bill (S. 1243) providing for compulsory education in the District of Columbia, reported it with an amendment, and submitted a report thereon.

Mr. WARREN, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 582) to provide for the purchase of a site and the erection of a public building thereon at Denver, in the State of Colorado, reported it with amendments, and submitted a report thereon.

He also, from the Committee on Military Affairs, to whom was referred the bill (S. 4348) for the relief of Augustus Trabing, reported it with an amendment, and submitted a report thereon.

Mr. DUBOIS, from the Committee on Indian Affairs, to whom was referred the bill (S. 3139) for the relief of Lorenzo A. Bailey, reported it without amendment, and submitted a report thereon.

Mr. ALLEE. I am directed by the Committee on the District of Columbia, to whom was referred the bill (H. R. 14813) to amend an act approved March 1, 1905, entitled "An act to amend section 4 of an act entitled 'An act relating to the Metropolitan police of the District of Columbia,' approved February 28, 1901," to report it without amendment, and to submit a report thereon. I ask that the bill just reported by me take the place of Senate bill 4369 now on the Calendar, being Order of Business 1140, and that the Senate bill be postponed indefinitely.

The VICE-PRESIDENT. Without objection, it is so ordered.

BILLS INTRODUCED.

Mr. PLATT introduced a bill (S. 4826) granting a pension to Agnes B. Earl; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. ALLEE introduced a bill (S. 4827) granting an increase of pension to Thomas Hammonds; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 4828) to provide for the purchase of a site and the erection of a public building thereon in the city of Milford, State of Delaware; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

He also introduced a bill (S. 4829) providing for the reopening and readjusting the accounts of Harry G. Cavenaugh, lieutenant-colonel, United States Army, retired, and for other purposes; which was read twice by its title, and referred to the Committee on Claims.

Mr. GALLINGER introduced a bill (S. 4830) to amend sections 675, 676, 683, 684, and 686 of the Code of Law for the District of Columbia, and other laws and regulations relating to registration of deaths, removal of dead bodies, and for other purposes; which was read twice by its title, and, with the accompanying papers, referred to the Committee on the District of Columbia.

Mr. HANSBROUGH introduced a bill (S. 4831) for the relief of Gordon, Ironsides & Fares Company (Limited); which was read twice by its title, and, with the accompanying paper, referred to the Committee on Finance.

Mr. NELSON introduced a bill (S. 4832) to authorize the issuance of special bench warrants in certain criminal cases; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. CRANE introduced a bill (S. 4833) to amend an act entitled "An act permitting the Washington Market Company to lay a conduit and pipes across Seventh street west," approved February 23, 1905; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also introduced a bill (S. 4834) granting an increase of pension to Octave Counter; which was read twice by its title, and referred to the Committee on Pensions.

Mr. LATIMER introduced a bill (S. 4835) granting a pension to Elizabeth S. Tennent; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. STONE introduced a bill (S. 4836) providing for the erection of a public building at Muskogee, Ind. T.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. McLAURIN introduced a bill (S. 4837) for the relief of the estate of Nancy Maria Minter; which was read twice by its title, and referred to the Committee on Claims.

Mr. WARNER introduced a bill (S. 4838) to provide for the repairing, furnishing, and completing of the public building at St. Joseph, Mo.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

He also introduced a bill (S. 4839) for the relief of John S. Logan; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 4840) for the relief of Ellis W. Joy; which was read twice by its title, and referred to the Committee on Claims.

Mr. LONG introduced a bill (S. 4841) to regulate the practice of dentistry or dental surgery in the Indian Territory; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. KEAN introduced a bill (S. 4842) to reimburse Capt. Sydney Layland for sums paid by him while master of the United States transport *Mobile* in July and August, 1898; which was read twice by its title, and referred to the Committee on Claims.

Mr. WETMORE introduced a bill (S. 4843) granting a pension to Henry W. Whiteman; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

AMENDMENTS TO BILLS.

Mr. PILES submitted an amendment authorizing the issuance of fee-simple patents for lands heretofore allotted to George Bowen and certain other Indian allottees, etc., intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. McCUMBER submitted an amendment intended to be proposed by him to the bill (S. 3433) to amend an act entitled "An act to divide the judicial district of North Dakota," approved April 26, 1890; which was ordered to lie on the table and be printed.

Mr. KITTREDGE submitted an amendment proposing to appropriate $8,650 for the purchase of 1,000 acres of land and springs and the water right for a permanent water supply for the Indian school at Rapid City, S. Dak., intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. LODGE submitted an amendment intended to be proposed by him to the bill (H. R. 12987) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission; which was ordered to lie on the table and be printed.

Mr. WARREN submitted an amendment intended to be proposed by him to the bill (S. 3413) to prevent cruelty to animals while in transit by railroad or other means of transportation from one State or Territory or the District of Columbia into or through another State or Territory or the District of Columbia, and repealing sections 4386, 4387, 4388, 4389, and 4390 of the United States Revised Statutes; which was referred to the Committee on Agriculture and Forestry, and ordered to be printed.

WITHDRAWAL OF PAPERS—JOSEPH F. DUNLAP.

On motion of Mr. KNOX, it was

*Ordered*, That the Secretary of the Senate be directed to take from the files of the Senate the papers accompanying the bill S. 2840, Fifty-eighth Congress, granting an increase of pension to Joseph F. Dunlap, and return the same to Joseph F. Dunlap, there having been no unfavorable report on the said bill.

FIVE CIVILIZED TRIBES.

Mr. CLAPP submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the joint resolution (S. R. 37) extending the tribal existence and government of the Five Civilized Tribes of Indians in the Indian Territory, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the House amendments, and agree to the same with an amendment as follows: Add at the end of the resolution the following words: "Unless hereafter otherwise provided by law;" and the House agree to the same.

MOSES E. CLAPP,
P. J. McCUMBER,
FRED T. DUBOIS,
*Managers on the part of the Senate.*

JAMES S. SHERMAN,
CHARLES CURTIS,
JOHN H. STEPHENS,
*Managers on the part of the House.*

The report was agreed to.

GRAVES OF CONFEDERATE DEAD.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 1234) to provide for the appropriate marking of the graves of the soldiers and sailors of the Confederate army and navy who died in northern prisons and were buried near the prisons where they died, and for other purposes, which was, on page 1, line 9, after the word "confinement," to insert "with power in his discretion."

Mr. WARREN. I move that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

HOUSE BILL REFERRED.

H. R. 14397. An act making appropriations for the support of the Army for the fiscal year ending June 30, 1907, was read twice by its title, and referred to the Committee on Military Affairs.

FIVE CIVILIZED TRIBES.

Mr. CLAPP. I ask unanimous consent for the present consideration of the bill (H. R. 5976) to provide for the final disposition of the affairs of the Five Civilized Tribes in the Indian Territory, and for other purposes.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill.

The VICE-PRESIDENT. The pending question is on the amendment of the junior Senator from Wisconsin [Mr. LA FOLLETTE] to the amendment of the committee in section 13.

Mr. CLAPP. In view of the absence of the Senator from Wisconsin, if in order, I ask that section 13 be passed over for the present and that we take up for consideration section 19, which was also laid over.

The VICE-PRESIDENT. Without objection, section 13 will be passed over for the present.

Mr. TELLER. I ask the chairman to let me suggest a couple of brief amendments. In section 2, page 2, line 16, after the word "members," I move to insert "or freedmen."

Mr. CLAPP. I will agree to that amendment.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 2, line 16, amend the committee amendment as agreed to yesterday by adding after the word "members" the words "or freedmen."

The amendment was agreed to.

Mr. TELLER. On page 25, line 3, after the word "him," I move to strike out "forty" and insert "one hundred and sixty."

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. It is proposed to amend the committee amendment agreed to yesterday by striking out the word "forty," before "acres," in line 3, and inserting "one hundred and sixty."

The amendment was agreed to.

Mr. CLAPP. Since I made the suggestion that we pass over section 13 and proceed to section 19 I observe that the junior Senator from Wisconsin has entered the Chamber. Perhaps we may as well now continue the consideration of section 13.

The VICE-PRESIDENT. The question is on the amendment offered by the junior Senator from Wisconsin [Mr. LA FOLLETTE] to the amendment of the committee in section 13.

Mr. LA FOLLETTE. Mr. President, at the close of the session last evening I had offered a letter received from a resident of the Territory and sent it to the desk. By an oversight it was not read. I ask to have it read now.

The VICE-PRESIDENT. Without objection, the Secretary will read as requested.

The Secretary read as follows:

LAWTON, OKLA., *February 22, 1906.*

Senator ROBERT M. LA FOLLETTE,
*Washington, D. C.*

DEAR SIR: The coal lands of the Indian Territory are worth many millions and the Indians should have the uttermost farthing of their actual value. The surface overlying some of the best mines is worth from twenty-five to fifty dollars per acre for agricultural purposes alone. This is especially true in the Lehigh vicinity. My recollection is that the annual output of these mines is worth much more than the $6 per acre appraisement. Boone Williams, of Lehigh, Ind. T., could give you full and particular information upon the foregoing points. Would it not be well for Congress to pass a joint resolution providing that railroads in the Territories should not own more land than was necessary to conduct their business and should not engage in any other business than that of common carriers? Allow me to direct your attention to freight-rate conditions in the two Territories. The Congressional acts chartering the railroads which run through Oklahoma and the Indian Territory provide that they shall not charge higher freight rates than those charged in Kansas, Arkansas, and Texas. This is, of course, an indeterminate standard, but no effort has been made either to observe it or to enforce it. The law had no sanction and no penalty and no one was charged with its execution. The railroads have run riot, with no one to say them nay. Permit one or two instances: They refused to furnish cars. The farmers this season have ordered twenty-five hundred cars of coal. A majority of the mines refused to sell them coal, and the railroads refused to haul them coal unless they would join the coal trust. As much as twelve hundred dollars, which had been paid

in advance for coal, was refunded to the farmers by the mine operators. The Santa Fe road, as I am advised, refuses to receive cars from the Rock Island road, thus necessitating unloading and reloading at junction points.

The rate on wheat from Aline, Okla., to Oklahoma City, a distance of about 100 miles, is 26 cents per hundred, whereas the rate from Aline via Oklahoma City, a distance of 496 miles farther, is also 26 cents. The rate on cotton seed from Indianola to Crowder City, Ind. T., a distance of 9 miles, is 14 cents, while the rate from Indianola via Crowder City to Fort Smith, about 90 miles, is only 6 cents. Those are the rates when I was last advised. The rates on all points in the two Territories which are near enough to the Texas line to secure competitive rates with Texas points are from 25 per cent to 60 per cent lower than from other points in the Territories which are not so situated. This applies, of course, to shipments to Galveston and points in Texas.

We have the same systems of roads and same character of traffic as the State of Texas. If self-government should again be denied us, which seems at least probable, a railroad commission, modeled after the Texas plan, appointed by the President and invested with jurisdiction over the two Territories, would be an infinite blessing to the people of the two Territories.

Kindly consider such a measure in the event our hopes for statehood should again be deferred.

Believe me, sir, very truly, yours, T. P. GORE.

Mr. LA FOLLETTE. Mr. President, I have very little to add to what I said yesterday in support of the pending amendment. Some Senators have said to me personally that the amendment goes too far; that it is quite right to bar railroads from ownership in coal which they transport in competition with other producers who must use their lines of road, but that the proposition which would exclude the officials of railway companies and their stockholders from owning and operating such coal mines is too extreme, too radical.

Mr. President, legislation to be of any value to the people of this country must be practical. It must meet the existing conditions. Of what avail is it to enact a statute barring railroad companies from becoming competitors in production with those who are producing and transporting over their lines if the railway companies are permitted to accomplish exactly the same thing through their officers and stockholders?

That situation is particularly emphasized by the letter which the Senator from South Carolina [Mr. TILLMAN] had read on this floor, written by the governor of West Virginia, to which I made reference last evening. He said it makes little difference whether the railroad company competes over its own lines with producers who must ship over those lines or whether the controlling stockholders and officers of the railroad engage in the business as competitors. To enact a statute barring the railroad companies, and stop there, is to give husks instead of the kernel of practical legislation to the interests that are crying out for protection.

Many years ago, in the State of Pennsylvania, the anthracite coal fields were in a measure taken possession of by certain railroad companies that built into those fields. Those railroad lines furnished the only highways over which that coal could go to market. The lines at that time were largely owned by individuals and private corporations. What transpired? The owners of these highways over which the coal had to be shipped to market were able, by a combination or understanding, to push the freight rates up on the individual owners and operators, denying them equal facilities and equal rates in reaching the markets with their coal. The State of Pennsylvania adopted a constitutional amendment in 1873, prohibiting any railroad company from owning lands in that State either for mining or manufacturing purposes, providing that they might own such lands as were necessary for the conduct of their business as common carriers.

But there was no provision in the Constitution that the officers and stockholders of those roads might not organize companies and take possession of coal lands for mining purposes. As a result these railroad companies and those who represent them have driven the independent operators and owners out of business. To-day companies organized by the officials and stockholders of these railroads control 98 per cent of the anthracite coal of Pennsylvania.

What does that mean, Mr. President? It means this: There are three anthracite coal fields in this country so far as present discovery discloses. Upon those anthracite fields the people of the United States are dependent for coal to warm their homes. If you could bring those three coal fields together into one body it would make a little patch of country 8 miles by 60; or, to be perfectly accurate, 8 by 62½ miles.

The people of Pennsylvania and the people of this country have slept while 98 per cent of all that precious product has been taken possession of and is under the control practically of eight railway companies in Pennsylvania. For that reason I have incorporated in this amendment the proposition that not only the railroad company shall be barred from acquiring title to this land, but that the deeds when executed shall contain a provision against the officials and the stockholders of the companies becoming the owners of these coal lands.

It may be said here, Mr. President, as it was said in the Committee on Indian Affairs when I offered the amendment, that if the railroad companies want these coal lands they will get them. But I desire to record here my protest against the doctrine, that now or at any time in the history of this country it shall ever be said that the railroad companies can secure the mastery and control the ownership of any of the natural products of this country. In other words, to put it a little differently, I believe that this Government, however it may have appeared in recent years to the contrary, is stronger than any of its creatures; that this Government is stronger than all the railroads of this country in aggregation, stronger than all of the centralized power of this country represented in unlawful combinations and trusts.

So, Mr. President, I venture to ask Senators to support the amendment which I have offered here and to write into the statute books of the United States that railway companies shall be common carriers and nothing else, and to so write it as to make it effective.

Mr. CLAPP. Mr. President, I simply desire to say in regard to this amendment that much which has been said would undoubtedly be of force if we were at this time dealing with that question, which is now pending before the Senate and which must be dealt with in the very near fuaure.

The question of this amendment substantially was before the committee for its consideration. The committee felt, in the first place, that these lands being the lands of Indian tribes it was our duty to safeguard as far as possible to them the highest possible price that could be secured for the land, and we echoed the sentiment contained in the letter read this morning that it was our duty to secure for them the last farthing possible to be obtained in the sale of the lands.

We felt that in trusting this matter to the President and Secretary, the less limitations there were thrown around the sale of the lands the more they would bring when the time came to dispose of them.

If this bill ever passes it will contain a clause postponing the sale of these lands, under the present terms at least, until 1911, during which time there will be abundant opportunity to consider these questions. But there was no reason that impelled the committee——

Mr. LONG. Mr. President——

The VICE-PRESIDENT. Does the Senator from Minnesota yield to the Senator from Kansas?

Mr. CLAPP. Certainly.

Mr. LONG. I should like to ask the Senator the reason why this legislation should be enacted now.

Mr. CLAPP. I am just going to reach that in a moment.

Mr. LONG. Considering the fact that the Senate has already adopted an amendment postponing the sale until 1911.

Mr. CLAPP. That is what I just stated to the Senate, and I thought I was using voice enough so that it might be heard throughout the Chamber. I will say again that as the bill now stands it contains a prohibition against the sale of this property prior to 1911.

Mr. LONG. Mr. President, I do not think the Senator understood me. What is the necessity of providing for the lands at all if they can not be sold until 1911? Why not reject the amendment proposed by the committee and restore the House provision that reserves the lands from sale?

Mr. CLAPP. I stated the other day that, so far as the chairman was concerned, he was perfectly agreeable to strike out all of section 13. But that does not seem to this point to have been the prevailing sentiment of the Senate. So I am discussing the question from the standpoint of the possible adoption of section 13, as reported by the committee, subject to the amendment proposed by the Senator from Wisconsin.

There were two other reasons why we did not feel it incumbent upon us to interfere in this matter. In the first place, if that country is admitted as a State, then, as to intrastate traffic, it will be the subject of State control and legislation. As to interstate traffic, it will remain the subject of Federal legislation. There is pending to-day in Congress, pending in this very Chamber, under consideration by the Chamber, a resolution broadly designed to reach the very question covered by the proposed amendment of the Senator from Wisconsin [Mr. LA FOLLETTE]. The Committee on Indian Affairs felt that it would be an usurpation on their part, in view of the pending legislation in Congress, to take this matter into their own hands, even as to that one Territory, and for that reason the committee rejected the proposition which is practically embodied in the proposed amendment of the Senator from Wisconsin.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Wisconsin to the amendment of the committee.

Mr. STONE. Mr. President, I desire to say just a word. I am in sympathy with the general purpose expressed in the amendment offered by the junior Senator from Wisconsin [Mr. LA FOLLETTE], and I think I would be safe in saying that every member of the Commitee on Indian Affairs accords in that view. The only things which deterred the committee, and which would deter me now, from voting for the amendment is the one stated by the Senator from Minnesota [Mr. CLAPP], the chairman of the committee, that this limitation upon the purchasers might result in a loss, a large loss, to the Indians, and because the amendment in its present form might be held to be subject to constitutional objections.

These are not public lands. They do not belong to the United States. The United States holds them in trust for the benefit of these Indians, and holds them under solemn pledges contained in treaties entered into between the United States and these several tribes. I am not sure—indeed, I am far from being sure—whether a greater sum in the aggregate would be received from the sale of these lands with this amendment incorporated in the law or with it out.

I was impressed by the statement made by the Senator from Wisconsin, that if the railroads carrying this coal to market are to own it in any large quantity, outside and independent purchasers would be deterred from investing in the lands on the apprehension that the carrier would deny to them equality of rates and opportunities in reaching the market. There is force in that suggestion. It simply increases the difficulty, in my mind, as to the action that Congress ought to take if the lands are to be sold. It is because of the enormous value of the property, the great interest involved in it, and of the influences which are operating and will operate to obtain the control and ownership of these valuable concessions that I on yesterday offered the amendment to postpone the date of the sale for five years, and I am inclined now to follow the leadership of the chairman of the committee and vote to disagree to the committee amendment proposed to the House bill, leaving it where the House bill left it, and let the lands be only leased. One hundred and seven thousand acres of them have already been leased, and something near half of that great area is now under lease to and is operated by railroad companies—at least that is my information. The remaining three hundred and odd thousand acres can well be left where it is for years, if it is anything like as valuable as the leased and developed lands have proven to be. I believe it would be the part of high wisdom to do that, not to sell the lands, and I doubt whether they ought to be leased for some time to come.

I believe it would be well to insert a clause in the House bill forbidding the sale or lease of those lands for at least two or three years. I know the argument is that that would tend to create a monopoly in those who already have leases; but, Mr. President, the companies who are now operating will hold in practical effect that monopoly anyway for the next two or three years. The lands can not be leased and capital obtained to develop them immediately, and, in order that Congress may have an opportunity to better understand that situation through some agency which Congress may appoint, I believe it would be well to defer any conveyance, limited or unlimited, to the remaining lands.

The resolution offered by the Senator from Wyoming [Mr. CLARK] yesterday to appoint a committee to visit the Indian Territory during the vacation and look into this question, to thoroughly examine and report such facts and bring such information to the Senate as will enable it to act intelligently, ought to be adopted, and until Congress can receive that information I do not believe any disposition whatever should be made of these lands.

This entire section in its present form, and, of course, all amendments to it, should be kept out of the bill.

The VICE-PRESIDENT. The question is on the amendment proposed by the Senator from Wisconsin [Mr. LA FOLLETTE] to the amendment of the committee.

Mr. TELLER. Mr. President, I think that there is a very strong feeling here that we had better first dispose of the thirteenth section of the bill.

The VICE-PRESIDENT. That is the section which is now before the Senate, and the pending question is on the amendment proposed by the Senator from Wisconsin to the amendment reported by the committee.

Mr. TELLER. I understand that, Mr. President, but I wanted to suggest that possibly we could save time by first disposing of the question whether we wished to enact section 13 as amended or otherwise. I believe if a vote were taken on it that the thirteenth section would be voted out; in other words, that the House provision would be left in the bill. I do not, however, know just what the parliamentary situation is.

The VICE-PRESIDENT. The Chair understands that it is necessary to first perfect the section, and that then the question will be upon agreeing to the amendment as amended.

Mr. TELLER. Mr. President, I suppose technically, perhaps, the amendment to the amendment will have to be voted on if the Senator who offers it insists on that; but that will necessitate some debate.

Mr. President, I am in full sympathy with every effort which is made to prevent a railroad from engaging in any business except the business for which it is supposed ordinarily to be organized—that is, for transportation purposes.

My education in the law would lead me to suppose that, unless a railroad company was specifically and specially authorized by its charter or by some act of the legislature chartering it, or under which it was chartered, transportation is its only purpose, and that, unless so provided in its charter legally and properly, if it should engage in other business everything beyond transportation would be ultra vires and without authority. The Supreme Court of the United States within a few days has, I think, practically settled that question and has covered the very thing now complained of as possible and probable, namely, that these railroads will become the miners of coal or, in other words, that they will become miners and not transporters, by saying that this did not enable them to escape the provisions of the interstate-commerce law. So it seems to me that the fear that these particular lands will pass into the hands of the railroads is rather unnecessarily indulged in. Ordinarily, we should think it a very unusual thing to say that a stockholder of a railroad company could not buy property in a mine or an enterprise of any kind established for a distinct and different purpose from that of transportation. It is very possible that there may be such power, but, Mr. President, I do not believe it is necessary that we should attempt to exercise that power either in the Indian Territory or anywhere else. I have no doubt we could say that a railroad company itself should not do that, because it is organized for a different purpose, but a man who buys stock in a railroad company stands on entirely different ground from that. Possibly we might prohibit the officers of a railroad from doing so, and it is said that, unless we do that, we might as well not prohibit the railroads from purchasing, because they have a method now of organizing companies within companies, consisting of the officials of the railroads, and then those officials become really the trustees of the railroad.

Mr. President, because there is an evil it does not necessarily follow that we are bound to attack it in a way that will raise difficult questions of law and difficult questions as to our rights, and which may establish precedents which will hereafter return to plague us.

A few years ago we had an anthracite coal strike all over the country, and the people in every section felt the injurious influence of that strike. There were all sorts of suggestions to escape from the sufferings and the burdens which were put upon the people; more particularly those who were using anthracite coal. Then, Mr. President, we heard for the first time the most astonishing proposition ever heard of in this country, and that was that the United States might take charge of the anthracite coal business. Everybody admitted that there was an evil for which a remedy should be found, but I think there would be very few members of this body who would be willing to see the United States Government take charge of the anthracite coal business. If it could take charge of the anthracite coal business, it could take charge of the bituminous coal business, and if it could take charge of that it could take charge of every other industry in this country in which the people were interested; yet so conservative a body as the Massachusetts legislature, Mr. President, passed resolutions in favor of the Government of the United States taking charge of the anthracite coal business of the United States. When there is a great wrong being done to the people, there is great danger that we shall, in our anxiety to save the people from that wrong, take steps and do things that are not justifiable. If we take a step of that kind in one serious case, we will take it the next time when the case is not half so serious. This question can be met by this body, not by saying that no one shall buy this coal land, but by providing that a railroad company shall not mine coal.

If you put an incumbrance of that kind upon this land, you are depriving the proper owners of it, who are the Indians of the Indian Territory, of the value of their property. No one would go and buy that property to-day if he knew that when he came to look for the purchaser he must find a man who did not own stock in a railroad company. You would eliminate from the purchasers a very large percentage of the men in the United States who are able to buy coal lands.

If there were no other remedy possible, we might resort to an

extreme remedy, but the remedy is in our hands. We can do it in this bill now before the Senate; we can do it in a bill that is to come here for our active consideration in a few days, or, rather, which has been here for at least two days being considered.

We want to give these Indians all that they can get out of that land. We have held it in trust; we still hold it in trust; and I believe it is the duty of the trustee of a trust to make the best possible use and get the greatest income possible out of the wards' property.

I admit the wrong being done in that Territory by these railroad companies owning coal lands. I admit the wrong now being done to the Indians and to the white men. It is a wrong that should not be allowed to continue, but, in my judgment, this is not the remedy. There is a remedy in our hands ample and sufficient, under the ruling of the Supreme Court of the United States, by which we can prevent this abuse from being further continued and, at the same time, not prevent it at the expense of our wards.

For that reason, Mr. President, while I am in sympathy with controlling the railroads and keeping them to the business which they were originally intended to follow, I am going to vote against this amendment, and when the opportunity is presented I mean to vote to strike out the amendment to the thirteenth section and to let it stand as it came from the House, unless it is thought best to strike out that provision also when the committee shall consider the question more carefully.

Mr. MALLORY. Mr. President, I believe the amendment proposed by the junior Senator from Wisconsin [Mr. LA FOLLETTE] is open to amendment now, is it not?

The VICE-PRESIDENT. The Chair thinks not.

Mr. MALLORY. I have very little to say on the subject. I indorse the principle of the amendment.

Mr. TELLER. Will the Senator allow me to interrupt him a moment?

Mr. MALLORY. Certainly.

Mr. TELLER. Mr. President, I am under the impression that the Senator from Florida can offer an amendment to this amendment, can he not?

Mr. MALLORY. There has been no amendment offered to it, so far as I am aware.

Mr. SPOONER. But the amendment of the Senator from Wisconsin is an amendment to the Senate committee amendment, which is an amendment to the House bill.

Mr. TELLER. Oh!

The VICE-PRESIDENT. The amendment of the Senator from Florida would be an amendment in the third degree.

Mr. TELLER. I was not aware of that.

Mr. BACON. If I may be pardoned, I wish to suggest to the Chair a consideration which may lead the Chair to a different conclusion. I feel quite confident in my mind that the rule as stated by the Chair is not correct, and a slight illustration, I think, will show the reason for that. The general rule is an undoubted one that only two amendments can be pending at the same time; but that means two substantive amendments to the same proposition. In other words, if the Chair will pardon me, there can not be another amendment offered to this amendment of the committee. That would be a violation of the rule, because the pending amendment is a distinct matter, which must be disposed of.

Mr. ALDRICH rose.

Mr. BACON. I ask the Senator to pardon me for a moment. I am just trying to get the attention of the Chair, because I am speaking for the purpose of presenting my view. I may be in error, but it is certainly the purpose of the rule to enable the body to perfect any measure. It would be perfectly apparent that, if the rule as stated by the Chair is correct, it would be impossible to perfect the amendment now proposed by the Senator from Wisconsin. The Senator from Wisconsin proposes an amendment, and, while another amendment to a different part of the amendment of the committee would not be in order, an amendment which is designed to perfect the pending amendment is always in order—necessarily so; otherwise it could not be perfected.

Mr. LODGE. It is never in order.

Mr. BACON. Senators disagree with me, but I will ask that they hear me before they come to that conclusion.

Mr. LODGE. Not under general parliamentary law, or any law I ever heard of.

Mr. BACON. Here is an amendment proposed by the Senator from Wisconsin. Senators might be willing to vote for the proposition of the Senator from Wisconsin if it were perfected, but would be unwilling to vote for it in its present shape. If the rule stated by the Chair is correct, there is nothing to do but to vote upon this amendment as it stands—either to accept it or reject it as it stands—and the purpose of the rule is defeated.

The distinction is very clear between the purpose of the rule in prohibiting the pendency of two amendments and the purpose of the rule in providing a means by which no amendment may be perfected. I may be in error, but I have not the slightest doubt in the world as to the correctness of that statement.

Mr. LODGE. Mr. President, I did not suppose there was any rule better settled than the rule that there can not be an amendment beyond the second degree. As I understand, the amendment of the Senator from Wisconsin is an amendment to an amendment.

The VICE-PRESIDENT. The Senator is correct.

Mr. LODGE. Then no other amendment can be offered until that amendment is disposed of. If the amendment of the Senator from Wisconsin be adopted, then the original amendment will be open to perfection and to further amendment; if it be rejected, the occasion for perfecting it does not arise. But I do not believe, under general parliamentary law or any law, anything is better settled than that no amendment can be entertained in the third degree.

Mr. MALLORY. Is it in order for me to ask unanimous consent to offer an amendment to this amendment?

The VICE-PRESIDENT. The Senator from Florida asks unanimous consent to offer an amendment to the amendment proposed by the Senator from Wisconsin. Is there objection?

Mr. LA FOLLETTE. One moment, Mr. President.

Mr. LODGE. I object.

The VICE-PRESIDENT. Objection is made.

Mr. LA FOLLETTE. I want to know what the amendment is.

Mr. MALLORY. It simply strikes out the word "stockholder."

Mr. LA FOLLETTE. I will object to that.

The VICE-PRESIDENT. Objection is made.

Mr. MALLORY. I merely desire to say that I should like very much to vote for the principle embodied in the remarks made by the junior Senator from Wisconsin [Mr. LA FOLLETTE] this morning, and I would vote for his amendment were it possible to eliminate the word "stockholder" from the provision of the amendment. But I can not see, in the first place, what right Congress has to put such an inhibition on the individual citizen of the United States. I question very much, Mr. President, whether we have the legal right to do so; and, in the second place, if we had the right, I do not think it would be good policy for us to exercise it. I do not well see how it is possible for a stockholder who may be residing 500 or a thousand miles away from the railroad to work any injustice to the public interests by being interested in coal lands along the line of road. I can readily understand and appreciate the danger of permitting railroads to own these coal lands or permitting directors or officers of railroads to have anything to do with them, but, so far as the stockholder is concerned, it strikes me that we are going a little beyond our legitimate province, and I question very much whether the courts would sustain the action of Congress, if we were to take such action. Therefore I shall feel constrained to vote against the amendment; otherwise I should very gladly vote for it.

Mr. LA FOLLETTE obtained the floor.

Mr. PATTERSON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Colorado?

Mr. LA FOLLETTE. I yield to the Senator from Colorado.

Mr. PATTERSON. Mr. President, like the Senator from Florida [Mr. MALLORY], I am in favor of the general principle involved in the amendment of the Senator from Wisconsin [Mr. LA FOLLETTE]; but there are two matters in the amendment as offered by him to which I desire to call his attention and to ask an expression of his views for the benefit of the Senate upon those two propositions.

In the first place, the amendment provides that no railroad company shall acquire any right, title, or interest whatsoever in any of the coal or asphalt lands to be disposed of.

I understand the real substantial objection to the ownership of coal lands by railroad companies is in so far as they will use the product of the mines in competition with a like article in private or other company ownership; but I know of no reason why a railroad company should not own coal lands and supply its lines with the necessary coal for the operation of the road. I know that it is quite usual for railway companies who are not engaged in the sale of coal or the mining of coal for commercial uses to own coal lands which they operate to secure coal with which to perform the labors and the obligations of the road—to run their locomotives, to supply their great machine shops, and for many other uses required of a railway company in the proper operation of its road. Therefore I would ask the Sen-

ator from Wisconsin what objection he could have to so changing the first clause of his amendment so that it would read as follows:

*Provided*, That no railroad company shall acquire any right, title, or interest in said coal and asphalt lands by purchase at said sale except—

This is the addition I would suggest—

except to supply the said railroad with coal necessary for its operation.

In other words, to allow a railroad company to purchase a portion of these coal lands, but the lands purchased to be used exclusively and solely by the railroad company for the operation of the road.

Mr. SPOONER. You would have to keep a watchman there.

Mr. PATTERSON. No; I think not. I think there is a sufficient number of private dealers to see that a right of this kind is in no way abused. I have an idea if a railway company owned coal lands to be worked by it for the coal with which to operate its road, that just so soon as it would attempt to put any of that coal upon the market there would be enough individuals and companies interested in suppressing that illegal traffic to call the attention either of the court or the railway commission to the violation of the law.

Then again, like the Senator from Florida, I doubt the wisdom of the prohibition of a man who happens to own stock in a railway company having any interest whatever in any coal lands that are part of coal lands that would be disposed of under this bill. The principle is right, and the theory upon which his amendment is framed is that if a sufficient number of stockholders or officers of a railway company own coal lands in proximity to the road, they may, without the railroad as a corporation being directly interested in it, so control the digging of coal and the sale of coal as to control not only the price of coal, but the cost of labor in connection with the operation of the mines and also to use such coal for the purpose of driving private owners out of business.

But here is a dilemma into which the stockholders in railways might be thrown by this provision: I am a stockholder in a railway at the present time. These lands are to be sold. I would be prohibited from purchasing; but I am not a stockholder in the railway and I purchase some of these lands. In the future I may become a stockholder in the railway. I would have a perfect right to purchase stock upon the market or in any other way. Then what is to become of my stock in the railway company, or what is to become of my interest in the land? If the evil could be avoided by prohibiting present stockholders from acquiring interests in such coal lands, well and good; but that is only for the present and immediate period. A year from now those who would be stockholders, who would become stockholders subsequent to the sale, see fit to purchase an interest in these coal lands. If they have a right so to purchase such interest then the law might readily be avoided by stockholders selling their stock, then purchasing an interest in the land, then again becoming owners of the stock, and thus stockholders might be able to control great areas of these coal lands.

I think the Senator from Wisconsin will hardly contend that a law that would be a valid law could be enacted that would prohibit a person who acquires stock in one of the railroads from subsequently purchasing these coal lands or interests in them, or that would prohibit those who would purchase coal lands at this sale from subsequently purchasing stock in the railroad companies.

The evil that is intended to be reached can not be reached by the provision of the amendment I am now criticising, and it is for that reason I suggest to the Senator from Wisconsin, in order that those who are in sympathy with the general provisions and the general principle of this amendment may vote for it, that he agree it may be amended in ways that are reasonable, so it will not contain provisions that will necessarily be inoperative or that must be declared illegal when they come before the court.

Mr. NEWLANDS. Mr. President, I am quite in sympathy with the purpose intended to be accomplished by the Senator from Wisconsin regarding this matter, but I take the same view as the Senator from Colorado regarding the ownership of the coal lands by stockholders or officers of any railroad company or corporation.

It seems to me we will have advanced quite a way in the direction of curbing and restraining monopolies if we adopt that provision of the amendment which declares that no one shall acquire any interest whatever in these coal and asphalt lands exceeding 3,000 acres, and if any corporation or individual does secure more than 3,000 acres the title shall then revert to the United States to be held in trust for the tribes of Indians.

I understand there are about 450,000 acres of coal land, and if we secure at least 150 competing companies in that coal field, whether the stockholders of those companies be the stockholders and officers of railroad companies or otherwise, we will have advanced a great way in the direction of curbing monopoly.

We are always met with the insufficiency of any legislation that is intended to restrain this great evil. The senior Senator from Colorado insists upon it that while he is in sympathy with the purpose of the Senator from Wisconsin he does not think it should be accomplished in any way by that amendment, but by general legislation upon the subject restraining common carriers generally from owning and operating coal fields. Even in that legislation we will have a difficulty, because it is a question as to how far we can control a purely State corporation that is authorized by its charter to own coal lands or is authorized by its charter to own stock in companies operating coal fields. We all know the Reading Company is a company of that form. It is a corporation organized under the laws of Pennsylvania, engaged in running a railroad and at the same time engaged in operating large coal fields. I do not know whether it owns these coal fields directly or whether it owns them through the agency of subsidiary corporations, the stock of which is owned by the Reading Company, but here we have a corporation directly or indirectly authorized by the sovereignty which created it to own and operate coal mines and the question is, How can we control such a State corporation?

I presume it will be claimed we can control it as far as its interstate business is concerned. We could perhaps prevent it from transporting to another State the coal which it produces, but it seems to me a very serious question as to whether we could strike down the power to own and operate coal mines conferred upon it by the sovereignty which created it.

Throughout the entire country we will find these coal fields are being gradually monopolized either by railroads or by those interested in railroads, and that the coal fields which are owned by those who are not interested in railroads as stockholders or controllers of railroads have no chance whatever in the competition of commerce. For instance, the Baltimore and Ohio Railroad Company controls a large portion of the coal fields of West Virginia, and it is complained that the coal fields having an ownership outside of its control have no chance whatever; that they are impeded in their business; that if cars are demanded they are not forthcoming; that if a switch is desired it is not constructed, and even though there be an apparent willingness to accommodate the owners of these coal fields, there is always at the same time some apparently good reason for not furnishing them with facilities with which to do business. The Baltimore and Ohio Railroad Company does not confine its operations to the State of West Virginia. It owns to-day one-sixth, I believe, of all the stock of the Reading Company. I do not understand that the Baltimore and Ohio Railroad Company enters the Reading district, yet it owns approximately one-sixth of the stock of the Reading Railroad Company. Why is that? It is claimed that it is a way of securing control of the Reading Railroad and its coal fields by the joint action of the Baltimore and Ohio, the Pennsylvania, and the New York Central. I have not been able to verify this charge and I do not know to what extent it is true; but it is true that the Baltimore and Ohio Railroad Company is a large stockholder in the stock of the Reading Company, a corporation in Pennsylvania.

The Baltimore and Ohio Railroad is a corporation organized under the laws of Maryland, a purely State corporation, getting all its powers from that State. It is authorized by the laws of that State, as I understand it, to own and operate these coal fields either directly or indirectly. How can we strike, then, at the power given by the sovereignty of Maryland to a creation of that sovereignty? The Baltimore and Ohio Railroad Company does not operate, it is true, only in the State of Maryland. It operates in eight States outside of Maryland, so that as to those eight States it is purely a foreign corporation. It operates, I presume, with the assent of those States, but we know how easily that assent is gained and how few limitations are put upon the exercise of the powers given. The result is that in eight States the transportation system is under the control of a corporation organized under a foreign sovereignty, and its powers are entirely created by that sovereignty. It only illustrates what I have always contended for, that we will never reach a solution of this question until we compel all corporations engaged in interstate commerce to organize under a national charter, a charter created by the people of the United States, through legislation in which every State in the country will share.

In the State of Colorado, I am told, and in the State of Utah, the coal fields are being similarly monopolized. In Colorado, I believe, the coal and iron fields are almost entirely or very largely owned by the Colorado Fuel and Iron Company.

The senior Senator from Colorado [Mr. TELLER] states that they are not largely owned by that corporation.

Mr. TELLER. I mean they do not have the majority of the controlling interest in the coal fields.

Mr. NEWLANDS. Of course, I am not accurately informed upon the subject, and I ask the Senator from Colorado what proportion of the coal fields in Colorado is owned by the Colorado Fuel and Iron Company?

Mr. TELLER. The Colorado Fuel and Iron Company is a very large corporation, which is not only engaged in mining coal, but in making steel as well. They undoubtedly have in the southern part of the State a considerable area of coal lands, which they mine for coal not only for their own use, but also to sell. It is a coal company as well as a steel company. To say that they have any considerable portion of the vast coal fields of Colorado is a mistake. There are immense fields in Colorado where they have never acquired any title whatever. They can be in no wise said to control the coal trade of that State.

Mr. NEWLANDS. I will ask the Senator from Colorado whether the Colorado Fuel and Iron Company is not the owner of a very large proportion of the iron deposits of that State?

Mr. TELLER. They own a great deal of iron. What the proportion is to the whole I do not know, and nobody else knows, because there are vast iron fields that have never been exploited.

Mr. PATTERSON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Nevada yield to the junior Senator from Colorado?

Mr. NEWLANDS. Yes.

Mr. PATTERSON. I think the following, perhaps, would be a more definite and accurate statement of the condition of coal-land ownership in Colorado: There are two great coal corporations that own by far the largest area of coal lands now being worked in southern Colorado—that is, south of a line drawn, approximately, through the State that is known as the "Divide"—the Colorado Fuel and Iron Company and the Victor Fuel Company. Those coals are bituminous, and are coking coals; and while there are individual owners of small tracts of coal lands in the northern part of the State, I think it may be safely said that these two coal corporations—one a coal and steel corporation and the other purely a coal corporation—own, I will say, two-thirds of the coal lands that are now being worked south of the Divide. The coal of the lands north of the Divide belongs to the lignite class of coal, and neither of the two corporations mentioned own any of those lands. The lands north of the Divide are owned by a very considerable number of individuals and companies. I think I could name twelve or thirteen or fourteen different coal companies that own the coal lands in the northern coal fields—the southern coal being bituminous and coking coal, the northern coal being lignite and noncoking.

So that the claim of the Senator from Nevada would be largely true as to the coal lands of the southern part of the State, but it would not be accurate in any degree or to any extent whatever with reference to the lands in the northern part of the State.

Mr. NEWLANDS. I will ask the junior Senator from Colorado whether the tendency is not toward a concentration of the ownership of the coal fields in the northern part of the State?

Mr. PATTERSON. There is but one considerable owner of coal lands in the northern part of the State, the Northern Coal Company. Its ownership may amount to several thousand acres of coal lands; but the rest of the coal land, and it covers a very vast area in the northern part of the State, is owned by individual operators; and I can not see any tendency in the northern coal fields to the consolidation of very considerable tracts of coal land in the hands of any particular corporation or group of individuals.

Mr. NEWLANDS. But I understand the more valuable coals are the bituminous coals in the southern part of the State?

Mr. PATTERSON. Yes; they are the more valuable for all sorts of industrial enterprises.

Mr. NEWLANDS. And the tendency there is toward concentration and consolidation?

Mr. PATTERSON. The lignite coal is used simply for domestic and steel-making purposes. Our bituminous coals are used very largely for the making of coke as well as for domestic purposes. The lands in the southern part of the State are already pretty well consolidated in the hands of these two companies. I know there are, however, individuals and individual companies who own some of the mines.

Mr. NEWLANDS. I will ask the Senator from Colorado whether twenty years ago, or within a comparatively recent period, all these lands in the southern part of Colorado which are concentrated mainly in the two companies of which he speaks were not in the ownership of the Government as public lands?

Mr. PATTERSON. Yes; I would say that thirty years ago the great bulk of them were owned by the Government.

Mr. NEWLANDS. And is not that true also of the iron deposits which they own?

Mr. PATTERSON. I do not know much about the iron deposits. I do not think there are many iron deposits now being worked in Colorado. I know of one in Saguache County that is being operated by the Colorado Fuel and Iron Company, but I do not think there are many iron companies that are being worked.

Mr. NEWLANDS. Where does this company get the iron from which it makes its steel?

Mr. PATTERSON. I can not give the Senator from Nevada that information, because I have not investigated it. I think it owns iron mines in New Mexico, but where it gets the bulk of its ores I do not know.

Mr. NEWLANDS. It is safe to say, I presume, that all the iron deposits which the two companies own were, within a comparatively recent period, in the ownership of the United States as public lands?

Mr. PATTERSON. Yes; within, say, thirty or thirty-five years.

Mr. TELLER. Mr. President, it is not very important, perhaps, in connection with this bill, but I do not like to have the Senator from Nevada make a statement which does not quite represent the situation. My colleague has spoken of the southern coal fields. Within the last year I know of land being sold in the southern section of the State which did not go to this corporation at all. It was sold for about twenty to twenty-two dollars an acre. If the Senator wants to engage in the coal business I can point him to some very cheap coal lands out there that I know to be good coal lands. I do not own them, but I know who does. In the northwestern part of Colorado we have certainly as much coal as there is south of the Divide. There are several fields south of the Divide of which my colleague has not spoken, particularly the Arkansas field, where at least thirty-five years ago I know coal land was being purchased and mined. In the northwestern part of the State there are thousands and thousands of acres of the finest bituminous coal land in the world.

There is also anthracite coal and cannel coal, and practically all varieties of coal, in that part of the State, and, with small exceptions, no part of it is in the hands of the coal companies of the State. There is one coal company my colleague did not mention, the Rocky Mountain Fuel Company, leaving the "Iron" out. That is organized with a capital of about a million dollars, owning coal in southern Colorado, in northern Colorado, and in western Colorado—in all parts of the State. It has not committed any act that anybody can complain of up to the present time. It has opened coal mines, and is producing a lot of coal and selling only to the people of the State.

There is to-day no fear by anybody in Colorado of combinations that will prevent the ordinary man from getting all the coal land he wants if he is willing to pay for it. There is to-day a considerable coal-land area in southern Colorado the title to which is in the United States, which a man can acquire for $10 an acre away from the railroad and $20 if it is nearer the railroad.

Mr. NEWLANDS. Mr. President, I did not pretend to give an accurate statement regarding Colorado, nor was it necessary to give an absolutely accurate statement, in order to point my argument. I think the Senators from Colorado have given us sufficient information upon the subject to enable us to ascertain that the tendency there is toward consolidation, and that in the southern portion of Colorado that consolidation has been accomplished through the ownership of two great fuel companies; and I think I am safe in saying that one of these companies, the Colorado Fuel and Iron Company, is one of the greatest political factors that exists in the control of that State.

Now, as to the State of Utah, the coal lands are gradually drifting out of the ownership of the Government and into the hands of private parties. I am told that the coal lands within the reach of railroads there have for the most part drifted into the hands either of the railroads or of corporations controlled by the railroads. I can not see that any one of those corporations should be blamed for obtaining these coal deposits. They are absolutely necessary in the operation of the roads, and they have been, doubtless, diligent in the prosecution of their carrying business in looking out for deposits of coal from which to obtain cheap coal and thus economically operate their roads.

No one can object to the spirit which animated these roads

in the acquisition of these coal properties. What we object to is the extension of it in the line of monopoly. We find that these lands, which, according to the statement of the Senator from Colorado, thirty years ago belonged to the entire people of the United States, are now drifting into the hands of monopolies which are likely to be controlled for the purpose of oppressing the people of the United States.

I have no doubt the most innocent of motives led the Pennsylvania Railroad and the Baltimore and Ohio Railroad and the Philadelphia and Reading Railroad originally into the acquisition of coal properties; but with the instinct of man for acquisition that sentiment has gradually grown until we find now these corporations are controlling practically the coal product of Pennsylvania and West Virginia. We find that in the Western States, where these lands have been within thirty years in the ownership of the whole people, they are now being gradually drifted into the hands of these giant corporations. And yet we take no action. You can hardly get a man from the Western States, from the section I represent, to vote for a measure that will prevent the sale of these coal lands and maintain their proprietorship in the great mass of the people.

Mr. SMOOT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Nevada yield to the Senator from Utah?

Mr. NEWLANDS. Certainly.

Mr. SMOOT. I should like to state that, as far as the State of Utah is concerned, her coal lands were, as a general thing, taken up by individuals. I know of no law, nor do I think the Senator from Nevada knows of one, that will prevent them from selling those coal lands to whoever they please. The coal lands have been transferred, it is true, as the Senator from Nevada says, to railroad corporations, as they are of very little value whatever unless a railroad is near them to take the product of the mines to the market. The railroads themselves have not acquired the coal lands in our State other than by purchase, and I do not know how the Senator from Nevada is going to prevent that. As far as I am personally concerned, I do not see that it would be a very good thing to prevent it. If the parties who acquired the coal lands, who filed on or purchased them, desired to sell them to the railroad companies, I can not see why they should be prevented from doing it.

There are three great counties of our State that may be called coal-land counties—Carbon County, Emery County, and Iron County. The great coal fields in Iron County are mostly owned to-day by individuals. You can not ship coal from there, owing to the fact that there is no railroad in there, and a great portion of the titles are still in the hands of the individuals who first located them. But in the other two counties that furnish coal for the market it is true that they are virtually controlled by a company, the Utah Fuel Company. I can not say positively whether that company is controlled absolutely by the railroad company or not; but it is understood, of course, that they are very closely connected.

Mr. NEWLANDS. Mr. President, it is not my contention that we should in any way prevent any man who has acquired coal lands either from the Government or from private proprietors from selling those lands to whomsoever he chooses. I am now talking about the policy that the National Government as the proprietor of the coal lands now remaining in its possession should pursue, as to whether or not it should encourage this system of private entry of the coal lands, their sale, their gradual concentration and consolidation in the hands of great corporations, a system which will inevitably end in monopoly and in the oppression of the people unless we come to the conclusion in the future that we will regulate by legislation fixing the price of coal.

Mr. McCUMBER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Nevada yield to the Senator from North Dakota?

Mr. NEWLANDS. Certainly.

Mr. McCUMBER. Let me ask the Senator from Nevada if we can not very simply and effectively dispose of this whole matter by passing a national incorporation law, providing in that law that no railway shall be engaged in other business than the business of a common carrier and compelling all railways doing an interstate business to reincorporate under the national law?

Mr. NEWLANDS. We can certainly do that.

Mr. McCUMBER. I think that is a remedy.

Mr. NEWLANDS. I am very glad to have the support of the Senator from North Dakota. I have found one convert at last. Probably the Senator from North Dakota anticipated me in the view. But I am sure we will win more converts as we advance, and that the ultimate solution of this question is that the machines that are to do interstate commerce shall be created by the sovereignty that has jurisdiction as broad as interstate commerce itself, and only by that sovereignty; that we will never permit the smaller sovereignty to create the machines that are to do the greater sovereign's business.

But I am not now intent upon that. I am now intent upon this question of the monopoly of coal. I do not pretend to give any solution, but I do wish to call the attention of the Senate to the fact that the great coal deposits in Colorado, in Utah, and in other States in the West are gradually being consolidated under the control of great industrial corporations, which will ultimately use their powers, just as they have throughout the United States, for the purpose of oppressing the masses of the people; that those lands thirty-five years ago were the property of the entire people of the United States, and that there are vast areas there still that are now the property of the people of the United States, and yet we take no measures to prevent the acquisition of those lands by private parties and the gradual drifting of the entire coal domain of the United States into the hands of monopoly.

And the Congress of the United States sits apathetic and inert when this condition of things confronts them. I was remarking that you could get hardly a Senator or a Representative from the Western States, where these coal lands are, to favor an act that would do away with the existing condition of things. Why? Not because they favor monopolies, not because they favor the concentration of the ownership of these coal lands, but because they stand for the development of their States, and they are anxious, therefore, that the public lands shall drift out of public ownership, where they are untaxed, where they are unresponsive to the demands of the western people for general local development into the hands of private individuals where they can be taxed and where the taxes can aid the development of the States of the West.

I am absolutely sympathetic with that feeling of the West. The feeling of the West looks to the development of great Commonwealths through the increase of population and the increase of wealth. But it seems to me that if we are wise we can accomplish both purposes—the development of the West and the restraint of monopoly—by holding the title of these lands forever in the people, where it now rests, and providing for leases of the lands by the United States Government, the United States Government reserving the control, if necessary, to fix the price, so as to prevent monopoly and to prevent oppression, and then providing that the royalties from the leases, or a certain proportion of them at least, shall go to the Commonwealth where the coal lands lie, so that the proceeds can be used in the local development of the State. It seems to me, at all events, that we can prevent the monopoly of the future if we can not altogether destroy the monopoly of the past.

Mr. SMOOT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Nevada yield to the Senator from Utah?

Mr. NEWLANDS. Certainly.

Mr. SMOOT. I should like to ask the Senator a question. Would he recommend the same procedure as to the development of other mineral lands, and that the Government should reserve the right to lease those as he would the coal lands? Does he recommend the repeal of the law whereby a person can take up coal lands in our part of the country?

Mr. NEWLANDS. I do, and the substitution of a leasing law. The Senator asked me whether I would apply that to all mineral deposits. I will say that I would apply it to any where there was danger of monopoly.

Mr. SPOONER. It would make some difference in applying it as to whether the article is a necessary of life?

Mr. NEWLANDS. Yes; it would make a great difference as to whether the article was an absolute necessity of life.

Mr. GALLINGER. Mr. President, I ask the Senator if he would apply that to the product known as "borax," which is a monopoly, I understand.

Mr. NEWLANDS. Yes; I would apply it to soda and to borax, and I would apply it also to the timber lands, for we are in danger of an absolute monopoly in the lumber supply of the country. We know to-day that for years the practice has existed of taking clerks and school-teachers from the great cities up to the timber lands and securing locations in the interest of great purchasers, and obtaining title, and then turning over vast areas so acquired to great corporations. This condition has existed throughout the West, and it has created a standard of morals which has resulted in the sad occurrences in Oregon, a state of morals that justifies tampering with and evading the land laws of the country, just as many women, honest and high-minded evade the tariff laws. We have so illy adapted those laws to the economic requirements of the West that they feel they are justified in evading these laws, and the result is that we

are constantly pursuing people in the West with criminal indictments who according to the public sentiment there are entirely innocent of any intentional wrong. Yet at the same time we are neglecting to reform the laws, which have made evasion necessary there in order to meet the economic requirements of the West.

Mr. President, I do not know that I have been very suggestive as to remedies. I have had but little familiarity with the subject under discussion, but my attention has just been brought to it by the amendment of the Senator from Wisconsin, and my object in rising was to direct attention to the fact that we have now a practical monopoly of the coal supply in two great coal-producing States, West Virginia and Pennsylvania; that there are tendencies toward consolidation and monopoly in other States, and that the people of the United States have still in reserve a great domain of coal and timber land which we ought to preserve for the reasonable and unmonopolized use of all the people for all time.

Mr. BACON. Mr. President, I do not desire to reopen the question of order which I suggested to the Chair, but as I find that what I stated was not sufficiently clearly stated to be understood at least by the Senators who sat around me, I desire again to state it in order that the proposition may be properly presented by myself.

The VICE-PRESIDENT. Will the Senator from Georgia suspend for a moment? The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business. It will be stated.

The SECRETARY. House bill 12707—the "statehood bill," so called.

Mr. NELSON. I ask that the unfinished business may be laid aside for the day, to remain as the unfinished business.

The VICE-PRESIDENT. Without objection, it is so ordered. The Senator from Georgia will proceed.

Mr. BACON. Mr. President, there is no question as to the rule that only two amendments can be pending at the same time to a given proposition. That is a general rule and an elementary one. There is, however, another rule which is equally well known. When two propositions are pending, one an original proposition and the other in the nature of a substitute to the other, each for the purpose of amendment is treated as an original proposition and is subject to the law of amendment as an original proposition, and not as an amendment.

Now, what is the status before the Senate of the section under discussion? Section 13 of the bill is the section under discussion. It comes from the House. The committee proposes to strike out that section and insert in lieu thereof another substantive section, covering four pages. So the matters before the Senate are in nature and are in fact an original proposition and a substitute therefor. In other words, it is not the situation of an original proposition with a pending amendment, but in the view of parliamentary law it is the same as two independent propositions, one of them the original, the other the substitute.

Now, Mr. President, in every book on parliamentary law the rule will be found laid down that when there is an original proposition pending, and also a substitute pending therefor, the body having it under consideration has the right to perfect each before a vote is taken upon either, and that in the process for the perfection of either by amendment each is taken as an original proposition and not as an amendment. In other words, the substitute when it is under consideration for amendment, although technically it is an amendment, is for this purpose not treated as an amendment, but as an original proposition, and therefore, treated as an original proposition, two amendments can be pending to it at the same time.

The rule of practice as laid down in the books is that when one, either the original proposition or the substitute, is thus perfected it will be laid aside and the other taken up and perfected in the same way, in order that the body may have before it the two perfected propositions between which it will choose.

Now, if there is any doubt about that I am prepared to furnish any amount of authority upon it as being the correct rule. I submit that this is that exact situation. It is not the case of a proposition to which there is a partial amendment proposed, but it is a case where the original proposition is proposed by the committee to be displaced and substituted by an altogether independent, substantive, integral proposition, complete within itself, and entitled to be treated as a substantive, integral proposition when we come to consider amendments proposed to it.

I thought it due to myself, Mr. President, that I should make that statement; and I am very sorry that the distinguished Senator from Massachusetts [Mr. LODGE], who stated the rule applicable to this case as one so very elementary as not to permit a doubt, is not here to hear the statement which I make in regard thereto, and as to the correctness of which, I repeat, I have not the slightest doubt.

Mr. TELLER. Mr. President, I can not allow the statement made by the Senator from Nevada as to the western country and the lawless character of the inhabitants to pass without a protest. I do not know when the Senator from Nevada went West, but I do know that he must have fallen into an unfortunate community if he gathered his facts from that community, because he does not state a condition that exists in that part of the West, at least, that I have lived in for forty-five years.

In the State of Colorado, embracing 100,000 square miles, I will venture to say there is more coal land that is not taken up and the title is in the Government than has been taken up. I will venture to say that in southern Colorado there is more coal land outside of these two great corporations that my colleague has mentioned than they own. I can name two other great companies that own coal land down there. I can name a great many individuals who own coal land.

A man can take, under the laws of the United States, only 160 acres of coal land if it is returned as coal land; and it is the duty of the surveyors when they go over it to return it as coal land if it is coal land. There are thousands and thousands of acres. He can buy that, if it is returned, by doing a certain amount of work on it, developing it, and showing that it is coal land, if it is more than 20 miles from a railroad, by the payment of $10 an acre; if it is within 20 miles of a railroad, $20 per acre.

Now, in anticipation of a railroad that is being built in Colorado, I have no doubt that within the last three years perhaps there have been forty or fifty thousand acres of coal land taken up in that State. The man who wants to take 160 acres of land files on it, proves to the satisfaction of the Government of the United States that it is coal land, and pays $10 an acre, and if the railroad should fail he will hold it, as some men have to my knowledge, for twenty-five years before he will probably sell it.

Now, there is not any complaint of monopoly of coal in Colorado. I do not speak for any other section. I think I have quite as much knowledge of conditions in Colorado as the Senator from Nevada.

I want to say, again, we have in many portions of the State more or less timber. About one-half of Colorado is prairie; more than one-half, if you take the open bottoms on the rivers in the mountains. But nearly one-half is east of the Rocky Mountains. Then we have the Rocky Mountains. Then we have the land lying along the streams, and frequently for several miles along the streams there are prairies also.

Mr. NEWLANDS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Nevada?

Mr. TELLER. Certainly.

Mr. NEWLANDS. I will state to the Senator that I have just received a memorandum, unsigned, from the gallery, making some statements regarding the Colorado Fuel and Iron Company, and I would like to read it.

Mr. TELLER. The Senator can read it now.

Mr. NEWLANDS. I should like to read it and ascertain from the Senator whether it is correct.

The Colorado Fuel and Iron Company, by itself and its subsidiary corporations, owns and controls practically all the coal fields worked at the present time in the Territory of New Mexico, and have done so for years. It also controls all the iron mines that are at present worked in that Territory or which are accessible by railroad.

Recently the Phelps-Dodge concern, which operates mines and smelters extensively in southeastern Arizona, purchased three or four hundred miles of railroad in New Mexico to reach the Dawson coal fields in northeastern New Mexico, and which this latter concern is now operating, but only for the use of its own railroads and smelters, and is not selling coal in the open market in competition with anybody. In other words, the Colorado Fuel and Iron Company controls the entire coal trade, railroad and commercial, with the above exception, of both New Mexico and Arizona, as well as northern Sonora, in Mexico.

At Gallup, N. Mex., one or two struggling independent operators are still in existence. They were shut out by the secret rebates of the Colorado Fuel and Iron Company, received from the Santa Fe Railroad Company, and out of which such a scandal and such heavy suits have recently arisen, or at least within the last year and a half.

Mr. TELLER. I am not going to say what is the condition in New Mexico. It is enough for me to deal with my own bailiwick. I understand this company does mine coal down there, but whether it mines any considerable amount or not I know but little about it. I recollect very well the scandal that came up as to a rebate that had been paid by the Santa Fe Company to this coal company. That is not a question I care to go into now.

Mr. NEWLANDS. The Senator made an allusion a few moments ago to my comments upon the morals of the West regard-

ing public lands; and if the Senator will permit me I wish to say a word on that matter.

Mr. TELLER. Certainly.

Mr. NEWLANDS. I intended no reflection whatever on the moral standards of the West. What I was contending for was that our land legislation has not met the economic requirements of the West, and whenever that is the case we always find that the law is overridden.

Now, with reference to the actual condition of morals there, let me give as an illustration an instance which occurred to me recently. The Senator knows that under the homestead law it is necessary to state, I believe, under oath, is it——

Mr. TELLER. Yes.

Mr. NEWLANDS. That the applicant intends to use the lands as a homestead. He is compelled to live on those lands for five years and then he gets title without the payment of anything; but he can commute, if he chooses, I believe, after fourteen months by the payment of a dollar and a quarter an acre.

In going out over those great ranges I have have ridden with "buckayros," as they are called—"vaqueros" sometimes by others who ride on those ranges—and they have told me just as a matter of fact that they had made entries for the owners of property of such homesteads with the intention of having a nominal residence there, and it is very apparent that they had simply a nominal residence for fourteen months, and then turned the title over to the owners.

Recently I met in the Orient an eastern man, a man of the highest reputation in the East, who has very high standards of integrity and who is regarded as one of the leading men in reform. He told me that he had acquired a very large ranch in the West. I asked him how he had acquired it. "Well," he said, "it was rather limited at first, but we gradually enlarged it. We got our cowboys to make entries under the homestead act, and so forth, and in that way we got title," I said to him: "Did you know that you have been following there the practices that have secured convictions of two or three people in recent trials?"

Now, that shows what a condition of indifference there was.

Mr. TELLER. That was out in Nevada?

Mr. NEWLANDS. No; it was not in Nevada. I will not mention the State because I do not wish to be invidious, but it was not in Nevada. What I say is, that the West has practically administered the land laws itself.

Mr. TELLER. I suppose I may fairly presume that when the Senator was riding with people who said they had been infringing the law, that was probably in Nevada.

Mr. President, I was saying that we have timber in Colorado. We have very little commercial timber in Colorado. There may be occasionally a piece of land taken for the timber under the preemption act, or it may be under the homestead act, but there never has been any large aggregation of timber land in Colorado. I do not know that I have ever heard any complaint about it, nor have I heard any complaint about the coal land.

Mr. President, the Senator from Nevada wants to introduce a new system for the Government of the United States. It has been coming on for some time. I know some people who think that the Government of the United States ought to run all the farms, or if the General Government can not do it that the State ought to do it.

Up in the Northwest, only two or three years ago, I met a very intelligent person who had emigrated from the East out West, and he coolly told me that he thought if the wheat fields of that great State of Idaho were only under the control of the United States they could raise better wheat and more of it and cheaper than the individuals could, and he was anxious to turn over everything to the Government.

The Senator wants the Government to retain this coal land, and then lease it out. I do not think I need say to the Senator that I should have to find authority for the Government to enter into that business, but the Senator is satisfied that the Government can do anything it wants to do. I am not quite up to that standard, Mr. President. I have an idea that when the Government held this land, it did not hold it as the owner of 160 acres of land holds it for his benefit. Nor was it expected that the Government of the United States would ever enter into the farming business or the timber business. The Government of the United States started out in the beginning with the idea that the land was to be occupied by the people and not held by the Government. Does anybody here believe that we would be in a better condition to-day if the Government should hold this land and lease it out? Mr. President, a man must be ignorant of the history of this country who would say that it would have been better to have kept the title in the Government and not have had it in the individual. The halcyon day will come to the West when the Government shall no longer put its hand on our land, when every acre of land everywhere will be in private ownership.

Mr. President, by this insane notion that the Government of the United States must hold these lands for unborn generations, we have now in the State of Colorado one-fifth of the entire State tied up by forest reserves, so that no settler can go there—thousands and thousands of acres of land which ought to be under cultivation.

Mr. President, when there had not been a surveyor's chain in the State of Colorado, I once saw men brought before a United States court charged with unlawfully cutting timber on the public land. After their prosecution had proceeded for some time, the judge sitting there said, "Why, gentlemen, while the law may say these men can not cut timber on the public lands, the Government has said they might come here, that they might live here; and the timber in this desk behind which I sit was cut in violation of law; the church on the corner of the street was built of timber cut in violation of law, and do you mean to say, Mr. Prosecutor, that I must send these men to the penitentiary because, there being no way that they could cut timber and not infringe upon a law that had fallen into disuse—do you mean to say that I must send them to the penitentiary?" The prosecutor said he did. The judge, exhibiting the sense which is usual with American judges, said "I dismiss this case." And when they appealed here to Washington the authorities here said to that district attorney, "You must not prosecute any more of those people;" and we cut that timber, Mr. President, and we built up a community which alone has sent into the circulation of the world a billion dollars of gold and silver since 1861.

For fifteen years or more, Mr. President, we had to cut timber in violation of law or leave the country. It was only when the State got representatives in this Senate that it was able to secure a law which would enable a man to cut timber without violating the old statute that had fallen into disuse and which was enacted originally for the purpose of protecting ship timber and not protecting other timber on the public domain. There would have been no population west of the Mississippi River if that statute had been put into full force and operation.

Mr. President, the title to land in the State of Colorado may be in the Government of the United States, but by a law that has been applied everywhere it belongs to the people of that State; and the time will never come when the Senator will see the Government of the United States degrade itself to become the owner of coal mines any more than he will in a few years, when we shall have aroused public attention to the matter, see the Government cutting and selling timber to the settler at 25 cents a cord or 50 cents a cord, as some irresponsible agent of the Government may think it should and as they have been doing.

Mr. President, from the time the Pilgrims landed on the shores of New England they claimed the right to go upon the public land, and they claimed the right to get title to it, and though the King of Great Britain gave the land out in great tracts and the Dutch King did the same in the region which is now New York, yet in time it all passed into private ownership. Such ownership has been the strength and glory of the great mass of the people, and the fact that the people owned the land upon which they live and that nobody could make them afraid has made the country rich and great.

Mr. President, the people of the West are as law-abiding as any people in the world; they have exhibited as high a state of morals as has been exhibited by any other people in the world. We in the West are not vagabonds. We have, Mr. President, I venture to say, in the city of Denver more men and more women who have been graduated from eastern colleges than can be found in any New England city of the same size.

Mr. President, we of the West have made a great community. Within nineteen States west of the Mississippi River we have got at least one-fifth, nay, more than that, one-fourth of the population of the country. We produce more than one-half the wealth that comes to this country by exportation of agricultural products from the States which lie west of the Mississippi River, which may be called "Western States." We have produced immense wealth in the form of gold, silver, copper, and lead, and we claim the right to own the lands there and not to have them farmed out for the profits to be distributed elsewhere. Those lands belong to us, and I want to say to the Senator from Nevada that we shall see to it that they come to us and to nobody else.

Mr. NEWLANDS. Mr. President, I quite agree with the Senator from Colorado [Mr. TELLER] that the United States Government holds this vast public domain in trust. All I con-

tend for is that that trust should be for home seekers and not for monopolists.

The land laws of the United States are to be commended in so far as they turn Government ownership into private ownership for the purpose of securing individual homes to the settlers in the West. They are wise in that they promote the development of the mines that produce the precious metals; that they stimulate enterprise and energy and courage in searching for those metals which constitute the money supply of the world, the medium of exchange upon which all commerce is dependent. They are wise in so far as they develop the natural resources of the West in the interest, not only of those localities, but in the development of the wealth and population of the United States; but I contend that they are not wise where economic necessity compels their evasion. They certainly were not wise in the instance which the Senator from Colorado presents, where a person going upon public lands for the purpose of securing wood for fuel or timber for building his house was subject to prosecution for theft. The Senator, therefore, admits in that very statement that the laws themselves were defective.

The laws are not wise in so far as they have provided for a home of only 160 acres, for we realize that while 160 acres of valley land in a humid region may support a family, 160 acres in the arid region will not support a family. We know that they were unwise in not permitting considerable areas to be put under one reclamation project, so that an entire tract could be irrigated and after irrigation divided up into small tracts and turned into individual homes. They were wise in so far as they allowed a single individual to get title to a small area of timber land for the purpose of erecting a sawmill and supplying the neighborhood and the market with lumber. They are not wise when they permit a million acres of that land to be concentrated in the ownership of a single corporation. Such ownership may not be limited to a million acres, for by combination among these various companies the entire timber region of the West may ultimately fall under the control of one corporation.

I stand for individual homes in the West; I stand for the protection of the individual home seeker, and I stand for a policy which will give to him at a reasonable price the necessities of life. What is one of the great necessities of life in this climate? Coal, that warms the house and cooks the food; coal, that furnishes power for all the varied machinery of production; and it is essential to the home seeker that coal should be secured at a reasonable price. It is the duty of the Government, which now owns this vast public domain, to see that those great coal deposits are preserved in such a way as to protect the rights of the home seeker and of the home maker.

Mr. McCUMBER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Nevada yield to the Senator from North Dakota?

Mr. NEWLANDS. I do.

Mr. McCUMBER. I simply want to ask the Senator if he can recall a single instance where the production is cheaper or is even as cheap or as reasonable under Government ownership as under the private ownership of the greatest trust or combination that ever existed?

Mr. NEWLANDS. No; I can not. I have not looked into that matter. My proposition does not involve Government production, let me say to the Senator.

Mr. McCUMBER. But it involves the principle, does it not, of the Government leasing of coal lands?

Mr. NEWLANDS. Yes.

Mr. McCUMBER. And the Government leasing of coal lands necessarily presumes lessees, it presumes laborers?

Mr. NEWLANDS. Yes.

Mr. McCUMBER. And Government control of that would be influence by combinations of laborers who are in the coal mines, and who would elect their Senators and their Representatives to represent them for higher-priced labor; and would not the result inevitably be, under any system of Government ownership, that everything would cost the people more than it possibly could cost them under any system that we have ever known?

Mr. NEWLANDS. I do not think so. What does the Government ownership of these coal lands imply? That the Government itself shall run the coal mines? Not at all; but that the Government, under wise restriction, shall lease these coal lands to the coal operators for a sufficient time and in sufficient quantity to warrant private capital in putting up the necessary works.

What does the Government receive? It can demand, if it chooses, a royalty, small or large. I presume, with a view to making coal as cheap as possible, it would make that royalty very small, probably only sufficient to make that property yield to the State in which it is situated an amount equal to the taxes on the property if in private ownership. It would lease these lands, not for the profit of the United States, not that the income should go into the General Treasury for the benefit of the entire people, but for the purpose of providing a fund to be turned over to the State and which would be a substitute for the taxes paid on these lands if in private ownership, and that only. The taxes on these lands in private ownership would, of course, increase the price of coal to the consumer, for every cost to the operator must be reflected in the price of coal itself to the consumer; but if the royalties demanded by the United States Government should only equal the amount of taxes, I ask how can the price be increased to the consumer?

Mr. FULTON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Nevada yield to the Senator from Oregon?

Mr. NEWLANDS. Certainly.

Mr. FULTON. The Senator says, as I understand, that if taxes were levied upon these coal lands it would increase the price of coal to the consumer.

Mr. NEWLANDS. Yes.

Mr. FULTON. And he proposes to avoid that by having the coal miners pay a royalty to the Government and letting that royalty go back into taxes.

Mr. NEWLANDS. To the State.

Mr. FULTON. After they paid that royalty, would not that increase the price of coal to the consumer just the same?

Mr. NEWLANDS. Just the same, as I have stated.

Mr. FULTON. Therefore, where is the advantage?

Mr. NEWLANDS. Recollect that when the coal lands are in private ownership there is no restraint or control over the owner as to the price which he shall charge for his coal unless you adopt general sumptuary laws throughout the United States and fix by law the price of coal. Otherwise, he has the right to charge whatever he chooses—whatever he can get.

Mr. FULTON. I should like to ask the Senator a question.

Mr. NEWLANDS. Certainly.

Mr. FULTON. The Senator made a statement a few moments ago that he had no objection to 160 acres of timber land going to an individual in order that he might erect a sawmill and engage in the manufacture of lumber. Does the Senator think that a sawmill would be erected and put in operation by a man who only had 160 acres of land to supply it, and pay a royalty on it as well?

Mr. NEWLANDS. It certainly could be in some cases. As to whether or not 160 acres could be as economically developed as a thousand acres, I am not prepared to say. It would depend upon the location of the 160 acres.

Mr. FULTON. The Senator is speaking about getting these products to the people as cheaply as possible. Does not the Senator know that a large sawmill, constructed with all modern appliances and a large area of timber from which to draw, can supply the people much more cheaply than a little one-horse mill running on 160 acres of timber?

Mr. NEWLANDS. Will the Senator answer me a question there?

Mr. FULTON. I will if I can.

Mr. NEWLANDS. That is, whether it is necessary for a single corporation to own a million acres of land in order to produce lumber economically?

Mr. FULTON. I do not place any limit. I do not say whether or not it is necessary to own a million or a half million acres, but I do say that it is necessary to have a large area of timber land supplying a mill in order that the mill may be run economically.

While I do not wish to take any of the Senator's time to discuss this question, I want to suggest this: A great many people who live in the mountains or out on the prairies are in the habit of talking about timber land. The Senator, I believe, resides in Nevada. I have never heard that that State was a largely timbered region, and, perhaps, he is not as familiar with the conditions that are necessary to develop the lumber resources as are people who live in the timbered region. I suggest that it would be very proper, at least, for the people who are proposing to regulate the sale of the public domain to consult, to some extent, as the Senator from Colorado has said, the people who live where these lands are held, who are interested in the development of those sections of the country, who have studied those problems, and perhaps have reached as fair a solution regarding them as those who live thousands of miles away, who solve them by theories.

Mr. NEWLANDS. I quite agree with the Senator from Oregon that the people who live in the region where timber is produced are to be consulted with reference to the economic devel-

opment of the country in which they live; but I think that people who live outside of those regions are also interested, particularly where it involves a matter so essential to convenience and comfort and even to life itself as the use of lumber. I do not share in the view of the Senator that only those who live in the timbered regions know about timber. I lived for a long time in California, where there are great areas of timber land, and I had some familiarity with timber lands there. I live in Nevada, and there, on the eastern slope of the Sierra Nevadas, we had very extensive ranges of timber, but under unwise timber laws those timber lands were taken up, the mountains were absolutely denuded of the forests, and the Comstock became what was called the "Grave of the Sierras."

That timber was absolutely essential to the great mining development of the Comstock, but the cutting of that timber could have been conducted in such a way as to have produced just as substantial results and yet have preserved the forests for all time as a constantly continuing source of prosperity; but under unwise timber laws those mountains are bare to-day, no longer producing lumber and no longer affording the shelter for the snow, that natural reservoir of water, holding it in suspense until the hot season comes and then letting it out, as required, upon the fertile but arid plains below. So that I have some knowledge and I have some experience, although I come from a State whose scanty timber reserves were destroyed under unwise timber laws. Had the forest laws of to-day been applicable then these forests would have been preserved, the mature timber only being cut, and the young growth constantly protected until maturity was reached.

The Senator asks, Can it be possible that a lumber enterprise can be conducted on 160 acres of land? It might be possible if the land were favorably located and the timber upon it were sufficiently thick, but I do not contend that in all cases 160 acres is sufficient for the proper and economic development of the lumber industry.

I want to preserve that industry as a competitive industry. If we are to let these lands drift into private ownership, I am willing to allow the units of ownership to be sufficiently large to accomplish the greatest economical development of that industry consistent with the maintenance of competition; but I am not willing to permit those lands to drift, as they are drifting and as they have drifted, into concentrated ownership, prolific of that monopoly which is the prevailing curse of the country to-day, and I think it would be much wiser for the Government to retain the fee of the timber lands and to sell the stumpage at reasonable rates and in such quantities as will not recklessly waste the forest supply. I insist upon it that the statesmen of the West ought themselves to be the leaders of this reform regarding the lands of the West. They can inaugurate methods here which will be more potential in building up those Commonwealths than the present system. We must be candid with ourselves and recognize that abuses exist—abuses that ought to be cured.

It is said this means Government production and the Government going into business. Not so; it simply means that the Government retains the land containing these great coal deposits for the demands of the future, not for the purpose of making money out of them, not for the purpose of securing profits, but for the purpose of protecting the entire people of the United States against monopoly and extortion. Does the Senator contend for a moment that a great company, having obtained the privilege of cutting the mature timber on public timber lands, by the payment of reasonable royalties in the shape of stumpage, can not accomplish the economic development of the lumber industry just as well as if it had private ownership of the land itself?

Mr. FULTON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Nevada yield to the Senator from Oregon?

Mr. NEWLANDS. Yes.

Mr. FULTON. I wish to ask the Senator a question; but first let me premise my question by this statement: The Government to-day has withdrawn in the timber States of the West practically all of the timbered lands. In the State of Oregon there is withdrawn to-day for forest reserve purposes over one-fifth of the entire area. The Government is proposing now to sell, as the Senator knows, and in many instances is selling the timber without any limit as to the amount that one person can take individually to log and to manufacture into lumber.

Will the Senator tell me that it is any less of a monopoly for the Government to put the lands in reserves and thus prevent them from contributing to public charges in the way of taxes and from sustaining the public by the way of paying taxes, than it is to allow one individual to take just as much timber or just as wide an area of timber as he may see fit to pay for and take? I ask the Senator if a monopoly does not exist just the same so long as he controls the timber, whether he owns the soil and fee simple title or not? Does not the monopoly exist in the control of the timber, and is not the Government, by the system that it is pursuing to-day, giving the same monopoly that the Senator is complaining of? And yet, mind you, all of that land is withdrawn from private entry and from private sale and purchase. It does not contribute a dollar in the way of taxes to sustain the public; it does not contribute anything toward the public burden. Men may not go on there and enter it for homes.

The Senator says he is in favor of building up homes. So am I. I believe that the public domain was intended to be used for the purpose of providing homes for settlers. I do not believe it was ever intended by the founders of this Government that it should be withdrawn and withheld permanently from private entry and private purchase and sale. I submit to the Senator that it is immeasurably better that this land should be held in private ownership, even though it be held in large bodies, than that it shall be reserved permanently by the Government and sold at public bids, without reference to the quantity that one may purchase or one may secure over which he may exercise control. The monopoly that the Senator is talking about is not being prevented or lessened by this policy he is supporting and the policy against which the people of the West are complaining.

Mr. NEWLANDS. Mr. President, the Senator inquired whether monopoly under a lease can not be as bad as monopoly under ownership. I answer yes, if the monopoly under lease is permitted. The difference between the two is that monopoly under ownership can not be prevented by the General Government, for it is not a party in interest. Monopoly under lease can be prevented, because the Government can so shape the lease as to the area leased, and by proper restrictions and limitations in the lease itself, as to absolutely prevent monopoly.

Mr. FULTON. Permit me to call the Senator's attention——

Mr. NEWLANDS. Let me make a complete answer to what the Senator has said. Let me say further to the Senator that if monopoly exists to-day under the present system of the control of the forests of the country by the Department of Agriculture, my answer is that we can easily cure it by legislation, for the lands are the public lands, and I will cooperate with the Senator in such legislation. The Senator complains because large areas——

Mr. FULTON. Mr. President, will the Senator permit me to make a suggestion right there?

Mr. NEWLANDS. The Senator had the floor quite a while, and I ask permission to make my reply continuous.

The VICE-PRESIDENT. The Senator from Nevada declines to yield.

Mr. NEWLANDS. I will yield to the Senator in a moment.

The Senator complains that the Administration, acting under the authority of law, recollect, is now making large reservations in the West. I claim that, even though the injury may be a temporary one, it is wise to do that in order that the Government may catch its breath. We have been going along headlong in this movement for transferring to the hands of monopoly the domain of the entire people. I do not complain of that part of the land laws which puts the public domain into the private ownership of individual home seekers and home makers. On the contrary, I advocate it and I would seek to perfect it.

Mr. SMOOT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Nevada yield to the Senator from Utah?

Mr. NEWLANDS. Certainly.

Mr. SMOOT. I wish to say, Mr. President, that I do not understand the rule of the Department of Agriculture as it has been stated by the Senator from Oregon. I understand that the supervisor of a forest reserve can sell to an individual $100 worth of timber within the reserve without an advertisement, and then if it is more than $100, and not to exceed $500, they have to advertise at least sixty days. I can not see why the Senator from Oregon asked the question as to the Department selling great tracts of timber, when the rule of the Department, as I understand it, does not allow it.

Mr. FULTON. If the Senator from Nevada will permit me to do so, I will explain.

Mr. NEWLANDS. Certainly.

Mr. FULTON. The Senator from Nevada was talking about the monopoly that was secured by the entry of timber under the land laws permitting private entry. I said so far as the monopoly in timber is concerned the same monopoly could be secured under the present administration of the Bureau of Forestry, because there is no limit to the amount of timber that one individual can secure. The Senator is mistaken if he thinks there is. There is absolutely no limit, and they are selling it to individuals without any limit. I know that to be a fact.

Mr. SMOOT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Nevada yield to the Senator from Utah?

Mr. NEWLANDS. Certainly.

Mr. SMOOT. All I can say is that, as far as the State of Utah is concerned, the supervisor of any forest reserve has only authority to sell $100 worth of timber to any one single individual.

Mr. FULTON. Without advertisement.

Mr. SMOOT. Without advertisement; and when that $100 worth of timber is cut into lumber, then and not until then can the supervisor sell to him another $100 worth. If he desires more than $100 worth he has to advertise for sixty days. The $500 worth of timber is sold to him, and that has to be cut and used before he can advertise for another $500 worth. That is the rule of the Department, as far as our State is concerned.

Mr. NEWLANDS. So that, as I understand it, the administration of the Department is not tending toward the creation of monopoly; but whether that be so or not, I contend that if we reserve these great coal deposits——

Mr. FULTON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Nevada yield to the Senator from Oregon?

Mr. NEWLANDS. I will yield in a moment. If we reserve these great areas of timber land and provide a system for leasing or sale of stumpage, Congress itself can, in the law authorizing it, absolutely prevent monopoly, and if monopoly is sought to be accomplished under the lease, the lease can be made in such a way as to prevent it in the future.

Mr. FULTON. The Senator says he understands the Department is not creating a monopoly. The Senator from Utah explains the rule governing forestry as regards forest reserves in Utah; but that is not the rule that is in force in other States—in Washington and in Oregon. The Senator from Idaho [Mr. HEYBURN] had a provision attached to the last agricultural appropriation bill, I believe, restricting the sales in Idaho. I will ask the Senator if I am not correct?

Mr. HEYBURN. Preventing them.

Mr. FULTON. Preventing them, in Idaho.

That applied only to Idaho. But what I call the Senator's attention to is the fact that it requires constant legislation. Does the Senator think he can prevent this by the present system or by a system of leasing? He will find there will constantly be required new legislation and other legislation. What I contend is that it is a wise policy to sell the lands that are fit for private ownership and keep them subject to private entry and sale and let the people get hold of them and get the titles. Then you can deal with monopolies by general law, and regulate those questions at the proper time; but I am opposed to the theory and the policy of retaining in the public ownership wide areas of public lands. I believe it is not the best policy. I believe it is not conducive to the best public interest and the welfare of the people. That is my position.

Mr. NEWLANDS. Mr. President, I understand the position of the Senator from Oregon, and I have no doubt he is well intentioned in taking that position and has a proper regard for the welfare of the community in which he lives and of a great part of the United States. All I can say is that I differ with him in his views, and I have endeavored, in my feeble way, to present my reasons for that difference.

I believe that if the men of the West themselves will determine to enter upon the consecutive study of these land laws just as we did upon the study of the irrigation question—through a select committee outside of Congress, composed of senators and representatives of each State and Territory—we will, in the end, reconcile our differences, and we will present to the people of the entire country a scheme of legislation such as was presented in the irrigation act, which will absolutely stand as a barrier against a monopoly of any kind and which will preserve this great domain for the home seekers and the home makers.

Mr. LA FOLLETTE. Mr. President, the discussion has broadened a good deal beyond the questions raised for the consideration of the Senate upon the amendment I offered.

I have been much impressed with one thought that seems to run through the discussion on the part of every Senator who has risen here to speak to the question. Every Senator has said he is in favor of accomplishing the purpose of the amendment. Each one has recognized the importance of the question. Each one has declared that the amendment goes too far.

I beg to bring the attention of the Senate back again to the practical question with which this amendment proposes to deal. What will it avail to adopt a provision here rendering it impossible or unlawful for any railroad company to acquire title in coal lands if you leave the condition with respect to the control just where thirty years of experience in Pennsylvania and many years of experience in West Virginia demonstrate the utter folly of such legislation?

I ask again to remind Senators of the quotation made from Governor Dawson's letter. It is plain that in West Virginia they have such a statute as Senators here say should be adopted, a statute preventing railroad companies from acquiring title or ownership in coal lands. It is plain they have such a statute there, but it is equally plain that the railroad companies have secured control through the stockholders acquiring the title and managing the coal companies for the railroad companies.

Mr. KNOX. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Pennsylvania?

Mr. LA FOLLETTE. Certainly.

Mr. KNOX. I wish to ask the Senator a question for my own information so that I can vote intelligently upon the amendment, the principle of which, to my mind, is a sound one, namely, that railroad corporations should be kept to their legitimate business of carrying freight and passengers. If a young man in the State of Maine, for instance, upon the division of his father's estate receives in the distribution ten shares of some railroad in the State of Maine, and then goes off to the Indian Territory for the purpose of seeking his fortune, and there discovers that a private corporation is engaged in mining coal on land acquired under the provisions of this act, and for the purposes of investment and without having anything to do with the management, direction, or control of this corporation, he purchases a share of stock in that corporation, is that property to revert to the United States? Is that one of the purposes of the amendment, or is that the legitimate construction of the amendment?

Mr. LA FOLLETTE. I am inclined to think it is, Mr. President; but I believe that this question is big enough and its importance to the people of the country is great enough to deny to individuals, here and there, even where it may involve hardship, the right of investment in stocks such as has been suggested here. Any New England son making his way to the West and investing his money there invests it with notice of what this law is, if this amendment is adopted.

Mr. HEYBURN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Idaho?

Mr. LA FOLLETTE. Certainly.

Mr. HEYBURN. I would premise by saying that I have much sympathy with the purpose the Senator has in view, but I would like to understand, in regard to the reversion of the title to the United States, whether or not if a party, disqualified by reason of being a stockholder in a railroad company, were to acquire an interest in a coal company in the nature of stock, what would revert to the Government, the stock or the title? That analysis of the question puzzles me somewhat.

Mr. LA FOLLETTE. I do not know that I rightly understand the question of the Senator from Idaho.

Mr. HEYBURN. Perhaps I can state it more precisely. The amendment, as I understand it, provides that an interest in coal lands acquired in violation of the restrictions of the amendment would revert to the Government of the United States.

Mr. LA FOLLETTE. Yes.

Mr. HEYBURN. Suppose that interest was represented by stock; what would revert?

Mr. LA FOLLETTE. The title to the land reverts.

Mr. HEYBURN. What title? Because the title is in the corporation, and it would not be fair to carry the title of all the innumerable innocent holders in the corporation back to the United States for the sake of punishing one man. That is a difficulty I would be very glad to have the Senator explain.

Mr. LA FOLLETTE. I frankly confess that that raises a question to which my mind has not been before addressed, and at this moment I am not prepared to answer it. I know of no other way of reaching this question except by requiring that the title should revert. I believe that a recital in the deed, when the conveyance is made, providing against the ownership by one holding or acquiring stock in a railway company or anyone an official of a railway company or thereafter becoming an official, is the only way to reach this question.

It may be that an amendemnt providing that it should not be possible for one to acquire any valid holding in stock would reach that proposition.

Mr. HEYBURN. Then, Mr. President, I will suggest further this inquiry to the mind of the Senator: Where would the title that this party was incapable of taking rest? One man has

sold it and received his money for it. Now, where would it go?

Mr. LA FOLLETTE. I do not understand the question asked by the Senator from Idaho.

Mr. HEYBURN. It would either have to remain in the party who thought he had sold it and had not because of the prohibition against the purchase of it, or it would be forfeited, perhaps.

Mr. LA FOLLETTE. I think I understand the question now; and it seems to me——

Mr. HEYBURN. If the Senator will pardon me a moment, Mr. President, I am not suggesting these questions for the purpose of embarrassing the question or the Senator.

Mr. LA FOLLETTE. I appreciate that.

Mr. HEYBURN. But this is the time to foresee all the possible difficulties.

Mr. McCUMBER. I simply wish to have the Senator from Wisconsin elucidate his proposition on just one line.

Mr. LA FOLLETTE. I will if I can do so.

Mr. McCUMBER. As I understand the amendment, it provides that neither a railway company nor any person owning any stock in any railway company can purchase coal lands. Is that correct?

Mr. LA FOLLETTE. I think that is the amendment.

Mr. McCUMBER. Then suppose a person is the owner of 160 acres of land, and, not having any stock in any railway company, he is to-day entitled to the land. To-morrow he either inherits stock in that company or purchases stock in the company. What becomes of his land? Does it revert to the Government? He has done no act to sell it in any way. Does it simply revert to the Government by reason of his falling heir to some stock in a railway company or by reason of his purchasing stock in such company?

Mr. LA FOLLETTE. I think he would not, under the law, be able to acquire any right or title to any stock in a railway company that was engaged in transporting coal in that Territory.

Mr. McCUMBER. Suppose he gets it through inheritance or by a will, could we provide that he could not receive any such property? Would not a provision of that kind, if we attempted to make one, be absolutely unconstitutional and an interference with the laws of the State?

Mr. LA FOLLETTE. Mr. President, it is possible that there are provisions embraced in this amendment which would be held by the Supreme Court to be unconstitutional. But I say that this question can be reached according to the demonstration made in Pennsylvania and West Virginia in the last generation of time in no other way, and I for one am anxious to take the opinion of the Supreme Court upon these questions and find out where we may legislate and in what way we may deal with this important matter.

Mr. McCUMBER. I simply wish to say to the Senator that while I may not be one of those who agree with his entire proposition as contained in this amendment, I think we can all well agree that a common carrier should be engaged exclusively in the business of a common carrier and no other business; but I would not wish to say that a person who happens to own stock in a common carrier, though it might not be $20 worth or $40 worth or $100 worth, should not own any other property in the United States of any kind and character—that he can not own anything else. But I rose only to see what would become of the title in the case I mentioned.

Mr. LA FOLLETTE. In answer to the last suggestion made by the Senator, I would simply say that he apparently recognizes, as everybody else does, that this question must be dealt with in some way to prevent the control by the railroad corporations of this country of the coal lands of the country, and yet he must know that a law which simply prohibits railway companies from becoming the owners of coal lands does not reach the question.

Mr. BACON. Will the Senator permit me right in this connection to make a suggestion?

Mr. LA FOLLETTE. Certainly.

Mr. BACON. The objection of the Senator from Wisconsin to the holding of coal lands by a stockholder of a railroad I presume is predicated upon the assumption that such a holding would necessarily be in the interest of the railroad, and thus defeat the purpose of the restriction which is sought to be placed upon the railroad as to holdings.

Mr. LA FOLLETTE. I think that is the history of such holdings.

Mr. BACON. That is the assumption upon which the Senator acts, and, as he says, that assumption is borne out by history. He is absolutely correct in that.

Of course the manifest hardship of prohibiting anyone who is a stockholder in a railroad from holding other property is one which commends itself to every man. The Senator himself recognizes it, and is unable to find a way in which that hardship can be avoided and at the same time this great evil eradicated.

I wish to suggest to the Senator, as I can not, under the ruling, offer an amendment, a modification which possibly he may be able to make, either now or at some other stage of the consideration of this measure, which may accomplish his purpose and at the same time avoid the great hardship which suggests itself to all Senators. I suggest to the Senator in the first line of his amendment, after the word "company," to insert the words:

Nor any person in the interest of said railroad company.

Or, if he chooses to make it broader—but of course we all understand that under the decisions of the courts "persons" embraces "corporations"—he may say "nor any person or any corporation in the interest of said railroad company;" so that it would read this way:

That no railroad company nor any person or corporation in the interest of said railway company shall acquire any right, title, interest, etc.

Then I would suggest to the Senator, in the subsequent part, after the semicolon in the third line, to add these words to make it as emphatic and as comprehensive as possible, following the word "sale:"

And said prohibition—

That is the prohibition contained in the proviso of the Senator previously recited—

And said prohibition shall extend to any person, corporation, or organization in the interest or under the control of said railroad company or other common carrier, either as agent, trustee, representative, or in any other capacity; and every contract or arrangement or device which may have the effect to give or secure, either directly or indirectly, any railroad company or other common carrier engaged in transporting coal from said lands shall be illegal and void.

Now, the purpose of that, Mr. President——

Mr. LA FOLLETTE. Allow me to ask the Senator with reference to the last proviso, what modification he suggests there?

Mr. BACON. I would prefer to deal with those as two independent propositions, because the Senator will recognize the fact that they are absolutely separate and distinct in the principles by which they are to be controlled. In the one case there is the great principle for which the Senator contends, and for which I think he correctly contends, which I understand to be the principle recognized by the Supreme Court of the United States, that a common carrier engaged in the transportation of coal should not have the opportunity to deal in coal or to compete with those who are engaged in the production of coal.

That is one great proposition; but the question as to whether any corporation shall hold over a certain amount of coal lands rests upon an altogether different principle, and a Senator might be in favor of one proposition and not of the other. For that reason I would prefer to deal with those two separately.

Mr. LA FOLLETTE. I did not have reference to the proposition limiting the holding, but to the last proviso of the amendment.

Mr. BACON. I beg the Senator's pardon. That brings me to some comment upon inquiries which have been made of him as to what should be done in case this rule was violated. I would say that I would not favor forfeiture. I do not think that is in accord with the spirit of our laws.

Mr. SPOONER. We can not hear on this side what the Senator says.

Mr. BACON. I say I would not favor a forfeiture or a reversion. I do not think that is necessary for the accomplishment of the design, nor is it in harmony with the general spirit of our laws. There are frequent occasions where the law prohibits certain holdings by certain parties in certain interests, but it does not forfeit those holdings. Upon proper appeal to the court the law is complied with by requiring that those holdings shall be surrendered, not that the value of them shall be forfeited, but that the right to hold shall be taken away and that the party shall have the equivalent.

It strikes me that all of the suggestions which have been made here by Senators as to particular cases of hardship which would arise are met if that particular part of the amendment of the Senator is changed; if they are simply prohibited, as in the amendment which I suggested to the Senator. It seems to me that that is sufficient and for this reason: I will take an illustration. Suppose a railroad company, or some one in the interest of a railroad company, by some device were attempting to hold these coal lands for the purpose really of advancing the private scheme of the railroad company in the production of coal and in the transportation of coal to the utter destruction of all others, and it should see fit to compete in the production of coal. When the matter was brought before the court, if the court should de-

termine that it was an illegal transaction, the court would not forfeit the property.

The railroad company would simply be required to surrender the stock, and under proper processes and through proper means that stock would be sold, and the railroad would be given the value of it, of course, and some person would necessarily be the purchaser of it the holding by whom would not be prohibited by law.

Therefore, I make this suggestion to the Senator. While I can not offer it as an amendment, and I do not know that it is a matter to be disposed of to-day, I will take the liberty of handing it to him, and I suggest to the Senator that his object can be accomplished, in my judgment, without the drastic provisions which the Senator has thought necessary in order to accomplish it.

Mr. McCUMBER. Mr. President——

Mr. BACON. If the Senator will pardon me just a moment——

Mr. McCUMBER. Certainly. I was only going to ask a question.

Mr. BACON. In other words, I do not think it necessary to say that no stockholder in a railroad company which is engaged in the transportation of coal shall be permitted to hold title to coal lands, because, as I formerly said, the purpose is to prevent the railroads from having the benefit of it. Therefore, if we have a particular prohibition against any person, natural or artificial, from having title or interest in these lands in the interest of a railroad company, it is the accomplishment of the purpose without that drastic and, as I conceive, unduly harsh provision of law. Now I will be glad to hear the Senator from North Dakota.

Mr. McCUMBER. The question I was going to ask the Senator is only this: Does the Senator feel that there is no constitutional inhibition against the power of Congress to say to the citizen of any State, "You can not purchase such property without forfeiting or being compelled to sell other property?" Can we as a Congress provide a law that a citizen of the State of Georgia, holding stock in a railway company, can not also buy stock in a mining company or buy a mine itself? Is it certain that we have that power?

Mr. BACON. I do not know that I need follow the Senator through the tortuous line of his question, but I can make a more direct reply by saying that we are dealing exclusively here with the question of the disposition of property within a Territory and not within a State, the right to sell which and to prescribe the terms of the sale of which does rest in the sovereignty of the United States and does in no manner relate to the question of the right of the United States to prescribe upon what terms property shall be sold in a State, or who shall hold property in a State, or what citizen of a State or upon what conditions the citizen of a State can hold property. The United States undoubtedly has the right to prescribe the terms upon which this property shall be sold, and when that is said it seems to me the whole thing is said.

Here is a valuable property, and it is conceded—we are conceding it in proposing to legislate about it—that the United States Government has a right to prescribe the terms upon which the sales shall be made. Although the direct title may not be in the United States, we have the same power to deal with it as if it had. It is in the same manner that a private individual anywhere can sell property and, by certain stipulations, control the question as to what disposition can subsequently be made of that property by the vendee—as to what particular class of persons can hold the property.

Mr. McCUMBER. In this case, I want to say to the Senator, we are not dealing even with property that belongs to the United States. The title of that property is in Indian tribes.

Mr. BACON. Yes.

Mr. McCUMBER. We have only a reversionary interest in case the tribe becomes extinct. Now, following our duty to dispose of this land for the benefit of the Indians of the tribe, can we place any such inhibition upon the same, even in a Territory?

Mr. BACON. The Senator's inquiry goes much further than the particular suggestion which I am making. The Senator's inquiry is one which leaves in doubt our right. Of course we had better decide that before we legislate about it at all.

Mr. McCUMBER. I say we have undoubtedly the right as trustees to sell under our treaties and agreements.

Mr. BACON. It is assumed that while this is the property of the Indians, it is property they can not sell, but the sale of which and the terms upon which it is to be sold are subject entirely to the control of Congress.

Mr. KNOX. May I ask the Senator from Georgia a question?

Mr. BACON. Certainly.

Mr. KNOX. I should like to know if the purpose of his suggestion of modification would relieve this difficulty, which is the main one with me. These coal lands get into the hands of a coal company in the Indian Territory who seek to develop them.

A man who happens, either by purchase or inheritance or in any other way, to own any stock, no matter how little, whether it be one share or a controlling interest, in a railroad company in the Territory which hauls coal away from those lands is prohibited by this proposed law from acquiring any interest whatever in the coal lands, which would, of course, cover the purchase of a part of the capital stock of the corporation which is operating the coal lands. Now——

Mr. BACON. I will state to the Senator——

Mr. KNOX. Let me fininsh the statement of what I regard the principal difficulty, and I hope the suggestion made by the Senator is intended to obviate it. This act does not forfeit the stock that the stockholder in the railroad acquired in the coal company, but it forfeits the coal company's title to land, when the stockholder may not have known anything about this transaction whatever; in other words, was an innocent purchaser.

Mr. SPOONER. I wish to make a suggestion with reference to the interrogatory. The Senator from Pennsylvania has assumed that under this amendment a stockholder or officer of the railroad company would be prohibited from buying stock in a coal company.

Mr. KNOX. That is what the junior Senator from Wisconsin said in reply to my first question as to whether that was the intent of the act.

Mr. SPOONER. The language of the amendment proposed is "the person acquiring interest by purchase or lease in the land." Perhaps the amendment ought to go further.

Mr. KNOX. The purchase of a portion of the capital stock would be acquiring an interest in the land, although not technically so.

Mr. BACON. If the Senator will pardon me, his question was predicated upon a misunderstanding so far as my amendment is concerned.

Mr. KNOX. I ask the Senator if his amendment cures that?

Mr. BACON. The purpose is to cure it. In other words, the purpose of the amendment is to eliminate from the amendment proposed by the Senator from Wisconsin the feature which prohibits the holding by a stockholder or any person or any other corporation, unless it be some one acting in the interest of the railroad company. The Senator will perceive that it does not relate to any stockholder unless that stockholder is acting in the interest, either direct or indirect, of a railroad company engaged in the transportation of coal.

Mr. KNOX. I perceive the difference, and I think the suggestion is a very wise one, because that objection to the amendment should certainly be eliminated.

Mr. BACON. I think that is the radical objection to the amendment of the Senator from Wisconsin. It is the fact that the person who might be a stockholder in a railroad company might have an interest in the coal land and be in no wise connected in so doing in any interest of the railroad company. On the other hand, some person not a stockholder in the railroad company could still hold stock in the coal company in the interest of the railroad company. So the Senator's amendment, as it now stands, could easily be evaded.

But the purpose is to affect no one in the holding of coal lands unless that holding is in the interest of the railroad company. In order to make that provision effective the amendment which I suggest goes on to make that holding an illegal holding if by any arrangement or by any device that is the effect of the holding of that person.

At the same time it entirely destroys the objectionable feature which would prohibit a stockholder of the railroad company from having stock in the coal company although he might not be so holding in the interest of the railroad company, but entirely in his own interest. I simply suggest that to the Senator. As I said, it is possible that this may not be finally determined this afternoon, and I would be glad to give it to him for such consideration as he may think proper to give to it. I was interrupted before I had entirely finished my reply to the Senator's inquiry as to the subsequent provision, the last proviso of the Senator's amendment, which is in these words:

*And provided further*, That upon violation of any of said conditions all right, title, and interest in and to said lands shall revert to and vest in the United States in trust for the tribes of Indians now owning the same, and the tribal organization is hereby continued in so far as may be necessary to execute the condition hereby created.

I would not have that provision for the reason that the only purpose of the amendment is to have an effective amendment to prevent a railroad company from holding title to any of these

coal lands or to prevent any other person, either artificial or natural, from holding any of the coal lands in the interest of the railroad company. When that is accomplished it is not necessary, it seems to me, to have a penalty attached. It is sufficient if there is the machinery in the courts, and every lawyer knows there would be machinery in the courts under this provision, to say to a railroad company, "You shall not hold this title; you shall not have this stock; you shall not have control of this coal company, but I will appoint a receiver and I will have that sold at public outcry; I will give you back the money that it may bring, and then you are acquit of the whole subject, and somebody may hold the title of the coal land who will not be interested in the transportation of its industry in that way in an unfair position for competition with other producers and for the destruction of competing interests."

Mr. LA FOLLETTE. Mr. President, I very much appreciate the value of this discussion. I am fortunate, indeed, in having offered an amendment here, whatever inherent weakness it may have, which has developed that this subject is of primary importance, and has interested the ablest lawyers of this body in endeavoring to work out in some form, better than I have suggested, a means of disposing of this important question.

Sir, I venture now to ask unanimous consent that the matter may go over for to-day in order that there may be opportunity to perfect an amendment which will not be subject to constitutional objection, and yet will deal no less effectively and completely with the subject.

Mr. CLAPP. Mr. President, I should be disposed to request unanimous consent for this reason: I think that it is evident to anyone who has watched this matter that it is the general purpose of the Senate now, if it can ever get to a vote upon it, to strike out the Senate committee amendment to section 13 and also a part of House section 13. We have exhausted the day upon a question which I believe nearly everyone will agree will be practically eliminated from this bill, and, for one, I feel disposed to object to a further continuance of it, except upon a vote of the Senate.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER (Mr. BURROWS in the chair). The Senator from Wisconsin [Mr. LA FOLLETTE] is entitled to the floor. Does the Senator from Wisconsin yield to the Senator from New Hampshire?

Mr. LA FOLLETTE. I yield to the Senator from New Hampshire, Mr. President.

Mr. GALLINGER. Mr. President, I make no pretense to any special knowledge concerning these Indian matters; I do not rise to discuss any feature of the bill that is under consideration; but an hour ago a letter was handed to me, which came through the mail with a special-delivery stamp upon it, so that I presume it has not been sent to other Senators. It is from a gentleman who has taken a great interest heretofore, and does now, in all matters relating to Indians, and I ask that the letter may be read at the desk. I trust the chairman of the committee will give it such consideration as its merits may justify.

Mr. CLAPP. Mr. President, I will say to the Senator that, at the instance of the Senator from Missouri, I think the suggestions contained in the letter have all been carefully safeguarded, or provision will be made for safeguarding them, when we get to the nineteenth section.

Mr. GALLINGER. Will the Senator, without objection, simply allow the letter to be printed in the RECORD? That is all I ask.

Mr. CLAPP. Certainly; I have no objection to that.

Mr. GALLINGER. Then, I ask that the letter may be printed in the RECORD.

The PRESIDING OFFICER. The letter will be printed in the RECORD, in the absence of objection.

The letter referred to is as follows:

WASHINGTON, D. C., *March 2, 1906.*

MY DEAR SENATOR: I respectfully call your careful attention to certain portions of the bill H. R. 5976 pending in the Senate entitled: "An act to provide for the final disposition of the affairs of the Five Civilized Tribes in the Indian Territory, and for other purposes."

Certain amendments to the bill added by the Senate Committee on Indian Affairs would indicate, from their nature, that they were not fully understood.

Section 19 of the bill is amended in part as follows:

"* * * *Provided further*, That when restrictions upon the alienation and leasing of lands have been, are hereby, or may hereafter be removed, said lands are alienable from the date of selection thereof.

"* * * And as to all leases and conveyances heretofore made by any member of either of the Five Civilized Tribes whose restrictions as to alienation are removed by this act, of or upon lands other than homesteads, and which said leases and conveyances have been heretofore filed in the office of the United States Indian agent for the Union Agency at Muscogee, or with the Commissioner of Indian Affairs, or the Secretary of the Interior, it shall not be necessary to have the approval of the Secretary of the Interior. And no lease heretofore made shall be declared invalid solely on the ground that it was not acknowledged."

Sections 15 and 16 of the agreement made with the Cherokee tribe, approved July 1, 1902, provide for alienation of the lands allotted to members of the tribe, a portion of which is not alienable for five years from the date of the approval of the patent to issue by the Government to the allottee, so that several years will yet elapse before all these lands are alienable by the allottees under said agreement. Freedmen were given the right to alienate their allotments about one year after the date of the agreement above referred to, but it should be borne in mind that all conveyances were required to be approved by the Secretary of the Interior before becoming valid. There are probably 3,500 freedmen in the Cherokee Nation.

Likewise section 7 of the Creek agreement, approved March 1, 1901, restricts the alienation of lands allotted, and contains the saving clause of previous approval by the Secretary to enable the allottee to convey a good title.

The Choctaw and Chickasaw agreement of June 28, 1898, provides in a similar manner for the protection of the allottees in the disposition of their allotments.

The greatest threatened wrong contained in the proposed legislation lies in the provision that the date of legal alienation by the allottee shall revert to the day the allottee selected his allotment, not the time restrictions may have been removed, or the date of the approval of the allotment, or the day upon which the Secretary may have approved of any sale made after authority of law was granted to dispose of certain portions of the land.

Scarcely less subject to criticism is the clause providing that no lease shall be declared invalid solely on the ground that it is not acknowledged.

Two years ago, when an investigation of the affairs in Indian Territory was being made, it was found that all sorts of schemes were being resorted to in the wild effort to secure title to Indian lands, some of the operators being so bold as to defy the authority of the Government in carrying out its preventive measures to secure protection for the Indians.

Various conveyances were secured at that time and previous thereto and filed with the United States Indian agent at Muscogee, or with the Secretary of the Interior, which were altogether void by reason of having no authority of law. These conveyances stipulated for transfer of ownership in the lands by the allottee for a trifling consideration, not at all commensurate with the real value of the lands, and the most daring manipulations and fraudulent practices were resorted to in the effort to accomplish the results sought for. I recall that in many cases it was found that a purported lease contract contained a clause whereby the title to the lands leased was conveyed to the lessee at the termination of the lease, the annual amount of rental stipulated to be paid being the consideration for title in fee simple.

It is now proposed to legalize these contracts of lease and sale by a law of Congress, and great pressure is evidently being brought to bear to accomplish this result.

It is alleged that the Bradley Investment Company, of Muscogee, alone has perhaps 500 contracts of lease and sale, involving 100,000 acres of allotted lands. Many other companies and private speculators are engaged in similar work, and no doubt all have brought their influence to bear in an effort to have a statute enacted to profit by their unconscionable transactions with these Indians.

The other provision noted, whereby no acknowledgment shall be required to validate the conveyance, is the worst sort of legislation.

In a new country like Indian Territory it seems of the utmost importance that conveyances of realty should be guarded by formalities of great legal solemnity, in order that fraud shall not be committed. Not only are the illegal purchasers of allotted lands seeking to secure this legislation, but railroad companies are alleged to be deeply interested in quieting title to lands that the courts have so far refused to sanction, on account of gross irregularities in the execution of the conveyances from the Indians.

I understand that the honorable Secretary of the Interior is opposed to the legislation referred to in this communication.

May I not hope that after a careful investigation of this matter you will see your way clear to oppose the legislation which has been referred to herein?

Very respectfully,

S. M. BROSIUS,
*Agent Indian Rights Association.*

Mr. LA FOLLETTE. Mr. President, I understand the Senator from Minnesota [Mr. CLAPP] to object to this matter going over until to-morrow.

Mr. CLAPP. I would not object to section 13 going over long enough for us to dispose of section 19, which is still pending.

Mr. LA FOLLETTE. Then I ask unanimous consent that that be done, that we pass over section 13 for the time being.

Mr. CLAPP. Until we dispose of section 19. I have no objection to that.

Mr. HEYBURN. Mr. President, I infer from the suggestion of the Senator from Wisconsin that he does not desire to-day to further discuss the amendment to section 13.

Mr. LA FOLLETTE. I will say to the Senator that I desire at as early a time as possible to make this amendment effective by modification, if it is objectionable for constitutional reasons, and, if possible, to do so this afternoon.

Mr. HEYBURN. I so understand the Senator, but it seems to me that that should not preclude a further consideration of the section to which the amendment is directed by Senators who have not had the opportunity to express themselves in regard to it.

Mr. LA FOLLETTE. I think not.

Mr. HEYBURN. Such discussion will not in any way interfere with the perfection of the Senator's amendment. It is not necessary, in order to have time for that purpose, that we should suspend consideration of the bill.

Mr. LA FOLLETTE. But my request for unanimous consent was merely to pass over this amendment for the time being. When we return to it, it will, of course, be open to discussion and amendment throughout, as it now is.

Mr. HEYBURN. Mr. President, if the Senator from Wisconsin has finished the discussion of the section, as I infer he has from his statement——

Mr. LA FOLLETTE. I yield the floor to the Senator from Idaho.

Mr. HEYBURN. I desire for a few minutes to consider this question from the general standpoint. There is no more important question before this Senate than the one involved in this amendment or in the section proposed to be amended. There is no greater evil to-day in the United States than that involved in the existing control of common carriers over the utilities of life.

Mr. President, productive industry and the functions of a common carrier should be kept so distinctly apart that neither would control the other. If productive industry controls the railroads, they do it for their selfish interests; if the railroads control productive industry, they do it for their selfish interests. It may be difficult to find a remedy for this evil; but it is the greatest evil to-day existing in the business world. No railroad should be engaged in any other business than that of a common carrier; no productive industry should have such a grasp upon the common carriers of the country that they can control them. Take the producers of iron and steel and iron and steel products of this country and allow them to control the transportation as a matter of personal accommodation to them, to the exclusion of those whom they may choose to exclude, you paralyze competition and you place this industry in the hands of the controlling force.

Take these coal lands. Perhaps we shall never find a cure in our generation for the evil that exists in the older States; but we can at least scotch it as it approaches and threatens the new civilization of our country in these Territories; and we should direct our attention to it. We can only draw conclusions of wisdom perhaps from the things of the past or from conditions that are beyond our reach to-day; but we should not fail to draw those conclusions for the benefit of a correct solution of the difficulties that confront us in this case.

Here are, perhaps in extent and in character, as valuable coal lands as there are in the world. We are proposing to sell or lease them for the best price and upon the most favorable conditions for the benefit of these Indians. If we sell enough or lease enough of those coal lands to the railroads to enable those railroads to supply the market, the remainder of the coal lands will have no value whatever. Private investment is not going into the field to compete with the railroads in mining and selling coal in the general market, unless you can reach that much-to-be-desired point of preventing discrimination in freight rates on the part of the railroads, by which to-day in the State of Wyoming, where the railroads own vast and valuable coal fields, coal lands that are not owned by the railroads have no market and individual ownership of those coal lands is to-day without any possible realization.

Mr. CLARK of Wyoming. Will the Senator allow me to make a correction in his statement?

Mr. HEYBURN. Certainly.

Mr. CLARK of Wyoming. It is true that in the State of Wyoming great quantities of coal lands are held by public corporations. We have 30,000 square miles of coal in the State of Wyoming. Some of the common carriers of that State are engaged in coal mining. We have, however, other coal-mining industries there, and very great ones, in addition to those that are connected in any way with any railroad or carrying corporation.

Mr. HEYBURN. Mr. President, I accept the statement of the Senator from Wyoming as being true within the limitations that I know to exist. We deal with the coal of Wyoming. I cited it as an instance, in no invidious sense, but because we draw our coal supplies from those mines, and we know something of the restrictions upon our rights in a business way that flow from the management of those mines. We know that halfway between the coal mines in Wyoming and our mines there are other coal fields that, with the same development, would produce the same character of coal and the same quantity of it; and we also know that because of the interest which the railroad company and those connected with it have in these mines in Wyoming, we can not secure either the accommodations for transportation or such rates as would enable us to deliver our coal to our market for the same price that they deliver the coal from their mines. We know that as a matter of fact. There is nothing in this legislation that can possibly effect a cure of that evil; but we must draw our lessons of wisdom from the experiences of life around us; and I cited it only as an instance.

Mr. FULTON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Oregon?

Mr. HEYBURN. Yes.

Mr. FULTON. I agree with the Senator in his desire to prevent railway companies engaged in hauling coal from owning coal mines and selling the product; but I wish to ask the Senator does he think that that could be prevented without at the same time preventing the stockholder in a railroad company being interested in coal mines?

Mr. HEYBURN. Mr. President, I am inclined to think that it can.

Mr. FULTON. The same conditions probably would prevail against which the Senator objects. We all know that——

Mr. HEYBURN. Mr. President, it is true and perhaps——

Mr. FULTON. But what I want to ask the Senator——

Mr. HEYBURN. Excuse me. Perhaps by some method of circumvention the law would be evaded, but we will try to stop those leaks as they occur.

Mr. FULTON. I ask the Senator if he thinks we could prohibit the stockholders in a railroad corporation from investing their own money in coal lands?

Mr. HEYBURN. I do not think so. I think as a matter of law we could not do it. I do not believe that the power of the Government could be extended that far.

Mr. TELLER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Colorado?

Mr. HEYBURN. I do.

Mr. TELLER. I wish to ask the Senator whether he has examined the decision of the Supreme Court on this coal question, which was rendered a few days since—the case of the New York, New Haven and Hartford Railroad Company *v.* The Interstate Commerce Commission. In that case the court holds:

> The question, therefore, to be decided is this: Has a carrier engaged in interstate commerce the power to contract to sell and transport in completion of the contract the commodity sold when the price stipulated in the contract does not pay the cost of purchase, the cost of delivery, and the published freight rates?

In this case the Supreme Court held, I think, with unanimity that the railroad company could not engage in such business. I believe therein lies our remedy, and in the bill that is either before us or which is coming before us soon. That would not, of course, apply perhaps to coal in a State, but the States could themselves handle that within their jurisdiction the same as the General Government can within its jurisdiction. So it is within the power of the General Government or of the States to prevent these corporations from doing this to-day.

Mr. HEYBURN. Mr. President, I have not doubted for a moment at any time that a corporation would be limited to the powers conferred by its charter, and all transportation companies, so far as I have had occasion to know about them, are by the terms of their charters confined to that class of business, but it is rather a question with us of affording an opportunity for the evasion, the easy evasion, of the law in this case.

Mr. SPOONER. Will the Senator allow me to ask him a question?

Mr. HEYBURN. Certainly.

Mr. SPOONER. Is not the Senator of the opinion that there lies confronting us a solution of this proposition which will be quite incapable of evasion, and the only one which can be devised which will not be susceptible of evasion; and that is, that the United States shall hold these lands in trust and shall not sell them at all, but shall hold them and lease them, retaining such control over the lease as the lessor may lawfully retain, and thus in this way paying over to the Indians the annually accruing royalty and preventing any possibility of the concentration of these lands in corporate ownership or under corporate control? Is not that the way to do it?

Mr. HEYBURN. I think that a remedy lies in that direction; but here is a difficulty that we must meet in connection with that remedy: It was stated here by a Senator this morning, I think, that about 60 per cent of the leases that have been made have been transferred to the railroad companies, thus giving them indirectly the advantage they would have by purchase.

Mr. SPOONER. That was very wisely brought to the attention of the Senate; but nothing would be easier than for Congress, in providing for the leasing of these lands, to make the leases nonassignable; to provide that they shall be assignable only upon the approval of the President of the United States, or to provide that they shall be only assignable upon the approval of Congress. If the people can not, in the last analysis, trust this body and the other body and the President, our institutions do not amount to much.

Mr. HEYBURN. I am in entire accord with the Senator from Wisconsin in regard to the manner in which these lands should be disposed of. I have never believed in placing the Indian lands beyond the reach of the Government. I am opposed to a system of government that ties up public lands either

that they may be leased by the Government or controlled by it. I believe in the Government selling these lands, but I believe in the Government, in the execution of a trust of this kind, adopting the policy best adapted to perpetuate the benefits to the cestui que trust.

Mr. NEWLANDS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Nevada?

Mr. HEYBURN. I yield.

Mr. NEWLANDS. I wish to ask the Senator from Wisconsin whether the purpose sought to be accomplished by him would not be realized simply by the rejection of the Senate committee amendment to section 13?

Mr. SPOONER. Yes; and the modification of the House provision.

Mr. HEYBURN. Which would necessitate the modification of other parts of the bill.

Mr. NEWLANDS. I understand that the original House bill provided for just such leases as the Senator from Wisconsin contemplates.

Mr. SPOONER. No.

Mr. HEYBURN. The amendment of the Senate committee in a measure cuts out certain provisions of the House bill that would necessarily be restored if we are going to treat these lands from the standpoint of leasing them.

Mr. SPOONER. Yes; the amendment of the Senate committee to the bill cuts out all of section 13 of the House bill, which provided:

That all coal and asphalt lands, whether leased or unleased, shall be reserved from sale under this act until the existing leases for coal and asphalt lands shall have expired—

Then—

and the Secretary of the Interior is authorized to lease the residue of the unleased coal and asphalt lands for mining purposes under rules and regulations to be prescribed by him.

But not to sell them.

Mr. NEWLANDS. If the Senator from Idaho will permit me, I wish to ask whether, if we leave section 13 as the House enacted it, that would not accomplish the purpose sought by the Senator from Wisconsin?

Mr. SPOONER. If it is left, we should want to add some provisions restricting the assignment and transfer of leases, and all that.

Mr. HEYBURN. I should say, Mr. President, that section 13 of the House bill does not go far enough. It states a general principle of action, but it does not sufficiently safeguard it against the very evils from which we are seeking to protect against in this case. The section, if restored to the bill in lieu of the Senate committee amendment, should contain a limitation as to the time of the leases, the quantity of lands that might be leased, and the provision suggested by the Senator from Wisconsin as to the assignability of the leases. Of course we gain nothing; we throw no protection about these people if we allow these leases to be made and then to be assigned at the will and pursuant to the connivance of those who desire to monopolize the land; but if the leases are nonassignable, if the contracts are of sufficient size to justify the expenditure incident to the opening of a coal mine so as to make it an attractive investment, we shall then have drawn to that country, instead of one great monopoly to mine coal, hundreds and hundreds of operators, who will represent an element of healthy competition and also diversified investments from various sections of the country and under various conditions. The more men who are engaged in mining coal in that section, each on his own account, the better for the country. It is much better that those coal lands should be developed by a hundred different combinations of capital than that they should be developed by one, for we shall thereby get the element of competition.

Mr. President, I think there is no more important question before the Senate than this; and this is the time when it must be settled. If we treat this question lightly and give authority under this act to sell those coal lands, it will be but a short time when one railroad, or a combination of railroads acting in harmony, will own them all, operate them all, place its own price upon the product of the mines, and say to others who would invest in them, who would engage in the enterprise, "If you do it, you will do it against our secret rebates with those who are intimately associated with us in financial affairs; you will do it at the risk of being able to detect us in the subterranean arrangements which we will have with our stockholders or with those who are acting in sympathy with us."

The consequence will be that private enterprise will be kept out not only of the field of operation, but out of the field of purchase. It will not go in there any more than it will take hold of the coal lands to which I have referred earlier in my remarks.

I have been there; I have known them nearly thirty years, as fine coal measures as are to be found in any country, utterly and absolutely without value because they have no available market, and there is no railroad that will give them a rate or haul their product, and they are hundreds of miles from any possible competing line. So it will be here in this new country, where there are now but two roads available on which to carry that coal to the market, and those two roads are acting in concert, making their own rates, and making such rates as are prohibitive of competition.

Mr. President, I hope that we shall not, because of any pressure for time, allow this measure to go without that full consideration and this bill to be enacted without that careful amendment that will surely accomplish the purpose of protecting these lands against the spoiler.

Mr. CLARK of Wyoming. Mr. President, I think, if it has developed nothing else, the discussion has developed the fact that the Senate is not prepared at this time to legislate in regard to these lands in definite form. The committee was of that opinion; and in the amendment which the committee proposed it was provided that nothing should be done either toward the sale or the lease of these coal lands until March, 1907, allowing one year in which the Senate could make its investigations, and then it provided that if it was determined to sell these lands they should be sold under certain restrictions mentioned in section 13. That has been extended for five years further.

The discussion, however, has developed along such lines and has created such a deep impression that we are more intensely ignorant of the conditions in the Territory than we even thought. If the opportunity shall offer, I shall make a suggestion that the Senate recede from its amendment, or ask that the Senate disagree to the amendment of the committee entirely. I would make that motion now were it not for the fact that the amendment of the Senator from Wisconsin to the committee amendment is still pending and he may desire a vote upon that amendment. But whenever the time shall come I shall make a motion for that disposition of this section. That, of course, would restore the House section which, by the Senate committee amendment, is proposed to be stricken out. Then I shall propose that the House section shall be modified so as to read substantially as follows:

SEC. 13. That all coal and asphalt lands, whether leased or unleased, shall be reserved from sale under this act until the existing leases for coal and asphalt lands shall have expired, or until such time as may be otherwise provided by law.

That eliminates, so far as this session of Congress is concerned, any affirmative legislation in regard to the disposal of these lands either by lease or otherwise, and leaves each of those questions to the future consideration of Congress, upon such data and upon such information as they may be able to acquire between now and the time when we may be called to act in regard to these lands, either by leasing them or selling them.

Mr. NEWLANDS. I have observed, Mr. President, in this debate a good deal of adverse sentiment regarding Government ownership of anything, and I wish to call the attention of the Senate to two inconsistencies in the actual legislation of this body and the House of Representatives with that sentiment. The other day the Secretary of War recommended the purchase of coal fields in the island of Batan in the Philippine Islands. Why? There was coal in Japan that could be secured; there was coal elsewhere in the Philippine Islands, in the island of Cebu, that could be secured. But it was claimed that this coal was about as good as the Japanese coal, and could be mined and sold at a cheaper price than could the Japanese coal; that it was superior to other coals in the Philippine Islands; that we had a navy and an army there, and that we had a budding merchant marine there all needing coal. What did we do in this Senate when that bill for the purchase of the coal fields in Batan came here? We passed it unanimously, I believe, just as they passed it in the House of Representatives.

It is true there was some question in the Appropriations Committee of the House of Representatives as to what should be done with those coal fields after they were acquired by the United States Government, and Secretary Taft, in his hearing before that committee, suggested that it was not the intention of the Government to go into the business of coal mining, but that after it had acquired the coal fields it could then lease them to operators and would retain, just as is suggested here, with reference to the coal lands of the public domain, a control that would prevent extortionate prices. So Congress has already acted almost unanimously in the line of government ownership.

There is another instance of stupendous Government owner-

ship entered into with the almost unanimous approval of both bodies. In the first place we purchased a canal, a partially constructed canal, owned by the French Canal Company. We paid $40,000,000 for it, and we are now engaged in completing that canal at a probable cost of anywhere from two hundred million to five hundred million dollars.

Why are we building that canal? To promote foreign and interstate commerce. If we can build the Panama Canal, can we not build an interstate railway? And if we do not wish to enter into the Government ownership of railroads, can we not at all events incorporate interstate railroads? The Senator from Wisconsin interjects that nobody denies that. Yet I hear it frequently denied upon this floor that we have a constitutional right to pass a law for the purpose of organizing interstate railroads, and I am glad to know that I have obtained the Senator's opinion, great lawyer as he is, in favor of the proposition that the United States Government has complete and ample power to pass a national incorporation act for the construction and operation of railroads engaged in interstate commerce.

We have not only entered upon the construction of the canal, but we have entered into the ownership of a railroad with the almost unanimous consent of both parties—the Panama Railroad. We have bought all the stock of that railroad, the company being organized under the laws of New York. At first we did not secure all the stock. We only had a part of it. What did we propose to do then? To exercise the power of eminent domain in order to get the rest.

When we found we did not have all the stock of the Panama Railroad Company what did the Senate conclude to do? The Senate, that is so sensitive about Government ownership, passed a bill providing for the condemnation, not of the railroad itself, with its location in Panama, but for the condemnation of stock held by private persons in the United States in a New York corporation which owned the Panama Railroad, and it was the unanimous opinion of the great lawyers of the Senate that that could be done.

What solution of the entire question of national ownership is suggested by this action? It is that the nation may condemn the common stock of all the railroad companies of the country, subect to their liabilities in bonds and preferred stock. We can thus in a very short time obtain control of the great corporate railroad systems of the country, and the Senate has blazed a way toward an easy solution of this question of Government ownership. We could thus solve the question of operation and administration, for the managers and operators would still remain at their posts, just as they do in the Panama Railroad, and time could be taken to perfect administration.

Unless we do legislate in the line of national incorporation, do you think the people are going to be insensible to the fact that there is an easy way of acquiring every railroad in the country by the condemnation simply of its common stock, and that we can issue bonds for the purchase of that stock at a low rate of interest, and that the dividends on the stock itself would take care of the bonds and constitute a sinking fund for their retirement and pay the bonds off within a period of thirty years?

I insist upon it there are but two propositions before the country—either a complete control of the railroad system of the country by national incorporation, or through national ownership acquired in the method I have indicated, and which has the sanction of the ablest lawyers of the Senate.

Let me call attention to another abuse that exists to-day, referred to by a memorandum which has been sent to me, like the other one, from the gallery, with reference to the Philadelphia and Reading Railroad Company. It gives the history of their control over coal fields, and it says:

> The Reading Railroad controls the anthracite coal fields through the medium of the Temple Iron Company, which obtained a blanket charter about 1790, authorizing it to make pig iron, buy coal and coal lands, and operate them, etc. When President Baer was the corporation attorney of the Reading Railway, before coming to the head of the company, he learned of the unusually broad terms of the Temple Iron Company's charter and purchased a controlling interest in that company's stock. The Temple Iron Company, originally a small local corporation, operating a single pig-iron plant, has thus become practically the sole owner of the Pennsylvania anthracite fields.

And, remember, one-sixth of the stock of the Reading Company is owned by the Baltimore and Ohio Railroad Company, and a considerable portion, I think, is owned, either directly or indirectly, by the Pennsylvania Railroad Company and the New York Central Railroad Company. What a field this offers for Government ownership, for it will be contended that by condemning in the courts merely the common stock of these three great trunk lines the nation will obtain not only the control of the railway systems, but the absolute control of the anthracite field of the country.

So I insist upon it to the Senators who are so sensitive about Government ownership that they will find themselves confronted with these serious questions unless they now, within the near future, adopt an adequate system of national incorporation and control, which will permit the greater sovereign to do, through its own instrumentalities, the greater sovereign's business, and which will not submit that business to corporations created by single States, whose lax legislation results in such abuses as have been accomplished through these holding companies in West Virginia and in Pennsylvania—such companies as the Reading Company.

Mr. McCUMBER. Mr. President, we have spent more than one day in the discussion of this bill, which I think all admit, as it is now amended, neither branch of Congress will pass. We have provided for five years in which to consider the subject of the disposition of those lands. I know of no necessity, therefore of crossing that bridge until we reach it at that time, or nearly that time, if we need that much more time to inform ourselves of the subject-matter.

I do not want to shut off any debate on this particular amendment, and would not do so if I did not think the debate that has been going on is more applicable to the general railway rate legislation that we are having under discussion from day to day; but in order to get through with this bill, I move that the amendment of the committee to section 13, together with the proposed amendments to that amendment, be laid on the table.

Mr. CLAY. Does that include the amendment offered by the Senator from Wisconsin?

Mr. McCUMBER. Necessarily the laying of one amendment on the table takes all of them and disposes of that question.

The VICE-PRESIDENT. The Senator from North Dakota moves to lay the amendment of the committee to section 13 on the table.

Mr. CLAY. Mr. President, can not those questions be separated? There is one distinct amendment proposed to this bill by the Committee on Indian Affairs. There is an amendment offered to that amendment. It strikes me that the question can be separated. The Senator from North Dakota moves to lay both the amendment offered by the committee and the amendment offered by the Senator from Wisconsin on the table.

Mr. McCUMBER. No; the amendment to that amendment.

The VICE-PRESIDENT. If the Senator from North Dakota moves to lay the committee amendment on the table, the Chair is of the opinion that would carry all pending amendments. Does the Chair understand distinctly the motion of the Senator from North Dakota?

Mr. McCUMBER. My motion was to lay the amendment proposed by the committee upon the table, which would carry with it all amendments to that amendment.

The VICE-PRESIDENT. The question is on agreeing to the motion of the Senator from North Dakota.

Mr. MALLORY. On that I call for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. CLAPP (when his name was called). While I do not suppose that pairs will prevail on this vote, yet the Senator from North Carolina [Mr. SIMMONS], with whom I have a general pair, asked to have the pair preserved on this bill. As he is absent, I can not vote. If he were here, I would vote "yea."

Mr. CLARK of Montana (when his name was called). I am paired with the senior Senator from Indiana [Mr. BEVERIDGE]. If he were present, I would vote "yea."

Mr. CLARK of Wyoming (when his name was called). I am paired with the senior Senator from Missouri [Mr. STONE]. Therefore I withhold my vote for the present.

Mr. DILLINGHAM (when his name was called). Owing to my general pair with the senior Senator from South Carolina [Mr. TILLMAN], who is absent, I withhold my vote. I should vote "yea," if he were present.

Mr. FLINT (when his name was called). I am paired with the senior Senator from Texas [Mr. CULBERSON]. If he were present, I should vote "yea."

Mr. KEAN (when Mr. FORAKER's name was called). The senior Senator from Ohio [Mr. FORAKER] is detained from the Chamber to-day on account of illness, I regret to state.

Mr. MALLORY (when his name was called). I have a general pair with the senior Senator from Vermont [Mr. PROCTOR]. If he were present, I should vote "nay."

Mr. SCOTT (when his name was called). I have a general pair with the junior Senator from Florida [Mr. TALIAFERRO]. I therefore ask to be excused from voting.

Mr. SPOONER (when his name was called). I have a general pair with the Senator from Tennessee [Mr. CARMACK], who is absent. If I were at liberty to vote, I should vote "yea."

Mr. WARREN (when his name was called). I have a general pair with the senior Senator from Mississippi [Mr. MONEY],

who is detained from the Chamber by illness. Therefore I withhold my vote.

The roll call was concluded.

Mr. PATTERSON. Has the Senator from South Dakota [Mr. KITTREDGE] voted?

The VICE-PRESIDENT. He has not.

Mr. PATTERSON. He and I are paired, and for that reason I will not vote.

Mr. CLAY (after having voted in the negative). I desire to ask whether the senior Senator from Massachusetts [Mr. LODGE] has voted?

The VICE-PRESIDENT. He has not.

Mr. CLAY. I have a pair with that Senator, and I withdraw my vote. If he were present, I should vote "nay."

Mr. NEWLANDS. I should like to inquire whether this motion, if it is carried, will leave section 13 as it passed the House?

The VICE-PRESIDENT. It will leave section 13 as it passed the House.

Mr. NEWLANDS. And subject to amendment?

The VICE-PRESIDENT. And subject to amendment.

Mr. LATIMER (after having voted in the affirmative). I desire to ask if the Senator from Illinois [Mr. HOPKINS] has voted?

The VICE-PRESIDENT. He has not.

Mr. LATIMER. Then I withdraw my vote.

Mr. MALLORY. The Senator from West Virginia [Mr. SCOTT] is paired with my colleague [Mr. TALIAFERRO], who is not present. I am paired with the senior Senator from Vermont [Mr. PROCTOR]. The Senator from West Virginia and I have transferred our pairs and will vote, leaving my colleague paired with the senior Senator from Vermont. I vote "nay."

Mr. SCOTT. I vote "yea."

Mr. SPOONER. The Senator from Georgia [Mr. CLAY] is paired with the senior Senator from Massachusetts [Mr. LODGE], who is absent. I am paired with the Senator from Tennessee [Mr. CARMACK]. If it is agreeable to the Senator from Georgia we will change pairs and I will vote.

Mr. CLAY. That is perfectly agreeable to me.

Mr. SPOONER. I vote "yea."

Mr. CLAY. I vote "nay."

The result was announced—yeas 29, nays 7, as follows:

YEAS—29.

| | | | |
|---|---|---|---|
| Aldrich | Dolliver | Long | Scott |
| Alger | Frye | McCumber | Spooner |
| Allison | Fulton | Morgan | Teller |
| Burkett | Gamble | Newlands | Warner |
| Burnham | Hansbrough | Overman | Wetmore |
| Clark, Wyo. | Heyburn | Perkins | |
| Crane | Kean | Piles | |
| Dick | Knox | Rayner | |

NAYS—7.

| | | | |
|---|---|---|---|
| Bacon | Clay | La Follette | Pettus |
| Blackburn | Dubois | Mallory | |

NOT VOTING—53.

| | | | |
|---|---|---|---|
| Alee | Culberson | Hale | Patterson |
| Ankeny | Cullom | Hemenway | Penrose |
| Bailey | Daniel | Hopkins | Platt |
| Berry | Depew | Kittredge | Proctor |
| Beveridge | Dillingham | Latimer | Simmons |
| Brandegee | Dryden | Lodge | Smoot |
| Bulkeley | Elkins | McCreary | Stone |
| Burrows | Flint | McEnery | Sutherland |
| Burton | Foraker | McLaurin | Taliaferro |
| Carmack | Foster | Martin | Tillman |
| Carter | Frazier | Millard | Warren |
| Clapp | Gallinger | Money | |
| Clark, Mont. | Gearin | Nelson | |
| Clarke, Ark. | Gorman | Nixon | |

The VICE-PRESIDENT. The roll call discloses the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

| | | | |
|---|---|---|---|
| Aldrich | Crane | Kean | Perkins |
| Alger | Dick | Knox | Pettus |
| Allison | Dillingham | La Follette | Rayner |
| Bacon | Dolliver | Latimer | Scott |
| Blackburn | Dubois | Long | Spooner |
| Burkett | Flint | McCumber | Stone |
| Burnham | Frye | Mallory | Teller |
| Burrows | Fulton | Morgan | Warner |
| Clapp | Gallinger | Nelson | Warren |
| Clark, Mont. | Gamble | Newlands | Wetmore |
| Clark, Wyo. | Hansbrough | Overman | |
| Clay | Heyburn | Patterson | |

Mr. DILLINGHAM. I merely wish to state that my colleague [Mr. PROCTOR] is necessarily absent from the city.

The VICE-PRESIDENT. Forty-six Senators have answered to their names. A quorum is present. The Secretary will call the roll on agreeing to the motion of the Senator from North Dakota [Mr. MCCUMBER] to lay the amendment of the committee to section 13 on the table.

The Secretary proceeded to call the roll.

Mr. CLAPP (when his name was called). I shall have to make the same statement I made before. If the Senator with whom I am paired were here, I should vote "yea."

Mr. CLARK of Montana (when his name was called). I have a general pair with the senior Senator from Indiana [Mr. BEVERIDGE]. If he were present, I should vote "yea."

Mr. CLAY (when his name was called). I am paired with the senior Senator from Massachusetts [Mr. LODGE], but, if agreeable to the Senator from Wisconsin [Mr. SPOONER], we will let the Senator from Massachusetts [Mr. LODGE] stand paired with the Senator from Tennessee [Mr. CARMACK], so that we may both vote. I vote "nay."

Mr. DILLINGHAM (when his name was called). I again announce my pair with the senior Senator from South Carolina [Mr. TILLMAN]. I should vote "yea," if he were here.

Mr. FLINT (when his name was called). I am paired with the senior Senator from Texas [Mr. CULBERSON]. I transfer that pair to the Senator from Washington [Mr. ANKENY] and will vote. I vote "yea."

Mr. MALLORY (when his name was called). As I announced a while ago, I am paired with the Senator from Vermont [Mr. PROCTOR]. The junior Senator from Vermont [Mr. DILLINGHAM] is paired with the Senator from South Carolina Mr. TILLMAN]. We have transferred our pairs. I vote "nay."

Mr. NELSON (when his name was called). I have a general pair with the senior Senator from Arkansas [Mr. BERRY]. Not knowing how he would vote on this question, I withhold my vote.

Mr. PATTERSON (when his name was called). I am paired with the Senator from South Dakota [Mr. KITTREDGE]. If he were here and voting, I would vote "nay."

Mr. SCOTT (when his name was called). I have, as before announced, a general pair with the junior Senator from Florida [Mr. TALIAFERRO]. I will transfer that pair to the senior Senator from New York [Mr. PLATT] and vote. I vote "yea."

Mr. WARREN (when his name was called). I have a general pair with the senior Senator from Mississippi [Mr. MONEY]. I will transfer that pair to the Senator from Ohio [Mr. FORAKER], so that he will stand paired with the Senator from Mississippi, and I will vote. I vote "yea."

The roll call was concluded.

Mr. NELSON. I will transfer my pair with the Senator from Arkansas [Mr. BERRY] to the Senator from New Jersey [Mr. DRYDEN] and vote. I vote "yea."

Mr. DILLINGHAM. Owing to the transfer of pairs announced by the Senator from Florida [Mr. MALLORY] I am at liberty to vote. I vote "yea."

Mr. CLAPP. I desire to transfer my pair to the junior Senator from Indiana [Mr. HEMENWAY]. I vote "yea."

Mr. LATIMER. I will transfer my pair with the Senator from Illinois [Mr. HOPKINS] to the Senator from Kentucky [Mr. MCCLEARY] and vote. I vote "yea."

The result was announced—yeas 38, nays 7, as follows:

YEAS—38.

| | | | |
|---|---|---|---|
| Aldrich | Dick | Kean | Piles |
| Alger | Dillingham | Knox | Scott |
| Allison | Dolliver | Latimer | Spooner |
| Burkett | Flint | Long | Stone |
| Burnham | Frye | McCumber | Teller |
| Burrows | Fulton | Morgan | Warner |
| Carter | Gallinger | Nelson | Warren |
| Clapp | Gamble | Newlands | Wetmore |
| Clark, Wyo. | Hansbrough | Overman | |
| Crane | Heyburn | Perkins | |

NAYS—7.

| | | | |
|---|---|---|---|
| Bacon | Clay | La Follette | Pettus |
| Blackburn | Dubois | Mallory | |

NOT VOTING—44.

| | | | |
|---|---|---|---|
| Allee | Culberson | Hale | Nixon |
| Ankeny | Cullom | Hemenway | Patterson |
| Bailey | Daniel | Hopkins | Penrose |
| Berry | Depew | Kittredge | Platt |
| Beveridge | Dryden | Lodge | Proctor |
| Brandegee | Elkins | McCreary | Rayner |
| Bulkeley | Foraker | McEnery | Simmons |
| Burton | Foster | McLaurin | Smoot |
| Carmack | Frazier | Martin | Sutherland |
| Clark, Mont. | Gearin | Millard | Taliaferro |
| Clarke, Ark. | Gorman | Money | Tillman |

So the amendment of the committee to section 13 was laid on the table.

Mr. CLARK of Wyoming. I understand that the vote just taken restores the House provision.

The VICE-PRESIDENT. That is correct.

Mr. CLARK of Wyoming. I move to amend section 13 by inserting, after the word "expired," in line 6, the words "or until such time as may be otherwise provided by law;" and

further by striking out the balance of the section; so that the section as amended will read:

SEC. 13. That all coal and asphalt lands, whether leased or unleased, shall be reserved from sale under this act until the existing leases for coal and asphalt lands shall have expired, or until such time as may be otherwise provided by law.

Mr. CLAPP. I have no objections to the amendment, and unless some member of the committee raises an objection there is no objection to it on the part of the committee.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 16, section 13, after the word "expired," strike out the remainder of the section and insert "or until such time as may be otherwise provided by law."

Mr. STONE. I should like to ask the Senator from Wyoming if that would still leave the land subject to be leased?

Mr. CLARK of Wyoming. No; it takes it entirely out. The land could not be leased.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Wyoming.

The amendment was agreed to.

Mr. McCUMBER. Is it in order now to offer an amendment to section 19?

The VICE-PRESIDENT. It is now in order.

Mr. McCUMBER. I ask that the amendment I offer may be read.

The VICE-PRESIDENT. The amendment will be read by the Secretary.

The SECRETARY. On page 27 strike out all of section 19 and insert:

SEC. 19. That all restrictions upon alienations and leasing of lands of Indian allottees of the Choctaw, Chickasaw, Cherokee, Creek, and Seminole tribes of less than full blood are, except as to homesteads, hereby removed; that no full-blood Indian of any of said tribes, or his full-blood heirs, shall have power to alienate, sell, dispose of, or incumber in any manner any of the lands allotted to him for a period of twenty-five years from and after the passage and approval of this act, unless such restriction shall, prior to the expiration of said period, be removed by act of Congress: *Provided, however*, That such full-blood Indians of any of said tribes may lease any lands other than homesteads under such rules and regulations as may be prescribed by the Secretary of the Interior; and in case of the inability of any full-blood owner of a homestead, on account of infirmity or age, to work or farm his homestead, the Secretary of the Interior, upon proof of such inability, may authorize the leasing of such homestead under such rules and regulations.

Mr. McCUMBER. Mr. President, the understanding is that that amendment shall apply after the word "allottee," on line 20, of page 27. It was drawn before the other amendments were made.

Now, Mr. President, this is a most important amendment not only as it affects the lives of the Indians, but particularly as it refers to the future prospect of all our Indian tribes in the Indian Territory. I wish to speak very briefly of the object of this amendment.

The history of the American people in its dealings with the Indian tribes in the United States gives a degree of solemnity to that often-quoted phrase that our Pilgrim fathers, when they landed in this country, first fell upon their knees and then upon the aborigines. While the descendants of those Pilgrim fathers may have forgotten the first lesson of their fathers, I think they have never forgotten the second lesson, for we have continued to fall upon these tribes of Indians from the date of the earlier settlements until the present time.

We forced the Indians from the Atlantic shore. We pressed them on beyond the Alleghenies. We followed them on over the Blue Ridge. We crowded them into the valleys of the Ohio. We pressed them onward again through the Mississippi Valley. We crowded them to the Mississippi River and to Minnesota, and even when that immortal poet was writing his beautiful poem of the immortal Minnehaha, we were pressing them from their old hunting grounds in that place. We crowded them then beyond the plains of the Dakotas, and still on across the Missouri, and over the Rocky Mountains, until we have brought them to the western coast.

Now, Mr. President, in all of the crowding of these Indian tribes we never awakened up to any public conscience on what should be done with the few remnant tribes of the Indians until we got them so far from us that those who controlled the Government relative to the Indians were not influenced at all by the Caucasian race that was crowding them out of their old hunting grounds. It exemplifies the old proposition that "distance lends enchantment to the view."

Finally our conscience was pricked to the extent that, in 1834, we did say "We will take a little section of the United States, and we will set it aside for the Indian tribes of this country;" that they are entitled to at least one-fiftieth or one hundredth of the land which was once entirely their own. We placed them in the boundary line of what was known as the "Indian Territory" in 1834. The intention at that time was to make an Indian territory out of that section of the country. We selected as fine land for hunting, for grazing, for agriculture as can be found anywhere in the United States. Our intention was good at the time.

Finally the white settlers crowded along around the border lines of this Territory, and the white man has never yet recognized that the aborigines of any country on the face of the earth that was not white had any title or any rights to the country which he was bound in the slightest degree to respect.

The whole sentiment of our people whenever they came in contact with the retreating Indians was that "You must retreat farther; you have no valid claim to this fair country against the white man's civilization; you have no right to stop the progress of western civilization and western settlement by claiming one foot of your ancient territory." But when we placed them there we felt at least that we had given them a piece of land that was all their own, and a section of the country wherein they could develop and live as Indians or be educated and live as white people if they saw fit.

What happened but a short time after we had located them there? And, Mr. President, we did not locate them all there at their own will and pleasure. We crowded them out of the States of Georgia and Mississippi and other places and we fenced them within the border lines of this new Territory. Then we said to them: "You may here follow out your own development, and we will protect you and shield you against the white man. We will shield you against ourselves." But the moment the white man reached that border line he demanded that the Indian should remove. So he came to Congress. He went before the tribes of Indians themselves; and if there is anything on the face of the earth which demonstrates that the Indian will never learn to take care of himself wholly it is the fact that after two hundred and fifty years of history, knowing the contaminating influence of white civilization upon the Indian himself, he was led to believe, lured into the belief by the superior intellect of the white men, that it would be beneficial to him if he would allow them to cross over the border line and become a part of their citizenship. The Indians consented. We made the necessary laws. The result was that in less than thirty years we had demoralized the Indian. We had practically taken possession of his country and made of him a pauper.

Mr. President, we have but these few remnants of the people left, and I confess that my sentiment joins with my sense of justice in announcing that there is a duty upon the Government of the United States to protect those few remnants of full-blood Indians in the Indian Territory if it is possible to do so.

Our error has been in attempting to do something that was impossible in all of our history, and that is to make a white man out of an Indian; to so educate him, as we claimed, that he could compete in the business or professional enterprises of the world with the white civilization. That was one of our first errors, and an error that we ourselves seem never to have learned.

Mr. SPOONER rose.

Mr. McCUMBER. I yield to the Senator from Wisconsin.

Mr. SPOONER. When you found that it could not be done in any other way, you did it by act of Congress?

Mr. McCUMBER. We attempted to do it by act of Congress. We have been governing those Indians since 1834, and I think every Senator will agree with me that a worse governed Territory was never known in the world than has been the government of the Indian Territory.

They have been subject to such influences of the people who were trying to use them and rob them upon the one hand, and we have been so far from them that we did not understand their needs upon the other, that we have been making legislation upon conditions that we knew nothing about, and we have coupled up by making legislation in an ignorant way by attempting to make a white man out of the Indian. The very most that we can ever hope to do with the Indian tribes is not to make white men out of them, but it is to make the best possible Indians that we can out of them.

The Indian is improvident. I never say one yet—a full-blood Indian I am speaking of now—who had any property which could be sold that a white man could not obtain in six months for one-half of its value, if he stayed by him long enough and tried to impress him with the necessity of selling it. Wherever we have given the Indian the right to sell his land, he has sold it. Not only that, but I am informed to-day by some of the best authority from the Indian Territory that for a bottle of whisky up to $5 there are hundreds of thousands of claims that have been already sold subject to the possibility that Congress might ratify those previous sales.

Mr. SPOONER. Mr. President——

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Wisconsin.

Mr. McCUMBER. I yield to the Senator.

Mr. SPOONER. I do not want to take the Senator's time, for he is in the midst of a very honest, frank, and straightforward speech.

Mr. McCUMBER. I thank the Senator.

Mr. SPOONER. I wish to ask the Senator if all these hundreds of thousands of arrangements for sales by the Indians for whisky, without the consent or approval of the Secretary of the Interior, are not validated by this bill?

Mr. McCUMBER. That is just the point I was going to make. When I placed the number at 100,000, it was undoubtedly excessive. I am giving the same statement the party gave to me.

Mr. CLAPP. If the Senator will yield a moment, at the suggestion of the Senator from Missouri [Mr. WARNER] and the Senator from Wisconsin [Mr. LA FOLLETTE] it is proposed to strike out that provision.

Mr. WARNER. I supposed the Senator from North Dakota understood that.

Mr. McCUMBER. I was going to say that the provision has since been stricken out——

Mr. WARNER. No; it is proposed to be stricken out.

Mr. McCUMBER. It is proposed at least to be stricken out. I understand that.

Now, Mr. President, we have passed the kind of laws I have stated. I think we have made treaties with the Seminoles that there shall be no restrictions on some of their lands. So have treaties been made with others that the restriction shall expire within a certain time; with still others that it shall expire in a little longer time; with still others that it shall remain for twenty-one years, I think. So there are several different laws fixing restrictions upon the sale of their lands which shall be allotted to them.

In a great many instances they have attempted to sell the lands, whether homestead or otherwise, despite the restrictions, and for almost nothing. Can we not say with almost absolute certainty that if you give them the power of sale, within a few months all of the property will be transferred from the Indian to white settlers, and transferred for whatever the white settler sees fit to give them?

Can we change this by law at the present time? It is a serious question, Mr. President, but it is one which I believe can be answered in the affirmative. I do not care to go into the legal proposition unless it is challenged, but my proposition is that so long as——

Mr. CLAPP. Mr. President——

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Minnesota.

Mr. McCUMBER. Certainly.

Mr. CLAPP. I think, in view of the lateness of the hour and the suggestion of the Senator, unless some member of the committee objects, the chairman of the committee will be disposed to accept the amendment proposed by the Senator from North Dakota.

Mr. McCUMBER. I would not take one moment of the time in arguing it if I thought there would be a general acceptance.

The VICE-PRESIDENT. Is there objection to the amendment proposed by the Senator from North Dakota?

Mr. STONE. Mr. President——

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Missouri?

Mr. McCUMBER. I do.

Mr. STONE. Mr. President, I am very anxious to cooperate with the chairman of the committee in facilitating the passage of the pending bill. I would be delighted if it could be done this evening; but, if the Senator from North Dakota will indulge me a moment, I wish to say that I think this question ought to be discussed and considered by the Senate. It is one of the most important features of the measure. I am not in favor of the amendment proposed by the Senator from North Dakota, nor am I in favor of the provision as it came from the House.

I desire to move that the entire section of the bill as it came from the other House and the amendment proposed by the Senate committee be stricken out, so as to leave the restrictions upon the alienation exactly as they are now under existing law.

Mr. SPOONER. Those restrictions can be removed under existing law.

Mr. STONE. Yes; they can be removed under existing law as to full bloods—those having Indian blood. Under existing law, as I understand, the restrictions upon intermarriage with whites and freedmen, except as to homesteads——

Mr. McCUMBER. No; this amendment only affects full bloods.

Mr. STONE. I know this amendment does. I said under the present law there is no restriction upon the alienation of the surplus lands by white men or by freedmen.

Mr. McCUMBER. No.

Mr. STONE. There is a restriction under treaties made between the Government and the Indians as to the alienation of their surplus or unallotted lands in the case of Indians of full blood or of citizens having Indian blood.

The Senator from Wisconsin asks me what the restriction is. On the Cherokees it is five years from the date of their patent; that is, the Cherokee Indians can sell their present surplus or unallotted lands in five years after they shall have received their patents.

Mr. SPOONER. No.

Mr. STONE. Yes. The restrictions put upon homesteads of course continue.

In the case of the Choctaws and the Chickasaws they may sell one-fourth of their land after one year from the date of issuance of their patent, one-fourth in three years, and the remainder in five years. The Seminoles may sell after March 4, 1906, and the Creeks in five years from the date of the approval of the supplemental agreement made in 1902. That is carried to 1907, and then they can sell.

I believe, Mr. President, that that law ought not to be disturbed, or that policy departed from which was entered upon years ago under a solemn compact entered into between the Government of the United States and these Indian tribes, under which these lands were allotted, and the Indians consented to accept their lands in severalty and to break up their tribal relations and enter into other relations to the Government of the United States. I should like to be heard somewhat on that question before the Senate finally decides it.

Mr. SPOONER. Will the Senator allow me to ask him a question?

The VICE-PRESIDENT. Does the Senator from Missouri yield to the Senator from Wisconsin?

Mr. STONE. Certainly.

Mr. SPOONER. Does the Senator not think that to leave these lands without restriction upon alienation as to the full-blood Indian would be practically making him the prey of the white man, and that to a certainty within a very short time he would lose his homestead?

Mr. STONE. I am trespassing on the time of the Senator from North Dakota [Mr. McCUMBER].

Mr. McCUMBER. Not at all. I am entirely willing to yield to the Senator from Missouri.

Mr. STONE. I desire to say, in answer to the Senator from Wisconsin [Mr. SPOONER], that there are about 90,000 people in the Five Civilized Tribes who are called citizens of those tribes. About 24,000 of them, according to a statement made by the Commissioner to the Five Civilized Tribes—I suppose he gets his information from the rolls which have been prepared—are Indians of the full blood. The greater part of the remainder are mixed bloods, with a sprinkling of intermarried whites and freedmen. The full bloods represent, therefore, about one-fourth of the entire population—I mean of the citizens of the Five Civilized Tribes. I have no doubt, Mr. President, that there is a comparatively large number—I do not know how many, nor does anyone else—but a proportion somewhat large of the 24,000 of those full bloods who are not competent to manage their own business and to deal on terms of equality with the white people who are now in the Territory and who will go into it; I have no doubt, Mr. President, that there is a considerable number of mixed-blood Indians in exactly the same condition; I have no doubt that there are a number of freedmen down there who are in the same condition; but, on the other hand, I believe it to be true that a majority—a large majority—of all those people are as capable of managing their own affairs as are the average run of the American people. You can not go into any community, Mr. President, in any State of this Union where you will not find white citizens, adult males, men who vote, who exercise all the privileges and dignities of citizenship, of whom that may not be said.

I do not believe that because there may be 10 or 15 per cent of this population composed of people who are without education, who may not speak the English language, who are not qualified as Senators here are qualified, or as the average American citizen is qualified, to conduct his own affairs, that the other 85 or 90 per cent should be put under a ban and restrictions be put upon their rights to dispose of, use, and enjoy their property as other citizens may do. Those people are citizens of the United States, clothed with all the privileges and immunities of citizenship, and they have been for years.

To say that they shall not have the right to dispose of their property because, forsooth, it happens that there are some citizens among them who are incompetent, does not strike me, Mr. President, as representing a policy that we ought to enter upon in this Congress. It seems wrong in itself; it is in violation of the solemn compact that we made with those Indians. I do not believe that we ought to violate that agreement with impunity.

Mr. McCUMBER. Mr. President, I do not quite understand, I fear, the full purport of the argument of the Senator from Missouri [Mr. STONE]. If it means anything—and I know that it does—it simply means in effect that one of the rights of citizenship acquired by the Indians is the right to have all of his property taken from him by the white population without any further protection of the Government.

The Senator, as I understand, when he said there were 95 per cent of those people as capable as those in any other community of tak'ng care of their property, referred only to the mixed bloods, and not to the full-blood Indians. If I am in error the Senator can correct me.

Mr. STONE. I said, or meant to say, that from the information I have, perhaps there were from 15 to 20 per cent of Indians of the full blood and mixed blood who, it might be said, were not competent.

Mr. McCUMBER. There are about 24,000, I think, of the full bloods left. Of those 24,000 it is probably true that not 2 per cent of them would be capable of holding their own property and protecting it against the wiles of the white men, and it is for the benefit of those full-blood Indians that I have introduced the amendment. It does not affect any of the others.

Mr. STONE. The Senator says that not more than 2 per cent of the 24,000 of those full-blood Indians are capable of managing their own affairs. I think that is a pretty strong statement.

Mr. McCUMBER. I think it is not quite strong enough.

Mr. STONE. Not quite strong enough?

Mr. McCUMBER. Not quite strong enough. So we evidently differ upon that point.

Mr. STONE. Then there is no use in disputing about a mere matter of statement.

Mr. McCUMBER. I base my statement, Mr. President, first, upon a pretty intimate acquaintance with full-blood Indians themselves. Almost ever since I can remember I have been acquainted with the Indians, with their characteristics, and have had a good deal of dealing with them, and have seen their dealings with white people. Taking my own acquaintance and observation wherever I have seen them have any business relations with white men, and taking the testimony which was given before the committee, which was to the effect that the full-blood Indians down in the Indian Territory did not differ materially in their character for indigence from the full-blood Indians anywhere else, I think I can safely say that almost 99 per cent of them would not be able to withstand the onset of the white civilization to get possession of their property. If that is true—and I think everyone who knows anything about the Indian character will agree with me that it is true—we come right back to the question whether or not it is our duty and whether we are not in conscience obligated to protect those Indians by such means as are necessary to protect them.

I know it has been often stated here that the best thing for the Indian is to place him upon his land and let him shift for himself. I will agree to that proposition, provided you have given him a good home and that you will not allow him to sell that home; but you can not place him in a position where he can sell his property that he will not sell it, and that in a very short time.

Mr. STONE. Mr. President——

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Missouri?

Mr. McCUMBER. Certainly.

Mr. STONE. Mr. President, at the instance of the chairman of the committee, because of his anxiety to conclude the bill, I will state that I am not going to object to the suggestion made by the chairman that he will accept the amendment and that the matter will be settled otherwise.

Mr. McCUMBER. I fear the chairman of the committee has an ulterior motive, and that when the bill gets into the conference committee it will not receive the same support that it is receiving here.

Mr. CLAPP. I will say that the Senator from North Dakota and the Senator from Idaho are both together on that question, and I would be in a hopeless minority if I had any purpose of the kind.

Mr. McCUMBER. I do not want to take up a moment's time if the Senator will accept the amendment.

Mr. CLAPP. The amendment is accepted, then.

The VICE-PRESIDENT. At what point on page 27 does the Senator's amendment come in?

Mr. McCUMBER. The amendment proposes to strike out all of page 27 down to and including the word "allottee," in line 20.

The VICE-PRESIDENT. And insert the amendment which was read at the desk?

Mr. McCUMBER. It will be inserted in lieu of the portion which I have mentioned.

The amendment was agreed to.

Mr. WARNER. Mr. President, I desire to move to strike out all of lines 21, 22, and 23, on page 27.

The VICE-PRESIDENT. The amendment to the committee amendment will be stated.

The SECRETARY. On page 27, line 20, after the word "That," it is proposed to amend the committee amendment by striking out "when restrictions upon the alienation and leasing of lands have been, are hereby, or may hereafter be removed, said lands are alienable from the date of selection thereof; and;" so as to read:

*Provided further*, That conveyances heretofore made by members of any of the Five Civilized Tribes subsequent to the selection of allotment and subsequent to removal of restrictions shall not be deemed or held invalid solely because said conveyances were made prior to issuance and recording or delivery of patent or deed.

Mr. CLAPP. I accept that amendment.

The amendment to the amendment was agreed to.

Mr. WARNER. I also move to amend the amendment of the committee, on page 28, by striking out, beginning with the word "And," in line 4, down to the word "no," in line 12.

Mr. CLAPP. And capitalize the letter "N" in the word "no." I agree to that amendment.

The amendment to the amendment was agreed to.

The VICE-PRESIDENT. The question is on the amendment of the committee to section 19 as it stands amended.

The amendment as amended was agreed to.

Mr. STONE. I desire to offer an amendment to come in at the end of section 9, on page 11.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. At the end of section 9, page 11, after the amendment of the committee already agreed to, it is proposed to add the following:

That the Court of Claims is hereby authorized and directed to hear, consider, and adjudicate the claims against the Mississippi Choctaws of the estate of Charles F. Winton, deceased, his associates and assigns, for services rendered and expenses incurred in the matter of the claim of the Mississippi Choctaws to citizenship in the Choctaw Nation, and to render judgment thereon, on the principle of quantum meruit, in such amount or amounts as may appear equitable or justly due therefor; which judgment, if any, shall be paid from any funds now or hereafter due such Choctaws by the United States. Notice of such suit shall be served on the governor of the Choctaw Nation, and the Attorney-General shall appear and defend the said suit on behalf of said Choctaws.

Mr. CLAPP. There is no objection to that amendment, so far as the chairman of the committee is concerned.

The amendment was agreed to.

Mr. SPOONER. I want to ask the Senator who has charge of this bill to turn to lines 18 and 19 on page 29, which read:

That if any allottee of the Choctaw, Chickasaw, Cherokee, Creek, or Seminole tribes die intestate without widow, heir or heirs, or surviving spouse, etc.

What is the distinction between "widow" and "surviving spouse?"

Mr. CLAPP. We have discussed everything to-day, but I knew there was one thing that escaped, and it is a discussion of the distinction between those terms. It is a distinction that ought to be made by the dictionary. There is no question about that.

Mr. SPOONER. Well, then, it ought to be made by the bill.

Mr. TELLER. I have some amendments I desire to offer, which are acceptable to the committee, I believe, purely with reference to the joint resolution that we have passed. The purpose of these amendments is simply to put them in conference, so that the conferees can deal with them. I move to strike out section 6.

Mr. CLAPP. There is no objection to that amendment.

The amendment was agreed to.

Mr. TELLER. I move to strike out all of section 9, on page 11, down to and including the word "court," leaving the remainder of the section stand. I repeat that all these motions are made simply to give the conference committee full jurisdiction.

The VICE-PRESIDENT. The question is on the amendment of the Senator from Colorado?

The amendment was agreed to.

Mr. TELLER. I move to strike out section 10 as it came from the House. If we have made any amendment to the section we will let the amendment stand.

The amendment was agreed to.

Mr. TELLER. Now, I move to strike out section 11. No amendment has been made to that section.

Mr. CLARK of Wyoming. There are some amendments in that section. There is also an amendment in the section the Senator moved to strike out a moment ago.

The VICE-PRESIDENT. There are certain amendments made to section 11.

Mr. TELLER. Where there are amendments simply correcting the text of the House bill let them go out, but where the Senate has added something we want to leave that in, so as to retain jurisdiction over it.

Mr. CLARK of Wyoming. I call the Senator's attention to the committee amendment in section 10, at the bottom of page 11 and the top of page 12. That section has been stricken out on the Senator's motion, and I desire to call his attention to the committee amendment to see if that provision is of importance enough to cut any figure.

Mr. TELLER. If we strike out all of section 10 the whole thing will be in conference.

Mr. CLARK of Wyoming. I only made the suggestion in view of the Senator's statement that he wanted to leave in the amendments made by the Senate.

Mr. TELLER. I only want to retain those amendments that are independent of the sections of the bill as it came from the House.

The VICE-PRESIDENT. The amendment of the Senator from Colorado will be stated.

The SECRETARY. It is proposed to strike out all of section 11, on page 13.

The amendment was agreed to.

Mr. TELLER. I move to strike out all of section 15 down to the word "tribes," on page 24, line 22.

The amendment was agreed to.

Mr. TELLER. On page 5, line 15, I move to strike out the words "by blood;" and in line 17 to strike out the same words.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. In section 4, on page 5, line 15, after the word "citizens," it is proposed to strike out "by blood;" and in line 17, after the word "citizen," to strike out "by blood."

The amendment was agreed to.

Mr. TELLER. These amendments are simply for the purpose, as I have said, of giving the conference committee control over the subject. The bill is of such a character, considering the manner in which it has been amended, that it seems to me we should give the conference committee pretty full authority to make this bill over. The conference committee on the part of the Senate will consist of the chairman of the Committee on Indian Affairs [Mr. CLAPP], the Senator from North Dakota [Mr. MCCUMBER], and the Senator from Idaho [Mr. DUBOIS]. I think we may trust them, and they will have time enough to sit down and consider the entire subject, which the Committee on Indian Affairs did not have.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

### ADJOURNMENT TO MONDAY.

Mr. ALLISON. I move that when the Senate adjourns today it be to meet on Monday next.

The motion was agreed to.

### EXECUTIVE SESSION.

Mr. ALLISON. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After ten minutes spent in executive session the doors were reopened, and (at 5 o'clock and 40 minutes p. m.) the Senate adjourned until Monday, March 5, 1906, at 12 o'clock meridian.

## CONFIRMATIONS.

*Executive nominations confirmed by the Senate March 2, 1906.*

### PROMOTIONS IN THE ARMY.

*Cavalry Arm.*

Capt. Percy E. Trippe, Twelfth Cavalry, to be major from February 21, 1906.

First Lieut. Robert C. Foy, First Cavalry, to be captain from February 21, 1906.

First Lieut. Llewellyn W. Oliver, Eighth Cavalry, to be captain from February 21, 1906.

Second Lieut. John Symington, Eleventh Cavalry, to be first lieutenant from February 21, 1906.

Second Lieut. Walter H. Smith, Thirteenth Cavalry, to be first lieutenant from February 21, 1906.

*Artillery Corps.*

Capt. Stephen M. Foote, Artillery Corps, to be major from February 24, 1906.

Maj. Leverett H. Walker, Artillery Corps, to be lieutenant-colonel from February 19, 1906.

Capt. Charles G. Treat, Artillery Corps, to be major from February 19, 1906.

First Lieut. Arthur T. Balentine, Artillery Corps, to be captain from February 19, 1906.

Second Lieut. James Prentice, Artillery Corps, to be first lieutenant from February 19, 1906.

*Infantry Arm.*

First Lieut. Harry S. Howland, Twenty-third Infantry, to be captain from January 18, 1906.

### PROMOTIONS IN THE NAVY.

Second Lieut. Fred D. Kilgore, of the Marine Corps, to be a first lieutenant in the Marine Corps from the 15th day of December, 1904.

Second Lieut. Sidney A. Merriam, of the Marine Corps, to be a first lieutenant in the Marine Corps from the 6th day of January, 1905.

Second Lieut. William A. McNeil, of the Marine Corps, to be a first lieutenant in the Marine Corps from the 6th day of January, 1905.

Maj. George Barnett, of the Marine Corps, to be a lieutenant-colonel in the Marine Corps from the 28th day of February, 1905.

Maj. Charles A. Doyen, of the Marine Corps, to be a lieutenant-colonel in the Marine Corps from the 11th day of March, 1905.

Lieut. Col. Randolph Dickins, of the Marine Corps, to be a colonel in the Marine Corps from the 1st day of April, 1905.

Maj. James E. Mahoney, of the Marine Corps, to be a lieutenant-colonel in the Marine Corps from the 1st day of April, 1905.

Lieut. Col. Thomas N. Wood, of the Marine Corps, to be a colonel in the Marine Corps from the 1st day of February, 1906.

Maj. Franklin J. Moses, of the Marine Corps, to be a lieutenant-colonel in the Marine Corps from the 1st day of February, 1906.

Ensign Herbert C. Cocke to be a lieutenant (junior grade) in the Navy from the 1st day of July, 1905, having completed three years' service in his present grade.

Lieut. (Junior Grade) Herbert C. Cocke to be a lieutenant in the Navy from the 1st day of July, 1905.

Lieut. Bion B. Bierer to be a lieutenant-commander in the Navy from the 10th day of February, 1906.

Commander Albert C. Dillingham, an additional number in his grade, to be a captain in the Navy from the 19th day of February, 1906.

### POSTMASTERS.

#### ALABAMA.

Andrew M. Steele to be postmaster at Tuscumbia, in the county of Colbert and State of Alabama.

#### ARIZONA.

James H. McClintock to be postmaster at Phoenix, in the county of Maricopa and State of Arizona.

#### ARKANSAS.

John R. Greenwood to be postmaster at Stamps, in the county of Lafayette and State of Arkansas.

#### CALIFORNIA.

William P. Ratliff to be postmaster at Tulare, in the county of Tulare and State of California.

#### KANSAS.

Harvey P. Donnell to be postmaster at Waverly, in the county of Coffey and State of Kansas.

Lair D. Hart to be postmaster at Westmoreland, in the county of Pottawatomie and State of Kansas.

Clinton O. Kinne to be postmaster at Alma, in the county of Wabaunsee and State of Kansas.

Bror A. Rosenquist to be postmaster at Osage City, in the county of Osage and State of Kansas.

#### MAINE.

George T. Hodgman to be postmaster at Camden, in the county of Knox and State of Maine.

#### MICHIGAN.

Darwin F. Meech to be postmaster at Charlevoix, in the county of Charlevoix and State of Michigan.

A. Brink Tucker to be postmaster at Otsego, in the county of Allegan and State of Michigan.

MINNESOTA.

Carl A. Von Vleck to be postmaster at Lake City, in the county of Wabasha and State of Minnesota.

MISSOURI.

John W. Smith to be postmaster at Thayer, in the county of Oregon and State of Missouri.

NEBRASKA.

William E. Morgan to be postmaster at Greeley, in the county of Greeley and State of Nebraska.

NEW JERSEY.

John G. Gaston to be postmaster at Somerville, in the county of Somerset and State of New Jersey.

NEW YORK.

Robert Titus Coan to be postmaster at Albion, in the county of Orleans and State of New York.

Matthew G. Frawley to be postmaster at Baldwinsville, in the county of Onondaga and State of New York.

NORTH DAKOTA.

James R. Carley to be postmaster at Hillsboro, in the county of Traill and State of North Dakota.

OKLAHOMA.

William T. Little to be postmaster at Perry, in the county of Noble and Territory of Oklahoma.

TEXAS.

Milton O. Gleason to be postmaster at Hico, in the county of Hamilton and State of Texas.

Florence Sheasby to be postmaster at Elgin, in the county of Bastrop and State of Texas.

Reese E. Troutman to be postmaster at Jacksonville, in the county of Cherokee and State of Texas.

VIRGINIA.

Thomas Burroughs to be postmaster at Alexandria, in the county of Alexandria and State of Virginia.

R. A. Fulwiler to be postmaster at Staunton, in the county of Augusta and State of Virginia.

Robert L. Gillespie to be postmaster at Graham, in the county of Tazewell and State of Virginia.

William L. Mustard to be postmaster at Pocahontas, in the county of Tazewell and State of Virginia.

N. Clifford Nichols to be postmaster at Leesburg, in the county of Loudoun and State of Virginia.

D. C. Thomas to be postmaster at Abingdon, in the county of Washington and State of Virginia.

WISCONSIN.

Christopher C. Gittings to be postmaster at Racine, in the county of Racine and State of Wisconsin.

Peter W. MacKenzie to be postmaster at Poynette, in the county of Columbia and State of Wisconsin.

John M. Reese to be postmaster at Dodgeville, in the county of Iowa and State of Wisconsin.

Francis A. R. Van Meter to be postmaster at New Richmond, in the county of St. Croix and State of Wisconsin.

WYOMING.

William F. Brittain to be postmaster at Sheridan, in the county of Sheridan and State of Wyoming.

## HOUSE OF REPRESENTATIVES.

### FRIDAY, *March 2, 1906.*

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

CHANGE OF REFERENCE.

By unanimous consent, the Committee on the Merchant Marine and Fisheries was discharged from the further consideration of the bill (S. 2068) to increase the limit of cost of the fog signal at the light and fog-signal station at Battery Point, Puget Sound, Washington, and the same was referred to the Committee on Interstate and Foreign Commerce.

CLAIMS.

Mr. MILLER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House for the purpose of considering bills upon the Private Calendar, under the rule.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House for the purpose of considering bills upon the Private Calendar, with Mr. CAMPBELL of Kansas in the chair.

The CHAIRMAN. The House is in Committee of the Whole House for the consideration of bills on the Private Calendar, under the special rule of the House. The Clerk will report the first bill.

HENRY E. RHOADES.

The first business on the Private Calendar was the bill (H. R. 9297) for the relief of Henry E. Rhoades, assistant engineer, United States Navy, retired.

The bill was read at length.

Mr. PAYNE. Mr. Chairman, it seems to me that this bill ought to come from the Committee on Naval Affairs, and not from the Committee on War Claims. I make that point.

Mr. MILLER. I supposed that when the Clerk read that bill provision had been made by the Naval Committee for its consideration, and for that reason I did not raise any question in reference to it. It has not been before the Committee on Claims, and we have not had anything to do with it.

Mr. PAYNE. I make the point of order that it is not in order here; and the gentleman seems to concede it.

The CHAIRMAN. The Chair will ask the Clerk to read the rule under which we are acting.

The Clerk read as follows:

March 18, 1900, the House adopted the following order:

"*Resolved*, That during the remainder of this Congress the second and fourth Fridays of each month, after the disposal of such business on the Speaker's table as requires reference only, shall be set apart for the consideration of private pension bills, bills for the removal of political disabilities, and bills removing charges of desertion. The provision herein shall be made in lieu of the evening session provided by section 2 of Rule XXVI, and section 6 of Rule XXIV and section 1 of Rule XXVI are hereby modified to conform herewith."

The CHAIRMAN. The effect of this rule is to give the Committee on Claims priority over the Committee on War Claims, but not to exclude the consideration of other bills on the Private Calendar.

Mr. PAYNE. Mr. Chairman, I would ask if there is any gentleman here who can explain this bill?

Mr. LOUDENSLAGER. Mr. Chairman, I would like to know what this bill is.

The CHAIRMAN. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. 9297) for the relief of Henry E. Rhoades, assistant engineer, United States Navy, retired.

Mr. LOUDENSLAGER. Mr. Chairman, if the gentleman from Pennsylvania [Mr. BUTLER], a member of the subcommittee that reported this bill, is not present, I would ask unanimous consent that the bill be passed without prejudice until he comes into the House.

The CHAIRMAN. Without objection, the request of the gentleman from New Jersey will be granted, and the bill will be temporarily laid aside.

There was no objection.

JAMES STALEY.

The next business on the Private Calendar was the bill (H. R. 12286) granting relief to the estate of James Staley, deceased.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to allow Bertha D. Staley, administratrix of the estate of James Staley, deceased, credit in the sum of $475.63 in the settlement of the accounts of said James Staley, deceased, late superintendent Indian training school, Yankton Agency, S. Dak., and special disbursing agent.

Mr. PAYNE. Mr. Chairman, I ask for an explanation of this bill. I do not know who reported it.

Mr. MILLER. Mr. Chairman, that has not been before the Committee on Claims. We have no jurisdiction over it, and I know nothing about it.

Mr. RUCKER. This bill was reported by the Committee on Indian Affairs, and is properly on the Private Calendar.

Mr. PAYNE. I ask for an explanation of the bill.

Mr. RUCKER. I will be glad to make it. I sent a few moments ago for a copy of the bill and for the report; but I am able, I think, to explain the facts and save the time of reading the report, unless the gentleman desires to have it read. The fact is that in 1890 James Staley was appointed Indian agent, disbursing officer, at the Indian training school, Yankton, S. Dak., and served in that capacity until his death. At his death his widow qualified as administratrix, and rendered an account to the Government, the Treasury Department, of the administration of the office during her husband's incumbency. That report showed a balance in Mr. Staley's hands, at the time of his death, of something like $5,000 due the Government, which was promptly placed on deposit to the credit of the Treasurer of the United States. Along with that, of course, went an itemized statement of all moneys he had disbursed during the last quarter. Among those disbursements were various items, aggregating $475, the amount carried in this bill, which was stricken from the items accredited in balancing the account by

reason of the fact, as alleged, that these items and expenditures were for matters not specifically appropriated for. In other words, and as an illustration, money was appropriated for improvements of some kind, and part of that money was used in repairing a barn for Government purposes there at the school, but not contemplated in the appropriation. Now, those items were cut out by reason of the fact that there was no specific appropriation for a barn. There is no pretense whatever that the man did not absolutely, in good faith, expend every dollar for which the administratrix asked credit; but the Treasury Department cut it out because, under the strict letter of the law, there was no specific appropriation covering this amount. His widow, a constituent of mine, has been called upon to pay back to the Government of the United States $475 that her husband had already expended for the benefit of the United States; and this bill simply directs that the Treasury Department allow the estate credit, on final settlement of the accounts of James Staley, deceased, for the amount of $475. It does not ask the Government to pay one single cent, but merely allow this administratrix credit for the amount which her husband has already paid out, and which the Department, properly perhaps, cut out in the adjustment of his accounts.

Mr. STEPHENS of Texas. If the gentleman will permit me. I understand this man Staley was the Indian agent at this point?

Mr. RUCKER. Yes, sir.

Mr. STEPHENS of Texas. And it was his duty to have some improvements made there for the benefit of the Indians, and among those improvements he considered necessary was a barn, and he expended this amount of money for that; and when the matter came before the Auditor he refused to allow it, and charged him up with that amount, and this bill is simply to allow his widow to recover from the United States the amount of money that he actually expended for the benefit of the Indians at that Indian agency, and for which the United States has already received the work?

Mr. RUCKER. I think those are the facts, Mr. Chairman.

Mr. STEPHENS of Texas. I was on the subcommittee which considered this matter, and the statement is correct.

Mr. RUCKER. As I said a while ago, this bill asks for no money from the Government, but merely asks that credit be allowed for money actually paid out.

Mr. HINSHAW. The evidence shows that he expended every cent of the amount, but expended it for an object for which the Auditor conceived he was not entitled to have placed to his credit.

Mr. RUCKER. It is upon that theory that the bill is introduced. These facts which I have stated are set forth in the report of the Auditor for the Department.

Mr. Chairman, I move that the bill be laid aside to be reported to the House with a favorable recommendation.

The motion was agreed to.

The bill was accordingly laid aside to be reported to the House with a favorable recommendation.

JOHN C. LYNCH.

The Clerk began the reading of the bill H. R. 7144.

Mr. BOUTELL. Mr. Chairman, a parliamentary inquiry. I should like to ask what disposition, if any, has been made of Calendar No. 466, which is the bill (H. R. 12560) for the relief of John C. Lynch?

The CHAIRMAN. That bill is the next in order, and it will be read by the Clerk.

The bill (H. R. 12560) for the relief of John C. Lynch was read, as follows:

*Be it enacted, etc.*, That the Court of Claims shall have and possess jurisdiction and authority to inquire into and finally adjudicate the claim of John C. Lynch, a resident of Shackelford County, Tex., for property taken or destroyed by Indians, and for the purpose of this action it shall be assumed he was a citizen of the United States at the time of the injury.

Mr. PAYNE. I should like to hear an explanation of this bill from some gentleman who knows about it. Perhaps the gentleman from Illinois [Mr. BOUTELL] can explain it.

Mr. BOUTELL. I know nothing whatever about the bill. I was simply inquiring what the course of business was. I noticed that that bill was on the Calendar and that it seemed to be next in order.

Mr. PAYNE. If there is no one here to explain the bill, I ask that it be passed over without prejudice.

The CHAIRMAN. If there be no objection, it will be so laid aside.

There was no objection.

AARON EVERLY.

The next business was the bill (H. R. 7144) for the relief of Aaron Everly.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of War be, and he is hereby, authorized and directed to substitute the name of Aaron Everly, instead of that of John O'Neal, on the muster rolls of the War Department, so as to show that he served as an enlisted man in Company L, Seventeenth Regiment Pennsylvania Cavalry, and that an honorable discharge be granted him.

With the following amendment:

Add to the bill the words: "*Provided*, That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act."

The amendment was agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

JOHN PURKAPILE.

The next business was the bill (H. R. 13735) for the relief of John Purkafile.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of War is authorized to amend the record of John Purkafile so as to show him honorably discharged from Company F, Fifty-first Illinois Infantry Volunteers, for disability contracted in line of duty.

With the following amendments:

Strike out, in line 4, the word "Purkafile" and insert in lieu thereof the word "Purkapile."

Amend the title so as to read: "A bill for the relief of John Purkapile."

The amendments recommended by the committee were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

JAMES W. JONES.

The next business was the bill (H. R. 6982) for the relief of James W. Jones.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to James W. Jones, out of any money in the Treasury not otherwise appropriated, the sum of $621.21, with interest from February 13, 1902. Said James W. Jones, a clerk of class 1 in the office of the Auditor for the Post-Office Department, was, on February 25, 1898, erroneously arrested and summarily dismissed on February 26, 1898.

With the following committee amendment:

In lines 6, 7, and 8 strike out "$621.21" and insert "$513.71."

Mr. PAYNE. I should like to hear some explanation of this bill.

Mr. MILLER. Mr. Chairman, this bill is for the relief of James W. Jones. Mr. Jones was employed by the Post-Office Department, and in 1898 some money-order blanks were stolen from the office of the Auditor, and Mr. Jones was arrested, charged with the theft of those orders. The orders were cashed at Havre de Grace, Md., a few days after they were stolen. Mr. Jones was immediately suspended from office. Sometime afterwards the man who had stolen the orders and had them cashed confessed his guilt and immediately afterwards committed suicide. The committee gave very careful consideration to this bill. Its purpose is to pay Mr. Jones the amount of salary he would have received, and should have received, during the time that he was suspended, I think about four or possibly five months. The Department recommends favorable action in the case, and the committee also recommend that the bill be favorably reported with an amendment. I desire to call the attention of the committee to what Secretary Gage said in relation to this matter:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
*January 20, 1902.*

Respectfully returned with indorsement as follows:

The accusations against Mr. Jones, made in 1898, were the result of an unfortunate misinterpretation of certain facts. A closer examination brought this clearly into view and served to entirely exonerate him from any suspicion of culpability in the matters then in question.

It is due to him to have this said, and my regret has been deep and will be permanent that his good name was at all brought under doubt.

L. J. GAGE, *Secretary.*

Secretary Shaw also approves the payment of this bill.

Mr. SHACKLEFORD. Mr. Chairman, may I ask the gentleman a question?

Mr. MILLER. Certainly.

Mr. SHACKLEFORD. What this claimant is seeking to recover for is the time during which he was suspended?

Mr. MILLER. That is true.

Mr. SHACKLEFORD. Who filled his position while he was suspended?

Mr. MILLER. Another clerk was appointed, as I understand it.

Mr. SHACKLEFORD. And another clerk was paid for that time?

Mr. MILLER. Yes.

Mr. SHACKLEFORD. And what this man seeks to recover is for the time that he was not in service of the Government——

Mr. MILLER. That is right.

Mr. SHACKLEFORD. That is all the claim that he has?

Mr. MILLER. Yes.

Mr. SHACKLEFORD (continuing). That he was charged with this offense and was suspended in due and regular form, and he now wants pay for the time during which he was suspended, and during which he rendered no service to the Government, the service having been performed by somebody else.

Mr. PAYNE. I understand the gentleman from Kansas that this man was suspended on a charge that proved afterwards to be totally false, upon representations that turned out to be false?

Mr. MILLER. That is right.

Mr. PAYNE. And he was ready to perform the duties of the office, but was prevented from doing so by the fact that he was charged with this offense of which he was not guilty.

Mr. MILLER. He was suspended because he was charged with this crime. It was afterwards discovered that he was not guilty, and in order to clear his good name they immediately reinstated him and did all that they could to clear up his good name. He has been in the Department ever since, and the committee thinks now that the Government ought to pay this bill for the purpose of doing what it can to clear up the reputation of this young man and put him square with the world. The committee recommends three amendments, as follows:

Strike out all of lines 6 and 7 and the word "two," in line 8, and insert in lieu thereof the words "five hundred and thirteen dollars and seventy-one cents;" this makes it the exact amount that he was entitled to, and I ask that the amendments be adopted.

Mr. SHACKLEFORD. Will the gentleman yield?

Mr. MILLER. Certainly.

Mr. SHACKLEFORD. Now, Mr. Chairman, I only have a few words to say about this bill. The amount of the appropriation asked for is quite small, but whatever we may do here to-day will be presented as a precedent for something else that may come up hereafter in larger proportions. In fact, it is one of the tricks of this committee, of which I happen to be a member, to put the small claims forward first to open the way for larger ones that may follow.

Now, the officers of the Government, acting within the scope of their authority, suspended this man from his office; he was as completely removed from it as if he had never been appointed to it. Another man performed the services for the Government, and was paid for the performance of those services. Now he asks Congress to appropriate money for services that he did not perform, but were performed by another; services for the time he was not employed, because he was falsely accused of a crime through the instrumentality of some Government employee. Mr. Chairman, as I say, the amount of appropriation asked for is indeed very small, but the aggregate of such appropriations would become quite large. I think it is time for this committee and for this House to establish some standard by which these things will be done.

Mr. Chairman, I believe that in dealing with these claims we ought to be governed by the same principles that are enforced between man and man in business affairs. The United States Government had a perfect right to take the steps it did take, to suspend this man from the office he held. It was a favor to him to hold that office the time that he did hold it. He had no right to complain if he was removed, and being removed and being suspended, there is no way——

Mr. GROSVENOR. Mr. Chairman, will the gentleman permit an interruption?

The CHAIRMAN. Does the gentleman yield?

Mr. SHACKLEFORD. Yes.

Mr. GROSVENOR. Is it not a fact that if a private individual, under a contract of labor and service to another private individual, had been treated in the manner this young man was treated by the United States Government there would have arisen in his favor a claim for damages to be settled by the verdict of a jury for slandering him, first, and removing him, second, and thereby injuring him before the people? Now, will the gentleman point out wherein the United States Government ought not in this small way to make some compensation, not by a suit for damages for injury to character, but by simply payment of wages he would have received if he had not been assaulted in that?

Mr. SHACKLEFORD. Mr. Chairman, the difference is very clear, as I understand it. In reply to the gentleman, he states a case altogether different from this. He says that if an employer and an employee should enter into a contract for employment for a certain stated period, and the employer should not permit the employee to perform the service that he had employed him to perform and slandered his character, he would have an action against that individual for slander.

Well, if the United States Government is liable in an action for slander, let the gentleman who seeks to enforce this claim come here and put it through on the ground that he has been slandered. But you are not asked to do that. You are asking the Government to pay this man for services that he did not perform. You are asking the United States to pay this man for services that were performed by another, and the other party was paid for them, and, as I said a moment ago, it is not the amount involved—the pitiful five or six hundred dollars—but it is the fact that you make this a precedent for the larger claims that are to follow. It is a precedent you set by which you invite all of those who have gall, all of those who have the aggressiveness to come and push themselves in here and get claims allowed against the Government that have no standing in law or equity. How many thousands such cases as this are there in this country? How many do we pay? We pay only those who go to some lawyer and get him to prepare a bill and present it to the committee. We pay one and omit to pay a thousand. We deal it out here as a sort of kingly matter of grace to a few and ignore a great number. If this sort of claim ought to be paid, then let us make a general law providing that Departments shall, under such conditions as these, pay all people who have been wronged, pay all people who have been suspended from office when they ought not to have been suspended, and not make fish of one and flesh of another. Why should this man be paid for services that he never performed and a thousand like him be overlooked entirely?

Mr. MILLER. Mr. Chairman, I yield to the gentleman from Illinois [Mr. McGAVIN].

Mr. McGAVIN. Mr. Chairman, I just desire to say, in reply to what the gentleman from Missouri [Mr. SHACKLEFORD] has said, that it is all right for him to indulge in speculation and conjecture as to what ought to be done with reference to the passage of another bill which would give a remedy in all this class of cases, but it is a condition that confronts us now. Five hundred and thirty-nine dollars can never give back this young man his good name, and the only thing this House can do at this time, the only small recompense we can make for the injury that has been done him, is to pay for the time he was out without his fault, and during which time he was ready and willing to perform the services for the Government, but was prevented from doing so by the false charge that was made against him.

### MESSAGE FROM THE SENATE.

The committee informally rose; and the Speaker having resumed the chair, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House of Representatives to the joint resolution (S. R. 37) extending the tribal existence and government of the Five Civilized Tribes of Indians in the Indian Territory.

The message also announced that the Senate had passed bill of the following title; in which the concurrence of the House of Representatives was requested:

S. 4229. An act to authorize the sale and disposition of surplus or unallotted lands of the diminished Colville Indian Reservation, in the State of Washington, and for other purposes.

### FIVE CIVILIZED TRIBES.

Mr. CURTIS. Mr. Speaker, I ask unanimous consent to take up and dispose of the conference report on Senate joint resolution No. 37.

The SPEAKER. While it has been held that business of the House can be transacted when the committee has risen informally, yet the Chair prefers to put it for unanimous consent. Without objection, the House will consider the conference report on the motion of the gentleman from Kansas referred to. [After a pause.] The Chair hears no objection.

Mr. CURTIS. I ask unanimous consent that the statement be read in lieu of the report.

The Clerk read as follows:

### STATEMENT OF THE MANAGERS ON THE PART OF THE HOUSE IN CONFERENCE ON SENATE JOINT RESOLUTION NO. 37.

The managers on the part of the House make the following statement in regard to the conclusion reached by the conference on the disagreement between the House and Senate on the amendments of the House to Senate joint resolution No. 37:

After full and free conference the Senate recedes from its disagreement to the House amendments with an amendment to be added to the end of the resolution, as follows: "Unless hereafter otherwise provided by law."

This amendment simply provides that the resolution is subject to change at the pleasure of Congress.

Respectfully submitted with the recommendation that the conference report be adopted.

J. S. SHERMAN,
CHARLES CURTIS,
JNO. H. STEPHENS,
*Managers on the part of the House.*

The conference report is as follows:

The conferees on the part of the two Houses on the disagreeing votes on the House amendments to the Senate joint resolution 37 have met in full and free conference and agreed to recommend and do recommend to their respective Houses that the Senate recede from its disagreement to the House amendments, and agree to the same with an amendment as follows: Add to the end of the resolution the following words: "Unless hereafter otherwise provided by law;" and the House agree to the same; so that the joint resolution will read as follows:

"That the tribal existence and present tribal governments of the Choctaw, Chickasaw, Cherokee, Creek, and Seminole tribes or nations of Indians in the Indian Territory are hereby continued in full force and effect for all purposes under existing laws until all property of such tribes, or the proceeds thereof, shall be distributed among the individual members of said tribes, unless hereafter otherwise provided by law."

J. S. SHERMAN,
CHARLES CURTIS,
JNO. H. STEPHENS,
*Conferees on the part of the House.*

MOSES E. CLAPP,
P. J. MCCUMBER,
FRED T. DUBOIS,
*Conferees on the part of the Senate.*

Mr. LACEY. Mr. Speaker, I ask that the resolution, which is very short, be read as it will read after the amendment is made.

The SPEAKER. The Clerk will read the joint resolution as it will read if the conference report is agreed to.

The Clerk read as follows:

That the tribal existence and present tribal governments of the Choctaw, Chickasaw, Creek, and Seminole tribes or nations of Indians in the Indian Territory are hereby continued in full force and effect for all purposes under existing laws until all property of such tribes, or the proceeds thereof, shall be distributed among the individual members of said tribes, unless hereafter otherwise provided by law.

The conference report was considered and agreed to.

On motion of Mr. CURTIS, a motion to reconsider the last vote was laid on the table.

ADJOURNMENT OVER.

Mr. PAYNE. Mr. Speaker, I move that when the House adjourn to-day it adjourn to meet on Monday next.

The motion was agreed to.

JAMES W. JONES.

The committee resumed its sitting.

Mr. MILLER. Mr. Chairman, I yield two minutes to the gentleman from Illinois, Mr. MADDEN.

Mr. MADDEN. Mr. Chairman, in the payment of claims of this sort, I think we are establishing a dangerous precedent. I have a case now in mind where a man came to me who was out of the Government service for sixteen years and was reinstated. He asked me if I would introduce a bill to pay him for the whole sixteen years of service, and if you pay this bill I propose to introduce that bill. If the establishment of the precedent is made by a payment of this character, the Congress of the United States will be heaped up with bills of this kind. When a man is out of the service and some one else in his place has drawn the pay that he would have drawn if he was in the employ of the Government, that should end the Government's liability. The Government ought not, upon the reinstatement of the man who was suspended, to be called upon to pay again.

Mr. MILLER. Now, in reply to the gentleman from Illinois, as well as the gentleman from Missouri, I simply desire to say that so far as I am personally concerned I feel very much as they do in reference to the establishment of precedents looking to the payment of unjust claims, but I want to say now to the gentleman from Illinois, when he gets ready to introduce his bill, and it comes to the Committee on Claims, he will find the gentleman from Missouri, in my judgment, and the gentleman from Kansas, the chairman of the committee, opposed to an allowance of a bill of that kind.

Mr. MADDEN. Will the gentleman allow a question?

Mr. SHACKLEFORD. Will the gentleman point out the difference in principle between this case and the other case?

Mr. MILLER. The difference in point between this case and the case the gentleman from Illinois has is this: The young man was discharged because it was believed he was a thief. He was charged by the Government of the United States with being a thief.

In the other case the man was suspended, possibly because he was not efficient or for some other good reason, from the Department, but in this case there was no reason for this suspicion. The records in the Post-Office Department at the time this young man was suspended show on that very day—the day that this warrant was cashed at Havre de Grace, Md.—he was in the Post-Office Department at work every hour in that day, and he could not have been over at Havre de Grace, Md., getting this warrant cashed. The testimony of a former Member of this House, Mr. Shattuck, was that he was at his hotel in the morning until 8.45, when he left his office to go to the Department, and from 9 o'clock until 4 o'clock in the afternoon he was there at his desk at work, and this order was cashed at Havre de Grace at 9.10 that morning. So I say at the time this man was discharged the records of the Department showed he was there at his post at work when he was charged with having had the order cashed at Havre de Grace, Md., and that it was impossible physically for him to be there. I now yield to the gentleman from Illinois.

Mr. MADDEN. The gentleman states in advance that if the bill which I suggested be introduced and comes before his committee he would stand in opposition to it, and then goes on to state the other case as an altogether different one and recites all the conditions surrounding the present case. The gentleman assumes that there are no such conditions in the case to which I referred. I therefore wish to ask the gentleman whether or not evidence to prove the worthy character of the claim would be listened to by the chairman of the Committee on Claims in the case to which I referred, or whether he has closed the case now and decided how he will dispose of it?

Mr. MILLER. I do not think there is any merit in it now, and if there is the committee will weigh and consider it.

Mr. MADDEN. But the gentleman stated he would be opposed to an allowance on a bill of that kind without regard to the evidence.

Mr. MILLER. Mr. Chairman, I did not make any such statement, and the gentleman from Illinois knows I did not. I now ask for a vote upon the amendment offered to this bill.

The question was taken; and the amendment was agreed to.

Mr. MILLER. Mr. Chairman, I now move that the bill as amended be laid aside with a favorable recommendation.

The question was taken; and the motion was agreed to.

JOHN C. LYNCH.

The CHAIRMAN. The Clerk will report the bill temporarily laid aside a moment ago.

The Clerk read as follows:

A bill (H. R. 12560) for the relief of John C. Lynch.

*Be it enacted, etc.*, That the Court of Claims shall have and possess jurisdiction and authority to inquire into and finally adjudicate the claim of John C. Lynch, a resident of Shackelford County, Tex., for property taken or destroyed by Indians, and for the purpose of this action it shall be assumed he was a citizen of the United States at the time of the injury.

Mr. HENRY of Texas. This bill is reported from the Committee on the Judiciary, and if the gentleman will permit me I will explain it briefly.

Mr. SHACKLEFORD. These conditions of which you speak are conditions that are imposed by law?

Mr. GRAFF. Yes.

Mr. SHACKLEFORD. Can not this House on the recommendation of this committee waive any law?

Mr. GRAFF. They can do it.

Mr. SHACKLEFORD. Do they not do it in a majority of these claims cases?

Mr. GRAFF. It is a question of the exercise of the wisdom of the House.

Mr. SHACKLEFORD. Is it not usually done in all these cases.

Mr. GRAFF. No; it would be a very different question if the question of citizenship was the sole question that prevented a recovery. If it is a question that goes deeper than that—the right of recovery under the law—there is not any reason why one case out of a thousand of Indian depredations should be selected for preference by this House, and I want to know what there is about this case that causes it to have special claim for favorable action on the part of the House.

Mr. HENRY of Texas. The question of the gentleman was, as I understand it, whether these were friendly or hostile Indians?

Mr. GRAFF. I wanted to know whether there was a state of war existing at that time or not.

Mr. HENRY of Texas. The record does not show anything about that. If he will let me state the case, I think he will agree that it is a worthy one and that we should pass this bill. The Court of Claims has already found in favor of John C. Lynch on every proposition except the question of citizenship. On that question he did not have direct and positive evidence as to taking out his papers of naturalization. He was an Irishman and came to this country in 1840. He went to California in about 1852, and the testimony in the record adduced before the Committee on the Judiciary shows that he was naturalized duly and properly before an officer in California in 1852; that on his returning to Texas along in 1860 he got off his horse to shoot a deer, and went off some distance from his horse and left his property, his money, and his naturalization papers on the horse. And while he was after the deer, trying to shoot it, the Indians captured the horse and carried it away.

Mr. GRAFF. What do the findings of the Court of Claims, which you say were made in this case, show with reference to a system of amity or war on the part of the Indians at that time?

Mr. HENRY of Texas. I say that there was nothing in the record, so far as I knew, that came before the Judiciary Committee on that question. But the court found in his favor, stating that this was a meritorious case in every respect, except the question of citizenship was not established by direct and positive evidence, although there was an abundance of secondary evidence going to establish that fact.

Mr. GRAFF. Then he was entitled to recovery under existing law, and the court found, except as to the single point of his citizenship, he was entitled to recover?

Mr. HENRY of Texas. Under existing law. Under the act of 1891 he was entitled to recover. Let me get through with this statement about this good Irishman, because he was a good Irish citizen, and has voted "early and often" since 1840 in the United States.

Now, when he was returning to Texas his horse was captured, this money was taken from him, and these papers were lost. He came to Texas and located in 1860, and since that time he has been an officer in the State of Texas, a county commissioner and a county judge of Shackelford County, Tex. For almost half a century he has been an honored and upright citizen of Shackelford County, Tex. Judge John C. Lynch is the gentleman's name. The only question before the court was that he had not adduced as a matter of evidence these papers showing that he was naturalized.

Now, here is an abundance of evidence in the record which warranted the Committee on the Judiciary in reporting that he was a citizen and that his citizenship was established by valid secondary evidence—by his own affidavit and other proof that accompanied the record.

Mr. GRAFF. Mr. Chairman, I think this claim—for that is what it is, and I can not understand how it came from the Judiciary Committee—I think a claim of this character ought to be examined with great care.

For instance, I have in my own district a case of a teamster who had destroyed by the Indians in the far West, when he was engaged in teaming there, his entire property. Several wagons and horses were captured by the Indians, and he went before the Court of Claims, and it was there found that he had lost some $3,000 worth of property; but the court found that one of the conditions of existing law was not shown, and that was that there must be a state of amity; there must not be a state of war in order to entitle the claimant to recover on an Indian depredation. So I am compelled to say to my constituent that I was advised by the chairman of the Committee on War Claims that the committee would not entertain a claim of that character to relieve my constituent, and relieve him from a condition of existing law.

Mr. HENRY of Texas. In your case was there a state of war existing?

Mr. GRAFF. Yes.

Mr. HENRY of Texas. I would be glad to vote for yours, if it is a case like this, and help you get it through. I say that in this case the Court of Claims found that every requirement of the law had been met except the sole question of citizenship, and there was a failure in that only because the evidence was not direct and affirmative.

Mr. GRAFF. I do not know whether it is now too late to raise the point of order, but if it is not I would raise it that you could not send this to the Committee on the Judiciary.

Mr. CURTIS rose.

Mr. GRAFF. I will yield to the gentleman.

Mr. CURTIS. I want to be recognized in my own right.

Mr. HENRY of Texas. I am not quite through.

The CHAIRMAN. The gentleman from Texas has the floor.

Mr. HENRY of Texas. Now, in order that we may get this case before the committee in all of its light, I ask that the report be read. It is short.

The Clerk read as follows:

The Committee on the Judiciary, having had under consideration the bill (H. R. 12560) for the relief of John C. Lynch, respectfully report the same back with a recommendation that the bill do pass.

Bills for similar relief passed Congress for Joseph Tousant, volume 30, Statutes at Large, page 1521; Fred Weddle, volume 31, Statutes at Large, page 1617.

Under the ruling of the Court of Claims, claims for Indian depredations, under the act of March 3, 1891, must show that the claimant was a citizen of the United States at the dates of the depredation complained of.

The facts presented to your committee, upon which recommendation is made, are as follows:

On August 31, 1891, John C. Lynch, a resident of Shackelford County, Tex., filed his claim for Indian depredations committed upon his property by Apache and Comanche tribes of Indians in the Court of Claims at Washington, D. C., under the act of March 3, 1891, entitled "An act to provide for the adjudication and payment of claims arising from Indian depredations," and evidence was taken in this case under the rules of the Court of Claims to establish the losses complained of, and that evidence shows the following facts as to the citizenship of the claimant, John C. Lynch, to wit:

He was born in Ireland in the year 1828 and came to America in 1840, when he was 12 years of age; came with his sister to Baltimore, Md.; he declared his intention to become a citizen of the United States in the city of Baltimore, Md., and afterwards went to California, and in the year 1852 was admitted to citizenship and received his citizenship papers in Los Angeles, Cal. At that time Los Angeles was a frontier country, and the judge before whom he was naturalized was a Mexican, and he remembers that he was naturalized in an old adobe house, which was used as a court-house. That he voted in two elections in California. Los Angeles at that time was a section where there was practically no law or order, and everything was done in a very loose manner. He knows that he received his citizenship papers and had them for some years afterwards.

They were lost in the following manner, to wit: He was coming horseback from California to New Mexico and had his belongings, with his citizenship papers and $800 in money, tied on behind his saddle, when he got down from his horse to shoot a deer and had crawled some distance from his horse when he was cut off from him by Apache Indians, and his horse, with his saddle and everything on him, was taken, and he never recovered them.

After some years he wrote back from New Mexico to California for a copy of his naturalization papers, but could get no satisfaction from the officers.

In 1860, in Texas, when he contemplated voting, he stated to the judge of the elections, Gladdis E. Miller, the fact of the loss of his papers and that he had written back to California and had been unable to get them, and asked if he had better take out new papers here in Texas, and the judge stated that "he was as good a citizen as he [the judge] wanted," and he voted in the election and has voted in nearly all elections since then—may say all, as he does not know of missing any. He has held the office of county treasurer of Stephens County, Tex., the office of county judge of Shackelford County, and the office of county commissioner for twenty-two years.

He was never so shocked in all his life as he was when his citizenship was questioned. He always prided himself on being an American citizen, and he is one now, if there was any doubt about it before, as he has since his citizenship was questioned taken out his second naturalization papers without reference to this claim.

The fact that no record of his naturalization can be found in Los Angeles, he thinks, is due to the manner in which court affairs were conducted at that time, as there was no such thing as law, order, or anything else in that community, and he does not suppose anything further was done than to give his papers under which he subsequently voted and which he lost, as he has stated.

He did not present to the court of California his declaration of his intention which he took out in Baltimore. He did not have a copy of this declaration. He was there with Americans, and an election was to be held and he wanted to vote, and he made affidavit of the fact of his declaration of intention before the judge, which was accepted, and his citizenship papers were issued to him.

He lived in California, Arizona, and New Mexico ten years. When he first went there he did not know anything of Arizona, as it was California and New Mexico then. Then he came to Texas and voted in 1860 for the first time, in Texas. He does not know whether there was any entry or record made in Los Angeles when his papers were issued. He was a green young man and paid no attention to that.

If there was any record made he does not know anything about it; would not swear whether there was or not, but from the way things were conducted there then he would not suppose that there was any record made. He does not remember now but one man that was present at this time, and his name was Quinn, a Missourian. He met this man in Arizona before he (Lynch) was married, and met him afterwards, but has not heard of him since.

Mr. CRUMPACKER. Will the gentleman allow me to ask him a question?

Mr. HENRY of Texas. Yes; certainly.

Mr. CRUMPACKER. I understand from the reading of the report that the only question that this bill waives, and the only question of law, is that of citizenship?

Mr. HENRY of Texas. The gentleman is exactly right.

Mr. CRUMPACKER. The Court of Claims in its investigation of the claim had decided that under existing law the Government is liable to this claimant, but was unable to find for him on the evidence of citizenship.

Mr. HENRY of Texas. That is correct.

Mr. CRUMPACKER. And upon the facts submitted to the committee that had charge of the bill it concluded that the evidence practically established the fact of citizenship within the meaning of the law, and in returning it to the Court of Claims

this authorizes the court to assume citizenship in favor of the claimant?

Mr. HENRY of Texas. That is true.

Mr. CRUMPACKER. Well, I believe, with the gentleman's consent, I will take the liberty of stating that, in my opinion, this is a meritorious claim. I believe the Government ought to pay all just claims against it. It ought not to be imposed upon, but it ought to be a model paymaster of all righteous and just claims under laws of its own making; and after the explanation of the gentleman from Texas it seems to me that there can be no question of the fairness and entire justice of this claim.

Mr. HENRY of Texas. I first desire to thank the gentleman for his statement and afterwards to apologize to the committee for taking up so much time when there are so many other meritorious claims that ought to be considered by this committee. I want to get through as soon as I can. This bill leaves every question open to be determined by the Court of Claims except the one of citizenship, and all that it does is to say that the citizenship of John C. Lynch shall be assumed when the matters again go before the Court of Claims, and then if he has not a meritorious claim as a citizen his claim will be defeated. [Cries of "Vote!"]

The bill was ordered to be laid aside with a favorable recommendation.

CUSTER COUNTY, MONT.

The next business on the Private Calendar was the bill H. R. 4736) for the relief of the county of Custer, State of Montana.

The bill was read, as follows:

A bill (H. R. 4736) for the relief of the county of Custer, State of Montana.

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the board of county commissioners of Custer County, Mont., out of any money in the Treasury not otherwise appropriated, the sum of $4,350, in full settlement of all demands against the United States for the construction of a steel bridge across the Tongue River for the accommodation of the Fort Keogh Military Reservation in Montana, according to the terms of the contract entered into between the said board of county commissioners and D. D. Wheeler, quartermaster, United States Army, dated in September, 1897: *Provided*, That said county of Custer shall maintain and keep said bridge in repair without charge or expense to the United States.

Mr. SHACKLEFORD. I ask that the report be read.

Mr. MILLER. Will the gentleman yield until I make a statement?

Mr. SHACKLEFORD. Yes; but I want the report read before it is concluded.

Mr. DIXON of Montana. Let me give the gentleman one of the reports.

Mr. MILLER. This bill provides for payment to the county of Custer, Mont., of $4,350, as the amount agreed upon by Government officers for the construction of a bridge connecting the military reservation of Fort Keogh, Mont., with Miles City, Mont. I call the attention of the committee to the agreement, which is found in this report, and which was entered into between the county commissioners of the county of Custer and Maj. D. D. Wheeler, quartermaster, United States Army, at the time when the subject was under discussion looking to the building of this bridge. The bridge was largely in the interest of the military reservation. At that time $4,350 was allotted or set apart by the War Department for the purpose of paying one-half the cost of the bridge. The county commissioners afterwards entered into a contract for the construction of the bridge, and it was constructed, and at the time that it was completed and accepted by the Custer County commissioners, and after the War Department had had a man there continuously watching the building of the bridge, and it was approved by him, when the report was made to the War Department, some officer of the Department held that the quartermaster-general at St. Paul had no right to enter into a contract of this kind, and canceled the allotment that prior to that time had been made for the purpose of paying the Government part of the expense in building the bridge, and since that time the matter has been before Congress on several occasions.

This bill was unanimously reported by the Committee on Claims in the Fifty-eighth Congress, but was not reached for action in the House. It is unanimously reported by the Committee on Claims at this time, and I ask that the bill be laid aside with a favorable recommendation.

Mr. PALMER. What right had the quartermaster to make this contract?

Mr. MILLER. Mr. Chairman, in answer to the gentleman I will say that I do not know whether the quartermaster had a right to make it or not, but he did make it, representing the Government of the United States, and then the War Department indorsed his action by setting aside $4,350 for the purpose of building that bridge; and then the county commissioners, in consideration of the fact that this allotment had already been made on the part of the Government, entered into a contract for the construction of the bridge, and it was constructed and afterwards accepted by the board of county commissioners and the officers at Fort Keogh. Then the county of Custer asked for its pay from the Government and the Government declined to pay, for the reason that the quartermaster had no authority.

Mr. PALMER. How could the Secretary of War, or the War Department, or anybody else set aside any money to pay any such claim as this, or honor such a contract as this, without any authority from Congress or any authority of law?

Mr. MILLER. I will yield to the gentleman from Montana [Mr. DIXON].

Mr. PALMER. I do not care anything about the general proposition. I want an answer to that question.

Mr. SHACKLEFORD. I ask for the reading of the report.

The CHAIRMAN. The Clerk will be called upon to read the report.

Mr. MILLER. I want to appeal to the gentleman from Missouri, who is a member of the Committee on Claims, and who has been all over this matter, and I hope he will not insist on reading the report. If we read this report, it simply means that none of these bills can be passed this afternoon. I trust that opportunity will be given to any Member to ask any question which he desires, and I shall be glad to have the question asked by the gentleman from Pennsylvania [Mr. PALMER] answered.

Mr. DIXON of Montana. I will say, in answer to the gentleman from Pennsylvania, that in 1897 the Secretary of War set aside $4,350 to pay one-half of the cost of a bridge connecting the Fort Keogh, Mont., Military Reservation with Miles City, on the other side of the Tongue River.

Mr. MANN. Out of what fund did he set this aside?

Mr. DIXON of Montana. Out of the appropriation for transportation of the Army.

Mr. MANN. I understand that money appropriated for the transportation of the Army was ordered to be set aside for the Secretary of War to build a permanent improvement.

Mr. DIXON of Montana. That was what was done.

Mr. MANN. And then the Comptroller or the Auditor afterwards decided properly that the Secretary of War had no such authority.

Mr. DIXON of Montana. To build it out of that fund.

Mr. PALMER. Nor out of any other fund, without authority of law.

Mr. MANN. And without any money being appropriated for that purpose at that time.

Mr. DIXON of Montana. This is a claim that will bear inspection by any gentleman on this floor. This was in the Department of Dakota. The quartermaster, General Wheeler, of the Department of Dakota, went to Fort Keogh, went before the board of county commissioners of Custer County, went over the proposition for the building of the bridge and entered into an express contract on behalf of the United States Government with the commissioners, that if they would build the bridge the Government would reimburse Custer County for one-half of the expense. Afterwards the money was segregated here in Washington by order of the Secretary of War. When it came to draw the warrant, the then Secretary of War held that the quartermaster of the Department of Dakota did not have the right to enter into that contract except by express authority of the Quartermaster here at Washington. The county not only expended double the $4,350, but they expended about $10,000. The bill should really carry $5,200, instead of $4,300. Then the matter was referred to the Quartermaster-General's Office here in Washington, and his report is found on the first page of the report of the committee. The Quartermaster-General of the Army here at Washington, in transmitting the matter to Congress on February 2, 1899, stated that it was purely and simply on account of a technical error; that the money was properly due Custer County under the contract with the Government, and he recommends that the bill be paid.

The Quartermaster-General in that report when this bill was referred to him recommended that this amendment be favorably reported, as the county was entitled to the payment of the amount stated therein. There is no question about it, it is purely a question of whether the quartermaster-general at St. Paul had the right to make the contract instead of the Quartermaster-General in Washington.

Mr. MANN. Will the gentleman allow me?

Mr. DIXON of Montana. Certainly.

Mr. MANN. I see by the report that it is stated that in November, 1897, a new contract was executed with the county, and the Comptroller of the Treasury to whom it was referred decided that the contract was one which the War Department had no legal right to make.

Mr. DIXON of Montana. In answer to that I will explain. The first contract was for the construction of a wooden bridge. After the contract had been entered into with the quartermaster-general at St. Paul they wanted to build a steel bridge, and the question was raised whether, after having contracted to build a wooden bridge, the county could build a steel bridge that cost $2,000 more than the Government had agreed to pay for the wooden one. This bill only carries one-half of the estimated cost of the wooden bridge.

Mr. MANN. But how does the gentleman get around the decision of the War Department that the quartermaster-general had no authority to enter into a contract?

Mr. DIXON of Montana. They held that the quartermaster-general at St. Paul couldn't legally enter into it, but it should have been made by the Quartermaster-General at Washington.

Mr. MANN. The statement made in the report is that the Comptroller decided that the War Department had no right to make the contract. That was the decision.

Mr. DIXON of Montana. I have stated what the question was.

Mr. MANN. Was it not put on the ground that there was no appropriation for it?

Mr. DIXON of Montana. No; if I have been informed correctly. Now, the Government had an officer to inspect the bridge when it was built, they have used it ever since, the county of Custer has lost $1,700 for the half that the Government is not asked to pay for for the steel bridge.

Mr. McCALL. Will the gentleman allow me a question?

Mr. DIXON of Montana. Certainly.

Mr. McCALL. Has the Government derived any benefit from the bridge?

Mr. DIXON of Montana. Yes; absolutely. It connects the Government reservation with the town. The city of Miles is situated on one side and Fort Keogh is on the other, and it connects the military reservation with the town.

Mr. McCALL. Was it necessary for the Government to have a bridge there?

Mr. DIXON of Montana. Yes; the Quartermaster-General says it was a military necessity. If the county had not built the bridge, the Government would have had to build the whole of it.

Mr. STEVENS of Minnesota. May I ask the gentleman a question?

Mr. DIXON of Montana. Certainly.

Mr. STEVENS of Minnesota. Fort Keogh is one of the largest military reservations, is it not?

Mr. DIXON of Montana. It is the largest in the Northwest.

Mr. STEVENS of Minnesota. And there are large bodies of troops stationed there?

Mr. DIXON of Montana. A full regiment of cavalry is stationed there.

Mr. STEVENS of Minnesota. I think, Mr. Chairman, the misapprehension arose from this. Under the law the Quartermaster's Department has the right to make a contract for all kinds of transportation within the limits of the Government reservation. It would have the right, undoubtedly, to make a contract for anything up to the middle of that river, but beyond the middle of the river, I presume, it would not have a right to enter into any contract, and that may be the basis of the statement made by the gentleman from Illinois.

Mr. DIXON of Montana. I think that was one of the considerations. Tongue River is the dividing line, and this bridge was across that river.

Mr. PALMER. Mr. Chairman, I have not had my question answered yet, but I will ask another. Is not the substance of the whole business that they have an equitable claim against the United States, but if this bill is passed it recognizes the principle that any contract made by any officer of the United States without authority will authorize somebody to come to Congress and ask for relief?

Mr. DIXON of Montana. I will not admit that. The Government has one-half of this steel bridge on its reservation, and every day the soldiers use this bridge in going to and from Miles City and the Northern Pacific Railway depot. It was built with the agreement that the Government should pay one-half of it, and a more just claim was never presented to Congress.

Mr. PALMER. But the gentleman must acknowledge that the people who made the contract on the part of the Government had no right to make it; they had no right to appropriate money from the transportation fund to pay for it, and all the gentleman claims at best is that it is an equitable claim against the Government.

Mr. DIXON of Montana. The Secretary had set that fund aside——

Mr. PALMER. On whose authority?

Mr. DIXON of Montana. I do not know.

Mr. MILLER. I want to say in answer to the gentleman from Illinois who asked in reference to the decision of the Comptroller upon this contract that this decision was rendered after the bridge was half constructed.

The requirement was that the bridge was to be completed by 1897, and this decision was rendered on March 10, 1898, at the time the Secretary disapproved the same and revoked the allotment of $4,350. That was after the completion of the bridge. I would like to have a vote.

Mr. MANN. Mr. Chairman, a few days ago in the House there was considerable discussion because the War Department took money appropriated for transportation and devoted it to plumbing and other methods of building and construction which may be useful to troops while they are resting from their travel. The House was of the opinion then that the War Department ought not to be permitted to take out of money appropriated for transportation that which it might please for the construction of a permanent structure. Now, the gentleman goes a great deal further than that in this case. The War Department, having money appropriated for transportation, legally under the decision of the Comptroller of the Treasury, attempted to divert it from transportation purposes to the construction of a bridge.

I do not feel myself in this case warranted in opposing this proposition to pay this money, because I can see the equities of the case, but I hope it will not be taken as a precedent for the future illegal action of the officials of the War Department entering into contracts which are not only illegal but immoral, because they propose a diversion of money appropriated for one purpose to another purpose, contrary to the intent of Congress, and going beyond the intention of the appropriation bill.

Mr. PALMER. What is that hope based upon? Would it not be better to turn this claim down and not trust to any illusive hopes that some other Congress would not take this for a precedent?

Mr. MANN. I am not sure but the gentleman from Pennsylvania may be right, and yet personally I feel unwilling to put the entire burden of this evasion of the law, both upon the part of Congress and the War Department, upon this county, which probably does not have great wealth. It entered into the agreement supposing that the War Department officials would only do that which they were entitled to do under the law, and we ought to see to it that the War Department in the future does not do these things with our provisions in the appropriation bills, whatever may be done with this proposition.

Mr. MILLER. Mr. Chairman, I move that the bill be laid aside with a favorable recommendation.

Mr. STEVENS of Minnesota and Mr. SHACKLEFORD rose.

The CHAIRMAN. The gentleman from Missouri is recognized.

Mr. SHACKLEFORD. Mr. Chairman, I only want to make this remark before that report is read.

Mr. MILLER. I want to ask the gentleman from Missouri a question.

The CHAIRMAN. Does the gentleman yield?

Mr. SHACKLEFORD. Yes.

Mr. MILLER. Does the gentleman intend to insist on the reading of the report?

Mr. SHACKLEFORD. I presume I shall. I do not yet know.

Mr. MILLER. If the gentleman is going to insist on the reading of the report, I suggest that we have it read now, because after a full discussion of it I do not see the propriety or the necessity of reading the report.

Mr. SHACKLEFORD. Mr. Chairman, I just want to make a preliminary remark. Now, this claim has no basis in law or equity. There is no method on earth by which this claimant can recover that amount of money unless this Congress will pass a retroactive statute relating back and covering that thing. An ex post facto law is the only possible foundation there can be for this and kindred bills that come in here.

Mr. DIXON of Montana. There is the contract.

Mr. SHACKLEFORD. It is an ex post facto law for the benefit of an importunate claimant who comes here when there are thousands and thousands of claimants who recognize that they have no status and do not come. If they all came we would not have time to pass them through this House if we were disposed to do it, and here the membership of this House, without a particle of consideration, without having read the report, without having it read in the House, is now willing to cast its vote in favor of an ex post facto law giving to this claimant a remedy that it has not now, a right that it has not now, and you propose, in addition to that, by an ex post facto law, to make legal a contract that was absolutely illegal and void from the day it was written. Mr. Chairman, this is a part and parcel of a number of bills that are here by which we are to

set aside the law. In favor of the people? No; but in favor of some particular importunate claimant who has a Congressman who is ready to father his case upon this floor.

Why should not those who have not the service of Members of Congress be heard here? If this is a proper sort of law, if this is a proper sort of claim, then let us adopt some general law that will appy to all of them alike and not to this particular claimant, who comes advocated by some particular Member of Congress, when all others are ignored and excluded from our consideration. Now, Mr. Chairman, I ask for the reading of the report.

Mr. MILLER. Mr. Chairman, I object to the reading of the report. I simply want to say, in conclusion of this argument, that the unfortunate claimant that is coming here for relief at this time is the people of Custer County, Mont., and they have a right to come here.

The Government of the United States agreed with them that if the people of that county would pay half the cost of building a bridge across that river that the Government of the United States would pay the other half.

Mr. SHACKLEFORD. Where is the agreement?

Mr. MILLER. They completed their part of the contract. They built the bridge, and they ask the Government of the United States to deal fairly with the people of Montana, and especially of Custer County. [Applause.] I ask for a vote.

The CHAIRMAN. The gentleman from Missouri [Mr. SHACKLEFORD] has asked that the report be read as a part of his remarks.

Mr. SHACKLEFORD. No, sir; I did not. I asked it, as a matter of right, at the beginning, and I was cut off with the statement that it should be read later.

The CHAIRMAN. A report is only read as a matter of debate. The gentleman from Kansas objects to the reading of the report.

Mr. MILLER. I do.

The CHAIRMAN. The question is, Will the committee order the reading of the report?

The question was taken; and the reading of the report was rejected.

Mr. MILLER. Mr. Chairman, I move that the bill be laid aside with a favorable recommendation.

The question was taken; and the motion was agreed to.

### LINCOLN NATIONAL BANK, LINCOLN, ILL.

The next business on the Private Calendar was the bill (H. R. 5954) to authorize, etc., the Secretary of the Treasury to issue gold certificate in lieu of one lost to Lincoln National Bank, of Lincoln, Ill.

The Clerk read as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to issue to the Lincoln National Bank, Lincoln, Ill., a duplicate in lieu of United States gold certificate of the act of March 14, 1900, series of 1900, numbered 17705, for $10,000, issued by the assistant treasurer of the United States, Chicago, Ill., on August 29, 1904, payable to the order of the said Lincoln National Bank, Lincoln, Ill., and alleged to have been lost or destroyed: *Provided*, That the said Lincoln National Bank shall first file in the Treasury a bond in the penal sum of double the amount of the principal of said certificate, with good and sufficient sureties to be approved by the Secretary of the Treasury, with condition to indemnify and save harmless the United States from any claim because of the lost or destroyed certificate hereinbefore described.

Mr. PRINCE. Will the gentleman yield for just a suggestion?

Mr. MILLER. I would like now to state this case.

Mr. PRINCE. It has nothing to do with the case, but it is simply in order that Members may know what bill it is.

Mr. MILLER. Well, I have no objection if the gentleman's statement is brief.

Mr. PRINCE. I hope the reading clerk, when he reads the bill, in also giving the number of bill will give the number of the report, so that we can more readily find out what the bill is in that way.

The CHAIRMAN. The Chair will state, for the information of the committee, that this bill is H. R. 5954, and the bills will be taken up in their Calendar order hereafter.

Mr. PRINCE. That does not give the Calendar number. I hope the Clerk will announce the Calendar number at the same time.

Mr. MILLER. Mr. Chairman, I have only a short statement to make of this case. This bill simply gives authority to the Secretary of the Treasury to issue a certificate in lieu of the lost one, providing a bond is filed for double the amount that is claimed, to save the Government of the United States harmless against any claim that might be afterwards presented. The amount involved in this was $10,000. There is no objection on the part of the Secretary of the Treasury to having this done, and I know of no reason why it should not be done. The Department recommends it, and the facts in the case are so clear and conclusive I do not want to state anything further in relation to it, and I therefore ask that it be laid aside with a favorable recommendation.

Mr. MANN. I would like to ask the gentleman a question. Do I understand that this bill is to reissue a check which is lost?

Mr. MILLER. How is that?

Mr. MANN. This bill is to permit the reissue of a check that is lost.

Mr. MILLER. No; it is a duplicate United States gold certificate.

Mr. MANN. Well, is not there a general law on the subject?

Mr. MILLER. No; this is a certificate, not a check. The general law does provide for the reissue of certificates, but that is only up to $2,500.

Mr. GARRETT. And in this case it is $10,000.

Mr. MANN. Did we not pass a law recently on this subject removing the limit?

Mr. SMITH of Kentucky. Yes.

Mr. MILLER. It is not a law, however; it has not passed the Senate, and it is exceedingly important that this bill should pass.

Mr. MANN. If that bill does pass the Senate, will it be broad enough to cover a case like this?

Mr. MILLER. I think it will, but I am not sure about it. Mr. Chairman, I ask for a vote.

The CHAIRMAN. The question is on laying aside the bill with a favorable recommendation.

The question was taken; and the motion was agreed to.

### MONONGAHELA IRON AND STEEL COMPANY.

The next bill on the Private Calendar was the bill (H. R. 6) for the relief of the Monongahela Iron and Steel Company, of Pittsburg, Pa.

The Clerk read the bill, as follows:

Whereas it appears that L. G. Boggs, pay director, United States Navy, did on the 13th day of June, 1904, issue a check, No. 8369, upon the assistant treasurer of the United States, New York, N. Y., in favor of the Monongahela Iron and Steel Company, for the sum of $5,445.56, being in payment for "chain iron" furnished the United States Navy Department, which check was mailed by the said L. G. Boggs to said company, and was lost in transmission through the United States mails, and was never received by said company; and

Whereas section 3646, Revised Statutes of the United States, as amended by the provisions of the act of February 16, 1885, authorizing United States disbursing officers and agents to issue duplicates of lost checks, applies only to checks drawn for $2,500 or less: Therefore,

*Be it enacted, etc.*, That said L. G. Boggs, pay director, United States Navy, be, and is hereby, instructed to issue a duplicate of said original check, under such regulations in regard to its issue and payment as have been prescribed by the Secretary of the Treasury for the issue of duplicate checks under the provisions of section 3646, Revised Statutes of the United States.

Mr. MILLER. Mr. Chairman, this bill simply authorizes the pay director of the United States Navy to issue a duplicate of an original check on the Assistant Treasurer of the United States at New York in favor of this company. The bill provides for the protection of the Government in case the said lost check should be found, and accompanying is the favorable indorsement of the Secretary of the Treasury of the United States, who recommends that the bill be enacted into law. The check has been lost, and the evidence before the committee is abundant upon that subject, and the committee recommends favorable action.

Mr. MANN. Will the gentleman yield for a question?

Mr. MILLER. Yes.

Mr. MANN. I see the form of the bill is a certificate of good character from the Secretary of the Treasury.

Mr. MILLER. Yes.

Mr. MANN. During the short experience I have had in this House I think Congress has never provided that a preamble should be a law, and this whole statute depends on the preamble. Your enacting clause comes after the description of what you are going to do.

Mr. MILLER. I think the bill is all right, and I am willing to take the judgment of the Secretary of the Treasury, who is daily dealing with problems of this kind.

Mr. MANN. It may be that the Secretary of the Treasury would issue the check or pay the money, but he is not the one to judge whether we cumber up the statute with a lot of long-drawn-out lingo in a preamble that has nothing to do with the enactment we wish.

Mr. MILLER. What is the suggestion of the gentleman from Illinois?

Mr. MANN. I would suggest that in the future, at least, the Committee on Claims do not bring in a lot of long preambles, which cumber up the statutes.

Mr. MILLER. Mr. Chairman, I ask that the bill be laid aside with a favorable recommendation.

Mr. SHACKLEFORD. I want to be heard on that. I move to strike out the preamble.

Mr. MANN. It has always been customary to strike out the preamble in such bills, but you can not strike out this preamble and leave anything to the bill. The trouble is that the enacting part of this bill is in the preamble and comes before the enacting clause.

Mr. SHACKLEFORD. I do not agree with the gentleman from Illinois [Mr. MANN]. In my opinion——

The CHAIRMAN. The Chair will give the gentleman from Kansas time to conclude the motion he was making.

Mr. MILLER. Mr. Chairman, I will yield to the gentleman from Missouri [Mr. SHACKLEFORD].

Mr. SHACKLEFORD. Mr. Chairman, I would like to be informed at this juncture whether I may be heard in my own right on these bills?

The CHAIRMAN. If the floor is clear, the gentleman from Missouri is entitled to be heard in his own right.

Mr. SHACKLEFORD. I do not quite agree with the gentleman from Illinois [Mr. MANN] that striking out this preamble would in any manner destroy the remedial portion of this bill. I therefore move that the entire "whereas" be stricken out. It adds nothing to the bill. It mars the pages of our statutes. It introduces into our legislation a new form of a bill that I do not think we ought to introduce, and I therefore move that the bill be amended by striking out the preamble.

The CHAIRMAN. The question is on the motion of the gentleman from Missouri [Mr. SHACKLEFORD] that the bill be amended by striking out the preamble.

The question was put, and the affirmative was taken.

Mr. MILLER. I do not think that will defeat the purposes of the bill at all. The suggestion was made by the gentleman from Illnois [Mr. MANN], and I do not think it will defeat the purpose of the bill by striking out the preamble.

Mr. MANN. I will say to the gentleman that the provision of the bill after the enacting clause does not describe. If you strike out the preamble, there will be nothing left of the bill.

The CHAIRMAN. The question is on the motion of the gentleman from Missouri [Mr. SHACKLEFORD].

The question was taken, and the motion was rejected.

Mr. SHACKLEFORD. Was not the vote taken on the motion a while ago?

The CHAIRMAN. The affirmative was taken a while ago. The question now is on laying the bill aside with a favorable recommendation.

Mr. GRAFF. If the gentleman will yield to me for a suggestion, I will state that heretofore, when I had the honor to be chairman of that committee——

The CHAIRMAN. The Chair will state that we are now under the five-minute rule on this bill.

Mr. GRAFF. And that it has been customary heretofore to have in the preamble simply explanatory matter to show why the bill should pass. It has been customary to strike out the preamble; but I understand, as suggested by the gentleman from Illinois [Mr. MANN], that the check is not properly identified in the bill. Therefore I suggest to the gentleman from Kansas that he offer an amendment to perfect the bill itself, and then strike out the preamble.

Mr. MILLER. Mr. Chairman, I insist upon a vote for favorable action on the bill.

The question was taken, and the bill was ordered to be laid aside with a favorable recommendation.

### JOHN W. DONOVAN.

The next business on the Private Calendar was the bill (H. R. 12028) granting relief to John W. Donovan.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay John W. Donovan, of Livingston County, Mo., out of any money in the Treasury not otherwise appropriated, the sum of $32.23, for services performed as enumerator in the Eleventh Census of the United States.

Mr. MILLER. Mr. Chairman, in reference to this bill, I desire to state that it is for the relief of Mr. Donovan, paying him $32.23 for services performed as an enumerator. He claimed $3 a day for twenty-four days.

Mr. BEALL of Texas. Will the gentleman permit the suggestion that he permit the gentleman from Missouri [Mr. SHACKLEFORD] to appear in advocacy of this bill? [Laughter.]

Mr. MILLER. I am grateful to the gentleman from Texas for his suggestion. I want to say, nothwithstanding the fact that the report in this case has been made by the gentleman from Missouri [Mr. SHACKLEFORD], I am inclined to think it is all right. [Laughter.] This gentleman is entitled to the amount claimed here. He presented his bill for a larger amount, and when it was disallowed and this amount was tendered he declined to accept it, and after the appropriation was exhausted or balance left turned back to the Treasury he then asked for the payment of the amount stated in the bill, but then there was no fund out of which it could be paid.

Mr. SHACKLEFORD. Is the concession made that the bill I am reporting is just when it is only $32?

Mr. MILLER. It is not because of the smallness of the amount, but because it is made by the gentleman from Missouri. [Laughter.]

Mr. MANN. Will the gentleman yield for a question?

Mr. MILLER. I will.

Mr. MANN. I would like to ask the gentleman whether this enormous sum provided for in this bill, $32.23, is full pay for the twenty-four days' work this man did for the Government?

Mr. MILLER. He was only entitled to the per capita rate—the schedule rate. That amounted to the exact amount in this bill. He was not entitled to $3 a day nor for twenty-four days' work.

Mr. MANN. This person worked for the Government twenty-four days—nothing being stated whether he was under the eight-hour law or not—for $32.23. Has he received any money at all?

Mr. SHACKLEFORD. If we have a general deficiency bill, he can get it in the next bill.

Mr. MANN. I would like to ask whether he received any pay for this work?

Mr. MILLER. I do not know whether he did or not. This is the amount now claimed by him and what he is entitled to. Whether he has been paid any amount for other work I do not know. This is all there is now due him.

Mr. MANN. This is the entire pay?

Mr. MILLER. This is the entire amount that is due him and that the Government says is due him.

Mr. MANN. Is the gentleman able to inform me whether he has already been paid or not any portion or anything for the twenty-four days of service that he has done?

I will yield to the gentleman from Missouri [Mr. RUCKER], who introduced the bill.

Mr. RUCKER. Mr. Chairman, I understood when I introduced this bill for this very conservative amount that some gentleman from Illinois or some other State would criticise it on account of the insignificance of the amount. This is for an old gentleman who lives in my district, who performed duties as an enumerator of the Eleventh Census. He thought he was entitled to $3 a day for his services, but under the law he was only entitled to pay by schedule rate; and instead of the amount of $75, which he claimed and thought he ought to have, the Census Office said that he was only entitled to $32.23. He became a little obstreperous, and refused to accept that amount. So it went along for about ten years. I will say to the gentleman from Illinois that the beneficiary in this bill has not received anything for his services and that if he had known he was only to get $32 he would never have performed the service; but that is all he is entitled to under the law.

The bill was ordered to be laid aside with a favorable recommendation.

### QUONG HONG YICK.

The next business on the Private Calendar was the bill (H. R. 5223) to reimburse Quong Hong Yick for one case of opium erroneously condemned and sold by the United States.

The bill was read, as follows:

A bill (H. R. 5223) to reimburse Quong Hong Yick for one case of opium erroneously condemned and sold by the United States.

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $270.41, to Quong Hong Yick, for one case of opium erroneously condemned in the United States court and sold by the marshal under a writ of venditioni exponas.

Mr. MILLER. Mr. Chairman, this is a claim of Quong Hong Yick. It seems that by a change of marks during transmission, for which this claimant was in nowise responsible, this case of opium, which should have gone through to Mexico, appeared to be consigned for consumption to New York. The facts were that at the same time a large shipment was made to another firm known as Wing Wo Chong, and it seems that the two packages belonging to Quong Hong Yick, upon which the marks were not definite or very certain, were changed, according to the evidence in this case, by some employee or agent of the railroad company or the ship company, and as a result these two boxes, which should have been marked "1 and 14 Q. H. Y.," were in fact marked "24 and 28 W. W. C.," and after the discovery was made they were held as "illegal importation; fraudulent intent," and the case containing opium was sold. On December 4, 1900, the two cases marked "W. W. C." and numbered 24 and 28, erroneously shipped to Progreso, were returned and en-

tered at New York by Wing Wo Chong. This property was sold for $270.40. It has been the rule in these cases to refund the net proceeds of the sale. The evidence shows conclusively that these people were not in fault when these two cases were shipped through to Progreso, Mexico, on account of this change made by some one without their knowledge or consent, and they simply ask this relief. We think they are entitled to it, and the Treasury says they are entitled to it. I move that the bill be laid aside, with a favorable recommendation.

The bill was ordered to be laid aside with a favorable recommendation.

EDWARD KING.

The next business was the bill (H. R. 5221) for the relief of Edward King, of Niagara Falls, in the State of New York.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Edward King, of Niagara Falls, in the State of New York, the sum of $90, said sum being the amount paid to the United States Government for duties on certain horses imported by him at Buffalo, N. Y., and which said horses were afterwards discovered to have been stolen by one William Potts in Canada, and which were, after their importation, returned by the said Edward King to their rightful owner.

Mr. MILLER. Mr. Chairman, Mr. King, the claimant in this case, is a liveryman at Niagara Falls, N. Y. He bought three horses from a man by the name of Potts, from Canada, and imported them at the port of Buffalo. He paid a duty on them of $90, or $30 on each horse. It afterwards turned out that Potts had stolen these horses, and Potts, whose right name was William Stewart, was arrested, tried, and sentenced to twenty months' confinement in prison, and the liveryman returned these horses to their rightful owner in Canada. He asks that the amount paid by him as duty be refunded. I move that the bill be laid aside, to be reported to the House with a favorable recommendation.

Mr. MANN. What does the Treasury Department recommend?

Mr. MILLER. The Department recommends favorable action.

The motion of Mr. MILLER was agreed to.

Accordingly the bill was laid aside to be reported to the House with a favorable recommendation.

CHARLES M. DEMAREST, DECEASED.

The next business was the bill (H. R. 6101) for the relief of the estate of Charles M. Demarest, deceased.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and is hereby, authorized and directed to refund and pay, out of any money in the Treasury not otherwise appropriated, any statute of limitation to the contrary notwithstanding, to the legal representatives of the estate of Charles M. Demarest, late of Warwick, in the State of New York, the sum of $122.26, being the amount due on one first-mortgage preferred bond issued by the Champaign, Havana and Western Railway Company, No. 251, and dated July 1, 1879, and paid into the United States Treasury on February 23, 1898, by the clerk of the circuit court of the United States for the southern district of Illinois, in accordance with section 996, as amended by the act of February 19, 1897 (29 Stat. L., p. 578), which provides that money remaining in the registry of court unclaimed for ten years shall be deposited to the credit of the United States.

Mr. MILLER. Mr. Chairman, the Champaign, Havana and Western Railway, sold under foreclosure September 7, 1886, to Anthony J. Thomas, trustee, was subsequently sold to the Chicago, Havana and Western Railway Company, and a deposit made in the registry of the circuit court of the United States for the southern district of Illinois to cover bonds not already canceled that were secured by deeds of trust dated, respectively, July 1, 1879, and December 1, 1880, and the clerk of said court, on February 23, 1898, under the statute which provides that money remaining in the registry of the court unclaimed for ten years shall be deposited to the credit of the United States, paid into the United States Treasury the balance of moneys in said court arising from the sale of said railway property. Subsequently Charles M. Demarest died possessed of one first mortgage preferred coupon bond issued by the Champaign, Havana and Western Railway Company, No. 251, and dated July 1, 1879, of the par value of $100. Its real value was $122.26.

The committee thought, in view of the moral obligation resting upon the Government, it having received the money upon which this bond was a lien, the lien having been transferred from the property to the proceeds, that favorable action should be taken on the bill. The Assistant Secretary of the Treasury concurs in the action of the committee and recommends that it be paid.

Mr. MANN. As I understand, the amount recommended to be paid is simply for the value of the bond which was actually deposited at that time?

Mr. MILLER. Yes.

Mr. MANN. It includes no interest?

Mr. MILLER. No interest.

Mr. MANN. And there is no question about the ownership of the bond?

Mr. MILLER. None whatever.

Mr. MANN. Has the bond been produced?

Mr. BRADLEY. Yes; I produced the bond before the committee.

Mr. MILLER. Yes; the bond has been produced.

ZENAS PARKER.

The next bill on the Private Calendar was the bill (H. R. 649) for the relief of Zenas Parker.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Postmaster-General be, and he is hereby, authorized and directed to refund to Zenas Parker, late postmaster at Stewart, Houston County, Tenn., the sum of $161.73, being the amount of funds belonging to the Post-Office Department of the United States stolen from the said Zenas Parker by burglars December 24, 1902.

Mr. MILLER. Mr. Chairman, this bill simply provides for the payment to Zenas Parker, who was a postmaster at the time stated in the bill at Stewart, Tenn., and gives him credit for $161.73 on account of a loss by burglary which was committed on December 24, 1902. I will read a part of the statement from the report:

OFFICE OF THE ASSISTANT ATTORNEY-GENERAL
FOR THE POST-OFFICE DEPARTMENT,
*Washington, April 25, 1904.*

SIR: I have the honor to inform you that I have carefully reviewed the evidence relative to the claim of Zenas Parker, postmaster at Stewart, Tenn., for a credit of $161.73 on account of loss by burglary December 24, 1902.

It appears that Mr. Parker is 74 years of age and a man of excellent character; that he is a gunsmith and shoemaker and does his work at the post-office, where he has a bench and where he sleeps nights; that on the date of the robbery he locked the front door and closed the rear door of the office, which fastens with an old-fashioned wooden latch with string attached; that he is unable to say whether he withdrew the latch string before he closed the door or not; that he went out the rear door to take a mail pouch to the depot to an incoming train and was gone but a short time, his wife taking his place shortly after he left, and that during his absence and before his wife took his place postal funds amounting to $161.73, which he had put in a small wooden cabinet attached to the wall of the office, were stolen.

I can not consistently reverse the action of the office in this case, since, technically, Mr. Parker should not have left the office alone a moment unless he had left the postal funds in a securely locked receptacle, which he did not do. However, since there is no question as to the entire good faith and honesty of Mr. Parker, and since these funds were at all other times given extra protection, owing to his sleeping in the office, I suggest that this is probably a case for Congressional relief.

Very respectfully,

C. H. ROBB,
*Assistant Attorney-General for the Post-Office Department.*

Hon. L. P. PADGETT, M. C.,
*House of Representatives.*

The evidence filed with the committee shows that his wife went to the post-office within a very few minutes after he left. He left to take the mail pouch to the incoming train and was only gone a few minutes, and between the time he left the office and the time that his wife entered the money was taken. On account of the high character of the postmaster, according to the testimony of many of his neighbors and friends, the committee felt that in view of the fact that at all other times, in order to protect the property of the United States, he slept in the post-office, this allowance ought to be made.

Mr. MANN. Mr. Chairman, as I understand, the Postal Regulations provide for the reimbursement where money is stolen out of the post-office within certain limits. The Post-office Department will not reimburse for a claim of this sort, which it has the power to do, where there has been any negligence at all on the part of the postmaster. Post-office burglaries, I am sorry to say, are getting common throughout the country. This particular case is meritorious from the standpoint of one case, but there are more than a hundred cases every year in the United States which are not reimbursed and are equally meritorious cases.

I formerly had a few post-offices in the district which I have the honor to represent. Among those post-offices I remember one case where a burglary was committed in the post-office, and the postmaster not being able to show that he had locked the safe did not get reimbursement from the Post-Office Department. When he talked with me about a special bill, I said I could not favor a special bill under those circumstances, because if we did it in one case we would have to do it in all cases.

In view of the fact that we have so many burglaries in post-offices we ought to put a premium upon carefulness and not upon negligence. Here is a proposition to put a premium upon negligence—a man who leaves his money drawer with nobody in charge of it, with the door unlocked; it was his own fault, and he comes and asks the Government to reimburse him. As a matter of charity it may be all right to reimburse him, but what are we going to do with all the other cases? The Post-Office Department has a right to pay this man under the law,

if it thinks that he ought to be paid, but it will not pay him, because paying him in this case will require the payment of hundreds, and in the course of a few years thousands, of other cases where the burglary occurs through the negligence of the postmaster.

I doubt very much the propriety of setting a precedent, even though I feel that this man ought not to be compelled to suffer the loss.

Mr. SHACKLEFORD. Mr. Chairman, I was impressed by one remark made by the gentleman from Kansas [Mr. MILLER]. He said, in effect, that this was an unusual sort of a bill, but the committee had been so favorably impressed with the particular good character of this claimant that it would, so to speak, make exception from the general rule on account of his exceedingly good character. In other words, we are here not only to legislate in favor of this claimant by enacting an ex post facto law and give him that for which at present there is no law to give him, but we are limiting the class of claimants to those who shall be successful in showing that they have an especially good character. That is the basis upon which he rests this claim for this appropriation. The committee, he says, was impressed with the splendid character of this man. Now, Mr. Chairman, had we not been impressed with the splendid character what would have been the result? If we follow the lead of this committee, Congress becomes an investigator of the character to determine whether or not the man shall stand within or without the pale of the law. Has this man a just claim? If so, his claim ought to be paid regardless of what his character is. Is it without legal merit? Then it should not be paid without reference to what his character is. This is the case of another importunate claimant who has an active Congressman to push his claim for him.

Mr. MILLER. Mr. Chairman, I desire to say in reply to the gentleman that the Congress of the United States now has spent more money listening to the objections to this bill than it requires to pay it. The man is very old and very poor, and it is a small matter. It is simply for this committee to say what it wants done. It is a matter of absolute indifference to the chairman of the Committee on Claims. We have reported this bill favorably because we believe it ought to be paid, and if it was to establish a precedent from which we would be afraid to break away in the future, I would not be in favor of the bill. I believe that every bill ought to stand on its own merits. Here is a man who for many years has been postmaster in a little country town, where he has no place in his building to lock up his money, and he puts it in the only place he thinks is safe when he goes out in the evening to take the mail to the train, asking his faithful wife to come in and look after the office when he is gone. She comes in a few minutes later, but before she comes this money is taken. In view of the long and faithful service of the old man, in view of his high character and that he is a poor man, we simply ask that this claim be allowed.

Mr. MANN. Mr. Chairman, the gentleman from Kansas [Mr. MILLER] seems to have the impression that if anybody desires information upon a bill which he has reported that that Member is intrenching upon his prerogatives. If it be the fact that the House has already in the consideration of this bill expended more than the amount involved in the bill, the gentleman from Kansas should consider that that action of itself is somewhat of a criticism on his committee, because his committee ought not to present to the House bills which would cost the Government so much for consideration. A few moments ago we had up for consideration the bill for the payment of $32, a claim which is fifteen years old. It is barred by the statute of limitations of every State in the Union, a claim that could be enforced in no court in the world under any circumstances, a claim for $32.

If the gentleman considers the time of the House is so valuable he ought not to bring before the House claims of $32, barred by every statute of limitation, and then criticise Members of the House who desire information concerning the claims. Now, I appreciate that there may be justice in the claim which is pending before the committee at present, so far as the equities are concerned. The Post-Office Department, I understand, is very unjust in many of its rulings concerning the keeping of money. It is true that this man under the provisions of law and the Post-Office Department had to keep this money in his pockets or in the money drawer. There was no place that he could deposit it. If he had put it in a bank it would be cause for removal, for violation of the law. If he had deposited it with a friend, it would be cause for removal. He was compelled either to carry this money around with him in his pocket or else deposit it where it was safe; and yet, Mr. Chairman, I hope the House when it passes this bill—and, of course, I understand very well that the gentlemen who remain in the committee are largely interested in bills on the Calendar of this character—will not consider that it is under obligation to every postmaster in the land who, through his own neglect, permits the postal funds to be stolen and thinks he can then come before Congress and be reimbursed.

Mr. MILLER. Mr. Chairman, I call for a vote.

The CHAIRMAN. The question is on laying the bill aside with a favorable recommendation.

The question was taken; and the motion was agreed to.

JACOB PICKENS.

The next business on the Private Calendar was the bill (H. R. 8717) for the relief of Jacob Pickens.

The Clerk read as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized to pay to Jacob Pickens, of Neosho, Mo., out of any moneys in the Treasury not otherwise appropriated, the sum of $208.44, being the amount stolen from a registered letter belonging to the said Pickens and collected by the United States Government from a mail contractor, said sum being now in the United States Treasury.

The CHAIRMAN. The question is on laying the bill aside with a favorable recommendation.

The question was taken; and the bill was ordered to be laid aside with a favorable recommendation.

EDWARD F. STAHLE.

The next business on the Private Calendar was the bill (H. R. 10605) for the relief of Edward F. Stahl.

The Clerk read as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Edward F. Stahl, the sum of $362.50, out of any money in the Treasury not otherwise appropriated, to reimburse him for losses sustained in carrying out a surveying contract for the survey of the boundary between Wyoming and South Dakota in 1904, due to the existence of conditions not known to him or the Government at the time of making the contract, and the delay caused thereby.

With the following amendments:

In line 4 strike out the word "Stahl" and insert the word "Stahle."

Amend the title so as to read: "A bill for the relief of Edward F. Stahle."

Mr. MANN. Mr. Chairman, I would like to have some explanation of this bill before there is a vote on it. This seems to be a bill to pay a man for not carrying out his contract.

Mr. MILLER. Mr. Chairman, in answer to the gentleman from Illinois, I desire to say that Edward F. Stahle, on July 1, 1904, entered into a contract with the United States to establish with permanent iron and granite monuments 104 miles of the boundary line between Wyoming and South Dakota. On reaching the sixty-sixth mile corner from the beginning of his survey, Mr. Stahle found that that corner and 25 miles from that point north of the boundary had been established and monumented, in practically the same manner in which he was to do the work under his contract, by the United States Geological Survey, who had executed this work in surveying the boundaries of the Black Hills Forest Reserve.

Upon finding this condition of affairs this surveyor, in place of going on and completing the work under his contract that he could have done, and received his pay for the full amount required under the contract, notified the Department at Washington what he had found and said he would await their further instructions, and the Department, on receipt of this notice, notified him he need not make the survey, and he is not asking for pay for this work that he did not do, but simply asking for pay for the amount of time he was occupied in waiting to receive instructions from the Department. Had he gone on and completed the survey it would have cost the Government of the United States $2,000 more than now required, and in view of the fact this is very reasonable and is recommended by the Department, the committee makes a favorable recommendation.

Mr. MANN. May I ask the gentleman, the Department had money with which to make a survey, I suppose?

Mr. MILLER. Yes; I think so.

Mr. MANN. And made a contract for the survey?

Mr. MILLER. Yes.

Mr. MANN. Now, it was to the interest of the Government to save a couple of thousand dollars by not making a portion of the survey. Was not the Department able to do that and settle the contract?

Mr. MONDELL. May I reply to the gentleman?

Mr. MILLER. I will say, in answer to the gentleman, under the contract Mr. Stahle had with the Government it required him to make this survey along this definite line, and when he came to a particular point he found another Department of the Government, the Geological Survey, had already made a survey of a part of the line, 25 miles in length, and without going on and going over the same line again and marking it, as he was required under the contract, with these iron monuments, he

stopped where he was and reported the fact that he had found part of this line had been surveyed and——

Mr. MANN. I understand that; but I want to find out whether if the Department had $2,000 to spend for a survey and had made a contract for the expenditure of that money and finds that it is more profitable to the Government not to expend the money but to pay out $300 instead of spending the $2,000, why can not the Department do it?

Mr. MONDELL. Will the gentleman from Kansas yield to me?

Mr. MILLER. I will yield to the gentleman.

Mr. MONDELL. In reply to the gentleman from Illinois I want to read a paragraph from the letter of the Commissioner of the General Land Office to Mr. Stahle in regard to this matter. He says:

The contract with Mr. Stahle provides "as a full compensation for the whole expense of the resurvey" specified rates per mile "for every *mile and part* of mile actually run and marked in the field," and in view of these specific terms this office was without authority to consider the above items of expense and could only approve the account for the amount found due for the mileage actually established, as shown by the field notes, and the deputy was so advised.

Had Mr. Stahle again gone over the part of the line reestablished by the Geological Survey there would apparently have been a useless expenditure of nearly $2,000.

In other words, Mr. Stahle had a contract to survey this line and under the contract he would have continued his survey over a portion of line which had been already resurveyed by the Geological Survey, but when he reached a point where they had reestablished the line he ceased work and wired the Department and awaited their answer, and he is simply asking for the amount which he had expended in payment of his field force while awaiting further orders rather than the amount which would have been due him under the contract had he continued, and as the contract provided for the payment by the mile actually run, the Department could not pay him, and recommended that this bill pass.

Mr. MANN. Well, Mr. Chairman, ordinarily a man who makes a contract can modify it. If the Department could make a contract to pay a survey by the mile, certainly they had authority or ought to have had the authority to relinquish a part of the survey which is unnecessary and pay for what has been done unless there was a specific appropriation for the survey by the mile. Can the gentleman inform us on that point?

Mr. MONDELL. This survey was paid out of the general appropriation for surveys.

Mr. MANN. It would seem ridiculous to say that the Department, having entered into a contract to expend $2,000, would be without authority to get the same good with $300.

Mr. MONDELL. Well, however that may be, the Department held they had no such authority.

Mr. MANN. I have no objection to the bill.

The CHAIRMAN. The question is on the committee amendments.

The amendments were agreed to.

The CHAIRMAN. The question is on laying the bill as amended aside with a favorable recommendation.

The question was taken, and the motion was agreed to.

FRED DICKSON.

The next bill on the Private Calendar was the bill (H. R. 9528) to reimburse Fred Dickson for the loss of his tools through the fire which destroyed the engine house at Fort Duchesne, Utah, on December 19, 1902.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized to pay to Fred Dickson, out of any money in the Treasury not otherwise appropriated, the sum of $155.65.

Mr. MILLER. Mr. Chairman, I move that the bill be laid aside with a favorable recommendation.

Mr. MANN. Mr. Chairman, I think we ought to have an explanation. The title is longer than the bill, and covers a lot of things which are not in the bill.

Mr. MILLER. Mr. Chairman, the report contains all of the items, and I call the attention of the gentleman from Illinois to the report. In brief, this is a statement of this case. This claimant, Fred Dickson, was employed as a packer at Fort Duchesne, Utah, and had been there for a number of years. For several years he had been doing the work of carpenter and tinner and some work as a plumber. There was no plumber there at the time, and there were but few tools, if any, that could be used in this class of work. This man was a poor man, and he was required to keep the tools necessary to do this class of work, and he bought the tools that are described in this bill. I have an itemized statement of them, amounting to $155.65.

I do not wish to read the entire itemized statement, but I will simply say that the post sawmill and pumping station at the post burned down. The shop that was assigned to this man was located in the building of the said sawmill, and the shop, which contained all his private tools, was completely destroyed by fire. He did everything in his power, according to the evidence in this case, not only to save his own tools, but to save the property of the Government as well. The Department recommends favorable action, and in view of the fact that he is a poor man and that he was required to keep these tools there in the performance of his duty, the committee thought it ought to be paid, and the amount being small, we recommend favorable action.

The CHAIRMAN. The question is on laying the bill aside with a favorable recommendation.

The question was taken; and the motion was agreed to.

CAPT. GEORGE E. PICKETT.

The next bill on the Private Calendar was the bill (H. R. 14467) for the relief of Capt. George E. Pickett, paymaster, United States Army.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Capt. George E. Pickett, paymaster, United States Army, out of any money in the Treasury not otherwise appropriated, the sum of $1,456.17.

Mr. CLARK of Florida. Mr. Chairman, I call for a reading of the report in that case.

The CHAIRMAN. The gentleman from Kansas [Mr. MILLER] has the floor.

Mr. CLARK of Florida. I would ask the gentleman to have the report in that case read.

Mr. MILLER. Let me ask the gentleman if he will not be satisfied with an explanation?

Mr. CLARK of Florida. I think the committee will be very much more satisfied with the report. That fully explains the situation.

Mr. MILLER. I will make an explanation of it, and if the gentleman insists on his request I will have no objection to the reading of the report.

Mr. CLARK of Florida. Very well.

Mr. MILLER. This bill provides for the reimbursement of Capt. George E. Pickett, paymaster in the United States Army, in the sum of $1,456.17. Now, when or where this amount was taken or lost it was impossible to determine. This officer immediately cabled his friends in the States to send him the necessary funds and made the shortage good. Had he not made the shortage good and paid the money immediately he would have been relieved by operation of the subsequent act of Congress which was passed on March 3, 1903. So that the fact that he paid the money out is the only reason that he is here now. Had he not paid it he would not have been required to come to the Congress of the United States asking for this relief.

I desire to read a part of this report in order that members of the committee may have full knowledge concerning it.

Per Special Orders, No. 57, Department of Northern Luzon, June, 1900, I proceeded to and paid troops at posts—see attached itinerary—disbursing $165,395.62 and taking in about $28,000 soldiers' deposits. The money was carried in one iron safe and nine small wooden boxes, which had only screw-down lids and were nailed together, two screws in each box being deep countersunk for sealing, every precaution being taken in sealing. These boxes, being the best that could be obtained at that time, were furnished to all the paymasters.

The money was at all times under a strong military guard, and every precaution and measure of safety was taken by me. I never allowed either money or guard out of my sight except at such times as it was physically impossible for me to keep personal espionage of it, and at those times I was forced to rely upon the military guards furnished.

I was in the saddle every day for twenty-eight days on this trip, covering on horseback, bull carts, and wagons 588 miles, through swamps, jungles, and rice paddies, knee-deep to waist-deep in mud and water, and over dangerous mountain trails in pouring-down rain, crossing innumerable small rivers, fording and swimming them, getting wet to the skin every day, and generally arriving at my destination covered with mud.

Upon arriving at Lingayan I was compelled to make the entire trip to Bolinao and return, a distance of 160 miles; also trip from Lingayan to Bautista, a distance of 48 miles, via intermediate points (see itinerary), by pack train of fifteen or twenty mules under charge of one chief pack master and four packers. This was a very dangerous country at that time on account of insurrection. As the nature of tropical jungle and trails only permitted single file, my pack train was necessarily strung out some distance. It was repeatedly halted by the miring of horses or mules, and in numbers of instances it was with great difficulty and untiring zeal on my part that loss of both mule and pack was prevented. During the time that I gave my personal attention to saving a mule and his load it was impossible for me to see or even be advised of what might occur at other points of the pack train, extended out, as it was, some distance along the trail.

The large number of troops to be paid, the nature and amount of tropical country to be covered, render it necessary often to make payments at night and travel in the day. The requirements of troops in the field compelled me to carry unlimited amounts of small change, the remainder of the money being mostly gold coin. Also troops on one roll often being scattered in many different places, miles apart, it was necessary to keep rolls open till all men on them were paid. Unlimited change, rolls being kept open, orders requiring rapid completion of payments, hardships and nature of journey, made it impossible to strike a balance until after my return to Manila. The money was

carefully counted and balance obtained as soon as possible, and the robbery was not discovered until then.

I reported these facts at once to the chief paymaster of my department and the chief paymaster of the division, and asked that experts be placed on my accounts immediately and a thorough investigation be made, at the same time turning over the safe containing the funds on hand to the chief paymaster of northern Luzon. I cabled to Washington to my mother, asking that I be cabled $800. Shortly thereafter she replied by cabling me $900 to Hongkong and Shanghai Bank, Manila. I received only $854 from the bank.

The amount advanced to me by my mother's cable was returned to her by my transferring pay accounts to her each month thereafter till paid back.

Then this officer goes on further and says that he paid this money to make his account good. This is recommended by the officers of the Department, and the committee is fully convinced that it ought to be paid. Let me say, there have been a number of other losses occurring in the Philippine Islands and a number of persons arrested, tried, and convicted for stealing the money, and afterwards Congress passed an act that these losses should be refunded to them where the money had not already been paid over; but in this case this paymaster had, in order to save his good name and to have his accounts credited and straightened, paid the money promptly. And this is to give him relief.

Mr. CLARK of Florida. Mr. Chairman, I want to say that as a member of the Committee on Claims I opposed the payment of this claim. The gentleman from Kansas refers to the fact that a number of persons were arrested in the Philippine Islands and prosecuted for the larceny of certain funds. There were no persons arrested in the Philippines and prosecuted for the larceny of these particular funds.

Mr. MILLER. No; that is true.

Mr. CLARK of Florida. They were arrested, prosecuted, and convicted in some instances, for the larceny of other funds. I want to say that there are bills before the committee to reimburse those persons—those officers—and, I think, in those cases the committee reported unanimously in favor of the bills. But in this case, Mr. Chairman, there is absolutely no explanation whatever, and no attempt at explanation, as to what became of that money. Here is an officer intrusted with funds of the Government who goes out upon a tour paying soldiers and others in the employ of the Army. When he returns to Manila and casts up his account, it is found that he is short some fourteen hundred and fifty-odd dollars. He does not know how it occurred. He was not robbed. There is no evidence that a larceny was committed; no evidence that it was taken in any way at all. Just simply short that much. Of course, he refunded it to the Government, as he had to do, and having refunded it, because it was intrusted to his care, he was responsible for it. He ought to have refunded it; he was in duty bound to refund it; he had no more than performed a duty that rested upon him. Now he seeks relief at the hands of Congress, to reimburse him this money, which it is apparent, on the face of the record, was lost by his own negligence.

I say, Mr. Chairman, it would be an exceedingly bad precedent for this bill to pass; and the only reason, as I recollect it, given in the committee, the only reason given here, for the passage of this bill is the fact that some other persons similarly situated have been paid by the Government. I assert, Mr. Chairman, that we are not bound to follow a precedent unless the precedent is a good one. If we are confronted by a bad precedent, if these other officials have been paid and paid improperly, and it is now discovered that the payment was improper, the time for Congress to call a halt is when the discovery is made, no matter who may suffer. For that reason, then, Mr. Chairman, I am opposed to this bill, and sincerely trust that the committee will not recommend its passage.

Mr. Chairman, this bill is exactly on all fours with this condition of affairs. If a postmaster of this country, intrusted with Government funds, should ascertain that he was short, making no explanation at all, he would have as much right to come to Congress and ask that he be relieved as has this military officer, your agent. And it is exactly on all fours with this proposition. The treasurer of a corporation, intrusted with the funds of a corporation, a trusted employee intrusted with the cash of the firm, wakes up some morning and finds that he is five, ten, or fifteen thousand dollars short. He makes a report to his employers, "I had this money; you intrusted me with it; I was responsible for it, every dollar of it; now I find myself this much short. I do not know how it occurred. I do not know who got it. There is no evidence that the vault has been tampered with; there is no evidence that the strong box has been broken; no evidence of a burglary or larceny; it has simply disappeared; and I ask you to relieve me." That is the case here, Mr. Chairman, and I hope this bill will not pass.

Mr. MILLER. I yield to the gentleman from Virginia [Mr. LAMB].

Mr. CLARK of Florida. I reserve the balance of my time.

Mr. LAMB. Mr. Chairman, in a very few words I will answer the statement made by the gentleman from Florida. He says there is no explanation of the loss of this money. Now, the chairman of this committee has read the sworn statement here from Major Pickett, going into the details, and showing under what conditions and what circumstances he lost this money. To say that there has been no proof along that line is to deny the emphatic sworn statement of this Virginia gentleman who comes here and makes a frank statement of the condition of his accounts, stating that the money was lost and that he at once, or as soon as he could wire to his home, replaced the amount.

Mr. MANN. May I ask if this officer was from Virginia?

Mr. LAMB. He is from my district.

Mr. MANN. That settles it.

Mr. LAMB. Oh, no; not at all.

Mr. MANN. That is the reason I am for the bill, because I know the gentleman from Virginia would not favor any claim, even from Virginia, unless it was right.

Mr. LAMB. After that statement, Mr. Chairman, it is scarcely worth while for me to make any further reply to the gentleman from Florida; but let me just answer his last point. He supposes an imaginary case of some postmaster losing money with which he was intrusted. Suppose, my friend, that any postmaster in this country had lost money by reason of a fire, or by reason of a robbery, which was the case here, no doubt. Would not the United States Government reimburse him in that situation?

Again, suppose my friend from Florida was intrusted with a large business, and he sent an agent to pay the employees of that business, and, owing to the fact that that agent had to go through a rough and difficult country, like that described here by Major Pickett in this sworn statement, robbers had stolen the money from his box, and that paymaster or agent should come back and make a plain and direct statement of how he lost this money. Would not the gentleman from Florida, as the head of that business, cheerfully reimburse this agent for the loss, sustained without any negligence on his part? That is just this condition. The gentleman would no doubt order an investigation, but that has been done here, and I think if the chairman of this committee had asked that the letter from the Paymaster-General on the eighth page of this report be read and had then asked that Secretary Shaw's recommendation be read the question would have been answered. I ask, with the consent of the chairman of the committee, that the letter from the Paymaster-General and the recommendation of Secretary Shaw be read. [Cries of "Vote!" "Vote!"]

Mr. SHACKLEFORD. Mr. Chairman, I just want to make one remark. I have no doubt that this gentleman came from Virginia, because the gentleman from Virginia [Mr. LAMB] says so. I take it for granted that he is a good, honest man, but he comes here and makes a statement absolutely without corroboration. Suppose in another case some other man had embezzled the money. Suppose he had lost it in a friendly game of draw poker with somebody. Suppose he had applied these funds to his own purposes anywhere, under any circumstances. He comes in and makes, as the gentleman from Virginia says, a clear statement of it. He says, "I was beset by thieves on the road." Mr. Chairman, thieves sometimes sit around a friendly table, as well as elsewhere. I am not talking about this officer; I am talking about some other man in this officer's place. Suppose this other man has embezzled money that has been put into his custody, and he undertakes to free himself from responsibility by his own uncorroborated statement.

Take the case of the teller of a bank. Out in my State they indict them and send them to the penitentiary if they do not come up with the funds intrusted to them. They say, "Mr. Bank Cashier, where is this money that was put in your hands?" "I do not know, sir. I had it last night. I counted my money to-day and part of it is gone. Somebody has stolen it." According to the statement of the gentleman from Virginia that would be sufficient defense, and the cashier ought to be relieved from any responsibility upon his own uncorroborated statement that he was robbed.

Mr. CLARK of Florida. The gentleman from Missouri states that this officer comes here and makes a statement without any corroboration. I want to ask him if in that statement the officer undertakes to explain what became of this money? Does he make any explanation at all?

Mr. SHACKLEFORD. He does not. He says he started

out with a given sum of money and he paid his expenses and he came in and when he came to strike a balance he found he was a thousand dollars short. "I do not know what became of it. I was in a country where there are thieves. I take it for granted that it was stolen from me, and I ask the Government to repay it."

Mr. Chairman, are we going to set a precedent here to-day that every man who is charged with funds may come before this seemingly omnipotent committee, of which I happen to be a member, and ask that upon his uncorroborated statement he shall be relieved of his responsibility? If Captain Pickett can be relieved to the extent of a thousand dollars, Captain Tugmutton can be relieved to the extent of a million dollars. Where is the end to it? But I suppose it will be like the gentleman from Kansas said about another case here—that this is a good man, and therefore he has found favor in the eyes of this committee.

Mr. LAMB. He does not say that.

Mr. SHACKLEFORD. We have just passed a bill to relieve a postmaster from responsibility for money which he says was stolen. How do we know it was stolen? He says somebody stole $169 out of a box that was nailed up on the wall. Perhaps it is true in that case, but we must act here under general rules. We must have some general regulation. If we take that postmaster's word, we must take the word of the next one.

Mr. LAMB. Will the gentleman permit a question?

Mr. SHACKLEFORD. Certainly.

Mr. LAMB. Does not the gentleman suppose that the Paymaster-General investigated all these matters; does he not suppose that all the facts governing this case, which the claimant could not put into a simple letter, were investigated by the Paymaster-General? The Paymaster-General of the United States Army recommends the payment of this matter.

Mr. SHACKLEFORD. I will answer the gentleman in a minute. The gentleman will recollect that a short time ago a letter came in here from the head of a Department recommending that the Committee on Appropriations put in the urgent deficiency bill a sum to reimburse a man for having painted a picture of a chief who had gone out of office. The heads of the Department are not responsible to the people; they have not been elected as "watchdogs of the Treasury." But the gentleman from Virginia and I have been sent here to keep close watch on the acts of Congress. This man in the Paymaster's Department says it probably ought to be repaid, but what does he know about it? What does he know about it more than a citizen who lives in my district? This man does not account for how he lost his money; he does not even undertake to say that it was not by corruption. Suppose now your captain had been a dishonest man instead of a good Virginian that you say he is; suppose he had determined to embezzle a thousand dollars, how better could he do it than to take a thousand out of the big pine box, with the lid screwed down with three screws, that had been carried across the world, as he tells you—how better could he have embezzled a thousand dollars than that?

Mr. LAMB. I would like, Mr. Chairman, for my colleague to understand the character of the recommendation of the Paymaster-General. He say under the provisions of the act of March 3, 1903, as has been fully explained by the chairman of the committee, if he had not paid the money he would have been the beneficiary of that act. Therefore he throws himself out from the fact that he was honest enough to wire to his mother to send him the money to make his accounts good.

Mr. SHACKLEFORD. Yes; he comes in with the money, but what would he have done if he had had no mother?

Mr. LAMB. Probably he would have been an orphan. [Laughter.]

Mr. SHACKLEFORD. Here is this man, with thousands of dollars of the public money, and he turns up on pay day with his money gone, and what explanation does he make? He says he wired to his mother to please send him the money to make good the amount he owes the Government. Now, Congress is going to relieve him. Why? Because back behind this good Virginian he happens to have an active, energetic Member of Congress to push his special favor through the Claims Committee, and push it with his popularity through the House, when some other man who may not stand so well will have to pocket his loss. It is a species of favoritism; it is a species, Mr. Chairman, of that more gentle use of the term of "graft," whereby one man gets that which is denied to the balance of the country. That class of legislation must eventually get the condemnation of all honest-thinking people who consider it. Here is this man backed up by a good, active Member of Congress, the gentleman from Virginia, who never fails to put his case through, while some other less importunate man, some other man who has not the service of so able a Representative, does not get the special favors that we deal out here as a matter of favor and not as a matter of right and justice.

Mr. MILLER. Mr. Chairman, I think the members of this committee will realize now something of what the Committee on Claims has to contend with in order that they may come in here with a favorable report. [Laughter.] I want to say in addition to what has been said that so far as the negligence of this officer is concerned I put over against the statement of the gentleman from Florida [Mr. CLARK] the statement of the gallant officer who has been conscientious and always faithful in the discharge of his duty.

Mr. MANN. Mr. Chairman, I do not know whether it is because the distinguished gentleman from Florida and the distinguished gentleman from Missouri are on the Committee on Claims this year, but it is a fact that the claims which have been called up to-day on the Calendar are, on the whole, less objectionable than any set of claims I have seen on the Calendar since I have been in the House. [Applause.]

I appreciate what the Committee on Claims, not only of the present House but of the last House, endeavored to do in reference to these claims, to confine the reports on claims to meritorious ones, yet the Members of the House have a right to know about this. I would like to ask the gentleman whether it is a fact that under the act which is quoted in the report, approved March 3, 1903, this officer would have been relieved by the War Department of this loss of money if he had not in fact paid the money over.

Mr. MILLER. There is no question about it at all. He would have been entitled to pay and would have received it from the Department.

Mr. CLARK of Florida. Mr. Chairman, just a word or two. I do not know what the distinguished gentleman from Kansas [Mr. MILLER] meant when he said that the House could see what the Committee on Claims had to contend with, but I desire to say to that distinguished gentleman that as long as I am a member of the Committee on Claims and so long as I am a Member of this House, owing allegiance to no one except the people of this country, and knowing no guide save my conscience under my oath of office, I shall object to and oppose any measure that does not commend itself to my better judgment, no matter what may be the very much better judgment of the distinguished and able chairman of the Committee on Claims.

It has been said by him, and the gentleman from Virginia [Mr. LAMB] agreed to it also, that the paymaster had recommended the payment of this claim and the Department had recommended it. We are acting upon our oaths here. We are the persons to settle this question, and when these officials make a recommendation to this House for the payment of a claim, they owe it to us to give the reasons upon which they base the recommendation. There is not a shadow of reason given in these letters; there is not a shadow of reason given in this report. It is simply presumed that somebody stole this money. It is a violent presumption with no evidence to support it, not a single solitary fact to show what went with it. The officer simply says it disappeared. He simply says he was short, and the boxes in which it was stored showed no evidence of having been tampered with by anybody. So if you want to argue the question from the surrounding facts, then you have got it incontrovertibly established that no outside person had access to those boxes, that nobody could have gotten that money except some of the persons having it in custody. I do not insinuate, Mr. Chairman, I do not charge this officer with wrongdoing, I do not intimate that he is guilty of it, but the fact remains that it was in his custody; he had guards around it; he and they are the only persons who had access to it, and it disappeared.

No charge, no intimation, that anybody robbed him; no charge, no intimation, that anybody had an opportunity to rob him. He had it and it is gone. What became of it he does not know, and he does not undertake to say, and yet because gentlemen question the propriety of paying a claim like this the chairman of the committee intimates that he has two very obstreperous members on his committee. I want to inform him now that so far as one of them is concerned he will continue to be obstreperous until when a bill like this is asked to be passed some fact or some reason that commends itself to sound judgment is submitted in its favor. [Applause.]

The CHAIRMAN. The question is, Shall the bill be laid aside with a favorable recommendation?

The question was taken; and the bill was ordered to be laid aside with a favorable recommendation.

### SYDNEY LAYLAND.

The next business on the Private Calendar was the bill (H. R. 2996) to reimburse Capt. Sydney Layland for sums paid by him

while master of the U. S. transport *Mobile* in July and August, 1898.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, directed to pay to Capt. Sydney Layland the sum of $119.11, to reimburse him for amounts paid by him as master of the Army transport Mobile to soldiers of the Sixteenth Pennsylvania Volunteers for services as firemen on the U. S. transport Mobile in July and August, 1898.

Mr. TIRRELL. Mr. Chairman, I offer the following amendment, in order to perfect the bill.

Mr. MANN. Mr. Chairman, before the bill is open to amendment I would like to have an explanation of what the bill is.

Mr. MILLER. There has been an amendment sent to the desk, and I want the amendment read first.

Mr. MANN. For information only.

Mr. MILLER. Then I will explain.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Insert in the fourth line, after the word "Layland," the following: "out of any money in the Treasury not otherwise appropriated."

Mr. MILLER. Mr. Chairman, this bill is to provide for the payment to Capt. Sidney Layland of the sum of $119.11, paid by him as master of the Army transport *Mobile* to soldiers of the Sixteenth Pennsylvania Volunteers for services as firemen on the U. S. transport *Mobile* in July and August, 1898. From the record of the office it appears that the Army transport *Mobile* sailed from Charleston on July 21, 1898, with troops on board, for Ponce, P. R., and on the return voyage brought troops from Santiago, Cuba, to Montauk Point, New York; that on arrival at Charleston the engineer crew were short six firemen, and under the authority of the officer commanding the troops the master of the transport was authorized to employ soldiers to perform the work of firemen and stokers, and for this service the master, Captain Layland, paid the men the sum of $119.11. Q. M. Gen. C. F. Humphrey says that it ought to be paid, and that view is concurred in by Secretary Taft.

The CHAIRMAN. The question is on the adoption of the amendment.

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The question now is, Shall the bill be laid aside with a favorable recommendation?

The question was taken; and the bill was ordered to be laid aside with a favorable recommendation.

JOHN H. THARP.

The next business on the Private Calendar was the bill (H. R. 13247) for the relief of John H. Tharp, of Eversonville, Mo.

The Clerk read as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized to pay to John H. Tharp, of Eversonville, Mo., out of any moneys in the Treasury not otherwise appropriated, the sum of $35, being the amount stolen from a registered letter belonging to the said John H. Tharp and collected by the United States Government from a mail contractor, said sum being now in the United States Treasury.

Mr. MILLER. Mr. Chairman, this bill is for the relief of this man Tharp, who mailed a registered letter in the post-office of Eversonville, Mo., addressed to the Dayton Book and Paper Company, of Quincy, Ill. The registered letter was stolen, and the carrier who stole it was arrested, tried, and convicted, and sentenced to prison, and the Department kept the money out of the pay of the contractor, and it was paid into the Treasury of the United States, and this is simply to pay the man for the money he had in the registered letter.

Mr. MANN. May I ask the gentleman a question? Is this the second one of these? Does the Post-Office Department, when a registered letter is stolen, take the amount that is stolen out of the contract price of somebody?

Mr. MILLER. I do not know that it is always done, but in this case they kept back—there were several of these registered letters—from the contractor the full amount of money in all the letters, and that money was paid into the Treasury of the United States.

The CHAIRMAN. The question is on laying the bill aside with a favorable recommendation.

The question was taken; and the motion was agreed to.

JOSEPH CROW.

The next business on the Private Calendar was the bill (H. R. 7709) for the relief of Joseph Crow.

The Clerk read as follows:

*Be it enacted, etc.*, That the sum of $1,029.59 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, and that the same be paid to Joseph Crow, of Omaha, county of Douglas, State of Nebraska, to reimburse him for a like amount charged against his account as postmaster by reason of embezzlement of post-office funds by Alfred M. Oleson.

Mr. MILLER. Mr. Chairman, in this case Joseph Crow was postmaster at Omaha, Nebr., and his stamp clerk, as I remember it now, Alfred M. Oleson, embezzled $2,029.59 from the funds of that office. Oleson was arrested and convicted and sentenced to pay a fine of $2,000. He paid his fine, and after the fine was paid the people of the city, his friends, gave a banquet in his honor, and he is now holding a position in one of the leading hotels in the city of Omaha while the Government is trying to collect now from the postmaster the full amount of money embezzled by the clerk. There was paid in this fine $2,000, and on the bond of the stamp clerk $1,000, making $3,000 which is already in the Treasury of the United States as against the $2,029.59 embezzled, and now the Government is asking the postmaster to pay the other $1,029.59, and we simply say we think the postmaster ought to be relieved from paying the balance of this money.

Mr. MANN. May I ask the gentleman, is it the policy of the Government to pay defalcations of post-office clerks?

Mr. MILLER. Not as a general proposition.

Mr. MANN. Was not this man under bond to the postmaster?

Mr. MILLER. He was under bond, and they have brought suit on the bond and recovered $1,000, all they could have recovered.

Mr. MANN. Was it not the duty of the postmaster to have a good bond?

Mr. MILLER. The postmaster thought there was a good bond, the Government accepted the bond, and the postmaster was in no way responsible for it. One thousand dollars was collected on the bond, and all that can be collected upon it, and the $3,000 now having been paid into the Treasury of the United States we do not feel the postmaster here ought to be compelled to pay this other $1,029.59.

Mr. MANN. It being the duty of the postmaster to secure a proper bond in order to protect himself, ought the Government to pay a loss caused by the negligence of the postmaster?

Mr. MILLER. I yield to the gentleman from Nebraska [Mr. KENNEDY].

Mr. KENNEDY of Nebraska. Mr. Chairman, in November, 1903, Oleson, a stamp clerk in the Omaha post-office, embezzled $2,029.59. He was arrested and pleaded guilty. He was fined $2,000. The fine was paid, and the Government has the money. The only statement made by the gentleman from Kansas, the chairman of the committee, to which I wish to take exception is the statement that Mr. Oleson, the embezzler, is now occupying an honored position in the city of Omaha. I challenge that statement.

Mr. MILLER. Mr. Chairman, possibly he is not, but I got my statement from the report made by the Post-Office Department to the Committee on Claims, from which I read:

He refused to make the shortage good, was arrested December 1, 1903, indicted, and when the case was called for trial pleaded guilty and was fined $2,000, which he paid. His father-in-law is United States commissioner, and it is reported that his friends gave him a banquet after the trial of the case. He is now employed in a good position in the Iler Grand Hotel, the leading hotel in the city.

Mr. KENNEDY of Nebraska. Mr. Chairman, that is secondary evidence and is not true; but that is outside the question, Mr. Chairman.

Mr. GROSVENOR. But for all that appears here he might be a porter in the hotel.

Mr. KENNEDY of Nebraska. That is true. But be that as it may, Mr. Chairman, after the Government had fined this man and collected the fine the Government received the proceeds of his bond in the sum of $1,000. I will say to the gentleman from Illinois [Mr. MANN] that the bond did not run to the postmaster. The postmaster did not select this employee; he could not discharge him. The bond ran to the Government in such amount as the Government approved, and to-day the Government is $970.41 ahead on this transaction, and it is still seeking to hold the postmaster on his bond for $1,029.59. Now, Mr. Chairman, in the language of Postmaster-General Payne, who has a letter here which is a part of this report, to say that the postmaster shall now make good this amount for which the Government is seeking to hold him is to put him in a worse attitude, in a worse position, that the thief, and I do not believe this Government or this committee is disposed to do that. There is no question, Mr. Chairman, but that this bill should be favorably reported and passed by the House.

I reserve the balance of my time.

Mr. MANN. Mr. Chairman, the facts in this case are that at this place—Omaha—the post-office has various stamp clerks. Stamp clerks are allowed a credit of so much in the way of stamps. The Government endeavors to protect both itself and the postmaster by requiring a bond from the stamp clerks which more than equals the amount of credit in stamps which is given to them. It is the duty of the postmaster to see that the credit extended to the stamp clerks is not above the amount which is expected to be extended. The report in this case shows

that this stamp clerk was extended a credit of $700 in stamps. If the post-office had been properly administered, the stamp clerk could not have in his possession at one time more than $700 worth of stamps. When the stamps ran short he received stamps from the chief stamp clerk. But the duty of the chief stamp clerk was not to give him a credit in stamps greater than $700, as appears by the report in this case. And yet this man embezzled $2,000 in stamps. The administration of the office was so faulty, so poor, so without discipline, that instead of holding this stamp clerk down to a credit of $700, he embezzled $2,000 worth of stamps. Now, it is a queer and a new doctrine to me that because the man is hauled up in the criminal court and fined $2,000 on the penal side of the court that therefore the Government should turn over a part of the penalty to the man who is in fault, namely, the postmaster. Since when did we commence to take the fines which the Government collects as a penalty in order to reward the man who is guilty of negligence?

Mr. JOHNSON. Mr. Chairman, I would like to ask the gentleman a question.

Mr. MANN. I yield.

Mr. JOHNSON. What did it cost the Government to prosecute that man sucessfully to conviction and collect that fine?

Mr. MANN. Probably more than $2,000.

Mr. KENNEDY. In this instance?

Mr. MANN. When you consider the force that is maintained by the Government in order to capture and prosecute the criminals in the Post-Office Department and elsewhere, probably more than $2,000; but what it costs, after all, makes no difference.

Now, the post-office inspector who is acquainted with the circumstances in this case, who knows what was done in this matter, is not in favor of the passage of this bill. The post-office inspector, who is charged in a way with maintaining honesty and discipline in the Post-Office Department, reports that Congressional aid, in his opinion, should not be extended. It seems to me that when the post-office inspector opposes turning over a part of the fine collected from the criminal to reimburse the man guilty of negligence, the Congress ought not to encourage embezzlement in the Post-Office Department or lax discipline in the post-offices of the country by favoring a bill like this.

Mr. KENNEDY of Nebraska. Mr. Chairman, I understand the gentleman from Illinois [Mr. MANN] to state to the committee that there was a rule in the Omaha post-office to the effect that the credit of this clerk for stamps was limited to $700. The gentleman from Illinois is mistaken. The inspector, Mr. Harrison, in his report stated that such a rule obtained in Kansas City, and that if a similar rule had been adopted in Omaha this loss might not have occurred.

But there was no rule, there was no requirement, Mr. Chairman, which prohibited this stamp clerk from getting this large credit; and, Mr. Chairman, while the inspector, Mr. Harrison, disapproved of the allowance of the amount to the postmaster, that report was afterwards disapproved by the Postmaster-General, and he stated in a letter, which is a part of this report, that he believed this allowance should be made to the postmaster, and that he doubted even if greater vigilance had been exercised if the robbery could have been prevented.

Mr. Chairman, the postmaster was honest. The man who was postmaster at that time was as vigilant as any postmaster could be under all the circumstances. The gentleman from Illinois has asked us to-day to charge this postmaster with absolute responsibility for the honesty and integrity of men he did not select, men he could not remove, and men whose bonds ran to the Government and not to him. [Applause.] [Cries of "Vote!"]

Mr. MANN. Mr. Chairman, do I understand the passage of this bill will say that the postmasters of this country shall have no liability for embezzlement by clerks in post-offices when they can not discharge post-office clerks and can not appoint post-office clerks? There is not a post-office in the United States of any size where the postmaster can either appoint or discharge the clerks. Is it the intention of my friend from Nebraska to say that Congress, by the passage of this bill, announces as a doctrine that postmasters are not responsible for the embezzlement of clerks they have that are in the classified service? That is the argument of my friend. Lead it out fully all along, and where will the country end upon that proposition?

Mr. HINSHAW. What possible sense is there in a civil-service system that says the superior officer shall have no control over either the appointment or dismissal of a clerk, and yet he shall be liable for his defalcation?

Mr. MANN. Well, Mr. Chairman, the civil-service law is not in question in this bill. Does the gentleman from Nebraska say that he will relieve the postmasters for the embezzlement of clerks in the classified service? Would the gentleman vote for a law upon that question in that way?

Mr. HINSHAW. I would vote for a law which would give them a chance to appoint and remove.

Mr. MANN. Oh, I know the gentleman says he would vote for a law upon that. That is not the question before the House. It is easy to say that a man will vote for something which he can not vote for. You do vote for this bill; you are compelled here to put yourselves on record upon this bill; not upon an imaginary bill. The gentleman is a member of the Committee on Reform in the Civil Service, I think.

Mr. HINSHAW. I beg your pardon; I would not be upon that committee.

Mr. MANN. The committee would be graced if the gentleman were on it, I will say.

Now, Mr. Chairman, to say that we will relieve these people from embezzlement on that ground—why, it seems to me a ridiculous proposition.

Mr. CHANEY. I beg to ask the gentleman a question. Why should you hold responsible to the Government the postmaster for the defalcation of a stamp clerk who had given his bond directly to the Government to secure the faithful discharge of his official duties?

Mr. MANN. Mr. Chairman, the purpose of holding the postmaster responsible in these cases is to see that the postmaster exercises proper discipline. It is no explanation of the matter that in many cases where postal clerks have defaulted the postmasters have been held responsible. The law provides it. And, Mr. Chairman, so far as I know, there is no dearth of applicants for postmasters, notwithstanding their liability for the acts of their clerks.

Mr. KENNEDY of Nebraska. Mr. Chairman, I ask the gentleman from Illinois, do you know of a single case where the postmaster has been held liable for the amount of a defalcation or embezzlement when the Government has been reimbursed for every dollar stolen and is $970.41 ahead on the transaction?

Mr. MANN. Why, Mr. Chairman, the gentleman talks about reimbursement. I say we collect fines that have been imposed by the courts after reimbursement. I know of more than one case where a fine has been collected and at the same time the defalcation has been made good by the postmaster. [Cries of "Vote!" "Vote!"]

The bill was ordered to be laid aside with a favorable recommendation.

### COL. MEDAD C. MARTIN.

The next business was the bill (H. R. 14344) for the relief of Col. Medad C. Martin.

The bill was read, as follows:

*Be it enacted, etc.*, That authority is hereby granted to the proper accounting officers of the Treasury to allow a credit in the accounts of Lieut. Col. Medad C. Martin, deputy quartermaster-general, United States Army, for the sum of $708.65 (pertaining to the appropriations for regular supplies, $92.85; incidental expenses, $30.50; Army transportation, $585.30, fiscal year 1905), which sum was stolen, through no fault of the officer, January 8, 1905, while in transit from Manila, P. I., to Lipa, Batangas, P. I.

Mr. MILLER. Mr. Chairman, this is another bill for the reimbursement of a paymaster of the Army for money stolen on a pay trip. I call attention to the fact that this money was in a safe, and the paymaster was not with the safe, and in the nighttime the funds were stolen. The men who stole it have been arrested, tried, and convicted, and the Department says that this officer should be reimbursed. The committee agree with the Department, and I wait now for the gentleman from Missouri [Mr. SHACKLEFORD] to concur, and then I will move to lay the bill aside to be reported to the House with a favorable recommendation.

Mr. SHACKLEFORD. Mr. Chairman, I move that this bill be agreed to by acclamation. [Laughter.]

Mr. MANN. Mr. Chairman, does the gentleman from Missouri favor this bill?

Mr. MILLER. Yes.

Mr. MANN. There must be something suspicious about it. [Laughter.] I think we are entitled to a full explanation. [Laughter.]

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

### LEGAL REPRESENTATIVES OF MASSALON WHITTEN, DECEASED.

The next business was the bill (H. R. 12252) for the relief of the legal representatives of Massalon Whitten, deceased.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the legal representatives of Massalon Whitten, deceased, the sum of $137.50, with interest thereon from the

31st day of March, 1861, for services performed by said Massalon Whitten in his lifetime as mail contractor on route No. 10256, in the State of Tennessee, between the 1st day of January, 1861, and the 31st day of March, 1861.

With the following committee amendments:

Amend the title by striking out the words "legal representatives" therein and inserting in lieu thereof the words "heirs at law."

In line 5 of the bill strike out the words "legal representatives" and insert in lieu thereof the words "heirs at law."

Strike out the words "with interest thereon from the 31st day of March, 1861," in lines 7 and 8.

Mr. MILLER. Mr. Chairman, Mr. Whitten was mail contractor on route 10256 in the State of Tennessee from January 1, 1860, to June 30, 1862. The Auditor of the Treasury Department states that there is no evidence that any service was performed after March 31, 1861. Mr. Whitten was paid in full to include December 31, 1860, and there remains to his credit for the services performed from January 1 to March 31, 1861, the sum of $137.50.

Many claims of this class were paid in whole or in part by the Confederate States government, but the mutilated Confederate records now in the possession of the Treasury Department do not show, so far as they go, that any payment was made to Mr. Whitten for service under this contract with the United States.

I desire to say in reference to this case that it is one of a class of claims that come up as the result of the civil war. The contracts for carrying the mails were suspended, but this State did not go into secession until long after this period. This man carried the mail and performed the service, and this amount of money is standing to his credit in the Treasury of the United States. The Confederate States government passed a law for the reimbursement of those people, but there is no evidence to show that the Confederate States government ever paid this claim. On the contrary, the evidence before the committee shows that the claim has never been paid, although the mutilated records in the Department do not show that fact. So far as I am concerned, as a member of the committee, I want to state that my position is simply this: I would be in favor of a general bill providing for the payment of this class of claims within a certain period provided the evidence was presented to the satisfaction of the Treasury Department that they had not been paid by the Confederate States government. I will not, as a member of the committee, at any time in the future favor or report any claims of this class except where the evidence does show conclusively that they were not paid by the Confederate States government.

I think there is merit in this claim and that the bill ought to pass.

Mr. MANN. Mr. Chairman, the report does not pretend to say that there is any merit in the bill. Now, the gentleman from Kansas [Mr. MILLER] has stated there was some merit in the bill. I do not understand why the committee does not put it in the report. There is not a line in the report to indicate any merit in the bill; there is not a line which says that the bill is meritorious. The report refers to a letter from the Auditor, which so far from indicating merit indicates that the bill ought not to be paid.

Mr. MILLER. Mr. Chairman, in answer to the gentleman from Illinois I will say that he is right on this proposition. I regret that the committee did not put all in the report that should have gone into it. We had evidence before the committee to show that this claim had never been paid by the Confederate States government, and that should have been stated in the report.

The CHAIRMAN. The question is on agreeing to the amendments.

The amendments were considered, and agreed to.

The bill was laid aside to be reported to the House with a favorable recommendation.

JOHN T. IRION.

The next bill on the Private Calendar was the bill (H. R. 13154) for the relief of John T. Irion.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $180, to enable the Postmaster-General to reimburse John T. Irion, late postmaster at Paris, Tenn, the amount paid by him under authority of the Post-Office Department for rent of post-office accommodations in the town of Paris, Tenn., during the year 1888.

Mr. MILLER. Mr. Chairman, I will read for the information of the committee a letter from the Acting First Assistant Postmaster-General, in which he says:

POST-OFFICE DEPARTMENT,
FIRST ASSISTANT POSTMASTER-GENERAL,
*Washington, D. C., January 27, 1905.*

SIR: Replying to your letter of the 20th instant, submitting claim of John T. Irion, of Paris, Tenn., for rent of room occupied by post-office at that place about 1888 to 1889, I beg to advise you that the records of this office show that there was an allowance made for post-office premises during that period, but the original records have been destroyed by direction of act of Congress and the details are not available. The records of the Auditor for the Post-Office Department might show whether Mr. Iron received any credit for rent during that period.

Very respectfully,
J. J. HOWLEY,
*Acting First Assistant Postmaster-General.*

Hon. T. W. SIMS,
*House of Representatives.*

Mr. Chairman, I want to say, for the benefit of the committee, that this bill has not only the approval of the Post-Office Department, but also the approval of the gentleman from Missouri [Mr. SHACKLEFORD]. [Laughter.]

Mr. MANN. If that be the case, it requires a little further explanation. [Laughter.] Mr. Chairman, I find this situation in the report: Here is an act of Congress requiring certain records to be destroyed after a certain length of time. After the records are destroyed and the Government has no evidence on its part, then comes up for the first time a claim for money, which would either be proven or disproven if the records were in existence. Is it to be the policy of the Government, having required that certain papers be destroyed, then to pay the claim because these papers do not show the claim to be fully paid?

Mr. SHACKLEFORD rose.

Mr. MANN. I yield to the distinguished patriot from Missouri.

Mr. SHACKLEFORD. I understand that some records are required to be destroyed, but the ledgers showing the contents of them are retained, and these ledgers show that this man has not been paid for the amount that he asks here.

Mr. MANN. Who knows how much he is entitled to? Let me read from the report of the Acting First Assistant Postmaster-General:

I beg to advise you that the records of this office show that there was an allowance made for post-office premises during that period, but the original records have been destroyed by direction of the act of Congress, and the details are not available.

Mr. SHACKLEFORD. Now, read the Auditor's statement.

Mr. MANN. The Auditor reports that the records have been destroyed, but the ledgers show that no credit was made on rent, light, and fuel. How does the gentleman establish the amount of claim, if there be one at all?

Mr. SIMS. If the gentleman will allow me, I will explain.

Mr. MANN. I have no doubt that the gentleman from Tennessee will be able to throw some light upon it other than that in the report.

Mr. SIMS. Doctor Irion, then postmaster, is one of the most elegant gentlemen in the State of Tennessee.

Mr. MANN. I suppose that is the reason he is to be paid the money; all elegant men ought to be paid their claims. [Laughter.]

Mr. SIMS. He looks as much like Andrew Jackson as you ever saw a man; he is one of the highest Masons in the State of Tennessee; one of the finest types of southern manhood and chivalry you ever saw. He was paying his own rent, but, on inspection of the post-office by a post-office inspector, it was condemned, and he was ordered to rent another building. He did rent it at the price of $15 a month for one year. In his letter, incorporated in this report, which is sworn to, he states these facts, and there is an affidavit of the gentleman who rented the place to him, W. P. Smallwood, who swears that he collected the rent of him for one year. Now, this affidavit states that when he sent his vouchers in for the payment, the appropriation had been exhausted for that year. He has been trying to get this without an act of Congress ever since that time, and I have been assisting him. Afterwards the Post-Office authorities suggested to me a private act of Congress, and that is why this bill is here.

Mr. MANN. If the gentleman will pardon me, how soon are the records destroyed after they are made?

Mr. SIMS. Mr. Chairman, the gentleman will bear this in mind, that he sent his vouchers in, but the appropriation was exhausted, and it was not paid. The gentleman will observe that this is a small claim. He did not want to put it in the hands of an attorney, and this old gentleman worked along by himself trying to get his pay.

Mr. MANN. Mr. Chairman, if the gentleman is right, we ought to put the Post-Office Department on trial. Do I understand that the gentleman says that this postmaster sent his vouchers into the Post-Office Department, and before they were allowed or disposed of the Post-Office Department destroyed them?

Mr. SIMS. He swears here that he sent it in at the end of the year, but the appropriation out of which it should be paid had been exhausted.

Mr. MANN. What has become of these vouchers which were sent to the Post-Office Department? They do not take wings and fly away.

Mr. SIMS. The proper authority in the Post-Office Department says the records have been destroyed by fire or otherwise.

Mr. MANN. No; destroyed by act of Congress.

Mr. SIMS. Yes; by act of Congress.

Mr. MANN. Do I understand the gentleman to assert that the Post-Office Department destroys vouchers which are sent to it before they are acted upon or that there is any act of Congress which requires the Post-Office Department to destroy the evidence of these things before they are disposed of?

Mr. SIMS. I did not make any such statement.

Mr. MANN. That is the result of the gentleman's statement.

Mr. SIMS. But the letters of the officers referred to in the report state these have been destroyed in part, but the ledger, the journal, or the books show that he never was paid anything for rent.

Mr. MANN. Does the gentleman wish the House to believe that when vouchers have been sent to the Post-Office Department, the Post-Office Department so construed the act of Congress that it disposes of those vouchers before it acts upon them?

Mr. SIMS. Why, no; I do not.

Mr. MANN. Well, that is the result of the gentleman's position.

Mr. SIMS. No; I said the records had been destroyed in pursuance of act of Congress.

Mr. MANN. Where are the vouchers, then?

Mr. SIMS. The gentleman swears they are lost, but he brings up the gentleman who collected the rent from him and owned the building, and he swears he did collect it and that Doctor Irion paid it to him.

Mr. MANN. We do not doubt the gentleman paid the rent. The gentleman says he sent the vouchers to the Post-Office Department for the rent. What has become of them?

Mr. SIMS. I do not know.

Mr. MANN. Well, I think the gentleman ought to find out before he brings this bill before the House.

Mr. SIMS. If I can get this bill passed I shall not worry any further about these vouchers [laughter], because I have all the confidence that this money was paid that I have that the gentleman from Illinois [Mr. MANN] has addressed this House this afternoon.

Mr. MANN. Oh, well! The gentleman from Tennessee [Mr. SIMS], who is always on my side of the fence, except when he himself is specially interested——

Mr. SIMS. I am still on the gentleman's side. [Laughter.]

Mr. MANN. Not just now. The gentleman has got over on the other side reaching to get—not for himself, because that he would not do—some money out of the Treasury for one of his constituents without making a case. If the gentleman had vouchers, if the postmaster were entitled to money, if he had sent vouchers to the Post-Office Department, those vouchers would be extant now. They would not have disappeared in the night. They would be there.

Mr. SIMS. This gentleman swears that he has lost them.

Mr. MANN. No; but the gentleman from Tennessee stated not that he had lost them, but that he had sent them to the Post-Office Department.

Mr. SIMS. Yes; well, he has not got them. They are lost or destroyed; it makes no difference. They are not in existence.

Mr. MANN. Well, the presumption is that if they were in existence they would be in the Post-Office Department. Not being in the Post-Office Department the presumption is that they never existed.

Mr. SIMS. We do not have to deal in presumptions. We have the positive sworn testimony of two men above suspicion or reproach.

Mr. MILLER. Mr. Chairman, I want to say, in reply to the gentleman from Illinois, we have a sworn statement here that this man who is represented to the committee as being an honorable gentleman, and we have no reason to disbelieve that statement, sent these vouchers to the Post-Office Department. We addressed a letter to the Department asking that all information concerning this case be sent to the Committee on Claims. The Post-Office Department sent the information they had and with that information the statement that all the original records in this case had been destroyed by act of Congress, so, taking that statement and these affidavits as being true, we ask that the bill do pass.

The CHAIRMAN. The question is on laying the bill aside with a favorable recommendation.

The question was taken, and the motion was agreed to.

WILLIAM H. STINER & SONS.

The next bill on the Private Calendar was the bill (H. R. 5167) for the relief of William H. Stiner & Sons.

The Clerk read as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury is hereby authorized and directed, all regular duties having been paid, to remit the penal or additional duties, amounting to $781.20, incurred under section 32 of the tariff act approved July 24, 1897, growing out of the appraisement of certain 100 packages of palm-leaf hats consigned to William H. and Martin E. Stiner, composing the copartnership of William H. Stiner & Sons, imported at New York on or about August 10, 1903, from Veracruz, Mexico, on board the steamship Vigilancia, on and for the account of Messrs. Longini & Brenheim, of San Antonio, in the State of Texas.

Mr. MILLER. Mr. Chairman, the best explanation that can be given of this bill is the letter of the Secretary, which I will read.

It appears that in August, 1903, William H. Stiner & Sons, of New York, imported at that port from Messrs. Longini & Bernheim, of San Antonio, Tex., certain Mexican palm hats; that the merchandise was entered as of the value of $3,051, and was appraised as of the value of $3,720; that the appraiser's advance carried with it additional duty of 21 per cent, amounting to $781.20, under section 7 of the act of June 10, 1890, as amended by section 32 of the act of July 24, 1897; that application was duly made to the Treasury Department for remission of the additional duties, but as manifest clerical error, the only ground upon which relief might be granted, was not apparent the application was denied.

As stated in my letter addressed to you under date of the 8th of December last, I do not doubt the good faith of the transaction, and as the importers, Stiner & Sons, are a reputable and long-established firm, doing a large custom-house business in the city of New York, I perceive no objection to the Congress granting them the desired relief.

The bill inclosed, with your letter, is herewith returned.

Respectfully,

L. M. SHAW, *Secretary.*

Mr. MANN. Mr. Chairman, this is really a bad measure. The law used to provide that the Secretary of the Treasury might waive penalties which were imposed upon a person making a declaration of entry understating the valuation of the article. Now, we all understand very well that there is a disposition in human nature, in declaring the value of something upon which a tax is based upon a percentge basis, to put the value down. It became quite a custom on the part of persons importing goods into this country to enter their goods at a valuation somewhat below the actual value, and when penalties were imposed those persons appeared with their affidavits and with their evidence before the Secretary of the Treasury, who was authorized to waive the penalty, and, with ex parte statements and pressure of such distinguished Members of Congress as my friend from Texas, the Treasury Department usually waived those penalties, and thereupon Congress passed a new act providing that the Secretary could waive no penalties imposed for undervaluation, except it was by reason of manifest clerical error——

Mr. SLAYDEN. And a good law.

Mr. MANN. But that if a man, by accident or clerical error of his clerk, entered the goods at less than their value, then the Secretary might waive the penalty for the forfeiture; but unless it was done by manifest clerical error he could not do so. Now, this proposition is a proposition to repeal that law in this case. I now yield to the gentleman from Texas.

Mr. SLAYDEN. Mr. Chairman, the case the gentleman has in mind is not at all parallel to this. There has been no undervaluation by the importers of the products at all, and I think if the gentleman will permit me to make a statement of the facts in the case——

Mr. MANN. I yield to the gentleman.

Mr. SLAYDEN. I am satisfied he will be for the bill.

Mr. MANN. I am for the bill if the gentleman can convince me that it is right.

Mr. SLAYDEN. Well, Mr. Chairman, I will state the facts. Messrs. Longini & Bernheim, of San Antonio, Tex., are importers of hats. They buy in the interior of Mexico, and at places remote from the railroad, a great many so-called "palm hats," which are really made out of straw which grows out there. Many of these hats are made away back in the Indian pueblos, or villages, a ahundred and fifty and two hundred miles from the railroad.

As stated in that part of the report by Mr. KITCHIN, of North Carolina, who made it, this consignment of hats was assembled at the city of Vera Cruz and shipped to New York. Messrs. Stiner & Sons, the nominal beneficiaries of this bill, are customs brokers. Every fact covering the transaction was sent with it. There was absolutely no undervaluation. The exact cost of all the stuff was submitted to the custom-house collectors, and has entirely satisfied the Secretary of the Treasury, the assistant secretary in charge of customs, and the collector at the city of New York. There was no undervaluation made. There had been a fluctuation in the market value of it, due to

the fact that about that time the American people were crazy on so-called "Panama hats," and all hats of that character were advanced in price, but it did not affect the purchase price of these at all.

Mr. SLAYDEN. Mr. Chairman, the collector of customs in the city of New York, and the solicitor for the collector have both recommended, in letters that were filed with this committee, that the penalty assessed against these gentlemen be not collected. And although this transaction occurred some time ago, so strongly convinced were the collector and the solicitor for the collector at New York, and the Secretary of the Treasury, that the fine assessed against these gentlemen should not be collected, they have suspended the claim against them, retaining, as I understand is the custom of the Department under such circumstances, one case of hats in order to keep the account open. It is strongly recommended that the bill be passed, and they assured me at the Treasury Department that if they had the power, which was denied them by the law referred to by the gentleman from Illinois, they would themselves grant the relief. I am told, Mr. Chairman, that this impressed the members of the committee so favorably that it came out with a unanimous report. Those "watchdogs of the Treasury," the gentleman from Missouri and the gentleman from Florida, were both convinced that if there was one good bill on this Calendar it was the bill which I had the honor to introduce.

Mr. MANN. Mr. Chairman, I think the gentleman from Texas [Mr. SLAYDEN] does not fully appreciate the extent of his bill. When the appraisement was made in this case, these people had a remedy provided in the statute. They did not have to accept the appraisement made by the appraiser who fixed the valuation on these hats. The customs statute provides a method by which a decision of the appraiser can be appealed from. These people have their remedy provided by the statute. Has it come to the point that a man who imports goods, who fails to comply with the provision of the statute, can then come to Congress and ask Congress to pay back to him the money which under the law he is compelled to pay upon the importation? Now, I can understand very well how the gentleman from Texas [Mr. SLAYDEN] can favor such a bill, because he believes that taking any money for import duties from this man is robbery. He believes that the Government has no right to take one cent from the man. He believes that when the Government collects the import duties at all it is stealing from the man. I have often heard my distinguished friend from Texas roll off his lips in mellifluous tones the word "robbery," as applied to the tariff duties. Does this side of the House believe that when a man fails to comply with the provisions of the law, fails to have the property appraised in the manner provided by the law, when he has violated the law, Congress shall step in and pay to him the money which the law says he shall pay to the Government?

The CHAIRMAN. The question is on laying the bill aside with a favorable recommendation.

The question was taken; and the motion was agreed to.

F. H. DRISCOLL.

The next bill on the Private Calendar was the bill (H. R. 10584) for the relief of F. H. Driscoll.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to F. H. Driscoll, out of any money in the Treasury not otherwise appropriated, the sum of $80, in full payment for services rendered the United States of America, not otherwise remunerated, as follows: As storekeeper-gauger in charge of special bonded warehouse No. 6, first district of California, for a period of twenty days during the month of May, A. D. 1897, at $4 per diem.

Mr. MILLER. Mr. Chairman, I move that the bill be laid aside with a favorable recommendation, unless there is some objection to it.

Mr. MANN. Mr. Chairman, this is a bill to pay a salary to a man who was not entitled to it, and I do not wonder that the gentleman from Kansas [Mr. MILLER] has moved to lay it aside without an explanation. It will not bear explaining. I think the gentleman from Kansas ought to make the best effort at it he can.

Mr. MILLER. In order to please the gentleman from Illinois [Mr. MANN] I will do the very best I can. This provides that F. H. Driscoll be paid the sum of $80 for services rendered the United States as storekeeper-gauger in charge of special bonded warehouse No. 6, first district of California, for a period of twenty days during the month of May, 1897, at $4 a day; and the only reason he has not been paid for his faithful services was the fact that there were complications in the accounts of Hon. O. N. Welburn, the late collector of that district, and the gauger was not paid for the time specified. Now if this explanation is satisfactory, I am ready for a vote.

The CHAIRMAN. The question is on laying the bill aside with a favorable recommendation.

The question was taken, and the motion was agreed to.

CHARLES L. ALLEN.

The next bill on the Private Calendar was the bill (H. R. 13946) for the relief of Charles L. Allen.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to issue to Charles L. Allen, of New York, N. Y., a duplicate in lieu of United States 4 per cent registered bond of the funded loan of 1907, No. 141694, for $100, inscribed in his name, and alleged to have been lost after having been assigned in blank: *Provided*, That the said Charles L. Allen shall first file in the Treasury a bond in the penal sum of double the amount of the principal of said registered bond and the interest that would accrue thereon to the date of its maturity, with good and sufficient sureties, residents of the United States, to be approved by the Secretary of the Treasury, with condition to indemnify and save harmless the United States from any loss because of the lost bond herein described.

Mr. MILLER. Mr. Chairman, I move that the bill be laid aside with a favorable recommendation.

Mr. SHACKLEFORD. Before that motion is put I desire to ask if there is not some general provision of law under which this remedy may be had?

Mr. MILLER. There is no general provision of the law. The general provision of the law provides for the issuing of duplicates in cases where the bond has been lost before having been assigned in blank, but none after having been assigned in blank.

Mr. SHACKLEFORD. While a member of that committee, I do not recollect as clearly as I wish I could as to that particular bill; and if the gentleman from Kansas will permit the criticism, I will suggest now that the reports that accompany these bills ought to be a little more extensive than they are. There is scarcely a report made here that clearly shows the House what the matter under consideration is, and certainly in this instance it does not. What I am saying is not intended to apply only to this particular bill, but to most of the bills that are reported here. The gentleman from Kansas, who is chairman of this committee, takes it for granted that because we have passed upon these measures that Members of the House are as familiar with them as we are. I believe that is a misconception of our duty. I think every one of these bills ought to be examined with care, and whatever it has of merit or demerit ought to be pointed out, so that every Member of the House can intelligently cast his vote for it or against it, and not vote for a measure simply because it is reported by the committee. I presume most of the Members of the House would be guided by the gentleman from Kansas, but, after all, that is not right. It is the duty of every Member to know why he should vote for it or why he should vote against a bill, and in order to do so I want to suggest to the honorable chairman of our committee that it would be entirely appropriate that fuller reports should be made, showing fully what the facts are.

Mr. MILLER. Mr. Chairman, in answer to the criticism of the gentleman from Missouri, I deire to say this: That I would have been surprised if any other member of the committee should have asked the question the gentleman from Missouri asked. He is a member of the Committee on Claims. It is his duty to familiarize himself with every bill before that committee, and he ought to know exactly what is in it before it comes to the House. If he had read this report, he would have found in it the very question answered that he asks, and I will read it:

Mr. Allen made application to this Department for the issue of a duplicate bond, but the application was refused on the ground that there was no authority of law for the issue of a duplicate in cases where the original bond had been lost after having been assigned in blank.

The bill was ordered to be laid aside with a favorable recommendation.

BLANK & PARKS.

The next business on the Private Calendar was the bill (H. R. 4580) for the relief of Blank & Parks, of Waxahachie, Tex.

The bill was read, as follows:

A bill (H. R. 4580) for the relief of Blank & Parks, of Waxahachie, Tex.

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Blank & Parks, of Waxahachie, Tex., the sum of $400, paid under protest to the collector of internal revenue at Dallas, Tex., said payment having been demanded and payment required under threats of restraint and sale of said Blank & Parks's property in consequence of a technical violation of the internal-revenue laws of the United States.

Mr. MILLER. I yield to the gentleman from Texas [Mr. BEALL].

Mr. BEALL of Texas. Mr. Chairman, I want to make a brief explanation of this bill. Blank & Parks were butchers in my home town of Waxahachie, Tex. In the same town there was a restaurant keeper. Blank & Parks were preparing to order a

carload or an amount of meat products from Swift & Co., or some other factory. The restaurant man came to them and asked them to include in their order 40 pounds of oleomargarine for his use. They did so. The shipment was made. When the goods were delivered the draymen carried the oleomargarine to the restaurant man, and it was never in the butcher shop of the claimants in this case at all. He delivered it to the restaurant, and it was used by the restaurant men. No profit was charged. The restaurant keeper paid just what Blank & Parks were charged for it by the packers. This was one transaction. It is possible that there was another transaction of the same nature, but in any event not more than the two. After these transactions, if there were two, Blank & Parks discovered that they violated the internal-revenue laws of the United States, or rather that the Government was demanding of them the payment of $400 as tax as wholesale dealers in oleomargarine. They had never ordered any before that time, and never ordered any after that time. They made no profit and were not cognizant of the fact that this ordering of oleomargarine constituted them wholesale dealers in oleomargarine. The Government demanded payment of $400 tax and $200 penalty. This claim was suspended for two or three years, awaiting a decision of the United States court upon a similar case. In the district court the decision was that the facts in that case, practically the same as in this, did not constitute the party ordering the oleomargarine a dealer, and consequently that he was not subject to the tax and penalty. The United States Government appealed it to the circuit court of appeals, and finally there was a decision to the effect that the party ordering was technically a dealer in oleomargarine and under the letter of the statute would be liable for the tax. The Government finally remitted the penalty of $200, but collected from these men, these butchers, $400 tax for ordering, as an act of accommodation for a customer in their town, 80 pounds of oleomargarine. If the restaurant keeper had ordered it for himself he would not have been subject to any tax and not have been liable to the Government for anything, but for ordering it simply as an act of accommodation for another, in ignorance of the fact that by doing so they were technically making themselves liable, the Government collected $400 from these claimants.

Mr. Chairman, I move that the bill be laid aside with a favorable recommendation.

Mr. SHACKLEFORD. Mr. Chairman, I want to be heard on that. I dislike to appear on this floor against so many of these bills, but this, like the others, has that intrinsic defect that ought to invite the opposition of every man who carefully does his duty as a Member of this House. Here is a man in the gentleman's town who made some purchases of oleomargarine under conditions that the revenue officers determined constituted him a dealer. That was the opinion of the collector of internal revenue, that he was a dealer and subject to the payment of that tax. He did not accept the determination of the revenue officer, but this claimant took this matter into court and sought an adjudication as to whether or not he was a dealer within the meaning of the law and therefore required to pay a dealer's tax.

Mr. BEALL of Texas. Would the gentleman permit me to correct him in this? These parties did not take the case into court, but elsewhere there was a case in the United States court.

Mr. SHACKLEFORD. The gentleman is correct that this particular case did not get into court, but the next case on this Calendar, immediately following it, was carried into the district court, and the determination of the district court of the United States taken thereon as to whether these parties were dealers. Not being content with that, it was carried up to the circuit court of appeals, I believe, where the court did determine that these people were dealers within the meaning of the law and therefore required to pay the tax in such cases.

Now, what did they do? They paid it, just as thousands of others have done all over this country. But these two claimants here, unlike the balance of them, not content to be governed by the law, seek the assistance of their very efficient and able Congressman to come here and get this Congress to do what? To reach out its strong arm and suspend the law in order that these people may recover back the tax which the court has solemnly determined they were bound to pay under the admitted facts of the case. Now, what is that? That is asking Congress solemnly to suspend the law in order that some particular claimants may get favors here that are denied to other people situated precisely as the claimants are situated.

Mr. Chairman, I hesitate to inveigh against these claims as I do, but when I reflect that nearly every one of them comes upon that single proposition, saying, "We have no remedy; the law gives us no ground for a claim, and therefore we ask the Congress of the United States to reach out its almost omnipotent arm and suspend the law for our particular benefit, and we do not ask that others situated as we are be included in this matter of grace;" when I reflect that that is the situation here, I am constrained to make these objections.

Mr. HINSHAW. Does the law provide a remedy by appeal from the local internal-revenue official to a board of appraisers or to a court to adjudicate this matter instead of having it brought here?

Mr. SHACKLEFORD. I am not sure what the proceeding is, but they did successfully resort to some judicial proceeding by which it was taken into the courts and there determined that these parties were, in fact, dealers, and chargeable with the tax which they were required to pay. Not content with the judgment of one court, it was taken up to the higher Federal courts. I will not undertake to say how it got there, further than to say that the case was there legally, or it would not have been considered.

Mr. BEALL of Texas. The district court held that they were not liable, but the Government appealed it.

Mr. SHACKLEFORD. The gentleman says the district court held that they were not dealers, and the Government appealed to the appellate court and took the solemn judgment of that court, which was that within the meaning of the law they are dealers, that within the terms of this statute they are bound for the payment of that tax.

Now, what do they ask? That that law shall be repealed as to everybody situated as they are? No, indeed. No such request comes here, but they ask that this Congress shall suspend the law as a matter of grace to these particular claimants and give to them a right which they do not now have, give to them a right which is not accorded to others of their class, and you are required as Members of this House to vote whether or not you will extend these matters of grace to these claimants that is denied to the balance of the people who do not have the hardihood to ask that the law be set aside in their behalf.

Mr. SOUTHARD. Are the facts as stated by the gentleman from Texas [Mr. BEALL]?

Mr. SHACKLEFORD. I take it for granted that they are. I will concede that the facts are as stated by the gentleman from Texas, that these purchases were made precisely as he says.

But will you say that a man shall not be governed by the law as determined by the courts; that after he has had his day in court, after he has fought it out to the last ditch and judgment has gone against him, that he can come to Congress and ask Congress to relieve him from the condition in which the law places him and from that condition in which the courts determine that the law places him? Are you going to say that Congress shall give to this particular individual with a swift, diligent Member of Congress behind him—that Congress shall give to him this individual claim that it denies to other people?

Mr. ROBINSON of Arkansas. Is it not true that this claim has not been litigated?

Mr. SHACKLEFORD. This particular claim has not been litigated, but the very next case, which is precisely like it, has been litigated. The gentleman from Texas concedes that they both stand on the same footing.

Mr. ROBINSON of Arkansas. Does the gentleman contend that under the statement of facts made by the gentleman from Texas [Mr. BEALL] these people ought not to have their money back? Isn't it true that they ought to have this money?

Mr. SHACKLEFORD. Mr. Chairman, I can only say that the law of the land, which ought to be the standard of living for every American citizen, provides that these people shall pay this tax. They claim they were not within the provisions of the law. They went into court and sought relief. The court determined that they were dealers within the meaning of the law and charged with the tax. Now they come here and ask Congress to suspend the operation of the law, suspend the judgment of the court, and give this money to them as a mere matter of favor.

I suppose they might say of them as the gentleman from Kansas said about other claimants here, that they are good citizens and possessed of the highest character. If you give him a little time he will come and say the same thing about these claimants. What is it? They ask us, as I say, to step in here, not for the benefit of the people of the country, not for the benefit of any class in the country, but for the benefit of the individual who has a diligent Congressman to push his case, to give as a matter of grace to one man that which is denied to another, and to pay which we have to levy a tax on the others.

Mr. HINSHAW. If the gentleman will allow me, is not the distinction this: Ordinarily a succession of deals constitutes a dealer. In this case they did not have but one single transaction, and therefore were not dealers.

Mr. SHACKLEFORD. No; I do not think that is the distinc-

tion. The distinction in this case is that the claimant says that he is not a dealer; the law says he is a dealer; the court says that he is a dealer, and now he comes to this House and asks Congress to set aside the law—set aside the judgment of the court—and give to these men by an ex post facto law the amount of their claim.

Mr. MILLER. Mr. Chairman, I want the members of the committee to understand exactly what is in this matter.

Mr. SHACKLEFORD. Well, if they can't understand it after what I have said they are hopeless. [Laughter.]

Mr. MILLER. These men were in the meat market business and were not engaged in dealing in oleomargarine. They never were dealers in it, but as an accommodation to a man engaged in another business they ordered this oleomargarine for him, and it was held by the Department that he was a dealer in oleomargarine for that reason. Now, this case is like the one above, and I call attention to what the courts say in relation to that case:

The substantial and material facts are set forth in the decision of Judge Allen in 83 Federal Reporter, 1003. It appears that Mr. Hartzell acted in ordering the oleomargarine for the hotel keeper, Mr. Owens, simply as an accommodation.

Judge Allen said that—

"Hartzell's act was that of a mere agent for Owens. He simply agreed to guarantee payment of the price of the oleomargarine, stipulating at the time that he was to have nothing to do in handling or caring for it. In no event was he to receive one cent of gain or profit out of the transaction."

The Commissioner said it was a technical matter, but under the construction of the law by that office the liability of a dealer was incurred.

The bill was laid aside to be reported to the House with a favorable recommendation.

JUDD O. HARTZELL.

The next bill on the Private Calendar was the bill (H. R. 7771) for the relief of Judd O. Hartzell.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Judd O. Hartzell, of Labarpe, Ill., the sum of $960, to reimburse him for said sum paid by him for a technical violation of the internal-revenue laws of the United States.

Mr. MILLER. Mr. Chairman, this bill is just exactly like the other one we have just passed. I have already read what the court said in relation to this matter.

Mr. SHACKLEFORD. Mr. Chairman, there is not only an improper allowance——

Mr. MILLER. This is exactly like the other one, except I think the tax was not remitted.

Mr. SHACKLEFORD. I say, Mr. Chairman, that the case that is now under consideration is the precise case in which the court did enter the judgment to which I referred a moment ago.

Now, this bill contains a word I think ought to be stricken out, even if this bill is to be one of the pieces of pork put into this pork barrel. He says that it was a technical violation of the law. Now, I think that we ought to strike that word "technical" out, and at the proper time I will move that it be done. I will offer that amendment. It is not a technical violation of the law. It is a substantial violation of the law. It is a refusal to comply with the revenue laws of the country as they are written upon the pages of our statute books. It is the same sort of a law that is violated when a man goes into the State of Kansas and offers to sell whisky without having a Government license. One sale would be as bad as one million so far as he was concerned. If a man went into the district of the gentleman from Kansas [Mr. MILLER], who advocates this measure, and sold one-half pint of whisky without having taken out a Government license he would be brought into court and punished, and the gentleman from Kansas would be the last man to come to Congress and ask that a bill be enacted refunding to him the amount he had paid out as fine and costs for having violated the revenue laws by selling a half pint of whisky in Kansas.

Suppose that he said the man to whom he sold it had been bitten by a snake and that he had sold it to him in order to relieve him from the distress in which he found himself. Even then he would be hauled into court and he would be indicted by a grand jury. He would be arraigned before a judge and he would be convicted and the gentleman from Kansas would not be found hanging around this House asking that an appropriation be made to pay back to him the amount of his fine and costs, because he had a "good character" and had not sold but to one man. No, Mr. Chairman, I only indulge in these seemingly intemperate remarks [laughter]—seemingly intemperate—hoping that I may arrest the attention of this House, and if not arrest the attention of the House at least arrest the attention of the country, so that it may observe the kind of legislation that we are indulging in here. Each one of us is bringing up under our protecting arm some of our constituents for whom we feel a little more tenderness than we do for the rest. That is what this House is doing. It is a travesty upon the Constitution and upon the dignity of this country that such bills as this claim the attention of the House. What are they? They are bills to relieve some man from paying the penalty of his bond or to enable some man to recover back duty or revenue that he has been compelled to pay according to law, or asking us to waive the statute of limitations or some other statute that the wisdom of this House has enacted for the protection of the people. That is what we are here for. To suspend the law, to arrrest and set aside its operation, and for what? For the benefit of the country? No; but to tax the country for the benefit of some favorite claimant who has a Congressman who will press his claim.

The CHAIRMAN. The question is, Shall the bill be laid aside with a favorable recommendation?

The question was taken, and the bill was ordered to be laid aside with a favorable recommendation.

G. F. TARBELL.

The next business on the Private Calendar was the bill (H. R. 7961) for the relief of G. F. Tarbell.

The Clerk read as follows:

*Be it enacted, etc.*, That the sum of $2,540.73 be paid to G. F. Tarbell, of Boston, in the Commonwealth of Massachusetts, said sum having been exacted as duties and paid to the collector of customs at the port of Boston by the said Tarbell on the 3d day of December, 1902, covering a consignment of 144 head of cattle shipped from Canada in bond via Boston, Mass., to Liverpool, England, on the 25th day of November, 1902, and being prohibited from being so shipped by general orders from the Department of Agriculture, dated the 27th day of November, 1902, said cattle being then slaughtered and exported on the Cestrian on the 10th day of December, 1902.

SEC. 2. That the Secretary of the Treasury is directed to make payment of said amount of $2,540.73, mentioned in section 1, out of the funds not otherwise appropriated.

SEC. 3. That this act shall take effect on its passage.

Mr. MILLER. Mr. Chairman, I yield to the gentleman from Massachusetts [Mr. TIRRELL].

Mr. TIRRELL. Mr. Chairman, Mr. G. F. Tarbell exported from Canada, to go through the States of Vermont and Massachusetts to Boston and thence for exportation to Europe, 144 cattle. Those cattle were in bond and not subject to any tax by the United States. Upon their arrival, however, in Boston it appeared that there was a great deal of excitement over the foot-and-mouth disease, which then prevailed to some extent among the domestic cattle in that State. These cattle, however, which were being exported by Mr. Tarbell were entirely free from that disease and came from a section of the country where the disease did not exist. They were sound cattle, but on account of the great excitement that was then prevailing by reason of that disease existing in Massachusetts the Department of Agriculture stepped in and prohibited the exportation of those cattle. There was but one thing that Mr. Tarbell could do. Those cattle had got to be slaughtered in order to be exported, because they could not be returned again to Canada without paying the tax by so doing. They were slaughtered, and thereupon the Government assessed upon the carcasses of those cattle, which were then exported——

Mr. ROBERTS. Will the gentleman pardon me?

The CHAIRMAN. Does the gentleman yield?

Mr. TIRRELL. Yes.

Mr. ROBERTS. I think the gentleman is not quite fairly stating the case. Before the cattle could be slaughtered—before they could be taken out of bond—the duties had to be paid.

Mr. TIRRELL. Yes; exactly. The duties had to be paid, and then they were slaughtered. But a protest was made, and I wish to read a few lines from the report which was made. Bear in mind, Mr. Chairman, this is a very recent case.

Mr. SHACKLEFORD. What is the date of that protest?

Mr. TIRRELL. The date of that protest is the 5th of May, 1903.

Mr. SHACKLEFORD. When were these cattle slaughtered?

Mr. TIRRELL. The purchase was made before the tax was paid. The cattle were slaughtered, I think, in November. Now, the Secretary of the Treasury says in regard to this case:

This is a case of peculiar hardship, and the claim for relief is based on strong equitable grounds. The owner imported the animals in good faith for exportation to Liverpool, and, being in transit through the United States, no duty attached. He was prevented from shipping them as cattle and was required to slaughter them, and although he exported the carcasses they were not exported as cattle, and therefore the act of transit through the United States was vitiated. He could not return them to Canada because the slaughter of the animals in the United States was required; he could not claim a drawback of the duties paid because under the drawback laws there must be a manufacture in the United States from imported material, and the mere slaugh-

ter of animals and dressing of carcasses is not, as ruled by the courts, considered a manufacture.

The Department therefore recommends this bill to the favorable consideration of your committee.

Respectfully, L. M. SHAW, *Secretary.*

I move, Mr. Chairman, that this bill be laid aside with a favorable recommendation.

The CHAIRMAN. The question is on the motion of the gentleman from Massachusetts that the bill be laid aside with a favorable recommendation.

The question was taken, and the motion was agreed to.

ESTATE OF SAMUEL LEE.

The next bill on the Private Calendar was the bill (H. R. 850) making appropriation to pay the estate of Samuel Lee, deceased, in full for any claim for pay and allowances made by reason of the election of said Lee to the Forty-seventh Congress and his services therein.

The Clerk read as follows:

*Be it enacted, etc.*, That there be paid, out of any money in the Treasury not otherwise appropriated, to the legal representative of the estate of Samuel Lee, deceased, the sum of $10,482.80, the same being in full for any claim for pay and allowances made by reason of the election of said Lee to the Forty-seventh Congress and his services therein.

The amendments recommended by the committee were read, as follows:

Strike out on line 4, after word "legal," all of said line, and on line 5 all of line up to word "the." Insert in lieu thereof the words "representatives of the estate of Samuel Lee, deceased, to wit, Samuel Lee, Anna Lee Andrews, Clarence Lee, Robert Lee, Harry A. Lee, and Phillip Lee, heirs at law."

Amend the title so as to read: "A bill making appropriation to pay the legal representatives of the estate of Samuel Lee, deceased, to wit, Samuel Lee, Anna Lee Andrews, Clarence Lee, Robert Lee, Harry A. Lee, and Phillip Lee, heirs at law, in full for any claims for pay and allowances made by reason of the election of said Lee to the Forty-seventh Congress and his services therein."

Mr. MILLER. Mr. Chairman, the facts in this case are that in 1882, at an election for a Representative in Congress from the First Congressional district, in the State of South Carolina——

Mr. KEIFER. That should be 1880.

Mr. MILLER. The gentleman from Ohio says this should be 1880. This report says 1882.

Mr. MANN. The gentleman is right in making the statement; I have the marked record here.

Mr. KEIFER. Members of that Congress were elected in 1880; 1880 is the time of the election.

Mr. MILLER. Well, I will not put the exact time, although I got the date from the record.

Mr. WILLIAMS. Mr. Chairman, I want to be recognized upon this bill for a few minutes.

Mr. MILLER. The facts are that at the election for Congress to which I have called attention in the First Congressional district of South Carolina one John S. Richardson was a candidate for Congress, and upon the face of the returns his election was indicated. There was a contest for his seat by one Samuel Lee, who was a candidate for election at the same time. That contest was referred to the Committee on Elections of the House, and the Forty-seventh Congress in passing upon the report of the committee—I will say there were two reports—the report of the majority of the committee recommended that Samuel Lee be allowed to withdraw his papers and that the case be dismissed without prejudice. The minority report favored the election of Mr. Lee, and two resolutions followed. One resolution was that Mr. John S. Richardson was not elected and was not entitled to a seat as a Member of the Forty-seventh Congress, and the second resolution was that Mr. Lee was elected and was entitled to his seat as a Member of the Forty-seventh Congress. A motion was made to substitute the minority report for the report of the majority, and that motion was adopted by the House of Representatives in the Forty-seventh Congress by a vote of 124 to 114, and a motion was made to reconsider, and that motion laid upon the table. Afterwards another question arose as to the question upon the final vote after the substitute had been adopted, and then immediately the question was discussed, and very fully, too, by the gentlemen who engaged in filibustering from that hour until the close of that session.

Mr. MANN. Will the gentleman yield?

The CHAIRMAN. Does the gentleman from Kansas yield to the gentleman from Illinois?

Mr. MILLER. Yes.

Mr. MANN. I thought the gentleman was through with his statement, but I understood the gentleman to say that the Committee on Elections reported in favor of seating Mr. Lee.

Mr. MILLER. The minority of the Committee on Elections reported in favor of the seating of Mr. Lee and the minority report was moved as a substitute for the majority report, and that minority report was adopted by the House.

Mr. MANN. The Committee on Elections reported against the right of Mr. Lee to his seat, as I understand it.

Mr. MILLER. The majority of the Committee on Elections reported suggesting that no further action be taken in the matter and that Mr. Lee be allowed to withdraw his papers, which of course would have permitted Mr. Richardson to have retained his seat. Those are the facts in the case. And the minority of the committee made a report in favor of the contestant, Mr. Lee, and that minority report was adopted as a substitute for the majority report by 124 to 114. And then, as I said, filibustering commenced and continued until the close of the session, and he was not sworn in and his name put upon the roll, and hence he could not draw his salary. But the Forty-seventh Congress, having by a vote of 124 to 114 decided that Mr. Richardson was not elected and was not entitled to his seat, and he having drawn a salary of $10,000 to which he was not entitled, this committee was of the opinion that the man who was honestly elected in that district at that election, as found by the vote of the Forty-seventh Congress, was entitled to the salary of the Member from that district.

Mr. KEIFER rose.

Mr. MILLER. I yield to the gentleman from Ohio [Mr. KEIFER].

Mr. KEIFER. I wanted to ask whether it appears anywhere that Samuel Lee or his estate ever drew any pay on account of the expense of the contest?

Mr. MILLER. I am not sure about that.

Mr. KEIFER. Does the gentleman know anything about it?

Mr. MILLER. I could not find from an examination of the record, so far as I could follow that record, any claim of any kind he had ever presented or ever received it on.

Mr. KEIFER. I understand—and I have been looking through the index—that he did not. Now, on the other hand, is it not a fact that, under the existing law at that time, Mr. Richardson not only drew his salary—and I think that was right in view of the situation—but he drew $2,000 on account of his expenses of contest?

Mr. MILLER. That is true also.

Mr. KEIFER. The question does not always arise merely about the party's rights, as I understand it—if you will allow me—to be paid back salary, if you please, but they are certainly entitled according to the general custom to something on account of the expenses of the contest, although it is not as successful as this promises to be.

In the case of Governor Curtin, of Pennsylvania, I think we broke the rule of the law, which was then fixed at $2,000, and paid him $4,000, although he was not successful. I think this case is stronger than the mere claim that Samuel Lee should be paid the back salary. You have got something over $400 in the bill that, it is said, is on account of some actual expenses. It may be mileage, perhaps. This case has been accurately stated by the distinguished chairman of the Committee on Claims in a general way. A majority of the Committee on Elections in the Forty-seventh Congress reported this resolution, as follows:

*Resolved*, That Samuel Lee have leave to withdraw his papers, and this case is dismissed without prejudice.

What that meant at the time the report was made, I do not know. But that was the report made by a majority of the committee.

Mr. MILLER. Let me ask the distinguished gentleman from Ohio if that did not mean that the sitting Member was to retain his seat?

Mr. KEIFER. That follows, as a matter of course. But they did not pass upon that question. There was a difference of opinion in the committee as to whether or not the sitting Member should remain and occupy his seat.

Mr. SHACKLEFORD. Was Samuel Lee ever sworn in?

Mr. KEIFER. Lee was never sworn in. If you will listen to me for a moment I think I can make it clear, if it has not already been made so. The question of the contest did not come up before the Forty-seventh Congress for vote until the 3d day of March, 1883. Then a motion was made to substitute for the rest of the resolution I have just read the report of the minority—that is, the resolutions offered by the minority. The first one was "that John S. Richardson was not elected"—I will not read the whole of it—and the second, "that Samuel Lee was duly elected as Representative," and then following in the usual language. The previous question was ordered on the report, including the motion to adopt the substitute for the committee's report. The previous question included a vote upon both of these resolutions.

When the vote was taken before the House, the vote stood in favor of substituting these two resolutions for the report of the majority of the committee, by 124 to 114, as stated by the

chairman of the committee. Then the vote recurred upon the adoption of the resolution as including the substitute. The motion that carried by 124 to 114 only substituted these two resolutions for the resolution of the committee. Then the motion was submitted to the House on the adoption of the resolution substituted.

On that vote being taken, it stood 128 to 6; and then commenced the work of filibustering, the most remarkable in character; but the filibustering was done by claiming that there was no quorum, and yea-and-nay votes were called all the balance of the day and all the night of the 3d of March, 1883, with a short recess between 6 and 9 o'clock on the 4th. The filibustering went on to prevent the majority of the House from seating Samuel Lee. At that time, although it was the opinion of the Speaker that he had a right to count a quorum, and so stated in the course of this filibustering, he did not do it, because on the Republican side of the House the distinguished leaders, like the later Speaker of this House, Mr. Reed, and Mr. Robinson, of Massachusetts, and others, were on record in speeches of considerable length against the power and right of the Speaker to count a quorum. That was the only reason it was not done. If anybody is curious to look into this subject, they will find quite a history of it in the CONGRESSIONAL RECORD, volume 13, part 5, page 4313.

Mr. GILBERT of Kentucky. Will the gentleman allow me to interrupt him?

Mr. KEIFER. Oh, certainly.

Mr. GILBERT of Kentucky. I want to know if the Mr. Richardson in that contest had the same political affiliations as the majority of the Members of the House?

Mr. KEIFER. No; I think not. That House was somewhat peculiar. At the time it elected its Speaker neither party of this country had a majority in the House. The Democrats, Greenbackers, and Readjusters combined outnumbered the Republicans when the Forty-seventh Congress opened.

Mr. GILBERT of Kentucky. What was the political complexion of the Committee on Elections?

Mr. KEIFER. I think that was Republican.

Mr. GILBERT of Kentucky. And that Republican committee—the majority—reported in favor of Richardson?

Mr. KEIFER. In favor of the resolutions that I have quoted. And the general judgment of the committee, as I understand it, was that neither was elected, so the matter was delayed, and consequently it came up at the last of the session.

Mr. GILBERT of Kentucky. And now the proposition is to go back twenty years to correct the report of the majority of that committee.

Mr. KEIFER. No; that is not the proposition. Here is the proposition: Samuel Lee was declared in effect elected to the Forty-seventh Congress on the day before the adjournment of that Congress; but through the methods that I have spoken of he was not given a seat. I would be better satisfied with this report, for the benefit of the children of the deceased Samuel Lee, if they had reported what was customary then, and I presume ever since, a propor appropriation to pay the contestant's expenses; and there was a limitation at that time that applied to the contestant and contestee, regardless of what was right, giving $2,000 for their expenses. I know that on account of the peculiar character of one contest that came before the House, that I was quite familiar with, that we were willing that the sum should be made very much larger.

I do not think we can go back to correct this any further than that we properly consider here all the facts in determining what should be allowed to the children of Samuel Lee. He is dead; his widow is dead, as I understand. These people are poor, and they have never received anything. The contestant, as I understand, did, though I am not absolutely certain, because I can not verify it. He drew his expenses for this contest, if at all, rightfully—I mean to say, under the state of the law as it existed then, and I am not perfectly certain what the law is on the subject now, whether we have any at all; but we had at that time. This bill gives substantially the same to these children that their father should have received had he been seated as he should have been, as the vote showed.

Mr. MANN. If the gentleman will permit me, I will state that the law now provides that the election expenses, or the expenses of both the contestant and the contestee, shall be paid by Congress, not to exceed $2,000. The law is the same; and it provides that these expenses shall be audited by the Committee on Elections. Now, if the gentleman will pardon me, I can very readily see that in this case, the matter not being settled until the final adjournment of Congress, that the bill for the expenses might not have been presented at that Congress.

Mr. KEIFER. Could not possibly be.

Mr. MANN. Might not have been presented to the subsequent Congress.

Mr. KEIFER. It could not possibly be presented by way of appropriation for the session at all, because the filibustering went on, with some little grace between times for the purpose of submitting bills, and so on, until the close, as the clock struck 12 on the 4th of March, 1883.

Mr. MANN. If the gentleman will pardon me, it was quite possible to present the bill at that session of Congress.

Mr. KEIFER. Oh, no; that Congress ended then.

Mr. MANN. Because when the bill amounts to $2,000 that is all they can get, and all they have to do, whether the contest is settled or not, is to present the proper bills, receipted, to the Committee on Elections, which will certify the amount.

Mr. KEIFER. If they had anticipated and introduced a bill before the contest was settled, that could have been done. The gentleman is right to that extent. I think this is a proper case for an appropriation of money, but I do not mean to say that we can now correct that record any further than that we ought to make the appropriation for these heirs at law who are named in the bill.

Mr. BONYNGE. Can the gentleman state when the claim was first presented to Congress for allowance?

Mr. KEIFER. The gentleman had better ask that question of the distinguished chairman of the Committee on Claims, or some one else, because I do not know. I have been absent some since then. [Laughter.]

Mr. MILLER. In answer to the gentleman from Colorado [Mr. BONYNGE], I desire to say that this bill has been before Congress for a long time. In the Fifty-fourth Congress, in 1897, this bill was favorably reported by the Committee on Claims of this House. In 1899 it was again favorably reported by the Committee on Claims, by Mr. RIXEY, of Virginia. In the Fifty-sixth Congress it was reported by Mr. NEEDHAM, of California, from the Committee on Claims. In 1903, in the Fifty-seventh Congress, it was reported by Mr. FOSTER of Vermont, and in the Fifty-eighth Congress Mr. FOSTER of Vermont again reported this bill. In this Congress it comes with the report of the Committee on Claims.

Mr. BONYNGE. Was 1897 the first time it was presented to Congress?

Mr. MILLER. That is the first time it was reported. It was before Congress for years before that time.

Mr. MANN. Mr. Chairman, it is true that under the law if a contestant in an election case be seated by the House on the last day of the session, he becomes technically entitled to the pay for his term, $10,000. It is also true that it is only a technicality which gives him the right to the money. He has not earned it, he has not performed the services for which the pay is given. Under the law, if he is sworn in, he becomes technically entitled to the money; but here is a case where the person was not sworn in, not declared elected, where the committee of the House which investigated the matter reported against his right to the seat. Now, the gentlemen of the House ought to understand that in former days the House, probably more than now it had become more or less of a custom to delay some contested election cases, which were without merit, until the final hours of the session of Congress, and then for a partisan majority at times to put the contestant in as a Member of Congress, for the very purpose of taking $10,000 out of the Treasury and handing it to him as a gift. In recent years the Committees on Elections in the House have not adopted that policy. They have taken up the contested election cases which have been presented before them, and have reported to the House in time for the consideration of the contest.

Mr. KEIFER. Mr. Chairman——

Mr. MANN. I yield to the gentleman from Ohio.

Mr. KEIFER. The gentleman has somewhat anticipated my question, whether it has not been true, in some sense, in every Congress for the last fifty years almost, that somebody was seated late in the session, if not in the last hours of the session, and given the full pay?

Mr. MANN. Mr. Chairman, my recollection is that it has not been done since I have been a Member of the House.

Mr. KEIFER. There have been numerous cases where gentlemen have been seated in the second session.

Mr. MARSHALL. Was not the Butler case, from St. Louis, in the second session?

Mr. MANN. Oh, the Butler case, from St. Louis, was where Mr. Butler had been unseated once, and was elected again just before the second session of Congress, and it was necessary to pass on his case at the second sesion if it was passed upon at all; but the original contest had been disposed of at the first session of Congress; and the Committees on Elections do not adopt the policy, which formerly prevailed, of putting off the

decision of a contest until the final hours of Congress. That is not the custom of the Committees on Elections—any of them—to-day, as I understand it.

Mr. PAYNE. I am in sympathy with the gentleman's side of the case, but I do not think he ought to base his argument upon what I think is a false assumption of facts. I think it has always been the custom when a man is unseated and another man sworn in to pay him the full salary.

Mr. MANN. I said so. I just stated that it was the law that when a man was seated, even if he were sworn in five minutes before the final adjournment of Congress, he became entitled to that $10,000 as a matter of technicality. The gentleman from New York did not hear all that I stated.

Mr. PAYNE. I think I was misled by the statement of the gentleman from Ohio.

Mr. PALMER. Will the gentleman from Illinois allow me a question?

Mr. MANN. Certainly.

Mr. PALMER. The gentleman says, as a matter of technicality, he is entitled to $10,000. Here a man is elected to Congress; he comes here ready to take his seat and do his duty, and he is refused his seat until the last hour. Why isn't he entitled to the salary the same as if he had served? The gentleman calls it a technicality. I say it is not a technicality; he has earned his money.

Mr. MANN. I yielded to the gentleman to ask a question, but I am glad to have his opinion.

Mr. BARTLETT. Will the gentleman from Illinois yield?

Mr. MANN. I will.

Mr. BARTLETT. I want to call the gentleman's attention to this fact. The gentleman from Ohio stated that the contestant in that case had never been paid his election expenses. In that statement the gentleman from Ohio was in error. The appropriation bill which carried all the expenses for the various contestants and contestees for the Forty-seventh Congress carried an appropriation of $2,000 for Samuel Lee.

Mr. KEIFER. I beg the gentleman's pardon, I said I had not been able to find it. I looked at all the indexes that were brought me, and I did not find it.

Mr. BARTLETT. I have the record here.

Mr. KEIFER. Oh, I do not dispute the gentleman if he has the record before him. [Laughter.]

Mr. BARTLETT. I want to say to the gentleman from Ohio that I do not make a statement which can not be borne out by the record. I will not follow the example of my distinguished friend.

Mr. MANN. Perhaps it would have been better if the gentleman from Ohio had had the record before him before he made his statement. [Laughter.]

Mr. KEIFER. I said at the time that I had been unable to find the record. I sent for all the indexes, but did not find it. Perhaps it was my fault.

Mr. BARTLETT. Will the gentleman from Illinois permit me? I desire to say that in the United States Statutes at Large, Forty-seventh Congress, volume 22, page 339, are "the parties named below, the amounts stated opposite their names in full for expenses incurred by them, respectively, in contested-election cases, which amount shall be immediately available, namely, to the estate of James Gillett," etc., and amongst them to Samuel Lee, $2,000.

Mr. KEIFER. The gentleman will remember that I asked the chairman of the committee whether they had found any list, and he said they had not.

Mr. MANN. That shows the extreme care the Committee on Claims exercised in investigating this matter. [Laughter.]

Now, Mr. Chairman, the facts are that the Committee on Elections considered the case of Lee *v.* Richardson, and although it was composed of a majority of Republicans, although Mr. Lee was a Republican and Mr. Richardson was a Democrat, the committee, with a majority of Republicans, decided that Lee was not elected to Congress and Mr. Richardson had a right to retain his seat.

Mr. KEIFER. There was no such resolution reported.

Mr. MANN. Oh, the gentleman says no such resolution was reported. The resolution was that Mr. Lee be authorized——

Mr. WILLIAMS. I will read the resolution; I have it here.

Mr. MANN. I have the resolution. The resolution from the majority of the committee was that Samuel Lee had leave to withdraw his papers, and that this case is dismissed without prejudice. The effect of this was that the committee decided that Lee was not elected a Member of Congress and Richardson was entitled to retain his seat.

Now, what did the House do? The House first voted to adopt the substitute resolution offered by the minority. The minority offered a substitute, which was that Lee was elected and Richardson was not elected. The original resolution was amended by adopting the substitute. Then a vote was taken on the original resolution as amended, and that prevailed, and a motion was made to reconsider the vote by which it was adopted, and that motion never was disposed of. Now, the minority of the House has a right to have a motion to reconsider disposed of just as much as it has to have the original resolution disposed of.

Mr. KEIFER. Is anybody contesting the claim that the gentleman from Illinois is talking about? Nobody disputes that the minority had a right to have a vote on the proposition to reconsider. Does that touch the question involved here?

Mr. MANN. I do not know which side the gentleman from Ohio is on now. [Laughter.] A few moments ago he was opposed to $10,000 and in favor of paying the $2,000 of expenses, and that only. Now, the expenses having been paid, the gentleman from Ohio ought to be willing to contain his soul while I discuss the real question in the bill.

Mr. KEIFER. But the gentleman is discussing the question about the rights of the minority to have a vote upon a proposition that has no connection with this question.

Mr. MANN. Mr. Chairman, the minority had the right to have the question of reconsideration of the vote disposed of. That question never was disposed of. Mr. Lee never was declared by this House to be a Member of the House. No resolution was ever passed, in legal effect, declaring him to be a Member of the House, because until the question of reconsideration is disposed of the vote on the original proposition is not a legal vote to dispose of the matter.

Mr. PATTERSON of North Carolina. Mr. Chairman, will the gentleman permit an interruption?

The CHAIRMAN. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. ELLERBE. I just want to suggest to the gentleman that if he will look closely he will find that when the final resolution was put as amended by the substitute that resolution never has been passed. Here is the record, if the gentleman desires to look at it.

Mr. KEIFER. That has been stated over and over again.

Mr. ELLERBE. It was not on the motion to reconsider, but the motion as amended by the substitute never was passed.

Mr. PAYNE. Do I understand that the filibustering that prevented a vote was not on the vote for a reconsideration, but was on a vote for the passage of the resolution as amended?

Mr. PATTERSON of North Carolina. Yes.

Mr. PAYNE. That is the way I understood a moment ago.

Mr. MANN. Mr. Chairman, I am not certain whether it was upon that motion or whether it was upon the original question as substituted. It makes no difference. There was no final vote. There never was any final action by the House. The time never came when this man could be sworn in as a Member of the House. He never had established his right to a seat in the House. It is true that a partisan majority in the House had voted to overrule the committee which considered his case, but the committee had decided against him, and the House decided against him, because it took no final action upon his election; and to say that he is entitled to be paid the salary for a two years' term in this House is to give him a gratuity which in no sense and in no way did he ever earn. This is not the first time that this case has been before this House. It is not the first time that I have helped to oppose this nefarious or unjust proposition. It is not the only case of the kind of very similar nature which has come before the House. There is no reason why the House should put a premium upon fake elections. He never was a Member of the House. He was paid his election expenses, and he is not entitled to a cent, and his family and descendants under no circumstances are entitled to a penny out of the Treasury of the United States.

Mr. Chairman, I reserve the balance of my time.

Mr. MILLER. Mr. Chairman, I yield to the gentleman from Ohio [Mr. KEIFER] for a moment.

Mr. KEIFER. Mr. Chairman, we got into some confusion about this vote, and all that has been said so often and repeated so much by the gentleman from Illinois [Mr. MANN] must be set aside, I think. There was some attempt at filibustering over a motion to reconsider, but later the question came up squarely upon the adoption of the report of the committee as amended by the adoption of the substitute. Let me read a portion of the RECORD, volume 13, part 4, on page 3752. After a vote was taken, the result of the vote was then announced as above stated. Mr. Pettibone moved to reconsider the vote just taken, and that was the vote of 121 to 114, substituting the report of the minority.

Mr. PAYNE. That is amending the original resolution?

Mr. KEIFER. Yes. Then Mr. Pettibone moved to reconsider

the vote just taken, and also moved that the motion to reconsider be laid on the table. The latter motion was agreed to.

The SPEAKER pro tempore. The question is on agreeing to the resolution as amended by the adoption of the substitute.

Mr. Townsend of Illinois and Mr. Atherton called for the yeas and nays.

They were both Democrats.

The yeas and nays were ordered.

The question was taken; and there were—yeas 128, nays 6, not voting 157.

Then the filibustering commenced. There was no quorum.

Mr. CRUMPACKER. Will the gentleman permit a question?

Mr. KEIFER. Certainly.

Mr. CRUMPACKER. I think the record is pretty fairly understood now, but what has the gentleman to say, and I think he is a competent witness upon that question, to the charge made by the gentleman from Illinois [Mr. MANN] that the Forty-seventh Congress was so biased from a partisan standpoint as to be incapable of doing justice in a case like this?

Mr. KEIFER. That needs no answer at all——

Mr. MANN. That statement was not made by the gentleman from Illinois.

Mr. KEIFER. Because filibustering took place there that prevented them from declaring the result. That was all.

That is all there is to be said, and the gentleman is mistaken about the committee. I think there were two Republican members of the committee who joined with the Democratic members and reported the resolution that has been so often read here, by myself in the first instance. A majority of the committee, so far as the Republicans were concerned, reported the resolutions which were adopted as a substitute. That is where it stood, that is the condition that it is in, and it is not very necessary to state over and over and over again, as the gentleman from Illinois has done, that the Member was not sworn in. Everybody said that from the beginning, and he was not sworn in because he could not be sworn in.

Mr. WILLIAMS. Why could he not be sworn in?

Mr. KEIFER. Because there was no declaration of the vote for want of a quorum.

Mr. WILLIAMS. And under the rules of the House at that time there had to be a quorum voting?

Mr. KEIFER. Certainly.

Mr. WILLIAMS. So under the rules of the House he had no right to have it declared?

Mr. KEIFER. He had no right to have it declared and no right to be sworn in, as I said in the other remarks I made.

Mr. MANN. Will the gentleman yield for a question?

Mr. KEIFER. Yes.

Mr. MANN. Does the gentleman know how many Democratic members there were on that committee?

Mr. KEIFER. Well, I am not certain from memory, but I remember generally the facts I have stated.

Mr. MANN. The gentleman has probabaly only recently examined the record.

Mr. KEIFER. Well, I have hastily done it.

Mr. MANN. The gentleman and I both stated a while ago, or rather I stated a while ago and he confirms it now, that the vote was taken upon the resolution as amended.

Mr. KEIFER. Yes.

Mr. MANN. That announcement failed for want of a quorum, and yet the last thing that was done in that case was a motion to reconsider the last vote in the case.

Mr. KEIFER. That was after the final vote was taken, and on this question, for the purpose of trying to get out of the situation they were in and go on with other business.

Mr. MANN. I understand, but if they had gotten to a point where they were voting upon a proposition, what were they endeavoring to reconsider after that?

Mr. KEIFER. Well, the gentleman is trying to get into the state of mind that some Members of that Congress were in who wanted to get other bills which were on the Speaker's table from the Senate—amendments to House bills, etc., and all that—up and passed, instead of spending the last hours of the Forty-seventh Congress filibustering over a contested-election case. By reading the RECORD all through that will be very plain.

Mr. MANN. I am trying to ascertain from the gentleman who was in the chair.

Mr. KEIFER. The fact about it is—I do not trust to my memory about being in the chair at the time myself as Speaker, but the fact is that 128 of the Members, more than enough if all had been voting, voted to seat Lee, but for want of a quorum that vote was nugatory.

The CHAIRMAN. The question is on agreeing to the amendments.

The question was taken, and the amendments were agreed to.

The CHAIRMAN. The question is on laying the bill aside with a favorable recommendation.

The question was taken; and the Chair announced that the noes appeared to have it.

Mr. MILLER. Division, Mr. Chairman!

The committee divided; and there were—ayes 57, noes 57.

Mr. SMITH of Iowa. Tellers, Mr. Chairman!

Tellers were ordered.

The CHAIRMAN. The gentleman from Kansas [Mr. MILLER] and the gentleman from Illinois [Mr. MANN] will take their places as tellers.

The committee again divided; and the tellers reported there were—ayes 57, noes 62.

So the motion was rejected.

Mr. MANN. Mr. Chairman, I move that the bill be reported back with the recommendation that it lie upon the table.

The question was taken; and on a division (demanded by Mr. LACEY) there were—ayes 61, noes 56.

So the motion was agreed to.

Mr. MILLER. Mr. Chairman, I ask for tellers, and pending the call for tellers I move that the committee do now rise. [After a pause.] I move that the committee do now rise.

Mr. WILLIAMS. Is that coupled with a request for tellers or not?

Mr. MILLER. No.

Mr. LACEY. I ask for tellers, Mr. Chairman.

Mr. BEALL of Texas. A parliamentary inquiry, Mr. Chairman——

Mr. WILLIAMS. I make a point of order, Mr. Chairman.

Mr. MANN. Mr. Chairman, I make the point of order that the request for tellers came too late.

Mr. BEALL of Texas. That is what I wanted to inquire.

Mr. MANN. The Chair said the motion was lost and the gentleman from Kansas [Mr. MILLER] made a motion that the committee do rise. He withdrew his demand for tellers.

Mr. LACEY. He withdrew his demand for tellers and I renewed it.

The CHAIRMAN. The gentleman from Kansas called for tellers, and, pending that demand, moved that the committee rise. The gentleman from Kansas [Mr. MILLER] then apparently withdrew his demand for tellers, and thereupon the gentleman from Iowa [Mr. LACEY] made the demand.

Mr. WILLIAMS. Thereupon the gentleman not only withdrew his demand for tellers, but made a motion that the committee do now rise, and after that the gentleman from Iowa [Mr. LACEY] asked for tellers.

Mr. HEFLIN. Another thing, Mr. Chairman——

The CHAIRMAN. In the Committee of the Whole a motion that the committee rise may not be made until a demand for tellers on the pending question has been disposed of.

Mr. WILLIAMS. Mr. Chairman, one word on the point of order.

The CHAIRMAN. The gentleman will state the point of order.

Mr. WILLIAMS. When there is a demand for tellers pending, that authority is applicable, but there was at the time the gentleman made the motion that the committee do now rise no demand for tellers pending. He had himself prior to that made a demand, which he had himself withdrawn. And, upon a pointed inquiry from me, so stated to the House. He then renewed his motion that the committee do now rise, and after that the gentleman from Iowa [Mr. LACEY] demanded tellers. Those are the facts.

Mr. LACEY. I think the gentleman is inaccurate in his statement that it was after that.

Mr. WILLIAMS. I beg the gentleman's pardon. I know it was after it, for this reason: The gentleman arose and said, "I move that the committee do now rise." The Chair will remember the facts. Then I interrupted him, and said, "Is your motion coupled with the demand for tellers?" He responded, "No." I said, "All right, then." Whereupon the gentleman repeated, which was totally unnecessary, "I move that the committee do now rise." Then the gentleman from Iowa [Mr. LACEY] arose and said, "I demand tellers."

Mr. LACEY. The RECORD will show. I think the gentleman is mistaken.

The CHAIRMAN. The Chair will state that the House has been in the Committee of the Whole during the afternoon for the consideration of bills on the Private Calendar. The proper motion, under the circumstances, for the gentleman from Kansas [Mr. MILLER] would have been to move that the committee rise and report. No such motion has been made. The simple motion was made by the gentleman from Kansas [Mr. MILLER] that the committee do now rise. And if the gentleman still in-

sists on that motion, the Chair will have to sustain the point of order raised by the gentleman from Mississippi [Mr. WILLIAMS]. The motion to rise and report has not been made.

Mr. MANN. I understand the motion to rise and report takes precedence of a motion to rise at this stage. I move that the committee rise and report to the House the action of the committee.

Mr. GROSVENOR. The gentleman has not the right to make that motion. The gentleman in charge of the bills has the right to make the motion.

Mr. LACEY. Is the demand for tellers renewed?

The CHAIRMAN. The committee will be in order.

Mr. LACEY. Suppose the committee does not rise, what then is the status of the bill before the House?

The CHAIRMAN. Subject to the call for tellers, the Chair will ask the gentleman from Kansas [Mr. MILLER] whether or not he insists on the motion that the committee do now rise?

Mr. MILLER. I withdraw that motion.

Mr. SMITH of Iowa. Then I renew the demand for tellers.

The CHAIRMAN. The demand for tellers is pending.

The question was taken, and tellers were ordered.

The CHAIRMAN. The gentleman from Kansas [Mr. MILLER] and the gentleman from Illinois [Mr. MANN] will take their places as tellers. The question is on laying the bill aside with a recommendation that it do lie on the table.

Mr. MILLER. I move that the committee rise and report to the House.

Mr. MANN. I make the point of order that the committee can not rise pending a division.

The CHAIRMAN. The point of order made by the gentleman from Illinois is well taken; the committee can not rise pending a call for tellers. The tellers will take their places.

The question is on laying the bill aside with a recommendation that it do lie on the table.

The committee divided; and tellers reported—ayes 63, noes 64. [Applause.]

So the motion was rejected.

Mr. MILLER. I move that the committee now rise and report the bills with the several amendments to the House for passage.

Mr. MANN. A parliamentary inquiry.

Mr. SOUTHARD. Mr. Chairman, I ask unanimous consent that we take up the next bill on the Calendar. There is only one more bill there.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent that the next bill on the Calendar be taken up. This will withhold action on the motion that the committee rise and report.

Mr. SHACKLEFORD. I object, Mr. Chairman.

The CHAIRMAN. Objection is made. The question is, Shall the committee rise and report?

Mr. MANN. A parliamentary inquiry.

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. MANN. A parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MANN. Is this a motion to rise or to rise and report?

Mr. MILLER. Yes; on all bills with and without amendments.

Mr. MANN. Of course that does not include this bill.

The CHAIRMAN. The committee has not ordered this bill reported.

Mr. MANN. This bill, of course, is not pending now. What we are voting upon are those that have been reported favorably. That bill has never been recommended for favorable report.

The CHAIRMAN. The bill goes back on the Calendar, and will not be reported among the bills acted upon by the committee. The question is on the motion to rise and report the bills.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. CAMPBELL of Kansas reported that the Committee of the Whole House had had under consideration certain bills on the Private Calendar and had directed him to report them back, some with and some without amendments, with the recommendation that the amendments be agreed to, and that the bills do pass.

Mr. MILLER. Mr. Speaker, I ask unanimous consent that the previous question be ordered on all the bills and amendments to their final passage.

Mr. MADDEN. If the gentleman proposes to include in the bills for consideration the bill H. R. 6982, I shall object to unanimous consent.

Mr. MILLER. What is that bill?

Mr. MADDEN. It refunds $537.71.

Mr. MILLER. I except that.

Mr. GARNER. They must be all treated alike, and if not, I shall object.

Mr. SHACKLEFORD. Then I shall object to the balance. [Laughter.]

HOUSE BILLS WITHOUT AMENDMENTS PASSED.

The following House bills, reported favorably from the Committee of the Whole, were severally ordered to be engrossed for a third reading, read the third time, and passed, and a motion to reconsider the vote by which they were passed laid on the table:

H. R. 12286. A bill granting relief to the estate of James Staley, deceased;

H. R. 12560. A bill for the relief of John C. Lynch;

H. R. 4736. A bill for the relief of the county of Custer, State of Montana;

H. R. 5954. A bill to authorize the Secretary of the Treasury to issue duplicate gold certificate, in lieu of one lost, to Lincoln National Bank, of Lincoln, Ill.;

H. R. 6. A bill for the relief of the Monongahela Iron and Steel Company, of Pittsburg, Pa.;

H. R. 12028. A bill granting relief to John W. Donovan;

H. R. 5223. A bill to reimburse Quong Hong Yick for one case of opium erroneously condemned and sold by the United States;

H. R. 5221. A bill for the relief of Edward King, of Niagara Falls, in the State of New York;

H. R. 6101. A bill for the relief of the estate of Charles M. Damarest, deceased;

H. R. 3649. A bill for the relief of Zenos Parker;

H. R. 8717. A bill for the relief of Jacob Pickens;

H. R. 9528. A bill to reimburse Fred Dickson for loss of his tools through the fire which destroyed the engine house at Fort Duchesne, Utah, on September 19, 1902;

H. R. 14467. A bill for the relief of Capt. George E. Pickett, paymaster, United States Army;

H. R. 13247. A bill for the relief of John H. Tharp, of Eversonville, Mo.;

H. R. 7709. A bill for the relief of Joseph Crow;

H. R. 14344. A bill for the relief of Col. Medad C. Martin;

H. R. 13154. A bill for the relief of John T. Irion;

H. R. 10584. A bill for the relief of F. H. Driscoll;

H. R. 5167. A bill for the relief of William H. Stiner & Sons;

H. R. 13946. A bill for the relief of Charles L. Allen;

H. R. 4580. A bill for the relief of Bland & Parks, of Waxahachie, Tex.;

H. R. 7771. A bill for the relief of Judd O. Hartzell; and

H. R. 7961. A bill for the relief of G. F. Tarbell.

AARON EVERLY.

The next business reported from the Committee of the Whole was the bill (H. R. 7144) for the relief of Aaron Everly, with an amendment.

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ORDER OF BUSINESS.

Mr. GARNER. Mr. Speaker, one moment. A parliamentary inquiry: Are the bills that have amendments being taken up in the order in which they passed the committee?

The SPEAKER. This is the first one that has been reported. As is usual, for convenience, the bills without amendment were first reported, and this is the first bill with an amendment.

Mr. GARNER. I asked the question if they were being taken up in the order in which they passed the committee?

The SPEAKER. The Chair is informed that they are not, strictly speaking, and the Chair supposes that, strictly speaking, they ought to be so taken up.

Mr. GARNER. I ask that they be taken up in the order in which they passed the committee.

Mr. MILLER. What difference does it make if we get them all through?

Mr. GARNER. It makes considerable difference in this: If we take up all the bills that have passed the committee, with the exception of the one which the gentleman from Illinois [Mr. MADDEN] objects to, leaving that until the last, it puts me in the attitude of permitting the other bills to be passed and leaving that as the last one. I want to put them all on an equality. This is not my bill, Mr. Chairman, and I will state for the benefit of the chairman of the committee that I did not know the bill was being considered, but I think they all ought to go through on their merits in the same way.

The SPEAKER. If there be no objection, the one that the gentleman objects to will be put last.

Mr. GARNER. I object, Mr. Speaker.

The SPEAKER. The Clerk will proceed with the remainder of the bills and call them in the order in which they were con-

sidered and reported. Those that have already passed are beyond the control of the Speaker or of the House, except by unanimous consent. The Clerk will proceed as stated by the Chair.

JOHN PURKAPILE.

The next business was the bill (H. R. 13735) for the relief of John Purkapile, reported from the Committee of the Whole with an amendment.

The SPEAKER. If there be no objection, the amendment will be considered as agreed to.

Mr. GARNER. Mr. Speaker, I ask this question again, whether or not the bills are being considered in the order in which they passed the committee?

The SPEAKER. The Chair supposes that all the bills remaining are being considered in the order in which they passed the committee; at least the Chair has instructed the Clerk to take up the remainder of them in that order. These are the amended bills. All the bills that were not amended have been passed.

Mr. GARNER. This bill, as I understand it, was amended.

The SPEAKER. The Chair so understands.

Mr. GARNER. I will ask if the bill H. R. 6982 has been passed?

The SPEAKER. That is the next bill after this one.

Mr. GARNER. I should like to ask if that bill was not the first one that passed the committee this morning?

The SPEAKER. The Chair is informed by the clerks at the desk that it was not. If there be no objection, the amendment will be considered as agreed to.

Mr. MADDEN. I object, Mr. Speaker.

The SPEAKER. The Clerk will report the amendment.

The amendment, changing the spelling of the name of the beneficiary, was read.

The SPEAKER. The question is on the amendment.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and was accordingly read the third time, and passed.

By unanimous consent, the title was amended to conform to the body of the bill.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 599. An act granting an increase of pension to Mary A. Megrue—to the Committee on Invalid Pensions.

S. 1130. An act granting an increase of pension to Isaiah Mitchell—to the Committee on Invalid Pensions.

S. 3312. An act granting a pension to Oscar F. Renick—to the Committee on Invalid Pensions.

S. 3721. An act granting a pension to Mary C. Morgan—to the Committee on Invalid Pensions.

S. 671. An act granting an increase of pension to Charles Conine—to the Committee on Invalid Pensions.

S. 2168. An act granting an increase of pension to Isaac B. Hewitt—to the Committee on Invalid Pensions.

S. 4595. An act granting an increase of pension to Amos McManus—to the Committee on Pensions.

S. 3189. An act granting an increase of pension to Elizabeth Rutherford—to the Committee on Invalid Pensions.

S. 251. An act granting an increase of pension to Martin L. Adams—to the Committee on Invalid Pensions.

S. 2548. An act granting an increase of pension to Jesse M. Furman—to the Committee on Invalid Pensions.

S. 3539. An act granting an increase of pension to Dominick Cavanagh—to the Committee on Invalid Pensions.

S. 4636. An act granting an increase of pension to Henry R. Pease—to the Committee on Invalid Pensions.

S. 4319. An act granting an increase of pension to Frederick C. Storm—to the Committee on Invalid Pensions.

S. 4637. An act granting an increase of pension to Frederick Zimmerman—to the Committee on Invalid Pensions.

S. 1023. An act granting an increase of pension to Peter Shippman—to the Committee on Invalid Pensions.

S. 772. An act granting an increase of pension to Jerusha Hayward Brown—to the Committee on Invalid Pensions.

S. 492. An act granting an increase of pension to Barney Whitney—to the Committee on Invalid Pensions.

S. 969. An act granting an increase of pension to Howard Ellis—to the Committee on Invalid Pensions.

S. 2346. An act granting an increase of pension to John W. Reed—to the Committee on Invalid Pensions.

S. 325. An act granting an increase of pension to Henry B Burton—to the Committee on Invalid Pensions.

S. 2882. An act granting an increase of pension to Samuel E. Johnson—to the Committee on Invalid Pensions.

S. 2863. An act granting an increase of pension to Garrett Rourke—to the Committee on Invalid Pensions.

S. 725. An act granting an increase of pension to William M. Smith—to the Committee on Invalid Pensions.

S. 2406. An act granting an increase of pension to Thomas Milliman—to the Committee on Invalid Pensions.

S. 1228. An act granting an increase of pension to Julia L. Plimpton—to the Committee on Invalid Pensions.

S. 4188. An act granting an increase of pension to Frank D. Smith—to the Committee on Invalid Pensions.

S. 4187. An act granting an increase of pension to Nathaniel E. Skelton—to the Committee on Invalid Pensions.

S. 3866. An act granting an increase of pension to Samuel J. Burlock—to the Committee on Invalid Pensions.

S. 203. An act granting an increase of pension to Edward E. Needham—to the Committee on Invalid Pensions.

S. 200. An act granting an increase of pension to Frederick Behrens—to the Committee on Invalid Pensions.

S. 466. An act granting an increase of pension to James H. Lewis—to the Committee on Invalid Pensions.

S. 656. An act granting an increase of pension to Abraham Walters—to the Committee on Invalid Pensions.

S. 3800. An act granting an increase of pension to Albert D. Cordner—to the Committee on Invalid Pensions.

S. 4227. An act granting a pension to John H. McKenzie—to the Committee on Pensions.

S. 655. An act granting an increase of pension to Charles E. Bishop—to the Committee on Invalid Pensions.

S. 1978. An act granting a pension to Thomas Edsall—to the Committee on Invalid Pensions.

S. 4181. An act granting an increase of pension to Margaret L. Hallett—to the Committee on Invalid Pensions.

S. 1399. An act granting an increase of pension to Henry Jordan—to the Committee on Invalid Pensions.

S. 482. An act granting an increase of pension to Amos M. Runkle—to the Committee on Invalid Pensions.

S. 4020. An act granting an increase of pension to Henry C. Johnson—to the Committee on Invalid Pensions.

S. 2250. An act granting an increase of pension to John Rauch—to the Committee on Invalid Pensions.

S. 3932. An act granting an increase of pension to David Rankin—to the Committee on Invalid Pensions.

S. 1624. An act granting an increase of pension to Peter Betz—to the Committee on Invalid Pensions.

S. 527. An act granting an increase of pension to Alfred McPherran—to the Committee on Invalid Pensions.

S. 1634. An act granting an increase of pension to Solomon R. Ruch—to the Committee on Invalid Pensions.

S. 3031. An act granting an increase of pension to Frank Westervelt—to the Committee on Invalid Pensions.

S. 1420. An act granting an increase of pension to Sarah A. Tyler—to the Committee on Invalid Pensions.

S. 180. An act granting an increase of pension to Joseph W. Legro—to the Committee on Invalid Pensions.

S. 3125. An act granting a pension to Parthenia W. Baker—to the Committee on Invalid Pensions.

S. 2840. An act granting an increase of pension to George L. Jaquith—to the Committee on Invalid Pensions.

S. 3473. An act granting an increase of pension to La Forrest C. Darling—to the Committee on Invalid Pensions.

S. 22. An act granting an increase of pension to Andrew Smith—to the Committee on Invalid Pensions.

S. 2091. An act granting an increase of pension to John P. Bambush—to the Committee on Invalid Pensions.

S. 2090. An act granting an increase of pension to Sarah E. Adams—to the Committee on Invalid Pensions.

S. 2968. An act granting a pension to George W. Hale—to the Committee on Pensions.

S. 3474. An act granting an increase of pension to James B. Kellogg—to the Committee on Invalid Pensions.

S. 790. An act granting an increase of pension to William Benkler—to the Committee on Invalid Pensions.

S. 1173. An act granting an increase of pension to James M. Fernald—to the Committee on Invalid Pensions.

S. 19. An act granting an increase of pension to Alphonso B. Holland—to the Committee on Invalid Pensions.

S. 3888. An act granting an increase of pension to Susan E. Israel—to the Committee on Pensions.

S. 3547. An act granting an increase of pension to Stephen M. Davis—to the Committee on Invalid Pensions.

S. 1739. An act granting a pension to Henry Sistrunk—to the Committee on Pensions.

S. 2153. An act granting an increase of pension to Helen Read—to the Committee on Invalid Pensions.

S. 1527. An act granting an increase of pension to John M. Odenheimer—to the Committee on Invalid Pensions.

S. 3310. An act granting an increase of pension to Richard M. Ogle—to the Committee on Invalid Pensions.

S. 597. An act granting an increase of pension to David M. Pearson—to the Committee on Invalid Pensions.

S. 589. An act granting a pension to Joseph L. Prentiss—to the Committee on Invalid Pensions.

S. 1138. An act granting an increase of pension to Albert S. Blake—to the Committee on Invalid Pensions.

S. 3933. An act granting an increase of pension to Sidney R. Smith—to the Committee on Invalid Pensions.

S. 1273. An act granting an increase of pension to Eleanora A. Keeler—to the Committee on Pensions.

S. 3029. An act granting an increase of pension to Delia A. Hooker—to the Committee on Pensions.

S. 94. An act granting an increase of pension to Albert Wines—to the Committee on Invalid Pensions.

S. 3903. An act granting an increase of pension to John McCoy—to the Committee on Invalid Pensions.

S. 4226. An act granting an increase of pension to James Cain—to the Committee on Invalid Pensions.

S. 548. An act granting an increase of pension to William Carr—to the Committee on Invalid Pensions.

S. 3905. An act granting an increase of pension to James M. Garritt—to the Committee on Invalid Pensions.

S. 218. An act granting an increase of pension to James White—to the Committee on Invalid Pensions.

S. 220. An act granting an increase of pension to Jonathan F. Gates—to the Committee on Invalid Pensions.

S. 623. An act granting an increase of pension to Bridget Evans—to the Committee on Invalid Pensions.

S. 641. An act granting an increase of pension to James M. Conrad—to the Committee on Invalid Pensions.

S. 1834. An act granting an increase of pension to Frederick W. Partridge—to the Committee on Invalid Pensions.

S. 2332. An act granting an increase of pension to Ashley A. Youmans—to the Committee on Invalid Pensions.

S. 672. An act granting an increase of pension to James F. Hubbard—to the Committee on Invalid Pensions.

S. 675. An act granting a pension to Ulricke Boettcher—to the Committee on Invalid Pensions.

S. 4159. An act granting an increase of pension to Mary P. Johannes—to the Committee on Invalid Pensions.

S. 2142. An act granting an increase of pension to Adella D. Irwin—to the Committee on Pensions.

S. 4286. An act granting an increase of pension to Thomas J. Davis—to the Committee on Invalid Pensions.

S. 3751. An act granting an increase of pension to Daniel D. Nash—to the Committee on Invalid Pensions.

S. 861. An act granting an increase of pension to Thomas O'Connor—to the Committee on Invalid Pensions.

S. 162. An act granting an increase of pension to David D. Griffith—to the Committee on Invalid Pensions.

S. 2393. An act granting an increase of pension to John L. Clark—to the Committee on Invalid Pensions.

S. 3242. An act granting an increase of pension to Daniel Woolley—to the Committee on Invalid Pensions.

S. 555. An act granting an increase of pension to Henry H. Hill—to the Committee on Invalid Pensions.

S. 859. An act granting an increase of pension to Richard T. Fried—to the Committee on Invalid Pensions.

S. 165. An act granting an increase of pension to Henry Russell—to the Committee on Invalid Pensions.

S. 1251. An act granting an increase of pension to Peter Burns—to the Committee on Invalid Pensions.

S. 1246. An act granting an increase of pension to William F. Wilson—to the Committee on Invalid Pensions.

S. 4381. An act granting an increase of pension to John T. McGarraugh—to the Committee on Invalid Pensions.

S. 4280. An act granting a pension to Amelia Cotten—to the Committee on Invalid Pensions.

S. 446. An act granting an increase of pension to Mary C. Duane—to Committee on Invalid Pensions.

S. 3472. An act granting an increase of pension to Lena Sherman—to the Committee on Invalid Pensions.

S. 4006. An act granting an increase of pension to Charles S. Parrish—to the Committee on Invalid Pensions.

S. 2216. An act granting an increase of pension to David W. Magee—to the Committee on Invalid Pensions.

S. 3640. An act granting an increase of pension to Oliver Brenton—to the Committee on Invalid Pensions.

S. 2473. An act granting an increase of pension to Charles L. Noggle—to the Committee on Invalid Pensions.

S. 2182. An act granting an increase of pension to John J. Buffington—to the Committee on Invalid Pensions.

S. 187. An act granting an increase of pension to James H. Kane—to the Committee on Invalid Pensions.

S. 3475. An act granting an increase of pension to Everett S. Fitch—to the Committee on Invalid Pensions.

S. 1889. An act granting an increase of pension to Arthur Thompson—to the Committee on Pensions.

S. 17. An act granting an increase of pension to Levi A. Tripp—to the Committee on Invalid Pensions.

S. 1011. An act granting an increase of pension to John E. Woodsum—to the Committee on Invalid Pensions.

S. 2950. An act granting an increase of pension to Joseph E. Stines—to the Committee on Invalid Pensions.

S. 4096. An act granting an increase of pension to Norman W. Lombard—to the Committee on Invalid Pensions.

S. 784. An act granting an increase of pension to George L. Cooley—to the Committee on Invalid Pensions.

S. 1418. An act granting an increase of pension to Levi E. Cross—to the Committee on Invalid Pensions.

S. 3036. An act granting an increase of pension to John O. Thorn—to the Committee on Invalid Pensions.

S. 2344. An act granting an increase of pension to Albert C. Andrews—to the Committee on Invalid Pensions.

S. 716. An act granting an increase of pension to Theodore H. Hanson—to the Committee on Invalid Pensions.

S. 3575. An act granting an increase of pension to Sargent R. Emerson—to the Committee on Invalid Pensions.

S. 4097. An act granting an increase of pension to Julius T. Williamson—to the Committee on Invalid Pensions.

S. 712. An act granting an increase of pension to Lizzie M. McLauchlan—to the Committee on Invalid Pensions.

S. 3043. An act granting an increase of pension to Henry D. Hall—to the Committee on Invalid Pensions.

S. 842. An act granting an increase of pension to William A. Eggleston—to the Committee on Invalid Pensions.

S. 1665. An act granting an increase of pension to John C. Estes—to the Committee on Invalid Pensions.

S. 4337. An act granting an increase of pension to Barney McGirl—to the Committee on Invalid Pensions.

S. 3588. An act granting an increase of pension to James Lebo—to the Committee on Invalid Pensions.

S. 3224. An act granting a pension to Nancy A. Teeters—to the Committee on Invalid Pensions.

S. 3315. An act granting an increase of pension to Henry V. Hamenstaedt—to the Committee on Invalid Pensions.

S. 1230. An act granting an increase of pension to Eugene Gaskill—to the Committee on Invalid Pensions.

S. 2096. An act granting an increase of pension to Nathaniel R. Kent—to the Committee on Pensions.

S. 3626. An act granting a pension to Catherine Coyle—to the Committee on Invalid Pensions.

S. 1227. An act granting an increase of pension to Henry J. Patterson—to the Committee on Invalid Pensions.

S. 721. An act granting an increase of pension to Orange S. Mason—to the Committee on Invalid Pensions.

S. 4131. An act granting an increase of pension to John Connor—to the Committee on Invalid Pensions.

S. 4507. An act granting an increase of pension to Joseph Chandler, jr.—to the Committee on Invalid Pensions.

S. 1645. An act granting an increase of pension to Joseph G. Orth—to the Committee on Invalid Pensions.

S. 2735. An act granting a pension to Marcelina S. Groff—to the Committee on Pensions.

S. 1908. An act granting an increase of pension to Francesco Del Gindice—to the Committee on Invalid Pensions.

S. 1905. An act granting an increase of pension to Edgar Tibbits—to the Committee on Invalid Pensions.

S. 3714. An act granting an increase of pension to James Ruth—to the Committee on Invalid Pensions.

S. 2044. An act granting a pension to Solomon F. Wehr—to the Committee on Invalid Pensions.

S. 3121. An act granting an increase of pension to John G. Blessing—to the Committee on Invalid Pensions.

S. 1911. An act granting an increase of pension to Gunnerus Ingebretson—to the Committee on Invalid Pensions.

S. 2103. An act granting an increase of pension to Lorin R. Bingham—to the Committee on Invalid Pensions.

S. 2868. An act granting an increase of pension to George W. Flick—to the Committee on Invalid Pensions.

S. 2080. An act granting a pension to Ruth F. Bennett—to the Committee on Invalid Pensions.

S. 4000. An act granting an increase of pension to Pyle Woodward—to the Committee on Invalid Pensions.

S. 3199. An act granting an increase of pension to Andrew J. Coulton—to the Committee on Invalid Pensions.

S. 1437. An act granting an increase of pension to William F. Davis—to the Committee on Invalid Pensions.

S. 3492. An act granting an increase of pension to Catharine Bechtol—to the Committee on Invalid Pensions.

S. 3122. An act granting an increase of pension to Georgia Brown—to the Committee on Invalid Pensions.

S. 1666. An act granting an increase of pension to George W. Beard—to the Committee on Invalid Pensions.

S. 1555. An act granting an increase of pension to Mary C. Bishop—to the Committee on Invalid Pensions.

S. 4223. An act granting an increase of pension to Benjamin F. Peirce—to the Committee on Invalid Pensions.

S. 1421. An act granting an increase of pension to Harvey C. Brown—to the Committee on Invalid Pensions.

S. 1357. An act granting an increase of pension to Orlando C. Pinkham—to the Committee on Invalid Pensions.

S. 4422. An act granting an increase of pension to Lindsay Kirby—to the Committee on Invalid Pensions.

S. 4496. An act granting an increase of pension to Alphonso Brooks—to the Committee on Invalid Pensions.

S. 2090. An act granting an increase of pension to Sarah E. Adams—to the Committee on Invalid Pensions.

S. 4362. An act granting an increase of pension to William Fleugel—to the Committee on Invalid Pensions.

S. 4100. An act granting an increase of pension to Carlton A. Wheeler—to the Committee on Invalid Pensions.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title; when the Speaker signed the same:

H. R. 10067. An act authorizing the disposition of surplus and allotted lands on the Yakima Indian Reservation, in the State of Washington, which can be irrigated under the act of Congress approved June 17, 1902, known as the "reclamation act," and for other purposes.

The SPEAKER announced his signature to enrolled bill and joint resolution of the following titles:

S. R. 37. Joint resolution extending the tribal existence and government of the Five Civilized Tribes of Indians in the Indian Territory; and

S. 1465. An act granting an increase of pension to Patrick Fallihee.

JAMES W. JONES.

The next business was the bill (H. R. 6982) for the relief of James W. Jones, reported from the Committee of the Whole, with an amendment.

Mr. MADDEN. Mr. Speaker, I object to the consideration of this bill.

Mr. BARTLETT. How can you do that?

Mr. MADDEN. I object to its passage by unanimous consent, Mr. Speaker.

The SPEAKER. The gentleman opposes the passage of the bill.

Mr. MADDEN. I raise the point of no quorum, Mr. Speaker.

The SPEAKER. The Chair will count. [After counting the House.] One hundred and fourteen gentlemen present—less than a quorum.

Mr. MILLER. Mr. Speaker——

Mr. MADDEN. I move that the House do now adjourn.

The SPEAKER. For what purpose does the gentleman from Kansas rise?

Mr. MILLER. I rise to move that the House do now adjourn.

The SPEAKER. The gentleman from Kansas moves that the House do now adjourn.

The motion was agreed to.

Accordingly (at 5 o'clock and 30 minutes p. m.), in accordance with the order heretofore adopted, the House adjourned until Monday, March 5, 1906, at 12 o'clock noon.

## EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of Commerce and Labor, transmitting the third report of the Commissioner of Labor on labor conditions in Hawaii—to the Committee on Labor, and ordered to be printed.

A letter from the Secretary of the Treasury, submitting recommendations of certain amendments to the customs administrative act—to the Committee on Ways and Means, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of preliminary examination and survey of the Mississippi River at Hamburg Bay, Illinois—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Commissioners of the District of Columbia submitting an estimate of appropriation for repair of patrol and harbor boat—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Commissioners of the District of Columbia submitting an estimate of appropriation for playgrounds—to the Committee on Appropriations, and ordered to be printed.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. SHARTEL, from the Committee on Banking and Currency, to which was referred the bill of the House (H. R. 8973) to amend section 5200, Revised Statutes of the United States, relating to national banks, reported the same with amendment, accompanied by a report (No. 1835); which said bill and report were referred to the House Calendar.

Mr. ADAMSON, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 15583) to authorize the Madison Bridge Company to construct a bridge across the St. Francis River in St. Francis County, Ark., at or near the town of Madison, in said county and State, reported the same without amendment, accompanied by a report (No. 1836); which said bill and report were referred to the House Calendar.

Mr. GILLETT of California, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 15521) establishing regular terms of the United States circuit and district courts of the northern district of California at Eureka, Cal., reported the same without amendment, accompanied by a report (No. 1837); which said bill and report were referred to House Calendar.

## PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. HAMILTON: A bill (H. R. 16009) to provide for the appointment of special commissioners in the district of Alaska, to define their jurisdiction and powers, and to regulate their duties—to the Committee on the Territories.

Also, a bill (H. R. 16010) to amend, in respect to Alaska, an act entitled "An act making appropriations for certain judicial expenses of the Government for the fiscal year ending June 30, 1880, and for other purposes"—to the Committee on the Territories.

By Mr. SHERMAN: A bill (H. R. 16011) to prohibit the shipment of gunpowder and other explosive or inflammable substances on railroads engaged in interstate commerce by deceptive marking, invoice, or shipping order, and providing penalties therefor—to the Committee on Interstate and Foreign Commerce.

By Mr. PARKER: A bill (H. R. 16012) for the encouragement of the merchant marine of the United States—to the Committee on the Merchant Marine and Fisheries.

By Mr. BONYNGE: A bill (H. R. 16013) providing medals for certain persons—to the Committee on Military Affairs.

By Mr. HEPBURN: A bill (H. R. 16014) to amend an act entitled "An act to create the southern division of the southern district of Iowa for judicial purposes and to fix the time and place for holding court therein," approved June 1, 1900, and all acts amendatory thereof—to the Committee on the Judiciary.

By Mr. FLACK: A bill (H. R. 16015) to establish fish-hatching and fish-culture stations in the various States, and for other purposes—to the Committee on the Merchant Marine and Fisheries.

By Mr. CANDLER: A bill (H. R. 16125) granting to the Corinth and Shiloh Electric Railway Company a right of way and authority to construct a track or tracks through the Shiloh

National Park, and to operate electric cars thereon—to the Committee on Military Affairs.

By Mr. MORRELL: A resolution (H. Res. 351) to pay to R. L. Vasquez the sum of $67.83—to the Committee on Accounts.

By Mr. McGUIRE: A resolution (H. Res. 352) directing the Postmaster-General to furnish to the House certain information concerning a newspaper known as the Indiahoma Union Signal—to the Committee on the Post-Office and Post-Roads.

## PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BUTLER of Tennessee: A bill (H. R. 16016) for the relief of M. J. Julian, for fees due him as United States commissioner for the middle district of Tennessee—to the Committee on Claims.

By Mr. CAMPBELL of Ohio: A bill (H. R. 16017) granting an increase of pension to Maggie M. Myers—to the Committee on Invalid Pensions.

By Mr. CANDLER: A bill (H. R. 16018) for the relief of the heirs of M. P. Kimberly, deceased—to the Committee on War Claims.

By Mr. DWIGHT: A bill (H. R. 16019) granting an increase of pension to Michael O'Brien—to the Committee on Invalid Pensions.

By Mr. FASSETT: A bill (H. R. 16020) granting an increase of pension to Andrew Brink—to the Committee on Invalid Pensions.

By Mr. DWIGHT: A bill (H. R. 16021) granting an increase of pension to William H. Romaine—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16022) granting a pension to Phebe J. Young—to the Committee on Invalid Pesnions.

By Mr. FULKERSON: A bill (H. R. 16023) granting an increase of pension to Sheldon B. Fargo—to the Committee on Pensions.

By Mr. VAN WINKLE: A bill (H. R. 16024) granting an increase of pension to Kate B. Meister—to the Committee on Invalid Pensions.

By Mr. RHINOCK: A bill (H. R. 16025) granting an increase of pension to Samuel A. Gilliland—to the Committee on Invalid Pensions.

By Mr. HINSHAW: A bill (H. R. 16026) granting an increase of pension to William Bivens—to the Committee on Invalid Pensions.

By Mr. LEE: A bill (H. R. 16027) for the relief of the estate of George N. Anderson, deceased—to the Committee on War Claims.

By Mr. McGUIRE: A bill (H. R. 16028) for the relief of David F. Hood—to the Committee on Military Affairs.

Also, a bill (H. R. 16029) for the relief of William H. Brown—to the Committee on Military Affairs.

Also, a bill (H. R. 16030) for the relief of sundry persons who suffered losses by fire set by United States troops at Lawton, Okla., in order to save Government property—to the Committee on Claims.

Also, a bill (H. R. 16031) granting a pension to Albert Eggleston—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16032) granting a pension to Rebecca Walters—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16033) granting a pension to Horace G. Norton—to the Committee on Pensions.

Also, a bill (H. R. 16034) granting a pension to Jefferson Pennington—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16035) granting a pension to Jefferson F. Beeman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16036) granting a pension to William A. Hinch—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16037) granting a pension to P. H. Wells—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16038) granting a pension to Nancy J. Hale—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16039) granting a pension to William V. Wolf—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16040) granting a pension to J. J. Wray—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16041) granting a pension to John Schneider—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16042) granting a pension to F. E. Hills—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16043) granting an increase of pension to Joel E. Cox—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16044) granting an increase of pension to John C. Lindsey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16045) granting an increase of pension to Henry Swim—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16046) granting an increase of pension to David Province—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16047) granting an increase of pension to George Enderton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16048) granting an increase of pension to Herman E. Hadley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16049) granting an increase of pension to Robert Fertig—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16050) granting an increase of pension to George F. Watson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16051) granting an increase of pension to George A. Beidler—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16052) granting an increase of pension to William Muxlow—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16053) granting an increase of pension to Samuel J. Richards—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16054) granting an increase of pension to David Bishop—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16055) granting an increase of pension to Thomas B. Duncan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16056) granting an increase of pension to Edward Emery—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16057) granting an increase of pension to Milton Stites—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16058) granting an increase of pension to Henry T. Clark—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16059) granting an increase of pension to John W. Hancock—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16060) granting an increase of pension to Roger A. Sprague—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16061) granting an increase of pension to James McBride—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16062) granting an increase of pension to James W. Hamilton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16063) granting an increase of pension to James W. Hager—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16064) granting an increase of pension to Franklin Spurgeon—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16065) granting an increase of pension to George Ross—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16066) granting an increase of pension to Samuel D. Harper—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16067) to remove the charge of desertion from the military record of Asa Morgan—to the Committee on Military Affairs.

By Mr. MICHALEK: A bill (H. R. 16068) for the relief of Peter Clark—to the Committee on Military Affairs.

By Mr. MORRELL: A bill (H. R. 16069) authorizing the appointment of Harold L. Jackson, a captain on the retired list of the Army, as a major on the retired list of the Army—to the Committee on Military Affairs.

By Mr. MOUSER: A bill (H. R. 16070) granting an increase of pension to Osie B. Fox—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16071) granting an increase of pension to William Minick—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16072) granting an increase of pension to Henry Glenn—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16073) granting an increase of pension to John Ginther—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16074) granting an increase of pension to Harkless K. Inman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16075) granting an increase of pension to John Barringer—to the Committee on Invalid Pensions.

By Mr. REEDER: A bill (H. R. 16076) granting an increase of pension to James A. Dickson—to the Committee on Pensions.

By Mr. RHODES: A bill (H. R. 16077) for the relief of Henry Bisch—to the Committee on War Claims.

Also, a bill (H. R. 16078) granting an increase of pension to Bird L. Francis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16079) to remove the charge of desertion from the military record of James Dunlap—to the Committee on Military Affairs.

By Mr. RICHARDSON of Kentucky: A bill (H. R. 16080) for the relief of J. A. Thomas, of Dryfork, Barren County, Ky.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16081) for the relief and benefit of Eli W. Owens, of Barren County, Ky.—to the Committee on War Claims.

Also, a bill (H. R. 16082) for the relief and benefit of W. T. Howell, of Bowling Green, Ky.—to the Committee on Claims.

Also, a bill (H. R. 16083) granting a pension to S. P. McIntire—to the Committee on Invalid Pensions.

By Mr. RUSSELL: A bill (H. R. 16084) for the relief of Elizabeth A. Baker, widow and sole heir of Joseph T. Baker, late of San Augustin, Tex.—to the Committee on Claims.

By Mr. SHERMAN: A bill (H. R. 16085) for the relief of Gordon, Ironsides & Fares Company (Limited)—to the Committee on Claims.

By Mr. SIBLEY: A bill (H. R. 16086) for the relief of persons sustaining losses caused by the erection of Dam No. 3 across the Allegheny River at Springdale, Pa.—to the Committee on Claims.

By Mr. SMITH of Iowa: A bill (H. R. 16087) granting an increase of pension to Charles W. Foster—to the Committee on Invalid Pensions.

By Mr. SOUTHARD: A bill (H. R. 16088) granting an increase of pension to John Disher—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16089) granting an increase of pension to Carver S. Griffin—to the Committee on Invalid Pensions.

By Mr. TALBOTT: A bill (H. R. 16090) for the relief of the widow and heirs at law of Peter Baile, deceased, late of Carroll County, Md.—to the Committee on War Claims.

By Mr. WACHTER: A bill (H. R. 16091) to refund legacy taxes illegally collected from the estate of Sarah T. Wetmore, late of Baltimore, Baltimore County, Md.—to the Committee on Claims.

Also, a bill (H. R. 16092) to refund legacy taxes illegally collected from the estate of Ottmar Mergenthaler, late of Baltimore, Baltimore County, Md.—to the Committee on Claims.

Also, a bill (H. R. 16093) to refund legacy taxes illegally collected from the estate of Walter B. McAtee, late of Baltimore, Baltimore County, Md.—to the Committee on Claims.

Also, a bill (H. R. 16094) to refund legacy taxes illegally collected from the estate of James McMahon, late of Baltimore, Baltimore County, Md.—to the Comittee on Claims.

Also, a bill (H. R. 16095) to refund legacy taxes illegally collected from the estate of Mary J. Wamsley, late of Baltimore, Baltimore County, Md.—to the Committee on Claims.

Also, a bill (H. R. 16096) to refund legacy taxes illegally collected from the estate of James Sloan, late of Baltimore, Baltimore County, Md.—to the Committee on Claims.

Also, a bill (H. R. 16097) to refund legacy taxes illegally collected from the estate of Charles A. Vey, late of Baltimore, Baltimore County, Md.—to the Committee on Claims.

By Mr. WEISSE: A bill (H. R. 16098) granting an increase of pension to Frederick Fenz—to the Committee on Invalid Pensions.

By Mr. BOWERS: A bill (H. R. 16099) for the relief of Peter Fairley—to the Committee on Claims.

By Mr. DALE: A bill (H. R. 16100) granting a pension to Bridget Nolan—to the Committee on Invalid Pensions.

By Mr. GROSVENOR: A bill (H. R. 16101) granting a pension to Alice Pugh—to the Committee on Invalid Pensions.

By Mr. LACEY: A bill (H. R. 16102) granting an increase of pension to Augusta I. Mauro—to the Committee on Invalid Pensions.

By Mr. McLACHLAN: A bill (H. R. 16103) granting an increase of pension to Elizabeth J. Burr—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16104) granting an increase of pension to Samuel H. Nesbit—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16105) granting an increase of pension to Moris R. Vernon—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16106) granting an increase of pension to George W. Hinman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16107) granting an increase of pension to V. M. Windbigler—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16108) granting an increase of pension to James P. Carlin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16109) granting an increase of pension to Jacob Cline—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16110) granting an increase of pension to Elizabeth Adams—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16111) granting an increase of pension to Harmon Cook—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16112) granting an increase of pension to William M. Probst—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16113) granting an increase of pension to Sarah J. Foote—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16114) granting an increase of pension to Jordon J. Denny—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16115) granting an increase of pension to Chester D. Hill—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16116) granting an increase of pension to Dollie Backman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16117) granting an increase of pension to Henry R. Soxman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16118) granting a pension to Sarah J. Ganly—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16119) granting a pension to Margaret Constans—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16120) granting a pension to Nancy J. Mullally—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16121) granting a pension to Lucy G. Prince—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16122) to remove the charge of desertion from the military record of Fred W. Stein—to the Committee on Military Affairs.

By Mr. MEYER: A bill (H. R. 16123) for the relief of the heirs of Patrick Dooling—to the Committee on War Claims.

By Mr. MOON of Pennsylvania: A bill (H. R. 16124) for the relief of the heirs of Dr. Samuel E. Hall, deceased—to the Committee on War Claims.

## CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred, as follows:

A bill (H. R. 15380) granting an increase of pension to Valentine Gunselman—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 14552) granting an increase of pension to Henry Davey—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

## PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Papers to accompany bill H. R. 252—to the Committee on Military Affairs.

By Mr. ADAMS of Pennsylvania: Petition of R. L. Mitchell, relative to the Kongo Free State—to the Committee on Foreign Affairs.

Also, petition of Victory Council, No. 443, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of J. B. Clinedinst, for the ship subsidy—to the Committee on the Merchant Marine and Fisheries.

Also, petitions of Washington Council and Vesuvius Council, No. 116, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. ADAMS of Wisconsin: Paper to accompany bill for relief of M. A. Johnson—to the Committee on Claims.

By Mr. ALEXANDER: Petition of Binghamton Division, Order of Railway Conductors, for bill H. R. 1657—to the Committee on the Judiciary.

Also, petition of the Buffalo (N. Y.) Credit Men's Association, against repeal of the bankruptcy law—to the Committee on the Judiciary.

By Mr. BARCHFELD: Petition of Smith's Business College, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of David McClure, for bill H. R. 9022—to the Committee on the Post-Office and Post-Roads.

Also, petition of H. C. Stiefel, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of the Diamond National Bank, for bill H. R. 8973—to the Committee on Banking and Currency.

Also, petition of the Standard Sanitary Manufacturing Company, for bill H. R. 8973—to the Committee on Banking and Currency.

Also, petition of L. W. Walker, relative to the pure-food bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of Raphael T. Zengschmidt, for amendment of the pure-food bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of the State Federation of Pennsylvania Women, for forest reservations and preservation of Niagara Falls—to the Committee on Agriculture.

Also, petition of the Philadelphia Maritime Exchange, for bill H. R. 5281—to the Committee on the Merchant Marine and Fisheries.

By Mr. BOWERS: Paper to accompany bill for relief of Peter Fairly—to the Committee on Military Affairs.

By Mr. BOWERSOCK: Petition of citizens of Humboldt, Kans., against a Sunday law—to the Committee on the District of Columbia.

By Mr. BURKE of Pennsylvania: Petition of Raphael & Zeugschmidt, relative to amendment of the pure-food bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of F. G. Fricke, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of the Pennsylvania Federation of Women, for the forest reservation bill—to the Committee on Agriculture.

Also, petition of Theodore E. Moreland, for bill S. 2165—to the Committee on Invalid Pensions.

Also, petition of the Pennsylvania National Bank, of Pittsburg, for bill H. R. 8973—to the Committee on Banking and Currency.

Also, petition of Smith's Business College, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of Davis Camp, Sons of Veterans, against bill H. R. 8131—to the Committee on Military Affairs.

Also, petition of Colonel John I. Nevin Camp, No. 33, against bill H. R. 8131—to the Committee on Military Affairs.

Also, petition of the Philadelphia Maritime Exchange, for bill H. R. 5281—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Local Union No. 551, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. BURLEIGH: Petition of Canaan (Me.) Grange, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of citizens of Hartland, Me., against religious legislation—to the Committee on the District of Columbia.

By Mr. CAMPBELL of Ohio: Petition of George F. Dunn, favoring the President's railway rate policy—to the Committee on Interstate and Foreign Commerce.

By Mr. CANDLER: Paper to accompany bill for relief of M. P. Kimberly—to the Committee on War Claims.

By Mr. DARRAGH: Petition of citizens of Gratiot County and 168 citizens of Mescota County, Mich., against Sunday legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. DAVIS of Minnesota: Petition of H. C. Andrews, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of the Epworth League of the First Methodist Episcopal Church of Minneapolis, Minn., against canteens in the United States Army—to the Committee on Military Affairs.

Also, paper to accompany bill for relief of Mary Schoske—to the Committee on Invalid Pensions.

By Mr. DRAPER: Petition of the Buffalo Credit Men's Association, against repeal of the bankruptcy bill—to the Committee on the Judiciary.

Also, petition of the Linnæan Society of the City and State of New York, for bill S. 2966—to the Committee on Agriculture.

By Mr. ELLERBE: Paper to accompany bill for relief of Charles D. Quick, heir of Moses Quick—to the Committee on War Claims.

Also, paper to accompany bill for relief of Moses Quick—to the Committee on War Claims.

By Mr. FLACK: Petition of citizens of St. Lawrence County, N. Y., against bills H. R. 10510 and 3022—to the Committee on the District of Columbia.

By Mr. FOWLER: Petition of Union No. 59, Brotherhood of Painters, Decorators, and Paper Hangers of America, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of Division No. 688, Brotherhood of Locomotive Engineers, of Elizabeth, N. J., for the Bates-Penrose bill—to the Committee on the Judiciary.

Also, petition of the Charles C. Dilts Company, for two classes of mail matter only—to the Committee on the Post-Office and Post-Roads.

Also, petition of Grange No. 105, and Warren Grange, No. 110, Patrons of Husbandry, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. FULLER: Petition of the Sandwich (Ill.) Manufacturing Company, against the metric system—to the Committee on Coinage, Weights, and Measures.

Also, petition of H. M. Greener, against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of the Newport News Central Labor Union, for the ship-subsidy bill—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the American Protective Tariff League et al., against amendment of the tariff laws—to the Committee on Ways and Means.

Also, petition of citizens of Morris, Ill., for the Heyburn pure-food bill—to the Committee on Interstate and Foreign Commerce.

By Mr. GOEBEL: Petition of Liberty Bell Council, No. 112, Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. GOLDFOGLE: Petition of the adjutant-general of the National Guard of New York, for increasing the efficiency of the militia—to the Committee on Militia.

By Mr. GRAHAM: Petition of the Philadelphia Maritime Exchange, for bill H. R. 5281—to the Committee on Merchant Marine and Fisheries.

Also, petition of Colonel John I. Nevin Camp, Sons of Veterans, against bill H. R. 8131—to the Committee on Naval Affairs.

Also, petition of Smith's Business College, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of the First National Bank of Allegheny, Pa., against bill H. R. 48; the Standard Sanitary Manufacturing Company, for bill H. R. 8973; the Diamond National Bank, against bill H. R. 8973; the Second National Bank of Pittsburg, against bill H. R. 48, and Douglass & Fife, against bill H. R. 48—to the Committee on Banking and Currency.

Also, petition of L. W. Walker, for the Heyburn pure-food bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of the State Federation of Pennsylvania Women, for the forest reservation bill—to the Committee on Agriculture.

Also, petition of Thomas C. Blaisdell, for bill H. R. 1050—to the Committee on Education.

By Mr. GRANGER: Petition of the Second Baptist Church of East Providence, for the Hepburn-Dolliver bill—to the Committee on Alcoholic Liquor Traffic.

By Mr. HIGGINS: Petition of the Central Labor Union of New London, Conn., against any change in the Chinese-exclusion act—to the Committee on Foreign Affairs.

By Mr. HILL of Connecticut: Petition of the New London Central Labor Union, against bill H. R. 12973—to the Committee on Foreign Affairs.

Also, petition of Charles H. Bradley et al., for the White Mountains forest reserve—to the Committee on Agriculture.

Also, petition of the Central Labor Union of Hartford, Conn., against bill H. R. 1297—to the Committee on Foreign Affairs.

By Mr. HOWELL of New Jersey: Petition of the Essex Trades Council, of Newark, N. J., against a reduction of the duty on harnesses—to the Committee on Ways and Means.

Also, petition of Golden Rule Council, of New Jersey, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, paper to accompany bill for relief of Samuel Jewell—to the Committee on Claims.

By Mr. HUFF: Petition of the Philadelphia Maritime Exchange, for bill H. R. 5281—to the Committee on the Merchant Marine and Fisheries.

Also, petition of citizens of Butler County, Pa., for bill H. R. 13655—to the Committee on the Judiciary.

By Mr. HUMPHREY of Washington: Petition of citizens of Washington, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. LAFEAN: Petition of the Federation of Trades Unions of York, Pa., against bill H. R. 12973—to the Committee on Foreign Affairs.

By Mr. LINDSAY: Petition of J. B. Clinedinst, relative to promotion of the American merchant marine—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the Linnæan Society of New York, for bills S. 2966 and 3602 and H. R. 13193—to the Committee on Agriculture.

Also, petition of C. A. Stupplebeen, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. LOUD: Petition of citizens of Michigan, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of citizens of Michigan, for bill H. R. 10099—to the Committee on Interstate and Foreign Commerce.

Also, petition of citizens of Michigan, for bill H. R. 180 (the good-roads bill)—to the Committee on Agriculture.

Also, petition of citizens of Michigan, for retention of the tax of 10 cents per pound on imitation butter—to the Committee on Agriculture.

Also, petition of citizens of Michigan, for a law for an experimental parcels post—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of Michigan, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. McCLEARY of Minnesota: Paper to accompany bill for relief of J. Ebenezer A. Rice—to the Committee on Invalid Pensions.

By Mr. MACON: Paper to accompany bill for relief of heirs of John McNulty—to the Committee on War Claims.

By Mr. MOON of Tennessee: Paper to accompany bill for relief of John H. Duncan—to the Committee on Claims.

Also, paper to accompany bill for relief of W. N. Hessey—to the Committee on War Claims.

By Mr. MORRELL: Petition of the National Board of Trade, for 1-cent postage—to the Committee on the Post-Office and Post-Roads.

Also, petition of the National Board of Trade, for reciprocity treaties—to the Committee on Ways and Means.

Also, petition of the National Board of Trade, for trade-mark legislation—to the Committee on Patents.

By Mr. NORRIS: Petition of George W. Norris, against any parcels-post bill—to the Committee on the Post-Office and Post-Roads.

By Mr. PATTERSON of North Carolina: Petition of the Hibernian Benevolent Society, of Wilmington, N. C., for a statue to Commodore Barry—to the Committee on the Library.

By Mr. PAYNE: Petition of Auburn (N. Y.) Local Union, Robert J. Burnett et al., and H. B. Kennedy et al., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. POWERS: Petition of citizens of Maine, against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. REYNOLDS: Paper to accompany bill for relief of Carrie A. Conley—to the Committee on Invalid Pensions.

Also, petition of Augusta Commers Camp, No. 23, Sons of Veterans, against bill H. R. 8131—to the Committee on Military Affairs.

Also, papers to accompany bill H. R. 7036 (the Johnstown public-building bill)—to the Committee on Public Buildings and Grounds.

By Mr. RHINOCK: Paper to accompany bill for relief of Samuel A. Gilliland—to the Committee on Invalid Pensions.

By Mr. RYAN: Petition of the Linnæan Society of New York, for bills S. 2966 and H. R. 13193—to the Committee on Agriculture.

Also, petition of the Musicians' Protective Association of Buffalo, N. Y., against permitting enlisted men to compete with citizen musicians—to the Committee on Labor.

By Mr. SCHNEEBELI: Petition of the American Bankers' Association, against bill H. R. 48—to the Committee on the Post-Office and Post-Roads.

Also, petition of the First National Bank of Stroudsburg, Pa., and the Worthington National Bank, favoring bill H. R. 8973—to the Committee on Banking and Currency.

Also, petition of the Workmen's Federation of New York, against the Littlefield bill—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Captain O. A. Luckenbach Camp, No. 182, of Bethlehem, Pa., and Robert Oldham Camp, Sons of Veterans, for an amendment to bill H. R. 8131—to the Committee on Military Affairs.

Also, petition of Local Union, No. 1064, of Stroudsburg, Pa., Brotherhood of Painters, Decorators, and Paper Hangers of America, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of citizens of Oklahoma, against Guthrie as the capital—to the Committee on the Territories.

Also, petition of M. A. Beahan, of Bethlehem, Pa., for prisoners of war bill—to the Committee on Invalid Pensions.

Also, petition of Thompson & Co., for 1-cent postage—to the Committee on the Post-Office and Post-Roads.

Also, petition of the Brotherhood of Railway Trainmen, Lodge No. 292, for bill H. R. 7041—to the Committee on the Judiciary.

Also, petition of Packer Lodge, No. 85, and Old Hundred Lodge, No. 100, Brotherhood of Railway Trainmen, for the Bates-Penrose bill—to the Committee on the Judiciary.

Also, petition of railway men of Easton, Pa., for the Bates-Penrose bill—to the Committee on the Judiciary.

By Mr. SIBLEY: Paper to accompany bill for relief of R. A. Grazier et al.—to the Committee on Claims.

By Mr. SMITH of Maryland: Petition of C. A. Blackston and 122 other citizens of Kent County, Md., against bills H. R. 3022 and 10510—to the Committee on the District of Columbia.

Also, petitions of the Young People's Christian Endeavor Society of Oxford and the Christian Endeavor Society of Hurlack, Md., against liquor selling in Government buildings—to the Committee on Alcoholic Liquor Traffic.

By Mr. SULZER: Petition of the Audubon Society, for bill S. 2966—to the Committee on Agriculture.

Also, petition of the Linnæan Society of New York, for bills S. 2966 and 3602—to the Committee on Agriculture.

Also, petition of the New York Credit Men's Association, against repeal of the bankruptcy law—to the Committee on the Judiciary.

Also, petition of the Protective Tariff League, against amendment of the tariff laws—to the Committee on Ways and Means.

Also, petition of the Losier Motor Company, against bill S. 4094—to the Committee on the Merchant Marine and Fisheries.

Also, petition of A. M. Graham, against the Army canteen—to the Committee on Military Affairs.

Also, petition of Nelson H. Henry, for bill H. R. 7136—to the Committee on Militia.

Also, petition of the Buffalo Credit Men's Association, against repeal of the bankruptcy law—to the Committee on the Judiciary.

Also, petition of New York Chapter, American Institute of Architects, against a duty on art works—to the Committee on Ways and Means.

Also, petition of the New York State Sheep Breeders' Association, for bill H. R. 345—to the Committee on Agriculture.

Also, petition of the State Charities Aid Association, for a bureau for the benefit of children—to the Committee on Labor.

Also, petition of the New York Grange, Patrons of Husbandry, against bill H. R. 4488—to the Committee on Agriculture.

Also, petition of the United States Brewers' Association, for a judicial court in the Orient—to the Committee on Foreign Affairs

Also, petition of the New Jersey Pharmaceutical Association, relative to the Mann patent bill—to the Committee on Patents.

Also, petition of the Postum Cereal Company, relative to a pure-food law—to the Committee on Interstate and Foreign Commerce.

Also, petition of the New York Board of Trade and Transportation, for a breakwater at Point Judith—to the Committee on Rivers and Harbors.

Also, petition of Green B. Raum, for bill S. 2162—to the Committee on Military Affairs.

Also, petition of Austin Nichols & Co., for an improved consular service—to the Committee on Foreign Affairs.

By Mr. VAN WINKLE: Petition of the Essex Trades Council, of Newark, N. J., against a reduction of the duty on harness—to the Committee on Ways and Means.

By Mr. WEBB: Paper to accompany bill for relief of Stephen M. Davis—to the Committee on Pensions.

Also, petition of the Raleigh (N. C.) Clearing House Association, for bill H. R. 8973—to the Committee on Banking and Currency.

## SENATE.

### MONDAY, *March 5, 1906.*

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Secretary proceeded to read the Journal of the proceedings of Friday last, when, on request of Mr. GALLINGER and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

#### ORDINANCES OF PORTO RICO.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of State, transmitting, pursuant to law, two ordinances enacted by the executive council of Porto Rico, with the approval of the governor thereof, granting to Messrs. Clauzell & Verges the right to take and use for irrigation purposes 60 liters of water per second from the brook "Greo," in the municipal district of Guayama, and to Messrs. Antonio Monroig e Hijos the right to take and use 120 liters of water per second from the Bayamon River for industrial purposes in connection with their sugar factory in the municipal district of Bayamon; which, with the accompanying papers, was referred to the Committee on Pacific Islands and Porto Rico, and ordered to be printed.

#### TRADE CONDITIONS IN MEXICO.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of Commerce and Labor, transmitting,

pursuant to law, the final report of Special Agent Charles M. Pepper on trade conditions in Mexico; which, with the accompanying paper, was referred to the Committee on Finance, and ordered to be printed.

DISTRICT EXCISE BOARD.

The VICE-PRESIDENT laid before the Senate, pursuant to law, the report of the operations of the excise board of the District of Columbia for the fiscal year ended October 31, 1905; which was referred to the Committee on the District of Columbia, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. C. R. MCKENNEY, its enrolling clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

H. R. 6. An act for the relief of the Monongahela Iron and Steel Company, of Pittsburg, Pa.;

H. R. 3649. An act for the relief of Zenos Parker;

H. R. 4580. An act for the relief of Bland & Parks, of Waxahachie, Tex.;

H. R. 4736. An act for the relief of the county of Custer, State of Montana;

H. R. 5167. An act for the relief of William H. Stiner & Sons;

H. R. 5221. An act for the relief of Edward King, of Niagara Falls, in the State of New York;

H. R. 5223. An act to reimburse Quong Hong Yick for one case of opium erroneously condemned and sold by the United States;

H. R. 5954. An act to authorize the Secretary of the Treasury to issue duplicate gold certificate, in lieu of one lost, to Lincoln National Bank, of Lincoln, Ill.;

H. R. 6101. An act for the relief of the estate of Charles M. Demarest, deceased;

H. R. 7144. An act for the relief of Aaron Everly;

H. R. 7709. An act for the relief of Joseph Crow;

H. R. 7771. An act for the relief of Judd O. Hartzell;

H. R. 7961. An act for the relief of G. F. Tarbell;

H. R. 8717. An act for the relief of Jacob Pickens;

H. R. 9528. An act to reimburse Fred Dickson for loss of his tools through the fire which destroyed the engine house at Fort Duchesne, Utah, on September 19, 1902;

H. R. 10584. An act for the relief of F. H. Driscoll;

H. R. 12028. An act granting relief to John W. Donovan;

H. R. 12286. An act granting relief to the estate of James Stanley, deceased;

H. R. 12560. An act for the relief of John C. Lynch;

H. R. 13154. An act for the relief of John T. Irion;

H. R. 13247. An act for the relief of John H. Tharp, of Eversonville, Mo.;

H. R. 13735. An act for the relief of John Purkapile;

H. R. 13946. An act for the relief of Charles L. Allen;

H. R. 14344. An act for the relief of Col. Medad C. Martin; and

H. R. 14467. An act for the relief of Capt. George E. Pickett, paymaster, United States Army.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of the Association of Mexican War Veterans of the State of Missouri, praying for the enactment of legislation to increase the pensions of survivors of the Mexican war; which was referred to the Committee on Pensions.

Mr. PLATT presented a petition of sundry citizens of Reed Corners, N. Y., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

He also presented a memorial of the Chamber of Commerce of Rochester, N. Y., and a memorial of the Credit Men's Association of New York City, N. Y., remonstrating against the repeal of the present national bankruptcy law; which were referred to the Committee on the Judiciary.

He also presented a petition of Dolan Lodge, No. 201, International Association of Machinists, of Washington, D. C., praying for the enactment of legislation to regulate the compensation of skilled mechanics employed in the Naval Gun Factory at the navy-yard in that city; which was referred to the Committee on Naval Affairs.

He also presented petitions of sundry citizens of Batavia, Buffalo, Fredonia, New York City, Glens Falls, Leonardsville, Little Genessee, Baldwinsville, and of Local Grange No. 954, Patrons of Husbandry, of Whallonsburg, all in the State of New York, praying for the enactment of legislation to remove the duty on denaturized alcohol; which were referred to the Committee on Finance.

He also presented a petition of the Committee on Indian Missions of St. George's Church, of New York City, N. Y., praying for the enactment of legislation granting relief to the natives of the territory of Alaska; which was referred to the Committee on Territories.

He also presented a petition of the Linnæan Society, of New York City, N. Y., praying for the enactment of legislation to protect animals, birds, and fish in the national forest reserves; which was referred to the Committee on Forest Reservations and the Protection of Game.

He also presented a petition of the Linnæan Society, of New York City, N. Y., praying for the enactment of legislation to prohibit the killing of wild birds and animals in the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. BURNHAM presented a petition of sundry citizens of Concord, N. H., praying for the enactment of legislation granting pensions to Army nurses of the civil war; which was referred to the Committee on Pensions.

He also presented the petition of George Emory Fellows, president of the University of Maine, Orono, Me., and the petition of Edmund J. James, president of the University of Illinois, Urbana, Ill., praying that increased appropriation be made for the support of agricultural experiment stations; which were referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Citizens' League of Arizona, praying for the enactment of legislation to prohibit gambling in the Territories of Arizona and New Mexico when admitted to statehood; which was ordered to lie on the table.

He also presented a petition of the Osage tribe of Indians, of Oklahoma Territory, praying for the enactment of legislation to constitute the Osage Indian Reservation as one county in Oklahoma Territory when admitted to statehood; which was ordered to lie on the table.

He also presented a memorial of Edwin R. Cutter Sons of Veterans Camp, No. 21, of East Jaffrey, N. H., remonstrating against the enactment of legislation to prohibit the wearing of the uniform of the Army, Navy, Marine Corps, and Revenue-Cutter Service; which was referred to the Committee on Military Affairs.

Mr. BURROWS presented a petition of the military board of Lansing, Mich., praying for the adoption of the provision in the Army appropriation bill relative to summer or concentration camps for the Army; which was referred to the Committee on Military Affairs.

He also presented a memorial of the Hildreth Motor Pump Company, of Lansing, Mich., and a memorial of the Charles A. Strelinger Company, of Detroit, Mich., remonstrating against the enactment of legislation to amend section 4426 of the Revised Statutes for the regulation of motor boats; which were ordered to lie on the table.

He also presented a petition of Hermione Lodge, No. 41, Knights of Pythias, of Allegan, Mich., praying for the enactment of legislation to restrict immigration; which was referred to the Committee on Immigration.

He also presented a petition of Local Division No. 1, Brotherhood of Locomotive Engineers, of Detroit, Mich., praying for the passage of the so-called "employers' liability bill;" which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Michigan Society, Sons of the American Revolution, of Detroit, Mich., praying for the enactment of legislation providing for the purchase of the Temple Farm, at Yorktown, Va.; which was referred to the Committee on Claims.

He also presented a memorial of the Albion State Bank, of Albion, Mich., remonstrating against the enactment of legislation to establish the postal savings bank system; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the State Farmers' Institute, of Michigan, praying that increased appropriations be made for the support of agricultural experiment stations; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Woman's Reading Club, of Manistique, Mich., and a petition of sundry citizens of Michigan, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

He also presented a petition of Adams Grange, Patrons of Husbandry, of Hillsdale County, Mich., and the petition of Moffett & Skinner, of Flint, Mich., praying for the enactment of legislation to remove the duty on denaturized alcohol; which were referred to the Committee on Finance.

He also presented petitions of the Central City Soap Company, of Jackson; of the W. B. Hill Company, of Detroit; of Hillsdale Grange, No. 77, Patrons of Husbandry, of Hillsdale;

of Perkins & Co., of Grand Rapids; of McDonnell Brothers Company, of Detroit; and of the Page Woven Wire Fence Company, of Adrian, all in the State of Michigan, praying for the passage of the so-called "Hepburn railroad rate bill;" which were ordered to lie on the table.

Mr. PERKINS presented a petition of the Chamber of Commerce of San Francisco, Cal., praying for the enactment of legislation making appropriations as loans to the reclamation fund; which was referred to the Committee on Appropriations.

He also presented a petition of the Associated Veterans of the Mexican War, of San Francisco, Cal., praying for the enactment of legislation granting an increase of pensions in certain cases to soldiers of the Mexican war; which was referred to the Committee on Pensions.

He also presented a petition of sundry citizens of California, praying for an investigation of the existing conditions in the Kongo Free State; which was referred to the Committee on Foreign Relations.

He also presented memorials of sundry citizens of California, and a memorial of the City Front Federation of San Francisco, Cal., remonstrating against the passage of the so-called "Chinese-restriction bill;" which were referred to the Committee on Immigration.

He also presented a petition of the Chamber of Commerce of San Francisco, Cal., praying for the enactment of legislation to remove the duty on denaturized alcohol; which was referred to the Committee on Finance.

He also presented a petition of the Audubon Society of Oregon, praying for the enactment of legislation to prohibit the killing of birds in the various forest reservations in the United States; which was referred to the Committee on Forest Reservations and the Protection of Game.

Mr. GALLINGER presented the petition of James B. Robinson, of Washington, D. C., praying for the enactment of legislation to extend the Capital Traction Company's track along Florida avenue to Eighth street east, thence to Connecticut avenue, with tracks running to the navy-yard; which was referred to the Committee on the District of Columbia.

He also presented a petition of the Audubon Society of the State of Wisconsin, praying for the enactment of legislation to prohibit the killing of wild birds and animals in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of the Mass Meeting Committee for Improved Street Car Service of the District of Columbia, praying for the enactment of legislation to compel the Washington Railway and Electric Company to run cars over suburban lines in the District of Columbia as often as public convenience may require; which was referred to the Committee on the District of Columbia.

Mr. NIXON presented a petition of Wadsworth Lodge, No. 76, International Association of Machinists, of Sparks, Nev., praying for the enactment of legislation regulating the compensation of skilled mechanics employed in the Naval Gun Factory, Washington Navy-Yard, D. C.; which was referred to the Committee on Naval Affairs.

Mr. BRANDEGEE presented a memorial of the American Protective League of New York City, N. Y., remonstrating against the passage of the so-called "Philippine tariff bill;" which was referred to the Committee on the Philippines.

He also presented a petition of Lyme Grange, No. 147, Patrons of Husbandry, of Connecticut, praying for the passage of the so-called "parcels-post bill;" which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of the Central Labor Union, American Federation of Labor, of New London, Conn., remonstrating against the enactment of legislation to prohibit the coming of Chinese laborers into the United States, and also against the repeal of the present Chinese-exclusion law; which was referred to the Committee on Immigration.

He also presented a memorial of the Central Labor Union, American Federation of Labor, of Hartford, Conn., remonstrating against the repeal of the present Chinese-exclusion law; which was referred to the Committee on Immigration.

He also presented a petition of sundry citizens of Stamford, Conn., praying for an investigation of the existing conditions in the Kongo Free State; which was referred to the Committee on Foreign Relations.

Mr. ELKINS presented a memorial of sundry citizens of Buckhannon, W. Va., remonstrating against the enactment of legislation combining third and fourth class mail matter at a low rate of postage as recommended by the Postmaster-General; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of the First National Bank of Salem, W. Va.; the First National Bank of Mannington, W. Va., and the Merchants' National Bank, of Point Pleasant, W. Va., praying for the enactment of legislation permitting national banks to loan 10 per cent of their capital and surplus; which were referred to the Committee on Finance.

He also presented a paper to accompany the bill (S. 2237) for the relief of D. B. Barbour and A. P. Gladden, copartners doing business under the firm name of Brown, Barbour & Gladden; which was referred to the Committee on Claims.

Mr. PENROSE presented petitions of the East End Woman's Christian Temperance Union of Pittsburg, of 300 citizens of Sharon, and the Woman's Home Missionary Society of Bellevue, all in the State of Pennsylvania, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in public buildings, grounds, and ships; which were referred to the Committee on Public Buildings and Grounds.

He also presented a petition of 8,000 members of the Junior Order of American Mechanics in the State of Kentucky, praying for the enactment of legislation to restrict immigration; which was referred to the Committee on Immigration.

Mr. LONG presented a memorial of the Commercial Club of Arkansas City, Kans., remonstrating against the passage of the so-called "parcels-post bill;" which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a paper to accompany the bill (S. 4552) for the relief of William Fletcher; which was referred to the Committee on Claims.

Mr. WARNER presented a paper to accompany the bill (S. 2505) granting a pension to Edwin F. Foster, alias Paul Gillon; which was referred to the Committee on Pensions.

He also presented an affidavit to accompany the bill (S. 4515) for the relief of Charles H. Sloan; which was referred to the Committee on Claims.

Mr. BURKETT presented a petition of the Commercial Club of Council Bluffs, Iowa, praying for the passage of the so-called "Hepburn railroad rate bill;" which was ordered to lie on the table.

He also presented a memorial of the Central Labor Union, American Federation of Labor, of Fremont, Nebr., remonstrating against the repeal of the present Chinese-exclusion law; which was referred to the Committee on Immigration.

He also presented a petition of Local Division No. 183, Brotherhood of Locomotive Engineers, of Omaha, Nebr., praying for the passage of the so-called "employers' liability bill," and also the "anti-injunction bill;" which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Omaha Clearing House Association, of Omaha, Nebr., praying for the adoption of an amendment to section 5200 of the Revised Statutes relating to clearing houses; which was referred to the Committee on Finance.

He also presented sundry affidavits to accompany the bill (S. 4645) granting an increase of pension to Samuel L. Davis; which were referred to the Committee on Pensions.

He also presented a paper to accompany the bill (S. 2645) granting an increase of pension to C. C. Pace; which was referred to the Committee on Pensions.

Mr. ALLISON. I present a concurrent resolution of the legislature of the State of Iowa, relative to the enactment of a pure-food law. I ask that the concurrent resolution be printed in the RECORD and lie upon the table, as that matter has already been disposed of by the Senate.

There being no objection, the concurrent resolution was ordered to lie on the table, and to be printed in the RECORD, as follows:

CONCURRENT RESOLUTION.

Whereas we deem the enactment of a pure-food law by Congress to be of great importance and of vital interest to the people of Iowa, and to the interest of the honest wholesaler and retailer of this State: Therefore, be it

*Resolved by the senate of the thirty-first general assembly (the house concurring)*, That our Senators and Representatives in Congress be requested to take early, earnest, and persistent action, and to use their efforts to further the enactment of such a law.

SEC. 2. That copies of this resolution, properly authenticated, be sent by the secretary of state to each of our Senators and Representatives now in Congress, and to the Senators and Representatives from the States of Missouri, Minnesota, and Nebraska, and to the Secretary of Agriculture at Washington, D. C.

STATE OF IOWA,
*Office of Secretary of State:*

I, W. B. Martin, secretary of state of the State of Iowa, do hereby certify that the attached instrument is a true copy of concurrent resolution adopted by the thirty-first general assembly of the State of Iowa February 24, A. D. 1906.

In testimony whereof I have hereunto set my hand and affixed the seal of the secretary of state of the State of Iowa.

Done at Des Moines, the capital of the State, March 1, A. D. 1906.

[SEAL.] W. B. MARTIN, *Secretary of State.*

STATISTICS RELATING TO SUGAR.

Mr. LODGE. I present statistics on the movement and progress of sugar, prepared by the Bureau of Statistics, Department of Commerce and Labor, with a letter from the head of the Department. These statistics were asked for by the Committee on the Philippines and have just come in. They are very valuable statistics. I move that they be printed as a document.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (H. R. 13103) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1907, and for other purposes;

A bill (S. 975) granting an increase of pension to James Shaffer;

A bill (S. 4689) granting an increase of pension to John Brown;

A bill (S. 4146) granting a pension to John W. Hall;

A bill (S. 4233) granting an increase of pension to Edward M. Barnes; and

A bill (S. 829) granting an increase of pension to James Gannon.

Mr. McCUMBER, from the Committee on Pensions, to whom was referred the bill (S. 3641) granting an increase of pension to William P. Marshall, reported it with amendments, and submitted a report thereon.

Mr. BURNHAM, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 3766) granting an increase of pension to Lyman J. Slate;

A bill (S. 1349) granting an increase of pension to Daniel C. Earle;

A bill (S. 3419) granting an increase of pension to Joseph H. Beale; and

A bill (S. 3520) granting a pension to Ada A. Thompson.

Mr. BURNHAM, from the Committee on Pensions, to whom was referred the bill (S. 1667) granting an increase of pension to John A. Stockwell, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 4324) granting an increase of pension to James H. Noble; and

A bill (S. 4325) granting an increase of pension to Jabez Miller.

Mr. PILES, from the Committee on Pensions, to whom was referred the bill (S. 3839) granting an increase of pension to John T. Brothers, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 4424) granting an increase of pension to Nettie E. Tolles;

A bill (H. R. 1809) granting a pension to Lener McNabb;

A bill (H. R. 3811) granting an increase of pension to James White;

A bill (H. R. 8218) granting an increase of pension to Mary C. Spangler;

A bill (H. R. 2264) granting an increase of pension to Robert McAnally;

A bill (H. R. 2344) granting an increase of pension to Selden C. Clobridge;

A bill (H. R. 2749) granting an increase of pension to Agnes Flynn; and

A bill (H. R. 10399) granting an increase of pension to John H. H. Sands.

Mr. ALGER, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 4106) granting an increase of pension to Katherine Wills; and

A bill (S. 337) granting an increase of pension to Lydia Ann Jones.

Mr. ALGER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 4180) granting an increase of pension to William C. Quigley;

A bill (H. R. 550) granting an increase of pension to Joseph E. Scott;

A bill (H. R. 3418) granting an increase of pension to John Snouse;

A bill (H. R. 3397) granting an increase of pension to Nicholas Chrisler;

A bill (H. R. 2443) granting an increase of pension to George W. Mower;

A bill (H. R. 12565) granting an increase of pension to Jeremiah Kincaid;

A bill (H. R. 13165) granting a pension to Martin Nolan;

A bill (H. R. 13161) granting a pension to Cynthia A. Embry;

A bill (H. R. 13166) granting an increase of pension to William Evans;

A bill (H. R. 1566) granting an increase of pension to Thomas Lowry;

A bill (H. R. 12955) granting a pension to Lyman Critchfield, jr.;

A bill (H. R. 12516) granting a pension to James S. Randall;

A bill (H. R. 2614) granting a pension to General M. Brown;

A bill (H. R. 13282) granting a pension to Lydia B. Bevan; and

A bill (H. R. 628) granting a pension to David L. Finch.

Mr. SCOTT, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 4612) granting a pension to Jesse A. Thomas; and

A bill (S. 2577) granting an increase of pension to F. M. Lynch.

Mr. SCOTT, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 4775) granting an increase of pension to Thomas A. Maulsby;

A bill (S. 2574) granting an increase of pension to Parker Pritchard;

A bill (S. 2575) granting an increase of pension to Thomas W. Waugh; and

A bill (S. 3653) granting an increase of pension to Francis J. Keffer.

Mr. SCOTT, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 4717) granting an increase of pension to Ellen A. Gibbon;

A bill (H. R. 484) granting a pension to William Mayer;

A bill (H. R. 485) granting an increase of pension to William H. Bantom; and

A bill (H. R. 1569) granting a pension to Elizabeth Murray.

Mr. SCOTT, from the Committee on the District of Columbia, to whom was referred the amendment submitted by Mr. LODGE on January 8, 1906, proposing to appropriate $3,410 for paving Massachusetts avenue from Sheridan circle to Decatur street, in the District of Columbia, intended to be proposed to the District of Columbia appropriation bill, submitted a favorable report thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. SMOOT, from the Committee on Pensions, to whom was referred the bill (S. 2736) granting an increase of pension to James Williams, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 2245) granting an increase of pension to Troy Moore;

A bill (H. R. 2736) granting a pension to William Merideth;

A bill (H. R. 2244) granting an increase of pension to Fred Dilg; and

A bill (H. R. 2088) granting an increase of pension to Sewall A. Edwards.

Mr. GEARIN, from the Committee on Pensions, to whom was referred the bill (S. 3893) granting an increase of pension to David C. Howard, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them each with an amendment, and submittee reports thereon:

A bill (S. 249) granting an increase of pension to Alfred F. Sears;

A bill (S. 1837) granting an increase of pension to Philip Gavin; and

A bill (S. 4409) granting an increase of pension to James W. Linnahan.

Mr. GEARIN (for Mr. CARMACK), from the Committee on Pensions, to whom was referred the bill (S. 1338) granting an increase of pension to Thomas Claiborne, reported it without amendment, and submitted a report thereon.

He also, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 14515) making it a misdemeanor in the District of Columbia to abandon or willfully neglect to provide for the support and maintenance by any person of his wife or of his or her minor children in destitute or necessitous circumstances, reported it without amendment, and submitted a report thereon.

Mr. GEARIN. I move that the bill (S. 4303) making it a misdemeanor in the District of Columbia to abandon or willfully neglect to provide for the support and maintenance by any person of his wife or of his or her minor children in destitute or necessitous circumstances, being Order of Business 982 on the Calendar, be indefinitely postponed.

The motion was agreed to.

Mr. PATTERSON, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 1919) granting an increase of pension to Louise M. Wynkoop; and

A bill (S. 3676) granting an increase of pension to James M. McCorkle.

Mr. PATTERSON, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 2953) granting an increase of pension to Mary L. Burr; and

A bill (S. 1105) granting an increase of pension to Harriet Williams.

Mr. OVERMAN, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 4473) granting a pension to Hannah Caroline Peterson; and

A bill (S. 4288) granting an increase of pension to William E. Anderson.

Mr. OVERMAN, from the Committee on Pensions, to whom was referred the bill (S. 3232) granting an increase of pension to Mary Jane Schnure, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 5614) granting an increase of pension to Henry Cone;

A bill (H. R. 2080) granting an increase of pension to Sydney A. Asson;

A bill (H. R. 1962) granting an increase of pension to George C. Myers;

A bill (H. R. 2991) granting an increase of pension to Henry F. Landes;

A bill (H. R. 4219) granting an increase of pension to John C. Keener;

A bill (H. R. 1553) granting an increase of pension to Harvey J. Fulmer; and

A bill (H. R. 11416) granting an increase of pension to Lizzie Belk.

Mr. TALIAFERRO, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 1614) granting a pension to Kate E. Young; and

A bill (S. 3618) granting an increase of pension to Martha E. Wardlaw.

Mr. TALIAFERRO, from the Committee on Pensions, to whom was referred the bill (S. 2351) granting an increase of pension to Antoinette A. Darnall, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 2705) granting an increase of pension to Henry W. Perkins;

A bill (H. R. 1137) granting an increase of pension to Abraham M. Kaufman;

A bill (H. R. 1071) granting an increase of pension to William Keech; and

A bill (H. R. 10677) granting a pension to Maria Elizabeth Posey.

Mr. GALLINGER. I am directed by the Committee on the District of Columbia, to whom was referred the bill (S. 1887) to restore the name of California avenue in the city of Washington, to report it adversely, and move its indefinite postponement. A similar House bill has already passed the Senate.

The motion was agreed to.

Mr. BRANDEGEE, from the Committee on Public Health and National Quarantine, to whom was referred the bill (S. 4250) to further enlarge the powers and authority of the Public Health and Marine-Hospital Service, and to impose further duties thereon, reported it with amendments.

Mr. STONE, from the Committee on Indian Affairs, to whom was referred the bill (S. 3994) to authorize the Court of Claims to consider the claims of Charles F. Winton, deceased, and others, against the Mississippi Choctaws, for services rendered and expenses incurred, reported it without amendment, and submitted a report thereon.

Mr. GAMBLE, from the Committee on Public Lands, to whom was referred the bill (S. 1802) to regulate the use by the public of reservoir sites located upon the public lands of the United States, reported it without amendment, and submitted a report thereon.

Mr. DUBOIS, from the Committee on Irrigation, reported the following bill (S. 4862) allowing settlers with permanent improvements on the town sites of Heyburn and Rupert, in Idaho, to buy lots on which said improvements are located at an appraised price for cash; which was read the first and second times, and, by unanimous consent, considered, read the third time, and passed.

### COURTS IN TEXAS.

Mr. CULBERSON. I am directed by the Committee on the Judiciary, to whom was referred the bill (H. R. 8977) to create a new division of the western judicial district of Texas, and to provide for terms of court at Delrio, Tex., and for a clerk for said court, and for other purposes, to report it favorably without amendment. I ask for its present consideration.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### BRIDGES OVER TENNESSEE AND CUMBERLAND RIVERS.

Mr. CLAY. I am instructed by the Committee on Commerce, to whom were referred the bill (H. R. 14589) to authorize the Cairo and Tennessee River Railroad Company to construct a bridge across the Tennessee River, and the bill (H. R. 14590) to authorize the Cairo and Tennessee River Railroad Company to construct a bridge across Cumberland River, to report them favorably, without amendment. At the request of the senior Senator from Kentucky [Mr. BLACKBURN], I ask unanimous consent for the present consideration of the bills.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 14589) to authorize the Cairo and Tennessee River Railroad Company to construct a bridge across the Tennessee River.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 14590) to authorize the Cairo and Tennessee River Railroad Company to construct a bridge across Cumberland River.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### BILLS INTRODUCED.

Mr. ELKINS introduced a bill (S. 4844) to prohibit the shipment of gunpowder and other explosives or inflammable substances on railroads engaged in interstate commerce by deceptive marking, invoice, or shipping order, and providing penalties therefor; which was read twice by its title, and referred to the Committee on Interstate Commerce.

He also introduced a bill (S. 4845) to aid in the erection of a monument or memorial at Rich Mountain, W. Va., to commemorate the battle of the civil war fought at that point; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 4846) for the relief of the estate of Jeremiah Kibler, deceased; which was read twice by its title, and referred to the Committee on Claims.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 4847) granting a pension to James Richards;

A bill (S. 4848) granting a pension to Sampson Snyder; and

A bill (S. 4849) granting a pension to Julia A. Johnson.

Mr. DILLINGHAM introduced a bill (S. 4850) to amend the

code of the District of Columbia relative to betting, gambling, bookmaking, and pool selling; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. PENROSE introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 4851) granting an increase of pension to Charles C. Cornwell;

A bill (S. 4852) granting an increase of pension to Andrew Reeder (with accompanying papers);

A bill (S. 4853) granting a pension to Frances E. Taylor; and

A bill (S. 4854) granting a pension to Etta C. Polhamus.

Mr. PENROSE introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Military Affairs:

A bill (S. 4855) to correct the military record of Malachi Mannion (with accompanying papers); and

A bill (S. 4856) to amend section 4875 of the Revised Statutes to provide a compensation of $100 per month, with fuel and quarters, for the superintendent of the Arlington, Va., National Cemetery.

Mr. McLAURIN introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 4857) for the relief of the heirs of Tillman Whatley, deceased (with accompanying papers);

A bill (S. 4858) for the relief of the heirs of Mrs. Elizabeth Hynes, deceased (with accompanying papers);

A bill (S. 4859) for the relief of the heirs of Isaac Whitaker, deceased (with accompanying papers); and

A bill (S. 4860) for the relief of Peter Fairley.

Mr. DUBOIS introduced a bill (S. 4861) making appropriations for the survey of public lands in the Philippine Islands and for educational purposes in the Philippine Islands; which was read twice by its title, and referred to the Committee on the Philippines.

Mr. TALIAFERRO introduced a bill (S. 4863) for the relief of Edward Nelson, Joseph A. McDonald, Z. T. Merritt, and E. L. White, or their legal representatives; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. McCREARY introduced a bill (S. 4864) for the relief of the heirs of John H. Waters, deceased; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

He also introduced a bill (S. 4865) granting an increase of pension to James W. Muncy; which was read twice by its title, and referred to the Committee on Pensions.

Mr. FRAZIER introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 4866) for the relief of the estate of William Haynes Kilby, deceased (with accompanying papers);

A bill (S. 4867) for the relief of the heirs of T. N. Ferrell, deceased (with accompanying papers);

A bill (S. 4868) for the relief of Columbus M. Justus (with accompanying papers);

A bill (S. 4869) for the relief of John M. B. Walker; and

A bill (S. 4870) for the relief of John M. B. Walker, administrator of the estate of James Walker, deceased.

Mr. FRAZIER introduced a bill (S. 4871) to build a lodge at national cemetery at Knoxville, Tenn.; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. MILLARD introduced a bill (S. 4872) to amend section 5153 of the Revised Statutes of the United States; which was read twice by its title, and, with the accompanying papers, referred to the Committee on the Judiciary.

Mr. SUTHERLAND introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 4873) granting an increase of pension to D. L. Ross;

A bill (S. 4874) granting an increase of pension to Hial E. Wylie; and

A bill (S. 4875) granting an increase of pension to Nathan S. Wood.

Mr. HEYBURN introduced a bill (S. 4876) to authorize the sale and disposition of surplus or unallotted lands of the Coeur d'Alene Indian Reservation, in the State of Idaho, and for other purposes; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. McCUMBER (by request) introduced a bill (S. 4877) granting an increase of pension to Amanda O. Webber; which was read twice by its title, and referred to the Committee on Pensions.

Mr. ALGER introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 4878) granting a pension to Frank E. Somers (with an accompanying paper);

A bill (S. 4879) granting an increase of pension to Nellie Baker; and

A bill (S. 4880) granting a pension to Emma K. Tourgee.

Mr. LONG introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 4881) for the relief of sundry persons who suffered losses by fire set by United States troops at Lawton, Okla., in order to save Government property; and

A bill (S. 4882) for the relief of the board of county commissioners of Shawnee County, Kans.

Mr. WARNER introduced a bill (S. 4883) granting an increase of pension to Lindsay Murdock; which was read twice by its title, and referred to the Committee on Pensions.

Mr. OVERMAN introduced a bill (S. 4884) for the relief of the estate of B. L. Robinson, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. HANSBROUGH introduced a joint resolution (S. R. 39) authorizing the appointment of three commissioners to meet commissioners from the Dominion of Canada and to investigate and report on the condition of the Red River of the North, and for other purposes; which was read twice by its title, and referred to the Committee on Agriculture and Forestry.

### AMENDMENTS TO BILLS.

Mr. HEYBURN submitted an amendment proposing to appropriate $1,250 for separate State and Territorial maps, intended to be proposed by him to the legislative, executive, and judicial bill; which was referred to the Committee on Public Lands, and ordered to be printed.

Mr. STONE submitted an amendment intended to be proposed by him to the bill (H. R. 12707) to enable the people of Oklahoma and of the Indian Territory to form a constitution and State government and be admitted into the Union on an equal footing with the original States, and to enable the people of New Mexico and of Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States; which was ordered to lie on the table and be printed.

Mr. BURKETT submitted an amendment proposing to appropriate $200,000 for the construction of barracks and quarters at Fort Niobrara, Nebr., intended to be proposed by him to the Army appropriation bill; which was referred to the Committee on Military Affairs, and ordered to be printed.

### PRACTICE OF PHARMACY AND SALE OF POISONS.

Mr. GALLINGER. I move that the bill (H. R. 8997) to regulate the practice of pharmacy and sale of poisons in the District of Columbia, and for other purposes, be recommitted to the Committee on the District of Columbia, it having developed that a hearing will have to be held on the bill.

The motion was agreed to.

### STATE RAILROAD COMMISSIONS.

Mr. KNOX. Mr. President, I send to the desk and ask that there may be printed in the RECORD extracts from the statutes of the different States of the Union bearing upon the right of review in the courts of decisions of the State railroad commissions, and also bearing upon the right of the railroads to defend in the courts against orders made by the commissions. I offer this paper because I think it may contribute something to the information of the Senate and to those members of the Senate who are considering this question. I ask that it be printed as prepared, a certain portion being italicized to bring out the points I have suggested, namely, the right of review and the right of defense against the order of the Commission.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Pennsylvania? The Chair hears none.

Mr. PATTERSON. I ask the Senator from Pennsylvania why not have it also printed as a document for the use of the Senate? The document form is much more convenient.

Mr. KNOX. Very well; I will request that it also be printed as a document.

The VICE-PRESIDENT. The Senator from Pennsylvania requests that the extracts he has sent to the desk be also printed as a document. Is there objection? The Chair hears none, and it is so ordered.

Mr. HALE. I should like to have the paper read.

The VICE-PRESIDENT. Without objection, the Secretary will read it.

The Secretary read as follows:

*Provisions in the statutes of the several States with regard to review of orders of State railroad commissions, or defense against the enforcement of such orders.*

ALABAMA.

SEC. 25. That whenever any person or corporation operating a railroad fails or refuses to comply with any order of the railroad commission, it shall be the duty of said commission, through its president, to certify to the attorney-general the facts of such failure or refusal, together with a certified copy of the order made by said commission in such matter, whereupon it shall be the duty of the attorney-general or some attorney at law to be by him appointed to immediately file in the circuit, chancery, city court, or court of like jurisdiction, appropriate pleadings in the way of a complaint, petition, or bill, as may be in accordance with the rules of pleading and practice in such cases, or cases of similar nature, setting out the name and the style of the case heard before the railroad commission, the relief asked for, and the order of the commission granting such relief, or if such order is made by the commission on its own motion, such statement shall simply set out the order of the commission, the name of the railroad or railroads to which such order was directed, with the averment that said railroad or railroads have refused or failed within the time required by such order to comply therewith, and conclude with the prayer that such railroad or railroads be compelled, by mandamus or injunction, to carry out said order of the railroad commission.

SEC. 26. That upon the trial of said cause the order of the railroad commission shall be prima facie evidence that the thing ordered to be done was correct, reasonable, and just, and *the burden of showing that such order is not correct, reasonable, and just, shall be upon the railroad* or railroads failing or refusing to comply with the order of said railroad commission.

SEC. 29. That upon the final hearing of said cause *either party may appeal within thirty days from the judgment of said court to the supreme court of Alabama.* Said railroad commission may take such appeal without filing any bond; but said railroad or railroads shall, before taking such appeal, be required to enter into bond with good and sufficient security in such sum as may be required by the judge of the court trying such case, and which, in the judgment of said judge, may be sufficient to pay the costs of said suit and all damages growing out of said suit to any person by reason of the delay of the enforcement of the order of said railroad commission, and said bond to be approved by said judge of said court. (Act of February 28, 1903; General Acts of 1903, pp. 104–106.)

ARKANSAS.

SEC. 6813. * * * The commission shall institute such action, and actions for the recovery of the penalties prescribed in this act, through the prosecuting attorney of the proper district, and no such suit shall be dismissed or compromised without the consent of the court and of said commissioners; and the prosecuting attorney shall be allowed a fee by the court not to exceed twenty-five per cent of the amount collected; and if any prosecuting attorney shall neglect for fifteen days after notice to bring suit, the commission may employ some other attorney at law to bring the same, who shall be allowed a fee therefor to be fixed by the court, not to exceed twenty-five per cent of the amount collected, and in such case the prosecuting attorney shall not interfere: *Provided, That in all trials of cases brought for a violation* of any tariff charges by said commission, *it may be shown in defense that such tariff so fixed was unjust.*

SEC. 6831. If any person or corporation operating a railroad or express company in this State, or any receiver, trustee, or lessee of any such person or corporation as aforesaid, shall violate any of the provisions of this act, or aid or abet therein, or shall violate the tariff of charges as fixed by said commission, or any of the rules regarding railroads or express companies as made by said commission, and for which there is no other penalty prescribed in this act, such person or corporation, or receiver, trustee, or lessee shall be liable to a penalty not less than five hundred nor more than three thousand dollars for each violation of this act, or such tariff of charges or rules and regulations, and such penalty may be recovered by an action to be brought in the name of the State of Arkansas, in the county in which such violation may occur. The commission shall institute such action, and actions for the recovery of the penalties prescribed in this act, through the prosecuting attorney of the proper district, and no such suit shall be dismissed or compromised without the consent of the court and of said commissioners; and the prosecuting attorney shall be allowed a fee by the court not to exceed twenty-five per cent of the amount collected, and if any prosecuting attorney shall neglect for fifteen days after notice to bring suit, the commission may employ some other attorney at law to bring the same, who shall be allowed a fee therefor to be fixed by the court, not to exceed twenty-five per cent of the amount collected, and in such case the prosecuting attorney shall not interfere: *Provided, That in all trials of cases brought for a violation of any tariff charges by said commission it may be shown in defense that such tariff so fixed was unjust.* (Digest of Statutes of Arkansas, 1904.)

FLORIDA.

SEC. 22. The said *railroad commissioners are hereby vested with judicial powers* to do or enforce or perform any function, duty, or power conferred upon them by this act to the exercise of which judicial power is necessary.

SEC. 23. *Appeals by either party shall be from judgments, orders, and decrees of inferior courts* in all suits and cases brought under the provisions of this act to the same extent that appeals lie in similar suits and cases brought under any other law in this State, and not otherwise. (Act of June 3, 1899; Laws of Florida, 1889, p. 92.)

INDIANA.

SEC. 6. If any *railroad company* or other corporation or party in interest *shall be dissatisfied with any rate,* classification, rule, charge, or general regulation made, approved, adopted, or ordered by the commission, *such dissatisfied company or party may,* within sixty days after any such action has been taken by the commission, procure from the secretary of the commission, whose duty it shall be to furnish the same, a complete transcript of all the proceedings of the commission relative thereto, and if he or it so desires, a copy of all the evidence heard or considered by the commission at the hearing at which such action or decision was made, which evidence shall be incorporated into such transcript, and such dissatisfied company or party *may file said tranvcript, with a concise written statement of its* or his causes of complaint against the action of the commission, *in the office of the clerk of the appellate court of Indiana* within thirty days after procuring the same, and not later than ninety days after the action of the commission complained of has been spread upon its records. Said complaining company or party shall, at the time of filing such transcript, give or cause to be given to said commission written notice thereof, and shall, within five days thereafter, file proof of such notice in the office of said clerk of the appellate court, who shall, ten days thereafter, or upon the appearance of said commission to said appeal, place said cause upon the docket of the said appellate court for hearing and determination. *The commission shall be made a party to* such proceeding in the appellate court, and shall defend the same.

SEC. 6½. * * * *Provided, however,* That *if at the time of filing* a transcript in the office of the clerk of the appellate court of Indiana, as provided in section 6, appealing from the action of said commission in fixing or changing any rate or charge of any common carrier for the transportation of freight, or passengers, *the railroad company or other common carrier,* filing such petition, *shall also file a bond* in such amount as shall be fixed by said court and with surety to the satisfaction of such court, conditioned for the payment to the commission for the use of all persons who may be injuriously affected by such proceeding, of any and all amounts in which any of such persons may be damaged thereby, and for the refunding to each shipper or passenger of all overpayments of freight or passenger charges made by him to such complaining carrier pending such proceeding, and for the prompt payment of all penalties provided for herein, to which any or all such shippers may be entitled, *then,* and in such case the *said* complaining *carrier may charge to and collect* from all shippers of freight and all passengers on its said line or lines, the same rate for freight received by it and transported, or the same passenger rate that existed before the making of the order by the said commission which is complained of in said proceeding until such proceeding is finally determined by said court. (Act of February 28, 1905; Laws of Indiana, 1905, pp. 88, 90.)

KANSAS.

SEC. 5999. *Notice of orders, decisions, or intent to investigate.*—SEC. 163. Said board of railroad commissioners shall not make any regulation, order, finding, or decision against any railroad company or enter into any investigation affecting any railroad company without giving such railroad company reasonable notice thereof and an opportunity to appear and be heard in respect to the same; and if any railroad company shall be dissatisfied with any regulation, order, finding, or decision adopted by said board of railroad commissioners *such dissatisfied railroad company shall have the right,* within thirty days after the making or entering thereof, *to bring an action against said board of railroad commissioners as defendants* in any court of competent jurisdiction to have such regulation, order, finding, or decision vacated, and shall set forth in the petition the particular regulation, order, finding, or decision complained of and the particular cause or causes of objection to any or all of them, and a summons shall be served upon the secretary of said board as in other cases. Issues shall be formed and the controversy tried and determined as in other civil cases of an equitable nature; and said court may set aside, vacate, or annul one or more or any part of any of the regulations, orders, findings, or decisions adopted by the said board which shall be found to be unreasonable, unjust, oppressive, or unlawful without disturbing others. *Either party to said cause, if dissatisfied with the judgment or decree of said court, may institute proceedings in error in the supreme court as in other civil cases,* and said court shall examine the record, including the evidence, and render such judgment as shall be just and proper in the premises. (General Statutes of Kansas (Dassler), 1901.)

SEC. 9. * * * In case any railway company shall charge and receive any rate for the transportation of freight in excess of the rate authorized by the board of railroad commissioners, and *if the rate authorized by the board of railroad commissioners shall be reasonable and just,* then said railroad company shall repay the amount so charged or received in excess of the rate fixed by the board of railroad commissioners on demand therefor; and in case of failure to repay any such amount within thirty days after such demand the amount thereof may be recovered, together with reasonable attorney fees, in an action brought for that purpose in any court of competent jurisdiction: *Provided,* That if such railroad company shall within thirty days after such decision or determination by said board bring suit to test the reasonableness of such rates, no suit shall be brought for said excess until said rates have been adjudicated. (Act of March 7, 1905; Laws of Kansas, 1905, pp. 561–579.)

LOUISIANA.

ART. 285. *If any railroad,* express, telephone, telegraph, steamboat and other water craft, or sleeping-car company, or other party in interest, be *dissatisfied with the decision or fixing of any rate,* classification, rules, charge, order, act, or regulation adopted by the commission, such party *may file a petition* setting forth the cause or causes of objection to such decision, act, rule, rate, charge, classification, or order, or to either or to all of them, *in a court of competent jurisdiction,* at the domicile of the commission, against said commission as defendant, and *either party to said action may appeal the case to the supreme court of the State,* without regard to the amount involved, and all such cases, both in the trial and appellate courts, shall be tried summarily and by preference over all other cases. Such cases may be tried in the court of the first instance either in chambers or at term time; provided, all such appeals shall be returned to the supreme court within ten days after the decision of the lower court; and where the commission appeals, no bond shall be required. (Constitution of the State; Revised Laws, 1904, vol. 2, p. 1996.)

MINNESOTA.

SEC. 3. That subdivision (*d*) of section fifteen (15), chapter ten (10) of the general laws of one thousand eight hundred and eighty-seven (1887) be stricken out, and the following be, and the same is hereby, substituted, to wit:

"(d) *Any railroad company or common carrier affected by any order of the commission,* except administrative orders, made pursuant to section ten (10) of chapter ten (10) of the general laws of one thousand eight hundred and eighty-seven (1887), *may, at any time within the period of thirty (30) days after the service* of it upon him or it of such order, *appeal therefrom to* the district court of any judicial district through or into which his or its route may run, by the service of a written notice of such appeal on some member or the secretary of such commission.

"And upon the taking of such appeal and the filing of the notice thereof, with the proof of service, in the office of the clerk district court, there shall then be pending in such district court a civil action of the character and for the purposes mentioned in sections eight (8), eleven (11), and fifteen (15) of chapter ten (10) of the general laws of one thousand eight hundred and eighty-seven (1887), as amended

by this act. Upon such appeal, and upon the hearing of any application by the commission or by the attorney-general for the enforcement of any such order made by the commission, the district court shall have jurisdiction to, *and it shall, examine the whole matter in controversy,* including matters of fact as well as questions of law, and to affirm, modify, or reverse such order, in whole or in part, as justice may require; and in case of any order being modified as aforesaid, such modified order shall, for all the purposes contemplated by this act, stand in place of the original order so modified and have the same force and effect throughout the State as the orders of said commission."

SEC. 4. That chapter ten (10) of the general laws of one thousand eight hundred and eighty-seven (1887) be, and the same is hereby, amended by adding thereto the following section, to wit:

"SEC. 22. *Either party to any appeal, trial, or other proceeding had in the district court,* pursuant to the provisions of this act, *shall have the right of appeal to the supreme court* of the State from any order or judgment of the district court under the same regulations now provided by law in relation to appeals to said supreme court from orders or judgments of the district court, except that on such appeals security shall not be required when the same is taken by said commission," etc. (Act of April 15, 1891; General Laws of Minnesota, 1891, pp. 180–183.)

SECTION 1. Whenever any proceeding is had under the provisions of any law of this State before the railroad and warehouse commission for the readjustment, reduction, or alteration of any rates or charges made by any railroad company for the transportation of persons or property over its line, or for the establishment or alteration of any classification of property to be transported by any railroad company, and where said commission make an order in any such matter and *the railroad company affected appeals therefrom to any district court* the *order* made by said district court *on said appeal shall go into effect immediately.* And *in case of an appeal by any railroad company* affected by such order or judgment of the district court *to the supreme court* of said State, *such appeal* to the supreme court *shall not stay the operation of the order* or judgment *of the district court* so appealed from, *unless* the district court on proper showing when said appeal is made directs a stay of such order or judgment until said appeal is determined in said supreme court, *and unless said appealing railroad company files* with the clerk of the district court a good and sufficient *bond,* in such amount as the judge of the district court shall direct and approve, conditioned that in case said order appealed from is affirmed by the supreme court said railroad company will repay to any and every passenger who has, during the pendency of said appeal, paid any fare in excess of the amount fixed by the order of the district court, and to any consignor or consignee of any property carried or transported by said railroad company the amount he or they have paid as freight for the transportation of said property in excess of the amount fixed by the order and judgment of the district court during the pendency of said appeal in the supreme court of this State or the Supreme Court of the United States. (Act of April 23, 1897; General Laws of Minnesota, 1897, p. 524.)

MISSISSIPPI.

4286. *Applications to the courts for aid.*—The *commission may apply* to the *circuit or chancery court,* by proper proceeding, for aid in the enforcement of obedience to its process, and *to compel compliance with the law and its lawful orders,* decisions, and determinations; and said courts shall have jurisdiction to grant aid and relief in such cases, *subject to the right of appeal to the supreme court by the party aggrieved.*

4329. *Penalty on carriers for violating the law.*—If any railroad or other common carrier shall violate any of the provisions of this chapter, or shall fail to do and perform any duty imposed by law, or shall fail to comply with any lawful order of the commission or to conform to any of its reasonable rules and regulations, or shall demand or receive a greater sum for the transportation and handling of any passenger or freight than authorized by law or the commission, it shall be liable to a penalty of five hundred dollars for every such failure or overcharge not otherwise punished, to be recovered by action in the name of the commission in any county where such failure may occur or overcharge be made; *but in trials of cases brought for a violation of any tariff of charges as fixed by the commission, it may be shown in defense that such tariff so fixed was unreasonable and unjust to the carrier.* (Annotated Code of Mississippi, 1902.)

MISSOURI.

SEC. 1150. * * * Where the complaint involves either a private or a public question as aforesaid, and the commissioners have made a lawful order or requirement in relation thereto, and where such *common carrier,* or the proper officer, agent, or employee thereof, shall violate, refuse, or neglect to obey any such order or requirement, it shall be lawful for the board of railroad commissioners, or any person or company interested in such order or requirement, *to apply in a summary way, by petition, to any circuit court* at any county in this State into or through which the line of railway of the said common carrier enters or runs, alleging such violation or disobedience, as the case may be; and the said court shall have power to hear and determine the matter on such short notice to the common carrier complained of as the court shall deem reasonable. * * * *If such court shall hold* and decide *that any order of said board of railroad commissioners* involved in such proceeding *was not a lawful order,* said court shall, without any reference to the regularity or legality of the proceedings of said board or of the order thereof, *proceed to make such order as the said board should have made,* and to enforce said order by the process of said court, and to enforce and collect the forfeitures and penalties herein provided in all respects according to the provisions of this act. *And in case of any disobedience* of any such injunction or other proper process, amendatory or otherwise, it shall be lawful for such court to issue *writs of attachment,* or other proper process; * * * and said court may make an order directing such common carrier or other person so disobeying such writ of injunction or other proper process, mandatory or otherwise, to pay such sum of money, not exceeding for each carrier or person in default the sum of *one hundred dollars per day* for every day after a day to be named in the order that such carrier or other person shall fail to obey such injunction or other proper process, mandatory or otherwise. * * * *When the subject* in dispute *shall be of the value of one hundred dollars* or more, *either party* to such proceeding before such court *may appeal to the proper appellate court in the State,* in the same manner that appeals are taken from such courts in this State in other proceedings involving like sums of money; but such appeal shall not operate to stay or supersede the order of the court or the execution of any writ or process thereon, unless stay of proceedings be ordered by the court from which the appeal is taken, or by the appellate court to which the appeal is taken, upon the application of the appealing party. (Revised Statutes of Missouri, 1899, vol. 1, section 1150.)

NORTH CAROLINA.

SEC. 7. The *schedule containing rates fixed by said commission shall* in suits brought against any such company wherein is involved the charges of any such company for the transportation of any passenger or freight or cars or unjust discrimination in relation thereto be taken in all courts of this State *as prima facie evidence* that the rates therein fixed are *just and reasonable* rates of charges for the transportation of passengers and freights and cars upon the railroads: * * * *Provideed,* That *any company may appeal to the judge of the superior court* in term time *and thence to the supreme court* from any determination of the commission fixing or refusing to change the rate of freight or fare, etc., etc. (Public Laws of North Carolina, 1899, p. 296, act of March 6, 1899.)

NORTH DAKOTA.

SEC. 3039. *Appeals—Power of court to modify orders appealed from.—Any railroad, railroad corporation, or common carrier* subject to the provisions of this article, or any other person interested in the order made by the commissioners of railroads, *may appeal to the district court of the proper county* in the judicial district of this State from which the complaint arose, and which is the subject and basis of the order, *from any order made by the commissioners of railroads regulating or fixing its tariffs or rates, fares, charges, or classifications, or from any other order* made by said commissioners under the provisions of this article by serving a notice in writing upon the secretary of said commissioners, or any one of said commissioners, within twenty days after such railroad, railroad corporation, or common carrier shall receive notice from such commissioners of the making and entry of such orders. * * * Any railroad, railroad corporation, common carrier, the commissioners of railroads, or any party interested in the decision of said court may appeal from the decision of the district court to the supreme court of this State by serving a notice of such appeal upon the opposite party within twenty days after the rendition of such decision and service of notice thereof. (Revised Codes of North Dakota, 1899, pp. 753, 754.)

SOUTH DAKOTA.

SEC. 449. *Whenever any common carrier,* as defined in and subject to the provisions of this article, *shall violate, or refuse or neglect to obey, any lawful order* or requirement of the said board of railroad commissioners, it shall be the *duty of said commissioners,* and lawful for any company or person interested in such order or requirement, *to apply* in a summary way, *by petition, to the circuit court in any county* of this State in which the common carrier complained of has its principal office, or in any county through which its line of road passes or is operated, or in which the violation or disobedience of such order or requirement may happen, alleging such violation or disobedience, as the case may be; and the *said court shall have power to hear and* determine the matter, on such short notice to the *common carrier* complained of as the court shall deem reasonable, and such notice may be served on such common carrier, it or its officers, agents, or servants in such manner as the court shall direct; and said court shall proceed to hear and *determine the matter speedily* as a court of equity and without the formal pleadings and proceedings applicable to ordinary suits in equity, *but in such manner as to do justice* in the premises; and to this end such court shall have power, if it think fit, to direct and prosecute, in such mode and by such persons as it may appoint, all such inquiries as the court may think needful to enable it to form a just judgment in the matter of such petition; and on such hearing the report of said commissioners shall be prima facie evidence of the matter therein, or in any order made by them stated; and *if it be made to appear* to such court that on such hearing on the report of any such person or persons *that the order or requirement of said commissioners* drawn in the question *has been violated* or disobeyed, it shall be lawful for such court to issue a *writ of injunction* or other proper process, mandatory or otherwise, to restrain such common carrier from further continuing such violation or disobedience of such order or requirement of said commission and enjoining obedience to the same; and *in case of any disobedience of such writ* of injunction or other proper process, mandatory or otherwise, it shall be lawful for such court to *issue writs of attachment,* or any other process of said court incident or applicable to writs of injunction or other proper process, mandatory or otherwise, against such common carrier, and if a corporation, against one or more of the directors, officers, or agents of the same, or against any owner, lessee, trustee, receiver, or other person failing to obey such writ of injunction or other process, mandatory or otherwise; *and said court may,* if it shall think fit, *make an order directing* such *common carrier* or other person so disobeying such writ of injunction or other proper process, mandatory or otherwise, *to pay* such sum of money not exceeding for each carrier or person in default the sum of *one thousand dollars for every day* after a day to be named in the order that such carrier or other person shall fail to obey such injunction or other process, mandatory or otherwise; and such moneys shall, upon the order of the court, be paid into the treasury of the county in which the action was commenced, and one-half thereof shall be transferred by the county treasurer to the State treasury; and the payment thereof may, without prejudice to any other mode of recovering the same, be enforced by attachment or order, in the nature of a writ of execution, in like manner as if the same had been recovered by a final decree in personam in such court, *saving to the commissioners and to any other party or person interested* (in?) *the right to appeal to the supreme court of the State,* under the same regulations now provided by law in relation to appeals to said court as to *security for such appeal,* except that in no case shall security for such appeal be required when the same is taken by said commissioners. (Revised Codes of South Dakota, 1903, p. 84; Political Code, sec. 449.)

TEXAS.

ART. 4565. *If any railroad company* or other party at interest *be dissatisfied with the decision* of any rate, classification, rule, charge, order, act, or regulation adopted by the commission, *such dissatisfied company* or party *may file a petition* setting forth the particular cause or causes of objection to such decision, act, rate, rule, charge, classification, or order, or to either or all of them, *in a court of competent jurisdiction in Travis County, Texas,* against said commission as defendant. Said action shall have precedence over all other causes on the docket of a different nature, and shall be tried and determined as other civil causes in said court. *Either party to said action may appeal to the appellate court* having jurisdiction of said cause, and said appeal shall be at once returnable to said appellate court, at either of its terms, and said action so appealed shall have precedence in said appellate court of all causes of a different character therein pending:

*Provided*, That if the court be in session at the time such right of action accrues, the suit may be filed during such term and stand ready for trial after ten days' notice. (Revised Statutes of Texas, 1895.)

VIRGINIA.

SEC. 156. * * * (*d*) *From any action of the commission prescribing rates, charges, or classifications of traffic*, or affecting the train schedule of any transportation company, or requiring additional facilities, conveniences, or public service of any transportation or transmission company, or refusing to approve a suspending bond, or requiring additional security thereon or an increase thereof, as provided for in subsection *c* of this section, *an appeal* (subject to such reasonable limitations as to time, regulations as to procedure, and provisions as to costs as may be prescribed by law) *may be taken by the corporation whose rates, charges, or classifications* of traffic, schedule, facilities, conveniences, or service *are affected*, or by any person deeming himself aggrieved by such action, or (if allowed by law) by the Commonwealth. Until otherwise provided by law, such appeal shall be taken in the manner in which appeals may be taken to the supreme court of appeals from the inferior courts, except that such an appeal shall be of right, and the supreme court of appeals may provide by rule for proceedings in the matter of appeals in any particular in which the existing rules of law are inapplicable. If such appeal be taken by the corporation whose rates, charges, or classifications of traffic, schedules, facilities, conveniences, or service are affected, the Commonwealth shall be made the appellee; but in the other cases mentioned the corporation so affected shall be made the appellee. The general assembly may also, by general laws, provide for appeals from any other action of the commission, by the Commonwealth, or by any person interested, irrespective of the amount involved. *All appeals from the commission shall be to the supreme court of appeals only*, and in all appeals to which the Commonwealth is a party it shall be represented by the attorney-general, or his legally appointed representative. No court of this Commonwealth (except the supreme court of appeals, by way of appeals as herein authorized) shall have jurisdiction to review, reverse, correct, or annul any action of the commission within the scope of its authority, or to suspend or delay the execution or operation thereof, or to enjoin, restrain, or interfere with the commission in the performance of its official duties: *Provided, however*, That the writs of mandamus and prohibition shall lie from the supreme court of appeals to the commission in all cases where such writs, respectively, would lie to any inferior tribunal or officer.

(*e*) *Upon the granting of an appeal a writ of supersedeas may be awarded by the appellate court, suspending* the operation of the action appealed from *until the final disposition of the appeal; but*, prior to the final reversal thereof by the appellate court, *no action of the commission* prescribing or affecting the rates, charges, or classifications of traffic of any transportation or transmission company *shall be delayed* or suspended in its operation by reason of any appeal by such corporation, or by reason of any proceedings resulting from such appeal, *until a suspending bond shall first have been executed and filed with* and approved by the commission (or approved on review by the supreme court of appeals), payable to the Commonwealth, and sufficient in amount and security to insure the prompt refunding by the appealing corporation to the parties entitled thereto of all charges which such company may collect or receive pending the appeal in excess of those fixed or authorized by the final decision of the court on appeal. (Constitution of Virginia, art. 12, sec. 156; Va. Code, 1904, vol. 1, p. ccliv.)

WASHINGTON.

SEC. 3. * * * *Any railroad* or express company *affected* by the order of the commission and deeming it to be contrary to the law *may institute proceedings in the superior court of the State of Washington* in the county in which the hearing before the commission upon the complaint had been held, and have such order reviewed and its reasonableness and lawfulness inquired into and determined. (Laws of Washington, 1905, p. 148; act of March 6, 1905.)

WISCONSIN.

SEC. 16. *Any railroad* or other party in interest being *dissatisfied* with any order of the commission fixing any rate or rates, fares, charges, classifications, joint rate or rates, or any order fixing any regulations, practices, or service, *may commence an action in the circuit court* against the commission as defendant to vacate and set aside any such order on the ground that the rate or rates, fares, charges, classifications, joint rate or rates fixed in such order is unlawful, or that any such regulation, practice, or service fixed in such order is unreasonable, in which action the complaint shall be served with the summons. (Laws of Wisconsin, 1905, pp. 560, 569; act of June 13, 1905.)

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Finance:

H. R. 6. An act for the relief of the Monongahela Iron and Steel Company, of Pittsburg, Pa.;

H. R. 4580. An act for the relief of Blank & Parks, of Waxahachie, Tex.;

H. R. 5167. An act for the relief of William H. Stiner & Sons;

H. R. 5221. An act for the relief of Edward King, of Niagara Falls, in the State of New York;

H. R. 5223. An act to reimburse Quong Kong Yick for one case of opium erroneously condemned and sold by the United States;

H. R. 5954. An act to authorize the Secretary of the Treasury to issue duplicate gold certificate, in lieu of one lost, to Lincoln National Bank, of Lincoln, Ill.;

H. R. 6101. An act for the relief of the estate of Charles M. Demarest, deceased;

H. R. 7771. An act for the relief of Judd O. Hartzell; and

H. R. 13946. An act for the relief of Charles L. Allen.

The following bills were severally read twice by their titles, and referred to the Committee on Post-Offices and Post-Roads:

H. R. 3649. An act for the relief of Zenas Parker;

H. R. 7709. An act for the relief of Joseph Crow;

H. R. 8717. An act for the relief of Jacob Pickens; and

H. R. 13154. An act for the relief of John T. Irion.

The following bills were severally read twice by their titles, and referred to the Committee on Claims:

H. R. 4736. An act for the relief of the county of Custer, State of Montana;

H. R. 9528. An act to reimburse Fred Dickson for loss of his tools through the fire which destroyed the engine house at Fort Duchesne, Utah, on September 19, 1902;

H. R. 10584. An act for the relief of F. H. Driscoll;

H. R. 12028. An act granting relief to John W. Donovan;

H. R. 12286. An act granting relief to the estate of James Staley, deceased; and

H. R. 13247. An act for the relief of John H. Tharp, of Eversonville, Mo.

The following bills were severally read twice by their titles, and referred to the Committee on Military Affairs:

H. R. 7144. An act for the relief of Aaron Everly;

H. R. 13735. An act for the relief of John Purkapile; and

H. R. 14467. An act for the relief of Capt. George E. Pickett, paymaster, United States Army.

H. R. 12560. An act for the relief of John C. Lynch was read twice by its title, and referred to the Committee on Indian Depredations.

G. F. TARBELL.

The VICE-PRESIDENT laid before the Senate the bill (H. R. 7961) for the relief of G. F. Tarbell; which was read twice by its title.

Mr. LODGE. Mr. President, I ask unanimous consent for the present consideration of that bill, a precisely similar bill having been reported from the Committee on Finance of the Senate and being now on the Calendar.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Massachusetts for the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay $2,540.73 to G. F. Tarbell, of Boston, in the Commonwealth of Massachusetts, that sum having been exacted as duties and paid to the collector of customs at the port of Boston by G. F. Tarbell, on the 3d of December, 1902, covering a consignment of 144 head of cattle shipped from Canada in bond via Boston, Mass., to Liverpool, England, on the 25th of November, 1902, and being prohibited from being so shipped by general orders from the Department of Agriculture, dated the 27th of November, 1902, the cattle being then slaughtered and exported on the *Cestrian* on the 10th of December, 1902.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. LODGE. I ask that the bill (S. 2742) for the relief of J. F. Tarbell, being 1389 on the Calendar and identical with the bill from the House of Representatives just passed, may be indefinitely postponed.

The VICE-PRESIDENT. That order will be made in the absence of objection.

JOHN HUDGINS.

Mr. WARNER submitted the following resolution; which was considered by unanimous consent, and agreed to:

*Resolved*, That the Secretary of the Treasury be, and hereby is, directed to submit to the Senate a report showing any balance found due to John Hudgins, of Grand River, Caldwell County, Mo., for carrying the mail on route No. 10511 from July 1, 1858, to November 5, 1861, when his contract was annulled by the Postmaster-General, and whether any payment thereon has been made since such annullment.

SURGEON W. C. BRAISTED'S REPORT ON RUSSO-JAPANESE WAR.

Mr. PENROSE submitted the following resolution; which was referred to the Committee on Printing:

*Resolved*, That there be printed 2,250 copies of the "Report on the Japanese naval medical and sanitary features of the Russo-Japanese war to the Surgeon-General, United States Navy, by Surg. William C. Braisted, United States Navy," of which 1,250 copies shall be for the use of the Senate and 1,000 copies for the use of the Bureau of Medicine and Surgery of the Navy Department.

REGULATION OF RAILROAD RATES.

Mr. SCOTT. Mr. President, I give notice that on Wednesday morning, immediately after the completion of the routine morning business, I shall ask leave of the Senate to submit a few remarks on the bill (H. R. 12897) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission.

The VICE-PRESIDENT. The notice will be entered.

THE STATEHOOD BILL.

Mr. McCUMBER. Mr. President, I wish to announce at this time that on Thursday morning next, immediately after the routine morning business, I shall submit some remarks on the statehood bill.

FIRE ESCAPES ON BUILDINGS IN THE DISTRICT.

Mr. GALLINGER. I ask unanimous consent for the present consideration of the bill (H. R. 122) to require the erection of fire escapes in certain buildings in the District of Columbia, and for other purposes.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the District of Columbia with amendments.

The first amendment was, on page 1, line 5, after the word "height," to strike out "over thirty feet in height."

Mr. GALLINGER. I ask that the amendment be disagreed to.

The amendment was rejected.

Mr. GALLINGER. I move, before the word "over," in line 5 of the same section, to insert the word "or;" so as to read:

That it shall be the duty of the owner, lessee, occupant, or person having possession, charge, or control of any building three or more stories in height, or over 30 feet in height, constructed or used, etc.

The amendment was agreed to.

Mr. MALLORY. I should like to inquire of the Senator from New Hampshire what are the provisions of the bill with respect to how many fire escapes there are to be, and how that matter is to be regulated?

Mr. GALLINGER. It is left to the discretion of the Commissioners.

Mr. MALLORY. The Commissioners are to prescribe the number?

Mr. GALLINGER. Yes; they are to prescribe the number.

Mr. MALLORY. What are the provisions of the bill as to the character of buildings required to be provided with fire escapes after its passage; in other words, what buildings fall within the category of the bill?

Mr. GALLINGER. All buildings three stories in height or over 30 feet in height, other than private residences.

Mr. MALLORY. Buildings now in existence?

Mr. GALLINGER. Now in existence or hereafter to be constructed.

Mr. KEAN. Does it apply to Government buildings?

Mr. GALLINGER. No.

The VICE-PRESIDENT. The next amendment of the committee will be stated.

The next amendment was, on page 2, section 2, line 8, after the words "second story," to strike out "where there are not provided at least two stairways, each 3 or more feet wide and separated from each other by a distance of at least 30 feet;" so as to make the section read:

SEC. 2. That it shall be the duty of the owner, lessee, occupant, or person having possession, charge, or control of any building already erected, or which may hereafter be erected, in which ten or more persons are employed at the same time in any of the stories above the second story, to provide and cause to be erected and affixed thereto a sufficient number of the aforesaid fire escapes, the location and number of the same to be determined by the said Commissioners, and to keep the nallways and stairways in every such building as is used and occupied at night properly lighted, to the satisfaction of the Commissioners of the District of Columbia, from sunset to sunrise.

The amendment was agreed to.

The next amendment was, on page 4, section 9, line 14, after the words "a further fine of," to strike out "fifty" and insert "five;" so as to read:

SEC. 9. That any person failing or neglecting to provide fire escapes, alarm gongs, guide signs, fire hose, fire extinguishers, or other appliances required by this act, after notice from the Commissioners of the District of Columbia so to do, shall, upon conviction thereof, be punished by a fine of not less than $10 nor more than $100, and shall be punished by a further fine of $5 for each day that he fails to comply with the notice aforesaid.

The amendment was agreed to.

The next amendment was, on page 4, section 10, line 25, after the word "notice," to insert, "unless the Commissioners of the District of Columbia shall, in their discretion, deem it necessary to extend the time;" so as to make the section read:

SEC. 10. That the said notice requiring the erection of fire escapes and other appliances mentioned in this act shall specify the character and number of fire escapes or other appliances to be provided, the location of the same, and the time within which said fire escapes or other appliances shall be provided, and in no case shall more than ninety days be allowed for compliance with said notice unless the Commissioners of the District of Columbia shall, in their discretion, deem it necessary to extend the time.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

WATERWORKS AT LAWTON, OKLA.

Mr. LONG. I ask unanimous consent for the present consideration of the bill (H. R. 13674) to amend an act entitled "An act to amend an act entitled 'An act to supplement existing laws relating to the disposition of lands, and so forth, approved March 3, 1901,' approved June 30, 1902."

The Secretary read the bill, and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

Mr. KEAN. Let the report be read.

The Secretary proceeded to read the report, submitted by Mr. HANSBROUGH, from the Committee on Public Lands, February 14, 1906.

Mr. LODGE. I ask if we can not avoid the reading of this long report by a statement from the Senator in charge as to the provisions of the bill. The bill apparently had no opposition in the House and has none here. It does not take money out of the Treasury.

Mr. KEAN. It is only an explanation of the bill that I wish to have.

Mr. LODGE. It is a long report, and it will take a good deal of time to read it. I do not see why it should be read if we can have a brief explanation of the bill.

Mr. KEAN. I am entirely satisfied with that.

Mr. LONG. Mr. President, the purpose of the bill is to permit the use of $60,000 out of a fund derived from the sale of town lots in the city of Lawton, Okla., for the construction and maintenance of a waterworks system in that city. This fund amounted to about one-half million dollars, which sum was to be used in the construction of roads, bridges, and a court-house. Provision was made for the appropriation of a certain amount for waterworks purposes. That amount was entirely inadequate to supply a system for a town the size of Lawton, and the purpose of this bill is to increase the amount by appropriating $60,000 in addition to the amount already appropriated.

There is now $126,000 in the fund, and this bill proposes to take $60,000 of that fund and have it added to the former appropriation. It takes no money out of the Treasury of the United States.

I hope this explanation will prove satisfactory to the Senator from New Jersey.

Mr. KEAN. "The Senator from New Jersey" has no objection whatever to the bill, but he thinks it is just as well, when people are trying to get some money, to have some explanation why it should be done.

Mr. LONG. I am pleased to know that my explanation is satisfactory to the Senator from New Jersey.

The VICE-PRESIDENT. Does the Senator from New Jersey withdraw his request for the reading of the report?

Mr. KEAN. I do.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PATENTS UNDER THE MOSES AGREEMENT.

Mr. PILES. I ask unanimous consent for the present consideration of the bill (H. R. 10697) providing for the issuance of patents for lands allotted to Indians under the Moses agreement of July 7, 1883.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HIGHWAY NEAR FORT SHERMAN, IDAHO.

Mr. HEYBURN. I ask unanimous consent for the present consideration of the bill (S. 3414) providing for a public highway on the east side of the Fort Sherman abandoned military reservation, Idaho.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to grant to the county of Kootenai, Idaho, for a public highway, a strip of land lying on the east side of the abandoned Fort Sherman military reservation, in Idaho, designated by the official plat of survey as lots 1, 2, and 3 of section 12, and lots 1, 2, and 3 of section 13, township 50 north, range 4 west, Boise meridian.

The bill had been reported from the Committee on Public Lands with an amendment, to add at the end of the bill the following:

*Provided*, That if the said county of Kootenai shall, at any time hereafter, abandon the lands above described and cease to use the same for said purposes, said above-described lands shall revert to the Government of the United States.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

PUBLIC BUILDING AT QUINCY, MASS.

Mr. LODGE. I ask unanimous consent to call up from the Calendar the bill (S. 684) providing for the erection of a public building in the city of Quincy, Mass.

There being an objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Buildings and Grounds with amendments. The first amendment was, in section 1, page 1, line 9, after the words "sum of," to strike out "one hundred and seventy" and insert "eighty-five;" so as to make the section read:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to cause to be erected upon the site already selected and purchased by him in the city of Quincy, Mass., a building to be used as and for a post-office building and for other purposes of the Federal Government, at the said city of Quincy, Mass., which said building shall cost, complete, not to exceed the sum of $85,000.

The amendment was agreed to.

The next amendment was, on page 2, to add at the end of section 3 the following:

The building shall be unexposed to danger from fire by an open space of at least 40 feet on each side, including streets and alleys.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DELIA B. STUART.

Mr. KEAN. I ask unanimous consent for the immediate consideration of the bill (S. 2724) for the relief of Delia B. Stuart, widow of John Stuart.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It authorizes the Secretary of the Treasury to pay to Delia B. Stuart, widow of John Stuart, late a private of Company H, Second United States Artillery, the sum of $150, this sum being due her as the widow of John Stuart as a balance of bounty still unpaid.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

COURT TERMS AT MIAMI, FLA.

Mr. TALIAFERRO. I ask unanimous consent for the present consideration of the bill (H. R. 10080) to provide for sittings of the United States circuit and district courts of the southern district of Florida at the city of Miami, in said district.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GREAT COUNCIL OF ORDER OF RED MEN.

Mr. KITTREDGE. I ask for the present consideration of the bill (S. 3292) to incorporate the Great Council of the United States of the Improved Order of Red Men.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on the Judiciary with amendments.

The first amendment was, in section 1, page 2, line 14, after the word "politic," to insert the words "and corporate in the District of Columbia;" so as to read:

And all other persons who are now members, or shall hereafter be admitted as such, agreeable to the constitution and laws of the said Great Council, be, and they are hereby, incorporated and made a body politic and corporate in the District of Columbia, by the name of the "Great Council of the United States of the Improved Order of Red Men," and by that name may sue and be sued, plead and be impleaded, in any court of law or equity, and may have and use a common seal, and change the seal at pleasure, and be entitled hereunder to use and exercise all the powers, rights, and privileges incidental to fraternal and benevolent corporations.

The amendment was agreed to.

The next amendment was, in section 5, page 3, line 24, after the word "pleasure," to strike out the following proviso:

*Provided*, That such constitution and amendments do not conflict with the laws of the United States or of any State.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT DEVILS LAKE, N. DAK.

Mr. HANSBROUGH. I ask for the present consideration of the bill (S. 2446) to provide for the purchase of a site and the erection of a public building thereon at Devils Lake, in the State of North Dakota.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It directs the Secretary of the Treasury to acquire, by purchase, condemnation, or otherwise, a site and cause to be erected thereon a suitable building, including fireproof vaults, heating and ventilating apparatus, elevators, and approaches, for the use and accommodation of the United States post-office and other governmental offices in the city of Devils Lake and State of North Dakota, the cost of the site and building, including vaults, heating and ventilating apparatus, elevators, and approaches, not to exceed $150,000.

The bill was reported from the Committee on Public Buildings and Grounds with an amendment, on page 2, after line 18, to strike out the following:

If, upon consideration of said report and accompanying papers, the Secretary of the Treasury shall deem further investigation necessary, he may appoint a commission of not more than three persons, one of whom shall be an officer of the Treasury Department, which commission shall also examine the said proposed sites and such others as the Secretary of the Treasury may designate, and grant such hearings in relation thereto as they shall deem necessary; and said commission shall, within thirty days after such examination, make to the Secretary of the Treasury written report of their conclusion in the premises, accompanied by all statements, maps, plats, or documents taken by or submitted to them, in like manner as hereinbefore provided in regard to the proceedings of said agent of the Treasury Department; and the Secretary of the Treasury shall thereupon finally determine the location of the building to be erected.

The compensation of said commissioners shall be fixed by the Secretary of the Treasury, but the same shall not exceed $6 per day and actual traveling expenses: *Provided, however*, That the member of said commission appointed from the Treasury Department shall be paid only his actual traveling expenses.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DELAWARE RIVER BRIDGE.

Mr. PENROSE. I ask unanimous consent to have considered at the present time the bill (S. 3288) to authorize the Pennsylvania Railroad Company and the Pennsylvania and Newark Railroad Company, or their successors, to construct, maintain, and operate a bridge across the Delaware River.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Commerce with amendments.

The first amendment was, at the end of section 1, to add "which shall be opened promptly upon reasonable signal;" so as to read:

Said bridge shall be constructed with a draw suitable to accommodate the passage of vessels and boats, which shall be opened promptly upon reasonable signal.

The amendment was agreed to.

The next amendment was, in section 4, page 3, line 20, after the word "postal-telegraph," to insert "and telephone;" and in line 21, after the word "purposes," to insert:

And equal privileges in the use of said bridge shall be granted to all telegraph and telephone companies: *Provided*, That all railroad companies desiring the use of said bridge shall have and be entitled to equal rights and privileges relative to the passage of railway trains over the same and the approaches thereto upon payment of a reasonable compensation for such use, or, in case of disagreement, upon such terms and conditions as shall be prescribed by the Secretary of War upon hearing the allegations and proofs of the parties in interest.

So as to make the section read:

SEC. 4. That any bridge constructed under this act shall be a legal structure, and shall be known as a post-road, over which no higher charge shall be made for the transportation of mails, troops, and munitions of war, or other property of the United States than the rate per mile charged for their transportation over the railways and public highways leading to said bridge. The United States shall also have the right of way over said bridge for postal-telegraph and telephone purposes, and equal privileges in, etc.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LEASING OF BUFFALO PASTURE IN SOUTH DAKOTA.

Mr. GAMBLE. I ask unanimous consent for the present consideration of the bill (H. R. 13542) authorizing the Secretary of the Interior to lease land in Stanley County, S. Dak., for a buffalo pasture.

The Secretary read the bill.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill just read?

Mr. SPOONER. Let it go over for a few minutes.

The VICE-PRESIDENT. The bill will lie over for the present.

Mr. SPOONER subsequently said: I objected to House bill 13542 in order that I might read the report. I withdraw my objection.

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

TIMBER ON UINTAH RESERVATION, UTAH.

Mr. SMOOT. I ask unanimous consent for the present consideration of the bill (S. 3935) to authorize Indians on former Uintah Reservation to cut and sell cedar and pine timber for posts and fuel.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It directs the Secretary of the Interior to authorize the Indians of the former Uintah Reservation, in the State of Utah, to cut and sell cedar and pine timber for posts or fuel from the tracts reserved for grazing purposes for those Indians under joint resolution of June 19, 1902, in such quantities and upon such terms and under such rules and regulations as the Secretary of the Interior may prescribe.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LEAVES OF ABSENCE AT GOVERNMENT PRINTING OFFICE.

Mr. PLATT. I ask unanimous consent for the consideration of the bill (S. 4673) to provide for the allowance and payment to the employees of the Government Printing Office of the same leave of absence as is allowed to the clerks and employees of the Executive Departments of the Government.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It provides that from and after the date of the passage of this act the thirty days' annual leave of absence with pay in any one year to employees of the Government Printing Office, authorized by the existing law, shall be exclusive of Sundays and legal holidays: *Provided*, That the existing laws relating to the granting of annual leave with pay to clerks and employees in the Executive Departments shall apply to clerks and employees of the Government Printing Office who are paid annual or monthly salaries or compensation.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

STATUE OF COMMODORE JOHN D. SLOAT.

Mr. PERKINS. I ask unanimous consent for the present consideration of the bill (S. 1032) to aid in the erection of a statue of Commodore John D. Sloat, United States Navy, at Monterey, Cal.

The Secretary read the bill; and there being on objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to appropriate $10,000 to aid in the erection and completion of a statue of the late Commodore John D. Sloat, United States Navy, together with a pedestal and foundation for the same, and for the preparation of the site for the statue, selected under authority of the War Department on the military reservation at Monterey, Cal.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FIRE PUMPS ON STEAMERS.

Mr. FRYE. I should like to have several little bills passed, one after the other. They are not private bills; they are all public bills.

I ask the Senate to proceed to the consideration of the bill (S. 4298) to amend section 4471 of the Revised Statutes of the United States, regulation of steam vessels.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to amend section 4471 of the Revised Statutes of the United States by striking out, after the words "is afloat" and before the words "Every steamer," the words "and no fire pump thus provided for shall be placed below the lower deck of the vessel;" so that the section when amended shall read as follows:

SEC. 4471. Every steamer permitted by her certificate of inspection to carry as many as fifty passengers or upward, and every steamer carrying passengers which also carries cotton, hay, or hemp shall be provided with a good double-acting steam fire pump or other equivalent apparatus for throwing water. Such pump or other apparatus for throwing water shall be kept at all times and at all seasons of the year in good order and ready for immediate use, having at least two pipes of suitable dimensions, one on each side of the vessel, to convey the water to the upper decks, to which pipes there shall be attached, by means of stop cocks or valves, both between decks and on the upper deck, good and suitable hose of sufficient strength to stand a pressure of not less than 100 pounds to the square inch, long enough to reach to all parts of the vessel and properly provided with nozzles, and kept in good order and ready for immediate service. Every steamer exceeding 200 tons burden and carrying passengers shall be provided with two good double-acting fire pumps, to be worked by hand; each chamber of such pumps, except pumps upon steamers in service on the 28th day of February, 1871, shall be of sufficient capacity to contain not less than 100 cubic inches of water; and such pumps shall be placed in the most suitable parts of the vessel for efficient service, having suitable well-fitted hose to each pump, of at least one-half the vessel in length, kept at all times in perfect order, and shipped up and ready for immediate use. On every steamer not exceeding 200 tons one of such pumps may be dispensed with. Each fire pump thus prescribed shall be supplied with water by means of a suitable pipe connected therewith, and passing through the side of the vessel so low as to be at all times under water when she is afloat. Every steamer shall also be provided with a pump which shall be of sufficient strength and suitably arranged to test the boilers thereof.

Mr. SPOONER. I wish to ask the Senator from Maine if these bills, either of them, relate to the manning of ships?

Mr. FRYE. No; not at all. They have nothing to do with the manning of ships. This bill simply changes the pump on the lower deck to make it accessible to the engineer under recent plans of construction.

Mr. FORAKER. I wish to inquire of the Senator what bill is under consideration.

Mr. FRYE. It is not the one in which the Senator is interested. That has not been called up.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

INSPECTION OF STEAM VESSELS.

Mr. FRYE. There is on the Calendar the bill (S. 4300) to amend section 4414 of the Revised Statutes of the United States, inspectors of hulls and boilers of steam vessels; but I will not call up that bill. That is the bill the Senator from Ohio is interested in. I will call up the bill (S. 4299) to amend section 4421 of the Revised Statutes of the United States, inspection of steam vessels.

The VICE-PRESIDENT. The Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. House bill 12707, the "statehood bill," so called.

Mr. FRYE. I ask that the unfinished business may be temporarily laid aside for a few moments.

The VICE-PRESIDENT. The Senator from Maine asks that the unfinished business be temporarily laid aside.

Mr. NELSON. Very well.

The VICE-PRESIDENT. The Chair hears no objection, and it is so ordered. The bill called up by the Senator from Maine will be read.

The Secretary read the bill, as follows:

*Be it enacted, etc.*, That section 4421 of the Revised Statutes of the United States be, and it is hereby, amended by adding at the end thereof the following: "Upon such inspection and approval the inspectors shall also make and subscribe a temporary certificate, which shall set forth substantially the fact of such inspection and approval, and shall deliver the same to the master or owner of the vessel, and shall keep a copy thereof on file in their office. The said temporary certificate shall be carried and exposed by vessels in the same manner as is provided in section 4423 for copies of the regular certificate, and the form thereof and the period during which it is to be in force shall be as prescribed by the board of supervising inspectors, or the executive committee thereof, as provided in section 4405. And such temporary certificate, during such period and prior to the delivery to the master or owner of the copies of the regular certificate, shall take the place of, and be a substitute for, such copies of the regular certificate of inspection, as required by sections 4423, 4424, and 4426, and for the purposes of said sections, and shall also, during such period, be a substitute for the regular certificate of inspection as required by section 4498 and for the purposes of said section until such regular certificate of inspection has been filed with the collector or other chief officer of customs. Such temporary certificate shall also be subject to revocation in the manner and under the conditions provided in section 4453. No vessel required to be inspected under the provisions of this title shall be navigated without having on board an unexpired regular certificate of inspection or such temporary certificate," so that said section, when amended as above, shall read as follows:

"SEC. 4421. When the inspection of a steam vessel is completed and the inspectors approve the vessel and her equipment throughout, they shall make and subscribe a certificate to the collector or other chief officer of the customs of the district in which such inspection has been made, in accordance with the form and regulations prescribed by the board of supervising inspectors. Such certificate shall be verified by the oaths of inspectors signing it, before the chief officer of the customs of the district, or any other person competent by law to administer oaths. If the inspectors refuse to grant a certificate of approval, they shall make a statement in writing, and sign the same, giving the reasons for their disapproval. Upon such inspection and approval, the inspectors shall also make and subscribe a temporary certificate, which shall set forth substantially the fact of such inspection and approval, and shall deliver the same to the master or owner of the vessel, and shall keep a copy thereof on file in their office. The said temporary certificate shall be carried and exposed by vessels in the same manner as is provided in section 4423 for copies of the regular certificate, and the form thereof and the period during which it is to be in force shall be as prescribed by the board of supervising inspectors, or the executive committee thereof, as provided in section 4405. And such tem-

porary certificate, during such period and prior to the delivery to the master or owner of the copies of the regular certificate, shall take the place of, and be a substitute for, such copies of the regular certificate of inspection as required by sections 4423, 4424, and 4426, and for the purposes of said sections, and shall also, during such period, be a substitute for the regular certificate of inspection as required by section 4498 and for the purposes of said section until such regular certificate of inspection has been filed with the collector or other chief officer of customs. Such temporary certificate shall also be subject to revocation in the manner and under the conditions provided in section 4453. No vessel required to be inspected under the provisions of this title shall be navigated without having on board an unexpired regular certificate of inspection or such temporary certificate."

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CARNEGIE FOUNDATION FOR ADVANCEMENT OF TEACHING.

Mr. DILLINGHAM. I ask for the present consideration of the bill (H. R. 13538) to incorporate The Carnegie Foundation for the Advancement of Teaching.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on the Judiciary with amendments.

The first amendment was, in section 1, after the word "following," in line 3, on page 1, to strike out all down to and including the words "New York," in line 5, in the following words: "being the persons who are now trustees of The Carnegie Foundation, a corporation incorporated under the laws of the State of New York, namely."

The amendment was agreed to.

The next amendment was, in section 1, line 3, page 2, after the word "corporate," to insert "in the District of Columbia;" so as to read:

Are hereby incorporated and declared to be a body corporate in the District of Columbia by the name of The Carnegie Foundation for the Advancement of Teaching, and by that name shall be known and have perpetual succession, with the powers, limitations, and restrictions herein contained.

The next amendment was, after the word "maintained," in section 4, page 4, line 17, to insert the words "and meetings of the corporation or the trustees and committees may be held;" so as to make the section read:

SEC. 4. The principal office of the corporation shall be located in the District of Columbia, but offices may be maintained and meetings of the corporation or the trustees and committees may be held in other places such as the by-laws may from time to time fix.

The amendment was agreed to.

The next amendment was, in section 5, page 4, line 21, after the word "That," to strike out the words "Andrew Carnegie, of the city of New York, for the purposes hereinbefore indicated, having given and transferred to the trustees of The Carnegie Foundation, a corporation incorporated under the laws of the State of New York, being the same persons as are named as trustees herein, the sum of $10,000,000 in securities, and having confided to the same persons so named and their successors the execution of the purpose of his gift; and, owing to certain limitations in the law under which such incorporation was made, and it having been found desirable to obtain an incorporation from the Congress of the United States, the said corporation hereby incorporated, acting by its board of trustees," and to insert "the said trustees;" in line 9, after the word "administer," to strike out the word "the" and insert "any;" in the same line, after the word "funds," to strike out "and" and insert "or;" in the same line, after the word "property," to strike out "so" and insert "to be;" and in line 10, after the word "transferred," to strike out the words "by said Andrew Carnegie to the trustees of The Carnegie Foundation" and insert "to them for the purposes and objects hereinbefore enumerated;" so as to read:

That the said trustees shall be entitled to take, hold, and administer any securities, funds, or property to be transferred to them for the purposes and objects hereinbefore enumerated, and such other funds or property as may at any time be given, devised, or bequeathed to them, or to such corporation, for the purposes of the trust, etc.

Mr. SPOONER. In line 9, page 5, I move to strike out the preposition "to," before the word "be," and to insert in place of it the words "which may."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, in section 5, page 6, line 5, after the word "transferred," to strike out "by Andrew Carnegie to the said The Carnegie Foundation, and any property which has been or may" and insert "or to;" so as to read:

The said trustees shall have further power from time to time to hold as investments any securities transferred or to be transferred to them or to such corporation by any person, persons, or corporation, and to invest the same or any part thereof from time to time in such securities and in such form and manner as is or may be permitted to trustees or to savings banks or to charitable or literary corporations for investment, according to the laws of the District of Columbia or in such securities as may be transferred to them or authorized for investment by any deed of trust or gift or by any deed of gift or last will and testament to be hereafter made or executed.

Mr. SPOONER. In line 7, page 6, I move to strike out the word "to" and to insert "which may."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, in section 8, page 7, after line 11, to strike out the following paragraph:

The said trustees herein named on behalf of the corporation hereby incorporated, may thereupon consolidate with the said corporation known as The Carnegie Foundation, notwithstanding the fact that both such corporations may have common trustees, upon such terms as shall be fixed by resolution of the said respective corporations, so that the corporation hereby formed may accept a consolidation with the said The Carnegie Foundation upon the terms and for the purposes herein provided, or the corporation hereby incorporated may accept a transfer of all the real and personal property of which the corporation known as The Carnegie Foundation may be seized or possessed, upon such terms as may be agreed upon: *Provided, however,* That such property shall be applied to the purposes of the corporation hereby incorporated, as hereinbefore set forth and to carry out the gift so made by Andrew Carnegie; and may receive, take over and enter into possession, custody and management of all property, real or personal, of the corporation heretofore known as The Carnegie Foundation, incorporated as hereinbefore set forth, pursuant to and in conformity with the act of the legislature of the State of New York, relating to membership corporations, and to all its rights, contracts, claims, and property of any kind or nature; and the trustees of the corporation hereby incorporated may receive the securities, funds, books, or property, real or personal, thereof, and hold the same, and take such other steps as shall be necessary to carry out the purposes of this act and such gift as aforesaid.

The next amendment was, in section 8, page 8, after line 14, to insert:

The corporation hereby incorporated may accept a transfer of all the real and personal property of any other corporation created for similar objects upon such terms as may be agreed upon, and may receive, take over, and enter into possession, custody, and management of all such property, real and personal: *Provided, however,* That such property shall be applied to the purposes of the corporation hereby incorporated as hereinbefore set forth.

Mr. DILLINGHAM. The amendment should be amended by inserting after the word "objects," in the third line of the proposed amendment, the words "notwithstanding the fact that both said corporations may have common trustees." I move that amendment to the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was to strike out section 9 in the following words:

SEC. 9. That the rights of the creditors of the existing corporation known as The Carnegie Foundation shall not in any manner be impaired by the passage of this act or the transfer of the property hereinbefore mentioned, nor shall any liability or obligation for the payment of any sums due or to become due by, or any claim or demand existing against, the said existing corporation, be released or impaired; but such corporation hereby incorporated is declared on such consolidation or amalgamation to succeed to the obligations and liabilities, and to be held liable to pay and discharge all the debts, liabilities, and contracts of the said corporation so existing, to the same effect as if such corporation hereby incorporated had itself incurred the obligation or liability to pay such debt or damages, and no action or proceeding before any court or tribunal shall be deemed to have abated or been discontinued by reason of the passage of this act.

And in lieu thereof to insert the following:

SEC. 9. That such corporation hereby incorporated upon accepting a transfer of all the real and personal property of such other corporation shall succeed to the obligations and liabilities and be held liable to pay and discharge all the debts, liabilities, and contracts of such corporation so existing to the same effect as if such corporation hereby incorporated had itself incurred the obligation or liability to pay such debt or damages.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

RIGHTS UNDER BERING SEA ARBITRATION AWARD.

Mr. FULTON. I ask for the present consideration of the bill (S. 2286) to confer jurisdiction upon the circuit court of the United States for the ninth circuit to determine in equity the rights of American citizens under the award of the Bering Sea arbitration of Paris and to render judgment thereon.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to confer jurisdiction in equity upon the circuit court of the United States for the ninth circuit to examine and determine the rights of American citizens under the award of the Paris arbitration concerning the jurisdiction of Bering Sea.

Section 2 provides that all American citizens whose rights

were affected by the award may submit to the court their claims thereunder, and the court shall enter judgment thereon. Claims not submitted within two years from the passage of the act shall thereafter be forever barred.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. SPOONER. I enter a motion to reconsider the vote by which the bill was passed, so as to give an opportunity to examine the bill and compare it with the bill which was so much debated at the last session. If I find that it seems to be without objection, I shall ask leave to withdraw the motion; otherwise I shall press it.

The PRESIDING OFFICER (Mr. CARTER in the chair). The motion to reconsider will be entered.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. B. F. BARNES, one of his secretaries, announced that the President had approved and signed the following act and joint resolutions:

On February 28:

S. R. 26. Joint resolution providing for the return of certain archives now in possession of the Department of State to the State of North Carolina.

On March 2:

S. R. 37. Joint resolution extending the tribal existence and government of the Five Civilized Tribes of Indians in the Indian Territory.

On March 3:

S. 983. An act to validate certain certificates of soldiers' additional homestead right.

EQUESTRIAN STATUE OF MAJ. GEN. JOHN STARK.

Mr. BURNHAM. I ask unanimous consent for the present consideration of the bill (S. 39) for the erection of an equestrian statue of Maj. Gen. John Stark in the city of Manchester, N. H.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It appropriates $40,000 for the erection of an equestrian statue of Maj. Gen. John Stark within the limits of the city of Manchester, N. H., and for the proper preparation, grading, and inclosing of the lot and foundation upon which the statue shall be erected, which sum shall be expended under the direction of the Secretary of War or such officer as he may designate.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

AUGUSTUS TRABING.

Mr. WARREN. I ask unanimous consent for the present consideration of the bill (S. 4348) for the relief of Augustus Trabing.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Military Affairs with an amendment, to strike out all after the enacting clause and insert:

That Augustus Trabing, having served in the Quartermaster's Department of the United States Army, and on guard duty in the forts surrounding the city of Washington, and as blacksmith and wagon repairer with Government trains at Springfield, Ill., and Leavenworth, Kans., in 1865 and 1866, be, and he is hereby, relieved from any disability under the laws of the United States and from any defect of naturalization, and that his case, No. 1432 on the Indian depredations docket of the Court of Claims, which was dismissed for want of such naturalization, may be reinstated, and said Augustus Trabing is authorized to prosecute his said case and to receive judgment thereon the same as if he had been naturalized under the laws of the United States at the date of the loss; and to that end that the Court of Claims be, and hereby is, vested with jurisdiction as if the case were on original trial.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

RECEIPT FROM CONNECTICUT OF CERTAIN ARTILLERY.

Mr. BULKELEY. I ask unanimous consent for the present consideration of the bill (S. 4111) to authorize the Chief of Ordnance, United States Army, to receive four 3.6-inch breech-loading field guns, carriages, caissons, limbers, and their pertaining equipment from the State of Connecticut.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Military Affairs with an amendment, in section 2, page 2, line 6, before the word "hundred," to strike out "twelve" and insert "sixteen;" so as to make the section read:

SEC. 2. That no part of the value of this material shall be paid to the State of Connecticut, but the whole amount received from the sale thereof to the State shall stand as a credit to the quota of the State, the same as though allotted from the annual appropriations under the provisions of section 1661, Revised Statutes, as amended, and subject to all the conditions thereof.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

REGULATION OF MOTOR BOATS.

Mr. FRYE. I ask unanimous consent for the present consideration of the bill (S. 4094) to amend section 4426 of the Revised Statutes of the United States—regulation of motor boats.

The being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to amend section 4426 of the Revised Statutes, so as to make it read as follows:

SEC. 4426. The hull and boilers of every ferryboat, canal boat, yacht, or other small craft of like character propelled by steam shall be inspected under the provisions of this title. Such other provisions of law for the better security of life as may be applicable to such vessels shall, by the regulations of the board of supervising inspectors, also be required to be complied with before a certificate of inspection shall be granted, and no such vessel shall be navigated without a licensed engineer and a licensed pilot: *Provided, however,* That in open steam launches of 10 gross tons and under one person, if duly qualified, may serve in the double capacity of pilot and engineer. All vessels of above 15 gross tons carrying freight or passengers for hire, propelled by gas, fluid, naphtha, or electric motors, shall be, and are hereby, made subject to all the provisions of section 4426 of the Revised Statutes of the United States relating to the inspection of hulls and boilers and requiring engineers and pilots, and for any violation of the provisions of this title applicable to such vessels, or of rules or regulations lawfully established thereunder, and to the extent to which such provisions of law and regulations are so applicable, the said vessels, their masters, officers, and owners shall be subject to the provisions of sections 4496, 4497, 4498, 4499, and 4500, relating to the imposition and enforcement of penalties and the enforcement of law.

All vessels of 15 gross tons or less propelled in whole or in part by gas, gasoline, petroleum, naphtha, fluid, or electricity, and carrying passengers for hire, shall carry one life preserver, of the sort prescribed by the regulations of the board of supervising inspectors, for every passenger carried, and no such boat while so carrying passengers shall be operated or navigated except in charge of a person duly licensed for such service by the local board of inspectors. No examination shall be required as a condition of the obtaining of such a license, and any such license shall be revoked or suspended by the local board of inspectors for misconduct, gross negligence, recklessness in navigation, intemperance, or violation of law on the part of the holder, and if revoked, the person holding such license shall be incapable of obtaining another such license for one year from the date of revocation.

Mr. MALLORY. I should like to have the last paragraph of the clause beginning on page 3, line 19, again read.

The Secretary read as follows:

No examination shall be required as a condition of the obtaining of such a license, and any such license shall be revoked or suspended by the local board of inspectors for misconduct, gross negligence, recklessness in navigation, intemperance, or violation of law on the part of the holder, and if revoked, the person holding such license shall be incapable of obtaining another such license for one year from the date of revocation.

Mr. FRYE. That is the mildest possible form of protection. The driver of the boat is to receive a license without examination, so that if he becomes drunken or negligent or violates the law the local inspector may simply revoke his license for one year.

Mr. MALLORY. I could not hear the suggested amendment of the section of the Revised Statutes.

Mr. FRYE. It is the mildest possible protection.

Mr. MALLORY. There is no requirement that the individual running the boat shall be subject to any special examination?

Mr. FRYE. He would be subject to no examination at all. He would receive his license on application. The license having been given, it is in the power of the local inspector to take it away if the holder violates the law. That is all there is to it, practically.

Mr. SPOONER. Mr. President, I wish to ask a question, simply for information. I do not wish to interfere with this bill, but it seems to me it would be very much safer for the public to have some guaranty through examination that the person having charge of such a boat is fit to take charge of it, to navigate it, and to handle the machinery, than to provide that his license shall be taken away for one year after his incapacity shall have been shown at the cost of life.

Mr. MALLORY. I did not catch the remark of the Senator from Wisconsin.

Mr. SPOONER. I was not addressing myself particularly to the Senator from Florida [Mr. MALLORY], but rather to the Senator from Maine [Mr. FRYE]. There have been some explosions attributed to the incapacity of the men having charge of motor boats. Does not the Senator from Maine think that there should be some effort made to ascertain their capacity before the per-

sons having charge of these boats become the custodians of passengers?

Mr. FRYE. This bill only applies to motor boats of 15 tons. The bill which I originally introduced was a little more drastic than this, but I referred it to the Department of Commerce and Labor, and, instead of accepting my bill, they drafted the bill which is now before the Senate, saying that, in their opinion, it would serve all the required purposes and would not subject so many of these little craft to the regular steamboat inspectors for examination and license. The Department considered the provision empowering the local inspectors to take away the license would be ample to insure reasonable protection.

Mr. SPOONER. But there is no protection at all to the people on these boats in case of those having them in charge being unfit to manage them. Should we not have some means of first ascertaining whether they are qualified to handle a boat before we permit them to attempt it? As to the people who are carried, should they lose their lives it would be no comfort to them or to those who have lost them to have the license taken away. It seems to me, at least, that as to fitness, a part of which would be temperance, there ought to be some safeguard in advance to protect the people.

Mr. FRYE. But the Secretary of the Department of Commerce and Labor, in his report, said he believed that the very fact that there was a license, that the man was liable to lose the license, and that he could not have it renewed for a year at any rate, would make him careful.

Mr. SPOONER. But under that system the only man who takes any chances is the man who gets the license, and the only chance he takes is the possible loss of it if he is not fit or if he gets drunk. How does that in any way help the public? I would rather have the opinion of the Senator from Maine on such a subject than that of the Department of Commerce and Labor. If he thinks this bill is all right; if he thinks it would be regarded as adequate protection for a member of his own family; if he thinks that there should be no preliminary examination of these people as to fitness to handle such machinery, I defer to his superior judgment and his experience; but it seems to me it would be trifling with the subject if there is any occasion for examination or care at all.

Mr. FRYE. I am content at this time with this step toward protection. There are thousands of these boats, not all carrying passengers for hire. This bill only applies to those which carry passengers for fare.

Mr. SPOONER. I know that.

Mr. FRYE. And the remonstrances that have come into Congress and to every Senator here from the owners of these little boats would probably prevent the passage of any sort of protective legislation.

Mr. SPOONER. Yes; but it would be better for men who are fit and who can pass an examination. It is the people who do not want to be examined who make these remonstrances.

Mr. FRYE. Oh, no.

Mr. SPOONER. I know of no one else who would do so.

Mr. MALLORY. Has the Senator from Wisconsin ever heard any complaint of loss of life because of the incompetency of those who operate these launches?

Mr. SPOONER. I think I have.

Mr. MALLORY. I have seen a great many of them. This bill only applies to launches under 15 tons.

Mr. SPOONER. Can anyone handle them?

Mr. MALLORY. I think any intelligent man can learn to handle one in two days.

Mr. SPOONER. If we give him a license——

Mr. MALLORY. Give him a license and keep him under restraint. The point there, as shown by this bill, is, if he misbehaves or gets drunk or is guilty of any conduct that is reprehensible, he can have his license taken away from him.

Mr. SPOONER. Why not find out before he gets his license whether or not he is in the habit of getting drunk and whether he is fit in other respects?

Mr. MALLORY. It is very probable that they are examined. We have a right to examine them.

Mr. FRYE. I am willing to risk it for the present, at any rate.

Mr. SPOONER. I know how that is on ships. You think everything is all right when the laws provide for boats, a fire protection, ladders, and buckets, and all that kind of thing; but the moment some movement is inaugurated to require a proper crew of capable men, men who from experience would be expected to be cool and to know precisely what to do in the time of disaster, you get protests from every shipowner in the United States. Of course, this principle begins down at this little owner of a little motor craft.

Mr. MALLORY. Mr. President, it strikes me that this bill, as a first step, goes amply far for the purpose intended. If hereafter it should appear that there is no necessity for us to adopt any more drastic and stringent measure to prevent incompetent men from taking charge of these naphtha launches, we can do it very well; but for my part, and I think I have seen a good many of these launches, I have never seen any reason for us to do more than to say that sober men and fairly intelligent men shall have charge of such launches.

In the larger ports they do the duty of something similar to hacks around the town, they transport the masters and passengers from large vessels to landings; and they are generally owned by men of moderate means. It is unnecessary to subject them to additional expense if they can get along without doing any injury to the public. I have never heard of any one of these launches being the cause of loss of life to anybody. Launches owned by individuals occasionally explode, which has happened I know in several cases, but as to these launches that are run for the public, for passengers, I never heard of a single instance of any injury to a passenger, I think.

Mr. FRYE. I hope the Senator from Wisconsin will allow us to try this.

Mr. CULBERSON. I should like to ask the Senator who has charge of this bill if it affects motor boats that are not run for hire?

Mr. FRYE. No, sir; it affects only those running for hire—carrying passengers for hire.

Mr. CULBERSON. Not mere pleasure boats and boats for personal convenience?

Mr. FRYE. Not at all.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

### MEDAD C. MARTIN.

Mr. KEAN. I ask unanimous consent for the present consideration of the bill (H. R. 14344) for the relief of Col. Medad C. Martin. It is identically the same as the Calendar No. 1392, being Senate bill 1483, which, if I can secure the passage of the House bill, I shall ask to have indefinitely postponed.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It authorizes the proper accounting officers of the Treasury to allow a credit in the accounts of Lieut. Col. Medad C. Martin, Deputy Quartermaster-General, United States Army, for the sum of $708.65, which sum was stolen, through no fault of the officer, January 8, 1905, while in transit from Manila, P. I., to Lipa, Batangas, P. I.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. KEAN. I now move that the bill (S. 1483) for the relief of Col. Medad C. Martin, being Order of Business 1392, be indefinitely postponed.

The motion was agreed to.

### EXTENSION OF EUCLID STREET.

Mr. GALLINGER. I ask unanimous consent for the present consideration of the bill (S. 2623) for the extension of Euclid street, in Meridian Hill, District of Columbia.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the District of Columbia with amendments.

The first amendment was, in section 1, on page 1, line 3, after the word "within," to strike out "twenty" and insert "sixty;" in the same line, after the word "the," to strike out "dedication to the District of Columbia of at least two-thirds of the land necessary for the extension of Rittenhouse street as hereinafter described" and insert "passage of this act;" in line 11, after the word "of," to strike out "Rittenhouse" and insert "Euclid;" in line 12, after the word "street," to insert "in a straight line;" in the same line, after the word "of," to strike out "ninety" and insert "fifty;" and on page 2, line 1, after the word "from," to strike out "Broad Branch road westward to the District line, said street being shown on the permanent system of highway plans about 700 feet north of a line passing east and west through the center of Chevy Chase circle" and insert "Champlain street to Columbia road;" so as to make the section read:

That within sixty days after the passage of this act the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to institute in the supreme court of the District of Columbia, sitting as a district court, by petition particularly describing the lands to be taken, a proceeding in rem to condemn the land that may be necessary for the extension of Euclid street, in a straight line with a width of 50 feet, from Champlain street to Columbia road.

The amendments were agreed to.

The next amendment was, in section 2, on page 2, line 9, after

the word "of," to strike out "Rittenhouse" and insert "Euclid;" and in line 22, after the word "for," to strike out:

*Provided*, That the remaining portion of any parcel of land of any party dedicating shall be exempt from any assessment in respect to the cost of condemning any portion of said street that may not be dedicated or from any assessment for benefits of the extension of Rittenhouse street.

So as to make the section read:

SEC. 2. That the entire amount found to be due and awarded as damages for and in respect of the land condemned for the extension of Euclid street as herein provided shall be assessed by the jury hereinafter provided for as benefits, and to the extent of such benefits, against those pieces or parcels of land on each side of said street as extended, and also on any or all pieces or parcels of land which will be benefited by the extension of said street as said jury may find said pieces or parcels of land will be benefited, and in determining the amounts to be assessed against said pieces or parcels of lands the jury shall take into consideration the respective situations of such pieces or parcels of land and the benefits they may severally receive from the extension of said street as aforesaid, and the verdict of said jury shall also be for a sufficient sum to cover all the costs of the condemnation proceedings herein provided for.

The amendments were agreed to.

The next amendment was, in section 7, page 6, line 3, after the word "land," to strike out "by the Treasurer of the United States, ex-officio commissioner of the sinking fund of the District of Columbia, upon the warrant of the Commissioners of said District, out of the revenues of the District of Columbia; and a sufficient sum to pay the amounts of said judgments and awards is hereby appropriated out of the revenues of the District of Columbia," and insert "by the disbursing officer of the District of Columbia from moneys advanced to him by the Secretary of the Treasury upon requisitions of the Commissioners of said District, as provided by law; and a sufficient sum to pay the amounts of said judgments and awards is hereby appropriated from the revenues of the District of Columbia;" so as to make the section read:

SEC. 7. That when the verdict of said jury shall have been finally ratified and confirmed by the court, as herein provided, the amounts of money awarded and adjudged to be payable for lands taken under the provisions hereof shall be paid to the owners of said land by the disbursing officer of the District of Columbia from moneys advanced to him by the Secretary of the Treasury upon requisitions of the Commissioners of said District, as provided by law; and a sufficient sum to pay the amounts of said judgments and awards is hereby appropriated from the revenues of the District of Columbia.

The amendment was agreed to.

The next amendment was, in section 8, page 6, line 21, after the words "rate of," to strike out "ten" and insert "four;" so as to make the section read:

SEC. 8. That when confirmed by the court, the several assessments herein provided to be made shall severally be a lien upon the land assessed, and shall be collected as special improvement taxes in the District of Columbia, and shall be payable in two equal annual installments, with interest at the rate of 4 per cent per annum from and after sixty days after the confirmation of the verdict and award. In all cases of payments the accounting officers shall take into account the assessment for benefits and the award for damages, and shall pay only such part of said award in respect of any lot as may be in excess of the assessment for benefits against the part of such lot not taken, and there shall be credited on said assessment the amount of said award not in excess of said assessment.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MEMORIAL OF THE LANDING OF THE PILGRIMS.

Mr. LODGE. I ask unanimous consent for the present consideration of the bill (S. 4370) to appropriate the sum of $40,000 to the Cape Cod Pilgrim's Memorial Association, to be used in erecting at Provincetown, Mass., a suitable memorial of the landing of the Pilgrims.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to appropriate the sum of $40,000 as a part contribution toward the erection of a monument at Provincetown, Mass., in commemoration of the landing of the Pilgrims and the signing of the *Mayflower* compact."

YELLOWSTONE FOREST RESERVE.

Mr. CLARK of Wyoming. I desire to call up for present consideration the bill (H. R. 13673) to extend the provisions of the homestead laws to certain lands in the Yellowstone Forest Reserve.

The VICE-PRESIDENT. The bill will be read for the information of the Senate.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CESSION OF CERTAIN PUBLIC LANDS IN CALIFORNIA.

Mr. FLINT. I ask unanimous consent for the consideration at the present time of the bill (S. 4313) ceding to the State of California certain vacant unappropriated public lands in Santa Cruz County, State of California.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Lands with amendments, on page 2, line 7, after the words "the premises to be," to insert "under the control and to be;" and in line 8, after the words "managed by the," to strike out "California Redwood Park Commissioners, who shall receive no compensation for their services" and insert "proper authorities of the State of California;" so as to read:

The premises to be under the control and to be managed by the proper authorities of the State of California.

The amendments were agreed to.

Mr. KEAN. I think the Senator from California ought to make a brief explanation of the bill.

Mr. FLINT. Mr. President, the bill provides for the ceding to the State of California of certain lands in the county of Santa Cruz, Cal., adjoining and adjacent to what is known as the "California Big Trees," which have been purchased by the State of California, the amount expended being $250,000. It is the desire of the people of the State of California that there should be a pleasure ground there, and this land is necessary for that purpose.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

RESTORATION TO PUBLIC DOMAIN OF CERTAIN MINNESOTA LANDS.

Mr. NELSON. I ask unanimous consent for the immediate consideration of the bill (S. 2296) restoring to the public domain certain lands in the State of Minnesota.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Lands with amendments, which were, in line 3, page 2, to strike out "repeal" and insert "appeal;" and to strike out lines 12 and 13, as follows: "be indorsed on homesteads allowed for these lands the following: 'Subject to the right of the United States to overflow,'" and insert in lieu thereof the following: "be incorporated in the final receipts and in the patents when issued for these lands a condition and reservation reading as follows: 'Subject to the right of the United States to overflow;'" so as to make the bill read:

*Be it enacted, etc.*, That the following-described lands, to wit: The southwest quarter of the southwest quarter of section 2, township 134 north of range 29 west, fifth principal meridian, and the east half of the northeast quarter and lots 5 and 6 of section 10, township 134 north of range 29 west, fifth principal meridian, being situate in the State of Minnesota, are hereby restored to the public domain, subject to homestead entry; and all rights of priority of entry and settlement are hereby reserved, to be determined as to respective claims by the proper officials of the land office of the district in which said lands are situate, subject to appeal and review as provided by law for the entry of lands for homesteads: *Provided, however*, That said homestead entries shall be made subject to, and the restoration of these lands to the public domain is made subject to, the right of the United States to construct and maintain dams for the purpose of creating reservoirs in the aid of navigation; and no claim shall accrue by reason of the overflow of said lands on account of the construction and maintenance of such dams and reservoirs. And there shall be incorporated in the final receipts and in the patents when issued for these lands a condition and reservation reading as follows: "Subject to the right of the United States to overflow."

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CERTAIN LANDS IN IDAHO.

Mr. DUBOIS. I am directed by the Committee on Irrigation, to whom was referred the bill (S. 4862) allowing settlers with permanent improvements on the town sites of Heyburn and Rupert, in Idaho, to buy lots on which said improvements are located, at an appraised price for cash, to report it without amendment, and I ask unanimous consent for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which is as follows:

*Be it enacted, etc.*, That in the town sites of Heyburn and Rupert, in Idaho, created and surveyed by the Government, on which town site settlers have been allowed to establish themselves and had actually established themselves prior to the approval of this act, in permanent buildings and with substantial improvements, not easily moved, the said settlers shall be given the right to purchase the lots occupied by

them at an appraised valuation for cash, such appraisement to be made under rules to be prescribed by the Secretary of the Interior. Reclamation funds may be used to defray the necessary expenses of appraisement and sale, and the proceeds of such sale shall be covered into the reclamation fund.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

THIRD INTERNATIONAL CONFERENCE OF AMERICAN STATES.

Mr. BEVERIDGE. It is generally understood that up to 3 o'clock the unanimous-consent arrangement will continue, and as it is hardly that time, I ask unanimous consent for the consideration of the bill (S. 4773) for the payment of the expenses of the delegates to the Third International Conference of American States. I think it will lead to no discussion. It is only three or four lines long.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to appropriate $100,000 for the actual and necessary expenses of delegates of the United States to the Third International Conference of American States, to be held at Rio de Janeiro, Brazil, beginning July 21, 1906, and of their salaried clerical assistants, to be immediately available and disbursed under the direction and in the discretion of the Secretary of State.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

THE STATEHOOD BILL.

Mr. NELSON (at 3 o'clock p. m.). I now call up the statehood bill.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12707) to enable the people of Oklahoma and of the Indian Territory to form a constitution and State government and be admitted into the Union on an equal footing with the original States; and to enable the people of New Mexico and of Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States.

Mr. NELSON. I ask that the bill may be read at length.

The VICE-PRESIDENT. The Senator from Minnesota asks for the reading of the bill. The Secretary will read as requested.

The Secretary read the bill.

THE REVENUE-CUTTER SERVICE.

Mr. NELSON. The bill (S. 3044) to promote the efficiency of the Revenue-Cutter Service was, at the suggestion of the Senator from Maine [Mr. HALE], the other day transferred to the Calendar under Rule IX. I ask that it may be transferred back to the Calendar under Rule VIII. I understand that the Senator from Maine has no objection.

Mr. FRYE. My colleague the senior Senator from Maine [Mr. HALE] objected to the bill and had it placed on the Calendar under Rule IX. He has since examined carefully the bill and tells me it is an important one for the revenue service, not expensive at all, that his objection is withdrawn, and he has no question now but that it ought to be restored to the Calendar under Rule VIII.

The PRESIDING OFFICER (Mr. CLAY in the chair). The Senator from Minnesota asks unanimous consent that the bill (S. 3044) to promote the efficiency of the Revenue-Cutter Service be transferred from Rule IX to Rule VIII on the Calendar. Is there objection to the request? The Chair hears none, and it is granted.

Mr. FRYE. Now, if there is no objection, I should like to have the bill considered. It is an important one for the Service.

Mr. NELSON. I ask that the statehood bill be temporarily laid aside for that purpose.

The PRESIDING OFFICER. The Senator from Minnesota asks that the unfinished business be temporarily laid aside. Is there objection? The Chair hears none. The Senator from Maine asks unanimous consent that the bill indicated by him be taken up for action.

Mr. ALLISON. Let it be read.

The PRESIDING OFFICER. The bill will be read for the information of the Senate.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Commerce with an amendment, in section 2, page 2, line 5, before the word "years," to strike out "twenty-two" and insert "twenty-four;" so as to read:

*Provided*, That a person to be eligible for appointment as a cadet of the line shall produce satisfactory evidence of good moral character, shall be not less than 18 nor more than 24 years of age at the time of appointment, and shall pass a satisfactory physical examination by a board of officers of the Public Health and Marine-Hospital Service, and a satisfactory educational examination, which must in all cases be written and strictly competitive, by a board of commissioned officers of the Revenue-Cutter Service, both examinations to be conducted under such regulations as shall be prescribed by the Secretary of the Treasury.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

COMPULSORY EDUCATION IN THE DISTRICT OF COLUMBIA.

Mr. GALLINGER. I ask unanimous consent for the present consideration of the bill (S. 1243) providing for compulsory education in the District of Columbia.

The VICE-PRESIDENT. The bill will be read for the information of the Senate.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on the District of Columbia with an amendment, to add at the end of the bill a new section, as follows:

SEC. 10. That this act shall take effect on July 1, 1906.

Mr. ALLISON. I should like to ask the Senator from New Hampshire whether he thinks the schools will be in session on the 1st of July, and whether there are sufficient school facilities now provided to enable all the children who would come under these compulsory provisions to attend the schools?

Mr. GALLINGER. Mr. President, as to the first question the Senator asks, as to whether the schools will be in session on the 1st day of July, I should judge that they would not be. So the act will be operative upon the beginning of the next school term. That, of course, will do no harm. Perhaps it is all the better, for the reason that some school buildings will be in process of construction during that interval, and better provision will consequently be made.

I have, Mr. President, hesitated about urging the enactment of this law, for the reason that it has come to my knowledge from time to time that we do not have adequate school facilities even for the accommodation of the scholars who are now enrolled, giving them all a full day's schooling. But the Commissioners of the District, who have this matter in their immediate charge, seem to think that by the time the bill becomes operative there will be facilities for educating all the children, especially as many of them will go into parochial schools and other private schools.

In addition to that, a great many very good people are urging that it is infinitely better to give a child a half day's school than none at all, and that we should follow the example almost every State in the Union has set us of having a compulsory education law, and then letting the board of education and the Commissioners do the best for the children that they can under the existing conditions.

I shall hope that when the District of Columbia appropriation bill is under consideration this year very liberal provision will be made for new school buildings, if they are required, and I really think they are. I know that the Senator from Iowa [Mr. ALLISON], who has most to do with that appropriation bill, will be glad to cooperate to bring about that very important result.

We ought not to be behind other communities as we are to-day in the matter of providing for the children of this District. We ought to have facilities to educate them all and we ought to have a law that will compel them to attend school during certain years, either a half day or a whole day, as the circumstances might seem to demand.

Mr. KEAN. May I ask the Senator what the age limit is?

Mr. GALLINGER. Between the ages of 8 and 14.

The report of the committee upon the bill is illuminating in the matters the Senator from Iowa has called to my attention, and I am going to ask that the report shall be printed in the RECORD in connection with the consideration of the bill, if the bill shall be passed, as I trust it will be.

The VICE-PRESIDENT. The question is on agreeing to the amendment reported by the Committee on the District of Columbia.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. GALLINGER. I ask that the report of the committee be printed in the RECORD in connection with the bill.

The VICE-PRESIDENT. Without objection, the report will be printed in the RECORD.

The report is as follows:

Mr. DILLINGHAM, from the Committee on the District of Columbia, submitted the following report:

The Committee on the District of Columbia, to whom was referred the bill (S. 1243) providing for compulsory education in the District of Columbia, have considered the same and report thereon with recommendation that it pass as amended.

The bill is intended to provide a simple and effective compulsory education law in the District of Columbia to replace the present law, which is inadequate and obsolete. The District is one of the few jurisdictions in the United States having no effective law of this character, the need of which is forcibly suggested by the fact that from 4,000 to 6,000 children of the District of school age do not attend a school of any kind. A committee of citizens interested in the subject have recently investigated this matter and have issued a statement to the effect that more than 6,000 children in the District from 7 to 15 years of age do not attend school, these figures being based upon the Federal census and the records of school enrollments. As will be seen in the letter which follows, the superintendent of schools estimates this number at less than 5,000. There seems to be no method of determining the exact number of children not enrolled without instituting a school census, but notwithstanding the absence of information which is absolutely accurate, it is certain that the conditions are such as to make it highly desirable that legislation be adopted to correct the evil.

There has been some doubt as to the practicability of such a law at this time owing to the already crowded conditions of the present school buildings and the fact that it has been necessary to limit many schools of the lower grades to half-day sessions.

With this objection in mind, the committee caused to be addressed to the president of the Board of Commissioners of the District of Columbia a letter asking for information upon this point. Commissioner Macfarland's reply to this letter is given herewith:

FEBRUARY 9, 1906.

MY DEAR SENATOR DILLINGHAM: In response to your recent inquiry I have to say that it is stated by the superintendent of schools that the present school buildings could take care of a considerable number of those who would be brought into the public schools by a compulsory-education law after the 1st of July next. The effect of the law would be naturally cumulative and gradually all could be taken in who would come under its operation, provided the building of new schools is steadily carried on as rapidly as possible, in accordance with the recommendations of the Commissioners of the District of Columbia. The superintendent of schools estimates that there are less than 5,000 children of school age who are now not enrolled in the schools of the District of Columbia. A considerable number would be provided for under a compulsory-education law in the private or parochial schools. Last year the total enrollment in the public schools of the District of Columbia was 51,230; no child applying was turned away, and the average percentage of attendance was 93.5. The superintendent states that there are only 186 habitual truants, and that it is comparatively easy for the teachers to keep track of them. It is true that there are a number of half-day schools (in all now 391), but they are all for the first three grades, which is strictly primary work for children under 10 years of age, and a great majority of them are for children of the first and second grades, or children under 9 years of age. There are only 42 half-day schools above the second grade, made up of third-grade scholars.

Sincerely yours, HENRY B. F. MACFARLAND.

Hon. W. P. DILLINGHAM,
*United States Senate.*

From the above letter it appears that by the beginning of the next school year there will be room in the school buildings of the District to accommodate all pupils who might be enrolled as the result of a compulsory-education law, and in view of this the committee suggests that the bill be amended by the addition of another section, as follows:

"SEC. 10. That this act shall take effect on July 1, 1906."

The bill presented was drawn after a careful study of several State laws on the subject, and is framed especially to meet the needs of the District of Columbia. It is singularly free from multitudinous details and drastic provisions, which would render its enforcement difficult and expensive and its operation a needless hardship to parents or children. In the latter regard special attention is directed to the last clause of section 1 of the bill, which provides that—

"A child may be excused from school attendance or instruction upon presentation of satisfactory evidence that he has already been instructed in the branches taught in the public schools, or that he has already acquired these branches of learning, or that his physical or mental condition is such as to render such attendance or instruction for the whole period required, or any part thereof, inexpedient or impracticable."

Attention is also directed to section 8 of the bill, which provides "that if any parent or guardian shall be unable, by reason of poverty, to send the child under his control to school as provided for in this act it shall be the duty of the board of education to take such action as in its discretion may best promote the purpose of this act in the particular case."

The object of the proposed legislation is simply to compel children of school age to attend school if they are not already proficient in the common branches, as provided in section 1, or unless such a child is physically or mentally unfit to pursue such studies.

## COAST DEFENSES.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Coast Defenses, and ordered to be printed:

*To the Senate and House of Representatives:*

Our coast defenses as they existed in 1860 were not surpassed in efficiency by those of any country, but within a few years the introduction of rifled cannon and armor in the navies of the world, against which the smoothbore guns were practically useless, rendered them obsolete. For many years no attempt was made to remedy the deficiencies of these seacoast fortifications. There was no establishment in the country equipped for the manufacture of high-power rifled guns; there was no definite adopted policy of coast defense, and Congress was reluctant to undertake a work the cost of which could not be stated even approximately and the details of which had not advanced, so far as could be ascertained, beyond the experimental stages.

The act of March 3, 1883, was the first decisive step taken to secure suitable and adequate ordnance for military purposes. Under the provisions of this act a joint board of officers of the Army and Navy was appointed "for the purpose of examining and reporting to Congress which of the navy-yards or arsenals owned by the Government has the best location and is best adapted for the establishment of a Government foundry, or what other method, if any, should be adopted for the manufacture of heavy ordnance adapted to modern warfare for the use of the Army and Navy of the United States." This board, known as the "Gun Foundry Board," made its report in 1884 and directed public attention not only to the defenseless condition of our coasts, but to the importance and necessity of formulating a comprehensive scheme for the protection of our harbors and coast cities.

As a result, the act of Congress approved March 3, 1885, provided that "the President of the United States shall appoint a board * * * which board shall examine and report at what ports fortifications or other defenses are most urgently required, the character and kind of defenses best adapted to each with reference to armament, the utilization of torpedoes, mines, and other defensive appliances."

The board, organized under the foregoing provision of law, popularly known as the "Endicott board, in its report of January 23, 1886, cited the principles on which any system of coast defense should be based, and clearly stated the necessity of having our important strategic and commercial centers made secure against naval attack. In determining the ports that were in urgent need of defense, since a fleet did not exist for the protection of the merchant marine, fortifications were provided at every harbor of importance along the coast and at several of the lake ports. For any particular harbor or locality the report specifies the armament considered necessary for proper protection, the character of emplacements to be used, the number of submarine mines and torpedo boats, with detailed estimates of cost for these various items. The proposed guns, mounts, and emplacements were of types that seemed at that time best suited to accomplish the desired results, based on the only data available, namely, experiments and information of similar work from abroad.

After the report was made part of the public records, the development and adoption of a suitable disappearing gun carriage caused the substitution of open emplacements for the expensive turrets and armored casemates, materially reducing the cost of installing the armament. The great advances in ordnance, increasing the power and range of the later guns, caused a diminution in the number and caliber of the pieces to be mounted, and this fact, combined with advances in the science of engineering, rendered unnecessary the construction of the expensive "floating batteries" designed by the Endicott board for mounting guns to give sufficient fire for the defense of wide channels or for harbors where suitable foundations could not be secured on land. Furthermore, keeping pace with the gradual development and improvement in the engines and implements of war, fortified harbors are equipped with rapid-fire guns, and, to a certain extent, with power plants, searchlights, and a system of fire control and direction, now essential adjuncts of a complete system of defense, though not so considered by that board.

While the details of the scheme of defense recommended by the Endicott board have been departed from, in making provision for later developments of war material, the great value of its report lies in the fact that it sets forth a definite and intelligible plan or policy upon which the very important work of coast defense should proceed, and which is as applicable to-day as when formulated.

The greater effective ranges possible with the later rifled cannon, the necessity of thoroughly covering with gun fire all available waters of approach, and the growth of seacoast towns beyond the limits of some of the military reservations, have combined to move defensive works more to the front, and many of the gun positions now occupied have been obtained from private ownership. The cost of such sites has been a large item in the present cost of fortifications, and this purchase of land was not included in its estimates by the Endicott board.

An examination of the report also discloses the fact that no estimates were submitted covering a supply of ammunition to be kept in reserve for the services of the guns that were recommended, due, perhaps, to the fact that a satisfactory powder to give the energy desired and a suitable projectile to accomplish the desired destruction of armor were still in experimental stages. These questions, however, are no longer in doubt, and Congress already has made provision for some of the ammunition needed.

The omissions in the estimates of the Endicott board and the changes in the details of its plans have caused doubts in the minds of many as to the money that will be needed to defend completely our coasts by guns, mines, and their adjuncts. New localities are pressing their claims for defense. The insular possessions can not be held unless the principal ports, naval bases, and coaling stations are fortified before the outbreak of war. These considerations have led me to appoint a joint board of officers of the Army and Navy "to recommend the armament, fixed and floating, mobile torpedoes, submarine mines, and all other defensive appliances that may be necessary to complete the harbor defense with the most economical and advantageous expenditures of money." The board was further instructed "to extend its examinations so as to include estimates and recommendations relative to defenses of the insular possessions," and to "recommend the order in which the proposed defense shall be completed, so that all the elements of harbor defense may be properly and effectively coordinated."

The board has completed its labors, and its report, together with a letter of transmittal by the Secretary of War, is herewith transmitted for the information of the Congress. It is to be noted that the entrance to Chesapeake Bay, not heretofore recommended or authorized by Congress, is added to the list of ports in the United States to be defended, with the important reasons therefor clearly stated; that the gun defense proper is well advanced toward completion, and that the greater part of the estimate is for new work of gun defense, for the accessories now so necessary for efficiency, and for an allowance of ammunition which, added to that already on hand, will give the minimum supply that should be kept in reserve to successfully meet any sudden attack. The letter of the Secretary of War contains a comparison of the estimates of the Endicott board, with the amounts already appropriated for the present defense and the estimates of the new board, from which it appears that a completed defense of our coast, omitting cost of ammunition and sites, can be accomplished for less than the amount estimated by the Endicott board, even including the additional localities not recommended by it.

In the insular possessions the great naval bases at Guantanamo, Subig Bay, and Pearl Harbor, the coaling stations at Guam and San Juan, require protection, and, in addition, defenses are recommended for Manila Bay and Honolulu, because of the strategic importance of

these localities. In the letter of the Secretary of War will be found the sums already appropriated for defenses at some of these ports or harbors, and the estimates are for the completion of an adequate defense at each locality.

Defenses are recommended for the entrances to the Panama Canal as contemplated by the act of June 28, 1902 (Spooner Act), and under the terms of this act the cost of such fortifications would probably be paid from appropriations for the construction and defense of the canal.

The necessity for a complete and adequate system of coast defense is greater to-day than twenty years ago, for the increased wealth of the country offers more tempting inducements to attack and a hostile fleet can reach our coast in a much shorter period of time. The fact that we now have a navy does not in any wise diminish the importance of coast defenses; on the contrary, that fact emphasizes their value and the necessity for their construction. It is an accepted naval maxim that a navy can be used to strategic advantage only when acting on the offensive, and it can be free to so operate only after our coast defense is reasonably secure and so recognized by the country. It was due to the securely defended condition of the Japanese ports that the Japanese fleet was free to seek out and watch its proper objective—the Russian fleet—without fear of interruption or recall to guard its home ports against raids by the Vladivostok squadron. This, one of the most valuable lessons of the late war in the East, is worthy of serious consideration by our country, with its extensive coast line, its many important harbors, and its many wealthy manufacturing coast cities.

The security and protection of our interests require the completion of the defenses of our coast, and the accompanying plan merits and should receive the generous support of the Congress.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *March 5, 1906.*

## MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. C. R. MCKENNEY, its enrolling clerk, announced that the House had disagreed to the amendment of the Senate to the bill (H. R. 5976) to provide for the final disposition of the affairs of the Five Civilized Tribes in the Indian Territory, and for other purposes, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. SHERMAN, Mr. CURTIS, and Mr. STEPHENS of Texas managers at the conference on the part of the House.

The message also announced that the House had agreed to the amendments of the Senate to the bill (H. R. 8493) granting an increase of pension to Sallie F. Sheffield.

## ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice-President:

H. R. 524. An act granting an increase of pension to Sylvenus A. Fay;

H. R. 648. An act granting a pension to Charles Falbisaner;

H. R. 650. An act granting an increase of pension to Felix G. Stidger;

H. R. 1032. An act granting an increase of pension to Seth Phillips;

H. R. 1043. An act granting an increase of pension to Horace Hounsom;

H. R. 1200. An act granting an increase of pension to John G. Parker;

H. R. 1287. An act granting an increase of pension to John D. Moore;

H. R. 1359. An act granting an increase of pension to Henry M. Robinson;

H. R. 1483. An act granting an increase of pension to Josephine E. Quentin;

H. R. 1484. An act granting an increase of pension to John L. Lovell;

H. R. 1485. An act granting an increase of pension to Susan J. Williams;

H. R. 1585. An act granting an increase of pension to George N. Dutcher;

H. R. 1658. An act granting an increase of pension to George M. Drake;

H. R. 1859. An act granting an increase of pension to George T. B. Carr;

H. R. 1889. An act granting an increase of pension to William M. Shultz;

H. R. 1902. An act granting an increase of pension to Gilbert Ford;

H. R. 1909. An act granting an increase of pension to Alexander Miller;

H. R. 1975. An act granting an increase of pension to William House;

H. R. 1978. An act granting an increase of pension to Harry C. Thorne;

H. R. 1979. An act granting an increase of pension to Amanda L. Hill;

H. R. 2048. An act granting an increase of pension to Joseph J. Cooper;

H. R. 2054. An act granting an increase of pension to Ralph A. Adams;

H. R. 2059. An act granting an increase of pension to Jerome Washburn;

H. R. 2108. An act granting a pension to Mattie Settlemire;

H. R. 2114. An act granting an increase of pension to Benjamin F. Bibb;

H. R. 2116. An act granting an increase of pension to Daniel Hayes;

H. R. 2156. An act granting an increase of pension to Rachel E. Ware;

H. R. 2174. An act granting an increase of pension to Nathaniel Buchanan;

H. R. 2204. An act granting an increase of pension to Dexter E. W. Stone;

H. R. 2306. An act granting an increase of pension to James W. Stell;

H. R. 2307. An act granting an increase of pension to Joseph Jones Martin;

H. R. 2478. An act granting an increase of pension to Asa M. Foote;

H. R. 2595. An act granting an increase of pension to Peter D. Sutton;

H. R. 2703. An act granting an increase of pension to Stephen Weeks;

H. R. 2709. An act granting an increase of pension to Julius D. Rogers;

H. R. 2762. An act granting an increase of pension to William Chandler;

H. R. 2823. An act granting an increase of pension to Orton D. Ford;

H. R. 2849. An act granting an increase of pension to Jesse Harrison;

H. R. 2949. An act granting an increase of pension to George W. Adamson;

H. R. 2954. An act granting an increase of pension to Chauncey P. Dean;

H. R. 3193. An act granting an increase of pension to James R. Todd;

H. R. 3220. An act granting an increase of pension to Sarah Johnson;

H. R. 3230. An act granting an increase of pension to James H. Beulen;

H. R. 3250. An act granting a pension to Harrison White;

H. R. 3315. An act granting an increase of pension to Lewis L. Dougherty;

H. R. 3342. An act granting an increase of pension to Albin L. Ingram;

H. R. 3403. An act granting an increase of pension to George A. Baker;

H. R. 3425. An act granting an increase of pension to Warren A. Blye;

H. R. 3483. An act granting an increase of pension to Lemuel P. Williams;

H. R. 3500. An act granting an increase of pension to William M. Martin;

H. R. 3502. An act granting a pension to Morris Osborn;

H. R. 3544. An act granting an increase of pension to Josiah M. Grier;

H. R. 3552. An act granting an increase of pension to David F. McDonald;

H. R. 3570. An act granting an increase of pension to Susan Whorton;

H. R. 3571. An act granting an increase of pension to Eber Watson;

H. R. 3679. An act granting an increase of pension to Albert M. Hunter;

H. R. 3966. An act granting an increase of pension to Samuel Jester;

H. R. 3973. An act granting an increase of pension to Isaac P. Knight;

H. R. 3983. An act granting a pension to Blanche Douglass;

H. R. 4179. An act granting an increase of pension to Owen Donohoe;

H. R. 4192. An act granting an increase of pension to John C. Cavanaugh, alias John Carpenter;

H. R. 4202. An act granting an increase of pension to John C. Umstead;

H. R. 4206. An act granting an increase of pension to Isaac Henry Ober;

H. R. 4221. An act granting an increase of pension to William Foat;

H. R. 4246. An act granting an increase of pension to George D. Street;

H. R. 4685. An act granting an increase of pension to Jacob Rich;

H. R. 4626. An act granting a pension to Leola V. Franks;

H. R. 4741. An act granting an increase of pension to Stephen Dickerson;

H. R. 4751. An act granting an increase of pension to Joseph J. Sparling;
H. R. 4764. An act granting an increase of pension to Ahijah Brown;
H. R. 4878. An act granting an increase of pension to Isaac H. Witherwax;
H. R. 4886. An act granting an increase of pension to Marquis De Lafayette Burket;
H. R. 4957. An act granting an increase of pension to Elijah J. Snodgrass;
H. R. 4962. An act granting an increase of pension to William J. Sturgis;
H. R. 5028. An act granting an increase of pension to Samuel P. Carll;
H. R. 5163. An act granting an increase of pension to William U. Mallorie;
H. R. 5186. An act granting an increase of pension to Charles W. *Fulton*;
H. R. 5212. An act granting an increase of pension to Giles Q. Slocum;
H. R. 5605. An act granting an increase of pension to James S. Pelley;
H. R. 5640. An act granting an increase of pension to Abraham Mathews;
H. R. 5647. An act granting an increase of pension to Peter Wetterich;
H. R. 5656. An act granting an increase of pension to Darius H. Randall;
H. R. 5658. An act granting an increase of pension to Joseph Nichols;
H. R. 5692. An act granting an increase of pension to Henry G. Gardner;
H. R. 5708. An act granting an increase of pension to Thomas T. Fallon;
H. R. 5711. An act granting a pension to Richard H. Kelly;
H. R. 5753. An act granting an increase of pension to Sallie H. Murphy;
H. R. 5830. An act granting an increase of pension to Sylvenus Hardy;
H. R. 5855. An act granting an increase of pension to Francis L. Brown;
H. R. 5909. An act granting an increase of pension to William H. Bynon;
H. R. 5938. An act granting an increase of pension to Edward J. McClaskey;
H. R. 5957. An act granting an increase of pension to Henry J. Steck;
H. R. 6063. An act granting an increase of pension to Maria Dyer;
H. R. 6085. An act granting an increase of pension to Charles E. Crowe;
H. R. 6076. An act granting a pension to Anna M. Case;
H. R. 6085. An act granting an increase of pension to Jacob C. Rardin;
H. R. 6098. An act granting an increase of pension to Sadie A. Walker;
H. R. 6109. An act granting an increase of pension to William H. Ackert;
H. R. 6115. An act granting an increase of pension to Edward Sarles;
H. R. 6117. An act granting an increase of pension to Elizabeth Dill;
H. R. 6133. An act granting an increase of pension to Mary Bagley;
H. R. 6137. An act granting an increase of pension to Henry S. Stowell;
H. R. 6178. An act granting an increase of pension to Carl W. Block;
H. R. 6226. An act granting an increase of pension to George Bruner;
H. R. 6340. An act granting an increase of pension to William D. Hatch;
H. R. 6398. An act granting an increase of pension to George W. Henry;
H. R. 6399. An act granting an increase of pension to David Hanna;
H. R. 6400. An act granting a pension to Harry W. Omo;
H. R. 6408. An act granting an increase of pension to Isaiah Queman;
H. R. 6489. An act granting a pension to Mary E. Scott;
H. R. 6494. An act granting an increase of pension to William Hughes;
H. R. 6516. An act granting an increase of pension to Joseph Bailey;
H. R. 6538. An act granting an increase of pension to George H. Rice;
H. R. 6565. An act granting an increase of pension to Francis M. Hatter;
H. R. 6613. An act granting a pension to Thomas J. Stevens;
H. R. 6813. An act granting an increase of pension to Emsley Kinsauls;
H. R. 6859. An act granting a pension to Eva B. Koch;
H. R. 6873. An act granting an increase of pension to Charles A. Phillips;
H. R. 6913. An act granting an increase of pension to John Gibbons;
H. R. 6941. An act granting an increase of pension to Alice Gearkee;
H. R. 6947. An act granting an increase of pension to Charles Washburn;
H. R. 6962. An act granting an increase of pension to Richard Phillips, jr.;
H. R. 6977. An act granting an increase of pension to Alfred S. Isaacs;
H. R. 6992. An act granting an increase of pension to Mary Duffy;
H. R. 6993. An act granting an increase of pension to John Sarvis;
H. R. 7001. An act granting an increase of pension to Andrew M. Dunham;
H. R. 7213. An act granting an increase of pension to Loucette E. Glavis;
H. R. 7222. An act granting an increase of pension to Levi J. Walton;
H. R. 7224. An act granting an increase of pension to Charles R. Ellis;
H. R. 7231. An act granting an increase of pension to Samuel O'Tool;
H. R. 7238. An act granting an increase of pension to William J. Campbell;
H. R. 7240. An act granting a pension to Galevina A. Pinnell;
H. R. 7241. An act granting an increase of pension to Mary J. Allhands;
H. R. 7525. An act granting an increase of pension to William K. Spencer;
H. R. 7576. An act granting an increase of pension to George W. Brummett;
H. R. 7599. An act granting an increase of pension to William Holland;
H. R. 7600. An act granting an increase of pension to John Welch;
H. R. 7607. An act granting an increase of pension to Annie M. Smith;
H. R. 7628. An act granting an increase of pension to Lorenzo D. Stoker;
H. R. 7636. An act granting an increase of pension to John J. Meeler;
H. R. 7649. An act granting an increase of pension to William Leipnitz;
H. R. 7665. An act granting an increase of pension to Wesley J. Banks;
H. R. 7680. An act granting an increase of pension to William Shannon;
H. R. 7711. An act granting an increase of pension to Samuel Dunnan;
H. R. 7721. An act granting an increase of pension to Daniel V. Lowary;
H. R. 7750. An act granting an increase of pension to Anton Riedmuller;
H. R. 7838. An act granting an increase of pension to S. Harriet Morris;
H. R. 7941. An act granting an increase of pension to Carlon B. Osborn;
H. R. 7948. An act granting an increase of pension to James W. Reynolds, alias William Reynolds;
H. R. 7955. An act granting an increase of pension to Newton E. Terrill;
H. R. 7982. An act granting an increase of pension to Francis M. Kellogg;
H. R. 8061. An act granting an increase of pension to Heart Echard;
H. R. 8043. An act granting an increase of pension to Lafayette Dodds;
H. R. 8044. An act granting an increase of pension to Angel Hausker;
H. R. 8156. An act granting an increase of pension to Loren H. Howard;
H. R. 8169. An act granting an increase of pension to Eliza C. Jones;

H. R. 8187. An act granting an increase of pension to Silas C. Elliott;
H. R. 8213. An act granting an increase of pension to William Monteith;
H. R. 8216. An act granting an increase of pension to Philipp Cline, alias Francis Klein;
H. R. 8233. An act granting an increase of pension to Charles A. Power;
H. R. 8242. An act granting an increase of pension to John Alves;
H. R. 8251. An act granting an increase of pension to Abel S. Thompson;
H. R. 8253. An act granting an increase of pension to John Dolan;
H. R. 8288. An act granting an increase of pension to Jonathan Carr;
H. R. 8302. An act granting an increase of pension to Maurice Hayes;
H. R. 8317. An act granting an increase of pension to Eliza Thompson;
H. R. 8406. An act granting an increase of pension to Susan W. Selfridge;
H. R. 8494. An act granting an increase of pension to David A. Jones;
H. R. 8520. An act granting an increase of pension to Alfred F. White;
H. R. 8541. An act granting an increase of pension to Edward H. Pinney;
H. R. 8556. An act granting an increase of pension to Ethan Blodgett;
H. R. 8562. An act granting an increase of pension to William Ostermann;
H. R. 8596. An act granting an increase of pension to John C. Messerschmidt;
H. R. 8649. An act granting an increase of pension to William Bode;
H. R. 8663. An act granting an increase of pension to Frederick A. Amende;
H. R. 8664. An act granting an increase of pension to Henry Wascher;
H. R. 8714. An act granting an increase of pension to George Gibson;
H. R. 8794. An act granting an increase of pension to Stout Shearer;
H. R. 8846. An act granting an increase of pension to Thomas Todd;
H. R. 8847. An act granting an increase of pension to Philip B. Thompson;
H. R. 8918. An act granting an increase of pension to Andrew J. Hull, alias Spencer J. Hull;
H. R. 8926. An act granting an increase of pension to John Keller;
H. R. 8939. An act granting an increase of pension to Sarah A. Chauncey;
H. R. 8944. An act granting an increase of pension to William H. Lorance;
H. R. 8949. An act granting an increase of pension to Albert Richard Clark;
H. R. 9051. An act granting an increase of pension to Asher S. Bouden;
H. R. 9052. An act granting an increase of pension to Jonathan Wood;
H. R. 9059. An act granting an increase of pension to Ebenezer S. Edgerton;
H. R. 9065. An act granting an increase of pension to George G. Brail;
H. R. 9077. An act granting an increase of pension to Samuel Engle;
H. R. 9104. An act granting an increase of pension to Henry Brown;
H. R. 9122. An act granting an increase of pension to Philander Bennett;
H. R. 9142. An act granting an increase of pension to Herman A. Kimball;
H. R. 9146. An act granting an increase of pension to Francis A. Jones;
H. R. 9209. An act granting an increase of pension to Stephen D. Cohen;
H. R. 9234. An act granting an increase of pension to William A. McDonald;
H. R. 9237. An act granting an increase of pension to Jacob Dachrodt;
H. R. 9253. An act granting a pension to Vollie A. McMillen;
H. R. 9279. An act granting an increase of pension to Patrick Curley;
H. R. 9351. An act granting an increase of pension to Marie G. Bonham;
H. R. 9405. An act granting an increase of pension to John Burns;
H. R. 9416. An act granting an increase of pension to Jacob M. Longsworth;
H. R. 9530. An act granting a pension to Catherine B. Casey;
H. R. 9567. An act granting an increase of pension to Henderson Rose;
H. R. 9579. An act granting an increase of pension to John G. Harris;
H. R. 9651. An act granting an increase of pension to Charles S. Word;
H. R. 9789. An act granting an increase of pension to Josiah Nicholson;
H. R. 9795. An act granting an increase of pension to Emory Edward Patch;
H. R. 9851. An act granting an increase of pension to William G. Richardson;
H. R. 9906. An act granting an increase of pension to Hirman Rhodes;
H. R. 9929. An act granting an increase of pension to Orlean De Witt;
H. R. 10007. An act granting an increase of pension to Appleton Gibson;
H. R. 10175. An act granting an increase of pension to Matthew A. Knight;
H. R. 10216. An act granting an increase of pension to Hugh Longstaff;
H. R. 10256. An act granting an increase of pension to Daniel D. Diehl;
H. R. 10258. An act granting an increase of pension to Elias Smith;
H. R. 10266. An act granting an increase of pension to William H. Morris;
H. R. 10269. An act granting an increase of pension to Andrew Ricketts;
H. R. 10297. An act granting an increase of pension to Nicholas Hercherberger;
H. R. 10307. An act granting an increase of pension to Milton A. Saeger;
H. R. 10308. An act granting an increase of pension to Dillon F. Acker;
H. R. 10323. An act granting an increase of pension to Patrick J. Donahue;
H. R. 10362. An act granting an increase of pension to William J. Chenoweth;
H. R. 10437. An act granting an increase of pension to Casper Yost;
H. R. 10439. An act granting an increase of pension to Mary Ann Gaunt;
H. R. 10457. An act granting an increase of pension to Lizzie Bremmer;
H. R. 10459. An act granting an increase of pension to Alta M. Westenhaver;
H. R. 10476. An act granting a pension to Charles T. Hesler;
H. R. 10477. An act granting an increase of pension to James B. Babcock;
H. R. 10483. An act granting a pension to James Gallt;
H. R. 10521. An act granting an increase of pension to John F. Cluley;
H. R. 10522. An act granting an increase of pension to Charles H. Everitt;
H. R. 10551. An act granting an increase of pension to Ezekial Polk;
H. R. 10552. An act granting an increase of pension to James Wilkinson;
H. R. 10564. An act granting an increase of pension to Levi N. Bodley;
H. R. 10588. An act granting an increase of pension to John H. Parker;
H. R. 10611. An act granting a pension to John J. Brewer;
H. R. 10623. An act granting an increase of pension to Joseph L. Bostwick;
H. R. 10637. An act granting an increase of pension to Levi I. Shipman;
H. R. 10720. An act granting an increase of pension to Joseph F. Caldwell;
H. R. 10722. An act granting an increase of pension to William H. Flint;
H. R. 10741. An act granting an increase of pension to Thomas Clark;

H. R. 10807. An act granting an increase of pension to Jacob J. Long;
H. R. 10872. An act granting an increase of pension to Abram J. Hill;
H. R. 10883. An act granting an increase of pension to William Lee;
H. R. 10918. An act granting an increase of pension to Nathan W. Josselyn;
H. R. 10925. An act granting an increase of pension to Isaac C. Dennis;
H. R. 10954. An act granting an increase of pension to Letitia D. Watkins;
H. R. 10967. An act granting a pension to George Larson;
H. R. 10969. An act granting an increase of pension to Calaway G. Tucker;
H. R. 11051. An act granting a pension to Henry T. McDowell;
H. R. 11061. An act granting an increase of pension to Reanna Pile;
H. R. 11096. An act granting an increase of pension to Sion B. Glazner;
H. R. 11101. An act granting an increase of pension to Andrew J. Baker;
H. R. 11105. An act granting an increase of pension to Michael Comer;
H. R. 11132. An act granting an increase of pension to Horace E. Lydy;
H. R. 11144. An act granting an increase of pension to Lewis Pratt;
H. R. 11145. An act granting an increase of pension to Melvin J. Lee;
H. R. 11160. An act granting an increase of pension to Lemuel Herbert;
H. R. 11205. An act granting an increase of pension to Jeremiah Spice;
H. R. 11302. An act granting an increase of pension to John R. Cotton;
H. R. 11320. An act granting an increase of pension to Adam Cook;
H. R. 11343. An act granting an increase of pension to Enoch Bolen;
H. R. 11561. An act granting an increase of pension to Egbert P. Shetter;
H. R. 11620. An act granting an increase of pension to John J. Quimby;
H. R. 11630. An act granting an increase of pension to Harriet E. St. John;
H. R. 11653. An act granting an increase of pension to James R. Jordan;
H. R. 11658. An act granting an increase of pension to Gould E. Utter;
H. R. 11672. An act granting an increase of pension to Franklin J. Fellows;
H. R. 11724. An act granting an increase of pension to John A. Conley;
H. R. 11777. An act granting an increase of pension to Manson B. Scott;
H. R. 11808. An act granting an increase of pension to Webster Thomas;
H. R. 11842. An act granting an increase of pension to James M. Noble;
H. R. 11846. An act granting a pension to Clara M. Thompson;
H. R. 11908. An act granting an increase of pension to Stephen V. Sturtevant;
H. R. 11916. An act granting an increase of pension to Edward L. Kimball;
H. R. 12008. An act granting an increase of pension to James D. Blanding;
H. R. 12016. An act granting an increase of pension to James Cassaday;
H. R. 12027. An act granting an increase of pension to Nathan C. Bradley;
H. R. 12038. An act granting an increase of pension to Charles H. Burleigh;
H. R. 12054. An act granting an increase of pension to Martha E. Hallowell;
H. R. 12102. An act granting an increase of pension to Wilhelmina Healey;
H. R. 12156. An act granting an increase of pension to Edwin Billing;
H. R. 12285. An act granting a pension to Mary C. Kirkland;
H. R. 12290. An act granting an increase of pension to David L. Kretsinger;
H. R. 12297. An act granting a pension to Estelle Kuhn;
H. R. 12384. An act granting an increase of pension to Andrew Dunning;
H. R. 12388. An act granting an increase of pension to Harvey T. Dunn;
H. R. 12506. An act granting an increase of pension to John T. Howell;
H. R. 12507. An act granting an increase of pension to George W. Collier;
H. R. 12510. An act granting an increase of pension to John McWhorter;
H. R. 12583. An act granting an increase of pension to Elizabeth L. H. Labatt;
H. R. 12640. An act granting an increase of pension to Augustus Walker;
H. R. 12713. An act granting an increase of pension to Augustus F. Bradbury;
H. R. 12754. An act granting an increase of pension to William B. Eversole;
H. R. 12837. An act granting an increase of pension to Martha Miller;
H. R. 12839. An act granting an increase of pension to Kathryn G. Hayt;
H. R. 12937. An act granting an increase of pension to James Hoover;
H. R. 13037. An act granting an increase of pension to Elizabeth Jane Kearney;
H. R. 13050. An act granting an increase of pension to William G. Crockett;
H. R. 13078. An act granting an increase of pension to Elizabeth F. Partin;
H. R. 13084. An act granting an increase of pension to William Dixon;
H. R. 13129. An act granting an increase of pension to Pinkney W. H. Lee;
H. R. 13141. An act granting an increase of pension to William A. Southworth;
H. R. 13457. An act granting an increase of pension to William M. McCay;
H. R. 13536. An act granting an increase of pension to Peter Cline;
H. R. 13579. An act granting an increase of pension to Amon Miller; and
H. R. 13582. An act granting an increase of pension to James Sutherland.

## THE STATEHOOD BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12707) to enable the people of Oklahoma and of the Indian Territory to form a constitution and State government and be admitted into the Union on an equal footing with the original States; and to enable the people of New Mexico and of Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States.

Mr. NELSON. Mr. President, it is not my purpose on this occasion to enter into any extended discussion.

Mr. FORAKER rose.

The VICE-PRESIDENT. Does the Senator from Minnesota yield to the Senator from Ohio?

Mr. NELSON. Certainly.

Mr. FORAKER. If the Senator will yield to me, I simply wish to offer an amendment to the bill and ask that it may be printed and lie on the table. I shall take advantage of some opportunity to make some remarks upon it.

Mr. GALLINGER. I ask that the proposed amendment be read.

The VICE-PRESIDENT. The proposed amendment submitted by the Senator from Ohio will be read.

The SECRETARY. Insert at the end of section 25 the following:

Seventh. That said State shall by suitable laws forever prohibit all games of chance for money or other thing of value and shall impose appropriate penalties by fine or imprisonment, or both, for any violation of the same.

The VICE-PRESIDENT. The proposed amendment will be printed and lie on the table.

Mr. FORAKER. I want to say, in justice to myself, that I shall not ask the Senate to adopt that amendment at the time when we adopt the other amendments; but I shall before that time take occasion to make some remarks based upon that amendment which will have application to this proposed legislation.

Mr. NELSON. Mr. President, it is not my purpose to enter into an extended discussion of the pending bill at this time. I simply wish to now present to the Senate certain facts and statistics which have bearing upon different portions of the bill and upon the bill as an entirety, especially with reference to the

question of dividing New Mexico and Arizona into separate States.

The question was asked the junior Senator from Illinois [Mr. HOPKINS] the other day, when he had the floor and was discussing the statehood bill, as to what was the relative indebtedness of the two Territories, and it was intimated by the Senator from Oregon [Mr. FULTON], who asked the question, that while New Mexico had a large indebtedness, Arizona had practically none. I find, on looking up the matter, that, according to the latest statistics I have been able to obtain, those contained in the report of the governor of the Territory, that a year ago the bonded debt of Arizona was $1,010,972.43, while the bonded debt of New Mexico was $1,062,000. So, practically, the bonded debts of the two Territories are equal.

I want to say further, in connection with this matter, while I am on that subject, that a good many years ago various counties and municipalities, both in Arizona and New Mexico, issued bonds for local improvements, bonds to aid railroads. Those bonds were litigated and held to be invalid. Afterwards—I can not at this time recall the date—legislation was passed in Congress here which legalized those bonds, both as to Arizona and to New Mexico. In addition to that, a law was passed making these local debts thus legalized in Arizona a part of the funded debt of that Territory. Similar legislation was attempted here in Congress during the first session which I served in this body. An attempt was made to saddle something like $1,000,000 of local debt, that had before that time been legalized by statute upon the Territory of New Mexico. That legislation, however, failed; so that New Mexico to-day has practically no more bonded debt than Arizona.

I next want to call the attention of the Senate to the amount of public land in each of those Territories, the amount that has been appropriated or reserved, and the amount that is still open to appropriation, which means for sale or entry.

In Arizona the total amount of public lands was 72,792,320 acres. I read from a document prepared by the General Land Office July 1, 1894. Since then there has been some slight change, but not much. Of this total area, 5,541,547 acres have been appropriated for various purposes, which means sold or disposed of; at all events the Government has parted with its title to it. Twenty million two hundred and forty-nine thousand one hundred and eighty acres have been reserved, part of it for forest reserves, part for irrigation purposes, and the remainder for Indian reserves. There is in Arizona about that amount at this time. In Arizona there is a total of 47,001,593 acres of unappropriated and undisposed of public lands.

I next call the attention of the Senate to the condition of the public lands in New Mexico. The total amount of public lands in that Territory is 78,428,800 acres. Of this amount 18,820,356 acres have been sold or appropriated and disposed of in various ways; 7,356,104 acres are in reservations either reserved for forest purposes, for irrigation purposes, or for the Indians, leaving a residue of 52,252,340 acres of public land undisposed of in that Territory.

This is the condition in the Territory of Oklahoma: The total amount of public lands in that Territory was 24,718,720 acres. Of this amount, 19,567,824 acres have been appropriated, mainly taken by homestead settlers, and 3,055,469 acres have been reserved for forest purposes, mostly for Indian reservations in that Territory; and there is only a total area of unreserved and unappropriated lands in that Territory of 2,095,427 acres.

I next desire to call the attention of the Senate to the forest reserves in the two Territories of Arizona and New Mexico. From a letter that I have just received from the head of the Forestry Bureau, Mr. Pinchot, it appears that there are in the Territory of Arizona ten forest reserves, amounting to 8,357,370 acres, with an estimated quantity of timber on it in board measure of 7,714,000,000 feet. In New Mexico there are five forest reservations, containing 5,207,184 acres, and the estimated amount of timber in board measure is 9,200,000,000 feet.

I desire to call the attention of the Senate to the amount of land that is irrigated or that can be irrigated in the two Territories of Arizona and New Mexico. My remarks last year were based upon statistics which I then received from the Geological Survey, which has charge of irrigation matters. It appeared that in the two Territories combined there were a total of 502,197 acres of land that were irrigated, or a total of about 800,000 acres that it is possible to irrigate, making an aggregate of 1,302,197 acres, according to the report of the Geological Survey, that were either then irrigated or susceptible of irrigation.

I addressed a letter a short time ago to the Geological Survey to find what changes have taken place in reference to that matter, and here is the information I have secured:

DEPARTMENT OF THE INTERIOR,
UNITED STATES GEOLOGICAL SURVEY,
*Washington, D. C., February 24, 1906.*

Hon. KNUTE NELSON,
*United States Senate.*

SIR: Your letter of February 22 has been received, asking regarding development of irrigation in New Mexico and Arizona. There have been relatively small changes in the conditions as given in my letter to you of December 21, 1904. There has been an increase in irrigated acreage by the construction of small irrigation ditches or by the extension of existing canal systems. On the other hand, there has been in some localities a notable decrease of irrigated acreage, owing to the failure of the Arizona canal system and the Pecos Valley Canal, two of the largest irrigating systems which have been operating in the past.

In Arizona the Salt River project will furnish water for at least 165,000 acres, a portion of which is already partly irrigated and is included in the census statistics of irrigated acreage. In the vicinity of Yuma, also, at least 50,000 acres will be irrigated in the near future, most of this being land which has been subject to overflow, but not irrigated systematically in the past.

In New Mexico the Hondo project is nearly completed for the irrigation of about 8,000 acres, and the Carlsbad project will shortly be taken up for the irrigation of about 20,000 acres, restoring water to lands previously irrigated by the Pecos Valley Canal. In the Rio Grande Valley it is probable that in the future 110,000 acres will be supplied with water by storage from the Engle Reservoir.

With these explanations or modifications I think that the general statements given in my previous correspondence, and in the Census report on irrigation in 1902, may be considered as approximately correct.

Very respectfully, CHAS. D. WALCOTT, *Director.*

Inasmuch as the bill provides for an extensive land grant, I was curious to know the gross amount of land that would be appropriated by it. I have here a letter received from the General Land Office giving a statement of the acreage of public lands that will be disposed of under this bill for school and other purposes in the two Territories of Arizona and New Mexico, and also in Oklahoma. In Oklahoma there is a school grant of two sections to the township—sections 16 and 36. The total number of acres in this will be 1,385,174. Then, in addition to that grant to Oklahoma, section 8 of the bill confers certain lands in section 13 in the Cherokee Outlet, the Tonkawa Indian Reservation, and the Pawnee Indian Reservation, reserved by the President of the United States by proclamation issued August 19, 1893, which amounts to 179,319 acres. Another portion is in the Wichita Reservation, under the act of March 2, 1895, and by amendatory statutes in reference to the Kiowa, Comanche, and Apache Indian reserves, under which is granted 148,140 acres.

Then, in addition to these general school land grants which I have stated, there are special grants, as follows:

To the State University, 250,000 acres; to the University Preparatory School, 150,000 acres; to the Agricultural College, 250,000 acres; to the Colored Agricultural and Normal University, 100,000 acres, and to the normal schools, 300,000 acres. The aggregate of all the grants made by this bill to the Territory of Oklahoma amounts to 3,090,092 acres of land.

The Indian Territory has no school land, and it is impossible to make a school land grant there, because all the land there belongs to the people of the Five Civilized Tribes.

Hence the bill, in order to make up a sort of equilibrium between the school land grant to Oklahoma and the lack of such a grant to the Indian Territory, makes an appropriation of $5,000,000. While that may seem a large sum, I do not think it will at all compare with the value of the school lands that are granted to Oklahoma. I think the grant to Oklahoma Territory, at the very lowest estimate, is worth more than $10,000,000, perhaps fifteen or twenty million dollars. So the Indian Territory, even with that appropriation of $5,000,000 in cash, will get much less than Oklahoma out of the general fund for the establishment and maintenance of public schools in those Territories.

In Arizona we make a more extensive school grant. We follow the precedent that was established in the case of Utah and one or two other States. Originally, I might say, Mr. President, the school grant to the earlier States of the Mississippi Valley was one section to the township—section 16. The old States like Iowa, Minnesota, Wisconsin, and Illinois, and, I think, Michigan, got one section to a township for school purposes. Afterwards, as we admitted newer States, we began to give them two sections to the township—sections 16 and 36—and in later instances, in the arid States like Utah and one or two others, we went still further and gave them four sections to the township.

The school land grant in Arizona is a grant of sections 13, 16, 33, and 36, and it will amount to 16,802,348 acres; for public buildings, 128,000 acres; for university, 48,000 acres; another grant to the university of 192,000 acres; for the insane asylum, 200,000 acres; for the penitentiaries, 200,000 acres; for the school for deaf and dumb, 200,000 acres; for the miners' hospitals, 100,000 acres; for the normal schools, 200,000 acres; for State charitable and other institutions, 200,000 acres; for

agricultural colleges, 300,000 acres; for the school of mines, 200,000 acres; and for the military institute, 200,000 acres.

To New Mexico the following grants are made: For reservoirs, 500,000 acres; for the improvement of the Rio Grande, 100,000 acres; for the insane asylum, 50,000 acres; for the school of mines, 50,000 acres; for the deaf and dumb asylum, 50,000 acres; for the reform school, 50,000 acres; for the normal school, 100,000 acres; for the institute for the blind, 50,000 acres; for the miners' hospital, 50,000 acres; for the military institute, 50,000 acres; for the penitentiaries, 50,000 acres; and for the university, 46,080 acres.

I made a mistake if I said that this school land grant of 18,000,000 acres was for Arizona alone. It includes both Arizona and New Mexico. The total grant of public lands for these two Territories is 20,116,428 acres. This may seem an immense grant—four sections to the township.

Mr. HEYBURN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Minnesota yield to the Senator from Idaho?

Mr. NELSON. Certainly.

Mr. HEYBURN. If it will not interrupt the Senator, I should like in this connection, before leaving the question of land grants for school purposes, to make some inquiry of the Senator as to his understanding of the situation in which the proposed new State would find itself so far as the lands for school purposes are concerned. I understand the Senator to have said—or perhaps it was another Senator—in discussing the question, that, outside of the land that had been withdrawn for irrigation purposes, there was very little, if any, arable land or land available for settlement.

Mr. NELSON. I did not say that.

Mr. HEYBURN. Well, it has been so stated. I think it was stated at the last session.

Mr. NELSON. I read the statistics of the land that had been appropriated or disposed of, the statistics of land that had been reserved for all purposes, and the statistics of the land that was still unappropriated, and then I read in detail the amount included in the two Territories in forest reservations. There are ten forest reserves in Arizona and five in New Mexico. I gave the acreage of each, and then from the report of the Geological Survey for last year I gave the amount of land that had been irrigated and that was susceptible of irrigation at that time. Then I supplemented that with a statement, in the shape of a letter, which I received from Mr. Walcott, showing the modifications and changes that should be made in respect to the statement I made a year ago.

Mr. HEYBURN. I so understood the Senator, and I thought it would quite repay us at this time, in order to have it together in the RECORD, to make some investigation as to whether or not this grant of lands for educational purposes represented a real grant or a Barmecide feast. Now, I should like to call the Senator's attention to some of his figures just stated. According to the official statement, the forest reserves already withdrawn and created in the two Territories of Arizona and New Mexico aggregate 13,564,554 acres—that is, withdrawn for forest purposes.

Mr. NELSON. Yes.

Mr. HEYBURN. The lands that are withdrawn for irrigation purposes, under the reclamation act, of course, are not available for the purpose of selecting school lands.

Mr. NELSON. Of course not.

Mr. HEYBURN. So that, taking the total area of arable land, or land possible of settlement and cultivation, to be made up of the forest reserves and of lands that can be made available only by reclamation, how much land is there left from which to select indemnity school lands and the other land grants of the proposed State? If the Senator can give me that information, I should be glad to have it.

Mr. NELSON. There are oceans of it. I have just read the figures.

Mr. HEYBURN. I have the Senator's figures before me.

Mr. NELSON. There are oceans of unappropriated public lands in the two Territories. There is no difficulty at all about filling the grant and making indemnity selections. In New Mexico there are still—or there were a year ago, and there have not been many changes since—52,252,000 acres of unappropriated public land, and in Arizona there were 47,000,000 acres of unappropriated public land, nearly 100,000,000 acres of unappropriated public land in the two Territories.

Mr. HEYBURN. Will it interrupt the Senator if we consider it from that basis for a moment by a few questions, I hope well directed, to get at what the real assets of the school fund will be in Arizona?

Mr. NELSON. The Senator knows it is impossible for any Senator to answer that, because no man can say what those lands will be sold for. I am coming to that question. I was going to state to the Senate the reasons why this grant is much more extensive than the grant to Oklahoma and some States. Instead of two sections to the township, it is proposed to grant to Arizona and New Mexico four sections, because the lands are poor and arid and will undoubtedly bring but a small amount. It will be largely a question of irrigation as to how soon money can be derived from that source.

Mr. HEYBURN. If it will not interrupt the Senator, does the Senator understand that under the provision of this bill lands that are valuable only through the reclamation process are available for the school fund?

Mr. NELSON. No; I understand that where land is undisposed of in the first place the State gets absolutely four sections in each township if they are vacant and unappropriated.

Mr. HEYBURN. What does the Senator understand by being "undisposed of?" Would forest reserves take them out of the list?

Mr. NELSON. They would then be in a state of reservation and could not be selected.

Mr. HEYBURN. Then would reclamation withdrawal also take them out?

Mr. NELSON. That would hold them in a state of reservation.

Mr. HEYBURN. Then the school lands which are granted nominally could not be selected either from forest reserves or from lands available under the reclamation process?

Mr. NELSON. I think not.

Mr. HEYBURN. What other lands are there in Arizona and New Mexico that would form a substantial basis of settlement upon which the growth of that proposed State may rest?

Mr. NELSON. Well, there are in the two Territories upward of 100,000,000 acres of land that are not in a state of reservation.

Mr. HEYBURN. But are they of any value?

Mr. NELSON. That is a question.

Mr. HEYBURN. Would they all form a substantial basis of value for the school fund?

Mr. NELSON. I might ask the question, Will those 100,000,000 acres form a substantial basis for a State?

Mr. HEYBURN. That is the question. It has been asserted that they would not; that this proposed State had no possible future through growth that depended upon these lands outside of the forest reclamation lands at present.

Mr. NELSON. I take it that in time, if the Senator wants my judgment—and I can only give him that—in time, gradually some of these lands will be irrigated on a small scale. I do not apprehend that all irrigation will simply be confined to what the Government does. We have laws under which desert lands can be entered and irrigated.

Mr. WARREN rose.

Mr. NELSON. I yield to the Senator from Wyoming.

Mr. WARREN. I simply desire to ask a question.

Mr. NELSON. Yes, sir.

Mr. WARREN. The Senator from Minnesota is making a very interesting statement, and I know he wants to be right. He stated a moment ago that Utah and other arid States were granted four sections of school lands.

Mr. NELSON. As to Utah, I am confident that is so.

Mr. WARREN. My information is that Utah had four sections, but that no other State had so many.

Mr. NELSON. Well, perhaps I may be mistaken. I am sure about Utah. [To Mr. SMOOT:] Am I not correct?

Mr. SMOOT. Utah was granted sections 2, 16, 32, and 36.

Mr. NELSON. Four sections.

Mr. WARREN. But no other State in the Union was granted so many sections.

Mr. NELSON. Perhaps the Senator is correct.

Mr. WARREN. May I ask what other sections make up the four other than the sixteenth and the thirty-sixth?

Mr. NELSON. In Arizona and New Mexico?

Mr. WARREN. Yes, sir.

Mr. NELSON. Sections 13, 16, 33, and 36.

Mr. WARREN. Mr. President, I have only to say that I find no fault whatever that four sections are proposed to be granted to New Mexico and Arizona. I am glad that they are to have that much. The grants to the proposed new States in this bill are liberal all the way through. I may say that, aside from the school sections, they are several times what they have been in the other States; but that simply proves to me that the other States did not have nearly enough. I think the present bill is all right, for there is no more land to be given to the proposed States than they ought to have.

Mr. NELSON. I do not agree with the Senator in that. I think if you take the question of value into consideration, the

grant to New Mexico and Arizona does not begin to be as good as the grant to Oklahoma, for instance.

Mr. WARREN. That is true; but I am speaking of the other arid States. I wish to make no point on it, because that has all passed.

Mr. NELSON. I am not prepared to speak on that. But take the States that are not arid or are only semiarid. I think this grant of four sections to the township does not begin to be as valuable even as one section to the township was in Wisconsin, Iowa, and some of the older States.

Mr. WARREN. In my judgment, the Senator is absolutely right; but I want to say, as we go along, although the wrong of that is passed and can not be rectified now, that the other arid States, in addition to Utah, should have had four sections of public land instead of two.

Mr. NELSON. The Senator is perfectly right. I will not discuss that with him. We can not mend those matters of the past; but the committee felt confident that this grant, in view of the character of the land and the resources of the country, was none too much. I apprehend—though it is only a rough guess of mine—that to-day those lands as an entirety perhaps would not be worth over from 50 cents to a dollar an acre, while in Oklahoma, I have no doubt that the school lands are worth all the way from ten to twenty dollars an acre.

Of course, it will be something of a problem, because this land will not be of much help until the State can dispose of it; but as the lands become improved, cultivated, irrigated, and settled, gradually they will be disposed of at a very fair price, especially such portions as can be irrigated.

I think, in all fairness to this new proposed State, that if I had my way about it, in addition to this land grant, I would give them an appropriation of a few million dollars to start with as a school fund, in order to make a beginning until they can dispose of and market these lands and secure a fund, because the lands will not be available for school purposes until the State can dispose of them, get the money, and let that money out at interest, and thus obtain revenue.

Mr. President, in addition to the figures which I have given the Senate, I have here a table which I will ask to have incorporated in my remarks, giving a list of the States as they have been admitted into the Union since 1812, showing the population of those States at the time of their admission or at the census nearest to it, and showing the ratio of population for each Representative in Congress. While if you go away back and look at the population each State had when admitted, it may seem small in comparison with the States admitted in recent years, yet, when you compare it with the ratio of representation in Congress at that time, you will find that as a rule every State which was admitted had enough for at least one Representative in Congress and in many instances more.

In connection with my statement in reference to the land grants in the three Territories of Oklahoma, Arizona, and New Mexico, I desire to present a memorandum from the Interior Department, explaining more in detail the effects and limitations of the grants, and to have it incorporated in my remarks.

The memorandum referred to is as follows:

MEMORANDUM AS TO THE EFFECT OF CERTAIN SECTIONS OF SENATE BILL 1158, FOR THE ADMISSION OF OKLAHOMA AND INDIAN TERRITORY, NEW MEXICO AND ARIZONA, RELATIVE TO PUBLIC LANDS GRANTED TO THE NEW STATES FOR EDUCATIONAL AND PUBLIC IMPROVEMENT PURPOSES.

(1) By section 12 of the bill, 1,050,000 acres in gross are granted to the proposed State of Oklahoma, in lieu of lands for internal improvements, swamp lands, etc. These lands are to be selected by the board for leasing school lands of the Territory, the only duty of the Department in the premises being the ministerial duty of withdrawing from entry the selections so made.

By section 29 of the bill, 1,800,000 acres are granted to the proposed State of Arizona, in lieu of grants for internal improvements, swamp lands, etc. By section 30 it is provided that these lands shall be selected, "under the direction of the Secretary of the Interior," by a commission composed of the governor, the surveyor-general, and the attorney-general of said State. There is no "board for leasing school lands" in New Mexico; and the system of leasing Territorial lands in that Territory has not been developed so far as it has in Oklahoma. There is, however, a "board of public lands," which has heretofore both leased and sold certain Territorial lands, subject to the approval of the Secretary of the Interior.

(2) Sections 7 and 8 of the bill grant to Oklahoma sections 16 and 36 for school purposes and sections 13 and 33 for university and public-improvement purposes. There is no provision in that part of the bill which relates to Oklahoma excepting either from these grants or from the grant of 1,050,000 acres in gross above mentioned the lands known to be mineral in character. It has always been the custom heretofore to except mineral lands from grants made to new States for educational and public-improvement purposes. In Oklahoma there are, among other mineral lands, several sections which are very valuable for oil and gas purposes. Thousands of dollars have been offered for the lease of less than a single section of school land near Cleveland, Okla., but the applicant was informed that neither the Department nor the Territory could make such a lease for mineral purposes under existing law.

In the portion of the bill granting lands to the proposed new State of Arizona (see sections 23–26 and 29) there is a provision expressly excepting lands known to be mineral in character. Said provision is found in section 31, which reads as follows:

"SEC. 31. That all mineral lands shall be exempted from the grants made by this act; but if any portion thereof shall be found by the Department of the Interior to be mineral lands, said State is hereby authorized and empowered to select, in legal subdivisions, an equal quantity of other unappropriated lands in said State."

It is possible that this section was intended to except mineral lands from the grants made to both Arizona and Oklahoma, as it does not mention either State. In view, however, of its position among the provisions relating exclusively to Arizona, and in view of its indefinite language, it seems not unlikely that, under the rule of noscitur a sociis, this section would be construed as excepting mineral lands only from those grants which are made to Arizona, and as not affecting the grants made to Oklahoma.

Under the bill as framed Oklahoma would appear to be favored above all the other Territories; and certain rights granted to that State by the bill are denied to the State to be created out of Arizona and New Mexico.

(3) Sections 9 and 10 authorize the leasing of lands granted to Oklahoma for periods of not exceeding five years, "under such regulations as the legislature may prescribe." Oklahoma has now an elaborate system of leasing school lands. Perhaps, therefore, the insertion in the present bill similar to that which was included in the bill pending during the last Congress (H. R. 14749) might be found useful, to wit, "and until such time as the legislature shall prescribe the same, this and all other lands granted to the State may be leased under existing rules and regulations."

(4) It appears that the 1,050,000 acres granted in gross to Oklahoma by section 12 of the bill are absolutely at the disposal of the legislature of said Territory. Section 28 of the bill, however, provides that "all lands herein granted for educational purposes may be appraised and disposed of only at public sale," etc., or may be leased; but this section is placed among the provisions relating exclusively to Arizona; and as the last sentence is a repetition of a similar provision in the part of the bill relating to Oklahoma, and the section does not indicate that it was intended to apply to both States, it would probably (as in the case of section 31 of the bill above referred to) be held to apply only to the State of Arizona.

The act for the admission of North and South Dakota, Montana, and Washington (22 Stat., 676) provided (sec. 11), among other things, that "all lands herein granted for educational purposes shall be disposed of only at public sale, and at a price not less than $10 per acre," but that the lands might be leased for not exceeding five years, and in quantities not exceeding one section to any one person or company.

In Oklahoma many square miles of land have been leased to the same person or company, at prices far below the real value of the land, thus working injury both upon the Territory itself and upon prospective settlers; and the persons who secured these large tracts, not satisfied with the great profits which they have reaped in the past, are now claiming perpetual rights over the tracts leased by them; or, as has happened in many cases, they have subdivided the lands into half or quarter sections, and transferred their rights over these small parcels to actual home seekers, receiving large sums for such transfer.

(5) There are several bills pending before Congress looking to the creation of national parks in Arizona and New Mexico, to wit: The Petrified Forest National Park, in Arizona, and the Pajarito Cliff Dwellers' National Park, in New Mexico. Regarding the proposed Petrified Forest Park, the Commissioner of the General Land Office states in his last annual report as follows:

"In view of the well-known importance of securing efficient protection for the natural wonders of this region, I urgently renew my recommendation that this measure, which, as stated, has already been passed by the House of Representatives in three successive Congresses, be given the early approval of Congress at its next session."

A bill having in view the creation of a national park at this place has been introduced at the present session of Congress.

The Department has several times recommended the passage of an act establishing the proposed Pajarito Cliff Dwellers' National Park, in New Mexico, and a bill for that purpose was introduced during the last Congress, but failed to become a law. Part of the land proposed to be included in such park is now included in a reservation for the use of the Santa Clara Pueblo Indians, and the remainder of the tract is included in the Jemez Forest Reserve (proposed).

If the lands above referred to are to be set aside as national parks and exclusive jurisdiction thereof is to be retained by the United States, it would seem advisable that a provision be inserted in this statehood bill describing such lands by metes and bounds, setting the same aside as national parks, and expressly reserving jurisdiction and sovereignty over the same to the United States.

(6) In section 7, page 9, lines 21–23, which grants to the State of Oklahoma sections 16 and 36 in every township in the Territory of that name, "and all indemnity lands heretofore selected in lieu thereof," there is a proviso reading as follows:

"*Provided*, That there is sufficient untaken public land within said State to cover this grant."

As no specific quantity of land is granted by this section, it is not understood just how this proviso is applicable to the grant made by this section. In section 12 of the bill, grants are made in bulk or quantity, amounting to 1,050,000 acres, and a provision such as that above quoted would therefore readily be understood if placed in that section. It is not known, however, whether such was the intention.

(7) In section 8, page 12, line 2, the word "settled" appears to have been printed in place of "selected."

Mr. NELSON. Mr. President, from the data I have presented it appears that the forest reserves and the land that is irrigated or possible of irrigation to-day in the two Territories of Arizona and New Mexico do not quite aggregate 15,000,000 acres out of a total acreage of nearly 150,000,000, or a total acreage of over 135,000,000 of unappropriated public lands. Outside of the mining industries in those Territories this area of 15,000,000 acres represents for the present, and I may say the future, the possibilities of the proposed State of Arizona and New Mexico as an agricultural and grazing State. It will be as though you had a State of 15,000,000 acres devoted to grazing and agricultural purposes, and the rest of the Territory simply

subject to mining purposes and development by irrigation in the far-distant future if water can be secured.

I may say the great problem of irrigation in that country is not the building of reservoirs, is not the securing of land for irrigation, but the great problem is to secure the water, which is very scarce there, the country being dependent mainly upon a few streams. As the Senator from Ohio [Mr. DICK] the other day well said, speaking of the importance of having these two Territories together as one State, one of the principal irrigating streams in the proposed new State is the Gila River. In fact, outside of one or two other streams, it is the principal stream from which a water supply can be secured for irrigation. That stream has its source in the Territory of New Mexico and flows a hundred and fifty or two hundred miles from its source before it reaches the Territory of Arizona.

If you leave that stream—and it is a very important one to that country—in two States, you are liable to be confronted with the same difficulties which now exist in reference to the Rio Grande. Those on the lower portion of that river complain that the authorities of Colorado are impounding the water and depriving the country on the stream below of the necessary quantity of water. Such a question might arise if you have these Territories separate. It might happen that New Mexico would impound all the water on the upper portion of the Gila River, and thus entirely deprive the remainder of the country on the stream lower down in the Territory of Arizona of the necessary quantity of water, whereas if the two Territories are united in one State, the State would have control of all portions of the stream, and the entire stream would be subject to such laws as the State might adopt.

I will not take up the time of the Senate much longer, for three years ago I discussed this matter very extensively—for a period of six days—and I discussed it again for two days a year ago, and I am afraid the Senate has become somewhat tired of hearing from me on this subject. But I wish merely to call attention to one thing, and that is this: Three years ago, when the statehood bill was up, the proposition was to establish four States, making each of those four Territories a separate State. The people of the Indian Territory and of Oklahoma were at that time very much in favor of it.

I made the argument then, and advanced the proposition on the floor of the Senate, that on account of the commercial resources, the railroad facilities, and the natural characteristics of the Territory of Oklahoma and the Indian Territory, they ought to be united and made into one great State. I am happy to say that the argument I then made and the argument which was made by colleagues of mine on the floor of the Senate have borne fruit in those Territories. To-day, with the exception of a few people whom nothing will satisfy, the great majority of the people of those Territories are of one accord, and feel that they should be united as one State and become one of the great States of this Union.

Mr. President, I feel that in time the same spirit will fall upon the people of Arizona and New Mexico. They are handicapped in one way in which the people of Oklahoma and the Indian Territory were not handicapped. Oklahoma and the Indian Territory had a large population of whites—a half million in each Territory—enterprising and aggressive men, who had gone there to build up towns and to open farms. The two Territories were densely populated, with no particular or special interests to dominate them or lead them astray, and the people could find a free and full expression of their views. In consequence, while at the outset the people in those two Territories were utterly opposed to a Union, to-day they are of one accord and have come together.

Without questioning the motives or purposes of anybody, either inside of this Chamber or outside, it is my conviction that if conditions in respect to population, in respect to special and peculiar interests, were the same in Arizona and New Mexico as they are in Oklahoma and Indian Territory, the people of those Territories would be glad to be united in one great State. But unfortunately in those two Territories, especially in Arizona, there are certain special interests which have a dominating influence in those Territories, and they so dominate the people that what would be found to be the public opinion of those Territories does not find expression as it otherwise would.

I have no doubt that if those people unite themselves into one State, they will live together in harmony and in peace and ultimately develop their country into a great State. It will be a great State in area—next to the State of Texas—and ultimately, in the course of time, in the years to come, it will be something of an agricultural State, and doubtless always will be a great mining State.

There is another reason which I think ought to be urged why these Territories ought to be united. It is this: Aside from the value of the mines, the Territories are really poor, comparatively speaking. I mean that the natural resources of the two are, comparatively speaking, not very large. It is quite a burden to establish a full-fledged State government, and unless the people have material resources, unless there is a population to bear the burden, it will become indeed a heavy load. By uniting these two Territories into one State, the burden of statehood will not be heavier for both combined than it would be for one of the Territories separately.

There is, to my mind, another reason, although it may seem a little ungracious to mention it here. I do not mention it in any invidious spirit. I refer to it in the spirit of an American who desires to see his country homogeneous and of one language and one spirit. In New Mexico, as you know, nearly half the population are of Spanish descent. They have been good enough citizens; they are good loyal citizens to-day, but they are still to a large extent Spanish in language and in spirit.

Now, by uniting what is called the "American element" in New Mexico and the American element in Arizona into one State that element will there, as everywhere throughout this country, dominate the new State. They would not be pulling apart from one another. The Americans in New Mexico would not be hostile and adverse to the Americans in Arizona. A common spirit, a common education and training, and that love of country which appertains to all the citizens of this land, that Anglo-Saxon spirit, which came over here with the Pilgrim fathers, would actuate them all, and they would in time form a great State.

I know if we ever succeed in uniting them together into a great State they will be like the State of Texas; they will never want to separate again into separate States. They will feel, to use a Scriptural expression, that whatever the Almighty has united let no man put asunder. We gave permission to Texas to form itself into four or five States. Texas has never availed herself of that privilege, and I think never will.

So, Mr. President, I feel confident that if for the good of these people, for their own future good, we could unite them into one great State, after a few years of experience they would not only thoroughly Americanize the Mexican portion of New Mexico, but they would become so homogeneous in language, in spirit, in all that pertains to the best in American institutions, that no portion or parcel would ever want to be segregated from the rest of it into a new State.

We hear a good deal said, Mr. President, as to what the wishes of the people may be. Ordinarily we ought to assent to the wishes of the people, but sometimes it is better for us to use our own judgment. These Territories are the children of Uncle Sam. Ordinarily the kind parent sees to the wishes of his children, but sometimes the wise parent finds it judicious to take the bit in his own mouth and to curb the zeal and the energy of his children and keep them within the proper channel.

The lesson, if I may say so, the instruction, the admonition that we gave to the people of Oklahoma and Indian Territory three years ago has borne good fruit. At that time I have no doubt the majority of the people were hostile, and thought that the Congress of the United States was their enemy and was not dealing with them fairly. Yet to-day they are of an entirely different opinion. They have come to the conclusion that what we then wanted to do for them and what we still want to do for them is the part of wisdom by a good parent to his children.

What we have done for Oklahoma and the Indian Territory we propose to do for Arizona and New Mexico. The area, the outer boundaries, of the two Territories may be much greater, but in respect to material resources, in all that goes to make up a State really, the two Territories of Arizona and New Mexico do not even equal one of the Territories of Oklahoma or Indian Territory that we propose to unite.

If this bill passes, as I hope it will pass, I have no doubt but that the people of these Territories will get together, adopt a free and liberal constitution, elect their State officers, their county officers, their municipal officers, and elect their Representatives in Congress and Senators and send them here to Congress, and that in time the new State of Arizona will be one of the bright stars in the Federal flag that we can all be proud of.

I for one, speaking for myself, am actuated in this matter not by a spirit of hostility, but by what I regard to be for the interests of the people in those Territories; by what I feel should be done for the future of that country, in order to make that whole country homogeneous and truly American in spirit; in order to make it not what they used to call in old England before the days of the reform bill, "rotten boroughs." In order that this

may not be a rotten borough, but that it may be one of the living and one of the strong and one of the active and energetic States in the American Union, I trust that we can succeed in having them united.

I do not know that I care to take up the time of the Senate any further in connection with the remarks that I have made.

I will ask to append and incorporate in them a statement showing, as I stated a moment ago, the ratio of population to a Representative in Congress at each of our different censuses.

The VICE-PRESIDENT. Without objection, the Senator's request is granted.

The statement referred to is as follows:

*Population of the United States at each census from 1790 to 1900.*

| State. | Date of act of admission. | Ratio | 33,000 | 33,000 | 35,000 | 40,000 | 47,700 | 70,680 | 93,423 | 127,381 | 131,425 | 151,911 | 173,901 | 194,182 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | 1790. | 1800. | 1810. | 1820. | 1830. | 1840. | 1850. | 1860. | 1870. | 1880. | 1890. | 1900. |
| Louisiana | 1812 | White | | | 34,311 | 73,383 | 89,441 | 158,457 | 255,491 | 357,629 | 362,705 | 456,291 | 559,389 | 730,821 |
| | | Colored | | | 42,245 | 79,540 | 126,298 | 193,954 | 262,271 | 350,373 | 364,210 | 483,655 | 559,198 | 650,804 |
| | | Total | | | 76,556 | 152,923 | 215,739 | 352,411 | 517,762 | 708,002 | 726,915 | 939,946 | 1,118,587 | 1,381,625 |
| Missouri | 1821 | White | | | 17,227 | 55,988 | 114,795 | 323,888 | 592,004 | 1,063,509 | 1,603,224 | 2,023,030 | 2,529,000 | 2,945,431 |
| | | Colored | | | 3,618 | 10,569 | 25,660 | 59,814 | 90,040 | 118,503 | 118,071 | 145,350 | 150,184 | 161,234 |
| | | Total | | | 20,845 | 66,557 | 140,455 | 383,702 | 682,044 | 1,182,012 | 1,721,295 | 2,168,380 | 2,679,184 | 3,106,665 |
| Arkansas | 1836 | White | | | | 12,579 | 25,671 | 77,174 | 162,189 | 324,191 | 362,302 | 591,859 | 819,062 | 944,708 |
| | | Colored | | | | 1,676 | 4,717 | 20,400 | 47,708 | 111,259 | 122,169 | 210,666 | 309,117 | 366,856 |
| | | Total | | | | 14,255 | 30,388 | 97,574 | 209,897 | 435,450 | 484,471 | 802,525 | 1,128,179 | 1,311,564 |
| Texas | 1845 | White | | | | | | | 154,034 | 421,294 | 535,104 | 1,198,365 | 1,747,352 | 2,427,988 |
| | | Colored | | | | | | | 58,558 | 182,921 | 253,475 | 393,384 | 488,171 | 620,722 |
| | | Total | | | | | | | 212,592 | 604,215 | 818,579 | 1,591,749 | 2,235,523 | 3,048,710 |
| Iowa | 1846 | White | | | | | | 42,924 | 191,881 | 673,844 | 1,188,258 | 1,615,099 | 1,901,211 | 2,219,160 |
| | | Colored | | | | | | 188 | 333 | 1,069 | 5,762 | 9,516 | 10,685 | 12,693 |
| | | Total | | | | | | 43,112 | 192,214 | 675,913 | 1,194,020 | 1,624,615 | 1,911,896 | 2,231,853 |
| California | 1850 | White | | | | | | | 91,635 | 375,908 | 555,975 | 858,676 | 1,196,802 | 1,474,008 |
| | | Colored | | | | | | | 962 | 4,086 | 4,272 | 6,018 | 11,328 | 11,045 |
| | | Total | | | | | | | 92,597 | 379,994 | 560,247 | 864,694 | 1,208,130 | 1,485,053 |
| Minnesota | 1858 | White | | | | | | | 6,038 | 171,764 | 438,947 | 779,209 | 1,298,143 | 1,746,425 |
| | | Colored | | | | | | | 39 | 259 | 759 | 1,564 | 3,683 | 4,959 |
| | | Total | | | | | | | 6,077 | 172,023 | 439,706 | 780,773 | 1,301,826 | 1,751,394 |
| Oregon | 1859 | White | | | | | | | 13,087 | 52,337 | 90,577 | 174,281 | 312,581 | 412,435 |
| | | Colored | | | | | | | 207 | 128 | 346 | 487 | 1,186 | 1,101 |
| | | Total | | | | | | | 13,294 | 52,465 | 90,923 | 174,768 | 313,767 | 413,536 |
| Kansas | 1861 | White | | | | | | | | 106,579 | 347,291 | 952,989 | 1,377,386 | 1,418,492 |
| | | Colored | | | | | | | | 627 | 17,108 | 43,107 | 49,710 | 52,003 |
| | | Total | | | | | | | | 107,206 | 364,399 | 996,096 | 1,427,096 | 1,470,495 |
| Nevada | 1864 | White | | | | | | | | 6,812 | 42,134 | 61,778 | 45,519 | 42,201 |
| | | Colored | | | | | | | | 45 | 357 | 488 | 242 | 134 |
| | | Total | | | | | | | | 6,857 | 42,491 | 62,266 | 45,761 | 42,335 |
| Nebraska | 1867 | White | | | | | | | | 78,759 | 122,204 | 450,017 | 1,049,997 | 1,060,041 |
| | | Colored | | | | | | | | 82 | 789 | 2,385 | 8,913 | 6,259 |
| | | Total | | | | | | | | 28,841 | 122,993 | 452,402 | 1,058,910 | 1,066,300 |
| Colorado | 1875 | White | | | | | | | | 34,231 | 39,408 | 181,892 | 405,983 | 531,130 |
| | | Colored | | | | | | | | 46 | 456 | 2,435 | 6,215 | 8,570 |
| | | Total | | | | | | | | 34,277 | 39,864 | 194,327 | 412,198 | 539,700 |
| North Dakota | 1889 | White | | | | | | | | 4,837 | 14,087 | 134,776 | 182,346 | 318,860 |
| | | Colored | | | | | | | | | 94 | 401 | 373 | 286 |
| | | Total | | | | | | | | 4,837 | 14,181 | 135,177 | 182,719 | 319,146 |
| South Dakota | 1889 | White | | | | | | | | | | | 328,267 | 401,105 |
| | | Colored | | | | | | | | | | | 541 | 465 |
| | | Total | | | | | | | | | | | 328,808 | 401,570 |
| Montana | 1889 | White | | | | | | | | | 20,412 | 38,813 | 130,609 | 241,806 |
| | | Colored | | | | | | | | | 183 | 346 | 1,490 | 1,523 |
| | | Total | | | | | | | | | 20,595 | 39,159 | 132,159 | 243,329 |
| Washington | 1889 | White | | | | | | | | 11,564 | 23,748 | 74,791 | 347,788 | 515,589 |
| | | Colored | | | | | | | | 30 | 207 | 325 | 1,602 | 2,514 |
| | | Total | | | | | | | | 11,594 | 23,955 | 75,116 | 349,390 | 518,103 |
| Wyoming | 1890 | White | | | | | | | | | 8,935 | 20,491 | 59,783 | 91,591 |
| | | Colored | | | | | | | | | 183 | 298 | 922 | 940 |
| | | Total | | | | | | | | | 9,118 | 20,789 | 60,705 | 92,531 |
| Idaho | 1890 | White | | | | | | | | | 14,939 | 32,557 | 84,184 | 161,479 |
| | | Colored | | | | | | | | | 60 | 53 | 201 | 293 |
| | | Total | | | | | | | | | 14,999 | 32,610 | 84,385 | 161,772 |
| Utah | 1894 | White | | | | | | | 11,330 | 40,214 | 86,668 | 143,731 | 207,317 | 276,077 |
| | | Colored | | | | | | | 50 | 59 | 118 | 232 | 588 | 671 |
| | | Total | | | | | | | 11,380 | 40,273 | 86,786 | 143,963 | 207,905 | 276,749 |

Mr. NELSON. This table is remarkable, and I will only call attention to it for a moment. It not only shows the ratio of population at each census, but it also shows the population of the several States from the time Louisiana was admitted, in 1812, to the present time. It gives the population of the several States as compared with the ratio for Representative at the time of their admission, and you can see how it has changed and fluctuated. We started out in 1790 and in 1800 with a ratio of 33,000 people to a Representative in Congress, and from that on we have been gradually growing until the present ratio is 194,000.

Now, if you eliminate the Indians, the negroes, and the Mexicans from the population of these two Territories, you will have about people enough for a Representative and a half. We allow this proposed new State for every possible growth that may have taken place since the last census, and we give them two Representatives in Congress. Of course I am not here to criticise what has taken place in the past. Many of the States that we admitted then had not a very large population, but they have become fine States, growing and prosperous. They have been valuable members of the community, and they have most valuable and efficient representatives in both Houses of Congress.

But I feel, Mr. President, that in this matter here and from now on in admitting a new State we ought to act upon the theory that when a State comes in it ought to have population enough to give it at least as many Members of the House of Representatives as it has in this body. In other words, every State coming in will have two Senators in this body. I think in the future our guide ought to be that when a Territory comes into the Union it ought to have a population big enough to give it at least two members in the other body as well as in this body.

It is said on this occasion by those who are now opposing the bill that we should let these Territories stay outside. I do not say that that is the view of anybody in this Chamber, but I think it is true of many on the outside that they are using that argument simply as a temporary expedient. They came here three years ago eager and anxious for statehood for each of these Territories. Their only hope now is to defeat it. I refer to interests outside of this Chamber, not to anybody in the Chamber. Their only hope now is for the time being to defeat this bill, and if they succeed in accomplishing that and get Oklahoma and Indian Territory admitted, Arizona and New Mexico will come here each of them knocking separately for admission, and we will still have the problem on our hands. I think now is the accepted time to settle this question and dispose of the whole problem.

It will leave us outside of our colonial possessions only Alaska, and Alaska is a country that is still in an embryo condition. With its immense territory of 590,000 square miles, and with its vast seaboard line, and with its scant and scattered population of 40,000 or 50,000 Americans, with perhaps 30,000 natives, it will be years before Alaska will come before Congress in the shape of either asking for a full legislative Territorial government or asking for statehood in any shape.

I have no doubt in the years to come, in the years of my grandchildren perhaps, even Alaska will come here asking for admission into the Union, not as a single State, but perhaps as three States. The coast line, the Aleutian Archipelago, and the archipelago along the British boundary, and the south shore, "southern Alaska," as it is called, will no doubt some day come knocking at the doors of Congress for admission as a State; then the great interior of that country, the great Yukon and Tanana and Koyukuk valleys will come to Congress and ask for admission as a State; and by and by Seward Peninsula, with its 30,000 square miles, with its endless amount of gold-bearing creeks and the country beyond that will be knocking at the doors of Congress. If we who are now in this Chamber could look down upon this world of ours one hundred years hence I have no doubt that we would find three States in this Union from what now constitutes a portion of the territory of Alaska.

I refer to these things, Mr. President, incidentally for the purpose of calling attention to the importance in the admission of States now and hereafter of being guided by sound and safe principles. While it is always well, under reasonable circumstances, to listen to the wishes and views of the people inhabiting the country, yet we should, under all circumstances, exercise that judgment and thoughtful care which a kind parent exercises over the welfare of his children, and never allow the children, except where we deem it to be right, to have their own way about everything.

Mr. KEAN. I move that the Senate proceed to the consideration of executive business.

Mr. NELSON. If the Senator will allow me, I intended, before I sat down, on behalf of the Senator from Kansas [Mr. LONG] to announce that on to-morrow he will address the Senate on this bill at 2 o'clock, and that on Thursday next the Senator from Colorado [Mr. PATTERSON], immediately after the morning business, will close the debate on behalf of the opponents of this bill, and at 2 o'clock Thursday the Senator from Indiana [Mr. BEVERIDGE] will close the debate on behalf of the committee.

Mr. WARREN. Will the Senator from New Jersey allow me to call up a bill of only four lines?

Mr. KEAN. Certainly. I will withhold the motion for the present.

COMMISSIONS OF RETIRED ARMY OFFICERS.

Mr. WARREN. I ask for the consideration of the bill (S. 3918) to authorize commissions to issue in the cases of officers of the Army retired with increased rank.

The VICE-PRESIDENT. The Senator from Wyoming asks unanimous consent for the present consideration of a bill which will be read for the information of the Senate.

The Secretary read the bill, as follows:

*Be it enacted, etc.*, That officers of the Army on the retired list whose rank has been, or shall hereafter be, advanced by operation of or in accordance with law shall be entitled to and shall receive commissions in accordance with such advanced rank.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EXECUTIVE SESSION.

Mr. KEAN. I renew my motion that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 4 o'clock and 55 minutes, p. m.) the Senate adjourned until to-morrow, Tuesday, March 6, 1906, at 12 o'clock meridian.

## NOMINATIONS.

*Executive nominations received by the Senate March 5, 1906.*

PROMOTION IN THE ARMY.

Col. Abner H. Merrill, Artillery Corps, to be placed on the retired list of the Army with the rank of brigadier-general from the date upon which he shall be retired from active service.

PROMOTION IN THE REVENUE-CUTTER SERVICE.

Second Asst. Engineer Lorenzo Chase Farwell to be a first assistant engineer with the rank of second lieutenant in the Revenue-Cutter Service of the United States, to rank as such from February 21, 1906, to succeed Urban Harvey, promoted.

POSTMASTERS.

ALABAMA.

Ida O. Tillman to be postmaster at Geneva, in the county of Geneva and State of Alabama, in place of Joseph E. Tillman, deceased.

ARKANSAS.

William L. Jefferies to be postmaster at Clarendon, in the county of Monroe and State of Arkansas, in place of William L. Jefferies. Incumbent's commission expires March 5, 1906.

CALIFORNIA.

Austin Wiley to be postmaster at Arcata, in the county of Humboldt and State of California, in place of Austin Wiley. Incumbent's commission expired February 28, 1906.

GEORGIA.

Benjamin A. Lifsey to be postmaster at Barnesville, in the county of Pike and State of Georgia, in place of Benjamin A. Lifsey. Incumbent's commission expires March 5, 1906.

S. T. Nance to be postmaster at Arlington, in the county of Calhoun and State of Georgia. Office became Presidential October 1, 1905.

Joel F. Thornton to be postmaster at Greensboro, in the county of Greene and State of Georgia, in place of Joel F. Thornton. Incumbent's commission expired February 7, 1906.

IOWA.

Arthur E. Curry to be postmaster at Shelby, in the county of Shelby and State of Iowa, in place of Arthur E. Curry. Incumbent's commission expired December 16, 1905.

Lauren E. Hulse to be postmaster at Keota, in the county of Keokuk and State of Iowa, in place of Lauren E. Hulse. Incumbent's commission expired March 1, 1906.

Alfred E. Kincaid to be postmaster at Walnut, in the county of Pottawattamie and State of Iowa, in place of Alfred E. Kincaid. Incumbent's commission expired December 16, 1905.

Ephraim G. Swift to be postmaster at State Center, in the county of Marshall and State of Iowa, in place of Ephraim G. Swift. Incumbent's commission expires March 5, 1906.

Cornelius Van Zandt to be postmaster at Wilton Junction, in the county of Muscatine and State of Iowa, in place of Cornelius Van Zandt. Incumbent's commission expires April 10, 1906.

KENTUCKY.

E. S. Moss to be postmaster at Williamsburg, in the county of Whitley and State of Kentucky, in place of Sherod Stanfill. Incumbent's commission expired February 16, 1902.

MASSACHUSETTS.

Walter N. Beal to be postmaster at Rockland, in the county of Plymouth and State of Massachusetts, in place of Walter N. Beal. Incumbent's commission expired March 1, 1906.

William F. Darby to be postmaster at North Adams, in the county of Berkshire and State of Massachusetts, in place of William F. Darby. Incumbent's commission expires March 24, 1906.

Joseph M. Hollywood to be postmaster at Brockton, in the county of Plymouth and State of Massachusetts, in place of Joseph M. Hollywood. Incumbent's commission expired March 1, 1906.

MICHIGAN.

Ramsay Arthur to be postmaster at Schoolcraft, in the county of Kalamazoo and State of Michigan, in place of Ramsay Arthur. Incumbent's commission expires March 19, 1906.

Charles Brown to be postmaster at Vicksburg, in the county of Kalamazoo and State of Michigan, in place of Charles Brown. Incumbent's commission expires March 5, 1906.

Seymour Foster to be postmaster at Lansing, in the county of Ingham and State of Michigan, in place of Seymour Foster. Incumbent's commission expired January 21, 1906.

Glover E. Laird to be postmaster at Mendon, in the county of St. Joseph and State of Michigan, in place of Will P. McCoy. Incumbent's commission expires March 19, 1906.

Richard B. Lang to be postmaster at Houghton, in the county of Houghton and State of Michigan, in place of Richard B. Lang. Incumbent's commission expires March 19, 1906.

Albert A. Worthington to be postmaster at Buchanan, in the county of Berrien and State of Michigan, in place of George W. Noble, removed.

MINNESOTA.

Joseph Cowin to be postmaster at Adrian, in the county of Nobles and State of Minnesota, in place of Simon J. McKenzie, resigned.

Guy A. Eaton to be postmaster at Duluth, in the county of St. Louis and State of Minnesota, in place of Elijah L. Fisher. Incumbent's commission expires April 30, 1906.

John P. Mattson to be postmaster at Warren, in the county of Marshall and State of Minnesota, in place of John P. Mattson. Incumbent's commission expired January 20, 1906.

MISSOURI.

James L. Baker to be postmaster at Lancaster, in the county of Schuyler and State of Missouri, in place of James L. Baker. Incumbent's commission expired February 10, 1906.

NEW MEXICO.

Robert W. Hopkins to be postmaster at Albuquerque, in the county of Bernalillo and Territory of New Mexico, in place of Robert W. Hopkins. Incumbent's commission expired January 21, 1906.

NEW YORK.

F. Bronner to be postmaster at Richfield Springs, in the county of Otsego and State of New York, in place of Stephen P. Barker, resigned.

John Dwyer to be postmaster at Sandy Hill, in the county of Washington and State of New York, in place of John Dwyer. Incumbent's commission expires March 14, 1906.

Howard McMillan to be postmaster at East Aurora, in the county of Erie and State of New York, in place of Albert H. Lapham. Incumbent's commission expired February 10, 1906.

William S. Mills to be postmaster at Fillmore, in the county of Allegany and State of New York, in place of William S. Mills. Incumbent's commission expired February 10, 1906.

Charles M. Sisco to be postmaster at Shortsville, in the county of Ontario and State of New York, in place of Harriet L. Knapp. Incumbent's commission expired February 10, 1906.

NORTH CAROLINA.

Elizabeth H. Hill to be postmaster at Scotland Neck, in the county of Halifax and State of North Carolina, in place of Atheton B. Hill, deceased.

OHIO.

Murray P. Brewer to be postmaster at Bowling Green, in the county of Wood and State of Ohio, in place of Murray P. Brewer. Incumbent's commission expired February 13, 1906.

PENNSYLVANIA.

Annie H. Leaf to be postmaster at Fort Washington, in the county of Montgomery and State of Pennsylvania, in place of Annie H. Leaf. Incumbent's commission expires March 31, 1906.

RHODE ISLAND.

H. Elmer Freeman to be postmaster at Phillipsdale, in the county of Providence and State of Rhode Island, in place of Eugene R. Phillips, resigned.

TEXAS.

Frank Leahy to be postmaster at Rodgers, in the county of Bell and State of Texas. Office became Presidential January 1, 1906.

Charles McCormack to be postmaster at Plainview, in the county of Hale and State of Texas. Office became Presidential January 1, 1906.

Lola Weand to be postmaster at Fort Sam Houston, in the county of Bexar and State of Texas. Office became Presidential January 1, 1906.

WASHINGTON.

James N. Scott to be postmaster at Kennewick, in the county of Yakima and State of Washington. Office became Presidential January 1, 1906.

## CONFIRMATIONS.

*Executive nominations confirmed by the Senate March 5, 1906.*

PROMOTIONS IN THE REVENUE-CUTTER SERVICE.

First Assistant Engineer Urban Harvey to be a chief engineer with the rank of first lieutenant in the Revenue-Cutter Service of the United States, to rank as such from February 21, 1906.

Chief Engineer Charles A. McAllister to be Engineer in Chief of the Revenue-Cutter Service, in accordance with the act of Congress approved February 27, 1906.

SURVEYOR OF CUSTOMS.

James Jeffreys, of Tennessee, to be surveyor of customs for the port of Memphis, in the State of Tennessee.

REGISTER OF THE LAND OFFICE.

Robert D. Johnston, of Alabama, to be register of the land office at Montgomery, Ala.

RECEIVERS OF PUBLIC MONEYS.

Andrew J. Gillis, of Walla Walla, Wash., now receiver of public moneys at that place, to be register of the land office at Walla Walla.

Jesse G. Miller, of Dayton, Wash., to be receiver of public moneys at Walla Walla, Wash.

POSTMASTERS.

MARYLAND.

Albert E. Lambert to be postmaster at New Windsor, in the county of Carroll and State of Maryland.

WEST VIRGINIA.

Allison H. Fleming to be postmaster at Fairmont, in the county of Marion and State of West Virginia.

## WITHDRAWAL.

*Executive nomination withdrawn March 5, 1906.*

John W. Bohanon to be postmaster at Eastman, in the State of Georgia.

## HOUSE OF REPRESENTATIVES.

### MONDAY, *March 5, 1906.*

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. Henry N. Couden, D. D.

The Journal of the proceedings of Friday, March 2, 1906, was read and approved.

#### REPRINT OF A BILL.

Mr. FOSTER of Vermont. Mr. Speaker, I ask unanimous consent for the reprint of House bill 12973, to prohibit the coming of Chinese laborers into the United States, and for other purposes.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

#### MEMORIAL TO THE LATE SPEAKER HENDERSON.

Mr. LACEY. Mr. Speaker, on the 1st day of this month, at the funeral of ex-Speaker David B. Henderson, a beautiful memorial, historical in its character, was delivered by Hon. George D. Perkins, of Iowa, formerly a Member of this House and a colleague of the late Speaker Henderson. I ask unanimous consent that this brief memorial be printed in the RECORD.

The SPEAKER. The gentleman from Iowa asks unanimous consent that a memorial address by the Hon. George B. Perkins, of Iowa, at the funeral of the late Speaker of the House, David B. Henderson, be printed in the RECORD. Is there objection? [After a pause.] The Chair hears none.

The memorial is as follows:

To bring at such a time a loving tribute to a friend, distinguished as Colonel Henderson was distinguished, is a high office. It is a time when the infirmity of speech is felt—a time when the heart appeals for words the tongue can not frame. When we are gathered as we are here, standing as it were on the bridge that unites the worlds, our conscious sense reveals the impotence of all we can do and the feebleness of all we can say by ourselves alone. The clouds hang low and the day is dark; we have the dizziness of swaying, and instinctively we stretch forth our hand in feeling after the hand of God. If so be we reach it we have thrill of soul. I can not speak to you as I would. I shrink from saying anything, oppressed by the fear that what I may say shall be discord in the loving symphony of your hearts.

What Colonel Henderson wrought is preserved in the coldness of type on many pages; what he was and the things for which he strove are known to those who had his love, his friendship, and his great solicitude. Throughout his life, while his mind had strength, he was a helpful man. Out of his helpfulness came his glory. He was naturally a leader; he was always a soldier. In his Congressional district he was "Our Dave." He belonged to his people; there was the sense of partnership, if not of ownership, and men did for him the better to do for themselves. The greatness of his heart broke down barriers, and into his life came trooping the multitude. He welcomed all alike—the rich, the poor, the proud, the lowly, the joyful, the sorrowful, the few of strength, and the many with heavy burden. Where he stood was the shining of the sun, and in his atmosphere was warmth and the cheer of it. He was a rich contributor to the needs of men; and he had such tenderness as to dry the tears of women and such magician's art as to pluck the appearance of trouble from the faces of children. "Our Dave!" He never bore a prouder title.

Our friend was a native of Old Deer, Scotland; but essentially he was an Iowan—broadly speaking, an American. He was 6 years old when the family arrived in Illinois, and he was 9 years old when settlement was made on a farm in Fayette County of this State. He was a working boy—a farmer's boy. He attended the neighborhood school; he led the simple life and grew to a lusty manhood. He was a student in the Upper Iowa University in 1861, when the call came for men for the saving of the Union. He surrendered his own plans; he joined in fanning the fires of patriotism, and on a September day, a leader among his mates, he put his name to an enlistment roll as a private soldier. He was chosen first lieutenant to Company C, Twelfth Iowa Volunteer Infantry, and with that noble regiment he went to the front. That was the beginning of his long service to his State and to his country. At Donelson he was wounded, at Corinth he lost a leg, and on February 16, 1863, he was discharged. But he only accepted a furlough, for in May following he was appointed commissioner of the board of enrollment for the Third district of Iowa, and he served in that place until June, 1864, when he reentered the Army as colonel of the Forty-sixth Iowa Volunteer Infantry, and served therein to the close of the term for which the regiment was enlisted.

He was admitted to the bar in the fall of 1865, and from November of that year until June, 1869, he was collector of internal revenue for this district, and then he resigned to become a member of the law firm of Shiras, Van Duzee & Henderson. In 1882 he was elected Representative in Congress from the Third district, and he continued in that office for twenty years—the last four years in the great office of Speaker. He served for a longer time in the House of Representatives than any Iowa man has yet served, and his record in that body is not likely soon to be matched by a Representative from this State. His service throughout was characteristic of the man. It was efficient, patriotic, and uniformly in distinguished place. He was a recognized leader in that body long before his Speakership, serving on the Committee on Appropriations, on the Committee on Judiciary, and on the Committee on Rules. With the retirement of the late Thomas B. Reed he was the unanimous choice of his political associates for the exalted station Mr. Reed surrendered, and on the expiration of his first term as Speaker he was unanimously reelected. Had he remained in Congress he would with like unanimity been continued in the place. In 1902 the convention of his party in this Congressional district tendered him a renomination. He decided not to accept it. He decided to retire from public life. He acted on his own motion and with the courage that never failed him. His announcement was a shock to his friends and a surprise to the State and to the country. But having determined upon his course, no amount of persuasion could turn him from it.

It seemed a pity that his brilliant public career should end as it did; and yet there is this to turn to—that it ended with honors at his feet and with the love and confidence of his people unshaken. There are so many exceptions that we do not need on this account to add one atom to the weight of our regret. We may even say that it was best that it should be so. It may well be a pity, nevertheless, that so many men come to the end of their public service under circumstances we count in the retrospect as unhappy. There is no sting to mortal life like that of ingratitude. To be misunderstood, to have all thought of kindness and of service swept away, and to be brought face to face with the undiscerning and passionate struggle of partisan selfishness, when one's years are come within hailing distance of the limit of a lifetime, puts strong hearts to such cruel test that there are many broken. So it is that there is much superficial judgment that the public service is to be shunned; and yet we know that out of this service have we all the greatness, the wonderful opportunity, and the glory of this Government which in the process of time has worked out the union, the progress, the shining example, of these States, constituting under God, as I believe, one great Republic.

The youth of Colonel Henderson in his love of country was never old, and though he had lived twice his years yet would the ardor of it make no sign of age. I wish I had in this hour the eloquence with which he was wont to speak. In his young manhood he took an oath of allegiance to the Stars and Stripes, and where that flag led, if he did not himself bear it, he followed always and unfalteringly. There was no shiftiness is his patriotism, no shrinking in the loyalty of his service, and no pride that withheld his hand from friend associated with him in triumph or from foe prostrate in defeat. He was known as a manly man; and so he was known in the House of Representatives, where he so long served. He won the admiration of his political opponents, for they learned that they could take him at his word. He fought in the open and not by intrigue; his word was as an all-sufficient bond. He was scrupulously careful of his political promises; he would not run from them to cover. This was the secret of his great power in the House of Representatives. He was a partisan, to be sure, but he was fair, he rung true, he was honest. His enthusiasm was as the march of an army, and in the midst of the clash of angry debate his voice resounded above the din like blast of bugle. He was always in the thick of it, but from every battle he came out a larger man. Thus it was that he came to be Speaker, the highest office in the Government to which he was eligible, and the first man ever chosen to that place of distinction and great power from a State west of the Mississippi River.

For a period of years, and in a formative period of Republican triumph, he stood in full stature as a national leader—which is to say, a national representative. He was a councilor and a fighter. In the great national convention of his party he helped to form the line of battle. In the conventions of his State he was always to be reckoned with. Here, again, a question of loyalty was never placed against his name. He lived and did his greatest work in a time of marvelous achievement, wherefrom in this present time there is much of bounty, much of reward, much of the fruit of hope and of striving, affording safe harbor and secure anchorage. A time like this may well move us to consider our great debt, which in no measure can we discharge except that we shall serve, so far as strength is lodged with us, as we have been served.

It may be true that Colonel Henderson was often controlled by his sympathies, and I honor him for that. He was lion-hearted, and yet he was tender-hearted. His love of Iowa he kept green, and he gave it nurture, as the garden of his flowers, down to the last sad days of his conscious life. When he retired from Congress he had thought of opportunity elsewhere. He went to New York and mixed with the strange faces and the confusion of that mighty city. But one day came word that he would return to this his city and to this his State, and that here he would pass the remainder of his days. Possibly the consciousness was upon him that his time of initiation and of struggle was well-nigh over; at least there came to him the sense of loneliness and the longing for home. And so it was that hands here and from over the State were outstretched to him in unanimous bidding that he come. Alas that he should already have entered upon the greatest, the most heroic battle of his life. He sought restoration in California. The tenderest of loving hearts were with him; but as the weeks passed the sorrowful story took form that he was being pressed by an implacable foe toward the darkness of the river. He returned in the early months of a new year; he saw these familiar hillsides take on their color; he saw the trees that line these familiar streets break their buds and expand their foliage; he saw the faces of old friends—and as the summer waned the night came on. But he was at home. Aye, now let us say he is at home, and peace be his for ever more.

I shall remember him as he was in the brilliancy of his mind and in the buoyancy of his physical strength. I shall remember him as the comrade he was, the life of every company. He had more sunshine than he had need of for himself and he warmed men and made them glad. He dignified high station, and out of his great heart he wove countless wreaths for humble lives. Of these latter there will be some in my own coffin.

His life was an example and an inspiration: The poor boy on the farm, the soldier going to the front, his cruel hurt, his indomitable spirit, his struggle for a better place among men; how he builded from the web of opportunity, gained admission to a learned profession, took a place with distinguished lawyers, year by year added to his power; chosen to represent his district in Congress, advanced there to great influence, receiving at the last the homage of the office which is only second to the Presidency—this poor boy, born over the sea. He had many contests; we may know he had defeats, for we have come here now with our tears and with our benedictions.

All the struggle is over, the varying tide of it and its pain. We can add nothing to his fame; we can not put his heart to beating, and there is no power in earthly love to recall the soul that has taken flight. The lifelong soldier has been mustered out. His commission is with his people.

David Bremner Henderson—but not that. "Our Dave," hail to you and farewell!

#### ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 648. An act granting a pension to Charles Falbisaner;

H. R. 2108. An act granting a pension to Mattie Settlemire;
H. R. 3250. An act granting a pension to Harrison White;
H. R. 3502. An act granting a pension to Morris Osborn;
H. R. 3983. An act granting a pension to Blanche Douglass;
H. R. 4826. An act granting a pension to Leola V. Franks;
H. R. 5711. An act granting a pension to Richard H. Kelly;
H. R. 6076. An act granting a pension to Anna M. Case;
H. R. 6400. An act granting a pension to Harry W. Omo;
H. R. 6489. An act granting a pension to Mary E. Scott;
H. R. 6613. An act granting a pension to Thomas J. Stevens;
H. R. 6859. An act granting a pension to Eva B. Koch;
H. R. 7240. An act granting a pension to Glawvina A. Pinnell;
H. R. 7636. An act granting a pension to John J. Meeler;
H. R. 9253. An act granting a pension to Vollie A. McMillen;
H. R. 9530. An act granting a pension to Catherine B. Casey;
H. R. 10457. An act granting a pension to Lizzie Bremmer;
H. R. 10459. An act granting a pension to Alta M. Westenhaver;
H. R. 10476. An act granting a pension to Charles T. Hesler;
H. R. 10483. An act granting a pension to James Gallt;
H. R. 10611. An act granting a pension to John J. Brewer;
H. R. 10967. An act granting a pension to George Larson;
H. R. 11051. An act granting a pension to Henry T. McDowell;
H. R. 11630. An act granting a pension to Harriet E. St. John;
H. R. 11846. An act granting a pension to Clara M. Thompson;
H. R. 12285. An act granting a pension to Mary C. Kirkland;
H. R. 12297. An act granting a pension to Estelle Kuhn;
H. R. 524. An act granting an increase of pension to Sylvenus A. Fay;
H. R. 650. An act granting an increase of pension to Felix G. Stidger;
H. R. 1032. An act granting an increase of pension to Seth Phillips;
H. R. 1043. An act granting an increase of pension to Horace Hounsom;
H. R. 1200. An act granting an increase of pension to John G. Parker;
H. R. 1287. An act granting an increase of pension to John D. Moore;
H. R. 1359. An act granting an increase of pension to Henry M. Robinson;
H. R. 1483. An act granting an increase of pension to Josephine E. Quentin;
H. R. 1484. An act granting an increase of pension to John L. Lovell;
H. R. 1485. An act granting an increase of pension to Susan J. Williams;
H. R. 1585. An act granting an increase of pension to George N. Dutcher;
H. R. 1658. An act granting an increase of pension to George M. Drake;
H. R. 1859. An act granting an increase of pension to George T. B. Carr;
H. R. 1889. An act granting an increase of pension to William M. Shultz;
H. R. 1902. An act granting an increase of pension to Gilbert Ford;
H. R. 1909. An act granting an increase of pension to Alexander Miller;
H. R. 1975. An act granting an increase of pension to William House;
H. R. 1978. An act granting an increase of pension to Harry C. Thorne;
H. R. 2048. An act granting an increase of pension to Joseph J. Cooper;
H. R. 1979. An act granting an increase of pension to Amanda L. Hill;
H. R. 2054. An act granting an increase of pension to Ralph A. Adams;
H. R. 2059. An act granting an increase of pension to Jerome Washburn;
H. R. 2114. An act granting an increase of pension to Benjamin F. Bibb;
H. R. 2116. An act granting an increase of pension to Daniel Hays;
H. R. 2156. An act granting an increase of pension to Rachel E. Ware;
H. R. 2174. An act granting an increase of pension to Nathaniel Buchanan;
H. R. 2204. An act granting an increase of pension to Dexter E. W. Stone;
H. R. 2306. An act granting an increase of pension to James W. Stell;
H. R. 2307. An act granting an increase of pension to Joseph Jones Martin;
H. R. 2478. An act granting an increase of pension to Asa M. Foote;
H. R. 2595. An act granting an increase of pension to Peter D. Sutton;
H. R. 2703. An act granting an increase of pension to Stephen Weeks;
H. R. 2709. An act granting an increase of pension to Julius D. Rogers;
H. R. 2762. An act granting an increase of pension to William Chandler;
H. R. 2823. An act granting an increase of pension to Orton D. Ford;
H. R. 2849. An act granting an increase of pension to Jesse Harrison;
H. R. 2949. An act granting an increase of pension to George W. Adamson;
H. R. 2954. An act granting an increase of pension to Chauncey P. Dean;
H. R. 3193. An act granting an increase of pension to James R. Todd;
H. R. 3220. An act granting an increase of pension to Sarah Johnson;
H. R. 3230. An act granting an increase of pension to James H. Beulen;
H. R. 3315. An act granting an increase of pension to Lewis L. Daugherty;
H. R. 3342. An act granting an increase of pension to Albin L. Ingram;
H. R. 3403. An act granting an increase of pension to George A. Baker;
H. R. 3425. An act granting an increase of pension to Warren A. Blye;
H. R. 3483. An act granting an increase of pension to Lemuel P. Williams;
H. R. 3500. An act granting an increase of pension to William M. Martin;
H. R. 3544. An act granting an increase of pension to Josiah M. Grier;
H. R. 3552. An act granting an increase of pension to David F. McDonald;
H. R. 3570. An act granting an increase of pension to Susan Whorton;
H. R. 3571. An act granting an increase of pension to Eber Watson;
H. R. 3679. An act granting an increase of pension to Albert M. Hunter;
H. R. 3966. An act granting an increase of pension to Samuel Jester;
H. R. 3973. An act granting an increase of pension to Isaac P. Knight;
H. R. 4179. An act granting an increase of pension to Owen Donohoe;
H. R. 4192. An act granting an increase of pension to John C. Cavanaugh, alias John Carpenter;
H. R. 4202. An act granting an increase of pension to John C. Umstead;
H. R. 4206. An act granting an increase of pension to Isaac Henry Ober;
H. R. 4221. An act granting an increase of pension to William Foat;
H. R. 4246. An act granting an increase of pension to George D. Street;
H. R. 4685. An act granting an increase of pension to Jacob Rich;
H. R. 4741. An act granting an increase of pension to Stephen Dickerson;
H. R. 4751. An act granting an increase of pension to Joseph J. Sparling;
H. R. 4764. An act granting an increase of pension to Ahijah Brown;
H. R. 4878. An act granting an increase of pension to Isaac H. Witherwax;
H. R. 4886. An act granting an increase of pension to Marquis De Lafayette Burket;
H. R. 4957. An act granting an increase of pension to Elijah J. Snodgrass;
H. R. 4962. An act granting an increase of pension to William J. Sturgis;
H. R. 5028. An act granting an increase of pension to Samuel P. Carll;
H. R. 5163. An act granting an increase of pension to William U. Mallorie;

H. R. 5186. An act granting an increase of pension to Charles W. Fulton;
H. R. 5212. An act granting an increase of pension to Giles Q. Slocum;
H. R. 5605. An act granting an increase of pension to James S. Pelley;
H. R. 5640. An act granting an increase of pension to Abraham Mathews;
H. R. 5647. An act granting an increase of pension to Peter Wetterich;
H. R. 5656. An act granting an increase of pension to Darius H. Randall;
H. R. 5658. An act granting an increase of pension to Joseph Nichols;
H. R. 5692. An act granting an increase of pension to Henry G. Gardner;
H. R. 5708. An act granting an increase of pension to Thomas T. Fallon;
H. R. 5753. An act granting an increase of pension to Sallie H. Murphy;
H. R. 5830. An act granting an increase of pension to Sylvenus Hardy;
H. R. 5855. An act granting an increase of pension to Francis L. Brown;
H. R. 5909. An act granting an increase of pension to William H. Bynon;
H. R. 5938. An act granting an increase of pension to Edward J. McClaskey;
H. R. 5957. An act granting an increase of pension to Henry J. Steck;
H. R. 6063. An act granting an increase of pension to Maria Dyer;
H. R. 6065. An act granting an increase of pension to Charles E. Crowe;
H. R. 6085. An act granting an increase of pension to Jacob C. Rardin;
H. R. 6098. An act granting an increase of pension to Sadie A. Walker;
H. R. 6109. An act granting an increase of pension to William H. Ackert;
H. R. 6115. An act granting an increase of pension to Edward Sarlls;
H. R. 6117. An act granting an increase of pension to Elizabeth Dill;
H. R. 6133. An act granting an increase of pension to Mary Bagley;
H. R. 6137. An act granting an increase of pension to Henry S. Stowell;
H. R. 6178. An act granting an increase of pension to Carl W. Block;
H. R. 6226. An act granting an increase of pension to George Bruner;
H. R. 6340. An act granting an increase of pension to William D. Hatch;
H. R. 6398. An act granting an increase of pension to George W. Henry;
H. R. 6399. An act granting an increase of pension to David Hanna;
H. R. 6408. An act granting an increase of pension to Isaiah Queman;
H. R. 6494. An act granting an increase of pension to William Hughes;
H. R. 6516. An act granting an increase of pension to Joseph Bailey;
H. R. 6538. An act granting an increase of pension to George H. Rice;
H. R. 6565. An act granting an increase of pension to Francis M. Hatter;
H. R. 6813. An act granting an increase of pension to Emsley Kinsauls;
H. R. 6873. An act granting an increase of pension to Charles A. Phillips;
H. R. 6913. An act granting an increase of pension to John Gibbons;
H. R. 6941. An act granting an increase of pension to Alice Gearkee;
H. R. 6947. An act granting an increase of pension to Charles Washburn;
H. R. 6962. An act granting an increase of pension to Richard Phillips, jr.;
H. R. 6977. An act granting an increase of pension to Alfred S. Isaacs;
H. R. 6992. An act gratning an increase of pension to Mary Duffy;
H. R. 6993. An act granting an increase of pension to John Sarvis;
H. R. 7001. An act granting an increase of pension to Andrew M. Dunham;
H. R. 7213. An act granting an increase of pension to Loucette E. Glavis;
H. R. 7222. An act granting an increase of pension to Levi J. Walton;
H. R. 7224. An act granting an increase of pension to Charles R. Ellis;
H. R. 7231. An act granting an increase of pension to Samuel O'Tool;
H. R. 7238. An act granting an increase of pension to William J. Campbell;
H. R. 7241. An act granting an increase of pension to Mary J. Allhands;
H. R. 7525. An act granting an increase of pension to William K. Spencer;
H. R. 7576. An act granting an increase of pension to George W. Brummett;
H. R. 7599. An act granting an increase of pension to William Holland;
H. R. 7600. An act granting an increase of pension to John Welch;
H. R. 7607. An act granting an increase of pension to Annie M. Smith;
H. R. 7628. An act granting an increase of pension to Lorenzo D. Stoker;
H. R. 7649. An act granting an increase of pension to William Leipnitz;
H. R. 7665. An act granting an increase of pension to Wesley J. Banks;
H. R. 7680. An act granting an increase of pension to William Shannon;
H. R. 7711. An act granting an increase of pension to Samuel Dunnan;
H. R. 7721. An act granting an increase of pension to Daniel V. Lowary;
H. R. 7750. An act granting an increase of pension to Anton Riedmuller;
H. R. 7838. An act granting an increase of pension to S. Harriet Morris;
H. R. 7941. An act granting an increase of pension to Carlon B. Osborn;
H. R. 7955. An act granting an increase of pension to Newton E. Terrill;
H. R. 7948. An act granting an increase of pension to James W. Reynolds, alias William Reynolds;
H. R. 7982. An act granting an increase of pension to Francis M. Kellogg;
H. R. 8043. An act granting an increase of pension to Lafayette Dodds;
H. R. 8044. An act granting an increase of pension to Angel Hausker;
H. R. 8061. An act granting an increase of pension to Heart Echard;
H. R. 8156. An act granting an increase of pension to Loren H. Howard;
H. R. 8169. An act granting an increase of pension to Eliza C. Jones;
H. R. 8187. An act granting an increase of pension to Silas G. Elliott;
H. R. 8213. An act granting an increase of pension to William Monteith;
H. R. 8216. An act granting an increase of pension to Philipp Cline, alias Francis Klein;
H. R. 8233. An act granting an increase of pension to Charles A. Power;
H. R. 8242. An act granting an increase of pension to John Alves;
H. R. 8251. An act granting an increase of pension to Abel S. Thompson;
H. R. 8253. An act granting an increase of pension to John Dolan;
H. R. 8288. An act granting an increase of pension to Jonathan Carr;
H. R. 8302. An act granting an increase of pension to Maurice Hayes;
H. R. 8317. An act granting an increase of pension to Eliza Thompson;
H. R. 8406. An act granting an increase of pension to Susan W. Selfridge;
H. R. 8494. An act granting an increase of pension to David A. Jones;

H. R. 8520. An act granting an increase of pension to Alfred F. White;
H. R. 8541. An act granting an increase of pension to Edward H. Pinney;
H. R. 8556. An act granting an increase of pension to Ethan Blodgett;
H. R. 8562. An act granting an increase of pension to William Ostermann;
H. R. 8596. An act granting an increase of pension to John C. Messerschmidt;
H. R. 8649. An act granting an increase of pension to William Bode;
H. R. 8663. An act granting an increase of pension to Frederick A. Amende;
H. R. 8664. An act granting an increase of pension to Henry Wascher;
H. R. 8714. An act granting an increase of pension to George Gibson;
H. R. 8794. An act granting an increase of pension to Stout Shearer;
H. R. 8846. An act granting an increase of pension to Thomas Todd;
H. R. 8847. An act granting an increase of pension to Philip B. Thompson;
H. R. 8918. An act granting an increase of pension to Andrew J. Hull, alias Spencer J. Hull;
H. R. 8926. An act granting an increase of pension to John Keller;
H. R. 8939. An act granting an increase of pension to Sarah A. Chauncey;
H. R. 8944. An act granting an increase of pension to William H. Lorance;
H. R. 8949. An act granting an increase of pension to Albert Richard Clark;
H. R. 9051. An act granting an increase of pension to Asher S. Bouden;
H. R. 9052. An act granting an increase of pension to Jonathan Wood;
H. R. 9059. An act granting an increase of pension to Ebenezer S. Edgerton;
H. R. 9065. An act granting an increase of pension to George G. Brail;
H. R. 9077. An act granting an increase of pension to Samuel Engle;
H. R. 9104. An act granting an increase of pension to Henry Brown;
H. R. 9122. An act granting an increase of pension to Philander Bennett;
H. R. 9142. An act granting an increase of pension to Herman A. Kimball;
H. R. 9146. An act granting an increase of pension to Francis A. Jones;
H. R. 9209. An act granting an increase of pension to Stephen D. Cohen;
H. R. 9234. An act granting an increase of pension to William A. McDonald;
H. R. 9237. An act granting an increase of pension to Jacob Dachrodt;
H. R. 9279. An act granting an increase of pension to Patrick Curley;
H. R. 9351. An act granting an increase of pension to Marie G. Bonham;
H. R. 9405. An act granting an increase of pension to John Burns;
H. R. 9416. An act granting an increase of pension to Jacob M. Longsworth;
H. R. 9567. An act granting an increase of pension to Henderson Rose;
H. R. 9579. An act granting an increase of pension to John G. Harris;
H. R. 9651. An act granting an increase of pension to Charles S. Word;
H. R. 9789. An act granting an increase of pension to Josiah Nicholson;
H. R. 9795. An act granting an increase of pension to Emory Edward Patch;
H. R. 9851. An act granting an increase of pension to William G. Richardson;
H. R. 9906. An act granting an increase of pension to Hinman Rhodes;
H. R. 9929. An act granting an increase of pension to Orlean De Witt;
H. R. 10007. An act granting an increase of pension to Appleton Gibson;
H. H. 10175. An act granting an increase of pension to Matthew A. Knight;
H. R. 10216. An act granting an increase of pension to Hugh Longstaff;
H. R. 10256. An act granting an increase of pension to Daniel D. Diehl;
H. R. 10258. An act granting an increase of pension to Elias Smith;
H. R. 10266. An act granting an increase of pension to William H. Morris;
H. R. 10269. An act granting an increase of pension to Andrew Ricketts;
H. R. 10297. An act granting an increase of pension to Nicholas Hercherberger;
H. R. 10307. An act granting an increase of pension to Milton A. Saeger;
H. R. 10308. An act granting an increase of pension to Dillon F. Acker;
H. R. 10323. An act granting an increase of pension to Patrick J. Donohue;
H. R. 10362. An act granting an increase of pension to William J. Chenoweth;
H. R. 10437. An act granting an increase of pension to Casper Yost;
H. R. 10439. An act granting an increase of pension to Mary Ann Gaunt;
H. R. 10477. An act granting an increase of pension to James B. Babcock;
H. R. 10521. An act granting an increase of pension to John F. Cluley;
H. R. 10522. An act granting an increase of pension to Charles H. Everitt;
H. R. 10551. An act granting an increase of pension to Ezekial Polk;
H. R. 10552. An act granting an increase of pension to James Wilkinson;
H. R. 10564. An act granting an increase of pension to Levi N. Bodley;
H. R. 10582. An act granting an increase of pension to Oscar B. Caswell;
H. R. 10588. An act granting an increase of pension to John H. Parker;
H. R. 10623. An act granting an increase of pension to Joseph L. Bostwick;
H. R. 10637. An act granting an increase of pension to Levi I. Shipman;
H. R. 10720. An act granting an increase of pension to Joseph F. Caldwell;
H. R. 10722. An act granting an increase of pension to William H. Flint;
H. R. 10741. An act granting an increase of pension to Thomas Clark;
H. R. 10807. An act granting an increase of pension to Jacob J. Long;
H. R. 10872. An act granting an increase of pension to Abram J. Hill;
H. R. 10883. An act granting an increase of pension to William Lee;
H. R. 10918. An act granting an increase of pension to Nathan W. Josselyn;
H. R. 10925. An act granting an increase of pension to Isaac C. Dennis;
H. R. 10954. An act granting an increase of pension to Letitia D. Watkins;
H. R. 10969. An act granting an increase of pension to Calaway G. Tucker;
H. R. 11061. An act granting an increase of pension to Reanna Pile;
H. R. 11096. An act granting an increase of pension to Sion B. Glazner;
H. R. 11101. An act granting an increase of pension to Andrew J. Baker;
H. R. 11105. An act granting an increase of pension to Michael Comer;
H. R. 11132. An act granting an increase of pension to Horace E. Lydy;
H. R. 11144. An act granting an increase of pension to Lewis Pratt;
H. R. 11145. An act granting an increase of pension to Melvin J. Lee;
H. R. 11160. An act granting an increase of pension to Lemuel Herbert;
H. R. 11205. An act granting an increase of pension to Jeremiah Spice;

H. R. 11302. An act granting an increase of pension to John R. Cotton;
H. R. 11320. An act granting an increase of pension to Adam Cook;
H. R. 11343. An act granting an increase of pension to Enoch Bolen;
H. R. 11561. An act granting an increase of pension to Egbert P. Shetter;
H. R. 11620. An act granting an increase of pension to John J. Quimby;
H. R. 11653. An act granting an increase of pension to James R. Jordan;
H. R. 11658. An act granting an increase of pension to Gould E. Utter;
H. R. 11672. An act granting an increase of pension to Franklin J. Fellows;
H. R. 11724. An act granting an increase of pension to John A. Conley;
H. R. 11777. An act granting an increase of pension to Manson B. Scott;
H. R. 11808. An act granting an increase of pension to Webster Thomas;
H. R. 11842. An act granting an increase of pension to James M. Noble;
H. R. 11908. An act granting an increase of pension to Stephen V. Sturtevant;
H. R. 11916. An act granting an increase of pension to Edward L. Kimball;
H. R. 12008. An act granting an increase of pension to James D. Blanding;
H. R. 12016. An act granting an increase of pension to James Cassady;
H. R. 12027. An act granting an increase of pension to Nathan C. Bradley;
H. R. 12038. An act granting an increase of pension to Charles H. Burleigh;
H. R. 12054. An act granting an increase of pension to Martha E. Hallowell;
H. R. 12156. An act granting an increase of pension to Edwin Billing;
H. R. 12102. An act granting an increase of pension to Wilhelmina Healey;
H. R. 12290. An act granting an increase of pension to David L. Kretsinger;
H. R. 12384. An act granting an increase of pension to Andrew Dunning;
H. R. 12388. An act granting an increase of pension to Harvey T. Dunn;
H. R. 12506. An act granting an increase of pension to John T. Howell;
H. R. 12507. An act granting an increase of pension to George W. Collier;
H. R. 12510. An act granting an increase of pension to John McWhorter;
H. R. 12583. An act granting an increase of pension to Elizabeth L. H. Labatt;
H. R. 12640. An act granting an increase of pension to Augustus Walker;
H. R. 12713. An act granting an increase of pension to Augustus F. Bradbury;
H. R. 12754. An act granting an increase of pension to William B. Eversole;
H. R. 12837. An act granting an increase of pension to Martha Miller;
H. R. 12839. An act granting an increase of pension to Kathryn G. Hayt;
H. R. 12937. An act granting an increase of pension to James Hoover;
H. R. 13037. An act granting an increase of pension to Elizabeth Jane Kearney;
H. R. 13050. An act granting an increase of pension to William G. Crockett;
H. R. 13078. An act granting an increase of pension to Elizabeth F. Partin;
H. R. 13084. An act granting an increase of pension to William Dixon;
H. R. 13129. An act granting an increase of pension to Pinkney W. H. Lee;
H. R. 13141. An act granting an increase of pension to William A. Southworth;
H. R. 13457. An act granting an increase of pension to William M. McCay;
H. R. 13536. An act granting an increase of pension to Peter Cline;
H. R. 13579. An act granting an increase of pension to Amon Miller; and
H. R. 13582. An act granting an increase of pension to James Sutherland.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed with amendments bill of the following title; in which the concurrence of the House of Representatives was requested:

H. R. 5976. An act to provide for the final disposition of the affairs of the Five Civilized Tribes in the Indian Territory.

The message also announced that the Senate had agreed to the amendment of the House of Representatives to the bill (S. 1234) to provide for the appropriate marking of the graves of the soldiers and sailors of the Confederate army and navy who died in northern prisons and were buried near the prisons where they died, and for other purposes.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 7961. An act for the relief of G. F. Tarbell;
H. R. 10080. An act to provide for sittings of the United States circuit and district courts of the southern district of Florida at the city of Miami, in said district;
H. R. 10697. An act providing for the issuance of patents for lands allotted to Indians under the Moses agreement of July 7, 1883;
H. R. 13542. An act authorizing the Secretary of the Interior to lease land in Stanley County, S. Dak., for a buffalo pasture;
H. R. 13673. An act to extend the provisions of the homestead laws to certain lands in the Yellowstone Forest Reserve;
H. R. 13674. An act to amend an act entitled "An act to amend an act entitled 'An act to supplement existing laws relating to the disposition of lands, and so forth, approved March 3, 1901,' approved June 30, 1902."
H. R. 14344. An act for the relief of Col. Medad C. Martin;
H. R. 14589. An act to authorize the Cairo and Tennessee River Railroad Company to construct a bridge across the Tennessee River; and
H. R. 14590. An act to authorize the Cairo and Tennessee River Railroad Company to construct a bridge across Cumberland River.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message in writing from the President of the United States was communicated to the House of Representatives, by Mr. BARNES, one of his secretaries, who also informed the House of Representatives that the President had approved and signed bills of the following titles:

On March 3, 1906:

H. R. 7139. An act legalizing the removal of the county seat of Washita County, Okla.; and
H. R. 12614. An act to change the name of a portion of T street to California street.

COMMITTEE ON CENSUS.

Mr. CRUMPACKER. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk.

The Clerk read as follows:

*Resolved*, That the Committee on Census be authorized to have such printing and binding done as may be required in the transaction of its business during this Congress.

The SPEAKER. Is there objection?

There was no objection.

The resolution was agreed to.

BUREAU OF IMMIGRATION AND NATURALIZATION.

Mr. BONYNGE. Mr. Speaker, I ask unanimous consent for the adoption of the order which I send to the Clerk's desk.

The Clerk read as follows:

*Ordered*, That the bill (H. R. 15442) to establish a Bureau of Immigration and Naturalization and to provide for a uniform rule for the naturalization of aliens throughout the United States shall have the privilege belonging to bills reported from committees having leave to report at any time.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The order was accordingly adopted.

RELIEF OF CERTAIN SETTLERS.

Mr. VOLSTEAD. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 10480) for the relief of certain settlers upon land within the indemnity limits of the present St. Paul, Minneapolis and Manitoba Railway Company.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That all qualified homesteaders who made settlement upon and improved any of the land hereinafter designated and who were prevented from securing title to such land by reason of the contracts hereinafter described shall, in making final proof upon homestead entries made for other lands, be given credit for the period of their bona fide residence on and the amount of their respective improvements upon the land for which they were so prevented from completing title, including the time of continuous residence upon and improvements of said land while defending in good faith their respective claims thereto as homestead settlers. The land above referred to is that part of the indemnity grant to the St. Paul, Minneapolis and Manitoba Railway Company defined by the acts of Congress dated, respectively, March 3, 1857 (11 Stats., p. 195, chap. 99), and March 3, 1865 (13 Stats., p. 526, chap. 105), which by reason of certain contracts between Rev. John Ireland and the St. Paul, Minneapolis and Manitoba Railway Company, one dated July 17, 1880, and one dated March 30, 1883, (more particularly described in the decision of the Commissioner of the General Land Office contained in his letter of December 3, 1898, in the appeal of the case of John Ireland against Joseph Bennon and others from the action of the local land office and at St. Cloud, Minn.), the said John Ireland and those with whom he contracted to sell certain of said lands, either for himself or for said railway company, were held authorized to purchase from the United States under the provision of section 5 of the act of March 3, 1887 (24 Stats., p. 556), after the date upon which the claim of said railway company to receive said lands as indemnity lands had been denied and canceled by the Interior Department: *Provided*, That no such person shall be entitled to the benefits of this act who shall fail to make entry within two years after the passage thereof: *And provided further*, That this act shall not be considered as entitling any person to make another homestead entry who shall have received the benefits of the homestead law since being prevented, as aforesaid, from completing title to the lands so settled upon and improved by him.

With the following amendment recommended by the Committee on Public Lands:

In line 16, page 2, strike out the word "December" and insert in lieu thereof the word "February."

Mr. PAYNE. Mr. Speaker, reserving the right to object, I ask for an explanation of this bill.

Mr. VOLSTEAD. Mr. Speaker, this bill is intended to give relief to certain settlers who entered upon lands claimed by the Manitoba Railroad Company. After contest with the railway company they entered upon it when it had been ascertained that the railway company had no right to it. They claim they made the settlement on the advice of the register and receiver of the local land office, and made large improvements. Some expended as high as a thousand dollars in improvements. It was afterwards discovered that while the railroad company was claiming that land, Bishop Ireland had made a contract with the railroad company for the purchase of the land. They had entered upon the land without knowledge of this contract under the belief that it was clear, because it was clear in fact from the railroad company's claim. But, as Members are aware, there is a statute under which a party making a contract for the purchase of land from a railroad company that afterwards loses its title can secure the land from the Government by paying the Government $1.25 an acre. Bishop Ireland contested the claim of the settlers and secured title from the Government by paying the $1.25 per acre, and that deprived the settlers of the land.

I have always felt that these parties acted in good faith, and having spent a large amount of time and money in complying with the homestead law should have some relief. They have asked that Congress appropriate money for the purpose of paying them for the loss, but, of course, that is contrary to the policy of Congress, and this seemed to me was the only relief possible.

Mr. WILLIAMS. What is the relief asked?

Mr. VOLSTEAD. It just allows them to enter upon other lands and to get credit for the time spent and for the improvements made upon this land in proving up another homestead. Now, it seems to me that this is a meritorious measure. It was recommended by the Committee on Public Lands and it has the approval of the Secretary of the Interior and also of the Commissioner of the Public Land Office.

Mr. STEPHENS of Texas. Mr. Chairman, I desire to ask the gentleman if this is a special bill—if it relates only to this railroad land that he mentions?

Mr. VOLSTEAD. It relates only to this particular land.

Mr. STEPHENS of Texas. Does it in any way affect the homestead laws of the United States or the public land laws?

Mr. VOLSTEAD. Not at all. It only affects the particular tracts of land covered by a certain contract held by Bishop Ireland.

Mr. STEPHENS of Texas. How many acres of land are involved in this bill?

Mr. VOLSTEAD. That is hard to determine. The best estimate I can make at present is that it will affect about half a dozen different parties. Some of them entered for as high as 160 acres and others for less.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The question is on agreeing to the committee amendment.

The question was taken; and the amendment was agreed to.

The SPEAKER. The question now is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, read the third time, and passed.

On motion of Mr. VOLSTEAD, a motion to reconsider the last vote was laid on the table.

INSANE ASYLUM, OKLAHOMA TERRITORY.

Mr. WEBB. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 13675) to ratify and confirm the acts of the legislative assembly of the Territory of Oklahoma, passed in the year 1905, relating to an insane asylum for the Territory of Oklahoma, and providing for the establishment and maintenance of an insane asylum for the Territory of Oklahoma at Fort Supply, in Woodward County, Ind. T., and making appropriations therefor, which I send to the desk and ask to have read.

The Clerk read as follows:

*Be it enacted, etc.*, That the act of the legislative assembly of the Territory of Oklahoma, entitled "An act accepting the offer made by Congress to the Territory of Oklahoma, granting to such Territory the use of Fort Supply Military Reservation and the buildings thereon for the purpose of an insane asylum for the Territory of Oklahoma, and providing for the care of the insane of the Territory of Oklahoma," approved March 1, 1905, be, and the same is hereby, in all things ratified, approved, and confirmed, and that section 14 of an act of the legislative assembly of the Territory of Oklahoma, entitled "An act making appropriations for current expenses of the Territory of Oklahoma for the years 1905 and 1906, and for deficiency appropriations and for miscellaneous purposes," approved March 11, 1905, be, and the same is hereby, in all things ratified, approved, and confirmed.

The SPEAKER. Is there objection?

Mr. MADDEN. Mr. Speaker, I object.

The SPEAKER. The gentleman from Illinois objects.

Mr. STEPHENS of Texas. Mr. Speaker, I hope the gentleman from Illinois will withdraw his objection. If he understood the bill I am satisfied he would not object to it. I desire to state that this bill has had the approval of Congress heretofore, and also of the legislature of Oklahoma. I do not see why it should be objected to, if it is thoroughly understood.

Mr. MADDEN. Mr. Speaker, I understand all about the bill and that is the reason I object to it.

Mr. WEBB. Mr. Speaker, would it be in order to move to suspend the rules and pass this bill? If so, I desire to make that motion.

The SPEAKER. The Chair will take the matter up with the gentleman later.

COINAGE OF MINOR COINS, ETC.

Mr. BONYNGE. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 229) providing for the purchase of metal and the coinage of minor coins, and the distribution and redemption of said coins, which I send to the desk and ask to have read.

The Clerk read as follows:

*Be it enacted, etc.*, That sections 3528 and 3529 of the Revised Statutes be, and the same are hereby, amended so as to read as follows:

"SEC. 3528. For the purchase of metal for the minor coinage authorized by this act a sum not exceeding $200,000 in lawful money of the United States shall, upon the recommendation of the Director of the Mint, and in such sums as he may designate, with the approval of the Secretary of the Treasury, be transferred to the credit of the superintendents of the mints at Philadelphia, San Francisco, Denver, and New Orleans, at which establishments, until otherwise provided by law, such coinage shall be carried on. The superintendents, with the approval of the Director of the Mint as to price, terms, and quantity, shall purchase the metal required for such coinage by public advertisement, and the lowest and best bid shall be accepted, the fineness of the metals to be determined on the mint assay. The gain arising from the coinage of such metals into coin of a nominal value, exceeding the cost thereof, shall be credited to the special fund denominated the minor-coinage profit fund; and this fund shall be charged with the wastage incurred in such coinage, and with the cost of distributing said coins, as hereinafter provided. The balance remaining to the credit of this fund, and any balance of the profits accrued from minor coinage under former acts, shall be, from time to time, and at least twice a year, covered into the Treasury of the United States.

"SEC. 3529. The minor coins authorized by this act may, at the discretion of the Director of the Mint, be delivered in any of the principal cities and towns of the United States, at the cost of the mints, for transportation, and shall be exchangeable at par at the mints named, at the discretion of the superintendents, for any other coins of copper, bronze, or copper-nickel heretofore authorized, and it shall be lawful for the Treasurer and the several assistant treasurers and depositaries of the United States to redeem, in lawful money, under such rules as may be prescribed by the Secretary of the Treasury, all copper, bronze, and copper-nickel coins authorized by law when presented in sums of not less than $20; and whenever, under this authority, these coins are presented for redemption in such quantity as to show the amount outstanding to be redundant, the Secretary of the Treasury is authorized and required to direct that such coinage shall cease until otherwise authorized by him."

The SPEAKER. Is there objection?

Mr. PAYNE. Mr. Speaker, reserving the right to object, I would like to ask an explanation of just what this bill does.

Mr. BONYNGE. Mr. Speaker, I can explain in a very few words. This bill relates wholly to what is known as "minor

coins"—the 5-cent pieces and the pennies. It has no reference to the coinage of any other coins but those two. Under existing law those coins can only be coined at the Philadelphia mint. The bill provides that such coins may, in the discretion of the Secretary of the Treasury, be coined either at the Philadelphia mint or any of the other three mints provided by law, namely, the Denver mint, the San Francisco mint, and the New Orleans mint.

Mr. ADAMS of Pennsylvania. Mr. Speaker, I object.

Mr. GARNER. Mr. Speaker, I would ask the gentleman if that is the only amendment to the present law?

Mr. BONYNGE. No; that is one amendment. I am going to mention the other amendment. Under existing law there is a fund of $50,000 for the coinage of these minor coins. That law was passed in 1873. Since that time, as everybody will understand, there has been a great demand for an increased supply of those minor coins. This bill increases that fund from $50,000 to $200,000. In all other respects the law remains exactly as it is. Those are the only two amendments made by this bill to existing law.

Mr. GARNER. One other question. What committee reported the bill?

Mr. BONYNGE. The Committee on Coinage, Weights, and Measures, and it is a unanimous report of that committee.

Mr. ADAMS of Pennsylvania. I object, Mr. Speaker.

Mr. BONYNGE. Mr. Speaker, I move to suspend the rules and pass the bill.

Mr. ADAMS of Pennsylvania. Mr. Speaker, I demand a second.

Mr. BONYNGE. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Is there objection?

Mr. ADAMS of Pennsylvania. I object.

The SPEAKER. The gentleman from Colorado [Mr. BONYNGE] and the gentleman from Pennsylvania [Mr. ADAMS] will take their places as tellers.

Mr. ADAMS of Pennsylvania. Mr. Speaker, a parliamentary inquiry. Are we not entitled to debate on this subject?

The SPEAKER. Undoubtedly; if a second is ordered, there will be twenty minutes' debate on a side. The gentleman from Colorado will be entitled to twenty minutes, and the gentleman from Pennsylvania will be entitled to twenty minutes.

The question was taken; and the tellers reported that there were—ayes 117, noes 2.

So a second was ordered.

The SPEAKER. The gentleman from Colorado is recognized for twenty minutes, and the gentleman from Pennsylvania is recognized for twenty minutes.

Mr. BONYNGE. Mr. Speaker, I do not know that I care to add anything further to what I have said, and I yield so much of my time as he may desire to the chairman of the Committee on Coinage, Weights, and Measures [Mr. SOUTHARD].

Mr. PALMER. Before the gentleman sits down I would like to ask if this involves any expense to the Government?

Mr. BONYNGE. It involves the expense of purchasing dies for each of these mints. Otherwise the machinery, I understand, is in all of these mints. That purchase is a very small amount and more than offset by the saving to the Government in the express charges on the coins sent from the Philadelphia mint to various parts of the country where these coins will be required. The Secretary of the Treasury and the Director of the Mint both join in recommending it, for the reason that it will be such a large saving in expense to the Government.

Mr. SOUTHARD. Mr. Speaker, this is a bill which has the unanimous approval of the Committee on Coinage, Weights, and Measures. It is such a bill that has been recommended by every Secretary of the Treasury for a great many years. I know that Secretary Gage recommended it time and again. Secretary Shaw has recommended it in his annual report for several years. Under the law as it now stands $50,000 is set apart as a fund to be used for the purposes of minor coinage, and this $50,000 covers the cost of material in all stages of manufacture. The recommendation of the Secretary of the Treasury has been that this fund be increased, and this bill increases the fund from $50,000 to $200,000, not annually, but it provides that a fund of $200,000 be set apart to be used in the coinage of minor coins. I will read the provision of the bill relating to this subject:

> For the purchase of metal for the minor coinage authorized by this act a sum not exceeding $200,000 in lawful money of the United States shall, upon the recommendation of the Director of the Mint, and in such sums as he may designate, with the approval of the Secretary of the Treasury, be transferred to the credit of the superintendents of the mints at Philadelphia, San Francisco, Denver, and New Orleans, at which establishments, until otherwise provided by law, such coinage shall be carried on.

It simply provides a sum of $200,000 instead of $50,000 shall be so set apart for this purpose. It contains a provision which makes another amendment, and that is this. Under the law as it now stands coinage of the minor coins—five-cent pieces, nickels—can be carried on at the Philadelphia mint only. There can be no good reason why the other mints should be restricted in this matter. The Secretary of the Treasury says that this restriction ought to be removed, and this bill amends the section so as to remove it. That is all that the bill contains. It is something that ought to be done. It will effect a saving to the Government; it will be for the convenience of the Government; it will contribute to the ready distribution of the minor coins when the manufacture is commenced, and we have been able to see no reason why these sections of the Revised Statutes should not be amended as provided in this bill.

Mr. BONYNGE. Mr. Speaker, I yield three minutes to the gentleman from Georgia [Mr. HARDWICK].

Mr. HARDWICK. Mr. Speaker, I only want to say this to the House, that this is entirely a non-partisan measure. This bill was reported by the unanimous vote of the committee. It is right, I think, and it will be of great convenience to the business public. The Treasury Department approves the bill and the Treasury officials also. Instead of being an expense to the Government, it will actually save money.

Under the present law all minor coins are coined at the mint at Philadelphia. Business development in the West and South has demanded a change, and now the proposition is that some of these minor coins shall be coined at New Orleans and some at Denver and some at San Francisco. The statement is made by these Treasury Department officials that the cost of the shipment of these minor coins when they are coined will be greatly reduced and that business all through the other sections of the country will be greatly facilitated by the passage of this bill, because business men in all sections of the country will be able to get change more easily and more expeditiously.

I think the bill ought to pass without a dissenting vote, and I do not believe that anybody is opposed to it except the Philadelphia people.

Mr. BONYNGE. Mr. Speaker, how much time have I left?

The SPEAKER. Fourteen minutes.

Mr. BONYNGE. Mr. Speaker, I think the gentleman from Pennsylvania ought to use some of his time.

Mr. ADAMS of Pennsylvania. Mr. Speaker, this is one of those specious bills that on the face of it is presented to the House on the ground of economy. But when you come to look into it you will find that, instead of being in that direction, it is along the idea of forcing this Government to expend more money than is necessary in keeping open and finding work for mints which a few years ago, against the protest of the Members of this House who were best informed on this subject, were kept open. This is nothing but a measure to furnish work at these mints that have been located throughout the country, because if they have not some occupation it will be found that they are useless and not necessary. It is a fact, and this bill is brought in here to furnish some work to these various mints scattered throughout the country, when, in the judgment of those who wish true economy in the coinage of our silver and gold pieces, there is no necessity for the existence of these mints at all.

A few years ago a bill was brought into this House changing the character of those institutions or depositories—I forget the technical term—and making them into mints, and now when it is discovered that there is not sufficient work for them to do they propose to come in here——

Mr. SOUTHARD. Will the gentleman yield?

Mr. ADAMS of Pennsylvania. In a moment. They propose to come in here and change the statute which has been recognized as efficient for the true economic coinage of these pieces in order to make work for these mints which have not enough work to occupy their time. So they propose to distribute the coinage of this silver throughout these various mints. The mint at Philadelphia was constructed by the Government at great expense, with the most improved machinery instituted there for the greatest economy in the coinage of the bullion, and more than that, the most skilled operatives are there also. And on this alleged measure that is brought in here the only plea that has been offered is the express charges on the bullion from the mines to Philadelphia. Whereas, as a matter of fact, the true economy would be to close these mints and let the Philadelphia mint, which now stands idle and the employees waiting outside for occupation, coin this bullion as suggested in the bill. That is the reason for this measure.

Mr. SOUTHARD. Will the gentleman yield?

Mr. ADAMS of Pennsylvania. I yield to the gentleman now.

Mr. SOUTHARD. Simply assuming now that we are going to keep these mints in operation and not close them up, as the gentleman suggests, what is the objection to this bill?

Mr. ADAMS of Pennsylvania. I am calling the attention of

the House to the argument that is being made here as to why the existing law should be changed, and that instead of being in the direction of real economy it is an effort to keep open mints throughout the United States that are not now necessary to coin the average amount of coinage that takes place annually, and the true economy would be to let the statute remain as it is and do the work at the mint over in Philadelphia, where the best facilities, the most skilled operatives are located, and the finest machinery has been installed at the most economical rate, and close these other mints if necessary. It is in the line of true economy, and this bill is nothing in the world but an effort to distribute the work that can be done at Philadelphia. I tell you now, when the operations of that mint are standing idle and the people are not employed because there is not sufficient work, if there is a Member in this House that can take the stand that we should keep the minor factories going, so to speak, while the main factory is able to do the work—if there is a Member of this House that contends that that is economy in the management of this Government, why, then, there will be justification for passing this bill; but if that is not so, a change of the statute is simply trying to perpetuate the situation of keeping in operation these branch mints, for which, in my judgment, and in that of those familiar with the subject, there is not the slightest necessity. Now, I yield to my colleague the gentleman from Pennsylvania [Mr. BATES].

Mr. BATES. Mr. Speaker, I desire to ask the chairman of the committee, if he will allow me, if he is apprised of what the expense will be of duly fitting up the Colorado and southern mints for this work?

Mr. SOUTHARD. I will say that I believe that it is not contemplated to coin these minor coins at the New Orleans mint. There will be some slight expense in dies, and perhaps other work, in fitting up the Denver and San Francisco mints. But the Secretary of the Treasury says that there will be a saving. It costs more to transport the metal in the shape of coin than it does in its original state. He says there will be a saving under the bill, besides convenience to the Department by broadening out this law and permitting the coinage of the minor coins wherever the Secretary of the Treasury and the Director of the Mint shall desire to have it done.

Mr. BATES. One other question. Is it not the present practice that the blanks for this nickel coinage are made up at Meriden and other places in Connecticut?

Mr. SOUTHARD. I think the practice is this: The Government buys what are known as "disks," metal disks, and from these metal disks it makes the pennies and 5-cent pieces. I understand (though this may not be authoritative) that the Government proposes in the course of time to manufacture its own disks, and that there will be some saving in getting their metal disks in that way.

Mr. BATES. Well, that being the case, how can it be argued that there will be any saving in the transportation of the disks from the State of Connecticut and have it turned into coins in the city of Philadelphia?

Mr. SOUTHARD. It is entirely possible that these disks may be delivered at some other mint as cheaply as at Philadelphia.

Mr. BATES. As to that now, how can they be delivered in Colorado as cheaply as in Philadelphia, assuming that they can only be manufactured in Connecticut?

Mr. SOUTHARD. What I mean is this: After these disks are made into nickels and pennies they must be distributed all over the country. When the metal is manufactured into coin the charges for transportation after it is manufactured into money are very much greater than the freight on the metal. I stated that at the outset, and we have it from the Secretary of the Treasury that this law will work a saving to the Treasury; that it will be in the interest of economy as well as more convenient for the Treasury. Nobody has thus far offered any objection to this proposed change in the law; nobody has questioned that it will be a saving to the Treasury; nobody has questioned that convenience to the Treasury will result from it.

Mr. BATES. Just one more question, Mr. Speaker. How can you make that statement and how can anyone make that statement until he has investigated and ascertained the expense of the equipment of these other mints for doing this work?

Mr. SOUTHARD. It is fair to assume that the Director of the Mint and the Secretary of the Treasury investigated this matter before making their reports year after year, as they have done.

Mr. BATES. Was not the testimony offered before the Committee on Coinage last year at its sessions that it would cost a large amount, some fifty or sixty thousand dollars, to equip them to do this work?

Mr. SOUTHARD. I think not. My recollection is that the testimony was to the effect that the expense would be comparatively trivial.

Mr. BONYNGE. My recollection, if the chairman will permit me, is that it would not exceed a few hundred dollars for each mint. They have all the machinery in each of these mints for the coinage of these minor pieces now, excepting the dies, and they will cost a few hundred dollars each. The saving in cost arises from the fact that you can ship the metal and the dies by freight, and after you coin the metal you ship the coin by express and pay express charges upon coin, which naturally is very much higher than freight upon the metals and freight upon the dies, and the dies themselves would cost, as I understand, only a few hundred dollars for each mint. In every respect all these mints are ready for the coinage of the minor coins with the exception of the dies.

Mr. KAHN. If the gentleman will permit me, I wish to say that when that coin is shipped to the different cities of the country it is shipped at the expense of the mint, and that is what makes the cost. Now, in regard to San Francisco, we have a fully equipped mint there—I think as good in machinery and in operatives as the mint at Philadelphia. The mint is not altogether idle. They are working there coining gold coin; but it is a great convenience to the business communities of the cities of the West to have these minor coins coined at that mint. At the present time it frequently happens that there is a shortage in these small coins; there are not enough of them on hand, and then they have to send on to Philadelphia and pay the express charges clear out to San Francisco in order to get a few hundred dollars' worth of nickels.

Mr. ADAMS of Pennsylvania. Will the gentleman permit a question?

Mr. KAHN. Certainly.

Mr. ADAMS of Pennsylvania. I understand you to admit that the mint in San Francisco is not working on full time.

Mr. KAHN. It is not working on full time and yet——

Mr. ADAMS of Pennsylvania. Is it working on half time?

Mr. KAHN. I do not know just how much of a force is there, but the condition there is this: There is quite a force employed; I know that——

Mr. ADAMS of Pennsylvania. I should like to ask the gentleman from Colorado [Mr. BONYNGE], if the mint in Denver is working on full time?

Mr. BONYNGE. I can not answer as to that. It was not when I left; but I will say to the gentleman from Pennsylvania that when I left, there were in the vaults of that mint $19,000,000 worth of gold bars ready to be coined into gold coin, and that the mint has just been completed; that it is the latest, the most improved, the best mint in the United States. Being the latest, it naturally has the most improved machinery. It has only recently been completed, the force is now being employed, and when in operation I have no doubt that the gentleman from Pennsylvania [Mr. ADAMS] will be clamoring for some work for his Philadelphia mint, because otherwise they will have to close the Philadelphia mint. [Laughter.]

Mr. ADAMS of Pennsylvania. You can not wag a dog by the tail, and in spite of all the enthusiasm and western atmosphere which the gentleman brings here, it is superfluous to attempt to put the mint at Denver or the mint at San Francisco in the same class with the mint at Philadelphia. The gentleman, however, reenforces my argument, for the House will take into consideration the fact that the trouble is, as said by those who protested some years ago against the erection of these new mints, that they were not necessary, and now that fact is proved, because gentlemen ask the passage of a law in order to make work, so that these unnecessary mints may have something to do. I say that with the mint at Philadelphia fully equipped, there is no necessity to change the statute, and it is not true economy to do so. If you want to economize, close the unnecessary mints and let the coinage go on from a true economical standpoint.

Mr. BATES. Has not the director of the Philadelphia mint written a letter stating that this legislation is unnecessary; that it is not a question of the employment of men, but a question of equipment? Does he not state that the dies will have to be purchased with which to coin this subsidiary coin? If you will look into this question, there is not an argument that will stand in favor of this proposition except the argument of local pride and the desire to obtain work for these smaller mints, and this Government ought not to be run on such a basis. It ought to be run on economical principles, and if you have too many mints they should be concentrated.

Mr. BONYNGE. Did I understand the gentleman to say a few minutes ago that the Philadelphia mint is standing idle?

Mr. ADAMS of Pennsylvania. Part of it.

Mr. BONYNGE. Then why not close your Philadelphia mint if you do not need it? [Laughter.]

Mr. ADAMS of Pennsylvania. Simply because it is the best-equipped mint. It is the main mint, and we have the dies with which to coin this subsidiary coinage, which the Denver mint and the California mint have not. It means the expenditure of money to buy the necessary equipment. Dropping the general doctrine that we have too many mints, I will come down to this specific bill. Dies will have to be purchased for the California mint and for the Denver mint before they can coin this subsidiary coinage, and therefore, right on that point, I think this bill should not prevail.

Mr. BONYNGE. Will the gentleman permit an interruption?

Mr. ADAMS of Pennsylvania. Yes.

Mr. BONYNGE. So long as there is no use for the dies at the Philadelphia mint, would the gentleman have any objection to shipping the dies to Denver, where we have the machinery and are able to do the coinage?

Mr. ADAMS of Pennsylvania. I should object. We have the skilled workmen, who are used to this kind of special coinage. We have the workmen, we have got the machinery, and why should the Government change the location of men who are used to doing just this work in order to accommodate Denver and San Francisco?

Mr. BROOKS of Colorado. Will the gentleman state how many operators belonging to the mint have been transferred to the Denver mint?

Mr. ADAMS of Pennsylvania. Oh, you couldn't start your mint in Denver until you got several of the skilled laborers from the Philadelphia mint. Now you have taken the skilled laborers, you want to take the work out of the mouths of the Philadelphia men.

Mr. KAHN. Will the gentleman permit an interruption?

Mr. ADAMS of Pennsylvania. Certainly.

Mr. KAHN. The gentleman will admit that the mint in San Francisco has been in operation for many years.

Mr. ADAMS of Pennsylvania. It has.

Mr. KAHN. And that we have a splendid force of mechanics there.

Mr. ADAMS of Pennsylvania. The gentleman says so.

Mr. KAHN. Well, that is a fact. The gentleman says, in answer to an inquiry from the gentleman from Colorado, that he would not lend the dies to the Denver mint because they had no skilled mechanics there. Now, we have the skilled mechanics at San Francisco, and will the gentleman be willing to send the dies from the Philadelphia mint to the mint at San Francisco?

Mr. ADAMS of Pennsylvania. Will the gentleman tell me anything in rhyme or reason why with the skilled labor at Philadelphia we should send the dies to San Francisco?

Mr. KAHN. Because it would be a saving to the Government.

Mr. ADAMS of Pennsylvania. It would be no saving to the Government, because they have the dies already in Philadelphia. I have heard of the great cost of the transportation of silver across the country, and you will have to transport these dies.

Mr. KAHN. But the cost of transporting the dies would be very slight, and the cost of transportation of these coins is very great. Besides, the metal out of which the money is made is mined right around California.

Mr. ADAMS of Pennsylvania. I want to say to the gentleman from California that the ideas of everything out in his State are so large that you can't buy anything there less than two bits. Why, I have been there and you can hardly get a drink under two bits, and what does the gentleman need of nickels or 10-cent pieces? [Laughter.]

Mr. KAHN. I want to say to the gentleman from Pennsylvania that the only reason why Philadelphia has the exclusive right at the present time to coin nickels is that up to ten or fifteen years ago we had no use for nickels nor for pennies. They were not in common circulation, but we have come down to the standard of the East and we have nickels and we have pennies. We want them; we need them, and we can not now get them without having to send to Philadelphia for them. Now, we want to coin them out there where we have a splendid equipment, and thus save the Government the expense of bringing them from Philadelphia.

Mr. ADAMS of Pennsylvania. That is what I call penny wise and pound foolish. [Laughter.] The gentleman wants to keep unnecessary mints open to coin pennies when we could save pounds to the Government by closing them.

Mr. KAHN. The trouble with Philadelphia is that she is so slow we can't get the nickels out there in time. [Laughter.]

Mr. ADAMS of Pennsylvania. That is the fault of the western railroads; we can ship them all right but your prairie-schooner railroads are so slow you can't get them out there in time; that is the misfortune of California. [Laughter.]

The SPEAKER. The time of the gentleman from Pennsylvania has expired.

Mr. WILLIAMS. Mr. Speaker, I ask unanimous consent that the gentleman's time be extended one minute.

Mr. BONYNGE. I will yield the gentleman from Pennsylvania one minute if I have the time.

Mr. WILLIAMS. I am not certain that I understood the argument of the gentleman from Pennsylvania. I think I did, but I want to ask him if it is not about this: That it is contrary to the fundamental principles of the Republican party to give employment to labor in the mints at Denver or San Francisco and New Orleans if there is any danger of somebody having less employment in Philadelphia? [Laughter.]

Mr. ADAMS of Pennsylvania. Oh, Mr. Speaker, the gentleman is trying to inject the old silver question into this debate. [Laughter.] He must wake up some issue that is not dead. [Renewed laughter.]

The SPEAKER. The question is on suspending the rules and passing the bill.

The question was taken; and in the opinion of the Chair, two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

### DELEGATE FROM ALASKA.

Mr. LLOYD. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 956) providing for the election of a Delegate to the House of Representatives from the district of Alaska, and I also ask unanimous consent that the substitute may be read in lieu of the bill.

The SPEAKER. The gentleman from Missouri asks unanimous consent for the present consideration of the bill, which the Clerk will report, and further asks unanimous consent that the substitute may be read in lieu of the bill. Is there objection?

Mr. PAYNE. The consent is only to be given to read the substitute?

The SPEAKER. Yes. [After a pause.] The Chair hears no objection. The Clerk will report the substitute.

The Clerk read as follows:

A bill providing for the election of a Delegate to the House of Representatives from the Territory of Alaska.

*Be it enacted, etc.*, That the people of the Territory of Alaska shall be represented by a Delegate in the House of Representatives of the United States, chosen by the people thereof in the manner and at the time hereinafter prescribed, and who shall be known as the Delegate from Alaska. Such Delegate, when duly chosen and qualified shall possess the same powers and privileges and be entitled to the same rate of compensation as the Delegates in the House of Representatives from the Territories of the United States: *Provided, however*, That such Delegate, in lieu of all other allowances, shall, in addition to his salary, receive the sum of $1,500 per annum, which shall cover all mileage and other expenses except stationery allowance and compensation for clerk hire.

SEC. 2. That no person shall be a Delegate who shall not at the time of his election have attained the age of 25 years and have been seven years a citizen of the United States, and be a bona fide resident, and an elector as prescribed in this act, of the Territory of Alaska.

SEC. 3. That the first election for Delegate from Alaska shall be held upon the second Tuesday of August, in the year 1906, and that at said first election there shall be elected a Delegate who shall hold his office for the unexpired portion of the Fifty-ninth Congress, which term of office is hereinafter designated as the "short term;" and also at said first election there shall be elected a Delegate who shall hold his office for the full term of the Sixtieth Congress, which term of office is hereinafter designated as the "long term."

That the Delegate chosen at said first election for the short term shall hold his office from the date of his election certificate during the remainder of the Fifty-ninth Congress; and the Delegate chosen at said first election for the long term shall hold his office for the full term of the Sixtieth Congress; that the Delegate chosen at each subsequent election shall hold his office for the same term as the Members of the House of Representatives chosen at the general election in the same year.

That the salary and allowances of the Delegate chosen for the short term at said first election shall begin with the date of his election certificate, and shall extend throughout and until the close of the Fifty-ninth Congress. The salary and allowances of the Delegate chosen for the long term at said first election shall begin at the commencement of the term of the Sixtieth Congress and extend throughout and until the close thereof. The salary and allowances of the Delegate chosen at each subsequent election shall be for the full term of the Congress to which he is elected a Delegate.

SEC. 4. That all male citizens of the United States 21 years of age and over who are actual and bona fide residents of Alaska and who have been such residents during the entire year immediately preceding the election, and who have been residents in the precinct in which they vote for thirty days next preceding the election, shall be qualified to vote for the election of a Delegate from Alaska.

SEC. 5. That each incorporated town now existing or hereafter organized in Alaska shall, when the population of the same is less than 2,000 inhabitants, constitute one voting precinct. That the common council of each incorporated town may, when the population of the same is 2,000 or more, divide the same into two or more voting precincts: *Provided, however*, That any action of said common council changing old or creating new voting precincts in said town shall be taken at least sixty days prior to the date of the holding of the next election under this act.

That the common council of each incorporated town, at least thirty days prior to the date of the holding of each election under this act, shall select and provide a polling place for each voting precinct in said town, and shall give notice of said approaching election by posting a copy of said notice in at least three conspicuous public places in said town, and whenever there are one or more newspapers of general circulation published in said town, then a copy of said notice shall also be published in one or more of such newspapers at least thirty days prior to the date of the election; and said notice, among other things, shall specify the date of said election, the location of said polling place or polling places, and the hours between which the same will be open; and not less than ten days before the date of such election the common council shall appoint from among the qualified electors of said town three judges of election for each voting precinct in said town, all of whom shall reside in the voting precinct where they are appointed to serve, and no more than two of whom in any one voting precinct shall be of the same political party; that the name of each voting precinct comprising one incorporated town shall be the same as the name of said town; when more than one voting precinct is created in an incorporated town the said precincts shall be given the name of said town and numbered consecutively. For example: "Nome City, voting precinct No. 1," and "Nome City, voting precinct No. 2," and so forth.

SEC. 6. That all of the territory in each commissioner's precinct which now exists, or which may hereafter be created, in Alaska, lying outside of an incorporated town, shall, for the purposes of this act, constitute one election district; that in each year in which a Delegate is to be elected the commissioner in each election district (at least thirty days before the date of said first election and at least sixty days before the date of each subsequent election) shall issue a joint order and notice, signed by him and entered in his records in a book to be kept by him for that purpose, in which said joint order and notice he shall—

First. Divide his election district into such number of voting precincts as may, in his judgment, be necessary or convenient, defining the boundaries of each precinct by natural objects and permanent monuments or landmarks, as far as practicable, and in such manner that the boundaries of each can be readily determined and become generally known from such description, specify a polling place in each of said precincts, and give to each voting precinct an appropriate name by which the same shall thereafter be designated: *Provided, however,* That no such voting precinct shall be established with less than thirty qualified voters resident therein; that the precincts established as aforesaid shall remain as permanent precincts for all subsequent elections, unless discontinued or changed by order of the commissioner of that district.

Second. Give notice of said approaching election, specifying in said notice, among other things, the date of such election, the boundaries of said voting precincts as established, the location of the polling place in each precinct, and the hours between which said polling places will be open.

Said joint order and notice shall be given publicity by said commissioner by posting copies of the same (at least twenty days before the date of said first election and at least thirty days before the date of each subsequent election). Said copies shall be posted as follows: One at the office of the commissioner in said district, and three copies to be posted in three conspicuous public places in each of said voting precincts as established, one of which shall be the designated polling place in each precinct; and said commissioner shall also mail a certified copy of said joint order and notice to the governor of Alaska at his official residence.

Prior to the date of the holding of such election said commissioner shall select, notify, and appoint from among the qualified electors in said voting precincts three judges of election for each of said precincts, no more than two of whom shall be of the same political party. Said commissioner shall notify all of said judges of election of their appointment as such, so that each and all of them shall receive said notice at least ten days before the date of the election.

SEC. 7. That the three judges of election in each voting precinct shall constitute and shall be known and designated as the election board for said precinct. That the election board in each precinct, or a majority of the members of said board, shall have authority, and it shall be their duty to provide a suitable ballot box and prepare the polling place for the holding of said election.

That the members of said election board in each precinct, before entering upon the duties of their office, shall each severally take an oath, which shall be reduced to writing, before an officer qualified to administer oaths, to honestly, faithfully, and promptly perform the duties of their positions; and if no officer qualified to administer oaths be present or available, then any one of said duly appointed or selected judges of election may administer the necessary oath to said other two judges, and he shall afterwards in turn be sworn by one of them.

That each of said judges shall have authority to administer any oath to the voter necessary or proper under this act, and said judges shall have equal authority; and in case of any question or disagreement over any matter during the course of said election the decision of the majority of said judges shall govern.

Two of the three judges of election in each voting precinct shall also perform the duties of clerks of election for that said precinct; the two judges performing the duties of clerks shall be of different political parties; it shall be the duty of each of said clerks to make a full written record of such election as held in that said precinct, and each of them shall keep a correct duplicate register and enter therein the names of the voters and the fact that they have voted, or have offered to vote and were refused, and a brief statement of the reasons for said refusal.

SEC. 8. That each of the candidates for the office of Delegate herein provided for, at any election held hereunder, shall be entitled to one watcher at each voting precinct, who shall be permitted to be present within the place of voting at such precinct, and in some place therein where he may at all times be in full view of every act done. Such watcher shall have the right to be so present at all times from the opening of the polls until the ballots are finally counted and the result certified by the election board. Each watcher shall be required to present to the election board proper credentials, signed by the candidate he represents, showing him to be the duly authorized watcher for such person.

SEC. 9. That in case any of the judges of election selected as herein provided for any precinct shall fail to appear and qualify at the time and place designated for the election for which they shall be appointed, then, in that event, the qualified voters present may, by a majority viva voce vote, select a suitable person or persons to fill the vacancy or vacancies in said election board; and the person or persons so selected shall qualify and serve on said election board, with the same powers and in the same manner as if appointed as hereinbefore provided.

SEC. 10. That the election boards herein provided for shall keep the several polling places open for the reception of votes from 8 o'clock antemeridian until 7 o'clock postmeridian on the day of election. The voting at said election shall be by secret printed or written ballot. The ballot at said first election shall be substantially in the following form:

"For Delegate from Alaska.

"For the short term (here insert the name of the person voted for).

"For the long term (here insert the name of the person voted for)."

At all elections after said first election the ballot shall be substantially in the following form:

"For Delegate from Alaska.

"(Here insert the name of the person voted for.)"

Such ballot shall be folded by the voter so as not to disclose the vote, and by him handed to any one of the judges of election, who shall immediately, in the presence of the voter and of all the members of the election board, deposit the same, folded as aforesaid, in the ballot box, where the same shall remain untouched until the polls are closed. At the time the ballot is so deposited the two judges of election performing the duties of clerks shall each of them enter in his duplicate register the name of the voter and the fact that he has voted.

SEC. 11. That any person offering to vote may be challenged by any election officer or any other person entitled to vote at the same polling place, or by any duly appointed watcher, and when so challenged, before being allowed to vote he shall make and subscribe to the following oath: "You do solemnly swear (or affirm, as the case may be) that you are 21 years of age and a citizen of the United States; that you are an actual and bona fide resident of Alaska, and have been such resident during the entire year immediately preceding this election, and have been a resident in this voting precinct for thirty days next preceding this election, and that you have not voted at this election," and further naming the place from which the voter came immediately prior to living in the precinct in which he offers to vote, and giving the length of time of his residence in the former place. And upon the voter swearing to such an affidavit he shall be allowed to vote; but if any person so challenged shall refuse or fail to take such oath and sign such affidavit, then his vote shall be rejected; and any person swearing falsely in any such affidavit shall be guilty of perjury and shall, upon conviction thereof, suffer punishment as is prescribed by law for persons guilty of perjury.

SEC. 12. That the election boards herein provided at each polling place, as soon as the polls are closed, shall immediately publicly proceed to open the ballot box and count and canvass the votes cast, and they shall thereupon, under their hands and seals, make out in duplicate a certificate of the result of said election, specifying the number of votes, in words and figures, cast for each candidate, and they shall then immediately carefully and securely seal up in one envelope one of said duplicate certificates and one of the registers of voters and all the ballots cast, and mail such envelope, with said papers inclosed, at the nearest post-office (by registered mail, if possible), duly addressed to the governor of Alaska at his place of residence, with the postage prepaid thereon.

The other duplicate certificate and register of voters, with the oaths of the judges of election, and any and all affidavits made by challenged voters or in relation thereto, the judges of election shall at once seal up in an envelope addressed to the clerk of the district court for the division in which the precinct is situate, at his place of residence, with the postage thereon prepaid (by registered mail, if possible), and deposit the same in the nearest post-office.

The clerk of the court in each of the divisions of Alaska shall compile the returns received from the various polling places as soon as the same are received, ascertain the result, transmit such compilation and result duly authenticated, to the governor of Alaska at his place of residence.

The clerks of the district court for the various divisions of Alaska and the governor of Alaska shall each retain and carefully preserve all such documents received by them until the end of the term for which the Delegate chosen has been elected.

SEC. 13. That the respective clerks of the court shall make return, as hereinbefore provided, to the governor so that he shall receive the same not later than the third Tuesday of October next succeeding the election.

SEC. 14. That the governor, the surveyor-general, and ex officio secretary of the Territory of Alaska, and the collector of customs for Alaska shall constitute a canvassing board for the Territory of Alaska to canvass and compile in writing the vote specified in the certificates of election returned to the governor from all the several election precincts as aforesaid.

The said canvassing board shall commence the performance of its duties at the office of the governor within ten days after the third Tuesday of October in each year in which an election is held under and by virtue of this act, and shall continue with such work from day to day until the same is completed; and said canvass shall be publicly made.

In case it shall appear to said board that no election return as hereinbefore prescribed has been received by the governor from any precinct in which an election has been held, the said board may accept in place thereof the certificate of election for such precinct received from the clerk of the court, and may canvass and compile the same with the other election returns.

Said board, upon the completion of said canvass, shall declare the person who has received the greatest number of votes for Delegate to be the duly elected Delegate from Alaska for the term for which he has been so elected, and shall issue and deliver to him in writing under their hands and seals a certificate of his election.

The said canvassing board may employ a clerk to aid them in their work at a compensation not to exceed $5 per day. The compensation of such clerk shall be paid by the governor out of his contingent fund.

SEC. 15. That each newspaper in Alaska officially authorized to publish any notice of election provided for herein shall be entitled to receive therefor not more than $10 for the publication of the notice of any one election; that each commissioner in the Territory of Alaska is authorized to contract for the proper posting of all election notices, as provided herein, in each voting precinct created in his said election district, and that not more than the sum of $10 shall be allowed at each election for the posting of said notices in any one voting precinct in Alaska; that not more than $10 at each election shall be allowed for the rental of a proper polling place in each voting precinct in Alaska; that each of the judges of election who shall qualify and serve as such in any precinct on said election day shall be entitled to a compensation of $5 per day for said one day's service.

SEC. 16. That the compensation for said newspaper publications, the proper posting of said notices, the rental of said polling place, the fees

of the judges of election in each precinct, together with the cost of securing a ballot box and the cost of necessary postage and stationery, shall be certified with proper vouchers and receipts attached by the various election officials to the judge of the district court in the said judicial division in which said voting precinct is situate, and the same shall be audited by said judge and shall be paid by the clerk of the court of said division out of the same fund and in the same manner as the incidental expenses of said district court are paid.

SEC. 17. That any person who, by any means, shall hinder, delay, prevent, or obstruct any other person from qualifying himself to vote or from lawfully voting at any election herein provided for, or who shall knowingly personate and vote or attempt to vote in the name of any other person, or who shall vote more than once at the same election, or shall vote at a place where or at a time when he may not lawfully be entitled to vote, or shall do any unlawful act to secure an opportunity to vote for himself or for any other person, or who, by or through any force, threat, intimidation, bribery, reward or offer thereof, unlawfully vote himself or procures another to vote, or prevents or induces another to refrain from exercising his right of suffrage, or induces by any such means any officer of an election to do any unlawful act or omit to do his duty in any manner, or who, directly or indirectly, in any manner shall fraudulently change or cause to be changed the returns or the true and lawful result of any election hereunder, or shall attempt to do the same, or who shall delay, cause to be delayed, or connive at the delay of election returns in any manner, or attempt to do so, shall be guilty of a crime, and upon the conviction thereof shall be punished by a fine of not more than $500 nor less than $100, or imprisoned not more than three years, or both, and pay the costs of the prosecution; and it is further provided that every officer of an election held hereunder who neglects to perform or violates any duty imposed upon him as such officer, or knowingly does any unauthorized act with the intent to affect the election or the result thereof, or who shall permit, make, or connive at any false count or certificate of election, or who shall conceal, withhold, destroy, or willfully delay the returns of election, or connive at the same being done, or who shall aid, counsel, or procure any person to do or attempt to do any act made a crime hereinbefore, or shall attempt to do any of the acts hereinbefore mentioned, shall be guilty of a crime, and upon conviction thereof shall be punished by a fine of not less than $200 nor more than $1,000, or by imprisonment of not more than five years, or by both, and shall pay all costs of the prosecution; and jurisdiction of all such matters is hereby conferred upon the district court of Alaska.

SEC. 18. That jurisdiction is hereby conferred upon the district court of Alaska to hear and determine all controversies, legal and equitable, that may arise out of any election held under the provisions of this act, regulated by the general pleading and practice of said court.

SEC. 19. That all laws and parts of laws inconsistent herewith are to that extent repealed. That this act shall take effect upon its passage.

The SPEAKER. Is there objection to the present consideration of the bill which the Clerk has just reported?

There was no objection.

Mr. LLOYD. Mr. Speaker, the pending bill provides for a Delegate from the Territory or district of Alaska. It is almost in exact terms with the bill that passed the last Congress. It passed this House without opposition. It is not my purpose at this moment to go into the details of the bill, but I will yield for the present such time as he may desire to the gentleman from Washington [Mr. CUSHMAN].

Mr. CUSHMAN. Mr. Speaker, this bill which we have before us now is a bill to give to the Territory of Alaska an elective Delegate upon the floor of the House of Representatives. The number of the pending bill is Senate bill 956, Fifty-ninth Congress, first session. It will be observed, however, that the House Committee on Territories in making their report upon Senate bill 956 struck out the Senate bill and inserted a substitute bill in its place, and it is this substitue bill—which still retains the number of Senate bill 956—that we are now to consider.

Now, I do not propose to-day, when many important matters are pressing upon the attention of this House, to detain the Members for any great length of time in making a general speech upon Alaska. I wish to confine my few remarks almost entirely to the provisions of this bill which we are now to consider, and which I certainly hope we will pass.

I consider it my duty at the outset to pay a tribute of respect to the distinguished gentleman from Indiana [Mr. BRICK] who was the pioneer Member of this House years and years ago to begin the good work in the line of preparing a bill to give to Alaska a Delegate in Congress. His work in this matter has been, I conceive, the greatest single aid that this proposition has received from any source. I also wish to say that my friend from Missouri [Mr. LLOYD] and my friend from Maine [Mr. POWERS] and my friend from Michigan [Mr. HAMILTON], the chairman of the House Committee on Territories, as well as all the other members of the Territorial Committee of this House, are entitled to great credit for the hard work they have done in this matter, as well as congratulations for the bill which they have all helped to frame, and which is now before this House for action.

Perhaps I should not refer to the lawmaking body at the other end of this Capitol, but at the risk of violating the rules of the House I wish to say that the distinguished Senator from Minnesota [Mr. NELSON] has been one of the great champions of legislation which should give to Alaska an elective Delegate in the House of Representatives.. Senator NELSON has contributed many of the very best features to this bill which we have reported to this body. I have said this much in order to show that, while I am taking a great interest in this important matter, that I am not claiming nor seeking to claim any exclusive credit for the good work that has been done in this matter.

I wish to state to this House, as the gentleman from Missouri [Mr. LLOYD] has already stated, that this bill now under discussion is substantially similar to bills which have heretofore passed this House. We passed one bill in the Fifty-seventh Congress and another in the Fifty-eighth Congress, both designed to give Alaska an elective Delegate on the floor of this House, but they failed to pass the Senate. The passage of a bill of this character was recommended by the President in his last annual message to Congress, under date of December 4, 1905, wherein the President said:

> I earnestly ask that Alaska be given an elective Delegate. Some person should be chosen who can speak with authority of the needs of the Territory. * * * In my last two messages I advocated certain additional action on behalf of Alaska. I shall not now repeat those recommendations, but I lay all my stress upon the one recommendation of giving to Alaska some one authorized to speak for it. I should prefer that the Delegate was made elective; but if this be not deemed wise, then make him appointive. At any rate, give Alaska some person whose business it shall be to speak with authority on her behalf in Congress.

I might also add that the last Alaska territorial convention, which was in session during the month of November, 1905, among other resolutions passed one demanding elective representation in the House of Representatives in the following language:

> We demand the application to Alaska of the fundamental American principle of self-government and elective representation in Congress.

From what I have already said it will be seen that the House of Representatives has already twice heretofore declared that in its judgment Alaska was entitled to a Delegate. The President has strongly recommended it, and the people of Alaska are clamoring for it. All reasons seem to exist why we should pass some such bill as this. Therefore, I shall not waste any more time defending the proposition embodied in this bill, but will pass to a brief statement of what this bill contains.

The sole purpose of this bill is to give to Alaska an elective Delegate in this House, and this bill is just as brief as it can possibly be to provide the suitable election machinery to bring about this result.

This House has just listened to a full and complete reading of the bill. But in addition to that reading of the bill I now desire to state in the most brief and concise form just what this bill provides.

The bill provides in substance as follows:

First. Alaska shall be entitled to a Delegate on the floor of the House of Representatives, possessing like powers and with like duties as other Delegates. His salary is fixed at $5,000 per year, and he is allowed $1,500 per annum in lieu of all mileage and other expenses, except stationery allowance and clerk hire.

Second. This bill provides that said Delegate shall be elected by the votes of the people in Alaska, and not for an appointive Delegate.

Third. This bill provides that at said first election in Alaska (in the summer of 1906) there shall be a Delegate elected for a short term, and a Delegate elected for a long term. That the Delegate elected for the short term shall hold his office during the remainder of the term of the Fifty-ninth Congress, and the Delegate elected for the long term shall hold his office during the full term of the Sixtieth Congress. That each Delegate thereafter elected shall hold his office for the same term as the Members of the House of Representatives chosen at the general election in the same year.

Fourth. This bill provides that the first election in Alaska for Delegate shall be held on the second Tuesday in August (1906), and succeeding elections on the second Tuesday in August every two years thereafter.

Fifth. That the qualifications for Delegate from Alaska shall be: Twenty-five years of age, have been seven years a citizen of the United States, and shall be a bona fide resident and elector in Alaska.

Sixth. That in order to vote for said Delegate a person shall be a male citizen of the United States, 21 years of age or over, and an actual bona fide resident of Alaska, and have been such resident of Alaska during the entire year immediately preceding the election, and have resided for the thirty days next preceding election in the voting precinct in which he offers to vote.

Seventh. Each incorporated town in Alaska is made one voting precinct (with the provision that the larger towns may be divided into two or more voting precincts), and the remaining territory outside of the incorporated towns is laid out into voting precincts by the commissioners of Alaska.

Eighth. This bill provides for the giving of due notice of said elections, and the selection of polling places, and the appointment of election boards of a nonpartisan character; provides that the ballot shall be a secret written or printed ballot; that a plurality of votes, and not a majority, shall elect; provides for making returns of said election to the governor and the clerks of the court, and that a canvassing board consisting of the governor, the secretary, and the collector of customs of the Territory shall make canvass of the returns and make certificate of election.

Ninth. This bill provides as good safeguards against fraud and cheating in elections as is possible.

Tenth. This bill provides that the cost of said election shall be paid by the United States out of the court funds of the three judicial divisions of Alaska, and places certain limitations and safeguards about the cost of the election in order that the cost of said election may not be excessive or unreasonable.

Eleventh. This bill provides that instead of the usual allowance for mileage the Delegate shall receive a lump sum of $1,500, which shall cover all mileage and other expenses except stationery allowance and compensation for clerk hire.

When a bill similar to this was under consideration in this House in the last Congress (the Fifty-eighth Congress), the question was raised that the cost of any election for Delegate in Alaska would necessarily be very large. Now, I have gone over this matter of expense at some length and with some care to try and determine just about what the cost of an election would be. My conclusions in relation to the cost of this election are based upon a number of matters. The principal question to determine was approximately how many voting precincts will there be in Alaska. I have figured out that there would probably be about 136 voting precincts in Alaska at the first election. My judgment in this matter is based upon the following statements, which I will incorporate into the RECORD.

The following is a list of the incorporated towns in Alaska, as taken from the report of the governor of Alaska for the year of 1905 (p. 58):

| Name of town. | Date of incorporation. | Name of town. | Date of incorporation. |
|---|---|---|---|
| Juneau | 1900 | Douglas | 1902 |
| Eagle | 1901 | Wrangell | 1903 |
| Treadwell | 1901 | Fairbanks | 1903 |
| Nome | 1901 | Chena | 1904 |
| Valdez | 1901 | Ketchikan | |

*List of the newspapers published in Alaska.*

[From governor's report (1905), p. 58.]

| Where published. | Name of paper. |
|---|---|
| At Chena | The Times. |
| At Council City | The Council City News. |
| At Douglas | The Douglas Island News. |
| At Fairbanks | The Daily News. |
| | The Times. |
| | The Sunday Times. |
| At Juneau | The Daily Alaska Dispatch. |
| | The Daily Record Miner. |
| | The Alaska Transcript. |
| At Ketchikan | The Mining Journal. |
| At Nome | The Nome Semi-Weekly News. |
| | The Nome Semi-Weekly Nugget. |
| | The Nome Gold-digger. |
| At Rampart | The Yukon Valley News. |
| | The Alaska Forum. |
| At Seward | The Seward Gateway. |
| At Sitka | The Alaskan. |
| | The Cablegram. |
| At Skagway | The Daily Alaskan. |
| At Valdez | The Alaska Prospector. |
| | The Valdez News. |
| At Wood Island | The Orphanage News Letter. |
| At Wrangell | The Alaska Sentinel. |

The foregoing list shows that there are 23 newspapers published in Alaska, being published in 14 different towns.

The following is a list of the voting precincts that would in all probability be established in Alaska at the first election. It is not contended that this list is absolutely correct, but it was prepared after consultation with residents of Alaska familiar with the conditions in each locality, and is substantially correct. This statement shows that there would be about 136 voting precincts established in Alaska at said first election.

First judicial division:
1. Douglas (incorporated town).
2. Juneau (incorporated town).
3. Ketchikan (incorporated town).
4. Skagway (incorporated town).
5. Treadwell (incorporated town).
6. Wrangell (incorporated town).
7. Coppermount (under Ketchikan commissioner).
8. Hadley (under Ketchikan commissioner).
9. Gipsum (under Juneau commissioner).
10. Haines (a commissioner is located at Haines).
11. Kasaan (a commissioner is located at Kasaan).
12. Niblack (under Ketchikan commissioner).
13. Petersburg (under Wrangell commissioner).
14. Porcupine (under Haines commissioner).
15. Shakan. (under Wrangell commissioner).
16. Sitka (commissioner located at Sitka).
17. Tenakee (under Juneau commissioner).
18. Windham (under Wrangell commissioner).
19. Yakutat (commissioner located at Yakutat).

Second judicial division:
1. Nome City, voting precinct No. 1.
2. Nome City, voting precinct No. 2.
3. Nome City, voting precinct No. 3.
4. Iron Mountain.
5. Port Safety.
6. Nome River (Fort Davis).
7. Dexter Creek.
8. Glacier Creek.
9. Penny River.
10. Sinrock.
11. St. Michael (St. Michael district).
12. Andreafiska (St. Michael district).
13. Holy Cross Mission (St. Michael district).
14. Kaltag (St. Michael district).
15. Nulato (St. Michael district).
16. Kugrian (St. Michael district).
17. Unalakleet (St. Michael district).
18. Shaktolik (St. Michael district).
19. Candle City (Fairhaven mining district).
20. Keewalik (Fairhaven mining district).
21. Deering (Fairhaven mining district).
22. Kugruk (coal mines) (Fairhaven mining district).
23. Kugarok (Marys Igloo).
24. Kugrok City.
25. Lanes Landing.
26. Dahl Creek.
27. Taylor Creek.
28. Midnight City.
29. Coarse Gold Road House.
30. Teller (Port Clarence mining district).
31. Sullivan City (Port Clarence mining district).
32. American Creek (Port Clarence mining district).
33. Lost River (Port Clarence mining district).
34. Tin City (Port Clarence mining district).
35. Council City (Council City mining district).
36. White Mountain (Council City mining district).
37. Chenik (Council City mining district).
38. Ophir Creek (Council Creek mining district).
39. Casa de Paga (Council Creek mining district).
40. Solomon (Solomon mining district).
41. Shovel Creek (Solomon mining district).
42. Ora Grand (Solomon mining district).
43. Bluff City (Solomon mining district).
44. Topkok (Solomon mining district).
45. Kobuk (Noatak-Kobuk mining district).
46. Point Barrow (Noatak-Kobuk mining district).

Third judicial division:
1. Fairbanks, voting precinct No. 1.
2. Fairbanks, voting precinct No. 2.
3. Fairbanks (or Grail).
4. West Fairbanks.
5. Chena.
6. Cleary Creek.
7. Fairbanks Creek.
8. Pedro Creek.
9. Ester Creek.
10. Bonnifield.
11. Roosevelt (Kantishna mining district).
12. Diamond (Kantishna mining district).
13. McCartys (Tanana mining district).
14. Tenderfoot (Tanana mining district).
15. Little Delta (Tanana mining district).
16. Solcha (Tanana mining district).
17. Circle City (Circle City mining district).
18. Fort Yukon (Circle City mining district).
19. Mastodon (Circle City mining district).
20. Woodchopper (Circle City mining district).
21. Rampart (Rampart mining district).
22. Fort Gibbon (Rampart mining district).
23. Glen Gulch (Rampart mining district).
24. Baker Creek (Rampart mining district).
25. Coldfoot (Koyukuk mining district).
26. Bettles (Koyukuk mining district).
27. Eagle City (Eagle City mining district).
28. Seventymile star post-office (Eagle City mining district).
29. Nation (Eagle City mining district).
30. American Creek (Eagle City mining district).
31. Jack Wade (Fortymile mining district).
32. Steel Creek (Fortymile mining district).
33. Chicken Creek (Fortymile mining district).
34. Nabesna (Nasbesna mining district).
35. Copper Center.
36. Chistochina.
37. Gakona.
38. Bonanza.
39. Valdez (incorporated town).
40. Reservation.
41. Thomsons Pass.
42. Elimar.
43. Latouche.
44. Camp Comfort.
45. Orca.
46. Nuchek.
47. Kyak.
48. Catella.
49. Cape Yaktag.
50. Seward (Kenai Peninsula).
51. Hope (Kenai Peninsula).

Third judicial division—Continued.
52. Sunrise (Kenai Peninsula).
53. Fort Kenai (Kenai Peninsula).
54. Kussilof (Kenai Peninsula).
55. Seldovia (Kenai Peninsula).
56. Knik Arm (Sushitna mining district).
57. Sushitna (Sushitna mining district).
58. Tyoonok (Sushitna mining district).
59. Kodiak.
60. Karluk.
61. Afognak.
62. Sand Point.
63. Cold Bay.
64. Unga.
65. Mine Harbor.
66. Apollo.
67. Belkofsky.
68. Unalaska.
69. Dutch Harbor.
70. Dillingham (on Bristol Bay).
71. Nushagak.

COST OF ELECTION IN ALASKA.

The cost of an election in Alaska can not be figured out to a mathematical certainty in advance, but the cost of an election held in Alaska under the provisions of this bill can be readily judged by the following showing or statement:

*Probable voting precincts in Alaska.*

| | |
|---|---|
| In first judicial division | 19 |
| In second judicial division | 46 |
| In third judicial division | 71 |
| Total | 136 |

Cost of election in each precinct is as follows:

| | |
|---|---|
| Newspaper publication of notice | $10 |
| Posting notices of election | 10 |
| Rental of polling place | 10 |
| Three judges of election, at $5 per day each | 15 |
| Ballot box, postage, stationery, and miscellaneous | 5 |
| Total cost per precinct | 50 |

Voting precincts, 136; cost per precinct, $50; cost of election, $6,800.

In reality the cost of election under this bill does not even reach this amount of $6,800, for the reason that there would only be newspaper notices published in perhaps about twenty voting precincts. Therefore in about 116 voting precincts where no newspaper notice was published there would be no ten-dollar publication fee. This would cause a reduction in the above estimate of $1,160, subtracted from $6,800, would leave the amount at $5,640.

I conceive that it might be an interesting contribution to this subject under discussion if I would include in the RECORD in connection with my remarks a brief history or statement in relation to the various bills which have heretofore been introduced in Congress, having for their purpose the giving to Alaska of a Delegate or representative of some character here in Washington City.

HISTORY OF ALASKA DELEGATE BILLS.

A bill to provide a Delegate for Alaska was reported from the Committee on Territories of the House of Representatives in the Fifty-third Congress near its close, but too late for action on the same; another similar bill was reported in the Fifty-fourth Congress, which for some reason failed to secure consideration in the House. A third time, in the second session of the Fifty-sixth Congress, a similar bill was introduced and unanimously reported by the Committee on Territories to the House, but that bill, on account of the press of business during the close of that session, failed of consideration by the House.

During the first session of the Fifty-seventh Congress the House Committee on Territories favorably reported a bill for an elective Delegate from Alaska to the House of Representatives. This bill, which was favorably reported, was H. R. 9865, and the report No. 434, both of the Fifty-seventh Congress, first session. The bill was reported so late in the session that it was found impossible to consider it before adjournment. The bill remained on the Calendar of the House, however, and was taken up for consideration during the second session of the Fifty-seventh Congress.

In the meantime the Committee on Territories having received further information pertaining to the subject, at that time moved on the floor of the House to substitute a different bill. Accordingly H. R. 16653 was substituted for H. R. 9865, and the substitute bill passed the House on January 23, 1903, second session Fifty-seventh Congress. However, that bill failed to pass the Senate.

In the Fifty-eighth Congress H. R. 13356, a bill to give Alaska an elective Delegate, was favorably reported by the House Committee on Territories on March 2, 1904, Report No. 1300, and said bill was considered in the House and passed on April 25, 1904. This bill was reported on by the Senate Committee on Territories on February 25, 1905, Senate Report No. 4350, but said bill failed to pass the Senate. Also in the Fifty-eighth Congress Senate bill 3339 was introduced in the Senate providing for an elective Delegate for Alaska, and was favorably reported by the Senate Committee on Territories on March 1, 1904 (S. Rep. 1176), but failed to pass the Senate.

Therefore in this, the Fifty-ninth Congress, we still find that Alaska is without a Delegate.

Senate bill 956, Fifty-ninth Congress, to give Alaska an elective Delegate, was favorably reported by the Senate Committee on Territories (S. Rep. 400) and passed the Senate on February 1, 1906. This bill is now S. 956 and is the bill which the House Committee on Territories herewith report upon, but strike out all of the same after the enacting clause and present herewith a substitute bill.

Mr. HILL of Connecticut. Mr. Speaker, will the gentleman from Washington [Mr. CUSHMAN] yield for a question?

The SPEAKER. Does the gentleman yield?

Mr. CUSHMAN. Certainly.

Mr. HILL of Connecticut. The cost of this election is paid by their own taxation, is it not—not out of the Federal Treasury?

Mr. CUSHMAN. Mr. Speaker, this bill provides that the costs of these elections held in Alaska under the provisions of this bill "shall be paid by the clerks of the court of Alaska out of the same fund and in the same manner as the incidental expenses of said district court are paid." Now, Congress each year in the sundry civil appropriation bill appropriates a lump sum of money for the expenses of all the United States courts, including those in Alaska. Therefore, upon first blush it would seem that the expense of these elections is paid directly out of the United States Treasury. There is no general Territorial treasury in Alaska. They have no Territorial fund in Alaska out of which these election expenses can be paid. But under the provisions of the Alaska Criminal Code, which Congress passed, and which is operative upon the Alaska people, they are obliged each year to pay thousands and thousands of dollars for licenses—that is, occupation taxes. Every man who runs a drug store or a boarding house, a bank, or an abstract office in Alaska has to pay a tax for the privilege of running the same. The total amount of these taxes paid each year by the residents of Alaska is very large. Now, these taxes for several years went directly into the United States Treasury and not into any Alaskan treasury nor for the benefit of any Alaskan project. Therefore—as I figure it, at least—we have a very considerable amount of money yet in the United States Treasury which justly belongs to the Alaska people. I believe it to be both just and proper that the cost of these elections should be paid in the manner in which we have provided in this bill; indeed, there is no other possible way of paying the cost of these elections.

Mr. WACHTER. Mr. Speaker, I would like to ask the gentleman from Washington [Mr. CUSHMAN] a question.

The SPEAKER. Does the gentleman from Washington yield to the gentleman from Maryland?

Mr. CUSHMAN. Certainly; with pleasure.

Mr. WACHTER. What system of voting do you prescribe in this bill—the Australian ballot system?

Mr. CUSHMAN. No. I will say to the gentleman from Maryland that it appeared to me—and also to the members of the House Committee on Territories—that to attempt to provide any such elaborate and complicated election machinery as the Australian ballot system for that far-off and sparsely settled region would practically defeat the operation of the law when enacted. We provide in this bill that the voting shall be by secret printed or written ballot, the ballot to be in very simple form—in fact the simplest form possible, as follows:

*For Delegate from Alaska.*

For the short term, ——— ———.
For the long term, ——— ———.

Then the voter simply writes in the name of the person he desires to vote for. One of the main objects I have kept continually before me in this matter was to try and make all the election machinery, including the ballot, as simple as possible.

Mr. WACHTER. How many judges constitute the returning board of elections?

Mr. CUSHMAN. I may say that that was one of the matters that we considered at some length, and we concluded that an election board in each voting precinct of three members would be the best kind of an election board for that region. Therefore we provided in this bill for an election board of three members in each voting precinct, no more than two of whom shall belong to one political party. A nonpartisan election board.

Mr. WACHTER. Is that nonpartisan—three members, two of whom belong to one political party? You will not get unbiased elections in that way.

Mr. CUSHMAN. Why, certainly. An election board of three members, of which board only two members belong to one party,

is a nonpartisan election board. The principle would be just the same if the board consisted of five members, and three of them belonged to one political party and the other two belonged to another political party. The underlying principle is the same. The small number constituting the board does not change the principle. I should like to ask the gentleman from Maryland why he thinks we will not get an unbiased election with this kind of an election board?

Mr. WACHTER. Because from my experience in elections in Maryland I know it can not be done. Human nature has not reached that stage of perfection yet.

Mr. CUSHMAN. No; not in Maryland. [Laughter.]

Mr. WACHTER. Not in Alaska, or in the State of Washington, either.

Mr. HINSHAW. What arrangement does this bill make as a limitation or delimitation of election districts? Are there any means prescribed by which the line of boundaries of these voting precincts can be determined?

Mr. CUSHMAN. Let me explain that matter a little, so I think all can readily understand it. I tried to draw a bill which would give the vast majority of the people who reside in Alaska an opportunity to vote. There are some vast stretches of country in Alaska in which there are no residents. It was not necessary that this bill should be drawn so as to cover every inch of territory in Alaska, even if it was not inhabited.

Now, in Alaska wherever there is any considerable number of people the judges of the district court of Alaska appoint officials who are called "court commissioners." The judge lays out a strip of territory for each commissioner, and this strip of territory is called a "commissioner's district." Now, this bill of ours is drawn to cover all of these commissioner's districts in Alaska. Now, inasmuch as there is a commissioner located wherever there is any considerable number of people in Alaska, and as our bill covers all of these commissioner's districts, therefore this bill covers practically all the inhabited territory in Alaska. Now, under the provisions of this bill each one of these commissioners is authorized and directed, before each election, to divide all the territory in his district "into such number of voting precincts as may, in his judgment, be necessary or convenient, defining the boundaries of each voting precinct by natural objects and permanent monuments or landmarks, as far as practicable, and in such manner that the boundaries of each can be readily determined and become generally known from such description, etc."

Mr. HINSHAW. And is the place of voting specified?

Mr. CUSHMAN. Yes. Each court commissioner is required by this bill at the same time he divides his district into voting precincts to specify a polling place in each of said voting precincts.

There are at present, I believe, about 51 of these court commissioners located in Alaska, and I shall ask permission to insert with my remarks a list of the same.

*List of commissioners in and for the district of Alaska.*

First division:
1. William Duncan, Metlakahtla precinct.
2. Hiram H. Folsom, Juneau.
3. Cortes Ford, Haines precinct.
4. Edward De Groff, Sitka.
5. Hans Hansen, Yakutat precinct.
6. Ernest Kirberger, Kake precinct (Kaake?).
7. H. B. Le Fevre, Skagway.
8. Ulysses S. Rush, Kasaan precinct.
9. L. A. Slane, Hoonah precinct.
10. A. V. R. Snyder, Wrangell.
11. Carl Spuhn, Killisnoo.
12. Edward S. Stackpole, Ketchikan precinct.
13. W. B. Stout, Haines.

Second division:
1. Garrett C. Busch, Nulato precinct.
2. Edgar O. Campbell, St. Lawrence Island precinct.
3. Edwin H. Flynn, St. Michael.
4. Lars Gunderson, Kougarok precinct (Igloo).
5. O. C. Hamlet, Nome.
6. S. C. Henton, Port Clarence precinct.
7. Alfred S. Kepner, Fairhaven precinct (Candle City).
8. John M. McDowell, Council City precinct.
9. Martin F. Moran, Noatak-Kobuk precinct (Point Barrow).
10. Thomas M. Reed, Nome precinct.
11. S. R. Sprigg, Point Barrow.
12. Dana Thomas, Kotzebue precinct.
13. Lawrence M. Sebring, St. Michael.
14. C. W. Thornton, Solomon precinct.

Third division:
1. Elmer R. Brady, Fortymile precinct, post-office Wickersham. (?)
2. George C. Britton, Kayuk precinct.
3. David G. Barstow, Peninsula precinct (Mine Harbor).
4. Eugene M. Carr, Fairbanks.
5. F. C. Driffield, Unga.
6. John Goodell, Cook Inlet precinct (Sunrise).
7. N. Gray, Unalaska precinct.
8. J. Lindly Green, Rampart.
9. H. L. Hedger, Tanana precinct.
10. Henry H. Hildreth, Kenai precinct, post-office Seward.
11. Andrew Holman, Copper Center.

Third division—Continued.
12. Frank E. Howard, Koyukuk precinct, post-office Coldfoot.
13. Leander L. James (justice of peace only), Fairbanks precinct, post-office Chena.
14. F. D. Kelsey, Kodiak.
15. F. C. Krause (justice of peace only), Fairbanks precinct, Cleary City. (?)
16. John Lyons (recorder), Valdez.
17. U. G. Myers, Eagle.
18. John Niven, Bristol Bay precinct, post-office Nushagak.
19. J. Y. Ostrander (justice of peace only), Valdez.
20. D. C. Sargent, Nabesna.
21. James R. Saunders, Chesna (or Chisna).
22. Lee Van Slyke, Kantishna precinct. (?)
23. Luther L. Votaw, Circle City.
24. John Bathurst, Rampart.

Total, 51 commissioners.

(Second division.—Conville district consolidated with Noatak-Kobuk district (Point Barrow).)

THE CENSUS OF ALASKA.

It will be readily understood that the taking of any census in Alaska is a very difficult proposition, and any results obtained therefrom can not, by the very nature of things, be very full or accurate. But I will insert herewith a few figures that I have gleaned from the census taken in Alaska in the summer of 1900 by the Director of the United States Census:

| | |
|---|---|
| Total population of Alaska | 63,592 |
| Total white population | 30,507 |
| Total Indian population | 29,536 |
| Total all others, including negroes, Chinese, and Japanese | 3,594 |
| Total males in Alaska 21 years of age and over | 37,956 |
| Total white males in Alaska 21 years of age and over | 25,966 |
| White males over 21 years (literate) | 25,382 |
| White males over 21 years (illiterate) | 584 |

There has unquestionably been a large increase in the white population in Alaska since then. Considering the fact that that census was not in any sense complete, and also the fact that there has been a large increase of population since then, the claim that there are now 70,000 white people in Alaska is not unreasonable. This is the claim which Alaskans make, and, in my opinion, it is not far from right.

Now, Mr. Speaker, in conclusion, let me say: This bill may not be perfect. I presume it is not. But we who have had this matter in charge have worked hard upon it and given it our best thought. Personally, I may say I have worked for six years upon this matter of trying to secure a Delegate for Alaska. I hope this bill will pass and become a law. I thank you all for your attention, and I now yield back the floor to the gentleman from Missouri [Mr. LLOYD].

Mr. LLOYD. Mr. Speaker, I yield five minutes to the gentleman from Iowa [Mr. LACEY].

Mr. LACEY. Mr. Speaker, in the Fifty-seventh Congress we passed a bill along the same lines as this particular bill, and also in the Fifty-eighth Congress. Both bills failed in the Senate. I am gratified to see that the Senator from Minnesota [Mr. NELSON] presented a bill to the Senate in this Congress covering substantially the features of the House bill of the last Congress, and that bill now comes to us from the Senate after having passed that body. The two House bills in the two previous Congresses died in the Senate. The two bills, the one that is reported as a substitute for the Senate bill and the bill as it came from the Senate, are very much alike. There are, however, two material differences in the two bills. The Senate bill by some oversight, it being the same bill introduced in the last Congress, omitted the long term, and by the way the bill came to the House, if we passed it in that form, we would have had an election next August, when a man would have been elected for the unexpired term of the Fifty-ninth Congress, but nobody would have been elected for the Sixtieth Congress. This substitute bill provides for this oversight, and that there shall be two men elected or one man elected for both terms.

There is another difference between the two bills. The Senate bill provides that the election precincts shall be designated by the judges. The House bill in the substitute provides the precincts shall be set apart by the commissioners. The House bill's proposition, in my judgment, is much better than the Senate in that respect for this reason: Take the Fairbanks judicial district. The judge of that district lives at Fairbanks. The Aleutian Islands are in that district. It will take months to communicate between the Aleutian Islands and Fairbanks so as to set apart the election districts or precincts in those Islands, but the commissioner lives in the vicinity and can readily do this. It is merely a matter of detail and is along the lines of the Senate bill, and these two modifications are the only material differences from the Senate bill. In a recent trip through Alaska, going down the Yukon, passing through the country from one end of it to the other, I found a general demand at every point for some representation in this House.

The people there have been desiring representation for many years, and we have been compelled heretofore to listen to men who have come from that country at their own expense or at

the expense of local boards of trade, representing different cities, and really representing special interests. A Delegate from Alaska would enable us to get light upon the needs of every part of that Territory. I trust that the substitute will pass.

No Territory needs representation in Congress more than the great Alaskan country. It has a great future, and the people there should have an opportunity to voice their needs on the floor of the House of Representatives.

The SPEAKER pro tempore. The question is on the House amendment to the Senate bill.

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be read a third time; was accordingly read the third time, and passed.

On motion of Mr. LLOYD, the vote by which the bill was passed was laid on the table.

BRIDGE BETWEEN FORT SNELLING RESERVATION AND ST. PAUL.

Mr. STEVENS of Minnesota. Mr. Speaker, I ask unanimous consent for the present consideration of the bill H. R. 8103.

The SPEAKER pro tempore. The gentleman from Minnesota [Mr. STEVENS] asks unanimous consent for the present consideration of the bill of which the Clerk will read the title.

Mr. SHACKLEFORD. Mr. Speaker, I would like to ask what the subject-matter of that bill is.

Mr. STEVENS of Minnesota. A bridge bill.

The SPEAKER pro tempore. The Clerk will read.

The Clerk read as follows:

A bill (H. R. 8103) to authorize the construction of a bridge between Fort Snelling Reservation and St. Paul, Minn.

Mr. SHACKLEFORD. Mr. Speaker, reserving the right to object, I wish to say that I desire to have an opportunity to make some remarks relative to this bill. I will ask the gentleman from Minnesota [Mr. STEVENS] to ask unanimous consent that a second be considered as ordered.

Mr. STEVENS of Minnesota. Mr. Speaker, I ask that the rules be suspended and the bill be put upon its passage, and that, by unanimous consent, a second be considered as ordered.

The SPEAKER pro tempore. This bill comes up under unanimous consent. This is not to suspend the rules, and without objection time could be given for discussion.

Mr. SHACKLEFORD. That will do just as well. I want fifteen minutes.

Mr. STEVENS of Minnesota. Mr. Speaker, I ask unanimous consent that the gentleman from Missouri have fifteen minutes.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The gentleman from Minnesota [Mr. STEVENS] is recognized for one hour, and can yield such time as he desires to the gentleman from Missouri [Mr. SHACKLEFORD.]

However, the bill has not yet been reported. The Clerk will report the bill with amendments.

The bill and committee amendments were read at length.

Mr. STEVENS of Minnesota. Mr. Speaker, this is a bill to authorize the Secretary of War to construct a bridge across the Mississippi River between Fort Snelling Military Reservation, the property of the United States, and St. Paul, Minn., to take the place of a bridge which was constructed under an act of Congress of 1878, the expense being then paid jointly by the United States and the county of Ramsey, of which the greater part is the city of St. Paul. The bridge has been practically condemned by two boards of officers, a board of engineers, a board of military officers, and other officials. The Assistant Secretary of War, General Oliver, the Chief of Staff, General Chaffee, and the Quartermaster-General, General Humphrey, of the Army, have personally visited Fort Snelling and inspected and investigated this bridge and all conditions surrounding it, and all strongly recommend the replacement of the bridge by a new structure and the passing of this bill. The bridge is to be paid for one-half by the city of St. Paul and the street railway company which is given a right across the bridge and one-half by the United States Government. The approaches, abutments, piers, and everything like that are to be donated by the county of Ramsey to the United States, so that the Government itself will have considerably less expense by reason of acquiring such property. The total limit of cost to the United States Government fixed by this bill is at the maximum $125,000. The bill provides that preliminary to any construction the city of St. Paul shall pay its share of $100,000 and the street railway company $25,000 in cash into the Treasury of the United States. Then the United States will be liable for the remainder of the expense, not to exceed the sum of $125,000.

The bill is unanimously reported as to its navigation features by the Committee on Interstate and Foreign Commerce, and as to the features of military necessity by the Committee on Military Affairs.

Mr. SHACKLEFORD rose.

The SPEAKER pro tempore. Will the gentleman from Minnesota yield to the gentleman from Missouri?

Mr. STEVENS of Minnesota. Yes.

Mr. SHACKLEFORD. I wanted to ask the gentleman, before he proceeded, when this report was returned to the House from the Interstate and Foreign Commerce Committee?

Mr. STEVENS of Minnesota. I think the report shows. It was on the 6th of January.

Mr. SHACKLEFORD. Did the Military Committee make a report on it also?

Mr. STEVENS of Minnesota. Yes, sir. They made a report dated the 24th of February.

Mr. Speaker, I reserve the remainder of my time, and yield fifteen minutes to the gentleman from Missouri [Mr. SHACKLEFORD].

Mr. SHACKLEFORD. Mr. Speaker, this is one of those remarkable days that periodically occur in the halls of the Federal Legislature.

I do not know much about this bill. I apprehend it is a meritorious measure and should be enacted into a law. I did not arise to oppose the measure because of any defect in it. My purpose is to protest against this method of legislation. This, sir, is a day that has been and is to be devoted entirely to the consideration of the Speaker's bills. This whole day is to be taken up, Mr. Speaker, by those bills that you have determined may be considered by the House. There is not a Member from any district in this Union who can, on behalf of his people secure the floor to ask that a bill shall be considered, unless he shall first secure your gracious consent. Sir, there is not a monarch in Europe clothed with more absolutism than you. When I arise in my seat and ask for recognition to call up some bill in which my people are interested you look over toward me with that benignant smile which always adorns your face and say, "The gentleman can not be recognized for that purpose."

Seven years ago I introduced into Congress a bill providing for the abolition of duty on printing paper, wood, and wood pulp used in its manufacture. That, sir, was a bill repealing the tax which Congress levies upon intelligence, repealing the tax levied on the school children of the Republic in the interest of the paper trust. I have introduced it every Congress since. Where is that bill now? Smothered and buried in the Committee on Ways and Means, where it will remain until the people shall rise up against the bossism which controls here.

I read the other day in one of the public journals that you, Mr. Speaker, had packed the Ways and Means Committee with ten men, whose names were given, upon whom you could rely to see that no bill should be reported looking to any reduction in the schedules of the Dingley tariff. How were you enabled to do that? By the operation of the Constitution? No; but in contravention of the Constitution. Under the rules of this House and their despotic administration you have wrought a subversion of our representative Government. The Ways and Means Committee, presided over by the able gentleman from New York [Mr. PAYNE], was packed with ten stand-patters, constituting a majority, who were pledged to sit on the lid at your dictation and make it impossible for the other 375 Members of this House to enact any legislation which you do not favor. Many bills for the relief of the people have been introduced and referred to that committee, but they can not be gotten out of there and brought to a vote by any process within the control of the membership of this House. Why? Because, sir, you have organized that committee so that it shall be subject to your dictation—the dictation (I say it kindly, but I say it positively) of a "boss;" a "boss," a man who sits as the absolute despot in control over the deliberations of this House, determining without limitation what shall and what shall not be considered. Every Member of this House who was elected to come here should be allowed to raise his voice and cast his vote in behalf of those measures his people are interested in, but he can not do it because of your domination.

Mr. Speaker, the American people have no longer a representative government. In days gone by I have heard you lament that the House was losing its dignity, its prestige, and its power because of Senatorial encroachment. I desire to show to the American people that this House has lost its dignity, its prestige, and its power by submitting to the tyranny of the rules and the absolutism, despotism, and bossism of the Speaker. You boast that the stand-patters have control. How did they get it? Sir, it was by your action in packing the Ways and Means Committee with ten out of eighteen men who will sit there like stone statues defying the people in obedience

to your dictation. They will not let us have a vote upon the measures which have been referred to them.

Mr. Speaker, I do not voice my own sentiments alone, but those of a large proportion of the Republican membership, when I inveigh against the tyranny of your administration of the House rules. I saw a bill throttled here by the despotism and the bossism of which I am complaining, and put through in a form that was opposed by the American people and opposed by a majority of this House. It was done, sir, by your absolutism. I refer to the statehood bill. Every Member of this body would have voted to give statehood to Oklahoma and the Indian Territory if it could have been voted upon as a separate measure. Why could it not be so voted upon? Sir, it was because you, with the aid of two others on the Rules Committee, made it impossible. You expressed yourself in the Republican caucus as afraid that these Territories, if admitted to the Union, would add something to the Democratic party. These fears moved you and your Rules Committee to outrage and trample under foot the rights of the people who reside in those Territories. You refused to permit the membership of this House to enact a law which it favored. Some of you Republicans will go back to your homes and make the pitiful plea that you would have voted to admit Oklahoma and the Indian Territory if you could have done so. You will make your defense on the ground that, under the rule as enforced by the Speaker and the Rules Committee, you could not do that. I can hear some of you now saying to your people: "Oh, I was an insurgent all right; I was opposed to joint statehood for Arizona and New Mexico if I could have voted on that as a separate proposition, but I was not given the opportunity." Why did you not get the opportunity? Because you voluntarily and deliberately, in the face of ample warning, voted for these rules which tie your hands, shackle your feet, and make you humble instruments of a boss. When you Republicans adopted those rules you might as well have written out your proxies, given them to the Speaker and gone home. You have no voice in this House. Your votes are cast as the Speaker directs. Every committee of this House is organized so that any bill introduced may be referred and smothered if the Speaker so desires. Ten men on the Ways and Means Committee strangle every bill that is sent there for relief against the graft of the tariff barons. If, perchance, one or two of these ten should yield and a bill should be reported, there would still remain the immortal three—the Speaker, the gentleman from Pennsylvania [Mr. DALZELL], and the gentleman from Ohio [Mr. GROSVENOR], constituting a majority of the Committee on Rules, who would still prevent the House from having a vote. I can not express myself so happily nor so tersely as has already been done by a Republican Member in a recent speech at another place. He said:

> Joint statehood against the wishes of the people of Arizona is unrepublican. Under the rules of the House of Representatives as administered, we are not even permitted to offer an amendment attaching a referendum to the statehood bill. Upon these questions we were regular and the party leaders were insurgents. As regards the rules of the House we are insurgents. There is nothing like these rules anywhere upon the earth nor in the heavens above.

And he might have added nor in hell below.

> They make the Speaker of the House of Representatives its master. If I wanted real power and plenty of it, I would rather be Speaker than President. We are not insurgents as regards Mr. CANNON personally. "Uncle Joe" is loved by Democrats and Republicans alike, but no officers of the great representative bodies of this nation should be given the power which the Speaker of the House now has. He names every man upon every committee. In nine cases out of ten he can prevent action upon any measure, even when it is favored by a great majority of the House. To a great extent he holds the political life of each Member of Congress in his hand. The Speaker's consent must be obtained in advance if a Member is recognized to bring up a bill. The rights which a Member of Congress now have are not so much those conferred by law as those which the Speaker may see fit to grant him. That is a condition which should not exist in a free government. It does not exist in a free government, because no government can be free that is controlled by despotism. It will be changed when the people realize the facts.

Mr. SIMS. Will the gentleman from Missouri be kind enough to tell us from whom he is reading.

Mr. SHACKLEFORD. From a speech of the gentleman from Wisconsin [Mr. ADAMS], the single, lone Republican of all the Republican membership of this House who had the courage to vote against the adoption of the tyrannical rules by which we are controlled—those unholy rules which stifle the voice of the people and lengthen the lease of power to the trusts. All honor to the gentleman from Wisconsin! His words shall, I hope, prove to be the thin edge of a wedge that shall be driven between the people and the bosses in this House who oppress them.

I introduced some days ago a resolution asking that the House proceed to the consideration of my bill for removing the duty from wood pulp and printing paper. Where is that resolution now? It is buried deep down in the Rules Committee, where it will remain unless the people shall rise in their might and overthrow the despotism by which they are here oppressed. Mr. Speaker, the people have set their faces against bosses and bossism. You may for a time exercise the oppressive and repressive power which you enjoy, but it can not last. Would you know the fate in store for bosses? I refer you to Cincinnati, to Ohio, to Philadelphia, to Pittsburg. The people are aroused and they will throw off the yoke of the oppressor.

The SPEAKER pro tempore (Mr. CURTIS). The question is on the committee amendments.

The amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. STEVENS of Minnesota, a motion to reconsider the last vote was laid on the table.

### SALE OF CERTAIN LANDS, COLVILLE INDIAN RESERVATION, WASH.

Mr. JONES of Washington. Mr. Speaker, I ask unanimous consent to take from the Speaker's table Senate bill 4229, to authorize the sale and disposition of surplus or unallotted lands of the diminished Colville Indian Reservation, in the State of Washington, and for other purposes.

The Clerk read as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed, as hereinafter provided, to sell or dispose of unallotted lands in the diminished Colville Indian Reservation, in the State of Washington.

SEC. 2. That as soon as the lands embraced within the diminished Colville Indian Reservation shall have been surveyed, the Secretary of the Interior shall cause allotments of the same to be made to all persons belonging to or having tribal relations on said Colville Indian Reservation, to each man, woman, and child 80 acres, and, upon the approval of such allotments by the Secretary of the Interior, he shall cause patents to issue therefor under the provisions of the general allotment law of the United States.

SEC. 3. That upon the completion of said allotments to said Indians the residue or surplus lands—that is, lands not allotted or reserved for Indian school, agency, or other purposes—of the said diminished Colville Indian Reservation shall be classified under the direction of the Secretary of the Interior as irrigable lands, grazing lands, timber lands, mineral lands, or arid lands, and shall be appraised under their appropriate classes by legal subdivisions, with the exception of the lands classed as mineral lands, which need not be appraised and which shall be disposed of as hereinafter provided, and, upon completion of the classification and appraisement, such surplus lands shall be open to settlement and entry at not less than their appraised value by proclamation of the President, which proclamation shall prescribe the manner in which these lands shall be settled upon, occupied, and entered by persons entitled to make entry thereof: *Provided*, That the price of said lands when entered shall be fixed by the appraisement, as herein provided for, which shall be paid in accordance with rules and regulations to be prescribed by the Secretary of the Interior upon the following terms: One-fifth of the purchase price to be paid in cash at the time of entry and the balance in five equal annual installments, to be paid in one, two, three, four, and five years, respectively, from and after the date of entry, and in case any entryman fails to make the annual payments, or any of them, promptly when due all rights in and to the land covered by his or her entry shall cease, and any payments theretofore made shall be forfeited and the entry canceled, and the lands shall be reoffered for sale and entry: *Provided further*, That the lands remaining undisposed of at the expiration of five years from the opening of the said lands to entry shall be sold to the highest bidder for cash, at not less than $1 per acre, under rules and regulations to be prescribed by the Secretary of the Interior, and that any lands remaining unsold ten years after the said lands shall have been opened to entry may be sold to the highest bidder for cash without regard to the above minimum limit of price: *And provided further*, That sections 16 and 36 of said lands be, and they are hereby, excepted from the foregoing provisions and are hereby granted to the State of Washington for school purposes, and the United States shall pay to said Indians therefor the sum of $1.25 per acre.

SEC. 4. That the said lands shall be opened to settlement and entry by proclamation of the President, which proclamation shall prescribe the time when and the manner in which these lands may be settled upon, occupied, and entered by persons entitled to make entry thereof, and no person shall be permitted to settle upon, occupy, and enter any of said lands except as prescribed in such proclamation: *Provided*, That the rights of honorably discharged Union soldiers and sailors of the late civil and Spanish wars, as defined and described in sections 2304 and 2305 of the Revised Statutes, as amended by the act of March 1, 1901, shall not be abridged.

SEC. 5. That only mineral entry may be made on such of said lands as are designated and classified as mineral under the general provisions of the mining laws of the United States, and mineral entry may also be made on any of said lands, whether designated as mineral lands or otherwise, the classification under the agreement being only prima facie evidence of the mineral or nonmineral character of the same: *Provided*, That no such mineral selection shall be permitted upon any lands allotted in severalty to the Indians.

SEC. 6. That all of said lands returned and classified as timber lands shall be sold and disposed of by the Secretary of the Interior under sealed bids to the highest bidder for cash or at public auction, as the Secretary of the Interior may determine, and under such rules and regulations as he may prescribe.

SEC. 7. That the proceeds arising from the sale and disposition of the lands aforesaid, including the sums paid for mineral and townsite lands shall be, after deducting the expenses incurred from time to time in connection with the allotment, appraisement, and sales, and surveys, herein provided, deposited in the Treasury of the United States to the credit of the Colville and confederated tribes of Indians belonging and having tribal rights on the Colville Indian Reservation, in the

State of Washington, and shall be expended for their benefit, under the direction of the Secretary of the Interior, in the education and improvement of said Indians, and in the purchase of stock cattle, horse teams, harness, wagons, mowing machines, horserakes, thrashing machines, and agricultural implements for issue to said Indians, and also for the purchase of material for the construction of houses or other necessary buildings, and a reasonable sum may also be expended by the Secretary, in his discretion, for the comfort, benefit, and improvement of said Indians: *Provided*, That a portion of the proceeds may be paid to the Indians in cash per capita, share and share alike, if, in the opinion of the Secretary of the Interior, such payments will further tend to improve the condition and advance the progress of said Indians, but not otherwise.

SEC. 8. That any of said lands necessary for agency, school, and religious purposes, and any lands now occupied by the agency buildings, and the site of any sawmill, gristmill, or other mill property on said lands are hereby reserved from the operation of this act: *Provided*, That all such reserved lands shall not exceed in the aggregate three sections and must be selected in legal subdivisions conformable to the public surveys, such selection to be made by the Indian agent of the Colville Agency, under the direction of the Secretary of the Interior and subject to his approval.

SEC. 9. That the Secretary of the Interior is hereby vested with full power and authority to make all needful rules and regulations as to the manner of sale, notice of same, and other matters incident to the carrying out of the provisions of this act, and with authority to reappraise and reclassify said lands if deemed necessary from time to time, and to continue making sales of the same, in accordance with the provisions of this act, until all of the lands shall have been disposed of.

SEC. 10. That nothing in this act contained shall be construed to bind the United States to find purchasers for any of said lands, it being the purpose of this act merely to have the United States act as trustee for said Indians in the disposition and sales of said lands and to expend or pay over to them the proceeds derived from the sales as herein provided.

SEC. 11. That to enable the Secretary of the Interior to survey, allot, classify, appraise, and conduct the sale and entry of said lands as in this act provided the sum of $75,000, or so much thereof as may be necessary, is hereby appropriated, from any money in the Treasury not otherwise appropriated, the same to be reimbursed from the proceeds of the sales of the aforesaid lands: *Provided*, That when funds shall have been procured from the first sales of the land the Secretary of the Interior may use such portion thereof as may be actually necessary in conducting future sales and otherwise carrying out the provisions of this act.

SEC. 12. That nothing contained in this act shall prohibit the Secretary of the Interior from reserving from said lands, whether surveyed or unsurveyed, such tracts for town-site purposes, as in his opinion may be required for the future public interests, and he may cause any such reservations, or parts thereof, to be surveyed into blocks and lots of suitable size, and to be appraised and disposed of under such regulations as he may prescribe, and the net proceeds derived from the sale of such lands shall be paid to said Indians, as provided in section 7 of this act.

Mr. PAYNE. Mr. Speaker, reserving the right to object, I would like to have an explanation of this bill. This is a Senate bill. Has it been reported by the committee?

Mr. JONES of Washington. There was a similar House bill reported with amendments, which amendments I expect to offer to this bill.

Mr. PAYNE. What committee reported it?

Mr. JONES of Washington. The Committee on Indian Affairs. This is a bill to carry out certain provisions of an agreement made and entered into December 1, 1905, and provides for the opening of the diminished Colville Indian Reservation and the disposition of the lands thereof upon certain terms and conditions. It provides that an allotment of 80 acres shall be made to each man, woman, and child, and then for the classification and appraisement of the lands, after which they are to be subject to entry under the homestead laws. They are not to be disposed of for less than the appraised value, and what the entryman pays goes into the fund for the benefit of the Indians; after five years the lands so left undisposed of may be put up for sale at not less than a dollar an acre, and the proceeds will go to the Indians.

Mr. SMITH of Kentucky. How is the appraisal to be made?

Mr. JONES of Washington. Under the direction of the Secretary of the Interior. That is the usual provision in these bills. Then, after ten years, any lands remaining undisposed of can be sold to the highest bidders under rules and regulations to be prescribed by the Secretary, the proceeds of such sale to go into said fund, and I will say to the gentleman that I shall offer one amendment, to strike out the provision granting to the State of Washington sections 16 and 36 and paying to the Indians $1.25 an acre, and just simply leave it to the State to make its selections elsewhere. Therefore it will not take a dollar out of the Treasury except for surveys, which in the end will be reimbursed out of the proceeds of the sale of the land. We have public lands which are probably just as good from which the State can select. The Indians will get just as much and possibly more in this way, as the lands will likely sell for more than $1.25.

Mr. STEPHENS of Texas. Mr. Speaker, I would like to ask the gentleman to explain the difference between the bill reported by the Indian Committee and the bill under consideration now.

Mr. JONES of Washington. There is practically no difference. One of the amendments reported by the committee was to strike out section 5, which provides for the disposition of the mineral lands. They struck that out, and simply put it under the general mining laws of the United States. That left it somewhat definite, so that there would be no question about how it would be done, and then another amendment, which I shall offer, providing that if any of the lands of this reservation—and I will state to the gentleman that this amendment has been submitted to the gentleman from Wyoming [Mr. MONDELL], and he has examined it carefully and has no objection—can be reclaimed under any feasible irrigation project they are allowed to be disposed of under the reclamation act, the cost under such reclamation act to be in addition to the appraised value. Those are substantially the amendments the House committee reported.

Mr. STEPHENS of Texas. Then, as I understand the gentleman, the mineral lands opened under this bill will be opened under the general mining laws of the United States?

Mr. JONES of Washington. Yes. The timber lands are appraised and disposed of at public sale or under sealed bids.

Mr. STEPHENS of Texas. I would like to ask whether or not there have already been taken from public lands of the United States situate in the State of Washington any lands in lieu of sections 16 and 32?

Mr. JONES of Washington. I don't know whether the State has made selection in the place of these lands or not as yet. It may have done so, but under the amendment I shall offer those will not be purchased by the United States, and we will be allowed to make selections outside.

Mr. STEPHENS of Texas. The reason I ask the question is that sometimes when these lands have been withdrawn by the President under his proclamation the State has been recouped by giving it other lands.

Mr. JONES of Washington. Yes.

Mr. STEPHENS of Texas. I don't know whether that was the case here or not.

Mr. JONES of Washington. I don't know whether they have made any selection. If they have, of course those selections will go, because the amendment I am going to offer will cut out purchasing these lands for the State and allow the State to come in under the general lieu-selection law.

Mr. BURKE of South Dakota. Mr. Speaker, I would like to ask the gentleman from Washington a question. The enabling act, under which Washington came into the Union, guaranteed to the State of Washington sections 16 and 36 in the Indian reservation in the State, did it not?

Mr. JONES of Washington. I don't remember just the provision, but, as I understand it, there is a general law allowing us to select lands in lieu of sections 16 and 36 embraced in the reservation if we do not secure these sections.

Mr. BURKE of South Dakota. Is there any law that can compel the State of Washington to select lands other than sections 16 and 36 in this Indian reservation?

Mr. JONES of Washington. Oh, I suppose we could not compel it to do it.

Mr. BURKE of South Dakota. Then is there not liable to be a conflict between the State and the United States when you come to apply this bill as to sections 16 and 36, because under this bill sections 16 and 36 will probably be sold the same as the other lands?

Mr. JONES of Washington. These lands are not restored to the public domain under this bill.

Mr. BURKE of South Dakota. The Indian title, whatever it is, is going to be extinguished.

Mr. JONES of Washington. Whenever that Indian title is extinguished it goes into the hands of private parties, and the State then could not come in and make any claim. You will note that the Indian title is not extinguished until the land is disposed of under the terms of this bill.

Mr. BURKE of South Dakota. I believe this is the particular reservation where the Indian title is very doubtful.

Mr. JONES of Washington. To a certain extent that is true, although the Department insists very strongly that this is Indian land just the same as if it were a treaty reservation, and this bill treats it as we have done other reservations and gives the Indians all the proceeds.

Mr. BURKE of South Dakota. It is denominated, however, as an executive reservation, and not a reservation created by reason of any treaty.

Mr. JONES of Washington. That is true, but the Department takes the ground that it is the same in effect.

Mr. HINSHAW. Mr. Speaker, there are in the State of Washington public lands which the State could select in lieu of these in the reservation.

Mr. JONES of Washington. Oh, yes.

Mr. LACEY. I would like to make a suggestion in the nature of a question to the gentleman. In dealing with these Indian matters the House ought to know everything that is being done. This treaty under which land is being opened had two features to it; one requiring that the Government should pay for the north half of the reservation, heretofore disposed of.

Mr. JONES of Washington. I was going to explain that.

Mr. LACEY. The other provided for the opening of the south half. I think it would be well for the gentleman from Washington to explain to the House the divisibility of these two propositions, and the effect of opening the south half without paying for the north half, as to whether that would bar the rights of the Indians in the future to still further insist upon their claim to the million and a half dollars for the north half of the reservation.

Mr. JONES of Washington. I will do so. I will say this reservation was established in the first place by Executive order, as stated. In 1892, I think it was, we passed a law opening the north half of this reservation, vacating it, declaring it to be public land. An agreement had been made with the Indians by a commission appointed, and it was agreed to pay these Indians $1,500,000 for the north half. Congress did not ratify that agreement, but passed a law restoring the land to the public domain and providing that the homesteader should pay a dollar and a half an acre in addition. This dollar and a half was to go into the Treasury, subject to appropriation for a public purpose, but until so appropriated was to be used for the benefit of the Indians. Then in 1903, I think it was, in the Fifty-seventh or Fifty-eighth Congress, we passed a law relieving the homesteader from paying that $1.50. Now, the Indians have presented from time to time a claim to the Government for the north half of the reservation for $1,500,000. The Department thinks that the Indians have a just claim. In the last session of Congress an amendment was put on the Indian appropriation bill to pay them $1,500,000 for the north half. That amendment did not pass. During last summer the Government sent a special agent or inspector to negotiate with these Indians with reference to the opening of the south half, and they reached an agreement with the Indians upon it. The agreement provided that the Indians should be paid $1,500,000 for their claim to the land in the north half. It also provided that the lands of the south half should be opened substantially as is provided in this bill. The committee considered that these two propositions were independent of each other as to their merit. That whether the Indians should be paid a million and a half dollars for the north half was a proposition independent in itself and had nothing to do with whether or not the south half should be opened, and the committee has a bill pending before it to pay to the Indians $1,500,000 for the north half. They have reported this bill, however, because they consider that it is decidedly beneficial to the Indians whether they are paid the million and a half dollars or not. That the south half should be opened, and that the Indians should get the proceeds from the sale of these lands is entirely independent of the claims as to the north half, so that it seems to me there are two distinct propositions, absolutely distinct, and so it seemed to the committee. The merit of one does not depend upon the other for its merit, and therefore the committee has reported this bill separately.

The testimony all goes to show that the Indians in the north half, that has been opened and where allotments have been made, have progressed far more rapidly than those in the south half. That is the report and statement of the inspector in his report, and if the Indians do not get anything out of their claim in the near future for the north half they will get something out of the disposition of these lands and be greatly benefited by its passage. It is doing them no good now.

Mr. HINSHAW. Then the passage of this bill does not in any manner affect the old contention?

Mr. JONES of Washington. It does not affect that claim at all; it simply affects the south half.

Mr. FITZGERALD. Is it not a fact these Indians have always refused to negotiate for the opening of the south half unless there was provision for the payment of the former claim?

Mr. JONES of Washington. I do not think any attempts were made to negotiate for the south half until last summer. I may be mistaken, but I think not.

Mr. FITZGERALD. In the last Congress the committee reported a bill providing that this land should be restored to the public domain, making no provision for the payment to the Indians of the value of the land not utilized in making allotments, except so far as the land was taken under the homestead law. Now, in what respect does this bill differ?

Mr. JONES of Washington. It differs absolutely in this: This bill provides that these lands shall be classified and appraised by the Secretary of the Interior under rules and regulations prescribed by him and for a period of five years be disposed of at not less than the appraised value.

Any lands undisposed of after five years may be disposed of at not less than a dollar an acre. After ten years they may be disposed of at public sale, all the proceeds to go to the Indians. In other words, this provides for the sale of the lands for what they will bring, and all of the money goes to the Indians.

Mr. FITZGERALD. Is there a provision in this bill that it shall not be operative unless the consent of the Indians is obtained?

Mr. JONES of Washington. No; because the Indians have agreed to that proposition. That is part of the agreement. It is true they make it conditional on the payment of $1,500,000.

Mr. FITZGERALD. They made an agreement that these lands be opened upon condition that they be paid $1,500,000 for lands taken away from them, and now the committee holds that in abeyance and provides for the ratification of that part of the agreement that opens up these lands, which means in all probability that they will never be paid for the lands in the north half.

Mr. JONES of Washington. I do not think that it means that at all. The committee took the view that they were two independent propositions; that the Indians could get everything out of these lands that they would bring, and that they would realize from them, and that it is better for the Indians, even if they do not get the $1,500,000, that they should get something out of these lands, because as long as they are not opened up they get nothing at all. They do not till them, because there is no allotment made to the individual Indians, and there is no inducement, no incentive, no encouragement to him to work, because he has no specific tract of land upon which to bestow his efforts. So by taking that view—we have not passed on the other proposition at all—it was thought far better for the Indians that it should be done. The committee looked at the matter from the standpoint of good to the Indians. This is the view Congress should take, that legislation should be enacted that will best promote their happiness, development, and civilization.

Mr. STEPHENS of Texas. I would suggest that the Indians are in no wise affected by the passage of the bill as to the south half of the lands.

Mr. FITZGERALD. They are affected to this extent: As long as the lands of the south half of the reservation are not disposed of there will always be a desire on the part of a great many people to have that portion of the reservation opened, and the result will be that negotiations can be conducted with the Indians; but once the south half is opened there is no further reason for anybody to negotiate with the Indians, and their claim for the $1,500,000, which should have been paid to them, will rest forever here.

Mr. STEPHENS of Texas. This does not prejudice their claim.

Mr. FITZGERALD. But it will take away from them the only opportunity they will have to get it paid.

Mr. STEPHENS of Texas. Congress can not be forced to do it now, so why should they be forced to do it in the future? This should be held over the heads of Congress and prevent the development of that country and the sale of the Indian lands because it happens to be a contested claim for the north half.

Mr. FITZGERALD. There was an agreement made for the opening of the north half. The Indians agreed that it be opened upon condition that they be paid a million and five hundred thousand dollars. Congress, instead of doing that, declared the surplus lands of the north half part of the public domain and opened it to entry under the homestead law, and afterwards made it free home territory, so that the Indians got nothing. Then it was proposed to do the same with this portion of the reservation, the south half, and that was prevented in the last Congress.

Mr. STEPHENS of Texas. This bill, however, provides for making good to the Indians.

Mr. FITZGERALD. This bill provides now, after the agreement was negotiated in which the Indians insist as a condition upon which they agree to the opening of the south half, that they be paid for the lands taken from them in the north half. That condition is ignored by the committee and is stated to be a separate proposition, and they proceed to allot and also dispose of the surplus lands of the south half and leave the claim for compensation for the north end suspended in the air.

Mr. STEPHENS of Texas. Does the gentleman hold that the United States Government has a right to take charge of this land, irrespective of any claim of the Indians?

Mr. FITZGERALD. It has the power to dispose of these lands for the welfare of the Indians; but that does not justify

Congress in depriving these Indians unjustly of what belongs to them.

Mr. STEPHENS of Texas. We do not propose to do that.

Mr. BURKE of South Dakota. I would like to say to the gentleman from New York that this bill does not ratify any agreement whatever. There is no reference to any treaty or any agreement in this bill. The Committee on Indian Affairs has taken the position that it will consider measures that may come before the committee disposing of Indian lands for the best interest of the Indians, regardless of whether there is an agreement with the Indians or not. Now, in this particular case it does happen that there is an agreement with the Indians substantially the same as this bill, but this bill does not ratify or refer directly to the agreement. What objection can the gentleman have to a bill that provides that the land shall be appraised, and can only be sold at the appraised valuation, and the proceeds for the same shall be paid to the Indians? Does it matter that the Indians have an old claim that originated thirteen or fourteen years ago, that we should wait to legislate to dispose of this south half of this reservation, when it is manifest that it will be for their best interests to have the surplus and unused land sold for their benefit?

Mr. JONES of Washington. It will certainly be in the interests of these Indians.

Mr. FITZGERALD. The gentleman stated that this bill ratifies a portion of the agreement that was made.

Mr. JONES of Washington. It does not ratify in specific terms the agreement, but it carries out the provisions of the agreement substantially. It in no wise ratifies the agreement, but it is planned to carry out the very things that were provided for in the agreement with reference to the disposition of the land, and carries it out absolutely so far as it affects the Indians.

Mr. FITZGERALD. I have endeavored to obtain a copy of the report, but I am informed the report is out of print.

Mr. JONES of Washington. I have a copy of the report here. I am taking the Senate bill from the Speaker's table and am proposing to amend it so as to make it exactly the same as reported to the House.

Mr. SMITH of Kentucky. Does the gentleman think that this opening of the southern half will have anything to do with enabling the Indians to get their million and a half for their interest in the northern half?

Mr. JONES of Washington. I do not think it will have any effect one way or the other. That will rest on its own merits.

Mr. SMITH of Kentucky. I agree with the statement made by the gentleman, that it will be greatly to the benefit of the Indians to deal with this southern half as an independent proposition, and I am going to support the bill to open it. At the same time I can see how possibly it might place them in a position less advantageous to get their million and a half for their northern interest than they are now in.

Mr. JONES of Washington. I do not think it will. I do not think it would make any difference.

Mr. FITZGERALD. I simply wish to say this: I will not object to the consideration of this bill, because I recollect the difficulty I had in the last Congress preventing the passage of a bill which took this land from these Indians and restored it to the public domain upon the theory that the Indians had no title to the land. This bill is a vast improvement upon the one pressed for passage in the last Congress. I am glad to say that the effect of my action has been of some benefit to the Indians, because this bill recognizes their title to the land and provides that the surplus shall be sold and that they shall be compensated for all land in the southern half of the reservation that will not be used in the allotment. Under the provisions of this bill I do not believe that an attempt will be made hereafter to make this land subject to the "free-home" law, and the Indians thus deprived of compensation. I would prefer that the claim—the just claim for compensation for the north half—were adjusted now, and I shall be glad to aid the gentleman to secure legislation for that purpose in the future.

Mr. JONES of Washington. The gentleman is certainly entitled to great credit.

Mr. FITZGERALD. These Indians have never received the million and a half dollars to which they are entitled for the northern half of the reservation, and despite the ability, earnestness, and aggressiveness of the gentleman from Washington he will have great difficulty under present conditions to obtain it for them. So long as the Indians will get the benefit of the money that will come from the sale of these lands, however, rather than put them back in a position where, perhaps, Congress might at some time take this land without compensation and return it to the public domain, I will not object to the consideration of the bill.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. JONES of Washington. I desire to offer an amendment in line 12 of the bill as printed. I do not know whether that is the bill that the Clerk has. After the words "shall be disposed of," page 2, line 12, strike out the words "as hereinafter provided" and insert in lieu thereof "under the general mining laws of the United States."

The Clerk read as follows:

Page 2, line 12, after the words "disposed of," strike out the words "as hereinafter provided" and insert in lieu thereof "under the general mining laws of the United States."

Also, page 2, line 14, after the word "entry," insert "under the provisions of the homestead law."

Also, page 2, line 15, after the word "value," insert "in addition to the fees and commissions now prescribed by law for the disposition of lands of the value of $1.25 per acre."

Also, page 3, line 19, after the word "acre," insert "*And provided also*, That if the State of Washington has made any selections under existing law in lieu of sections 16 and 36 of the lands affected by this act the acreage of such selections shall be deducted from the acreage to be paid for under the preceding proviso.

Mr. JONES of Washington. I suggest that the other amendments be adopted first, and I will withdraw the amendment just read.

The SPEAKER. The question is on agreeing to the amendments as reported.

The question was taken, and the amendments were agreed to.

Mr. JONES of Washington. Mr. Speaker, I move to strike out all after the word "price," in line 14, down—the remainder of the section.

The Clerk read as follows:

Strike out all after the word "price," in line 14. Strike out all the remainder of the section.

The amendment was agreed to.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The next amendment was reported by the Clerk, as follows:

On page 4, in line 1, after the word "proclamation," substitute a period instead of the colon, and strike out the remainder of the section.

Mr. JONES of Washington. Now, Mr. Speaker, that is an amendment offered by the committee. The part which it is proposed to strike out reads in this way:

*Provided*, That the rights of honorably discharged Union soldiers and sailors of the late civil and Spanish wars, as defined and described in sections 2304 and 2305 of the Revised Statutes, as amended by the act of March 1, 1901, shall not be abridged.

That is a committee amendment—that is, it is an amendment proposed by the committee to the House bill which has been reported; but several members of the committee have expressed a desire to me that that provision should be retained in the bill, and I would rather like to see it retained there. Therefore, I ask that that amendment be voted down.

Mr. BURKE of South Dakota. Mr. Speaker, I would like to ask the gentleman from Washington if under the terms of this bill the Secretary of the Interior has power to apply what is known as the "lottery system" in the disposition of these lands?

Mr. JONES of Washington. I presume so. It provides for the disposal under rules and regulations to be prescribed by him.

Mr. BURKE of South Dakota. In other words, it is the same language that is used in laws where the lottery system has been adopted by the Department in disposing of Indian lands.

Mr. JONES of Washington. Yes; I think so.

Mr. BURKE of South Dakota. I should like to ask the gentleman also, if the right of commutation is not given in this bill?

Mr. JONES of Washington. I think so, and I think it ought to be, because each entryman, whether he commutes or not, must pay the appraised value of the lands.

Mr. BURKE of South Dakota. Then will the gentleman state to the House what advantage a soldier has by reason of that proviso being in the bill?

Mr. JONES of Washington. I do not think it will amount to anything for him, but it is largely a sentimental matter, and it is done in almost all these bills, and I would rather that it be left in this bill.

Mr. BURKE of South Dakota. Is it not true that sections 2304 and 2305 give to Union soldiers the right, in acquiring title under the homestead laws, to have credit for the time they served in the Army?

Mr. JONES of Washington. I think so.

Mr. BURKE of South Dakota. Is not that the principal benefit and advantage that a soldier has?

Mr. JONES of Washington. That, I think, is the only one.

Mr. BURKE of South Dakota. With one exception, and that 's that a soldier may file a declaratory statement by power of attorney. Now, is it not a fact that in practically all of the openings similar to the opening that will occur if this bill becomes a law, the only speculation that has been indulged in has been by agents going in some instances to Soldiers' Homes and going generally over the country and getting soldiers to give them powers of attorney to file a declaratory statement, which the agent would file, and that they were subsequently relinquished, probably for a substantial consideration, to the agent, and only in exceptional cases has the soldier made his entry as he must do within six months after the filing of the declaratory.

Mr. JONES of Washington. That may be true. I could not say as to that. I have no information on the subject.

Mr. BURKE of South Dakota. I merely state this, Mr. Speaker, because I am a member of the committee that reported this bill. I made this report, and I favored eliminating that provision, not because I wanted to do any harm to the old soldiers or take away from them any rights, but because the entryman, whether he is a soldier or whether he is not a soldier, is obliged to pay the appraised price of the land. He gets no benefit by reason of the fact that he served in the Army for any considerable time or any time whatever, whereas under the old homestead law he would be entitled to credit for the time he served.

Mr. SMITH of Kentucky. Am I to understand that under this bill, if it becomes a law, these soldiers of the late civil war and the soldiers of the Spanish-American war who enter this land do not get credit for the time they served in the Army?

Mr. BURKE of South Dakota. There is no such thing as giving them credit, for the reason that they have to pay for the land. They may commute after eight months' residence, and acquire title, or they may live there for five years, but they have got to pay for the land whether they live there eight months or whether they live there five years, and consequently there is no benefit to the soldier in this legislation unless it is in permitting him to make a filing by delegating somebody or giving some one power of attorney to file a declaratory statement for him. The soldier does not have to swear to anything; he does not have to promise to do anything, and the minute his declaratory statement is filed he can sell his right without ever going near the land and without ever having any intention of going to the land; the experience in the Rosebud opening in South Dakota was that many of these soldiers simply sold out when they gave their powers of attorney. In any event, only in a few cases where a declaration was filed did the soldier perfect his entry.

Mr. STEPHENS of Texas. The Committee on Indian Affairs——

Mr. BURKE of South Dakota. If the gentleman will pardon me, the only speculation connected with the disposition of the land on the Rosebud Reservation was by reason of speculators who filed soldiers' declaratories by power of attorney.

Mr. STEPHENS of Texas. And that is the reason why the Committee on Indian Affairs refused to have that done in this bill?

Mr. BURKE of South Dakota. That is the reason. The committee is not insistent if the House would rather leave that provision in, but it does not do anybody any good. If it would benefit any old soldier I would most certainly be in favor of leaving it in.

Mr. SMITH of Kentucky. It looks to me as though the committee's amendment is a wise one. We do not want to give speculators a chance to make the money and be of no benefit to the old soldier.

Mr. STEPHENS of Texas. That is the reason the committee took the action they did.

Mr. JONES of Washington. I am not insistent. I am willing to let the House vote on it.

The SPEAKER. The Chair will suggest to the gentleman from Washington that we are considering the Senate bill and not the House bill.

Mr. JONES of Washington. I understood the Clerk had reported the amendment to strike out the proviso on page 4, and that is what we have been discussing.

The SPEAKER. The Senate bill is being considered and not the House bill. Does the gentleman from Washington desire to offer the amendment?

Mr. JONES of Washington. I do—that is, I want to offer it, because it was reported by the committee as an amendment to the House bill, and I want to keep full faith with the committee, but would prefer that it be voted down.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

On page 4, line 1, after the word "proclamation," substitute a period for the colon, and strike out the remainder of the section.

Mr. JONES of Washington. I want that amendment voted down, but I leave it to the House.

Mr. BURKE of South Dakota. Then why does the gentleman offer it?

Mr. JONES of Washington. I offer it because the committee offered it.

The amendment was considered and rejected.

The Clerk read the next committee amendment, as follows:

Page 4, strike out all of section 5 and renumber the succeeding sections.

The amendment was agreed to.

The Clerk read the next amendment, as follows:

Page 4, line 23, after the word "proceeds," insert "not including fees and commissions."

The amendment was agreed to.

The Clerk read the next amendment, as follows:

On page 5, line 11, after the words "thrashing machine," insert the word "others."

The amendment was agreed to.

The Clerk read the next amendment, as follows:

Page 6, line 20, before the word "proceeds," insert the word "net."

The amendment was agreed to.

The Clerk read the next amendment, as follows:

Insert a new section to stand as section 12, to read as follows:

"SEC. 12. That if any of the lands of said diminished Colville Indian Reservation can be included in any feasible irrigation project under the reclamation act of June 17, 1902, the Secretary of the Interior is authorized to withhold said lands from disposition under this act and to dispose of them under the said reclamation act, and the charges provided for by said reclamation act shall be in addition to the appraised value of said lands fixed as hereinbefore provided and shall be paid in annual installments as required under the said reclamation act, and the amounts to be paid for the land, according to appraisement, shall be credited to the fund herein established for the benefit of the Colville Indians."

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. JONES of Washington, a motion to reconsider the last vote was laid on the table.

By unanimous consent a similar House bill (H. R. 14314) was laid on the table.

### UNITED STATES AND DISTRICT COURTS AT EUREKA, CAL.

Mr. GILLETT of California. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 15521) establishing regular terms for the United States circuit and district courts of the northern district of California at Eureka.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That there shall be two terms each of the United States district and circuit courts for the northern district of California held in the city of Eureka, Cal., in each year from and after the passage of this act, said terms to begin on the second Monday in January and the second Monday in August and continue as long as the business may require: *Provided, however*, That Humboldt County, Cal., shall furnish a suitable place in which to hold said court, free of all charges and expenses, until such time as the United States shall make provisions for a place in which to hold the same.

SEC. 2. That the clerk of the district and circuit courts for the northern district of California and the marshal and district attorney for said district shall perform the duties appertaining to their offices, respectively, for said courts.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. GILLETT of California, a motion to reconsider the last vote was laid on the table.

### GRANTING LANDS TO BILOXI, MISS.

Mr. BOWERS. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 10152) granting certain lands to the city of Biloxi, Harrison County, Miss., for park, cemetery, and hospital purposes.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That the following-described land, to wit, that part of section 19, township 7 south, of range 9 west, lying south of Back Bay of Biloxi, the northwest quarter of section 30, township 7 south, of range 9 west, and all of section 24, township 7 south, of range 10 west, lying south of Back Bay of Biloxi, formerly reserved for naval purposes, and which were restored to disposition under the town-site laws under the act of Congress approved March 2, 1895, entitled "An act to authorize the Secretary of the Navy to certify to the Secretary of the Interior, for restoration to the public domain, lands in the States of Alabama and Mississippi not needed for naval purposes," be, and the same is hereby, granted to the city of Biloxi, in Harrison County, Miss., for park, cemetery, and hospital purposes, and the Secretary of the Interior is, upon the passage of this act, authorized to cause the said lands to be patented to the said city of Biloxi.

SEC. 2. That the said lands are granted solely for park, cemetery, and hospital purposes, and shall revert to and become the property of the United States if used for any purpose whatever other than or foreign to those for which this donation is made.

With the following committee amendments:

In line 4, page 2, after the word "park," insert the word "and."
In line 5, page 2, strike out the words "and hospital."
In line 7, page 2, after the word "Biloxi," insert the words "upon due proof of its incorporation."
In line 10, page 2, before the word "cemetery," insert the word "and;" after the word "cemetery" strike out the words "and hospital."

Amend the title so as to read: "A bill granting certain lands to the city of Biloxi, in Harrison County, Miss., for park and cemetery purposes.

The SPEAKER. Is there objection?

Mr. PAYNE. Mr. Speaker, reserving the right to object, I would like to ask the gentleman what the United States has been using this land for?

Mr. BOWERS. They have not been using it at all.

Mr. PAYNE. Did they ever use it?

Mr. BOWERS. No, sir.

Mr. PAYNE. What were the lands reserved for?

Mr. BOWERS. Many years ago in the original surveys wherever any live oak timber was found that land was reserved for naval purposes, under the idea that we were going to build wooden ships. That was abandoned, of course, and by act of Congress these naval-reserve lands were restored to the public domain. This land is just outside of the city of Biloxi about a mile. Under the general law any municipality may enter 160 acres of land within a given radius—3 miles I believe—of the city limits for park and cemetery purposes. This tract here is somewhat in excess of that number of acres, and therefore this bill was introduced authorizing this grant to the city of Biloxi. The bill has received the unanimous report of the Committee on Public Lands. It is indorsed by the Interior Department. There are a number of precedents for such grants, a memoranda of which I have here. The land is suited for park purposes, the greater part of it. There is some of it that is not, being, as I am advised, somewhat marshy.

Mr. PAYNE. How much is there of it?

Mr. BOWERS. The Land Office reports 377 acres, but a map which I have here and which I am satisfied is accurate, makes the amount 300 acres. It borders on the back bay of Biloxi and some of it is marshy, and I suppose that the shifting of the lines of the water accounts for this discrepancy between the map which I have and the acreage reported by the Department.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. BOWERS. Mr. Speaker, I notice that this report reads, "Committed to the Committee of the Whole House on the state of the Union and ordered to be printed," and I presume it would be in order for me to request unanimous consent that it may be considered in the House as in the Committee of the Whole, which I do.

The SPEAKER. The gentleman from Mississippi asks unanimous consent that the bill be considered in the House as in the Committee of the Whole. Is there objection? [After a pause.] The Chair hears none.

Mr. LACEY. Mr. Speaker, I would like to ask the gentleman one question. Is this timber still standing?

Mr. BOWERS. No. There is very little. The policy was wherever they found any live-oak timber at all to retain it. There are some live-oak trees, some very handsome ones.

Mr. LACEY. Are the trees still standing that were originally there?

Mr. BOWERS. Yes; except what has been cut by depredators.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, read the third time, and passed.

The title was amended.

On motion of Mr. BOWERS, a motion to reconsider the last vote was laid on the table.

### TO CONSOLIDATE THE CITY OF SOUTH M'ALESTER AND THE TOWN OF M'ALESTER, IND. T.

Mr. MILLER. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 12845) to consolidate the city of South McAlester and the town of McAlester, in the Indian Territory, which I send to the desk and ask to have read.

The Clerk read as follows:

Whereas the qualified voters of the city of South McAlester and the town of McAlester, of the Indian Territory, did, on the 7th day of November, 1905, by a majority vote in each of said municipalities, declare in favor of merging the said municipalities into one single city, to be known as McAlester: Therefore,

*Be it enacted, etc.*, That the said act of consolidation is approved, and that the city of McAlester is hereby created a city of the first class in the Indian Territory, with legal succession to all public property now belonging to the incorporated city of South McAlester and the town of McAlester, and said city of McAlester shall have power to exercise municipal jurisdiction over the area of territory embraced in and platted as the town sites of South McAlester and McAlester by the Choctaw Town Site Commission, according to act of June 28, 1898, and subsequently.

SEC. 2. That all indebtedness due by either of said municipalities at the date of passage of this bill shall become the debt of the city of McAlester.

With the following amendments:

Strike out the preamble.
Line 3, strike out the word "said;" and same line, after the word "consolidation," add "adopted by the city of South McAlester and the town of McAlester, of the Indian Territory."

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The question is on the amendments.

The question was taken, and the amendments were agreed to.

The SPEAKER. The question now is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, read the third time, and passed.

### SCANDINAVIAN EVANGELICAL LUTHERAN LITTLE MISSOURI RIVER CONGREGATION.

Mr. MARTIN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 9165) authorizing the Secretary of the Interior to issue patents to the Scandinavian Evangelical Lutheran Little Missouri River congregation to certain lands for cemetery purposes, which I send to the desk and ask to have read.

The Clerk read as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to issue patent to the Scandinavian Evangelical Lutheran Little Missouri River congregation, for cemetery purposes, to the following-described land, to wit: The southwest quarter of the southwest quarter of the southwest quarter of section 12, in township 15 north, of range 1 east of the Black Hills meridian, in the county of Butte and State of South Dakota, containing an area of 10 acres of land, said patent to contain the provision that said land shall be used for cemetery purposes only: *Provided*, That the said association pay $1.25 per acre therefor.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, read the third time, and passed.

On motion of Mr. MARTIN, a motion to reconsider the last vote was laid on the table.

### BRIDGE ACROSS ST. FRANCIS RIVER, ARKANSAS.

Mr. MACON. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 15583) to authorize the Madison Bridge Company to construct a bridge across the St. Francis River in St. Francis County, Ark., at or near the town of Madison, in said county and State, which I send to the desk and ask to have read.

The Clerk read the bill at length.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed for a third reading; was read the third time, and passed.

On motion of Mr. MACON, a motion to reconsider the last vote was laid on the table.

### DOCUMENTS ISSUED TO SHIPS.

Mr. GROSVENOR. Mr. Speaker, at the request of the Department of Commerce and Labor I introduced a bill to-day looking to a simplification of documents issued to ships and vessels in the merchant marine of the United States. Accompanying that bill is a brief of the reasons for the asking of the passage of the bill, and I ask unanimous consent that it may be printed as a document.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

### EXTENDING IRRIGATION ACT TO THE STATE OF TEXAS.

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I send to the Clerk's desk.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 14184) to extend the irrigation act to the State of Texas.

*Be it enacted, etc.*, That the provisions of the act entitled "An act appropriating the receipts from the sale and disposal of public lands in certain States and Territories to the construction of irrigation works for the reclamation of arid lands," approved June 17, 1902, be, and the same are hereby, extended so as to include and apply to the State of Texas.

Mr. LACEY. Mr. Speaker, reserving the right to object, I would like to know what committee reported this bill.

Mr. SMITH of Texas. The Committee on the Irrigation of Arid Lands.

Mr. LACEY. Is it a unanimous report?

Mr. SMITH of Texas. It is a unanimous report.

Mr. LACEY. The proposition, as I understand it, is to take the proceeds of the sale of lands in North Dakota and California, etc., and spend it in irrigation in the State of Texas?

Mr. SMITH of Texas. This is to put Texas on an equal footing in regard to irrigation——

Mr. LACEY. No; the Texas land does not go into the irrigation fund, does it?

Mr. SMITH of Texas. There is no unappropriated public domain in Texas.

Mr. LACEY. Texas reserves her domain to the State?

Mr. SMITH of Texas. Yes, sir.

Mr. LACEY. And she still has lands fully the size of the State of Kansas——

Mr. SMITH of Texas. No, sir; that has long since been appropriated for other purposes.

Mr. LACEY. Has she not under lease—do they not have hundreds of thousands of acres of land under lease to people in the State of Texas?

Mr. SMITH of Texas. That has been appropriated for the public school fund. I will state to the gentleman that the public lands of Texas have gone just like the public lands of the Government—for internal improvements, such as railways, transcontinental lines across the State, educational purposes, and free homes; just like other lands of the Government.

Mr. LACEY. Mr. Speaker——

Mr. SMITH of Texas. The President recommends this measure in his message.

Mr. LACEY. I observed that he did, but I supposed that it was certainly an entire oversight that in a State as big as Texas, equal to five other States, holding all the public land for her own use, not letting a dollar go to any public purpose since its admission into the Union, to now appropriate to herself the proceeds of the public lands of the State of Nebraska, the State of Wyoming, to have that sold and the money turned into the irrigation fund and the irrigation fund used for the improvement of the State of Texas is certainly a proposition that has a good deal of originality in it and some little of assurance.

Mr. STEPHENS of Texas. Will the gentleman permit a question?

Mr. SMITH of Texas. Just a moment. The gentleman misunderstands——

Mr. LACEY. Mr. Speaker, I believe I will object for the present.

The SPEAKER. The gentleman from Iowa objects.

### MESSAGE FROM THE PRESIDENT.

The SPEAKER laid before the House a message from the President of the United States; which was read, referred to the Committee on Appropriations, and ordered to be printed.

[For message see Senate proceedings of Monday, March 5, 1906.]

Mr. KEIFER. Mr. Speaker, does that involve the printing of the message as a document?

The SPEAKER pro tempore (Mr. CAPRON). The Chair will state to the gentleman from Ohio it did not come to this House, but went to the Senate.

Mr. KEIFER. Is the message not addressed to both Houses?

The SPEAKER pro tempore. It is a message to both Houses.

Mr. KEIFER. I think it ought to be printed as a document, not only on account of its recommendations on the subject of fortifications, but on account of its historical character.

The SPEAKER pro tempore. The Chair is informed that the message will be printed as a result of the reference.

Mr. KEIFER. Well, I suppose it ought to be ordered printed by the House.

The SPEAKER pro tempore. The Chair is informed that under the rule it will be printed.

### DISPOSITION OF THE AFFAIRS OF THE FIVE CIVILIZED TRIBES OF INDIAN TERRITORY.

The SPEAKER pro tempore laid before the House the bill (H. R. 5976) to provide for the final disposition of the affairs of the Five Civilized Tribes of the Indian Territory, and for other purposes, with sundry Senate amendments.

The Senate amendments were read.

Mr. CURTIS. Mr. Speaker, I move that the House disagree to the Senate amendments and ask for a conference.

The SPEAKER pro tempore. The gentleman from Kansas [Mr. CURTIS] moves that the House disagree to the Senate amendments and asks for a conference.

Mr. CLARK of Missouri. What bill is that?

Mr. CURTIS. It is the Indian Territory bill. I will state for the information of the House that I have asked that the amendments be again printed and numbered, so that the bill can be had in the morning.

Mr. CLARK of Missouri. It is the bill that the gentleman talked to me about the other day?

Mr. CURTIS. Yes, sir.

Mr. CLARK of Missouri. Relating to the Five Civilized Tribes?

Mr. CURTIS. Yes, sir.

The SPEAKER pro tempore. The question is on agreeing to the motion that the House disagree to the Senate amendments and ask for a conference.

The motion was agreed to.

The SPEAKER pro tempore. If there be no objection by the House, the Chair will appoint the following Members as conferees: Messrs. SHERMAN, CURTIS, and STEPHENS of Texas.

There was no objection.

### SALLIE F. SHEFFIELD.

The SPEAKER pro tempore laid before the House the bill (H. R. 8493) granting an increase of pension to Sallie F. Sheffield, with Senate amendments.

The Senate amendments were read.

Mr. LOUDENSLAGER. Mr. Speaker, I move that the House concur in the Senate amendments.

The question was taken; and the amendments were agreed to.

### RUFUS G. CHILDRESS.

The SPEAKER pro tempore. The Chair lays before the House the bill H. R. 2897, which has been returned by the Senate for amendment, and of which the Clerk will read the title.

The Clerk read as follows:

An act (H. R. 2897) granting an increase of pension to Rufus G. Childress.

Mr. LOUDENSLAGER. Mr. Speaker, I ask unanimous consent that the vote by which the bill was passed be reconsidered, and that the bill be referred to the Committee on Pensions.

The SPEAKER pro tempore. Is there objection?

There was no objection.

### ARTHUR THOMPSON.

By unanimous consent, the Committee on Pensions was discharged from further consideration of the bill (S. 1889) granting an increase of pension to Arthur Thompson, and it was referred to the Committee on Invalid Pensions.

### LEAVES OF ABSENCE.

By unanimous consent, leaves of absence were granted as follows:

To Mr. MORRELL, for one week, on account of important business.

To Mr. MINOR, for one week, on account of important business.

### NORTHERN SECURITIES COMPANY.

Mr. JENKINS. Mr. Speaker, by the direction of the Committee on the Judiciary, I call up for passage House resolution No. 117.

The SPEAKER pro tempore. The gentleman from Wisconsin [Mr. JENKINS] calls up a House resolution, which the Clerk will report.

The Clerk read as follows:

*Resolved*, That the Attorney-General is requested, if not incompatible with the public interest, to inform the House whether any criminal prosecutions have been instituted by the Department of Justice against the individuals or corporations who were adjudged recently by the Supreme Court of the United States, in the Northern Securities case, to be guilty of having violated the laws of the United States by entering into unlawful combinations in restraint of interstate commerce, and to send to the House all papers and documents and other information upon any prosecutions inaugurated or about to be inaugurated in that behalf.

Also the following amendments:

Amend after the word "not," in the first line, and before the word "incompatible," in the second line, by inserting the words "in his judgment."

And further amend by striking out after the word "commerce," in lines 8 and 9, all of the remainder of the line 9 and lines 10 and 11.

Mr. JENKINS. Mr. Speaker, I merely ask a vote on the amendments.

The SPEAKER pro tempore. The question is on agreeing to the amendments.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on agreeing to the resolution as amended.

Mr. JENKINS. Mr. Speaker, I yield twenty minutes to the gentleman from Mississippi [Mr. WILLIAMS].

Mr. WILLIAMS. The people of the United States, I think, know now, whether they have known until lately or not, that only the execution of the criminal feature of the antitrust law

in the shape of imprisonment will stop the violations of that law. Injunctions sued out will be evaded, fines levied will be easily paid. Nothing short of the exercise of the power of imprisonment in the law will stop the violations of the law. We know it in the case of the beef trust, and we know it in this particular case about which the inquiry is made. One year and ten months ago, Mr. Speaker, the Supreme Court of the United States delivered an opinion in the case of The United States *v.* The Northern Securities Company, which demonstrated beyond all peradventure of a doubt a flagrant, undenied violation of the antitrust law. An injunction which was sued out was upheld by the court. As far as we know, it has made no change in the relation of the parties to one another or in the relation of the combination itself to the affairs of the country. An injunction in the beef-trust case has met just exactly with that same fate.

Now, Mr. Speaker, this grows out of the fact that we are rapidly reaching a condition of things in the United States where an executive is no longer merely an executive, but indulges in "discretion" as to the execution of the laws as they are written.

Mr. Speaker, if a man acquainted with the history of the English-speaking race in its several places of residence were called upon to define what a free people is, he would say that a free people is a people governed impersonally by law, and laws enacted by their representatives freely chosen and executed by the executive as the laws are written. It is no part of the executive's duty to indulge in any reflection as to the wisdom or unwisdom or the policy of the law which he is called upon to execute. He is the executive—the branch which executes—and in the United States, as if we wanted to emphasize the fact, we call him the President, a man who presides. Except in so far as he is armed with the approving and veto power, he is no part of the legislative branch. He is never a legislator after a law is passed. Never a judge at all. He is the servant of the people and the servant of the legislature to execute the law as the law is written upon the statute books—ita lex scripta. And that is equally true of the executive in any free country, whether it be a country where the executive reigns, but does not rule, as in Great Britain; in a country where he rules, but does not reign, as in a modern spirit of snobbery we begin to say he does in the United States of America; or in a country where he neither rules nor reigns, as in France. Everywhere in self-governing lands his duty is a duty to execute and nothing else. Now, Mr. Speaker, the American House of Commons—the American House of Representatives—has lost is just ultimate control over the other branches of this Government. It was thought by the men who adopted the Constitution that the power to inaugurate an impeachment proceeding would hold the executive and judicial officers to some extent in awe of the law. But we have demonstrated long ago—and we have recently demonstrated in the case of a judge upon the bench—that the power of impeachment is a dead letter. We have taken the position that in order that a man shall be successfully impeached he shall be guilty of some specific crime upon the statute books, and thereby have thrown ourselves entirely outside of the history of the great right of impeachment. Our forefathers, the framers, also thought that we could hold them in check by "the power of the purse." Every liberty of the English-speaking people was obtained by the exercise of the power of the purse by putting on general legislation a statement of grievances and the remedy of grievances—putting the remedy sought by the people upon "subsidy bills," and thus saying to the Executive, "Unless you obey the old law or the provision which is contained in this law you shall not be fed from the public crib." We have by our own rule here surrendered the right of control either of the executive or the judiciary by the power of the purse when we made the rule that we could not put any new legislation or enforcement of old legislation upon an appropriation bill. It becomes all the more important, then, that Congress should recognize and hold sacred and exercise this right of inquiry—this right of petition asserted in the pending resolution.

The Executive has no right to suspend the operation of the written law whether it be by affirmative action or by nonaction. I need not tell you that although Charles I did not exactly get suspended when he undertook to suspend laws, he got treated with equal finality by having his head cut off. He had suspended the laws of Great Britain in both ways; first, in that he had by proclamation suspended them affirmatively, and, secondly, in that, by passive nonaction, he had suspended their operation negatively. Although James II was not exactly suspended, he was construed by way of technical construction into a condition of self-abnegation because he undertook to play the same game.

Now, Mr. Speaker, I want to call your attention to the fact that the execution of this law is not discretionary, but it is mandatory.

I want to call attention to the fact that the very same act, the very same sentence, which gives the right to stop these abuses by injunction imposes upon the Executive the equal duty of stopping them by criminal prosecution. The amendment which was passed on February 25, 1903, putting in the hands of the Executive the sum of $500,000 for the purpose under which this very Northern Securities case was begun and under which the expenses were paid and under which it was carried to a successful conclusion put both of these duties in the same sentence. After the text providing for revenue of the Government for all purposes approved August 27, 1894, it says:

The sum of $500,000 is made immediately available out of any money in the Treasury not heretofore appropriated—

Now, mark this language—

to be expended under the direction of the Attorney-General in the employment of special counsel and agents of the Department of Justice, to conduct—

What? Mark the language—

proceedings, suits, and *prosecutions* under the said act in the courts of the United States.

Mark you; all methods or remedy—mandatory and equally mandatory—"prosecution" with the others. The questions that remain to be determined are twofold. First, the result of this policy of suspending the law, because in the discretion of the Attorney-General or the President it is not wise to execute it as written. What is the result? Why, you saw a little of it here the other day in this Pat Crowe case. A sadder commentary upon the present conditions in America has never been presented than that. A poor little child, in its age of innocency, taken from its home and cruelly abused; merely because it was the child of a millionaire beef-packer-trust man a jury of American citizens, presumably of average sympathy and average intelligence, letting the scoundrel go unwhipped of justice—a scoundrel who deserved, so far as that is concerned, to have been burned at the stake.

And why? Simply because the child he abducted and abused was the child of a millionaire member of the beef-packers' trust. The jury, in their fanatical madness, refused to punish a crime against a little child when its father was a member of the class which obeys no law. The result, my friends, is awful to contemplate. Rich criminals are to go unwhipped of justice, and men on a jury take advantage of that fact wrongfully, abusively, and anarchically—God knows how wrongfully in that particular case—to say that those who offend against these industrial tyrants, even against the most sacred ties of family relationship, shall also go unwhipt of justice. My friends, when the people anywhere lose confidence in the equal administration of law through the courts of justice you have then reached the last point of verging upon anarchy and chaos. When you make the people believe once that the ordinary fellow, who violates the ordinary statutes of the country, is to be punished, but that a great, influential, rich, campaign-contributing man, who violates an anti-trust act, or who violates a railroad rebate act, or anything else, is to be punished or not within "the discretion" of the Attorney-General or the President of the United States, using their discretion to determine whether or not they shall begin prosecutions against him—in that moment of popular belief you have laid your entire institutions open to the inroads of chaotic fanatics, socialists, and anarchists, all of whom resemble one another and trust magnates in this—that none of them respect the law. The minute law becomes personal, industrial, or commercial and ceases to be impersonal, democratic institutions have begun to cease to exist. My friends, here is a result of it that I picked up in a magazine the other day. It was well described.

When Henry H. Rogers, once a grocer's boy—a driver of a delivery wagon in Fairhaven, Mass.—now vice-president of the Standard Oil Company and its executive head, was recently served with a subpœna and brought to the witness stand in proceedings conducted by Attorney-General Hadley, of Missouri, a very considerable portion of the world metaphorically pricked up its ears to hear what he might say. About all it heard was this: "On the advice of counsel, I refuse to answer." The reply was made, with the aid of four or five high-salaried lawyers, to every question of importance.

Thus, you not only teach the mob to refuse to do justice to these men because they refuse to do justice to the common people, but you teach them themselves to treat the law and its agencies in a thoroughly flippant manner, as if the agencies of the law were something beneath their notice. I notice that the press of this country has taken up the incident in that way. The New York Sun, which has been charged with being a corporation paper, still says this:

It is possible for a witness in Mr. Rogers's position to overdo this sort of thing. We are strongly of the opinion that he is overdoing it now. If Mr. Rogers and his codirectors of the Standard Oil and their able and multitudinous counsel apprehended more carefully the temper

of the American people who constitute the spectators at the present spectacle, there would be less buffoonery and more seriousness and decency in their demeanor toward the representatives of even distant law.

And the New York Journal of Commerce, the mouthpiece of the greatest commercial interests of this country, pays attention to the same thing, calls Rogers's conduct "flippant," "disrespectful and sneering contempt."

Has Mr. Rogers gone mad through possession of enormous financial power?

Why, that question is asked by the Wall Street Journal itself. These people's newspapers are beginning to find it out before the Government here in Washington does. The Chicago Evening Post, a conservative paper, speaks of the unseemly spectacle:

Many legitimate interests, perhaps his own, may be injured through him. There never has been a time when honorable men of large affairs have had more need than now to make public and clear their respect for law.

Again:

This is a perilous game to play, gentlemen—

Remarks the New York Mail; and the Richmond Times-Democrat says:

*Since the possession of wealth is safeguarded by law and by the law only,* is it sound sense for a man of great wealth to endeavor to impress the public with the insignificance and impotency of the law?

But why should not the great of the earth treat with flippancy the laws of the country when those charged with the execution of the law, charged in the same breath as they are charged with suing out injunction with the power of criminal prosecution, use their so-called "discretion" to determine as to whether they shall or shall not execute them in the only way the criminal dreads, i. e., by imprisonment? When a late Attorney-General of the United States, after having unexpectedly to his own intent perhaps, succeeded in an injunction, passed the word down the line: "We are not going to run amuck," what did he mean by "running amuck?" Just simply executing the laws of the United States as they were written; that is all. If the laws are wrong, repeal them. The best way, as Grant said, to get rid of a bad law is to execute it. If the law is too drastic or wrong in any respect, it ought to be executed; then it will go. I picked up the Washington Post this morning, which shows how these things are treated differently abroad. The Washington Post at the end of this quotes Uncle Toby, in Tristram Shandy, who said that "they managed things differently in France." What a shame that centralized France can teach us the lesson of equal justice!

Vanderbilt and Shepherd divided southern Europe between them, the former selecting Italy as his particular scene of carnage, and the latter undertaking to do his best with the opportunities afforded him by France.

We all know what happened to young Vanderbilt. He did something to a native with his motor car, and as a result he got most of his clothes kicked off of him by a hot-blooded, impetuous populace.

The incident has now passed into history, and its moral is that the American aristocrat should not try to do business among ignorant people who have never heard how great he is. As regards young Shepard, however, the case is even more distressing. *It really begins to look as though he might have to go to jail.* The French court, with a callous insensibility which deeply grieves us, has decided that young Shepard can not settle for the killing of a little girl through the clearing house in Paris. It has been decreed, in fact, that he must be punished like a plain, ordinary person who has violated the law of the land. The judicial authorities apparently recognize no distinction as between a common individual and an oiled and scented foreign millionaire. Evidently, as Uncle Toby said on a very famous occasion, they manage things differently in France.

Now, Mr. Speaker, let me see what ground there was to go on in the prosecution. What I shall read now is from the opinion delivered by Mr. Justice Harlan in the Northern Securities Company against the United States, Supreme Court opinion, delivered March 14, 1904:

This charter having been obtained, Hill and his associate stockholders of the Great Northern Railway Company, and Morgan and associate stockholders of the Northern Pacific Railway Company—

Now, this is the statement of facts which could have been obtained by the Attorney-General from the public records of the country—

assigned to the Securities Company a controlling amount of the capital stock of the respective constituent companies upon an agreed basis of exchange of the capital stock of the Securities Company for each share of the capital stock of the other companies.

In further pursuance of the combination, the Securities Company acquired additional stock of the defendant railway companies, issuing in lieu thereof its own stock upon the above basis, and, at the time of the bringing of this suit, held, as owner and proprietor, substantially all the capital stock of the Northern Pacific Railway Company, and, it is alleged, a controlling interest in the stock of the Great Northern Railway Company, "and is voting the same and is collecting the dividends thereon, and in all respects is acting as the owner thereof, in the organization, management, and operation of said railway companies and in the receipt and control of their earnings."

* * * * * * *

The several defendants denied all the allegations of the bill imputing to them a purpose to evade the provisions of the act of Congress, or to form a combination or conspiracy having for its object either to restrain or to monopolize commerce or trade among the States or with foreign nations. They denied that any combination or conspiracy was formed in violation of the act.

In our judgment, the evidence fully sustains the material allegations of the bill, and shows a violation of the act of Congress, in so far as it declares illegal every combination or conspiracy in restraint of commerce among the several States and with foreign nations, and forbids attempts to monopolize such commerce or any part of it.

Summarizing the principal facts, it is indisputable upon this record that under the leadership of the defendants Hill and Morgan the stockholders of the Great Northern and Northern Pacific Railway corporations, having competing and substantially parallel lines from the Great Lakes and the Mississippi River to the Pacific Ocean at Puget Sound combined and conceived the scheme of organizing a corporation under the laws of New Jersey, which should *hold* the shares of the stock of the constituent companies, such shareholders, in lieu of their shares in those companies, to receive, upon an agreed basis of value, shares in the holding corporation; that pursuant to such combination the Northern Securities Company was organized as the holding corporation through which the scheme should be executed; and under that scheme such holding corporation has become the holder—more properly speaking, the custodian—of more than nine-tenths of the stock of the Northern Pacific, and more than three-fourths of the stock of the Great Northern, the stockholders of the companies who delivered their stock receiving upon the agreed basis shares of stock in the holding corporation. The stockholders of these two competing companies disappeared, as such, for the moment, but immediately reappeared as stockholders of the holding company which was thereafter to guard the interests of both sets of stockholders as a unit, and to manage, or cause to be managed, both lines of railroad as if held *in one ownership.* Necessarily by this combination or arrangement the holding company in the fullest sense dominates the situation in the interest of those who were stockholders of the constituent companies; as much so, for every practical purpose, as if it had been itself a railroad corporation which had built, owned, and operated both lines for the exclusive benefit of its stockholders. Necessarily, also, the constituent companies ceased, under such a combination, to be in active competition for trade and commerce along their respective lines, and have become, practically, one powerful consolidated corporation, by the name of a holding corporation the principal, if not the sole, object for the formation of which was to carry out the purpose of the original combination under which competition between the constituent companies would cease.

The SPEAKER. The time of the gentleman from Mississippi has expired.

Mr. JENKINS. Mr. Speaker, I will yield the gentleman ten minutes more.

Mr. GROSVENOR. Mr. Speaker, I would like to inquire how the time is to be disposed of, whether it is to be all given to one side. There may be some wanted on this side.

Mr. UNDERWOOD. I was about to ask, Mr. Speaker, that the gentleman from Mississippi be allowed to conclude his remarks without interfering with the time belonging to the gentleman from Wisconsin.

Mr. WILLIAMS. I will not object to any time asked for by others, and I ask unanimous consent, Mr. Speaker, that I may have half an hour to finish, without interfering with the balance of the time under the control of the gentleman from Wisconsin. I am sure I shall not need all the half hour.

The SPEAKER pro tempore (Mr. CAPRON). The gentleman from Mississippi asks that his time be extended thirty minutes without interfering with that of the gentleman from Wisconsin. Is there objection?

There was no objection.

Mr. WILLIAMS. In this connection, mark you, all the evidence in this case upon which the court predicates its opinion is record evidence, deed and contract and charter evidence, every bit of it within the power of the Attorney-General of the United States to obtain and to produce.

Now, the court continues:

Those who were stockholders of the Great Northern and Northern Pacific and became stockholders in the holding company are now interested in preventing all competition between the two lines, and as owners of stock or of certificates of stock in the holding company, they will see to it that no competition is tolerated. They will take care that no persons are chosen directors of the holding company who will permit competition between the constituent companies. The result of the combination is that all the earnings of the constituent companies make a common fund in the hands of the Northern Securities Company to be distributed, not upon the basis of the earnings of the respective constituent companies, each acting exclusively in its own interests, but upon the basis of the certificates of stock issued by the holding company. No scheme or device could more certainly come within the words of the act—"combination in the form of a trust or otherwise * * * in restraint of commerce among the several States or with foreign nations"—or could more effectively and certainly suppress free competition between the constituent companies. This combination is, within the meaning of the act, a "trust;" but if not, it is a *combination in restraint of interstate and international commerce;* and that is enough to bring it under the condemnation of the act.

The mere existence of such a combination and the power acquired by the holding company as its trustee constitute a menace to and a restraint upon that freedom of commerce which Congress intended to recognize and protect, and which the public is entitled to have protected. If such combination be not destroyed, all the advantages that would naturally come to the public under the operation of the general laws of competition, as between the Great Northern and Northern Pacific Railway companies, will be lost, and the entire commerce of the immense territory in the northern part of the United States between the Great Lakes and the Pacific at Puget Sound will be at the mercy of a single holding corporation, organized in a State distant from the people of that territory.

The court further says:

That Congress has the power to establish *rules* by which *interstate and international* commerce shall be governed, and, by the antitrust act, has prescribed the rule of free competition among those engaged in such commerce;

That *every* combination or conspiracy which would extinguish competition between otherwise competing railroads engaged in *interstate trade or commerce*, and which would *in that way* restrain *such* trade or commerce, is made illegal by the act;

That the natural effect of competition is to increase commerce, and an agreement whose direct effect is to prevent this play of competition restrains instead of promoting trade and commerce;

That to vitiate a combination, such as the act of Congress condemns, it need not be shown that the combination, in fact, results or will result in a total suppression of trade or in a complete monopoly, but it is only essential to show that by its necessary operation it tends to restrain interstate or international trade or commerce or tends to create a monopoly in such trade or commerce and to deprive the public of the advantages that flow from free competition.

* * * * * * *

Whether the free operation of the normal laws of competition is a wise and wholesome rule for trade and commerce is an economic question which this court need not consider or determine. Undoubtedly, there are those who think that the general business interests and prosperity of the country will be best promoted if the rule of competition is not applied. But there are others who believe that such a rule is more necessary in these days of enormous wealth than it ever was in any former period of our history. Be all this as it may, Congress has, in effect, recognized the rule of free competition by declaring illegal every combination or conspiracy in restraint of interstate and international commerce. As in the judgment of Congress the public convenience and the general welfare will be best subserved when the natural laws of competition are left undisturbed by those engaged in interstate commerce, and as Congress has embodied that rule in a statute, that must be, for all, the end of the matter, if this is to remain a government of laws, and not of men.

* * * * * * *

It is no answer to say that competition in the salt trade was not in fact destroyed, or that the price of the commodity was not unreasonably advanced. *Courts will not stop to inquire as to the degree of injury inflicted upon the public; it is enough to know that the inevitable tendency of such contracts is injurious to the public.*

The italics here are those of the Supreme Court, not mine.

Such a combination is more than a contract. It is an offense.

That is the language—"An offense," a crime—and as such it invited prosecution, not the mere suing out of an injunction which can be evaded by any very smart lawyer. The court goes on to say:

If the statute is beyond the constitutional power of Congress, the court would fail in the performance of a solemn duty if it did not so declare. But if nothing more can be said than that Congress has erred—and the court must not be understood as saying that it has or has not erred—the remedy for the error and the attendant mischief is the selection of new Senators and Representatives, who, by legislation, will make such changes in existing statutes, or adopt such new statutes, as may be demanded by their constituents and be consistent with law.

I desire now to call especial attention to this language of the Supreme Court because, although it applies to the power of the judiciary, and although it says that the judiciary has no discretion, being a separate and coordinate branch of the Government, to pass upon the wisdom or the unwisdom of an act of Congress, it applies equally well to the Executive:

But even if the court shared the gloomy forebodings in which the defendants indulge—

Defendants' hired lawyers had indulged in the foreboding that if the antitrust law were enforced "all business would stop" and "chaos" would result.

But to read on:

But even if the court shared the gloomy forebodings in which the defendants indulge, it could not refuse to respect the action of the legislative branch of the Government if what it has done is within the limits of its constitutional power. The suggestions of disaster to business have, we apprehend, their origin in the zeal of parties who are opposed to the policy underlying the act of Congress or are interested in the result of this particular case; at any rate, the suggestions imply that the court may and ought to refuse the enforcement of the provisions of the act if, in its judgment, Congress was not wise in prescribing as a rule by which the conduct of interstate and international commerce is to be governed, that every combination, whatever its form, in restraint of such commerce and the monopolizing or attempting to monopolize such commerce shall be illegal. These, plainly, are questions as to the policy of legislation that belong to another department, and this court has no function to supervise such legislation from the standpoint of wisdom or policy. We need only say that Congress has authority to declare, and by the language of its act, as interpreted in prior cases, has, in effect declared, that the freedom of interstate and international commerce shall not be obstructed or disturbed by any combination, conspiracy, or monopoly that will restrain such commerce, by preventing the free operation of competition among interstate carriers engaged in the transportation of passengers and freight.

I also desire the House to hear this language, which appears on page 29. This is a part of the very charter of this company which it got from Republican and corporation-ridden New Jersey, and I call attention to it in order that there may be seen from the description that the Supreme Court gives of the power in that charter that the very charter itself, without another scintilla of evidence, was "a conspiracy" to "attempt to monopolize" and was a conspiracy "in restraint of commerce between the States." Read further:

All the stock it (the holding company) held or acquired in the constituent companies was acquired and held to be used in suppressing competition between those companies. It came into existence only for that purpose. If anyone had full knowledge of what was designed to be accomplished and as to what was actually accomplished by the combination in question it was the defendant Morgan.

The Supreme Court does not hesitate to name him; Morgan, even Pierpont, the Panama Canal disbursing agent. There is nothing partisan about this. I understand Mr. Morgan does not belong to either party, rather pretends to Clevelandism.

Let me quote further:

In this instance, as we have already said, the Securities Company made itself a party to a combination in restraint of interstate commerce that antedated its organization, as soon as it came into existence, doing so, of course, under the direction of the very individuals who promoted it.

* * * * * * *

It is said that this statute contains criminal provisions and must therefore be strictly construed. The rule upon that subject is a very ancient and salutary one. It means only that we must not bring cases within the provisions of such a statute that are not clearly embraced by it, nor by narrow, technical, or forced construction of words exclude cases from it that are obviously within its provisions. What must be sought for always is the intention of the legislature, and the duty of the court is to give effect to that intention as disclosed by the words used.

As early as the case of King *v.* Inhabitants of Hodnett (1 T. R., 96, 101) Mr. Justice Fuller said: "It is not true that the courts in the exposition of penal statutes are to narrow the construction." In United States *v.* Wiltberger (5 Wheat., 76, 95), Chief Justice Marshall, delivering the judgment of this court and referring to the rule that penal statutes are to be construed strictly, said: "It is a modification of the ancient maxim, and amounts to this, that though penal laws are to be construed strictly, they are not to be construed so strictly as to defeat the obvious intention of the legislature.

Now, Mr. Speaker, I did not want to talk about this question until there had been an answer to this resolution. The other day, however, I rose and asked unanimous consent that I might be permitted to wait until a reply from the executive department of the Government came in to the inquiry for information, because, as I said then, it might be possible that the Department of Justice under this Dingley-tariff-blessed Administration had done something; that it had taken some steps toward the prosecution of these rich and powerful and influential criminals. The floor leader of the majority upon the floor of the House objected at that time. Of course I would have lost my place upon the floor, as speaking to a privileged question, if the resolution had then been put in and gone upon the Calendar. I am forced to a certain extent to speak upon what I think is the forthcoming statement of facts. So far as I know, so far as I have been able to learn from the public press, no steps to prosecute criminally whatsoever have been taken, although one year and ten months have expired. So far as I know, the men who are at the head of the Department of Justice and the other Executive Departments of this Government know as well as I know and know as well as you know that any mere suing out of injunctions and any mere fines are not going to stop men of this sort. Mr. Speaker, in that connection I desire to say this, that I think, so far as that is concerned, that the very basic line of our common law is unjust and unequal and wrong in one respect. I do not believe that any offense in the world ought to be punished by a fine *or* imprisonment, because a fine of $10 for a man who is working for $5 a week is an enormous punishment, while a fine of $10 for a man who is working for $5,000 a year or month or week is no punishment at all. I believe that in all criminal statutes the punishment ought to be by fine *and* imprisonment or by imprisonment alone. Amongst a democratic people this is advisable, so that there may be equality of punishment for all criminals, rich and poor alike. But in this particular case these people, although if they have been prosecuted they have gotten off with a fine and escaped imprisonment, were still not prosecuted. All that was done was to sue out to a successful termination this injunction.

Now, Mr. Speaker, I hope that when we get a reply it will not be the reply given last year to substantially this same resolution. Last year this resolution came out of the Committee on the Judiciary and passed this House and was sent to the Attorney-General, and the answer came back that it was "incompatible with public policy" to send the information. I left it there. I did not address the House. I followed the matter no further, because I thought that, being so soon after the decision of the court in the Northern Securities case, perhaps they did not want to tell what they had ready to produce as evidence against these people, but now a year and ten months have expired, and soon the period of limitation will have attached a bar to prosecution under the act itself, and it is time that the legislative power which enacts law should know from the executive power which executes the law whether the law as written, ita lex scripta, has been executed; whether any steps have been taken to execute it, and, if so, what steps? It is impossible now to say truthfully that it is incompatible with public policy to tell us the truth. I hope when the reply comes that it will show that

the public has not known what was going on and that the executive authority has been taking steps, or that the executive authority contemplates taking steps to punish what the Supreme Court calls "more than a contract, an offense," a crime against the laws of the land. Now, Mr. Speaker, I yield back to the gentleman from Wisconsin such time as he has given me. [Applause.]

Mr. JENKINS. Mr. Speaker, I would not occupy one moment of the time of the House replying to the remarks of the learned gentleman from Mississippi were it not for the fact I do not think the gentleman from Mississippi clearly understands the question before the House, and from the further fact that I think the gentleman from Mississippi intended, or has by his remarks, cast some reflection upon the President and upon the Attorney-General. There is no question but what the Supreme Court of the United States held that the contract in the so-called "Northern Securities Company case" came within the condemnation if the statute of 1890, but that is not the question here. This resolution simply asks the Attorney-General as to whether or not he has prosecuted criminally any parties interested in that contract. Now, a glance at the book here before me containing the case discloses that the statute of limitation ran a long time ago upon any criminal procedure, long before the present Attorney-General took upon himself the discharge of his duties. Never having conferred with the Attorney-General, and never having conferred with the President of the United States, I am unable to disclose whether any criminal prosecutions were contemplated under the statute, but I can very readily see that it was very proper, and in the interest, I think, of the people, and of the saving of time and money that no criminal proceedings were had in that case, and I think the President and Attorney-General have done their full duty. It is useless to spend time denying that the Supreme Court of the United States has said that that contract fell within the condemnation of that statute, but, Mr. Speaker, it must be borne in mind that the Supreme Court divided on that question. Four judges said the contract did not fall within the condemnation of that statute, and I want to say for the benefit of my friend from Mississippi that three of those judges were Democrats—Democrats when they were appointed on the bench, were Democrats when they made that decision, and I suppose are Democrats to-day. They were Mr. Justice White, Mr. Chief Justice Fuller, and Mr. Justice Peckham, able and distinguished jurists.

Mr. WILLIAMS. Will the gentleman permit an interruption for one moment?

Mr. JENKINS. Certainly.

Mr. WILLIAMS. The gentleman will admit the very nonpartisan character of the decision reenforces the position which I took.

Mr. JENKINS. No; I do not so appreciate it, and I want to call the attention of the House to the facts in this case. I want them to understand the case was decided by a bare majority of that court and that was in a civil proceeding. The Government accomplished, by the issuing of the injunction and by the decision of the court, all that they wanted. That is, they wanted to destroy the contract that these companies had entered into. Unquestionably, when you read this case and examine the contract you will become satisfied that the contract was drawn by very able and distinguished counsel, and undoubtedly these gentlemen would come into court and say they operated under the advice of counsel, and I think this would be a proper case for them to say that they did not intend to violate the law, but sought most excellent advice before having that contract drawn. Now, the law simply provides that certain contracts should be a nullity and those entering into those contracts should be punished. There is no question about that. There are gentlemen who say there was no intention on the part of those gentlemen who made this contract to violate any law, that undoubtedly they were advised they could safely have that contract drawn, and entered into it, and their judgment was sustained by four members upon the Supreme bench.

Now, Mr. Speaker, it was the intention of the Judiciary Committee to submit this resolution to the Attorney-General for his answer and reply, and, as I say, we can not anticipate what answer the Attorney-General will give to this House; but it must be borne in mind that long before he came into his office the statute of limitations had run, and it would be useless for him to prosecute, and we can not anticipate what his predecessor would have said were his reasons for not bringing criminal prosecutions. But I am satisfied that by not bringing the criminal proceedings it had a tendency to save a large amount of money and a large amount of valuable time, because the time of the legal department of this Government is fully taken up and there is no opportunity there to waste any time, and we certainly do not want them to waste any money. But it will be time enough for us to discuss this question when the report of the Attorney-General comes in and when he has told this House in his own language he did not institute criminal proceedings.

How much time does the gentleman from Ohio [Mr. GROSVENOR] desire?

Mr. GROSVENOR. I do not wish as much time as I did before the gentleman from Wisconsin [Mr. JENKINS] spoke. I think ten minutes will be quite sufficient.

Mr. JENKINS. I will yield ten minutes to the gentleman from Ohio [Mr. GROSVENOR].

Mr. GROSVENOR. Mr. Speaker, it is well to get right at what this resolution is, and when we have done so we can doubtless be prepared to appreciate how little there is in the speech of the gentleman from Mississippi [Mr. WILLIAMS] that pertains in any way to the resolution pending before the House. Ordinarily a Member of Congress who believes that he has an interrogatory to put to a Cabinet officer that will bring out some facts upon which he can base a criticism, waits until the information has been brought to the House, and then attacks the report or the purpose of the Administration. But I suppose the gentleman from Mississippi, knowing exactly what there was in this matter, wisely concluded that the only opportunity that we would have to make an assault upon the President and the Attorney-General would be to do it upon the question of agreeing to this resolution——

Mr. WILLIAMS. Mr. Speaker——

Mr. GROSVENOR. And assuming a lot of facts that do not exist, so far as we know.

The SPEAKER pro tempore. Does the gentleman from Ohio [Mr. GROSVENOR] yield to the gentleman from Mississippi [Mr. WILLIAMS]?

Mr. GROSVENOR. Certainly.

Mr. WILLIAMS. Is not the gentleman well aware of the fact that I several days ago asked unanimous consent to take precisely the course that he is now talking about, and that objection was made by the gentleman from New York [Mr. PAYNE]?

Mr. GROSVENOR. I do not understand the gentleman's statement.

Mr. WILLIAMS. Is not the gentleman aware of the fact that I asked of the House that the privilege to discuss the question, after reply from the Attorney-General, should be granted me by unanimous consent, instead of being forced to discuss it before the reply had come in, and that the request for unanimous consent was objected to by the gentleman from New York [Mr. PAYNE]?

Mr. PAYNE. Mr. Speaker, the gentleman from Mississippi [Mr. WILLIAMS] did ask the opportunity to make a speech at some time upon some subject—not when any bill or resolution was before the House, but to make a speech—and I did object, and I shall always continue to do so.

Mr. WILLIAMS. Mr. Speaker, the record will bear me out in that my request was to discuss this particular question—not "some question"—upon the return of the answer of the Attorney-General.

Mr. GROSVENOR. Mr. Speaker, it is a matter of no importance to me. My point is well taken. The gentleman is undertaking to assume a condition that he can not state to the public exists, and then proceeds to make a speech about it.

Now, what is it that this resolution seeks, and what will be a complete answer? I am going to show you the only answer that can with any propriety be given by the Attorney-General. The gentleman undertakes now to say that he was going to wait for some facts to come from the Attorney-General. What facts? The facts that he asked for in the resolution or some other facts that he did not ask for in the resolution? Let us see what exactly he asks for and what exactly will be a complete and exhaustive answer to his whole tirade here. This resolution states:

> That the Attorney-General is requested, if not incompatible with the public interest, to inform the House whether any criminal prosecutions have been instituted by the Department of Justice against the individuals or corporations which were adjudged recently by the Supreme Court of the United States, in the Northern Securities case, to be guilty of having violated the laws of the United States by entering into unlawful combinations in restrain of interstate commerce.

Then he asks, and that this part has been stricken out by the committee:

> And send to the House all papers and documents and other information bearing upon any prosecution inaugurated or about to be inaugurated in that behalf.

Now then, what will be the answer? It will be a complete answer. I will undertake to say any other answer than the one I am going to make would be an impertinence to this House and to the country and the violation of the proprieties of the office. Will the Attorney-General say to the Speaker of the House?

"I have the honor to acknowledge the receipt of resolution so and so, and in answer thereto, to say that no criminal prosecution has been begun."

Now, there is the whole of it; and out of that a speech, bitter and far-reaching in the position assumed by the speaker, has been made here this afternoon; and that is the whole of it. He has not asked to give the Attorney-General an opportunity to say anything. He has narrowed the Attorney-General down to the bare question, the bare answer, "There has been no criminal prosecution begun." That is all. And then we have it—and burnings and bad verdicts by juries, abuse of small children, horrors upon horrors accumulate; they tread upon each other's heels so swift they come in the imagination of the gentleman, because somebody was not prosecuted in the Northern Securities case after a complete bar of the statute had been created by lapse of time.

Why, Mr. Speaker, is there any lawyer in this House or in the country that believes that, waiving the statute of limitation, there is any jury on earth, not even excepting the Omaha jury of infamous memory, not excepting that jury, do you believe there is any jury on earth would have convicted either one of these men under an indictment alleging violation of the Sherman Act? It would have been puerile upon the part of the prosecuting officers.

I do not know what the Attorney-General will offer, nor do I care; I know enough to know that in the case of a question of civil contract that stood and was being operated for years under the advice of some of the ablest lawyers in the United States of America, that contract when they got it into the Supreme Court was held to be illegal by a vote of five to four, and three or four Democrats on the bench. If there had been two more Democrats then my friend would have been compelled to hold it to be upright and honest. [Laughter.] For the Democrats took the old Democratic doctrine and held that contract was a legal contract; and they are very able men. Would the gentleman from Mississippi hesitate to go into a contract in a matter of a mere business transaction if Justice White told him that it was absolutely legal and right; and if he did get into such a contract, is there any jury in Mississippi that would convict him and send him to the penitentiary?

Now, then, Mr. Speaker, that is the whole of this transaction, and I trust that the Attorney-General will make such a response to this interrogatory as will teach the gentleman that he must put his resolution of inquiry in a little better shape than to simply narrow the question down so as to be able to say to the people of the country, "Look at that! Here is the Attorney-General. I wanted him to tell me all about the Northern Securities case, and here he comes back at me and simply says so and so, and that is an evasion and that is going to produce fire, bloodshed, and anarchy and trouble all over the United States."

I believe if there ever was a conscientious man on the face of the earth it was Knox when he filed his petition or his declaration upon which this adjudication took place. I believe that one of the wisest statements ever made by an Attorney-General was when he gave notice to the people of the country that a foundation had been laid now, a construction had at last by a bare majority been given to the Sherman antitrust law; and from this time forward there must be no more violations of that statute. When he said, "We do not intend to run amuck," he might have been more choice possibly in the selection of the language, but he intended to say to the people of the country, "We have reached this conclusion: We know now what the law is, although we are not quite certain that it will always be upheld. But it is enough to have rendered a judgment in this particular case, and we are not going to hunt around over this country to see how many men we are going to send to the penitentiary."

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. JENKINS. I yield ten minutes to the gentleman from Mississippi.

Mr. WILLIAMS. Mr. Speaker, the gentleman from Ohio will never reach that stage when he is not ready to defend anything that smacks of being connected, however remotely, with a Republican Administration, and he will never lose his adroitness in undertaking the task. The gentleman says that one who introduces a resolution here generally waits until he gets the information demanded in order to discuss it. There is not a Member of the House who does not know that if a gentleman does wait he loses his privilege of discussing it at all, except that he may fulminate in the air when there is time, upon a general appropriation bill, but can not speak to the subject-matter itself when the subject-matter is before the House. In a word, everything he has to say loses its force.

The gentleman says that there will be "only one answer," and he gives that answer, to be made to this resolution. I ask you to mark the answer. The answer that he has given is this: The Attorney-General is to say, according to him, "Mr. Speaker, your inquiry of a certain number received; I reply, no criminal prosecution has been undertaken."

Perhaps the expectation of that sort of reply was my object in offering the resolution. Perhaps I wanted a Republican Attorney-General, under a Republican Administration, plainly to confess to the American people that no steps had been taken in order to prosecute these people. I remember the old Scriptural phrase, "Out of their own mouths shall they be judged;" and I always find it well to get a sufficiency of things out of a fellow's own mouth to judge him, rather than to have to judge him by my own assertions as to what he has done or left undone.

The gentleman says, ex cathedra, that no jury on earth would have found these men—Pierpont Morgan and Hill—guilty. My assertion ex cathedra is as good as his, and I will put it against his, and I will say that no honest jury in the United States would have failed to find a verdict on the facts in this case. [Applause on the Democratic side.] Nobody but a set of lawyers on the bench, quibbling about technicalities and not about facts, would have failed to agree unanimously about the matter. They were disagreeing about law, not about facts. The whole dissenting opinion—being that of the minority of the bench—is based upon the idea that these facts which I have outlined, being confessed, did not come under the antitrust law, because there was not an "unreasonable" restraint of commerce, and the majority decided that *any* restraint was violative of the law, and moreover decided that this *was* an unreasonable restraint, except one judge who, passing upon the reasonableness or unreasonableness of it, said that it was an unreasonable restraint.

The gentleman says that I offer this resolution because this prosecution is barred. I did not know until a moment ago that it was, if it is; but I do know this, that it was not barred within quite a long time after the decision of the Supreme Court in the Northern Securities case, and unless I am woefully mistaken—and if I am the gentleman from Wisconsin will correct me—it was not barred at the time the former resolution was offered by me in the last Congress and passed by this House.

Why, the gentleman from Ohio [Mr. GROSVENOR] tells us that what the Northern Securities case amounts to is this: A paternal injunction upon the part of the court and of the Government that "there must be no more violations of the antitrust act." Does the gentleman know with whom he is dealing? Does he suppose a mild injunction to that effect is going to have any effect upon these people? Does he presume that a fine, unless it is large enough to go to their millions of fortune, will have any effect upon them? Does he believe it is right for the Executive so to execute the laws as to make a decision of the Supreme Court construing an act of Congress, and consequently the act of Congress of itself, amount to nothing more save only an injunction that you "must not any more violate the antitrust laws?"

My God, Mr. Speaker, if that is all it meant, it fell hurtless at the feet of these people and of their kind all over this country. Are they violating the antitrust law any less since the Northern Securities decision was pronounced than they were violating it before? Is there a man of common sense within the sound of my voice who does not know there is a steel trust, who does not know there is a glass trust, who does not know there is a tobacco trust, who does not know there is a beef trust? This poor, miserable criminal—this degenerate Pat Crowe—who, as I said a moment ago, acted in this fiendish way toward a little child—and the greatest crime that can be perpetrated in this world is a crime against a woman or a child, against somebody who is helpless, against somebody who is tied around with our very heart strings—even this fellow plausibly defended himself the other day by saying that Cudahy, the beef-trust man, was contending that a confession he made to the attorney-general ought not to be used against him in evidence, and that therefore a confession that he, Crowe, had made in the case of abducting his (Cudahy's) child ought not to be used against him in evidence.

Has your mild injunction, "You must not any more violate the antitrust laws;" the promise, "We are not going to run amuck, but you must quit it;" "I do not want to hurt you, but it must stop," has all that had any effect, and if so, upon whom?

The gentleman from Ohio, with all his experience, with all his ingenuity, can not answer "upon whom" it has had any effect. He can not give the name of a single party in the United States engaged in conspiracy and combination in re-

straint of trade, engaged in attempting to monopolize commerce, upon whom that decision has had the slightest deterrent effect.

When they contributed to the Republican campaign fund in the last Presidential campaign, they either knew they were safe, or else "bought their peace."

From all I can learn that decision has had no effect whatever upon the parties except to make them change the form of their violation. The last I had heard of it they had not returned to the original parties—the Northern Pacific Railroad and the Great Northern Railroad stockholders—the stock that had been put into this holding company, and for all practical purposes the whole thing is now under one management and one operation. Smart lawyers amply paid can evade an injunction at any time.

Mr. GROSVENOR. Will the gentleman allow me an interruption?

Mr. WILLIAMS. Yes.

Mr. GROSVENOR. I am sure the gentleman from Mississippi does not want to predicate an argument upon erroneous facts.

Mr. WILLIAMS. The gentleman from Ohio would be the last man to say that I did.

Mr. GROSVENOR. I think the gentleman will find, on investigation, that all the stock, bonds, and everything else connected with the merger have been given back.

Mr. WILLIAMS. I said that the last I heard of it they had not been. I have not kept up with the thing down to this very date. If done, how long ago was it done?

Mr. GROSVENOR. I think it was but a short time ago when it was finally closed up.

Mr. WILLIAMS. That is what I thought—a very short time, if at all. Now, Mr. Speaker, I would have much preferred to take the course indicated by the gentleman from Ohio. I would have preferred to hear from the Administration before speaking. I said so to the House the other day. I said I hated to take it for granted that there has been no prosecution until I heard from the Attorney-General himself that there had been none. The gentleman from Ohio tells me that all that anxiety growing out of the fear of doing injustice to the Administration—a fear which I always entertain with regard to anybody I am talking about—he tells me that all that fear is futile and useless. He tells me beforehand that the Attorney-General will make reply "that no prosecution has been undertaken." Perhaps he will also make reply that he is now barred from beginning a prosecution, but that will not account for the fact that action was not taken when the prosecution was not barred. That will not remove the responsibility from the door of the Administration. [Applause].

Mr. JENKINS. I believe, Mr. Speaker, that the amendment reported by the committee has been adopted. If so, I will ask for a vote on the resolution.

The resolution was agreed to.

On motion of Mr. JENKINS, a motion to reconsider the last vote was laid on the table.

ORDER OF BUSINESS.

Mr. CURTIS. Mr. Speaker, I desire to give notice that the Indian appropriation bill will be called up to-morrow morning immediately after the reading of the Journal.

COMMITTEE ON THE ELECTION OF PRESIDENT, VICE-PRESIDENT, ETC.

Mr. GAINES of West Virginia. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk.

The Clerk read as follows:

*Resolved*, That the Committee on Election of President, Vice-President, and Representatives in Congress, or such subcommittee as they may designate, shall have leave to sit during the sessions of the House during the Fifty-ninth Congress and during the recess.

The resolution was agreed to.

MEMORIAL SERVICES FOR THE LATE SENATOR PLATT.

Mr. SPERRY. Mr. Speaker, I offer the following order, and ask for its adoption.

The Clerk read as follows:

*Ordered*, That Saturday, April 14, at 1 o'clock, be set apart for addresses on the life, character, and public services of Hon. Orville H. Platt, late a Senator from the State of Connecticut.

The order was adopted.

WITHDRAWAL OF PAPERS.

Mr. MACON, by unanimous consent, was given leave to withdraw from the files of the House, without leaving copies, papers in the case of Henry P. Grant, Fifty-eighth Congress, no adverse report having been made thereon.

ENROLLED BILL SIGNED.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 1234. An act to provide for the appropriate marking of the graves of the soldiers and sailors of the Confederate army and navy who died in northern prisons and were buried near the prison where they died, and for other purposes.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had presented to the President of the United States, for his approval, the following bills:

H. R. 297. An act to authorize the construction of dams and power stations on the Tennessee River at Muscle Shoals, Ala.;

H. R. 7139. An act legalizing the removal of the county seat of Washita County, Okla.;

H. R. 12614. An act to change the name of a portion of T street to California street;

H. R. 13308. An act to authorize the construction of a bridge across the Arkansas River at Pine Bluff;

H. R. 13365. An act to amend an act entitled "An act authorizing the Kensington and Eastern Railroad Company to construct a bridge across the Calumet River," approved February 7, 1905; and

H. R. 10067. An act authorizing the disposition of surplus and allotted lands on the Yakima Indian Reservation, in the State of Washington, which can be irrigated under the act of Congress approved June 17, 1902, known as the "reclamation act," and for other purposes.

REPRINT OF A BILL.

Mr. BONYNGE. Mr. Speaker, I ask unanimous consent for the reprint of the bill H. R. 15442 and the report thereon (No. 1789).

The SPEAKER. The gentleman from Colorado asks unanimous consent for the reprint of the bill and report which he indicates. Is there objection?

There was no objection.

Mr. PAYNE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 4 o'clock and 35 minutes p. m.) the House adjourned until to-morrow, at 12 o'clock noon.

## EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the Secretary of the Interior submitting an estimate of deficiency appropriation for public printing and binding—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of Commerce and Labor, transmitting the final report of Special Agent Charles M. Pepper on trade conditions in Mexico—to the Committee on Interstate and Foreign Commerce.

A letter from the Secretary of State, transmitting two ordinances enacted by the executive council of Porto Rico—to the Committee on Insular Affairs, and ordered to be printed.

A letter from the chairman of the excise board, District of Columbia, transmitting a report of the operations of the board for the license year ended October 31, 1905—to the Committee on the District of Columbia, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of the Navy submitting an estimate of appropriation for defense of Midway Islands—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of Commerce and Labor, transmitting draft of a bill to simplify the issue of enrollments and licenses of vessels of the United States—ordered to be printed (not referred).

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. STEVENS of Minnesota, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 4128) permitting the building of a dam across the Red Lake River at or near the junction of Black River with said Red Lake River in Red Lake County, Minn., reported the same with amendment, accompanied by a report (No. 1898); which said bill and report were referred to the House Calendar.

Mr. ADAMSON, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House

(H. R. 14808) authorizing the Choctawhatchee Power Company to erect a dam in Dale County, Ala., reported the same without amendment, accompanied by a report (No. 1899); which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 15263) to authorize William Smith and associates to bridge the Tug Fork of the Big Sandy River, near Williamson, W. Va., where the same forms the boundary line between the States of West Virginia and Kentucky, reported the same with amendment, accompanied by a report (No. 1900); which said bill and report were referred to the House Calendar.

Mr. STEVENS of Minnesota, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 15649) extending the time for the construction of the dam across the Mississippi River authorized by the act of Congress approved March 12, 1904, reported the same without amendment, accompanied by a report (No. 1901); which said bill and report were referred to the House Calendar.

## REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13823) granting an increase of pension to William Van Keuren, reported the same with amendment, accompanied by a report (No. 1838); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13884) granting an increase of pension to Helen Augusta Mason Boynton, reported the same with amendment, accompanied by a report (No. 1839); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14078) granting a pension to Nathaniel Sumners, reported the same with amendment, accompanied by a report (No. 1840); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14454) granting an increase of pension to William A. Blossom, reported the same with amendment, accompanied by a report (No. 1841); which said bill and report were referred to the Private Calendar.

Mr. HOPKINS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14878) granting an increase of pension to Charles Rattray, reported the same with amendment, accompanied by a report (No. 1842); which said bill and report were referred to the Private Calendar.

Mr. LINDSAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14442) granting an increase of pension to Ester M. Lowe, reported the same with amendment, accompanied by a report (No. 1843); which said bill and report were referred to the Private Calendar.

Mr. WEISSE, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13341) granting an increase of pension to Robert C. Pate, reported the same without amendment, accompanied by a report (No. 1844); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15622) granting an increase of pension to Argyle Z. Buck, reported the same with amendment, accompanied by a report (No. 1845); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15392) granting an increase of pension to John W. Wise, reported the same without amendment, accompanied by a report (No. 1846); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15414) granting an increase of pension to John L. Blinn, reported the same with amendment, accompanied by a report (No. 1847); which said bill and report were referred to the Private Calendar.

Mr. WEISSE, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14258) granting an increase of pension to John S. Miles, reported the same without amendment, accompanied by a report (No. 1848); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14489) granting an increase of pension to Peter Krieger, reported the same with amendment, accompanied by a report (No. 1849); which said bill and report were referred to the Private Calendar.

Mr. HOPKINS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14235) granting an increase of pension to John Williams, reported the same with amendment, accompanied by a report (No. 1850); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10404) granting an increase of pension to John Moules, reported the same with amendment, accompanied by a report (No. 1851); which said bill and report were referred to the Private Calendar.

Mr. LINDSAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12880) granting an increase of pension to Lorenzo D. Mason, reported the same without amendment, accompanied by a report (No. 1852); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13723) granting an increase of pension to John Underwood, reported the same with amendment, accompanied by a report (No. 1853); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12122) granting an increase of pension to Robert G. Shuey, reported the same with amendment, accompanied by a report (No. 1854); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11076) granting a pension to Marion W. Starks, reported the same with amendment, accompanied by a report (No. 1855); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13336) granting an increase of pension to Samuel Horn, reported the same with amendment, accompanied by a report (No. 1856); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11702) granting an increase of pension to Lucy A. Pender, reported the same with amendment, accompanied by a report (No. 1857); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 11143) granting an increase of pension to Levi B. Noulton, reported the same with amendment, accompanied by a report (No. 1858); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12205) granting an increase of pension to George Holden, reported the same with amendment, accompanied by a report (No. 1859); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11206) granting an increase of pension to John Wilhelm, reported the same with amendment, accompanied by a report (No. 1860); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12992) granting an increase of pension to Henry G. Klink, reported the same with amendment, accompanied by a report (No. 1861); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15199) granting an increase of pension to John T. Cook, reported the same with amendment, accompanied by a report (No. 1862); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15552) granting an increase of pension to George W. Hayter, reported the same with amendment, accompanied by a report (No. 1863); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10879) granting an increase of pension to Thomas E. Myres, reported the same with amendment, accompanied by a report (No. 1864);

which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12192) granting an increase of pension to William Cummings, reported the same with amendment, accompanied by a report (No. 1865); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13217) granting a pension to Joshua Barnes, reported the same with amendment, accompanied by a report (No. 1866); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11597) granting a pension to George M. Apgar, reported the same with amendment, accompanied by a report (No. 1867); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12241) granting an increase of pension to Elizabeth E. Barber, reported the same with amendment, accompanied by a report (No. 1868); which said bill and report were referred to the Private Calendar.

Mr. KELIHER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10252) granting a pension to Joseph J. Vincent, reported the same with amendment, accompanied by a report (No. 1869); which said bill and report were referred to the Private Calendar.

Mr. HOPKINS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8578) granting an increase of pension to Franklin G. Mattern, reported the same with amendment, accompanied by a report (No. 1870); which said bill and report were referred to the Private Calendar.

Mr. WEISSE, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7807) granting an increase of pension to John D. Atwater, reported the same with amendment, accompanied by a report (No. 1871); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8565) granting an increase of pension to Andrew La Forge, reported the same with amendment, accompanied by a report (No. 1872); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8942) granting an increase of pension to Marquis L. Johnson, reported the same with amendment, accompanied by a report (No. 1873); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9888) granting a pension to Abigail Townsend, reported the same with amendment, accompanied by a report (No. 1874); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9093) granting an increase of pension to Farrie M. Allis, reported the same with amendment, accompanied by a report (No. 1875); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9813) granting a pension to Harriet P. Sanders, reported the same with amendment, accompanied by a report (No. 1876); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10019) granting an increase of pension to Jonathan Shook, reported the same without amendment, accompanied by a report (No. 1877); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7609) granting an increase of pension to Charles Henderson, reported the same with amendment, accompanied by a report (No. 1878); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8042) granting an increase of pension to Bottol Larsen, reported the same without amendment, accompanied by a report (No. 1879); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10300) granting an increase of pension to George C. Sackett, reported the same without amendment, accompanied by a report (No. 1880); which said bill and report were referred to the Private Calendar.

Mr. HOPKINS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3978) granting an increase of pension to Samuel Greenlee, reported the same with amendment, accompanied by a report (No. 1881); which said bill and report referred to the Private Calendar.

Mr. WEISSE, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4352) granting an increase of pension to Thomas Wolcott, reported the same without amendment, accompanied by a report (No. 1882); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5403) granting an increase of pension to John Lines, reported the same without amendment, accompanied by a report (No. 1883); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4717) granting a pension to Marshall U. Gage, reported the same with amendment, accompanied by a report (No. 1884); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4766) granting an increase of pension to John Deardourff, reported the same with amendment, accompanied by a report (No. 1885); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6465) granting an increase of pension to Augustus Joyeux, reported the same with amendment, accompanied by a report (No. 1886); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4261) granting a pension to Louise S. McWhinnie, reported the same with amendment, accompanied by a report (No. 1887); which said bill and report were referred to the Private Calendar.

Mr. LINDSAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6775) granting an increase of pension to William A. Lincoln, reported the same with amendment, accompanied by a report (No. 1888); which said bill and report were referred to the Private Calendar.

Mr. WEISSE, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3223) granting an increase of pension to Thomas G. McLaughlin, reported the same with amendment, accompanied by a report (No. 1889); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2640) granting a pension to Decatur Harman, reported the same with amendment, accompanied by a report (No. 1890); which said bill and report were referred to the Private Calendar.

Mr. KELIHER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2195) granting a pension to Hannah A. Sawyer, reported the same with amendment, accompanied by a report (No. 1891); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1241) granting an increase of pension to John G. Wallace, reported the same with amendment, accompanied by a report (No. 1892); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 523) granting an increase of pension to Frank G. Hawkins, reported the same with amendment, accompanied by a report (No. 1893); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 533) granting an increase of pension to Sumner F. Hunnewell, reported the same with amendment, accompanied by a report (No. 1894); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1655) granting an increase of pension to Henry A. Wheeler, reported the same with amendment, accompanied by a report (No. 1895); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13153) granting an increase of pension to George Budden, re-

ported the same without amendment, accompanied by a report (No. 1896); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8823) granting an increase of pension to Charles C. Briant, reported the same without amendment, accompanied by a report (No. 1897); which said bill and report were referred to the Private Calendar.

## PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. MACON: A bill (H. R. 16126) to enlarge the authority of the Mississippi River Commission in making allotments and expenditures of funds appropriated by Congress for the improvement of the Mississippi River—to the Committee on Levees and Improvements of the Mississippi River.

By Mr. VAN WINKLE: A bill (H. R. 16127) to establish a light and fog signal in New York Bay, at the entrance to the dredged channel at Greenville, N. J.—to the Committee on Interstate and Foreign Commerce.

By Mr. BINGHAM: A bill (H. R. 16128) concerning the make-up of the Official Army Register—to the Committee on Military Affairs.

Also, a bill (H. R. 16129) providing for the purchase by the Government of the United States of the painting of The Historical Portrait Group, by A. G. Heaton, of Washington, D. C., containing eighteen portraits of the promoters of the new Library building—to the Committee on the Library.

By Mr. BIRDSALL: A bill (H. R. 16130) providing for free trade with the Philippine Islands—to the Committee on Ways and Means.

By Mr. CUSHMAN: A bill (H. R. 16131) to aid in the construction of a railroad and telegraph and telephone line in the district of Alaska—to the Committee on the Territories.

By Mr. NORRIS: A bill (H. R. 16132) granting certain public lands to the State of Nebraska for the support of common schools—to the Committee on the Public Lands.

By Mr. GROSVENOR: A bill (H. R. 16133) to simplify the issue of enrollments and licenses of vessels of the United States—to the Committee on the Merchant Marine and Fisheries.

By Mr. BROWNLOW: A bill (H. R. 16134) to regulate and provide for the direction and preparation of medical prescriptions in all the Territories under the exclusive control and jurisdiction of the United States and in its insular possessions—to the Committee on Insular Affairs.

By Mr. McNARY: A bill (H. R. 16135) to establish postal savings banks for depositing savings at interest, with the security of the Government for the repayment thereof, and for other purposes—to the Committee on the Post-Office and Post-Roads.

Also, a bill (H. R. 16136) fixing the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. DRISCOLL: A bill (H. R. 16137) to amend section 3392, Revised Statutes, as amended by section 32, act of October 1, 1890—to the Committee on Ways and Means.

By Mr. WILEY of Alabama: A bill (H. R. 16138) to grant a right of way through the military reservation at Fort Morgan to the Navy Cove Harbor and Railroad Company, and for other purposes—to the Committee on Military Affairs.

By Mr. HOPKINS: A bill (H. R. 16139) to improve Little Sandy River, in the State of Kentucky, by removing rocks, snags, and other obstructions to the floating commerce of same—to the Committee on Rivers and Harbors.

By Mr. HOWARD: A bill (H. R. 16140) to authorize the maintaining and operating for toll an existing structure across the Tugaloo River, known as Knox's bridge, at a point where said river is the boundary between the States of South Carolina and Georgia—to the Committee on Interstate and Foreign Commerce.

By Mr. BABCOCK: A bill (H. R. 16141) to amend section 679 of an act entitled "An act to establish a code of law for the District of Columbia," approved March 3, 1901, and an act entitled "An act to prevent the spread of contagious diseases in the District of Columbia," approved March 3, 1897—to the Committee on the District of Columbia.

Also, a bill (H. R. 16142) to amend sections 675, 676, 683, 684, and 686 of the Code of Law for the District of Columbia, and other laws and regulations relating to the registration of deaths, removal of dead bodies, and for other purposes—to the Committee on the District of Columbia.

By Mr. GRONNA: A bill (H. R. 16225) providing for the creating of a fund with the Comptroller of the Currency for the payment of deposits in national banks that may hereafter become insolvent—to the Committee on Banking and Currency.

By Mr. FLACK: A joint resolution (H. J. Res. 109) providing for a survey of the harbor at Ogdensburg, N. Y.—to the Committee on Rivers and Harbors.

By Mr. HERMANN: A joint resolution (H. J. Res. 110) proposing an amendment to the Constitution providing for the election of Senators of the United States—to the Committee on Election of President, Vice-President, and Representatives in Congress.

By Mr. LOVERING: A joint resolution (H. J. Res. 111) authorizing the Secretary of War, in his discretion, to cause to be sold or leased the Alaskan telegraph system of the United States—to the Committee on Military Affairs.

By Mr. SMITH of Illinois: A resolution (H. Res. 353) concerning allowances for clerk hire to certain committees of the House—to the Committee on Accounts.

By Mr. GILLESPIE: A resolution (H. Res. 354) requesting information from the Attorney-General concerning a combination between certain druggists and manufacturers of patent medicines—to the Committee on the Judiciary.

By Mr. LACEY: A memorial from the Iowa general assembly, favoring the pure-food law—to the Committee on Interstate and Foreign Commerce.

By Mr. DAWSON: A memorial from the legislature of the State of Iowa, favoring the enactment of a pure-food law—to the Committee on Interstate and Foreign Commerce.

## PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ACHESON: A bill (H. R. 16143) to correct the military record of Henry Applegate—to the Committee on Military Affairs.

By Mr. ADAMS of Pennsylvania: A bill (H. R. 16144) to correct the military record of William R. Walsh—to the Committee on Military Affairs.

By Mr. BARTHOLDT: A bill (H. R. 16145) granting a pension to Edward Howard—to the Committee on Invalid Pensions.

By Mr. BINGHAM: A bill (H. R. 16146) granting a pension to Casandra Kane—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16147) granting a pension to Mary F. Clayton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16148) granting a pension to Frances M. Mintzer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16149) granting a pension to Matilda Daly—to the Committee on Pensions.

Also, a bill (H. R. 16150) granting a pension to Ellen Downs—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16151) granting a pension to George A. Cooper—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16152) granting a pension to Catherine Hutchinson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16153) granting a pension to W. V. Feltwell—to the Committee on Pensions.

Also, a bill (H. R. 16154) granting an increase of pension to Charles E. Tipton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16155) granting an increase of pension to James Wilson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16156) granting an increase of pension to Alfred Wood—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16157) granting an increase of pension to Aaron Archer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16158) granting an increase of pension to Harriett V. Gobrecht—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16159) granting an increase of pension to Henry D. Miller—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16160) to remove the charge of desertion from James Bothwell—to the Committee on Military Affairs

Also, a bill (H. R. 16161) to remove the charge of desertion against James Dolin—to the Committee on Military Affairs.

Also, a bill (H. R. 16162) to remove the charge of desertion from Charles H. Silby—to the Committee on Military Affairs.

By Mr. BIRDSALL: A bill (H. R. 16163) granting a pension to Walter G. Fox—to the Committee on Pensions.

Also, a bill (H. R. 16164) granting an increase of pension to Charles Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16165) granting an increase of pension to Morris Smith—to the Committee on Invalid Pensions.

By Mr. BURGESS: A bill (H. R. 16166) for the relief of A. J., C. C., and T. W. Hodges—to the Committee on Claims.

By Mr. BURLEIGH: A bill (H. R. 16167) granting an increase of pension to John L. Thompson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16168) granting an increase of pension to Charles A. Chase—to the Committee on Invalid Pensions.

By Mr. CAPRON: A bill (H. R. 16169) granting a pension to Neal O'Donnel Parks—to the Committee on Pensions.

By Mr. CLARK of Missouri: A bill (H. R. 16170) for the relief of Eberhard Giebler—to the Committee on War Claims.

By Mr. COOPER of Wisconsin: A bill (H. R. 16171) granting an increase of pension to Orson N. Coon—to the Committee on Invalid Pensions.

By Mr. COUSINS: A bill (H. R. 16172) granting an increase of pension to Alexander M. Proctor—to the Committee on Invalid Pensions.

By Mr. CURRIER: A bill (H. R. 16173) granting a pension to Sarah Smith—to the Committee on Invalid Pensions.

By Mr. DOVENER: A bill (H. R. 16174) granting an increase of pension to John Williamson—to the Committee on Invalid Pensions.

By Mr. DRAPER: A bill (H. R. 16175) granting an increase of pension to Samuel H. Bentley—to the Committee on Pensions.

By Mr. DWIGHT: A bill (H. R. 16176) granting an increase of pension to William J. Moon—to the Committee on Invalid Pensions.

By Mr. FASSETT: A bill (H. R. 16177) granting an increase of pension to Nelson E. Evans—to the Committee on Invalid Pensions.

By Mr. FLACK: A bill (H. R. 16178) granting a pension to John W. Treadway—to the Committee on Invalid Pensions.

By Mr. FLETCHER: A bill (H. R. 16179) granting an increase of pension to William N. J. Burns—to the Committee on Invalid Pensions.

By Mr. FULKERSON: A bill (H. R. 16180) for the relief of the legal representatives of Horace Walker, late of the city of Glasgow, Mo.—to the Committee on War Claims.

By Mr. GRANGER: A bill (H. R. 16181) granting an increase of pension to Ann Rafferty—to the Committee on Invalid Pensions.

By Mr. GUDGER: A bill (H. R. 16182) granting an increase of pension to S. F. Williams—to the Committee on Pensions.

Also, a bill (H. R. 16183) granting an increase of pension to Susan A. Reynolds—to the Committee on Pensions.

By Mr. HALE: A bill (H. R. 16184) granting an increase of pension to Elijah W. Adkins—to the Committee on Invalid Pensions.

By Mr. HERMANN: A bill (H. R. 16185) granting a pension to Martin Markeson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16186) granting a pension to William T. A. H. Boles—to the Committee on Invalid Pensions.

By Mr. HIGGINS: A bill (H. R. 16187) granting an increase of pension to Ira A. Wood—to the Committee on Invalid Pensions.

By Mr. HILL of Connecticut: A bill (H. R. 16188) granting a pension to Edward C. Bowers—to the Committee on Invalid Pensions.

By Mr. HOAR: A bill (H. R. 16189) to pay John A. Taft for services rendered during the civil war—to the Committee on War Claims.

By Mr. HOPKINS: A bill (H. R. 16190) granting an increase of pension to J. T. Caskey—to the Committee on Invalid Pensions.

By Mr. HOUSTON: A bill (H. R. 16191) to remove the charge of desertion from the record of John W. Claxton—to the Committee on Military Affairs.

By Mr. HUFF: A bill (H. R. 16192) granting an increase of pension to Charles Reed—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16193) granting an increase of pension to Daniel Shrader—to the Committee on Invalid Pensions.

By Mr. KALANIANAOLE: A bill (H. R. 16194) for payment to Liliuokalani, formerly Queen of the Kingdom of Hawaii—to the Committee on Claims.

By Mr. KLEPPER: A bill (H. R. 16195) granting an increase of pension to David Groves—to the Committee on Invalid Pensions.

By Mr. LAMB: A bill (H. R. 16196) for the relief of Frederic William Scott—to the Committee on Claims.

By Mr. LEE: A bill (H. R. 16197) for the relief of the heirs of Mrs. Elizar A. Clay, deceased—to the Committee on War Claims.

By Mr. LITTAUER: A bill (H. R. 16198) for the relief of Robert H. Brown—to the Committee on War Claims.

Also, a bill (H. R. 16199) for the relief of Robert H. Brown—to the Committee on War Claims.

Also, a bill (H. R. 16200) for the relief of Francis J. Cleary, a midshipman in the United States Navy—to the Committee on Naval Affairs.

By Mr. MAHON: A bill (H. R. 16201) for the relief of the legal representatives of Samuel Schiffer—to the Committee on War Claims.

By Mr. MOON of Pennsylvania: A bill (H. R. 16202) granting an increase of pension to Joseph Uhll—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16203) granting an increase of pension to Mary Douglas—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16204) granting an increase of pension to Isabella Brockway—to the Committee on Invalid Pensions.

By Mr. MUDD: A bill (H. R. 16205) for the relief of the estate of Kelita Suit, deceased—to the Committee on War Claims.

By Mr. NEEDHAM: A bill (H. R. 16206) for the relief of the estate of Vincente Gomez, deceased—to the Committee on War Claims.

By Mr. RANSDELL of Louisiana: A bill (H. R. 16207) for the relief of Alan Rigan, or Allen Riggan—to the Committee on Military Affairs.

By Mr. RHINOCK: A bill (H. R. 16208) for the relief of the heirs of W. W. Fenton—to the Committee on War Claims.

By Mr. RICHARDSON of Kentucky: A bill (H. R. 16209) for the relief of the estate of T. S. Grider, deceased—to the Committee on War Claims.

Also, a bill (H. R. 16210) granting an increase of pension to Abraham G. Long—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16211) granting an increase of pension to John W. Montgomery—to the Committee on Invalid Pensions.

By Mr. SCROGGY: A bill (H. R. 16212) granting an increase of pension to Henry C. Stuart—to the Committee on Invalid Pensions.

By Mr. STEVENS of Minnesota: A bill (H. R. 16213) to grant certificates of merit to Edward R. Coppock and others—to the Committee on Military Affairs.

By Mr. SOUTHWICK: A bill (H. R. 16214) granting an increase of pension to Theodore Metcalf—to the Committee on Invalid Pensions.

By Mr. TAYLOR of Ohio: A bill (H. R. 16215) granting an increase of pension to Mary Dagenfield—to the Committee on Pensions.

Also, a bill (H. R. 16216) for the relief of Thomas Finley—to the Committee on War Claims.

By Mr. TYNDALL: A bill (H. R. 16217) granting an increase of pension to Tennessee Miles—to the Committee on Invalid Pensions.

By Mr. WEBBER: A bill (H. R. 16218) for the relief of The Daily Globe—to the Committee on Claims.

Also, a bill (H. R. 16219) granting an increase of pension to Charles B. Hummelwright—to the Committee on Invalid Pensions.

By Mr. WEISSE: A bill (H. R. 16220) granting an increase of pension to George C. Powell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16221) granting an increase of pension to Job Clark—to the Committee on Invalid Pensions.

By Mr. WOODYARD: A bill (H. R. 16222) granting an increase of pension to Napoleon B. Ferrell—to the Committee on Invalid Pensions.

By Mr. HOWARD: A bill (H. R. 16223) to renew letters patent heretofore issued to Leonidas A. Roberts—to the Committee on Patents.

Also, a bill (H. R. 16224) granting an increase of pension to Francis M. Crawford—to the Committee on Pensions.

## CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 15894) granting an increase of pension to Alma L. Wells, and it was referred to the Committee on Pensions.

## PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Memorial of railway organizations, asking for legislation in relation to the liability of employers and the use of the injunction process by the courts—to the Committee on the Judiciary.

By Mr. ACHESON: Petition of Freedom Lodge, No. 302, of Rochester, Pa., and Division No. 326, Order of Railway Con-

ductors, for the Bates-Penrose bill—to the Committee on the Judiciary.

Also, petition of citizens of Industry, Pa., against bill H. R. 10510—to the Committee on the District of Columbia.

Also, paper to accompany bill for relief of Henry Applegate—to the Committee on Military Affairs.

Also, paper to accompany bill for relief of Irwin M. Holt—to the Committee on Invalid Pensions.

By Mr. ADAMS of Pennsylvania: Petition of the State Federation of Pennsylvania Women, for preservation of Niagara Falls—to the Committee on Rivers and Harbors.

Also, petition of the State Federation of Pennsylvania Women, for the Morris law and for a forest reservation in the White Mountains—to the Committee on Agriculture.

Also, petition of citizens of Pennsylvania, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of citizens of Pennsylvania, relative to the Five Civilized Tribes of Indians—to the Committee on Indian Affairs.

By Mr. ADAMS of Wisconsin: Petition of citizens of Albion, Wis., against bill H. R. 10510—to the Committee on the District of Columbia.

By Mr. ALEXANDER: Petition of the International Gazette, against the tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of Methodist Episcopal ministers of Buffalo, N. Y., in favor of the Littlefield bill—to the Committee on the Judiciary.

Also, petition of the Musicians' Protective Association of Buffalo, N. Y., favoring bill H. R. 8748—to the Committee on Naval Affairs.

Also, petitions of the Buffalo Credit Men's Association, the Buffalo Hard Wood Exchange, the Buffalo Lumber Exchange, the Chamber of Commerce, the Manufacturers' Club, and the East Buffalo Live Stock Association, opposing repeal of the bankruptcy law—to the committee on the Judiciary.

By Mr. ALLEN of Maine: Petition of the Maine Coast Cottager, against the tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of C. A. Hall et al., for bill H. R. 180—to the Committee on Agriculture.

Also, petition of C. A. Hall et al., for bill H. R. 16099—to the Committee on the Merchant Marine and Fisheries.

Also, petition of C. A. Hall et al., for a parcels post—to the Committee on the Post-Office and Post-Roads.

Also, petition of C. A. Hall et al., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of C. A. Hall et al., against repeal of the 10 per cent tax on imitation butter—to the Committee on Agriculture.

By Mr. BARCHFELD: Petition of J. B. Clinedinst, relative to the merchant marine—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the Protective Tariff League, against amendment of the tariff laws—to the Committee on Ways and Means.

Also, petition of Thompson & Co., of Mount Jewett, Pa., relative to post-office legislation—to the Committee on the Post-Office and Post-Roads.

Also, petition of the Columbia National Bank, for bill H. R. 8973—to the Committee on Banking and Currency.

By Mr. BARTHOLDT: Petition of the Waterways Journal, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. BATES: Petition of the James Houston Company, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of M. F. Robinson, of Sanford, Fla., for pensions for telegraphers of the civil war—to the Committee on Invalid Pensions.

Also, petition of the Woman's Christian Temperance Union of Conneautville, Pa., against sale of liquor in Government buildings—to the Committee on Alcoholic Liquor Traffic.

Also, petition of M. Bloss, of Titusville, Pa., for pensions to telegraphers of the civil war—to the Committee on Invalid Pensions.

Also, petition of B. C. Spooner, of North East, Pa., for bill H. R. 8973—to the Committee on Banking and Currency.

Also, petition of the Pittsburg Clearing House Association, for bill H. R. 8973—to the Committee on Banking and Currency.

Also, petition of the Shakespeare Club, of Tidioute, Pa., in favor of preservation of Niagara Falls—to the Committee on Rivers and Harbors.

Also, petition of the Shakespeare Club of Tidioute, Pa., for a forest reservation in the White Mountains—to the Committee on Agriculture.

Also, petition of K. C. Russell et al., of Union City, Pa., against bill H. R. 3022—to the Committee on the District of Columbia.

Also, petition of the Business Men's Exchange, against the metric system—to the Committee on Coinage, Weights, and Measures.

Also, petition of Grange No. 110, of Spartansburg, Pa., for increase of agricultural experiment stations—to the Committee on Agriculture.

Also, petition of citizens of Oklahoma, against passage of the McGuire bill—to the Committee on Indian Affairs.

Also, petition of Sons of Veterans Camp of Union City, Pa., against bill H. R. 8131—to the Committee on Military Affairs.

By Mr. BELL of Georgia: Papers to accompany bill H. R. 15928—to the Committee on Invalid Pensions.

By Mr. BINGHAM: Paper to accompany bill for relief of Frances M. Mitzner, Mary F. Clayton, Henry D. Miller, and Cassandra Kane—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Charles E. Tipton—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of James Wilson—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Matilda Daly—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Alfred Wood—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Harriett V. Gobrecht—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Charles H. Silby—to the Committee on Military Affairs.

Also, paper to accompany bill for relief of W. V. Feltwell—to the Committee on Invalid Pensions.

By Mr. BOWIE: Petition of M. A. Smith, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. BOWERSOCK: Petition of citizens of Franklin County, Kans., against Sunday laws—to the Committee on the District of Columbia.

By Mr. BUCKMAN: Petition of citizens of St. Cloud and Royalton, Minn., against religious legislation—to the Committee on the District of Columbia.

By Mr. BURGESS: Paper to accompany bill for relief of Hodge Brothers—to the Committee on Claims.

By Mr. BURKE of Pennsylvania: Petition of Thompson & Co., relative to class legislation in the postal affairs of the United States—to the Committee on the Post-Office and Post-Roads.

Also, petition of the Edward F. Anderson Company (Limited), protesting against any anti-injunction bill—to the Committee on the Judiciary.

Also, petition of J. B. Clinedinst, for promotion of the American Merchant Marine—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the Protective Tariff League, against any change in the tariff laws—to the Committee on Ways and Means.

Also, petition of citizens of Pennsylvania, for the Bates-Penrose bill—to the Committee on the Judiciary.

Also, petition of Thompson & Co., against the parcels-post bill—to the Committee on the Post-Office and Post-Roads.

By Mr. BURTON of Delaware: Petition of citizens of Delaware, against religious legislation—to the Committee on the District of Columbia.

Also, petition of Diamond State Grange, No. 2, Patrons of Husbandry, and other organizations of Delaware, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. BUTLER of Tennessee: Paper to accompany bill for relief of estate of George B. Harlan—to the Committee on War Claims.

By Mr. CAMPBELL of Ohio: Petition of the Enterprise, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. CAPRON: Paper to accompany bill for relief of Abby P. Bryant—to the Committee on Invalid Pensions.

Also, papers to accompany bill for the relief of Neal O'Donnel Parks—to the Committee on Pensions.

By Mr. CHANEY: Petition of W. S. Douthitt et al., of Sullivan, Ind., against bill H. R. 10510—to the Committee on the District of Columbia.

Also, petition of Union prisoners of war, 1861–1865, for bill H. R. 9—to the Committee on Invalid Pensions.

By Mr. COOPER of Pennsylvania: Petition of the Philadelphia Maritime Exchange, for bill H. R. 5281—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Thompson & Co., of Mount Jewett, Pa.,

against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of Flatwood (Pa.) Council, No. 965, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. COOPER of Wisconsin: Two petitions for the preservation of Niagara Falls—to the Committee on Rivers and Harbors.

Also, petition of the Tribune and Enterprise, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. DALE: Paper to accompany bill for relief of Bridget Nolan—to the Committee on Invalid Pensions.

Also, petition of the Peckville Journal and the Pennsylvania Lumberman, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. DARRAGH: Paper to accompany bill for relief of J. W. Cromwell—to the Committee on War Claims.

By Mr. DE ARMOND: Paper to accompany bill for relief of Richard Davis—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of James F. West—to the Committee on Invalid Pensions.

By Mr. DEEMER: Petition of citizens of Anslen, Pa., against religious legislation—to the Committee on the District of Columbia.

By Mr. DOVENER: Petition of the Littleton Enterprise and S. S. Buzzerd, against the tariff on linotype machines—to the Committee on Ways and Means.

Also, paper to accompany bill for relief of John Williamson—to the Committee on Invalid Pensions.

Also, papers to accompany bill (H. R. 5604) for the relief of John Sutton and to accompany bill (H. R. 5373) for the relief of John L. Smith—to the Committee on Invalid Pensions.

Also, papers to accompany bill (H. R. 5391) for the relief of Oakley Randall—to the Committee on War Claims.

By Mr. DRAPER: Petition of the Ministerial Union of Troy, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of citizens of New York, relative to modification of the Chinese-exclusion law—to the Committee on Foreign Affairs.

By Mr. DRESSER: Petition of citizens of Rayville, La., against bill H. R. 10510—to the Committee on the District of Columbia.

Also, petition of the committee on forestry, State Federation of Pennsylvania Women, for forest reservations—to the Committee on Agriculture.

Also, petition of citizens of New York, against bill H. R. 10510—to the Committee on the District of Columbia.

By Mr. DUNWELL: Petition of the Dames of 1846, for increase of pensions for Mexican-war veterans—to the Committee on Pensions.

Also, petition of Robert S. Waddell, relative to the Du Pont powder trust—to the Committee on Military Affairs.

Also, petition of the Buffalo Credit Men's Association, against repeal of the bankrupt law—to the Committee on the Judiciary.

By Mr. ESCH: Petition of citizens of Sparta, Wis., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of the National Grange, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of citizens of Sparta, Wis., against consolidation of third and fourth class mail matter or parcels post—to the Committee on the Post-Office and Post-Roads.

By Mr. FITZGERALD: Resolution of the New York Credit Men's Association, favoring the amendment to the bankruptcy act—to the Committee on the Judiciary.

Also, resolution of the Central Labor Union, favoring passage of the ship subsidy bill—to the Committee on the Merchant Marine and Fisheries.

By Mr. FLETCHER: Petition of Branch Council of Minnesota, United Commercial Travelers, against the bankruptcy law—to the Committee on the Judiciary.

By Mr. FLOYD: Petitions of the Times; the News, Gravette; the News, Springdale, and the Madison County Democrat, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. FOSTER of Vermont: Paper to accompany bill for relief of Hannah Furniss—to the Committee on Invalid Pensions.

Also, petition of Grand View Grange, No. 316, of Addison, Vt., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. FOWLER: Petition of the Union Democrat, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. FRENCH: Petition of the Blackford Mail, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. FULLER: Petition of the Rockford Brewing Company and the Henning Brewing Company, against the Hepburn-Dolliver bill—to the Committee on the Judiciary.

Also, petition of the Association of Mexican War Veterans, for increase of pensions—to the Committee on Pensions.

Also, petition of the National City Bank, of Ottawa, relative to loan of 10 per cent of surplus—to the Committee on Banking and Currency.

Also, petition of Fuller A. Lawsler, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of Hoyt & Rodgers, of Syracuse, against a parcels post—to the Committee on the Post-Office and Post-Roads.

By Mr. GAINES of West Virginia: Paper to accompany bill for relief of the Methodist Episcopal Church of Webster, W. Va.—to the Committee on War Claims.

By Mr. GARDNER of New Jersey: Petition of the Morristown Republican, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. GARDNER of Michigan: Petition against religious legislation—to the Committee on the District of Columbia.

Also, resolutions adopted by Southern Jefferson Grange, No. 182, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. GILBERT of Kentucky: Petition of sundry citizens of Kentucky, opposing the parcels-post bill—to the Committee on the Post-Office and Post-Roads.

By Mr. GRAHAM: Petition of the Columbia National Bank, for bill H. R. 8973—to the Committee on Banking and Currency.

Also, petition of the Merchants' Association of New York, relative to inland navigation—to the Committee on the Merchant Marine and Fisheries.

Also, petition of citizens of Pittsburg, showing why anti-pilotage bill should not pass—to the Committee on the Merchant Marine and Fisheries.

Also, petition of J. B. Clinedinst, of Newport News, Va., relative to the ship subsidy—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the Pittsburg Clearing House Association, for bill H. R. 8973—to the Committee on Banking and Currency.

Also, petition of the Merchant Marine League, relative to improvement in the merchant marine—to the Committee on the Merchant Marine and Fisheries.

By Mr. GREENE: Petition of John H. Clifford Camp, No. 130, Sons of Veterans, against bill H. R. 8131—to the Committee on Military Affairs.

By Mr. GOULDEN: Paper to accompany bill for relief of Charles Beers—to the Committee on Claims.

Also, petition of the New York Credit Men's Association, for amendment of the bankruptcy law—to the Committee on the Judiciary.

Also, petition of D. H. Morris and two others, of New York City, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of the American Institute of Architects of New York, for repeal of the duty on art works—to the Committee on Ways and Means.

Also, petition of the Homeopathic Medical Society of New York, for the Heyburn pure-food bill—to the Committee on Interstate and Foreign Commerce.

By Mr. GROSVENOR: Petition of Abdallo Tribe, No. 31, Improved Order Red Men, of Hemlock, Ohio, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of Local No. 418, American Federation of Labor, for bill H. R. 8748—to the Committee on Naval Affairs.

Also, petition of William McKinley Camp, No. 21, Sons of Veterans, against bill H. R. 8131—to the Committee on Military Affairs.

By Mr. HASKINS: Petition of Pleasant Valley Grange; Woodstock Grange, No. 83, and Dillingham Grange, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. HAY: Paper to accompany bill for relief of Rebecca J. Fisher—to the Committee on Invalid Pensions.

By Mr. HAYES: Petition of G. N. Wegener, against bill H. R. 12973—to the Committee on Foreign Affairs.

By Mr. HENRY of Connecticut: Petition of the Courier, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. HERMANN: Petition of the Sailors' Union of the Pacific, against bill S. 27—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Green Mountain Grange, No. 295, of Oregon, for removal of the tax on domestic alcohol—to the Committee on Ways and Means.

Also, petition of citizens of Lincoln County, Oreg., against passage of bill H. R. 3022, to prevent Sunday banking in post-offices—to the Committee on the Post-Office and Post-Roads.

Also, resolution of Bellfountaine Grange, of Monroe, Oreg., for removal of the tax on domestic alcohol—to the Committee on Ways and Means.

Also, resolution of Woman's Union Label League, No. 164, of Portland, Oreg., opposing bill S. 27—to the Committee on the Merchant Marine and Fisheries.

Also, petition for removal of the tariff on linotype and composing machines, by the Toledo Reporter, S. B. Clark, editor—to the Committee on Ways and Means.

By Mr. HILL of Connecticut: Petition of the Woodbury Reporter, against the tariff on linotype machines—to the Committee on Ways and Means.

Also, paper to accompany bill for relief of Edward C. Bowers—to the Committee on Invalid Pensions.

By Mr. HITT: Petition of citizens of Iowa, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of the Daily Star, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. HOAR: Paper to accompany bill for relief of John A. Taft—to the Committee on Military Affairs.

By Mr. HOWELL of New Jersey: Petition of the Woman's Club of Orange, N. J., for a Children's Bureau—to the Committee on Labor.

Also, petition of the Women's Reading Club, of Rutherford, N. J., for forest reservations and preservation of Niagara Falls—to the Committee on Agriculture.

By Mr. HUBBARD: Petition of citizens of Milford, Terril, and Salix, Iowa, against religious legislation—to the Committee on the District of Columbia.

Also, petitions of the Hartley Herald and the Albany Democrat, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. HUFF: Petition of 76 citizens of Slippery Rock, Butler County, Pa., for bill H. R. 13655—to the Committee on Alcoholic Liquor Traffic.

Also, paper to accompany bill for relief of Daniel Shrader—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Charles Reed—to the Committee on Invalid Pensions.

Also, petition of the Central Labor Union of Newport News, Va., for improvement of the American merchant marine—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the Retail Merchants' Association of Latrobe, Pa., for the Heyburn pure-food bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of the James H. Houston Company, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of the First Baptist Church of Greensburg, Pa., relative to the Kongo Free State—to the Committee on Foreign Affairs.

By Mr. JENKINS: Petition of citizens of Pierce County, Wis., against bill H. R. 10510—to the Committee on the District of Columbia.

By Mr. CLAUDE KITCHIN: Petition of the Free Press, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. WILLIAM W. KITCHIN: Petition of the Hibernian Benevolent Society, for a statue to Commodore Barry—to the Committee on the Library.

Also, paper to accompany bill for relief of Mildred W. Mitchell—to the Committee on Pensions.

By Mr. KLEPPER: Petition of many citizens of Missouri, against the Grosvenor bill—to the Committee on Agriculture.

By Mr. KNAPP: Petition of Henderson Grange, No. 145, for a parcels post—to the Committee on the Post-Office and Post-Roads.

Also, petition of Pursis Grange, No. 629, for a parcels post—to the Committee on the Post-Office and Post-Roads.

By Mr. LACEY: Paper to accompany bill for relief of Augusta I. Manro—to the Committee on Invalid Pensions.

By Mr. LAFEAN: Petition of prominent residents of Gettysburg, Pa., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of the York County (Pa.) National Bank, for bill H. R. 8973—to the Committee on Banking and Currency.

By Mr. CHARLES B. LANDIS: Petition of citizens of Lebanon, Ind., against a parcels post—to the Committee on the Post-Office and Post-Roads.

By Mr. LEE: Paper to accompany bill for relief of George A. Anderson—to the Committee on War Claims.

Also, papers to accompany bill H. R. 6439—to the Committee on War Claims.

Also, paper to accompany bill for relief of Robert M. Williamson—to the Committee on War Claims.

By Mr. LILLEY: Petition of A. L. Cobb et al., against bill H. R. 10510—to the Committee on the District of Columbia.

By Mr. LINDSAY: Petition of J. W. Thorburn & Co., recommending action of the House Committee on Agriculture regarding free distribution of ordinary varieties of vegetable seeds—to the Committee on Agriculture.

Also, resolution of the Buffalo Credit Men's Association, opposing repeal of the bankruptcy law—to the Committee on the Judiciary.

Also, petition of the Association of Mexican War Veterans, protesting against the inadequate pension of $12 per month—to the Committee on Pensions.

Also, petition of the Marine Trades Council of the Port of New York and Vicinity, asking that another battle ship be built at the Brooklyn Navy-Yard—to the Committee on Naval Affairs.

Also, petition of Robert S. Waddell, protesting against the monopoly of the so-called powder trust—to the Committee on Military Affairs.

Also, petition of the Union ex-Prisoners of War Association, in favor of bill H. R. 9—to the Committee on Invalid Pensions.

Also, petition of Peter Henderson & Co., approving the action of the Agricultural Committee in eliminating the appropriation for free seed distribution—to the Committee on Agriculture.

Also, petition of the Smith-Worthington Company, remonstrating against the reduction of duty on harness—to the Committee on Ways and Means.

By Mr. LITTAUER: Paper to accompany bill for relief of Robert H. Brown—to the Committee on War Claims.

Also, petition of citizens of Horicon and Ballston Springs, N. Y., against bills H. R. 10510 and 3022—to the Committee on the District of Columbia.

By Mr. LIVINGSTON: Petition of the Enterprise, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. LORD: Petitions of the Alpina Evening News and the Hillman Herald, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. LORIMER: Petition of citizens of Illinois, relative to the Kongo Free State—to the Committee on Foreign Affairs.

By Mr. LOUDENSLAGER: Petition of Mantua, Bridgeport, and Mickleton Granges, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. McCARTHY: Petition of citizens of Nebraska, against the parcels-post bill—to the Committee on the Post-Office and Post-Roads.

By Mr. McKINLEY of Illinois: Petition of the Herald, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. MADDEN: Petition of Elder C. C. Garrigues et al., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. MARSHALL: Petition of Local Union No. 315, of Grand Forks, N. Dak., Brotherhood of Painters, Decorators, and Paper Hangers, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of P. A. Cooney and others, favoring free alcohol in the arts—to the Committee on Ways and Means.

By Mr. MORRELL: Petition of the State Federation of Pennsylvania Women, for the Morris law for a forest reservation in the White Mountains—to the Committee on Agriculture.

Also, petition of the State Federation of Pennsylvania Women, for preserving Niagara Falls—to the Committee on Rivers and Harbors.

Also, petition of the Association of Mexican War Veterans, for increase of pension—to the Committee on Pensions.

By Mr. NORRIS: Petition of the Nebraska State board of agriculture, for national aid in agricultural teaching—to the Committee on Agriculture.

By Mr. OVERSTREET: Petition of B. F. Jackson & Co., against the pure-food bill—to the Committee on Interstate and Foreign Commerce.

By Mr. PALMER: Petition of Thomas A. Coleman et al., of Plymouth, Pa., relative to the Kongo Free State—to the Committee on Foreign Affairs.

By Mr. PARSONS: Petition of I. Henry Smith, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. PAYNE: Petition of the Owasco Boat Club—to the Committee on Ways and Means.

Also, petition of the National Grange, Patrons of Husbandry; citizens and business firms of New York, and the Owasco Boat Club, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. POLLARD: Petition of citizens of College View, Nebr., against bill H. R. 10510—to the Committee on the District of Columbia.

By Mr. DEEMER: Petition of citizens of Roulette, Pa., protesting against passage of bill H. R. 10510—to the Committee on the District of Columbia.

By Mr. REEDER: Petition of the News, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. RIVES: Petition of citizens of Woodburn, Ill., against bill H. R. 10510—to the Committee on the District of Columbia.

By Mr. ROBERTS: Petition of the Lynn Board of Trade, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. RUPPERT: Resolution of the Buffalo Credit Men's Association, opposing repeal of the bankruptcy law—to the Committee on the Judiciary.

Also, resolution of the American Protective League, opposing tariff protection to the Philippines—to the Committee on Ways and Means.

Also, resolution of the Linnæan Society, indorsing bill S. 2966, for the protection of wild animals and birds—to the Committee on Agriculture.

Also, petition of the Marine Trades Council of New York, asking that a battle ship be built in Brooklyn Navy-Yard—to the Committee on Naval Affairs.

By Mr. SCHNEEBELI: Letter of A. W. A. Perot, of Milford, Pa., advocating action on the Kongo Free State—to the Committee on Foreign Affairs.

Also, petition of the Philadelphia Maritime Exchange, favoring bill H. R. 5281—to the Committee on the Merchant Marine and Fisheries.

By Mr. SAMUEL W. SMITH: Four petitions for the enactment of a law that will enable farmers to use denaturized alcohol for farm purposes—to the Committee on Ways and Means.

By Mr. SMYSER: Petition of the Morning Journal and Jacksonian, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. STEVENS of Minnesota: Petition of the Review, against the tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of the Epworth League of the Methodist Episcopal Church of Minneapolis, against the Army canteen—to the Committee on Military Affairs.

Also, petition of Division No. 40, Order of Railway Conductors, for the Bates-Penrose bill—to the Committee on the Judiciary.

By Mr. SULLIVAN of New York: Petition of Kalo Morven, for the metric system—to the Committee on Coinage, Weights, and Measures.

Also, petition of the Merchants' Marine League, relative to merchant marine legislation—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the Smith-Worthington Company, against bills H. R. 9973, 9974, and 9975—to the Committee on Ways and Means.

Also, petition of Peter Henderson, against seed distribution—to the Committee on Agriculture.

Also, petition of the Irving National Bank, for bill H. R. 8973—to the Committee on Banking and Currency.

Also, petition of the Workingmen's Federation of New York, against the compulsory pilotage bill—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the Whitall-Tatum Company, for bill H. R. 4549—to the Committee on the Post-Office and Post-Roads.

Also, petition of J. M. Thorburn & Co., against free distribution of seeds—to the Committee on Agriculture.

Also, petition of the New York Board of Trade and Transportation, for a breakwater at Point Judith—to the Committee on Rivers and Harbors.

Also, petition of Barnhart Bros. & Spindler, against the metric system—to the Committee on Coinage, Weights, and Measures.

Also, petition of the New York Clearing House Association, for bill H. R. 8973—to the Committee on Banking and Currency.

Also, petition of the Buffalo Credit Men's Association, against repeal of the bankruptcy bill—to the Committee on the Judiciary.

Also, petition of the Lake Seamen's Union, for an improved merchant marine—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the Central Federated Union of New York, against the antipilotage bill—to the Committee on the Merchant Marine and Fisheries.

Also, petition of J. B. Cleindinst, for a ship subsidy—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the New York State Grange, against repeal of the tax on oleomargarine—to the Committee on Agriculture.

Also, petition of the New York Chapter of the American Institute of Architects, for repeal of the duty on art works—to the Committee on Ways and Means.

Also, petition of the National Supply and Machinery Dealers' Association, against the metric system—to the Committee on Ways and Means.

Also, petition of the New York Credit Men's Association, against repeal of the bankruptcy law—to the Committee on the Judiciary.

Also, petition of the Linnæan Society of New York, for bill S. 2966—to the Committee on Agriculture.

Also, petition of the Linnæan Society of New York, for bill S. 3602—to the Committee on Agriculture.

By Mr. VAN WINKLE: Paper to accompany bill for relief of Katie B. Meister—to the Committee on Invalid Pensions.

By Mr. VOLSTEAD: Petition of citizens of Minnesota, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of P. P. Edsley, of Williams, Minn., in favor of the pure-food bill—to the Committee on Interstate and Foreign Commerce.

By Mr. VREELAND: Petition of C. M. Hamilton, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of citizens of Ellington and Ellicottville, N. Y., against bill H. R. 10510—to the Committee on the District of Columbia.

By Mr. WANGER: Petition of the Perkiomen Ledger, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. WEBBER: Papers to accompany bill for the relief of Charles B. Himmelwright—to the Committee on Invalid Pensions.

By Mr. WEEMS: Papers relating to claim of B. M. McNary—to the Committee on War Claims.

Also, petition of E. A. Easterday and others, in favor of denaturized alcohol being placed on the free list for use of farmers—to the Committee on Ways and Means.

Also, petition of Herrodsville Grange, for removal of internal-revenue tax on denaturized alcohol—to the Committee on Ways and Means.

## SENATE.

### TUESDAY, *March 6, 1906.*

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Secretary proceeded to read the Journal of yesterday's proceedings; when, on request of Mr. SCOTT, and by unanimous consent, the further reading was dispensed with.

#### ESTIMATES OF APPROPRIATIONS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of War submitting additional estimates of appropriations for the fiscal year ending June 30, 1907, for regular supplies, Quartermaster's Department, $175,998.20; incidental expenses, Quartermaster's Department, $50,933.72; barracks and quarters, $50,125; clothing and camp and garrison equipage, $20,000; transportation of Army and its supplies, $702,964.72; total, $1,000,021.64; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

#### FUEL IN ALASKA.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of War, transmitting certain information relative to the scarcity of fuel at Nome, Alaska, together with the draft of a bill to authorize sales to be made of certain coal on hand at Fort Davis, Alaska; which, with the accompanying papers, was referred to the Committee on Military Affairs, and ordered to be printed.

FINDINGS OF COURT OF CLAIMS.

The VICE-PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of Nicaise Lemelle, administrator of the estate of Bellot A. Donato, deceased, *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

CLAIMS OF POSTMASTERS IN COLORADO.

The VICE-PRESIDENT laid before the Senate a communication from the Postmaster-General, stating, in response to a resolution of the 3d instant calling for information in reference to the amounts alleged to be found due certain former postmasters at post-offices in the State of Colorado for salary under the act of Congress approved March 3, 1883, that in calling for information of the nature mentioned in the resolution it should be addressed to the Secretary of the Treasury, as the office of the Auditor for the Post-Office Department is a branch of the Treasury Department; which was read.

Mr. TELLER. I shall desire later to introduce a resolution and send it to the Treasury Department for the information which I supposed I could get at the Post-Office Department.

The VICE-PRESIDENT. The communication will lie on the table, and be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the bill (S. 4229) to authorize the sale and disposition of surplus or unallotted lands of the diminished Colville Indian Reservation, in the State of Washington, and for other purposes, with amendments; in which it requested the concurrence of the Senate.

The message also announced that the House had passed the bill (S. 956) to provide for the election of a Delegate to the House of Representatives from the district of Alaska, with an amendment; in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

H. R. 229. An act providing for the purchase of metal and the coinage of minor coins, and the distribution and redemption of said coins;

H. R. 8103. An act to authorize the construction of a bridge between Fort Snelling Reservation and St. Paul, Minn.;

H. R. 9165. An act authorizing the Secretary of the Interior to issue patent to the Scandinavian Evangelical Lutheran Little Missouri River congregation to certain lands for cemetery purposes;

H. R. 10152. An act granting certain lands to the city of Biloxi, in Harrison County, Miss., for park and cemetery purposes;

H. R. 10480. An act for the relief of certain settlers upon land within the indemnity limits of the present St. Paul, Minneapolis and Manitoba Railway Company;

H. R. 12845. An act to consolidate the city of South McAlester and the town of McAlester, in the Indian Territory;

H. R. 15521. An act establishing regular terms of the United States circuit and district courts of the northern district of California at Eureka, Cal.; and

H. R. 15583. An act to authorize the Madison Bridge Company to construct a bridge across the St. Francis River in St. Francis County, Ark., at or near the town of Madison, in said county and State.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a memorial of the Indiana Division of the Travelers' Protective Association of America, remonstrating against the passage of the so-called "parcels-post bill;" which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Northwestern Cement Products Association, of Minneapolis, Minn., praying for the enactment of legislation providing for the continuance of the investigation by the Geological Survey of cement and other structural materials; which was referred to the Committee on the Geological Survey.

Mr. FRYE presented a petition of the delegates of the Osage Indians, praying for the retention of the provision in the so-called "statehood bill," providing that the Osage Indian Reservation in Oklahoma Territory be made one county; which was ordered to lie on the table.

Mr. PROCTOR presented a memorial of the Vermont Merino Sheep Breeders' Association, remonstrating against any reduction of the present duty on wool and woolen goods; which was referred to the Committee on Finance.

He also presented a petition of Danville Grange, No. 325, Patrons of Husbandry, of Danville, Vt., praying for the removal of the tax on denaturized alcohol; which was referred to the Committee on Finance.

He also presented a petition of sundry representatives of the railroad employees of Vermont, praying for the passage of the so-called "employers' liability bill," and also the anti-injunction bill; which was referred to the Committee on Interstate Commerce.

Mr. PLATT presented petitions of Alfred D. Hamilton, of New York City; Mrs. J. H. Baker, of Albion; Edward Puzey, of Buffalo, and R. G. Green, of New York City, all in the State of New York, praying for the removal of the internal-revenue tax on denaturized alcohol; which were referred to the Committee on Finance.

Mr. NELSON presented a petition of Local Council No. 67, United Commercial Travelers, of Minneapolis, Minn., praying for the adoption of an amendment to the present bankruptcy law; which was referred to the Committee on the Judiciary.

Mr. CLAPP presented a petition of the Ministers' Alliance of Minneapolis, Minn., praying for an investigation of the existing conditions in the Kongo Free State; which was referred to the Committee on Foreign Relations.

He also presented a petition of the Commercial Club of Aitkin, Minn., praying for the enactment of legislation providing for the construction of a drainage canal across a loop of the Mississippi River in that State; which was referred to the Committee on Commerce.

He also presented a petition of Duluth Camp, No. 5, Sons of Veterans, of Duluth, Minn., praying for the adoption of a certain amendment to the bill (H. R. 8131) to prohibit the wearing of the uniform of the Army, Navy, Marine Corps, or Revenue Service; which was referred to the Committee on Military Affairs.

He also presented the petition of E. M. Ferguson, president of the Western Fruit Jobbers' Association, praying for the adoption of certain amendments to the so-called "Hepburn railroad rate bill" relative to private car line features; which was referred to the Committee on Interstate Commerce.

Mr. PETTUS presented sundry papers in support of the bill (S. 2676) for the relief of the heirs of Charles L. King, deceased; which were referred to the Committee on Claims.

Mr. WARNER presented a petition of the Association of Mexican War Veterans of the State of Missouri, praying for the enactment of legislation granting increase of pensions to veterans of the Mexican war; which was referred to the Committee on Pensions.

He also presented a paper to accompany the bill (S. 4568) granting an increase of pension to Mary E. Cash; which was referred to the Committee on Pensions.

Mr. GALLINGER presented a memorial of Stephen J. Wentworth Camp, No. 14, Sons of Veterans, of Somersworth, N. H., remonstrating against the enactment of legislation to prohibit the wearing of the uniform of the Army, Navy, Marine Corps, or Revenue Service; which was referred to the Committee on Military Affairs.

He also presented a petition of the North Capitol and Eckington Citizens' Association, of Washington, D. C., praying for the enactment of legislation providing compulsory education in the District of Columbia; which was ordered to lie on the table.

He also presented a petition of the subcommittee on charities of the national capital, praying for the enactment of legislation to improve housing and health conditions, to prevent wife desertion, to require compulsory education, and to prohibit child labor in the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. HEYBURN presented a paper to accompany the bill (S. 97) granting an increase of pension to Thomas F. Carey; which was referred to the Committee on Pensions.

He also presented papers to accompany the bill (S. 4739) granting an increase of pension to Benjamin F. Burgess; which were referred to the Committee on Pensions.

Mr. SIMMONS presented sundry papers to accompany the bill (S. 1281) for the relief of John S. Young; which were referred to the Committee on Claims.

Mr. KITTREDGE presented a memorial adopted by the joint protective board of the Brotherhood of Locomotive Firemen on the Chicago and Northwestern Railway, representing 1,500 employees of that system, of Huron, S. Dak., remonstrating against the enactment of legislation giving arbitrary power to the Interstate Commerce Commission to fix transportation rates, etc.; which was ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. PLATT, from the Committee on Naval Affairs, to whom was referred the bill (S. 3506) for the relief of Henry E. Rhoades, assistant engineer, United States Navy, retired, reported it without amendment, and submitted a report thereon.

Mr. ALLEE, from the Committee on Claims, to whom was referred the bill (S. 505) for the relief of Jacob Livingston & Co., reported it without amendment, and submitted a report thereon.

Mr. SCOTT (for Mr. ALGER), from the Committee on Pensions, to whom was referred the bill (H. R. 11748) granting an increase of pension to James Wilson, reported it with an amendment, and submitted a report thereon.

Mr. SCOTT, from the Committee on Pensions, to whom was referred the bill (H. R. 13010) granting an increase of pension to Alice B. Hartshorne, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 14358) granting an increase of pension to William H. Morrow;

A bill (H. R. 7412) granting an increase of pension to Isaiah Collins;

A bill (H. R. 6395) granting an increase of pension to Daniel Ward;

A bill (H. R. 1775) granting a pension to Alexander Kinnison;

A bill (H. R. 3981) granting an increase of pension to John McKeever;

A bill (H. R. 3435) granting an increase of pension to Thomas W. Sallade;

A bill (H. R. 3553) granting an increase of pension to Levi Pick; and

A bill (H. R. 3557) granting an increase of pension to James B. Wilkins.

Mr. BURNHAM, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 14123) granting an increase of pension to Gottlieb Spitzer, alias Gottfried Bruner;

A bill (H. R. 2763) granting an increase of pension to Anthony Sherlock;

A bill (H. R. 2766) granting an increase of pension to Horace E. Brown;

A bill (H. R. 2982) granting an increase of pension to Ansel K. Tisdale;

A bill (H. R. 3284) granting an increase of pension to Jeremiah Callahan;

A bill (H. R. 2060) granting an increase of pension to John Farrell;

A bill (H. R. 1331) granting an increase of pension to Roswell J. Kelsey;

A bill (H. R. 3685) granting an increase of pension to James O. Tobey;

A bill (H. R. 3698) granting an increase of pension to Joseph E. Miller;

A bill (H. R. 1911) granting an increase of pension to Harriet E. Grogan, formerly Preston;

A bill (H. R. 2100) granting an increase of pension to Hiram Wilde;

A bill (H. R. 1912) granting a pension to Julia A. Powell;

A bill (H. R. 11353) granting an increase of pension to Isaac M. Woodworth; and

A bill (H. R. 11000) granting an increase of pension to Martha J. Wilson.

Mr. McCUMBER, from the Committee on Pensions, to whom was referred the bill (H. R. 11536) granting an increase of pension to James D. Hudson, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 12494) granting an increase of pension to John H. Crane;

A bill (H. R. 3384) granting a pension to Benjamin H. Decker;

A bill (H. R. 2006) granting a pension to Florence B. Knight;

A bill (H. R. 1997) granting an increase of pension to Sanford C. H. Smith;

A bill (H. R. 1205) granting an increase of pension to Samuel P. Bigger;

A bill (H. R. 1058) granting an increase of pension to Alphonso H. Harvey;

A bill (H. R. 3452) granting an increase of pension to Jacob McGaughey;

A bill (H. R. 1243) granting an increase of pension to John W. Burton;

A bill (H. R. 7622) granting an increase of pension to Hermann Lieb;

A bill (H. R. 2093) granting a pension to Sarah A. Pitt;

A bill (H. R. 12720) granting a pension to Sarah Duffield;

A bill (H. R. 7765) granting an increase of pension to George Gaylord; and

A bill (H. R. 10770) granting a pension to Helen P. Martin.

Mr. DICK, from the Committee on Mines and Mining, to whom was referred the bill (S. 3253) to apply a portion of the proceeds of the sales of public lands to the endowment of schools or departments of mines and mining in connection with the colleges established in the several States under the provisions of an act approved July 2, 1862, entitled "An act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts," and for similar purposes, being a further supplement to said act, reported it with amendments, and submitted a report thereon.

Mr. KEAN, from the Committee on Claims, to whom was referred the bill (S. 682) for the relief of Andrew H. Russell and William R. Livermore, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 3581) providing for the payment to the New York Marine Repair Company, of Brooklyn, N. Y., of the cost of the repairs to the steamship *Lindesfarne*, necessitated by injuries received from being fouled by the United States Army transport *Crook* in May, 1900, reported it without amendment, and submitted a report thereon.

Mr. PERKINS, from the Committee on Naval Affairs, to whom was referred the bill (S. 3405) authorizing the payment to the Superintendent of the Government Hospital for the Insane of pay due to persons in the Navy or Marine Corps under treatment at that institution, reported it without amendment, and submitted a report thereon.

Mr. MORGAN, from the Committee on Public Health and National Quarantine, to whom was referred the bill (S. 1746) for the relief of C. B. McClenny, asked to be discharged from its further consideration, and that it be referred to the Committee on Claims; which was agreed to.

Mr. SUTHERLAND, from the Committee on Mines and Mining, to whom was referred the bill (S. 2878) to establish an assay office at Salt Lake City, State of Utah, reported it without amendment, and submitted a report thereon.

Mr. KITTREDGE, from the Committee on the Judiciary, to whom was referred the bill (S. 3436) to provide for the settlement of a claim of the United States against the State of Michigan for moneys held by said State as trustee for the United States in connection with the St. Marys Falls Ship Canal, reported it without amendment, and submitted a report thereon.

Mr. PROCTOR, from the Committee on Agriculture and Forestry, to whom was referred the bill (H. R. 345) to provide for an increased annual appropriation for agricultural experiment stations and regulating the expenditure thereof, reported it without amendment, and submitted a report thereon.

FRANCIS J. CLEARY.

Mr. HALE. I report back favorably with an amendment from the Committee on Naval Affairs the bill (S. 4593) for the relief of Francis J. Cleary, a midshipman in the United States Navy. If there is no objection, I should like to have the bill passed.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendment of the Committee on Naval Affairs was, in line 11, after the word "advanced," to strike out the additional proviso, in the following words:

*Provided further*, That this officer may hereafter, in due course, if found mentally, morally, and professionally qualified to perform the shore duties of the several grades, be promoted to but not above the grade of lieutenant.

So as to make the bill read:

*Be it enacted, etc.*, That the President be, and he is hereby, authorized to nominate and, by and with the advice and consent of the Senate, to appoint Francis J. Cleary, now a midshipman in the United States Navy, to the grade and rank of ensign on the active list of the Navy, to take rank with the members of his class according to proficiency as shown by order of merit at the date of final graduation: *Provided*, That the said Cleary shall be an additional number in the grade of ensign, and in any grade in which he may hereafter be advanced.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. FRYE introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Commerce:

A bill (S. 4885) relating to tonnage-tax exemptions; and

A bill (S. 4886) to simplify the issue of enrollments and licenses of vessels of the United States.

Mr. FRYE introduced a bill (S. 4887) granting an increase of pension to Calvin C. Hussey; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PETTUS introduced a bill (S. 4888) to grant a right of way through the military reservation at Fort Morgan, Ala., to the Navy Cove Harbor and Railroad Company, and for other purposes; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. TELLER introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Pensions.

A bill (S. 4889) granting an increase of pension to John Hixon; and

A bill (S. 4890) granting an increase of pension to Lorin N. Hawkins.

Mr. McENERY introduced a bill (S. 4891) for the relief of Nancy C. Thompson; which was read twice by its title, and referred to the Committee on Claims.

Mr. SIMMONS introduced a bill (S. 4892) to correct the military record of Russell Franklin; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 4893) granting an increase of pension to John T. Ross;

A bill (S. 4894) granting an increase of pension to Robert Ramsey; and

A bill (S. 4895) granting an increase of pension to William Norton.

Mr. SIMMONS introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 4896) for the relief of W. J. Craddock;

A bill (S. 4897) for the relief of the heirs of Dr. J. B. Owen; and

A bill (S. 4898) for the relief of W. T. Dixon.

Mr. GALLINGER introduced a bill (S. 4899) granting an increase of pension to Ann Thompson; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. BEVERIDGE introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 4900) granting a pension to Mary C. Hilt; and

A bill (S. 4901) granting an increase of pension to Joshua M. Lounsberry.

Mr. ALLEE introduced a bill (S. 4902) to provide for the purchase of a site and the erection of a public building thereon in the city of Smyrna, State of Delaware; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

He also introduced a bill (S. 4903) for the prevention of tuberculosis in the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. CLAPP (by request) introduced a bill (S. 4904) to authorize the Secretary of the Interior to issue patents in fee simple to the allottees of the Sac and Fox of Missouri and Iowa tribes in Kansas and Nebraska, to pay per capita the amounts due said tribes under existing law, and to allot the surplus tribal land of the Sac and Fox of Missouri; which was read twice by its title, and referred to the Committee on Indian Affairs.

He also introduced a bill (S. 4905) granting a pension to Peter B. Groat; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 4906) granting a pension to Wilmot Stevens; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. FLINT introduced a bill (S. 4907) granting the Edison Electric Company a permit to occupy certain lands for electric power plants in the San Bernardino, Sierra, and San Gabriel forest reserves, in the State of California; which was read twice by its title, and referred to the Committee on Forest Reservations and the Protection of Game.

Mr. SMOOT introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 4908) granting an increase of pension to William H. Kimball; and

A bill (S. 4909) granting an increase of pension to Louis Sidel.

Mr. SCOTT introduced a bill (S. 4910) granting an increase of pension to William Wright; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. DUBOIS introduced a bill (S. 4911) making an appropriation for the training of teachers to instruct deaf children before they are of school age; which was read twice by its title, and referred to the Committee on Education and Labor.

He also introduced a bill (S. 4912) to enable the Department of Agriculture to conduct demonstration experiments for the purpose of eradicating pear blight in Idaho; which was read twice by its title, and referred to the Committee on Agriculture and Forestry.

He also introduced a bill (S. 4913) for the completion of the surveys on the Fort Lemhi and Fort Hall Indian reservations, and for a reconnoissance survey for an irrigation system for the Fort Hall Indian Reservation; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. PERKINS introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 4914) for the relief of the estate of Vicente Gomez, deceased; and

A bill (S. 4915) for the relief of the estate of Joaquin Gomez, deceased.

Mr. PERKINS introduced a bill (S. 4916) granting an honorable discharge to Henry Finnegass; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Military Affairs.

Mr. DICK introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 4917) granting an increase of pension to Alfred B. Chilcote;

A bill (S. 4918) granting an increase of pension to Jacob S. Fisher; and

A bill (S. 4919) granting a pension to George L. Dietz.

Mr. CLAY introduced a bill (S. 4920) for the relief of the Christian Church of Atlanta, Ga.; which was read twice by its title, and referred to the Committee on Claims.

Mr. BACON introduced a bill (S. 4921) for the relief of Joel Cross; which was read twice by its title, and referred to the Committee on Claims.

Mr. CARTER introduced a bill (S. 4922) granting a pension to William J. Bailey; which was read twice by its title, and referred to the Committee on Pensions.

Mr. ALGER introduced a bill (S. 4923) granting an increase of pension to Allen S. Rose; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. WARREN introduced a joint resolution (S. R. 40) authorizing the Secretary of War to sell to citizens of Nome, Alaska, limited quantities of coal for domestic uses; which was read twice by its title, and referred to the Committee on Military Affairs.

AMENDMENTS TO BILLS.

Mr. CLAPP submitted the following amendments, intended to be proposed by him to the Indian appropriation bill; which were referred to the Committee on Indian Affairs, and ordered to be printed:

An amendment (by request) authorizing the issuance of a patent in fee to any Indian of the Oneida Reservation, in Wisconsin, for lands heretofore allotted to him;

An amendment (by request) authorizing the issuance of patents in fee for lands heretofore allotted to them, to Sarah Jones and certain other Indian allottees;

An amendment (by request) authorizing August Trudell, Santee allottee, and certain other Indian allottees, to sell and convey not exceeding one-half of their respective allotments, etc.;

An amendment (by request) proposing to appropriate $10,000 for the support and civilization of the Kaibab Indians in Utah, etc.;

An amendment (by request) authorizing the cancellation of the patents for lands allotted to certain Indians of the Devils Lake Indian Reservation, N. Dak.;

An amendment removing the restrictions upon the patent issued to Angelique Dupuis for land in the State of South Dakota;

An amendment (by request) authorizing the issuance of fee simple patents to Maynard C. Armstrong and certain other Indian allottees;

An amendment (by request) authorizing the issuance of patents in fee simple to James Garvie and certain other Indian allottees;

An amendment (by request) authorizing the setting apart for the use in common of the Indians in the Walker River Indian Reservation, in the State of Nevada, of tracts of timber land, etc.;

An amendment (by request) removing the restrictions upon the allotments heretofore granted to Good Hawk and certain other Indian allottees;

An amendment (by request) authorizing the issuance of patents in fee to Doshia E. Phillips and certain other members of the Citizen band of Potawatomi Indians in Oklahoma;

An amendment (by request) proposing to repeal part of the act of March 3, 1905, authorizing the issuance of patents in fee to certain members of the Kickapoo tribe of Indians in the Territory of Oklahoma;

An amendment proposing to appropriate $901.23 to pay the heirs of Thomas LeBlanc, Sioux scout, the sum alleged to be due said heirs;

An amendment (by request) authorizing the issuance of patents in fee simple to Elsie Grace Pilcher and certain other Omaha Indians;

An amendment (by request) proposing to amend the act of March 3, 1901, relative to the giving of credit to Indians by traders upon the Osage Indian Reservation, etc.;

An amendment (by request) authorizing the issuance of patents in fee simple to Reuben H. Cabney and certain other Indian allottees; and

An amendment (by request) authorizing the issuance of patents in fee simple to George W. Dupuis and certain other Indian allottees.

Mr. HEYBURN submitted an amendment proposing to fix the salary of the district attorney for the district of Idaho at $4,000 per annum, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on the Judiciary, and ordered to be printed.

He also submitted an amendment proposing to fix the salary of the United States marshal for the district of Idaho at $4,000 per annum, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on the Judiciary, and ordered to be printed.

Mr. PROCTOR submitted an amendment providing that so much of the act of April 23, 1904, concerning increase of one grade to officers of the Army who served with credit during the civil war be amended so as to authorize the President to include in the provisions of the act officers who were retired for wounds or disability incident to the service since the passage of the act of October 20, 1890, etc., intended to be proposed by him to the Army appropriation bill; which, with the accompanying paper, was referred to the Committee on Military Affairs, and ordered to be printed.

Mr. ALGER submitted an amendment authorizing the President to nominate and, by and with the advice and consent of the Senate, appoint and place upon the retired list of the Army, with the rank of captain mounted, such persons as may be over 62 years of age and have served over twenty-two years in the Regular Army, etc., intended to be proposed by him to the Army appropriation bill; which was referred to the Committee on Military Affairs, and ordered to be printed.

### ACCOUNTS OF POSTMASTERS IN COLORADO.

Mr. TELLER. I submit a resolution calling for information from the Treasury Department, and I ask for its present consideration.

The resolution was read, as follows:

*Resolved*, That the Secretary of the Treasury be, and he is hereby, directed to have stated in the Sixth Auditor's Office the salary accounts of former postmasters, named on annexed memorandum schedule, who served at post-offices in Colorado in terms between July 1, 1864, and July 1, 1874, and who applied to the Postmaster-General prior to January 1, 1887, for payment of increased salary under the act of March 3, 1883, such salary accounts to be stated upon the registered returns of each postmaster for each term of service, and by the method and rule laid down by the Postmaster-General for the statement and payment of salary accounts of former postmasters under the act of March 3, 1883, in his public order of February 16, 1884, and the Secretary of the Treasury is hereby directed to report to the Senate such stated salary accounts of former postmasters as soon as they can be made ready.

*Memorandum schedule.*

| Post-office in Colorado. | Postmaster. | When presented to Postmaster-General for payment. | Biennial term in which salary is not paid. | Estimate of whole salary earned. | Estimate of whole salary paid. | Estimate of salary unpaid. |
|---|---|---|---|---|---|---|
| Arvada | Benj. F. Wadsworth | 1884 | 70-72 | $46 | $24 | $22 |
| Do | do | 1884 | 72-74 | 40 | 26 | 14 |
| Badito | Chas. O. Unfug | 1884 | 70-72 | 143 | 64 | 79 |
| Big Thompson | Jas. M. Smith | 1884 | 72-74 | 200 | 160 | 40 |
| Black Hawk | H. M. Orahood | 1883 | 64-66 | 1,800 | 840 | 960 |
| Boonville | Albert G. Boone | 1884 | 64-66 | 262 | 90 | 172 |
| Boulder | R. J. Woodward | 1884 | 70-72 | 429 | 231 | 198 |
| Do | do | 1884 | 72-74 | 2,500 | 1,460 | 1,040 |
| Do | A. J. Mackey | 1883 | 64-66 | 287 | 212 | 75 |
| Do | do | 1883 | 66-68 | 420 | 283 | 133 |
| Do | do | 1883 | 68-70 | 563 | 440 | 123 |
| Breckenridge | Marshall Silverhorn | 1883 | 68-70 | 185 | 136 | 49 |
| Do | do | 1883 | 68-70 | 260 | 220 | 40 |
| Do | do | 1883 | 72-74 | 340 | 280 | 60 |
| Canyon | B. F. Rockafeller | 1883 | 70-72 | 790 | 320 | 470 |
| Do | do | 1883 | 72-74 | 1,500 | 980 | 520 |
| Do | S. M. Cox | 1883 | 68-70 | 310 | 220 | 90 |
| Caribou | W. F. Sears | 1884 | 72-74 | 1,000 | 780 | 220 |
| Colorado City | Emile Gehrung | 1884 | 68-70 | 330 | 280 | 50 |
| Do | do | 1884 | 70-72 | 860 | 400 | 460 |
| Colorado Springs | John Potter | 1885 | 72-74 | 4,050 | 2,750 | 1,300 |
| Conejos | Herman Schiffer | 1884 | 72-74 | 135 | 104 | 31 |
| Do | Lafayette Head | 1884 | 64-66 | 43 | 14 | 29 |
| Edgerton | Harlan M. Teachout | 1884 | 70-72 | 95 | 24 | 71 |
| El Paso | Jas. Woodbury | 1886 | 70-72 | 182 | 24 | 158 |
| Empire | Jas. W. Drips | 1884 | 64-66 | 330 | 213 | 117 |
| Erie | R. J. Van Valkenburg. | 1884 | 70-72 | 180 | 24 | 156 |
| Evans | W. J. Kram | 1884 | 70-72 | 400 | 206 | 194 |
| Fair Play | L. F. Valiton | 1884 | 68-70 | 720 | 620 | 100 |
| Do | Albert B. Crook | 1886 | 72-74 | 1,100 | 860 | 240 |
| Do | H. L. Hitchcock | 1883 | 66-68 | 285 | 82 | 203 |
| Fort Collins | P. D. McClanahan | 1884 | 70-72 | 220 | 24 | 196 |
| Do | Jos. Mason | 1884 | 66-68 | 216 | 12 | 204 |
| Do | do | 1884 | 68-70 | 220 | 24 | 196 |
| Fort Lyon | Samuel G. Bridges | 1886 | 72-74 | 900 | 660 | 240 |
| Fountain | C. I. Croft | 1884 | 72-74 | 335 | 220 | 115 |
| Do | A. H. Terrell | 1884 | 66-68 | 95 | 46 | 49 |
| Do | do | 1884 | 70-72 | 127 | 50 | 77 |
| Do | E. H. Gould | 1884 | 72-74 | 172 | 110 | 62 |
| Golden | Chas. H. Danforth | 1884 | 70-72 | 1,800 | 1,200 | 600 |
| Do | do | 1884 | 66-68 | 450 | 225 | 225 |
| Do | Jonas M. Johnson | 1884 | 64-66 | 320 | 147 | 173 |
| Golden City | Geo. R Kimball | 1885 | 72-74 | 3,200 | 2,400 | 800 |
| Granada | M. W. Robbins | 1884 | 72-74 | 212 | 12 | 200 |
| Granite | Chas. Mater | 1884 | 72-74 | 200 | 150 | 50 |
| Greeley | Jas. B. Flower | 1884 | 72-74 | 3,200 | 2,800 | 400 |
| Greenland | A. Arnold | 1885 | 72-74 | 52 | 12 | 40 |
| Hamilton | Geo. L. Hopson | 1884 | 72-74 | 155 | 114 | 41 |
| Helena | Andrew Bard | 1886 | 70-72 | 47 | 34 | 13 |
| Hugo | Wm. A. Hill | 1884 | 72-74 | 30 | 12 | 18 |
| Hutchinson | W. Head | 1885 | 72-74 | 40 | 12 | 28 |
| Idaho Springs | Geo. A. Patten | 1883 | 72-74 | 900 | 600 | 300 |
| Littleton | Richard S. Little | 1884 | 70-72 | 57 | 24 | 33 |
| Montezuma | W. W. Webster | 1886 | 70-72 | 40 | 24 | 16 |
| Do | do | 1886 | 72-74 | 40 | 12 | 28 |
| Monument | J. C. Henry Limbach | 1883 | 70-72 | 140 | 24 | 116 |
| Oro City | H. A. W. Tabor | 1884 | 68-70 | 310 | 44 | 266 |
| Do | do | 1884 | 72-74 | 440 | 320 | 120 |
| Pueblo | J. W. O. Snyder | 1883 | 68-70 | 1,440 | 940 | 500 |
| Do | Wm. Ingersoll | 1884 | 70-72 | 3,000 | 1,600 | 1,400 |
| Do | J. J. Thomas | 1884 | 66-68 | 850 | 620 | 230 |
| Do | Mark G. Bradford | 1886 | 64-66 | 348 | 74 | 274 |
| Riverside | Geo. Leonhardy | 1885 | 72-74 | 62 | 12 | 50 |
| Rockyford | Ashael Fussell | 1886 | 72-74 | 62 | 12 | 50 |
| Rollinsville | Fred. T. Gooch | 1883 | 70-72 | 100 | 24 | 76 |
| Saguache | Robert Jones | 1884 | 72-74 | 102 | 33 | 69 |
| Sedalia | Henry M. Clay | 1885 | 72-74 | 72 | 12 | 60 |
| South Arkansas | John D. McPherson | 1886 | 70-72 | 59 | 24 | 35 |
| Spanish Bar | Sylvester Edwards | 1886 | 64-66 | 200 | 50 | 150 |
| Spring Valley | Jos. Giles | 1884 | 66-68 | 80 | 52 | 28 |
| Do | do | 1884 | 70-72 | 150 | 106 | 44 |
| Trinidad | H. A. Baraclough | 1884 | 68-70 | 770 | 460 | 310 |
| Do | do | 1884 | 70-72 | 1,260 | 920 | 340 |
| Do | do | 1884 | 72-74 | 1,720 | 1,420 | 300 |
| Ula | Jos. A. Davis | 1886 | 72-74 | 300 | 150 | 150 |
| Walsenburg | Fred. Walsenburgh | 1884 | 70-72 | 38 | 24 | 14 |
| Do | do | 1884 | 72-74 | 52 | 12 | 40 |

Mr. PROCTOR. I should be glad to have the Senator from Colorado give some explanation of this matter. I have been receiving for a good many years letters in regard to salaries due postmasters upon former accounts in Vermont. The query I wish to make is, If there is any justice in the claim, why should it not apply to the whole country and not to one State alone?

Mr. TELLER. I suppose, perhaps, it ought, in justice, to apply generally, but we have an unusually large number of these claims from the State of Colorado, owing to the fact that the population increased so rapidly that many postmasters were compelled to advance money. These are accounts which have already been audited in the Auditor's office. I have no objection if the Senator wants to cover other States, but I would a little

rather that he would allow the resolution to pass, and then submit one for the claims in Vermont.

Mr. PROCTOR. I make no objection to the resolution. I merely wanted an explanation.

The VICE-PRESIDENT. Is there objection to the present consideration of the resolution?

The resolution was considered by unanimous consent, and agreed to.

HEARINGS BEFORE COMMITTEE ON AGRICULTURE AND FORESTRY.

Mr. PROCTOR submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

*Resolved*, That the Committee on Agriculture and Forestry be, and is hereby, authorized to employ a stenographer from time to time, as may be necessary, to report such testimony as may be taken by the committee or its subcommittees in connection with matters before them, to have the same printed for its use, and such stenographer be paid out of the contingent fund of the Senate.

PRINTING OF TOPICAL INDEX RELATIVE TO FIVE CIVILIZED TRIBES.

Mr. CLAPP submitted the following resolution; which was referred to the Committee on Printing:

*Resolved*, That there be printed 1,000 copies of the Topical Index to the Twelve Annual Reports of the Commission to the Five Civilized Tribes, to the Secretary of the Interior; 200 copies for the use of the Senate, 300 copies for the use of the House of Representatives, and 500 copies for the use of the Department of the Interior.

REGULATION OF RAILROAD RATES.

Mr. CLAPP. Mr. President, I desire to give notice that to-morrow at the close of the routine business, subject to the pending notice of the Senator from West Virginia [Mr. SCOTT], I shall submit some remarks upon House bill 12987, being the bill proposing to amend the act regulating interstate commerce.

Mr. CULBERSON. Mr. President, I dislike the practice of giving such a notice, but it seems to be generally in vogue, and consequently I will give one.

I desire to say that on Monday the 12th, with the permission of the Senate, I will submit some remarks on the rate bill. If that bill should be the order of business on that day, I would be glad, with the courtesy of the Senate, to make what remarks I shall upon the bill in that order. If it shall not be the order of business on that day I would be glad to speak immediately after the expiration of the routine morning business.

Mr. TILLMAN. I can only say, for the information of the Senator from Texas, that, of course, the Senate itself will determine what shall be the regular business, but that I shall endeavor to have the rate bill taken up as soon as the statehood bill is voted on. So I hope the Senator will have a chance to speak on the bill itself.

THE FIVE CIVILIZED TRIBES.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 5976) to provide for the final disposition of the affairs of the Five Civilized Tribes in the Indian Territory, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. CLAPP. I move that the Senate insist upon its amendments and agree to the conference asked by the House of Representatives.

The motion was agreed to.

By unanimous consent the Vice-President was authorized to appoint the conferees on the part of the Senate, and Mr. CLAPP, Mr. MCCUMBER, and Mr. DUBOIS were appointed.

HOUSE BILLS REFERRED.

H. R. 229. An act providing for the purchase of metal and the coinage of minor coins, and the distribution and redemption of said coins; was read twice by its title, and referred to the Committee on Finance.

The following bills were severally read twice by their titles, and referred to the Committee on Commerce:

H. R. 8103. An act to authorize the construction of a bridge between Fort Snelling Reservation and St. Paul, Minn.; and

H. R. 15583. An act to authorize the Madison Bridge Company to construct a bridge across the St. Francis River in St. Francis County, Ark., at or near the town of Madison, in said county and State.

The following bills were severally read twice by their titles, and referred to the Committee on Public Lands:

H. R. 9165. An act authorizing the Secretary of the Interior to issue patent to the Scandinavian Evangelical Lutheran Little Missouri River congregation to certain lands for cemetery purposes;

H. R. 10152. An act granting certain lands to the city of Biloxi, in Harrison County, Miss., for park and cemetery purposes; and

H. R. 10480. An act for the relief of certain settlers upon land within the indemnity limits of the present St. Paul, Minneapolis and Manitoba Railway Company.

H. R. 12845. An act to consolidate the city of South McAlester and the town of McAlester, in the Indian Territory, was read twice by its title, and referred to the Committee on Indian Depredations.

H. R. 15521. An act establishing regular terms of the United States circuit and district courts of the northern district of California at Eureka, Cal., was read twice by its title, and referred to the Committee on the Judiciary.

MEDICAL DEPARTMENT OF THE ARMY.

Mr. WARREN. I ask the Senate to proceed to the consideration of the bill (S. 1539) to increase the efficiency of the Medical Department of the United States Army. The bill was passed February 5 last, and the following day by unanimous consent was replaced upon the Calendar.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Wyoming? The Chair hears none, and the question is on agreeing to the motion to reconsider the vote by which the bill was passed.

The motion to reconsider was agreed to.

Mr. HALE. I understand the bill is now before the Senate and subject to amendment.

Mr. LODGE. The bill was engrossed and read the third time, of course.

Mr. HALE. And that vote has not been reconsidered?

Mr. LODGE. No; only the vote on the passage of the bill was reconsidered. There are always two votes, the vote on ordering to a third reading, and the vote on the passage of the bill.

Mr. FRYE. And after a bill is ordered to be engrossed for a third reading it is not open to amendment. So if the Senator desires to offer an amendment he must ask that the vote by which the bill was ordered to a third reading and was read the third time be reconsidered.

Mr. HALE. There will be no objection to that, of course.

The VICE-PRESIDENT. Without objection, the vote by which the bill was ordered to a third reading and read the third time will be reconsidered. The bill is in the Senate and open to amendment.

Mr. HALE. Mr. President, I wish to call the attention of the Senate to this bill, to what it will lead to, and that it is a part of the general programme of the General Staff of the Army for an increase of the Army in every direction. There are bills, copies of which I have here, that have already been introduced, covering an increase in almost every one of the different corps or branches of the Army, recommended by the General Staff. This is one of them. There is one for the Ordnance Corps, which slipped through in my absence, or I should have then called the attention of the Senate to it. But it has gone to the House, and is there being considered.

I want the Senate, before this bill passes, to understand fully that it is one of a series of measures perfected by the General Staff to increase the present Army of the United States. Instead of putting it in a general bill, which I presume would have been rejected at once by the Senate, the attack is made in detail, and this is the first one that has come before the Senate for discussion.

I am bound to say that I do not believe in the present condition of the country and its revenues, and, in view of the general considerations touching this question, there is any call for an increase of the Regular Army. It is a body of 60,000 men. We fixed the limit only a few years ago. But there is one body of men, Mr. President, who will never rest contented until the Army is increased. It is not the Secretary of War, although he transmits the reports, but it is the General Staff, the board of military men who have taken charge of the War Department, so far as its administration in a military way goes, and have made their recommendations.

I wish to have the Secretary read, because it will show better than I can in detail, a statement, including this bill and all the other bills, all to the same point, the increase of the Army, under the several bills that have been submitted. I ask the Secretary to read it.

The VICE-PRESIDENT. The Secretary will read it, in the absence of objection.

Mr. WARREN. What is the statement? Who made it?

Mr. HALE. As the Senator will see, it is a statement of the different bills which have been presented.

The Secretary read as follows:

IMPORTANT BILLS SENT TO CONGRESS BY SECRETARY TAFT.

WASHINGTON, *January 29, 1906.*

Secretary Taft to-day sent to Congress drafts of several important bills designed to increase the efficiency of the Army. The bills were

introduced by Representative HULL, chairman of the House Committee on Military Affairs.

One of these measures provides for a separation of the field from the coast artillery, retaining the corps organization for the latter. The coast artillery is increased by officers and men necessary for the torpedo defenses of the harbors, and an attempt is made by increase of pay to remedy the present impossibility of retaining highly trained men. The bill provides for greater flexibility in the companies of coast artillery. The field artillery is increased by six batteries, and regimental organization is given to it. The total increase in both arms provided for is 5,000 men, and the estimated cost for the first year is $2,000,000. In addition there will be an estimated expense of $5,500,000 for barracks, gun sheds, etc., to cover a period of five years.

Another bill is designed to provide a partial reserve for coast defense in case of actual or impending war. The bill provides for a force of not to exceed 50,000 men, who will have served not less than one complete enlistment in the Regular Army. They are to be enlisted for five-year terms, and to be carried on the rolls of the Military Secretary's Office, to be allowed to live where they please in the United States, but to be subject to call by the President for ten days of each year for instruction, and on the outbreak of a foreign war to be called into active service. Secretary Taft explains that the bill provides means of enabling the President to comply with the act of February 2, 1901, to increase the Army to 100,000 men in case of an emergency. The total cost is estimated at about $2,000,000 a year. The Secretary says:

"The necessity for a reserve of trained men was shown at the outbreak of the Spanish war, when it was found to be impossible to secure men for the Regular Army who had had previous training, which necessitated regiments going into battle at their peace strength. The purpose of the bill is simply to have available a trained force to bring the Regular Army to the strength now authorized by law, which would practically double its efficiency, and the annual increased expenditure for that purpose would be only about 3 per cent of the present cost of the permanent military establishment."

Another bill provides for increasing the efficiency of Army bands, both in number of members and the scale of pay. The Secretary says the present scale of the playing members of the military band runs from $13 to $22 a month, which is utterly inadequate to secure and keep competent musicians.

The Secretary strongly urges the passage of a bill increasing the pay of noncommissioned officers in accordance with the principles followed in the armies of all other great powers.

One bill provides for a system of retirement by selection with a view to promote advancement. The bill provides that should the average number of vacancies in each grade from all causes from colonel down to first lieutenant be less than a certain per cent of the total number of officers in the grade next below, additional vacancies to bring the total to the required number shall be provided, according to the Secretary, "by weeding out the least efficient officers." The Secretary adds:

"It seeks to provide a remedy for a condition of affairs in the cavalry, infantry, and artillery bad now, but certain to become intolerable unless a cure is applied. That condition is the result of stagnation in promotion, combined with the unavoidable failure in practice of retiring and examining boards to remedy the evil."

Other bills the passage of which the Secretary advocates provide for the organization of a service corps of 7,000 men attached to the Subsistence Department of the Army for the performance of work heretofore performed by soldiers; for the reorganization of the veterinary corps of the Army; to extend the special leave privileges to certain instructors and student officers at service schools; to authorize commissions to issue in the case of officers retired with increased rank; to provide the noncommissioned officers necessary for duty at various recruiting stations, and to provide for promotions to fill vacancies by detail of officers below the grade of brigadier-general to the General Staff and by the detail of officers to the Military Academy, on recruiting service, etc.

Mr. HALE. Mr. President, what has just been read by the Secretary discloses the purpose of the General Staff. I refer to that body, because all of these movements in the direction of increasing the military establishment have root in that body. I make this statement because, while it is well known to Senators who are on certain committees, I doubt if all Senators are aware of the existence in the War Department of a distinctive military body that assumes control of all military legislation connected with the Army.

The General Staff consists of four general officers, four colonels, six lieutenant-colonels, twelve majors, and twenty captains, taken from the different corps of the Army and assembled together in a series of rooms in the War Department considering questions of war. It is a body of forty-six men. I find—and we get enlightenment as we investigate into the proposed legislation—that the General Staff, that has to deal with an Army of 60,000 men, is comporting itself after the fashion of the general staff of European powers. Germany, with an army of from seven hundred thousand to eight or nine hundred thousand men, has a general staff, and the general staff has subdivided itself into three grand divisions. Dealing, as it necessarily must, surrounded by neighbors, by rival states, with their hands at each others' throats, there is necessity in Europe for a general staff, for it subdividing itself into grand divisions, and taking charge of that immense force, which at any time may be used either to hurl against a neighboring power or for defense in case of invasion.

But the General Staff here, consisting of forty-six officers, who are discussing questions of war, has reported, as the papers in this case show, though I did not know it before, in the last report I saw—they report generally to the President, not to the Secretary of War—a plan for sending 18,000 men to invade China. I am not going into the question now, because luckily the Secretary of State is "sitting upon the lid," and we are not likely to have war.

Mr. TILLMAN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from South Carolina?

Mr. HALE. Certainly.

Mr. TILLMAN. It occurred to me as having a sort of humorous aspect if the Secretary of State is "sitting on the lid" and the Secretary of War is trying to pry it off, that the Secretary of War, being the larger man, that lid will go up. [Laughter.]

Mr. HALE. They are both very great men.

Mr. TILLMAN. I was not speaking about the mentality of the men. Of course, I have the very highest admiration for the Secretary of State and a very fine feeling of friendship for the Secretary of War, but if one was "sitting on the lid" and the other was trying to get it off I was rather inclined to think that Mr. Taft would succeed.

Mr. HALE. I should be entirely willing to trust this matter of contemplated war—but I am not going to discuss that, and only mention it incidentally—with the Secretary of War, although he transmits this report of the General Staff; but the fact is that the General Staff has taken upon itself the entire military authority in the War Department.

Mr. TILLMAN. Is that staff responsible for these stories in the newspapers about troops being sent to the Philippines to be in readiness to invade China?

Mr. HALE. I do not know how many troops have been sent there; but I am inclined to think that several thousand have been sent there, and that the purpose of the General Staff is that they may be used, if an emergency either arises or can be made, to invade China; which, of course, would be a declaration of war while Congress is in session.

Mr. TILLMAN. That would be without Congress permitting or ordering it.

Mr. HALE. Well, the Senator and I have views about that; but that point is not involved in this bill.

Mr. TILLMAN. But that is part of the subject. The Senator spoke of the work of the General Staff, its preparations for war, and the active efforts that are being made to get us into war. I thought that was what the Senator was alluding to. I did not want to draw him from his line of argument, but it just occurred to me that this is a very important matter and that the country ought to have the fullest light on it.

Mr. HALE. That is my only object. It is a thankless task, after a committee has reported a bill, to oppose it and to ask the intervention of the Senate; but it is so grave a situation that I have felt that this project, which is a part of the General Staff plan for increasing the Army, should be understood by the Senate before it passes the bill.

I find, Mr. President, that by the act approved February 2, 1901—five years ago—entitled "An act to increase the efficiency of the present military establishment of the United States," the different corps of the Army, and particularly the Medical Corps, were taken into consideration; and five years ago Congress fixed the limit of the Medical Corps. It cut it down, but fixed the limit in the act to increase the efficiency of the Army.

I wish the Senator from New Hampshire [Mr. GALLINGER], who sits near me, when I read the provision fixing the size or proportion of the Medical Corps of the Army in the bill which we passed for the military service only five years ago, whilst I read the numbers that were then fixed for the Medical Department will read the corresponding provisions in the pending bill. That law provided—

That the Medical Department shall consist of one Surgeon-General, with the rank of brigadier-general; eight assistant surgeons-general, with the rank of colonel—

Now, will the Senator from New Hampshire state the number of colonels provided for in this bill?

Mr. GALLINGER. Sixteen.

Mr. HALE. Against eight in the law—

twelve deputy surgeons-general, with the rank of lieutenant-colonel—

Mr. GALLINGER. In the pending bill twenty-four lieutenant-colonels are provided for.

Mr. HALE. That would be an increase of twelve—

sixty surgeons, with the rank of major—

Mr. GALLINGER. In the pending bill 110 of that rank are provided for.

Mr. HALE. That is an increase of fifty.

Two hundred and forty assistant surgeons with the rank of captain or first lieutenant.

Mr. GALLINGER. In the pending bill the number of captains and first lieutenants with that rank is fixed at 300.

Mr. HALE. I thank the Senator for enabling me to bring in this manner before the Senate the underlying provisions of this bill.

Mr. WARREN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from Wyoming?

Mr. HALE. Yes.

Mr. WARREN. If the Senator from Maine wishes to complete his statement of what is provided in the present law, he should add that the present law provides for the employment of contract surgeons, and that there have been employed on an average nearly 200, and there are 170 employed to-day.

Mr. GALLINGER. One hundred and ninety-five.

Mr. WARREN. The present law was not satisfactory to the Medical Department at the time it passed nor to members of the Military Committee which had the matter under consideration; but was the result, as is the case with many other laws, of a compromise and getting only a part of what was necessary, as experience has proven. There are over 170 contract surgeons constantly employed in order to take care of the Army now, in time of peace.

Mr. HALE. The Senator has anticipated what to me is one of the most objectionable features of this bill. We have provided for the military establishment heretofore and for the Medical Department by a flexible, adjustable, and temporary force of contract surgeons. In any emergency under the present act, the head of the Department, the President primarily, or the head of the Medical Corps, can employ more or less contract surgeons. That, as I have said, was intended to be a temporary force, a flexible force, that could be lessened or increased at any time. It is a force that is not borne on the rolls of the Army as a permanent force, and this bill, under the claim of decreasing the number of contract surgeons, has included them all in the provision for additional captains and lieutenants.

Mr. WARREN. Mr. President, of course the Senator does not mean that. The bill does not so provide.

Mr. HALE. I take it the purpose of the bill is to decrease the number of contract surgeons, but, instead of that, it increases the rank of the medical officers of the Army.

Mr. WARREN. It decreases the expense by $200 a year in the case of each one of the younger surgeons who takes the place of a contract surgeon.

Mr. President, just a moment, if the Senator from Maine will permit me.

Mr. HALE. Certainly. What I want is discussion of this bill.

Mr. WARREN. When the bill passes, if it does, there will still be in time of war or in case of a sudden call an opportunity and a necessity to employ contract surgeons or those from the reserve force, but the bill is based upon the theory that it is a bad practice in time of peace, when we have a minimum force, to rely so largely upon contract surgeons. The bill provides that nearly the number of surgeons that will be necessary shall be continuously employed, and the expense, as I said before, is lessened at one end of the line and increased at the other; but the total expense of the Medical Corps is not increased at the present time, and will not be largely increased when four years from now, if the bill passes, the maximum number of surgeons may be reached.

Mr. HALE. The serious fault with this is that it disposes of the contract surgeons, who can be reduced at any time we pass the bill providing for the Army. Instead of that it is proposed to add these officers to the regular establishment, who are a part of the Army and who receive retired pay. I do not find that the committee have taken any account of that. The contract surgeon is only a temporary appointment and employment. He is not on the Army rolls with retired pay when he arrives at a certain age; but the substitution, which the Senator says does not increase the expense, utterly ignores the fact that when the military establishment is increased, instead of the contract surgeon it is burdened—or not to use the word "burdened"—there is added a corps of officers who have the retired pay, and the increase in years to come, instead of, as the Senator says, being only a few thousand dollars, will be hundreds of thousands of dollars, and what was a good feature in the law which we passed only five years ago of an adjustable force of contract surgeons, which may be a hundred at one time or 150 at another time, is removed, destroyed, and a permanent force is substituted which has every privilege of the rank of officers in the Navy and receive the retired pay. That in itself, Mr. President, ought to give the Senate pause before it passes such a bill.

Mr. WARREN. Mr. President——

Mr. HALE. I do not agree with the Senator that the contract-surgeon provision, which Congress adopted after full consideration, is a bad feature. It is a very good feature.

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from Wyoming?

Mr. HALE. Certainly.

Mr. WARREN. Does the Senator believe that this system of contract surgeons is better than that of regularly commissioned officers?

Mr. HALE. With a large force in other branches, which has been increased, which we fixed five years ago, with a large force of the Medical Corps of the Army, with only a small number of troops, 60,000, the contract-surgeon provision is one of the best features of the military establishment.

Mr. WARREN. Has that system been adopted in the Navy, I will ask the Senator?

Mr. HALE. I am glad the Senator anticipates me about the contract surgeons. I was coming to that. As the Senator has called my attention to it, I will show, I think, that there is no analogy between the Army and the Navy. The Navy within ten years has been more than quadrupled in its force, while the Army has been cut down. There is no analogy between the two. Where we had three or four battle ships and one or two armored cruisers six years ago, at the time that law was passed, we have got now building and soon to be launched twenty-eight battle ships and twenty armored cruisers. When it is said, as it is by Army officers and by the general board, that that situation is analogous to that of the Navy it is precisely the contrary. There is no comparison to be instituted as to the medical force for a department that has been more than quadrupled in six years as contrasted with another department that has been reduced.

Mr. WARREN. Mr. President, I will ask the Senator in that connection what relation the increase of battle ships has to the retired list? The Senator makes the point that this Army proposition does not cost the same because of the retired officers, yet the officers of the Navy are retired and on retired pay, as well as those of the Army.

Mr. HALE. Yes; but there is no proposition of increase in that regard.

Mr. WARREN. There has been an increase heretofore, and that increase in the Navy is proportionately more than the proposed increase for the Army by this bill.

Mr. HALE. There is an increase of the men to man the ships.

Mr. WARREN. But there has been an increase in the Medical Corps of the Navy, and of the higher officers as well as of the lower.

Mr. HALE. It is nothing whatever as compared with this.

Mr. WARREN. This bill—I beg to correct the Senator—stands lower in percentage and proportion than the Navy allowance, as the total will show in comparison.

Mr. HALE. That is a question as to the size of the two establishments. The size of the Navy is enormous when we think that we have twenty-eight battle ships and twenty big armored cruisers, to say nothing of the protected cruisers, scouts, torpedo-boat destroyers, and all that. It is a very great and immense military machine. I say again that no comparison can be instituted between the increase of the naval establishment as contrasted with the Army establishment.

Mr. WARREN. Of course we understand the battle ships are not subject to medical treatment. The surgeons and doctors are to care for men and not ships, the same on sea as on land.

Mr. HALE. The battle ships absorb a large number of medical officers. Every battle ship that is launched and is sent upon the waters of the world takes up a great number of officers. The increase is one of the things that follow the immense increase of the establishment. Congress is not increasing the Army; there is no reason why it should be increasing the Army. There is no peril; there is no reason why now, in a time of profound peace, with nobody interfering with us, we should this year set afoot a scheme for the general increase of the Army of the United States. It has been put in one bill, but I do not think it will ever see daylight in this Senate.

Mr. BACON. Will the Senator allow me to ask him a question?

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from Georgia?

Mr. HALE. Certainly.

Mr. BACON. The Senator well knows that I have not been one of those who favor a large Army. When the bill for the reorganization and increase of the Army was before the Senate, I voted against it, and did what else I could to prevent the increase which was then made. The increase, however, has been made, and we have an Army which requires a certain amount of attention from the medical officers. I make that statement preliminary to an inquiry which I desire to propound to the Senator. Recognizing the fact that a certain number of medical officers are required, the disposition of my mind is that, so far as the absolute requirement for the existing force is concerned,

It should consist of regularly commissioned officers, rather than contract surgeons. I recognize the truth of the statement made by the Senator from Maine [Mr. HALE] that the provision with reference to contract surgeons was intended to be an elastic provision, by which, in times of necessity or emergency, an increased force of medical officers could be readily obtained under existing law without any further legislation.

Recognizing that, the inquiry I desire to make of the Senator from Maine is this: We have had, as he has said, six years of peace, and we are now in a condition of peace. Does the Senator desire—I ask this for information, and not in the way of argument, for I desire to know what the proposition is—does the Senator desire that, so far as the regular force is concerned, having no reference to emergency where there may be an increased force, but so far as the existing force is concerned, does the Senator intend to be understood as favoring contract surgeons for the service required by that existing force rather than by regularly commissioned surgeons?

Mr. HALE. When I consider the question of expense, which we ought to consider, and when I realize that the contract surgeons' force is an elastic force, to be increased or diminished, that it is only temporary and does not have retired pay, does not add to the immense weight of the retired pay of the military establishment, I am very clearly in favor of the present arrangement, which seems to work without any trouble that I know of—we have had for six years more or less use for the military in our possessions in the Philippine Islands, and I have never heard that the contract-surgeon provision, which brings bright young men for the time who are willing to be employed as contract surgeons, and which gives them experience in surgery—I have never heard that the Army has been crippled. Therefore, in answer to the Senator's question, I will say that I think that the present arrangement is a better one than it would be to substitute for the contract surgeons an iron-clad list of so many officers of the Army who are permanent, and who can retire and get retired pay. Right here I should like to call the Senate's attention—because I do not think that that is realized by the country or by the Senate—to the enormous burden of the retired list, both of the Army and of the Navy.

Mr. BACON. Will the Senator pardon me a moment?

Mr. HALE. I do not want to increase that list. Now, I yield to the Senator from Georgia.

Mr. BACON. So far as the medical force has reference to service which would be required in case of an emergency—in other words, service which would be required for a force in addition to the regular force—I quite agree with the Senator that it is better to have a provision for contract surgeons rather than to have a regular establishment, which, for the purpose of meeting emergencies, would be larger than would be required for a time of peace—the ordinary establishment. Now, if the Senator will pardon me just a second further——

Mr. WARREN. That is just what this bill does.

Mr. BACON. That is the question on which, as my friend the Senator from South Carolina [Mr. TILLMAN] says, I wish to have light—whether or not this bill proposes to make a permanent organization for the regular establishment, with a regular ascertained force and with the corresponding opportunity for the ascertainment of the number of regular surgeons who may be required, or whether it provides a larger medical corps than the regular establishment requires and is intended to make provision for anticipated increase in time of emergency.

Now, if it is true that the bill only provides such regular medical officers as will be required and as are now required for the regular establishment, I would prefer to have regular officers, even with the burden of retired pay, rather than to have contract surgeons.

Mr. HALE. Mr. President——

Mr. BACON. But, if the Senator will pardon me for a moment, if it is a corps of officers greater than is required for the regular establishment and is provided in anticipation of time of emergency, I should then prefer, of course, that that should be provided for by the contract-surgeon arrangement. I understand, though, from the statement of the Senator from Wyoming that this bill still leaves in force the law with reference to contract surgeons with a view to the employment of contract surgeons to meet emergencies when an increase over the regular establishment may be required.

Mr. WARREN. The bill does more than that. It provides for a reserve corps, the members of which receive no pay except when called into service, but each candidate must pass a regular examination and be certified up so as to be eligible for employment in case of emergency.

Mr. BACON. Are they contract surgeons?

Mr. WARREN. They would be under pay as regular officers for the time their services were rendered, but entitled to no retirement pay and no privileges beyond those of contract surgeons, except that they would have regular rank.

Mr. HALE. Luckily, Mr. President, the documents in the case, furnished by the General Staff, give a complete answer to the question of the Senator from Georgia. And, first, if it is not intended to substitute for the present arrangement an increased force—not the present, but an increased force—of officers, why are the 8 colonels increased to 16? We have got along with 8. Why are the 12 lieutenant-colonels increased to 24? Why are the 60 majors increased to 110? Why are the 240 captains and first lieutenants increased to 300?

Now, referring to the very question the Senator from Georgia has asked, whether any of this increase is needed, I say the answer is in what I have just indicated, that we have got on very well since five years ago we passed the bill to increase the efficiency of the Army and the Medical Corps; and that is a demonstration that these additional officers are not needed. But we are not left to that. The Lieutenant-General, the Chief of Staff before the present one, General Chaffee—iron-grim old soldier—has made his comment on this bill:

> I have personally to remark that in my opinion the bill as drawn will greatly increase the efficiency of the Medical Corps. It is true it does not give so great a flow of promotion to the ranks of colonel and lieutenant-colonel as is desired by the Surgeon-General—

There was a controversy between the Surgeon-General and the General Staff, and the Secretary, on this matter of colonels and lieutenant-colonels, adopted the plan of the General Staff—

> but it does give early rank for majors and lieutenants, who are, in fact, the men generally employed for duty with troops, colonels and lieutenant-colonels being more generally administrative officers. For this purpose the number of colonels and lieutenant-colonels provided for in the bill seems to me ample for peace administration and for reasonable requirements in war for an army of 250,000 men.

That is the horizon of the General Staff. That is the outer circle of the needs of the Army. He does not stop there.

> We have now employed in the service nearly 200 contract physicians, and if this bill should pass it is believed that in a few years—that is, when the corps shall be entirely reorganized under the bill—contract surgeons can be dispensed with and our medical system in the Army made very much more efficient than it is to-day.

Mr. BACON. Will the Senator permit me at this point to ask him a question for information?

Mr. HALE. Certainly.

Mr. BACON. The statement there is that there are 200 contract surgeons. The Senator has read the increased number of officers of different rank that there will be. What is the total increased number of officers provided for in this bill?

Mr. HALE. It has been read here, and I have added it up, but——

Mr. BACON. The Senator has read how many generals there would be, and how many lieutenant-colonels there would be, and how many majors there would be, but I want to know the total number of officers, with a view to comparing it with the number of contract surgeons.

Mr. HALE. There are 8 colonels, 12 lieutenant-colonels, 60 majors, and 60 captains and first lieutenants.

Mr. GALLINGER. Three hundred captains.

Mr. HALE. Three hundred captains.

Mr. WARREN. Two hundred and forty captains and first lieutenants.

Mr. HALE. Yes; 240.

Mr. WARREN. Yes.

Mr. BACON. What is the total increase in the number of officers contemplated by this bill over the number of commissioned officers now in the Army?

Mr. WARREN. A hundred and thirty.

Mr. BACON. And there are 230 contract surgeons?

Mr. WARREN. At the present time a hundred and seventy-odd.

Mr. BACON. In other words, there are some forty-odd less——

Mr. WARREN. Yes.

Mr. BACON. Than are now employed, constituting the Medical Corps, both of regular officers and of contract surgeons?

Mr. TELLER. No.

Mr. HALE. You can not fix the number of contract surgeons except for the day or the month or for the time being. It is an adjustable force. It is 150 at one time, because they are needed; it is 165 at another, perhaps 200, or even more, and therefore you have nothing to come and go on as to the permanency of the contract force. That is the merit of the force.

Mr. BACON. I will ask the Senator if he has the information whether there has been at any time within the past six years as small a number as 130 contract surgeons in employment?

Mr. WARREN. May I answer the question? I think the number to-day is the minimum.

I should like to ask the Senator from Maine, who believes so thoroughly in contract surgeons—I believe in them myself in time of war—if he believes the Navy ought to change its system, reduce the number of its officers and employ a corps of contract surgeons instead; and whether he, as chairman of the Naval Committee, has made any move toward bringing about that result?

Mr. HALE. There is no analogy between the Navy, made up of war ships, and a military force stationed at a hundred different places on land.

Mr. WARREN. I should like to know why.

Mr. HALE. For this reason—I was about to state it.

Mr. WARREN. I was going to say, I do not understand why a man can not be employed under contract as a surgeon on a ship as well as on land.

Mr. HALE. The battle ship when fitted out has to have a permanent outfit for her cruise. It may be for three years. She has to have a complete outfit of officers. It is very large. You take a battle ship and begin with the captain and the different lieutenants, the men performing engineer duty, the medical corps, the pay corps, the chaplain, perhaps, and you have to have that entire force for a cruise of three years.

Mr. WARREN. Why is it not as easy to contract for a cruise of three years as for a term of one year?

Mr. HALE. You will find it very much more difficult.

Mr. WARREN. There is no more difficulty in contracting for three years than for one. Experience has shown that.

Mr. HALE. Yes; there is a great deal more. There are a great many bright young medical men who will go into the Army for the benefit of the year's experience they will get in an emergency, and the advance they are given in the line of surgery, who would never agree for a moment to go on a battle ship for three years before they return home.

Mr. WARREN. Would the Senator hire contract surgeons for a year, sending them under large expense to the Philippine Islands and return, and think it was a matter of economy?

Mr. HALE. We have gotten along very well in the Philippines, so far as this force goes. I have heard no complaint. We have largely employed contract surgeons. I think most of them wanted to come home, and a good many of them lost their health and will never again be well men. Yes; as the Senator from New Hampshire [Mr. GALLINGER] suggests to me, not only the contract surgeons, but the regular surgeons. They all want to come home after a short time.

But the Senator, I say again, should bear in mind that there is no comparison between the actual operation of the Navy and the Army. The Army is disposed of on land at a hundred different stations, and it is easily approachable. The term of service may be very short; while, as I said before, one of the very worst features of the pending bill is that which provides for an additional number of permanent officers and a retired list. That is one of the bad features of this bill.

In looking up the matter I have had occasion to read the debates in another body, and they are very illuminating about the retired list. We have retired more brigadier-generals in the Army in the last three years than we ever before retired after the immense, colossal wars we have been engaged in; and I do not want to see the retired list increased anywhere. I do not object to the officers of the Army and the Navy in reasonable numbers, the size of the establishment being fixed in a conservative fashion, having the benefit of retired pay. It is a very great inducement to military service in both the Army and the Navy that at the age of 62 or 64, as the case may be, instead of a man being thrown out to take his chances as he does in the vocations of peace, he is retired with three-quarters of the pay he has been drawing as an active officer. I do not object to that. That is a part of the military system, and a fitting part. But it is a curious development of the present situation that we are to-day retiring officers both of the Army and the Navy, at a more rapid rate than we did after the great wars we have been engaged in. The list of retired naval officers—retired admirals and rear-admirals—has got to be something enormous. If the debate continues another day, or is not ended now, I may present a list I have of the number of major-generals and brigadier-generals already on the retired list, which this bill proposes to increase; and it is something startling. The number of brigadier-generals and major-generals—I have not the figures here now——

Mr. WARREN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from Wyoming?

Mr. HALE. Certainly.

Mr. WARREN. The Senator does not mean to maintain that this bill increases the retired list directly? The Senator knows better than anybody, because he was the able champion here of a bill to retire officers of the Navy at one grade higher than that to which they were entitled, because of civil war service, that the retired list was greatly increased. The Congress did the same for the Army, and for that reason there is at the present time a large list of brigadier-generals. There are not many retired major-generals. There is a very large list of admirals of the Navy retired. But, unfortunately, in the course of events, the number will grow less and less from day to day by the death of these veterans who gave the best of their lives to preserve the Union.

Mr. HALE. The increase does not come from the civil war—not by any means. That was forty years ago. The increase comes under the present practice of pushing men up—as the Senator from New Hampshire [Mr. GALLINGER] suggests to me—for a day.

Mr. WARREN. They are all civil war men.

Mr. HALE. They may have been in the civil war, but the civil war did not develop any such system as has been developed forty years after the civil war. Officers are pushed up, as the Senator from New Hampshire says, for a day, and then retired, and somebody else is pushed up and retired. Nothing of the kind was ever done until within the last few years and, perhaps, few months. The list of major-generals is large. There are more than the Senator from Wyoming thinks there are. It is a very large number.

Mr. WARREN. There is a very small number of major-generals on the retired list—less than a score in number.

Mr. HALE. Compared with brigadier-generals, undoubtedly. And now I say again that when, as is shown here, it is proposed to be rid of contract surgeons, and to have this regular ironclad list of officers, who are a part of the establishment, who get retired pay, which contract surgeons do not get, it is not directly an increase of the retired list—it is directly an increase of the retired list; and when you put on 130 new officers, you establish, just as certainly as the tides and the sunrise come, that when those officers reach a certain age they are entitled to be retired on three-fourths pay, and the contract surgeon is not. As I said, the contract surgeons constitute a flexible force, and it is the best force, and we have got on so well with it that I do not want to see it changed.

I find, in looking over this document, which has been furnished from the General Staff, that Gen. Leonard Wood, a good soldier, a good officer, an active fighting man, who has been out in the Philippines, says:

> The Medical Department should be large enough to enable the Army in case of expansion to have regular medical officers in reasonable numbers throughout the entire force.

That is the purpose—that the Medical Corps, that part of the general service, shall now be enlarged and expanded with a view of what will be its necessities in time of emergency; and we are asked not here, but in the other bills to which I have alluded, to adopt the same programme.

The Senator from Wyoming is a frank man, and I do not quite understand why it is not admitted that this is to be an increase, and that it is better that there should be an increase, and that we should have an increase of the Army now because at some time or other we may have a war. That is what it means.

Mr. WARREN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from Wyoming?

Mr. HALE. Certainly.

Mr. WARREN. The Senator has made that statement, or statements similar to it, several times. If I permitted it to pass, I would tacitly give assent to it. I dissent entirely from that view as to this bill. All we ask the Senate to do is to treat this bill on its own merits without reference to the other staff bills.

The Senator has alluded to a number of bills that have been introduced in the House and in the Senate. They have not been reported here.

Mr. HALE. Some of them have been.

Mr. WARREN. None that increase expenses. Of the number that the Senator alluded to this morning or read the list of, not a single one has come out of the committee which increases by one penny the expenses of the Government. The present one is not included. It is a bill which has passed here before. The present bill does not provide for an increase of the Army to 200,000. It may give at the head officers enough to organize a force if called upon for 200,000 men, but it does no more than provide the working force of the present Army. It does not increase the number under pay at the present time or that have been under pay.

Mr. SPOONER. I should like to ask the Senator a question. What is the record of the Medical Department of the Army as to the general efficiency of the contract surgeons? Has it been unsatisfactory?

Mr. WARREN. It has been both satisfactory and unsatisfactory. There is no disposition to cast reflections upon contract surgeons. There is this, however: There is the expense of transporting those men in the beginning and closing of their term, which does not follow with the regular officers of the Army. There is, of course, a constant danger of losing the best of the contract surgeons wherever and whenever they find better places to practice their profession than in the Army. Where they receive $1,800 per year it does not take very much of a town or place to offer better inducements for a competent surgeon and physician than under his contract with the Army.

I do not wish to inveigh against contract surgeons as such, but the point I make is that in order to secure men with the proper talent and ambition to follow their profession and to take into consideration the future we should make them regular officers up to the minimum number that everyday peace-basis Army uses may require, and we should depend upon contract surgeons only for such extra temporary force as we may need from time to time.

Mr. SPOONER. I have known some—not many—but I have known among contract surgeons some gifted young men, men who had graduated with credit——

Mr. WARREN. May I say——

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Wyoming?

Mr. WARREN. May I say there is no kind of trouble in time of war about getting competent surgeons for temporary work? There are then men patriotic enough, no matter what they may be earning at home, to volunteer and go out as contract surgeons; but in times of dry and unexciting peace they are not so anxious to get into the service of the United States.

Mr. SPOONER. I yield to the Senator. [Laughter.]

Mr. WARREN. I beg your pardon.

Mr. PETTUS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Alabama?

Mr. SPOONER. Always.

Mr. PETTUS. Has the Senator from Maine concluded his remarks?

Mr. HALE. I yield to the Senator from Alabama.

Mr. PETTUS. Mr. President, it is a prudent thing at least to learn wisdom from the conduct and acts of others. That wisdom which we get by experience is terribly expensive. Now, ordinarily we have not given that attention to the medical branch of the Army which it deserves. Mr. President, the history of the wars of the last two or three hundred years shows that where one man is killed by a bullet four men die of disease, and they die of diseases which can be prevented if sufficient care be taken. It is altogether a mistaken idea to pass by the medical branch of the Army as an unimportant affair.

I desire, in illustration of what I have been saying, to read a few extracts from a recent book written by Surgeon Seaman, who went through the Japanese war and through the hospitals and studied this subject on the ground. The Japanese prepared for sickness as well as for the fighting branch. They had studied the history of the world. They knew how many died of sickness; and they produced a most marvelous result. Whereas in other wars, in the wars of the United States as well as the wars of other countries, four men died of disease where there was one killed by a bullet or died of wounds, in the war between Japan and Russia only one died of disease where four died of bullets or died of wounds.

Mr. WARREN. Will the Senator allow me? Fourteen died of disease where one died by bullets in our Spanish war.

Mr. PETTUS. I have the figures before me. I do not think I am mistaken.

Mr. WARREN. Very well.

Mr. PETTUS. While I am on this subject I will give the figures: Killed and died of wounds, fifty-two thousand and odd; died of all diseases, 11,000.

Mr. WARREN. I beg the Senator's pardon. I thought he was reading from another article and about another war. He is correct.

Mr. PETTUS. I am reading about the Japanese war, and these are the official figures, as the author states.

Now, just think of the enormity of the thing! One died of wounds and four died of disease; and that is the history of the wars of the last two hundred years. It was not quite so bad in all our wars, but is was approximately so.

In this case 52,946 were killed and died of wounds, and 11,992 died from diseases. As I said, though, I propose to read a few extracts from this book:

> The success of Japan in the recent conflict with Russia is due preeminently to three fundamental causes: First, thorough preparation and organization for war, such preparation as was never made before; second, to the simple, nonirritating, and easily digested rations of the Japanese troops; and, third, to the brilliant part played by the members of the medical profession in the application of practical sanitation and the stamping out of preventable diseases in the army, thereby saving its units for the legitimate purposes of war—the smashing of the enemy in the field.
>
> It must never be forgotten that in every great campaign an army faces two enemies—the armed forces of the opposing foe, with his various machines for human destruction, who is met at intervals in open battle, and the hidden foe, always found lurking in every camp, the grim specter, ever present, that gathers its victims while the soldier slumbers in hospital, in barrack, or bivouac—the far greater and silent foe, disease.
>
> Of these enemies, the history of warfare for centuries has proven that in prolonged campaigns the first, or open enemy, kills 20 per cent of the total mortality in the conflict, whilst the second, or silent enemy, kills 80 per cent. In other words, out of every 100 men who fall in war 20 die from bullets or wounds, while 80 perish from disease, most of which is preventable. This dreadful and unnecessary sacrifice of life, especially in conflicts between the Anglo-Saxon races, is the most ghastly proposition of modern war, and the Japanese have gone a long way toward conquering or eliminating it.
>
> Without minimizing for a moment the splendor of her victories on land or sea—Mukden, Port Arthur, Liaoyang, and the Korean Straits, of which two are among the bloodiest battles in history—I yet unhesitatingly assert that the greatest conquests of Japan have been in the humanities of war, in the stopping of the needless sacrifice of life through preventable disease.
>
> Longmore's tables, which are accepted as the most reliable statistics of war, and which are based on the records of battles for the past two hundred years, show that there rarely has been a conflict of any great duration in which at least four men have not perished from disease to every one from bullets. * * *

Mr. President, this author goes on to show how this was done:

> All of these statistics were studied with the minutest care and detail by the Japanese. Their authorities recognized that in order to be victorious over a foe like Russia this great, silent enemy that slaughters eighty out of every hundred that fall must be overcome. And the following startling figures recording losses from February, 1904, to May, 1905, since which time there have been no great battles, show to what a splendid degree they were successful.

Here is the table which I read, in substance. I will read it again:

| | |
|---|---|
| Killed and died from wounds | 52,946 |
| Died from all diseases | 11,992 |

Now, I want to show you one of the great instrumentalities by which this was done. The Senator from Maine complained of rank, of too much rank, especially to these medical officers.

> She—
>
> Japan—
>
> organized her medical department on broad, generous lines, and gave its representatives—

The Senator will please listen—

> gave its representatives the rank and power their great responsibilities merit, recognizing that they had to deal with a foe that kills 80 per cent of the total mortality. She even had the temerity (strange as it may seem to an English or American army official) to grade her medical men as high as the officers of the line who combat the emeny that kills only 20 per cent, and to accord them equal authority, except, of course, in the emergency of battle, when all authority devolves, as it should, on the officers of the line.

Mr. President, surely we can get a lesson from that history of what was done in Japan. We all know the horrors of disease in war. I had a little experience once myself. I was an officer of a regiment that was ordered from Mobile to Knoxville in February, 1862, and it made the trip. It was a regiment of about 900 or 1,000 men, and the trip cost 200 men, who died of disease within a few days after that trip was accomplished. Why? The precautions necessary, and the precautions medical men would take if they could have their way, would have saved those 200 men. They traveled in open cars from Mobile to Knoxville, with the snow falling on them most of the way; they had just recovered from long attacks of measles, and the 200 men died of disease in about ten days. But that is just a personal matter. These figures that I have read about from the authorities show the immense importance of having the Medical Corps of the Army of the United States composed of a sufficient number, whatever that number may be. I have heard no complaint of the number. It is the rank that seems to offend.

Mr. President, those wise men, taking precautions to fight the supposed greatest land force in the world, gave their medical officers the same rank they gave the officers of the line, and they ought to have it. If they can change the ratio of those who die of wounds and those who die of disease, as the Japanese can change it, how do they do it? They do it by the wisdom they get from their medical books, in the first place, and their experience in treating diseases, and they get it by reason of their rank, their authority in the army; and they ought to have it.

Almost all prudent men prepare for war in time of peace. If

we are ever to have another war I want to profit by the wisdom of these Japanese, and have the medical officers not only numerous enough, but of important rank in the field as well as in time of peace. They ought to have this rank. There is not a man who served a month in an army who does not know the vast importance of rank so far as it gives efficiency to a man in an army.

Right here in the Government in time of peace rank is of the utmost importance to give effect. What is the doctor worth if he is a contract doctor and if he is paid $1,800 or $2,000 a year? What can he do to change the administration where he sees wrong going on? Inquiry is made at once, "Who is this man?" "He is a surgeon employed by the Government; they give him almost as much as they do a lot of clerks; they pay him $1,800 or $2,000." Every man of us ought to know that rank is of the utmost importance to successful operation in the control of men.

A contract surgeon has no right—no legal right, I am talking about, and no right according to the usages of society—to associate with the officers of the Army. When he does so it is by their courtesy. He is not recognized as the social equal of them.

How can he, then, a man who has no right of social intercourse with the officers of the Army, influence them and produce a change? He can have his ideas, which may be the wisest possible, but how is he to influence the conduct of the management of the Army, the preparation for the events that are to take place? They listen to him, and some wise officer may gather some idea from him that would be useful, but here the very man who is to save the 80 per cent of the Army of those who are to die is not even on a social equality with one of the cadets who will graduate next June at West Point. You put him down on his personal merits and the gentlemanly conduct of the officers of the Army. There is where he stands. He has no official rights at all. Men who are intrusted with this high duty ought to have rank and they ought to have enough of commanding rank. The Senator from Maine says we have too much rank.

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. House bill 12707, the statehood bill.

Mr. NELSON. The Senator from Kansas [Mr. LONG] will address the Senate on the bill.

Mr. WARREN. I understand the Senator from Kansas is ready to go on with his speech, as he gave notice. The Senator from Maine [Mr. HALE] having the floor upon the pending measure, I wish to give notice that I shall endeavor to call it up immediately upon the conclusion of the remarks of the Senator from Kansas. This course, I understand, to be agreeable to the Senator from Maine.

Mr. HALE. It is entirely agreeable to me.

### COLVILLE INDIAN RESERVATION LANDS.

The VICE-PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 4229) to authorize the sale and disposition of surplus or unallotted lands of the diminished Colville Indian Reservation, in the State of Washington, and for other purposes, which were as follows:

Page 2, line 12, after the words "disposed of," strike out the words "as hereinafter provided" and insert in lieu thereof "under the general mining laws of the United States."

Also, page 2, line 14, after the word "entry," insert "under the provisions of the homestead law."

Also, page 2, line 15, after the word "value," insert "in addition to the fees and commissions now prescribed by law for the disposition of lands of the value of $1.25 per acre."

Also, page 3, line 19, after the word "acre," insert *"And provided also*, That if the State of Washington has made any selections under existing law in lieu of sections 16 and 36 of the lands affected by this act the acreage of such selections shall be deducted from the acreage to be paid for under the preceding proviso."

Strike out all after the word "price," in line 14. Strike out all the remainder of the section.

Page 4, strike out all of section 5 and renumber the succeeding sections.

Page 4, line 23, after the word "proceeds," insert "not including fees and commissions."

On page 5, line 11, after the words "thrashing machine," insert the word "others."

Page 6, line 20, before the word "proceeds," insert the word "net."

Insert a new section to stand as section 12, to read as follows:

"SEC. 12. That if any of the lands of said diminished Colville Indian Reservation can be included in any feasible irrigation project under the reclamation act of June 17, 1902, the Secretary of the Interior is authorized to withhold said lands from disposition under this act and to dispose of them under the said reclamation act, and the charges provided for by said reclamation act shall be in addition to the appraised value of said lands fixed as hereinbefore provided and shall be paid in annual installments as required under the said reclamation act, and the amounts to be paid for the land, according to appraisement, shall be credited to the fund herein established for the benefit of the Colville Indians."

Mr. PILES. I move that the Senate concur in the amendments of the House of Representatives.

Mr. DUBOIS. I do not see the chairman of the Committee on Indian Affairs present.

Mr. PILES. This is agreeable to him.

Mr. DUBOIS. These amendments seem to be quite important. I suggest to the Senator from Washington that he either ask for a conference or that the bill be withheld until the chairman is present.

Mr. PILES. If the Senator will permit me, I will say that the amendments are entirely satisfactory to the chairman of the committee. As a matter of fact——

Mr. DUBOIS. I should like to look over the amendments. They seem to be very important, and I do not think we should accept the House amendments without considering them.

The VICE-PRESIDENT. Without objection, the amendments will lie on the table for the persent.

Mr. PILES subsequently said: Mr. President, I am informed by the Senator from Idaho [Mr. DUBOIS] that after an examination of the amendments made by the other House to the bill (S. 4229) to authorize the sale and disposition of surplus or unallotted lands of the diminished Colville Indian Reservation, in the State of Washington, and for other purposes, he has no further objection, and I therefore move that the Senate concur in the House amendments.

The motion was agreed to.

### DELEGATE FROM ALASKA.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 956) providing for the election of a Delegate to the House of Representatives from the district of Alaska.

Mr. NELSON. The amendment is in the form of a substitute, which is quite lengthy, and it is unnecessary to read it. I move that the Senate disagree to the amendment and ask for a conference on the disagreeing votes of the two Houses.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate, and Mr. NELSON, Mr. DILLINGHAM, and Mr. PATTERSON were appointed.

### REGULATION OF RAILROAD RATES.

Mr. SIMMONS. Mr. President, I desire to give notice that on Tuesday next, after the morning business is finished, it is my purpose to submit some remarks upon House bill 12987, known as the "rate bill."

### POSTAGE ON CERTAIN PERIODICAL PUBLICATIONS.

Mr. STONE. Mr. President, I ask the Senator from Kansas to yield to me for a moment.

I had intended this morning to call up Senate resolution No. 82, instructing the Committee on Post-Offices and Post-Roads to ascertain and determine if construction of Post-Office Department as to meaning of the law as to postage on certain publications of alumni of colleges as second-class matter, etc., is correct, etc., and ask the Senate to dispose of it; but the measure in charge of the Senator from Wyoming was taken up, and it consumed the morning hour. I observe that all the morning hours are to be absorbed by speeches of which notice have been given up to Tuesday. I shall ask the Senate on Wednesday of next week, after the routine business, to permit me to call up the resolution and submit some remarks upon it, and I hope to have it then disposed of.

### JUDICIAL DISTRICTS OF NORTH DAKOTA.

Mr. HANSBROUGH. I ask unanimous consent for the present consideration of a very short bill, which is considered quite important, if the Senator from Kansas will kindly yield to me.

Mr. LONG. Very well.

Mr. HANSBROUGH. I ask the Senate to proceed to the consideration of the bill (S. 3433) to amend an act entitled "An act to divide the judicial district of North Dakota," approved April 26, 1890.

The Secretary read the bill; and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on the Judiciary with amendments, in line 1, page 3, section 3, to strike out the word "April" and insert "March;" in line 2, page 3, section 3, to strike out the word "first" and insert "second;" in line 3, page 3, section 3, to strike out the word "December" and insert "November;" in line 4, page 3, section 3, to strike out the word "February" and insert "July;" in line 5, page 3, section 3, to strike out the word "April" and insert "October;" in line 7, page 4, section 5, to strike out the word "April" and insert "March;" in line 8, page 4, section 5, to strike out the word "first" and insert "second;" in lines 8 and 9, on page 4, section 5, to strike out the word "December" and insert "November;" in line 10, page 4, section 5, to strike out the word "Feb-

ruary" and insert "July;" and in line 11, page 4, section 5, to strike out the word "April" and insert "October;" so as to make the bill read:

*Be it enacted, etc.*, That the act entitled "An act to divide the judicial district of North Dakota," approved April 26, 1890, be amended so as to read as follows:

"That the State of North Dakota shall constitute one judicial district.

"SEC. 2. That for the purpose of holding terms of the district court said district shall be divided into five divisions, to be known as the southwestern, southeastern, northeastern, northwestern, and western divisions. That portion of the State comprising the present counties of Burleigh, Stutsman, Logan, McIntosh, Emmons, Kidder, Foster, Wells, McLean, and all the territory in said State of North Dakota lying west of the Missouri River and south of the twelfth standard parallel shall constitute the southwestern division, the court for which shall be held at the city of Bismarck. That portion of the State comprising the present counties of Cass, Richland, Barnes, Dickey, Sargent, Lamoure, Ransom, Griggs, and Steele shall constitute the southeastern division, the court for which shall be held at the city of Fargo. That portion of the State comprising the present counties of Grand Forks, Traill, Walsh, Pembina, Cavalier, and Nelson shall constitute the northeastern division, the court for which shall be held at the city of Grand Forks. That portion of the State comprising the present counties of Ramsey, Eddy, Benson, Towner, Rolette, Bottineau, Pierce, and McHenry shall constitute the northwestern division, the court for which shall be held at the city of Devils Lake. That portion of the State comprising the present counties of Ward and Williams and all that territory lying west of the Missouri River and north of the twelfth standard parallel in the State of North Dakota shall constitute the western division, the court for which shall be held at the city of Minot.

"SEC. 3. That the terms of the district court for the district of North Dakota shall be held at Bismarck on the first Tuesday in March in each year; at Fargo on the third Tuesday in May in each year; at Grand Forks on the second Tuesday in November in each year; at Devils Lake on the first Tuesday in July in each year, and at Minot on the second Tuesday in October in each year. And the provisions of law now existing for the holding of said court on the first Monday in April and November of each year is hereby repealed, and all suits, prosecutions and processes, recognizances, bail bonds, and other proceedings of whatever nature pending in or returnable to said court on the days last named are hereby transferred to and shall be made returnable to and have force in the said respective terms provided in this act in the same manner and with the same effect as they would have had had this act not been passed.

"SEC. 4. That all civil suits not of a local character now pending or which shall be brought in the district or circuit courts of the United States for the district of North Dakota in either of the said divisions against a single defendant, or where all the defendants reside in the same divisions of said district, shall be brought in the division in which the defendant or defendants reside, or, if there are two or more defendants residing in different divisions, such suit may be brought in either division, and all mesne and final process subject to the provisions of this act, issued in either of said divisions, may be served and executed in either or all of said divisions. All issues of fact in civil causes triable in any of the said courts shall be tried in the division where the defendant or one of the defendants reside, unless by consent of both parties the case shall be removed to some other division.

"SEC. 5. That the circuit court of the United States for said district shall be held at Bismarck on the first Tuesday in March in each year, at Fargo on the third Tuesday in May in each year, at Grand Forks on the second Tuesday in November in each year, at Devils Lake on the first Tuesday in July in each year, and at Minot on the second Tuesday in October in each year, and cases taken on appeal or writ of error from the district court shall be returnable to the circuit court held in that judicial subdivision from which the appeal was taken. When the circuit court or district court is held, as provided in this act, at the same time and place, one grand and one petit jury only shall be summoned and serve in both said courts.

"SEC. 6. That the clerk of the circuit and district courts for said district shall each appoint a deputy clerk at the place where their respective courts are required to be held in the division of the district in which such clerk shall not himself reside, each of whom shall, in the absence of the clerk, exercise all the powers and perform all the duties of clerk within the division for which he shall be appointed: *Provided*, That the appointment of such deputies shall be approved by the court for which they shall have been respectively appointed, and may be annulled by such court at its pleasure, and the clerks shall be responsible for the official acts and negligence of all such deputies."

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

## THE STATEHOOD BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12707) to enable the people of Oklahoma and of the Indian Territory to form a constitution and State government and be admitted into the Union on an equal footing with the original States; and to enable the people of New Mexico and of Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States.

Mr. LONG. Mr. President, my interest in this bill is mainly in that part relating to statehood for Oklahoma and Indian Territory. I am acquainted with the people who live in the proposed State of Oklahoma and know the injustice that has been done them by the denial of their repeated petitions for statehood. Three Congresses have had this subject under consideration. It has consumed more time in those Congresses than any other one subject. Three years ago, in the Fifty-seventh Congress, a bill passed the House of Representatives providing for statehood for Oklahoma, with a provision that later on Indian Territory should be attached to the proposed State. That bill failed to become a law. In the next Congress a bill passed the House of Representatives providing for statehood for Oklahoma and Indian Territory. That bill also passed the Senate, but failed in conference.

The bill under consideration has passed the House of Representatives. It is pending here. The people of Oklahoma and Indian Territory are entitled to statehood. They were entitled to it three years ago; they were entitled to it one year ago, and a crime has been committed against them. It is a crime to deny the number of people living within the boundaries of the proposed State the privilege of being admitted into the sisterhood of States.

In the admission of new States three elements are properly taken into consideration—first, the area; second, the population, and third, the resources, developed and undeveloped. So far as area is concerned, the boundaries of the proposed State are ample. The area will be somewhat smaller than either Kansas or Nebraska, but larger than Arkansas or Iowa, being about the size of Missouri.

So far as population is concerned, there are more people living there than have been denied admission in any other Territory or than have been admitted in any State since the organization of the Government. The governor of Oklahoma, in his last annual report, estimates that on the 30th of last June there were not less than 800,000 people in Oklahoma.

The Indian inspector for the Five Civilized Tribes estimated that on the same date there were not less than 700,000 people in Indian Territory. The Bureau of the Census, in its estimate of population of all the States and Territories for the year 1905, placed the number of people in Oklahoma and Indian Territory at 1,056,261. Comparing the population of Oklahoma and Indian Territory with the population of States, taking not the estimates of the governor of Oklahoma and the Indian inspector, but the estimate of the Bureau of the Census on the population of these Territories, and the same estimate as to the States, we find that the combined population of Oklahoma and Indian Territory last year was within 100,000 of the combined population of the following States: Delaware, Idaho, Montana, Nevada, Utah, and Vermont. These six States are entitled to send twelve Senators to this body, and yet the petition of Oklahoma and Indian Territory to send two Senators has been repeatedly denied by Congress.

Mr. HEYBURN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Kansas yield to the Senator from Idaho?

Mr. LONG. Certainly.

Mr. HEYBURN. I should like to ask whether the Senator bases his statement upon the population of those six States under the last census, or whether he gives them the benefit of the growth for which he has given credit to the Territories mentioned?

Mr. LONG. I endeavored to make it plain, but evidently did not. I take the estimate of the Bureau of the Census for last year on Oklahoma and Indian Territory and compare it with the estimate for the same year on the six States to which I have referred.

Mr. HEYBURN. The estimate for the present population?

Mr. LONG. The estimate for the population of last year, 1905. Taking these estimates, we find that the population of this proposed State is equal to the population of Montana, New Hampshire, and Oregon combined. It is greater than the population of North Dakota and South Dakota combined. It is nearly twice the population of the State of Washington. It is half again as large as Maine.

Mr. PILES. Mr. President——

The VICE-PRESIDENT. Does the Senator from Kansas yield to the Senator from Washington?

Mr. LONG. Certainly.

Mr. PILES. I should like to correct the Senator. I understood the Senator to say that the population of Indian Territory and Oklahoma was twice that of the State of Washington. The State of Washington to-day has more than a million people. I think that is generally admitted by those who are familiar with the conditions prevailing in that State.

Mr. LONG. I do not know to what estimate the Senator refers regarding the population of Washington. I am taking the estimate of the Bureau of the Census. These comparisons are not made for the purpose of showing that the States that are in the Union are not entitled to statehood, nor are they intended as a reflection on those States, but the purpose is to show that in Oklahoma and Indian Territory there are over a million people, according to the estimate of the Bureau of the Census, and over a million and a half according to the estimates

of the governor of Oklahoma and the Indian inspector for the Five Civilized Tribes, who are entitled, on population, to be admitted as a State. It is nearly four times the population of Montana; it is larger than the population of any New England State, except Massachusetts. This much as to population.

Oklahoma alone in the election of Delegate to Congress in 1904 cast 109,145 votes. This was greater than the total vote cast in any one of the following eighteen States:

Alabama, Delaware, Florida, Idaho, Louisiana, Maine, Mississippi, Montana, Nevada, New Hampshire, North Dakota, Oregon, Rhode Island, South Carolina, South Dakota, Utah, Vermont, and Wyoming.

I have given the vote of Oklahoma alone. It is impossible to determine the number of votes in Indian Territory, but the committee that reported this bill gives the same number of delegates in the constitutional convention to Indian Territory that is given to Oklahoma, and it is fair to assume, and I believe, that the population of Indian Territory is practically equal to that of Oklahoma. So if 109,145 votes were cast in Oklahoma in 1904, it is reasonable to conclude that there is that number in Indian Territory. The census of 1900 gave 109,191 males of voting age in Oklahoma and 97,361 in Indian Territory.

The vote of Oklahoma Territory was 30,000 in excess of the total vote combined of the States of Nevada, Vermont, and Wyoming. It was 7,000 votes more than the State of Utah cast at the same election.

When we consider the resources of this proposed State, the comparisons are equally impressive. Taking the showing of the Crop Reporters of the Department of Agriculture for December, 1905, and February, 1906, we find that the total live-stock values for Oklahoma are $63,163,787; for Indian Territory, $28,456,936, or a total for the proposed State of $91,620,723. The total live-stock valuation for the proposed State of Oklahoma is greater than that of the States of Idaho, Nevada, Utah, and Vermont combined; it is almost exactly that of North and South Carolina combined; it is $12,000,000 greater than the live-stock valuation for South Dakota, and almost twice that of North Dakota. It is equal to that of Wyoming and Montana combined, with four millions to spare. It is about 55 per cent of Kansas.

The total value of farm products for Oklahoma is $29,379,428; for Indian Territory, $28,666,684, or a total of $58,046,112. The farm products of the proposed State of Oklahoma are $17,000,000 greater than those of North Carolina; within $5,000,000 of those of North Carolina and South Carolina combined; almost equal to those of South Dakota, and about $7,000,000 greater than those of Montana, South Carolina, Vermont, and Wyoming combined. They are about 40 per cent of Kansas, and nearly twice those of Idaho, Nevada, and Utah combined.

The proposed State of Oklahoma is not a manufacturing State; but, in this respect, we find the statistics are equally as astounding. The increase in manufactures is very great.

From the report on manufactures of the Bureau of the Census for 1905 we find that the manufactures in Indian Territory amounted to 466 establishments, with a capital of $5,016,654.

Manufactures in Oklahoma amounted to 341 establishments, with a capital of $8,645,325.

This is a total of 807 establishments and a capital of $13,661,979.

The capital of the combined establishments for the proposed State of Oklahoma is nine times that of South Dakota; six times that of North Dakota; over twice the combined States of North Dakota, South Dakota, and Nevada: very near the total for Montana; $1,000,000 more than Utah; one-half of Kansas, and one-fourth of Colorado.

It should be borne in mind that the proposed State of Oklahoma is not a manufacturing State by any means, yet its capital for manufactures is about one-third that of Rhode Island; about one-sixth that of Connecticut.

From 1900 to 1905 the percentage of increase in capital for manufactures in Oklahoma was 351, and in Indian Territory 215. The percentage of increase in establishments in Oklahoma was 108, and in Indian Territory 160. The percentage of increase in value of products in Oklahoma was 200, and in Indian Territory 201. This was not equaled by any State in the Union, although the entire West made great gains over the showing made by the Twelfth Census.

The same abundant resources are shown by the national banks in Oklahoma and Indian Territory. From the report of the Comptroller of the Currency for the year ending October, 1905, it appears that Oklahoma has 114 national banks, and Indian Territory 142, or a total of 256. The capital stock of Oklahoma banks—national—is $3,955,000, and of Indian Territory $5,730,680, or a total for the proposed State of Oklahoma of $9,685,680.

The capital stock of national banks for the proposed State of Oklahoma is nearly as great as that of Kansas; nearly three times that of North Dakota; four times that of South Dakota; twenty-four times that of Nevada; over seven times that of Idaho; over nine times that of Wyoming; within a million and a half dollars of the combined capital stock of the States of Vermont and New Hampshire; 50 per cent greater than that of the two Carolinas; nearly $2,000,000 greater than that of the combined capital stock of Nevada, Idaho, Wyoming, and Utah; just about the same as North Carolina, South Carolina, and North Dakota combined; and three times that of South Dakota, with a million dollars to spare.

The number of national banks in the proposed State of Oklahoma is within five of the total number of the States of Nevada, Idaho, Wyoming, Vermont, New Hampshire, and South Carolina. It is more than the number in North Dakota and South Dakota, and within forty-three of the number in Kansas.

From the annual report of the Postmaster-General for the year ended June 30, 1905, it appears that Oklahoma has 57 Presidential post-offices; Indian Territory has 52, or a total of 109 for the proposed State of Oklahoma.

Receipts from Oklahoma offices, Presidential, were $425,320; from Indian Territory, $283,127; or a total of $708,447.

Receipts from the offices in the proposed State of Oklahoma were within about $100,000 of those from the combined offices of North Dakota and South Dakota; exceeded the States of Utah, Idaho, and Nevada combined; were nearly double those of Montana; double those of Utah; over $100,000 greater than those of Mississippi; practically the same as Oregon, and more than $200,000 in excess of South Carolina.

I have referred to the area, population, and developed resources of the proposed State. It is unnecessary to refer to the undeveloped resources of Oklahoma and Indian Territory. The abundant deposits of coal in Indian Territory, with gas, oil, timber, and stone, coupled with the great agricultural possibilities of Oklahoma will make it a great Commonwealth from the very day that it is admitted into the Union, if such good fortune shall ever come to its people.

The question is naturally asked, Why, with all these resources, are a million and a half of people denied statehood? Why is it that a million and a half of people, who are entitled under the ratio of apportionment to eight Members of Congress—this bill giving them five—why is it that so many people are denied admission as a State? It is due to the fact that, unfortunately, the case of Oklahoma and Indian Territory has never been considered alone by Congress; it is due to the fact that there have been controversies between the Senate and the House of Representatives on the part of the bill not relating to Oklahoma and Indian Territory.

This bill has passed the House of Representatives and is pending here. These controversies are again renewed, and amendments are pending which, if adopted, will have the effect of renewing the contest between the House and the Senate, and will again imperil, if they do not defeat, this legislation.

There are three amendments offered by the Senator from Ohio [Mr. FORAKER], either of which will, in my opinion, if adopted imperil the enactment of this bill into a law.

The first amendment is to strike out all that part of the bill relating to New Mexico and Arizona. I am opposed to this amendment for the reason that I am in favor of statehood for Arizona and New Mexico. I believe that the people of those Territories, if they so desire, should have the privilege of being admitted as a State; and I believe that an opportunity should be given them to vote upon the proposition.

The second amendment provides that the ratification of the constitution when submitted shall only be made if a majority in each of the two Territories—that is, a majority in New Mexico and a majority in Arizona—shall vote for the proposition.

The third amendment is one providing for a special election, to be called within thirty days after the passage of this act, and the election is to be held on the twelfth Tuesday after the approval of the act, at which the question is to be submitted to the people of Arizona and New Mexico separately whether the people of these two Territories desire statehood under the provisions of this bill. It requires that a majority in New Mexico and a majority in Arizona must be cast for the proposition before that part of the bill relating to Arizona and New Mexico shall become effective; and if a majority of the vote in New Mexico or a majority of the vote in Arizona shall be cast against the proposition for statehood for Arizona and New Mexico, then that part of the bill is to be null and void.

I am opposed to either of these amendments for the reason that I believe it will surely imperil the passage of the bill, and also because I do not believe that it is just or right to submit the proposition, so that a majority in a section or a portion of the proposed State of Arizona shall have the power of nullifying the

proposition of statehood for these Territories. Of course, if I were in favor of statehood for Arizona alone, if I believed that Arizona Territory was now or would be in future fit for statehood alone, I would support either of these amendments, hoping that if the proposition carried here it might be defeated in Arizona when it was submitted to the people of that Territory for their consideration. That is the purpose of this last amendment, and all who are in favor of or believe that statehood for Arizona is proper or that the people of that Territory are entitled as a matter of right to statehood will support these amendments.

I shall not detail the history of this proposed legislation, showing why, in my opinion, either of these amendments providing for a separate vote in Arizona will imperil the passage of this entire bill; but I will call attention to some of the reasons why this proposition is not fair and just to the people of Arizona and New Mexico.

There were, according to the election of 1904, 66,423 votes cast in the two Territories of Arizona and New Mexico. There were 23,431 votes cast in Arizona. Submitting this proposition in the ordinary way to all the people of Arizona and New Mexico, it would require a majority, if the same number of votes should be cast next time as were cast in 1904, of 66,423 votes in order to determine whether they desired statehood. That is the ordinary, usual way of submitting a proposition for statehood to the people of a proposed new State; but according to the method under which this is sought to be submitted 12,000 voters in Arizona can determine that there shall not be statehood, although there may be 54,000 votes cast in favor of the proposition. I do not believe that is fair. I do not believe it is just, and it is certainly unusual. Propositions of this kind have never before been submitted in this manner, and I do not believe that this should be submitted in this way.

It is an unfair proposition in other respects, and I wish to read a statement handed me by a gentleman who lives in the proposed State of Arizona and who fully understands the situation there:

The present amendment—

That is, the third one, providing for a special election—

The present amendment is unfair because it provides that before even the constitutional convention is called, and before any proceedings are taken under the statehood bill—in fact, before the bill is to have any affect at all—a special election is to be called in each of the Territories at which the sole question to be voted upon is to be whether or not the respective Territories care to enter statehood jointly.

Either of the amendments is very unfair, because Territorial lines are never permitted to hamper Congress in the creation of a new State. The argument that all of Arizona south of the Gila River should have a right to say whether it would come into statehood with the rest of Arizona or with the rest of Arizona and New Mexico combined would be considered untenable, yet the cases are exactly parallel. As well might it be argued that a single county ought to have the right to say whether or not it would come into statehood with the remaining counties of any Territory.

The fairest way to invoke a referendum as to a constitution under this proposed enabling act for New Mexico and Arizona is to submit the constitution and the State ticket to the people of both Territories as a whole, a majority of the total vote to govern. It is one State or no State, and therefore very inequitable to permit a portion of the people to decide the matter. Arizona has but one-third of the combined vote of the two Territories, and to permit Arizona alone to defeat the measure by a majority of its own votes is to say that one-sixth of the people of the proposed State may keep the other five-sixths in Territorialism indefinitely.

In the creation of new States, following the precedents of over a hundred years of our existence as a nation, the interests of two classes of people are involved. First, there are those who live in existing States and are represented in Congress by Senators and Representatives. They have a right to be heard. The people of those States have a right to say whether the people of a proposed State shall come in and bear the burdens and responsibilities of statehood and participate in the settlement of questions that concern that State, and also of questions that concern the nation.

The second class of people who have an interest are those who live within the boundaries of the proposed new State. They should be heard in determining the question whether they wish to come in and participate in the burdens and responsibilities of statehood.

There have been two methods followed in making new States. One method is for the people within certain boundaries voluntarily, without any legislative authority, to come together, elect delegates to a constitutional convention, make a constitution, submit that constitution to the people within the boundaries of the proposed State, and, if the people approve or ratify the constitution, then submit that constitution to Congress for ratification; and if ratified by Congress the State is admitted and its Representatives and Senators are admitted to Congress. That method has been followed in the admission of the following fourteen States: Vermont, Kentucky, Tennessee, Maine, Arkansas, Michigan, Florida, Texas, Iowa, California, Kansas, Oregon, Idaho, and Wyoming.

There is another method, in which Congress takes the initiative and passes an enabling act, authorizing the people within the boundaries—Congress fixing the boundaries—of the proposed State to elect delegates to a constitutional convention, the delegates to make a constitution, Congress saying in advance, as we do in this bill, what shall and what shall not be put into the constitution. After the constitution is made it is to be submitted to the people for ratification. If ratified by a majority of all the votes cast within the proposed boundaries, the President issues a proclamation declaring the State admitted into the Union. That method has been followed in the admission of the following eighteen States: Ohio, Louisiana, Indiana, Mississippi, Illinois, Alabama, Missouri, Wisconsin, Minnesota, West Virginia, Nevada, Nebraska, Colorado, South Dakota, North Dakota, Montana, Washington, and Utah.

In both of these methods the consent of the people in the existing States is necessary, and also the consent of the people in the proposed State. When we speak of the consent of the people of the existing States, we do not mean the consent of all of them. Their consent is given, not by an election in all of the States, but by the votes of their representatives in the Senate and House of Representatives. And when we speak of the consent of the people in the proposed State we mean the consent of the majority of the people in the proposed State, the same as when we speak of the consent of the people of the existing States we mean a majority in the Senate and House of Representatives.

It has never been considered necessary that all the people in all the States should consent, but if a majority in the Senate and House of Representatives consent it is considered the consent of all, for in this country we have the rule of the majority. So when we submit it to the people of the Territory we do not mean that all the people must consent, but a majority of the people within the boundaries of the proposed new State.

It is very interesting to refer to the contests between Congress and the people of proposed States in regard to the formation of new States. From what we have heard in the progress of this debate, from letters we have received, from what has been said in the newspapers, one would think it is necessary to have the consent of all the people of a proposed new State before statehood should be granted to it. This has never been the policy of Congress. Congress has always followed the wishes of the majority, not the wishes of the majority of a part of the Territory proposed to be included within a new State, but the wishes of a majority of all the people within the boundaries of the proposed new State.

It is interesting to refer to the contest that was waged for years over the admission of Iowa. The first constitution in Iowa was made in 1840, and was defeated. A constitution was made in 1844, and rejected by less than a thousand votes. It was submitted a second time and again defeated, although the majority was cut down one-half.

These constitutions were made by the people voluntarily, without any consent or authority from Congress, no enabling act having been passed. But Congress in 1845 passed an enabling act, proposed certain boundaries for the new State, authorized the making of a constitution and its submission to the people. The boundaries were entirely different from the present State of Iowa, but those boundaries were rejected by the people at the polls—that is, a majority of the people of Iowa at that time voted against accepting those boundaries, and the proposition of Congress was rendered null and void.

The people voluntarily elected delegates to another constitutional convention, made another constitution, with the boundaries exactly similar to the present State of Iowa. It was submitted to the people of Iowa again in 1846, and there were 9,442 votes for it and 9,036 votes against it, or a majority of only 406 votes. And yet Congress, following the wishes and the will of the majority of the people of Iowa admitted the State, although there was a majority of only 406 in favor of the admission of the State.

Kansas, after repeated contests over the kind of constitution it should have, finally voluntarily made the Wyandotte constitution. It was submitted to the people. Of the 15,000 votes cast at that time, over a third were against the adoption of the constitution, but Congress followed the wishes of a majority of the people of Kansas, approved the constitution and admitted the State under the constitution which we have to-day.

Nebraska was admitted under a constitution for which there were cast 3,998 votes, with 3,898 against it, a majority of only a hundred, and yet the State was admitted under that constitution.

Oregon was admitted under a constitution against which over a third of the people had voted.

The first constitution of Wisconsin was rejected by the people; the second was ratified, although there were 6,149 votes against it. There were 16,442 votes cast for it.

Constitutions have always been submitted to all the people within the boundaries of the proposed State, and if a majority of the people within those boundaries, although a very small majority, favored the constitution, Congress has admitted the State under that constitution if it was satisfactory in other particulars.

Under the provisions of this bill, if it is enacted into law, we will proceed in the regular, usual method to submit the constitution to all of the people who live within the boundaries of the proposed State.

The claim was made a year ago in the debate—it is made now—that something unusual happened at the time Arizona was made a Territory; that there is a peculiar provision in the organic act of Arizona which ties the hands of Congress in making the boundaries of the proposed new State of Arizona; that this Congress has not a free hand in determining the boundaries of the proposed new State, but that those boundaries were made forty years ago when the Territory was organized. The Territorial act of Arizona contained the usual provision:

That nothing contained in the provisions of this act shall be construed to prohibit the Congress of the United States from dividing said Territory, or changing its boundaries in such manner and at such times as it may deem proper.

That is, Congress could divide Arizona into two Territories, or it could take part of it and attach it to New Mexico, and attach some of it to Nevada, or Utah, and no objection could be made because of this provision. But there was another provision in the organic act of Arizona which it is claimed to-day restricts Congress and makes it necessary, although parts of Arizona might be attached to other States or Territories to admit the State with the same boundaries that the Territory had when it was organized.

Mr. CARTER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Kansas yield to the Senator from Montana?

Mr. LONG. Certainly.

Mr. CARTER. I desire to ask the Senator a question for information. I perceive that he has with great care collected the precedents with reference to the admission of new States. The impression exists upon my mind that the new States admitted from time to time were carved out of larger Territories, as a rule. That impression may be erroneous. I should like to have the Senator cite a case where Congress has utterly destroyed one Territorial boundary and incorporated two Territories in one State.

Mr. LONG. I think the impression of the Senator from Montana is correct—that usually the States have been carved out of other territory. I think that is correct.

Mr. DUBOIS. I should like to ask the Senator a question.

Mr. LONG. I have not yet answered the question of the Senator from Montana.

Mr. CARTER. I did not know but that the Senator had encountered a case where there was a union of two Territories. I did not recall such a case, and I thought possibly the Senator had.

Mr. LONG. I think the Senator will admit that we are dealing with a very unusual condition in Arizona and New Mexico. Its unusual character and nature are shown by the fact, as I shall show later on, that, notwithstanding a certain pledge made in a treaty with Mexico in 1848 and kept so far as all other portions of the territory are concerned, yet we have failed to keep it as to Arizona and New Mexico; and the failure to keep that pledge, notwithstanding the repeated efforts that have been made by both of these Territories to obtain admission as States, shows or must show to the Senator that we are dealing with unusual conditions; that there must be some inherent objections to the admission of these Territories as separate States, or Congress in all these years certainly would have carried out the pledge made in the treaty with Mexico; and if this is an unusual proceeding, it is because we are considering statehood for a people who are in a peculiar condition.

I will say to the Senator from Montana that this bill simply returns practically to the original Territory of New Mexico and admits that Territory as a State the same as that part of the bill which refers to Oklahoma and Indian Territory returns to the area comprised originally in Indian Territory. It is a reuniting of Territories which were separated, in the case of Indian Territory and Oklahoma, because of peculiar conditions, and a reuniting of two Territories, Arizona and New Mexico, which, in my opinion, were separated when they should not have been separated. It is my opinion that if the separation of these Territories had not taken place statehood would have been granted long ago to the people there, and the pledge made in the treaty with Mexico would have been carried out.

Mr. CARTER. I did not wish to deflect the Senator from the current of his remarks by the question I asked him. His proposition that this Congress is not bound by what Congress did in 1863 or at any other time of course is well taken and is not controverted. The act of Congress did not constitute a treaty with the people then living or who might thereafter live in either of the Territories. So I imagine we are not in any sense bound by what was done then. I mean bound in a legal sense—in a constitutional sense.

Mr. LONG. Does the Senator believe we are bound in a moral sense?

Mr. CARTER. That presents an entirely different question; possibly a debatable question.

Mr. LONG. I merely want to say to the Senator from Montana that I have some letters and petitions asking me to oppose the union of Arizona and New Mexico on account of a certain provision contained in the act organizing the Territory of Arizona; and the memorial presented by the Senator from Colorado [Mr. PATTERSON] also contains similar statements, to which I will refer later on.

Now I will yield to the Senator from Idaho.

Mr. DUBOIS. The Senator from Kansas has cited instances where States have been admitted into the Union when almost an equal number of the people of the Territory were opposed, on a vote, to its admission. Does the Senator recall any instance where a Territory has been made a State against the protest of the people of the Territory?

Mr. LONG. What does the Senator mean by "the protest of the people of the Territory?"

Mr. DUBOIS. I can illustrate it by a little personal experience.

When I was urging the admission of Idaho into the Union of States, and Congress was very loath to grant us statehood on account of a provision in our constitution, a great many of my friends in Congress begged me to have it taken out. I announced that in my opinion Congress had no right to take us into the Union of States against our protest, and it would be against our protest if our constitution was amended.

Mr. LONG. What does the Senator mean—the protest of a majority or the protest of a minority?

Mr. DUBOIS. The protest of a majority.

Mr. LONG. There has been no instance, so far as I know, when the protest of a majority of the people at the polls was against admission that the State has been admitted.

Mr. DUBOIS. I will say to the Senator it is stated with great circumstantiality, and it is believed that a great majority of the people of Arizona object to statehood. Therefore why should we take them into the Union of States if that is so?

Mr. LONG. The question as to whether or not a majority living within the boundaries of the proposed State of Arizona are opposed to this measure will be determined at the polls. They will have the opportunity to express themselves on that proposition.

Mr. DUBOIS. How?

Mr. LONG. First in the election of delegates to the constitutional convention, and then in the ratification of the constitution when it is submitted to them. The proposition is to submit it in the usual way to all the people living within the boundaries of the proposed State of Arizona. If a majority of the people at the polls reject the constitution, of course the State of Arizona will not be admitted.

Mr. DUBOIS. But you add the whole population of New Mexico to the population of Arizona and allow them to vote as to whether Arizona shall be made a joint State with New Mexico. As a matter of fact in nearly all our Western States—I imagine it is so in Kansas, although I do not know—you can not add a portion of a county of a State to another county without the consent of the voters of the portion which is to be added to the county. I do not recall any instance where Congress has admitted a State and taken it into the Union against the protest of the people of the Territory out of which the State is to be formed. I hardly think you meet the question when you spread the people of New Mexico over the people of Arizona and let them decide for the people of the Territory of Arizona.

Mr. LONG. It is very difficult to obtain the consent of all the people of a State to a proposition that may be submitted to them. A portion of them may object and may show their objection at the polls. But the way in which the matter has been determined in the past has been for all the people within the proposed boundaries to have the opportunity of voting upon

the proposition, and then a majority of those people to determine whether the constitution shall be ratified.

Take the instance of Oklahoma and Indian Territory. There is a proposition now pending in Congress for a separate State for Indian Territory. They made a constitution and voted on it at the polls, carried it, and submitted it here and asked for its ratification, and the Senator from North Dakota [Mr. McCUMBER] introduced a bill to ratify that constitution. Yet, under the provisions of this bill, the people of Indian Territory and the people of Oklahoma are authorized to make a constitution, vote on it, and it is to be ratified and the State admitted if a majority of the people are in favor of the proposition, even though a majority of the people living in Indian Territory may vote against it.

I will ask the Senator if he believes that it is necessary and would he favor the insertion of an amendment requiring that the constitution for the proposed State of Oklahoma should have a majority in Indian Territory before it is ratified?

Mr. DUBOIS. I certainly would. But the evidence before us has convinced me that the people of the Indian Territory are satisfied to be joined with Oklahoma. If there were any doubt about that whatever I would be in favor of submitting the proposition to the people of Indian Territory, the same as I would to the people of Arizona; but I have been led to suppose that there was no opposition on the part of the people of Indian Territory. On the other hand, in New Mexico and Arizona, their accredited Delegate who has been sent here and who represents the voice and the sentiment of the people of Arizona is opposed to joint statehood, and his opinion ought to have great weight, as the voice of the Delegate always has had great weight in the action of Congress.

Mr. LONG. I believe the constitution for the proposed State of Oklahoma should be submitted to the people within the proposed boundaries, and the question as to whether it should be ratified or not should be determined by a majority vote at that election, and not by a majority in a part of the proposed new State.

But referring to Arizona, the claim is made in this memorial that there is something in the organic act creating Arizona which, while, as the Senator from Montana says, it does not amount to a legal or constitutional right, yet it amounts to a moral obligation on the part of Congress to make the boundaries of the proposed State of Arizona the same as the Territory of Arizona at the time this pledge was made. I read from the memorial presented by the Senator from Colorado [Mr. PATTERSON]:

That said government shall be maintained—

Quoting from the organic act—

That said government shall be maintained and continued until such time as the people residing in said Territory shall apply for and obtain admission as a State on an equal footing with the other States.

Then the memorial continues:

It is admitted that the Congress would have undoubted right to change the boundaries of Arizona as a Territory, but we insist that in all justice and fairness the provision of the organic act just quoted was a promise to our people when they applied for statehood to be permitted to come in as a separate and independent State on an equal footing with the other States.

In another part of the memorial, which is directed to the Senate, in giving the reasons why they should not be reunited with New Mexico, is this:

Second. The promise by Congress in the enabling act that the autonomy of Arizona should be preserved.

A year ago in the debate, notably by the then Senator from California, Mr. Bard, the argument was made that this was a pledge to the people of Arizona in 1863 that when admitted as a State they should have the same boundaries which the Territory of Arizona had.

To show how industriously this claim has been made, I wish to call attention to a letter I received this morning from a constituent of mine, a gentleman who, while he is well informed on subjects generally, probably had not given very much consideration to the details of this proposed legislation. Yet in this letter to me he sets out and quotes in full this provision of the organic act of Arizona, and says:

The United States is really under moral obligation to the people of Arizona not to force joint statehood upon them with New Mexico, because the organic act passed in 1863 provides—

Then follows this provision of the organic act, that they should maintain their own government until they were admitted as a State.

Mr. SPOONER. Will the Senator allow me to ask him a question?

Mr. LONG. Certainly.

Mr. SPOONER. What, in the opinion of the Senator, did that mean, if anything?

Mr. LONG. I do not wish to take the time this afternoon to give my construction of that language, but I refer the Senator to the speech the Senator from Indiana [Mr. BEVERIDGE] made a year ago, in which he in detail explained the purpose of those who had it inserted in the organic act.

Mr. SPOONER. I will reread that part of the speech of the Senator from Indiana.

Mr. LONG. The Senator will find much in that speech of the Senator from Indiana to interest him, and I commend it to his consideration.

Whatever it may mean, the important thing was that the Territorial form of government should continue. As was shown very clearly by the historical references made by the Senator from Indiana a year ago, they were fearful that the Territorial government for Arizona might not continue very long. There were reasons why, when Congress came to consider the matter carefully, it might abolish the Territory of Arizona. There were few good reasons for its creation. So this provision was placed in the act, as was shown by the Senator from Indiana, to prevent Congress, if possible, from abolishing the Territory of Arizona.

Whatever it may mean, certainly it can not be held to fix the boundaries of the proposed State of Arizona and make them the same as the Territory of Arizona at the time the pledge was made, because it is an impossibility to do so. When that pledge was made Arizona had a different area from what it has to-day. It was made to the Arizona of 1863, and the Arizona of 1863 was an entirely different area from the Arizona of to-day. The Arizona of 1863 not only embraced the territory within these red lines [indicating on a map], the present Territory of Arizona, but also included that tract of 11,664 square miles [indicating]. If the pledge of boundaries for a future State was made in the act organizing the Territory of Arizona, the pledge was made to the people within that tract the same as to the people who may live within this part of the Territory [indicating], which is now the Territory of Arizona.

To show how impossible it is to carry out such a pledge, I call your attention to the fact that in 1866, three years after Arizona was organized, this part of Arizona was detached and annexed to the State of Nevada, and it is there to-day. Under the provision of the Constitution which prohibits any new State from being formed or erected within the jurisdiction of any other State without the consent of the legislature of the State, if we are to return to the area of 1863, as it existed at the time this pledge was made, we must take in that part of the Territory of Arizona which is now a part of Nevada; and that can only be done with the consent of the legislature of Nevada, for it is a part of that State to-day. This strip, or tract, is almost as large as the States of Massachusetts and Connecticut combined.

Mr. BEVERIDGE. Will the Senator from Kansas permit me?

Mr. LONG. Certainly.

Mr. BEVERIDGE. I will ask the Senator, in completing his statement, if it is not true that the very large area which was afterwards detached from Arizona and added to the State of Nevada was not so done without referring it at all to either the people in the detached portion or to the people in the remainder of the Territory?

Mr. LONG. Certainly.

Mr. BEVERIDGE. It was done by an act of Congress.

Mr. LONG. It was done under the authority of Congress So whatever this provision may mean it certainly can not be contended to mean statehood for Arizona with the same boundaries as the Territory of Arizona at the time the Territory was organized.

If Arizona and New Mexico were States, of course they could not be combined into one State without the consent of the legislatures of the respective States. The constitutional provision is as follows:

New States may be admitted by the Congress into this Union, but no new States shall be formed, or erected, within the jurisdiction of any other State, nor any State be formed by the junction of two or more States, without the consent of the legislatures of the States concerned, as well as the Congress.

Under this constitutional limitation Congress can not, without the consent of the legislature of Nevada, include that portion of the Territory of Arizona that was attached to Nevada in 1866 in the proposed new State of Arizona; and as the State of Arizona can only be admitted, under the construction given this provision, with the same area as the original Territory of Arizona the State of Arizona can not be admitted at all, unless the legislature of the State of Nevada consents that the strip

that was taken from the Territory of Arizona in 1866 shall be included in the new State of Arizona.

This contention is certainly unsound and indefensible, and demonstrates that whatever may have been the intention of those who inserted this provision in the organic act of Arizona it can not be held to bind Congress to make the State of Arizona with the same boundaries as the original Territory of Arizona.

So it is for Congress to determine, untrammeled and unrestricted, whether the objection urged against the reuniting of Arizona and New Mexico, that were originally one Territory, and admitting them as one State is just and right under all the to make all needful rules and regulations respecting the territory belonging to the United States.

circumstances, and Congress, in the determination of this question, is unhampered and unrestricted by legislation relating to the Territory of Arizona or New Mexico.

If I thought Arizona was entitled now, or would be fit in the future, for separate statehood, I would support one or all of the amendments proposed by the Senator from Ohio [Mr. FORAKER]. But considering the conditions there I do not believe that Arizona is fit for statehood now or that it will be fit for statehood in the future, and believing this I can not support either of these amendments.

There are some claims made in the memorial presented by the Senator from Colorado [Mr. PATTERSON] that I do not understand. The ninth reason given why the people of Arizona should not be joined with the people of New Mexico is as follows:

> Ninth. The objection by the people of Arizona, 95 per cent of whom are Americans, to the probability of the control of public affairs by people of a different race, many of whom do not speak the English language, and who outnumber the people of Arizona two to one, while the assessed valuation of Arizona exceeds that of New Mexico by over 33⅓ per cent.

The estimate of the Bureau of the Census gives the population of Arizona in 1905 as 140,276. According to the report of the Secretary of the Interior, 39,517 of these were Indians. According to the census for 1900, 14,223 people in Arizona were born in Mexico or Spain, and 24,233 were of foreign birth. The same census gives only 70,508 native-born citizens in Arizona.

In my opinion it is an injustice to the State I in part represent, with its million and a half of people; it is an injustice to the people of Oklahoma, if that State should be admitted under the provisions of this bill, to have admitted with Oklahoma or to be admitted hereafter a State with a population as meager as that which is in Arizona to-day.

Not only that, but there were in Arizona in 1900 only 44,081 males 21 years of age and over who could vote under the provisions of this bill, and of those 11,215, or over 25 per cent, were illiterate. There were only 30,306 native-born males 21 years of age and over. Of the 122,931 persons in Arizona in 1900, 28,911, or 23 per cent, were over 10 years of age, and could not speak English. This is the condition after forty years of existence as a Territory, and after more than half a century since the Territory came to us under the treaty with Mexico. What is the reason for this? The Senator from Ohio [Mr. FORAKER], in a speech that he made two years ago, speaking about the admission of New Mexico and Arizona as separate States, said:

> I believe that New Mexico is entitled, according to a fair interpretation of our treaty obligations, to admission without regard to any question, excepting only that of population, she having more than the equal of the unit of representation. I believe that in the exercise of our authority and sound discretion the Congress is justified in admitting Arizona, although at this present moment she does not have a population, perhaps, equal to the unit of representation.

I am in favor of carrying out the pledge made in the treaty with Mexico. But fortunately that pledge does not bind Congress to the admission of the people living within certain borders to a State with particular boundaries. The admission of the State of Arizona with the boundaries proposed in this bill carries out the pledge made in the treaty with Mexico. We carried out that pledge as to the Mexicans who lived in the State of California. We carried out the pledge as to the Mexicans who lived in Utah and other portions of the country that we acquired from Mexico. But we have never carried it out as to the people of Arizona and New Mexico. Why? These are the conditions as to population in Arizona. What reasons are there for such conditions? Senators who wish information upon that subject in detail should carefully read, if they did not hear, the very excellent speech of the junior Senator from Ohio [Mr. DICK], who shows why there are but 140,276 people in Arizona to-day, less than 100,000 of whom are native-born American citizens. The area is sufficient for a State. The population is deficient. The resources are not sufficient. Why? Agriculture is, has been, and will be the chief industry of the citizens of that State. Agriculture is dependent upon the rainfall, the rainfall is deficient, and so agriculture is dependent upon irrigation. Anyone who will look into the estimates, the figures, the statements contained in the speech of the junior Senator from Ohio, taken as they are from official documents, can understand why there is such a sparse population in Arizona to-day.

Arizona is not a newly discovered country. It has not been settled recently. The first explorations in Arizona were made in 1540. There was another exploration made in 1580. The first settlement in Arizona was made shortly before the year 1600, before the settlement of the English at Jamestown, before the landing of the Pilgrims at Plymouth Rock. So this is not a new civilization. It is old. People have been living there for centuries, and the reasons why they have such a sparse population, why their resources are so deficient, inheres in the nature of their physical conditions, inheres in the fact that there is not sufficient rainfall in order to carry on agriculture.

So it is that if in all this time their conditions have not been such that they will justify statehood, I do not believe that it is possible for a change to come in the future. And believing as I do that no change can come that will enable the people of Arizona to become fit for separate statehood, I am in favor of carrying out the pledge made in the treaty with Mexico, by admitting Arizona and New Mexico as one State. I am in favor of submitting the proposition to the people living within the boundaries of the proposed State and allowing a majority of those people to determine whether or not they want statehood.

As I have said before, I believe that the separation made in 1863 in the organization of a separate Territory for Arizona was most unfortunate in its effect on statehood for the people of that part of the United States. The pledge was made in 1848 that they should be incorporated into the Union, and yet we find that there has been no Congress since that time that has been willing to carry out the pledge. Fifteen States have been admitted since that time from territory, a part of which came to us from Mexico, but the pledge, so far as Arizona and New Mexico are concerned, remains to-day unfulfilled. I believe in making that pledge good. I believe in doing it in this bill.

Congress for over forty years has omitted to admit them separately, not because they each did not have sufficient territory, but on account of the sparseness of their population and their undeveloped resources. I do not believe now that they are entitled to separate statehood, or that either would make a State able to bear the burdens of statehood and do its full part in determining the future policy of this nation, but combined they will make a great State, in area larger than California—but you could add to it the States of Massachusetts, New Hampshire, and Vermont, and yet it would not equal Texas.

I am ready and willing to vote to authorize the people of both these Territories to unite and make a State, if they so desire. There may be objection on the part of a number of the people living in Arizona to this arrangement, and they may register their objections at the polls, but that should not deter Congress from doing its duty in the premises.

States have been admitted before over the protests of a strong minority, but the will of the majority was controlling, and the minority was obliged to yield a reluctant acquiescence. If this bill passes the Senate without substantial amendment, statehood is assured to the people of Oklahoma and Indian Territory. Long-delayed justice will be accorded them, and a million and a half of people, occupying a rich and fertile country, will not longer be denied admission as a State because of the objection of a few thousand people on the plains of Arizona to the boundaries of that proposed State.

The prolonged struggle for the admission of Kansas is vividly remembered my many who now live in Oklahoma. They remember that four constitutions were made in Kansas, only to be rejected by Congress or the people. They remember that the Wyandotte constitution was only ratified by Congress after the election of Abraham Lincoln and a month before his inauguration. That prolonged struggle was over forty-five years ago, when they were young, active, and vigorous. Now, in their declining years, when age has cooled the ardor of youth, they have hopefully looked forward—three years ago, one year ago, and now—to the contest in this body on the question of statehood for Oklahoma. No one questions their right to be admitted. The vote here on statehood for Oklahoma and Indian Territory would be almost unanimous if it could be separated from the other part of the bill; but separation seems impossible. Let us end this struggle, and do it now, and admit the States of Oklahoma and Arizona. While our action may disappoint several thousand people in Arizona, it will be gratifying to the people of New Mexico, and will be hailed with delight and great joy by the million and a half people in Oklahoma and Indian Territory.

APPENDIX.

*Statement prepared by the Bureau of the Census of population of States under the Twelfth Census, 1900, and estimate for 1905.*

| State or Territory. | Federal census, 1900. | State census, 1905. | Census estimate, 1905. |
|---|---|---|---|
| Alabama | 1,828,697 | ---------- | 1,986,347 |
| Arizona | 122,931 | ---------- | 140,276 |
| Arkansas | 1,311,564 | ---------- | 1,403,239 |
| California | 1,485,053 | ---------- | 1,620,883 |
| Colorado | 539,700 | ---------- | 602,925 |
| Connecticut | 908,420 | ---------- | 989,500 |
| Delaware | 184,735 | ---------- | 192,855 |
| District of Columbia | 278,718 | ---------- | 302,883 |
| Florida | 528,542 | (a) | 597,102 |
| Georgia | 2,216,331 | ---------- | 2,405,821 |
| Idaho | 161,772 | ---------- | 198,382 |
| Illinois | 4,821,550 | ---------- | 5,319,150 |
| Indiana | 2,516,462 | ---------- | 2,678,492 |
| Indian Territory | 392,060 | ---------- | 498,000 |
| Iowa | 2,231,953 | 2,210,337 | ---------- |
| Kansas | 1,470,495 | 1,543,818 | ---------- |
| Kentucky | 2,147,174 | ---------- | 2,291,444 |
| Louisiana | 1,381,625 | ---------- | 1,513,145 |
| Maine | 694,466 | ---------- | 711,156 |
| Maryland | 1,188,044 | ---------- | 1,260,869 |
| Massachusetts | 2,805,346 | 3,003,680 | ---------- |
| Michigan | 2,420,982 | ---------- | 2,557,275 |
| Minnesota | 1,751,394 | 1,979,912 | ---------- |
| Mississippi | 1,551,270 | ---------- | 1,682,105 |
| Missouri | 3,106,665 | ---------- | 3,320,405 |
| Montana | 243,329 | ---------- | 293,534 |
| Nebraska | 1,066,300 | ---------- | 1,068,120 |
| Nevada | 42,335 | ---------- | b 42,335 |
| New Hampshire | 411,588 | ---------- | 429,118 |
| New Jersey | 1,883,669 | 2,144,143 | ---------- |
| New Mexico | 195,310 | ---------- | 212,825 |
| New York | 7,268,894 | 8,066,672 | ---------- |
| North Carolina | 1,893,810 | ---------- | 2,031,740 |
| North Dakota | 319,146 | 437,070 | ---------- |
| Ohio | 4,157,545 | ---------- | 4,400,155 |
| Oklahoma | 398,331 | ---------- | 558,261 |
| Oregon | 413,536 | (a) | 461,451 |
| Pennsylvania | 6,302,115 | ---------- | 6,824,115 |
| Rhode Island | 428,556 | 480,082 | ---------- |
| South Carolina | 1,340,316 | ---------- | 1,434,901 |
| South Dakota | 401,570 | 454,624 | ---------- |
| Tennessee | 2,020,616 | ---------- | 2,147,166 |
| Texas | 3,048,710 | ---------- | 3,455,300 |
| Utah | 276,749 | ---------- | 309,734 |
| Vermont | 343,641 | ---------- | 349,251 |
| Virginia | 1,854,184 | ---------- | 1,953,284 |
| Washington | 518,103 | ---------- | 598,538 |
| West Virginia | 958,800 | ---------- | 1,056,805 |
| Wisconsin | 2,069,042 | 2,228,949 | ---------- |
| Wyoming | 92,531 | 101,816 | ---------- |
| Total | 75,994,575 | 82,549,990 | ---------- |
| Alaska | 63,592 | ---------- | 79,362 |
| Hawaii | 154,001 | ---------- | 186,006 |
| In military and naval service of United States stationed abroad, not credited to any State or Territory | 91,219 | ---------- | ---------- |
| Total | 76,303,387 | 82,815,358 | ---------- |

[a] Returns from State census not yet received.
[b] Census of 1900.

Mr. WARREN. Pursuant to the notice given, I shall be glad to take up again the Medical Corps bill, if the Senator in charge of this bill will agree to lay it aside temporarily.

Mr. BEVERIDGE. I think it was the understanding that that should be done; and therefore I ask that the unfinished business be temporarily laid aside. I understand it was the arrangement that on the conclusion of the remarks of the Senator from Kansas [Mr. LONG] the Senator from Wyoming was to go on with the bill he has in charge.

The VICE-PRESIDENT. Without objection, the unfinished business will be temporarily laid aside.

REVENUE-CUTTER SERVICE.

Mr. NELSON. Will the Senator from Wyoming yield to me to call up a bill for consideration by unanimous consent? I do not think it will lead to any debate.

The VICE-PRESIDENT. Does the Senator from Wyoming yield to the Senator from Minnesota?

Mr. WARREN. I do, of course, assuming that the bill will not lead to any debate.

Mr. NELSON. It will not.

Mr. WARREN. Very well.

Mr. NELSON. I ask unanimous consent for the present consideration of the bill (S. 4129) to regulate enlistments and punishments in the United States Revenue-Cutter Service.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

INTERNATIONAL EXPOSITION AT MILAN, ITALY.

Mr. WARNER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wyoming yield to the Senator from Missouri?

Mr. WARREN. For what purpose does the Senator wish the floor?

Mr. WARNER. I desire to call up a bill in relation to the international exposition to be held at Milan, Italy, during the present year. I am frank to say that I understand there will be objection made to it; but, notwithstanding that, I feel it my duty to call it up. There will be no discussion whatever of the bill on my part.

Mr. WARREN. Mr. President, having the floor by the courtesy of the Senator in charge of the statehood bill, I do not feel that I can yield for anything which will cause a long delay; but I understand that this subject will soon be disposed of, and I therefore yield.

Mr. WARNER. There will be no discussion whatever on my part. I ask unanimous consent for the present consideration of the bill (S. 4412) to enable the Government to take official part in the international exposition to be held at Milan, Italy, during the year 1906.

The VICE-PRESIDENT. The bill will be read for the information of the Senate.

The Secretary read the bill.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

Mr. NELSON. I ask unanimous consent that the unfinished business, being the statehood bill, be laid aside for the remainder of the day.

The VICE-PRESIDENT. That bill has already been laid aside by unanimous consent.

Mr. NELSON. For the rest of the day?

The VICE-PRESIDENT. For the rest of the day.

Mr. HALE. Mr. President, the letter of the Secretary of State shows the whole situation. In speaking of this exposition he says, "which, while a private enterprise, promises to be a large and important one." If this were an international exposition, undertaken by a foreign country, it would present an entirely different condition, but being, as the Secretary says, "a private enterprise," I do not think that the projectors and promoters, who are seeking to have this bill passed in order to get a place and pay out of the Government appropriation, ought to be gratified, and I must object to its consideration.

The VICE-PRESIDENT. Objection is made.

Mr. WARNER. By unanimous consent I should like to have a letter of the Secretary of State and also a letter of the Secretary of Commerce and Labor, together with certain other papers which I hold in my hand, printed in the RECORD.

Mr. HALE. I, of course, have no objection to that.

The papers referred to are as follows:

DEPARTMENT OF STATE,
*Washington, February, 12, 1906.*

Hon. WILLIAM WARNER,
*Chairman Select Committee on Industrial Expositions,*
*United States Senate.*

SIR: I have the honor to inclose herewith a copy of House Document No. 128, Fifty-ninth Congress, first session, containing my request that an appropriation of $40,000, of which $12,000 is for an exhibit by the Bureau of Fish and Fisheries, be made to enable this Government to participate in the international exposition at Milan, Italy.

I also inclose a copy of Senate Report No. 402, showing the favorable recommendation by your committee that an amendment be proposed to the urgent deficiency bill providing for this object.

Inasmuch as the urgent deficiency bill as reported to the Senate does not contain an item for this purpose, I beg to express the hope, in view of the favorable action taken by your committee, that you will introduce an independent bill, a draft of which I inclose, and will urge its adoption by the Senate.

As the exposition is to open in April, action looking to our participation therein should be taken at once if at all, so that commissioners may be appointed and exhibits prepared. Already more than 200 applications have been made by Americans for space at the exposition.

That expositions of this character are of great value to American industrial enterprises can not be gainsaid. At the Liege exposition of last year more than 200 awards were made in favor of American exhibits, of which over 160 were to industrial enterprises.

I have the honor to be, sir, your obedient servant,

ELIHU ROOT.

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DEPARTMENT OF COMMERCE AND LABOR,
OFFICE OF THE SECRETARY,
*Washington, February 15, 1906.*

Hon. WILLIAM WARNER,
*Chairman Select Committee on Industrial Expositions,*
*United States Senate.*

SIR: I have the honor to invite your attention to the question of the participation of this and other Departments of the Government in the approaching international exposition at Milan, and to express the hope that, in view of the favorable action already taken by your committee, you will find it expedient to bring the matter to the notice of the Senate and secure early action thereon. This Department is desirous of taking

part in the exposition, because of the special request of the Italian ambassador and because of the economic benefits to this country that will accrue therefrom. I have no hesitation in stating that the comparatively small amount involved would eventually be repaid many times in increased trade resulting from an increased knowledge of our products.

In the event of favorable consideration of this matter by Congress, appropriate action should be taken at once, owing to the early opening of the exposition.

Very respectfully, V. H. METCALF, *Secretary.*

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[House Document No. 128, Fifty-ninth Congress, first session.]

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
*Washington, December 9, 1905.*

SIR: I have the honor to transmit herewith, for the consideration of Congress, copy of a communication from the Secretary of State of the 8th instant, and its inclosures, in regard to the participation by this Government in an exposition to be held at Milan, Italy, in 1906, to celebrate the opening of the Simplon tunnel, and submitting an estimate of appropriation in the sum of $40,000 as an amount required to enable the United States to make a creditable display thereat.

Respectfully,

H. A. TAYLOR, *Acting Secretary.*

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

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DEPARTMENT OF STATE,
*Washington, December 8, 1905.*

SIR: I have the honor to inclose herewith the translation of a note, dated October 22, 1903, from the Italian ambassador, together with copies of subsequent correspondence, concerning participation by the United States in an exposition to be held at Milan, under the high patronage of His Majesty the King of Italy, to celebrate the opening of the Simplon tunnel. The exposition was at first fixed for 1905, but was subsequently postponed until 1906.

By the Italian embassy's note of October 22, 1903, the hope is expressed by the Government of Italy that that of the United States will favorably consider the invitation and will encourage American citizens to exhibit at the exposition, which, "while a private enterprise, promises to be a large and important one."

The subsequent correspondence shows that France, Germany, Austria, Switzerland, Great Britain, Belgium, Japan, Turkey, and several South American States had, up to October 21, 1905, given notice of their intention to participate."

One of the most important sections of the exposition will be that of "Fisheries in salt and fresh water—international." A special invitation was extended by the Italian ambassador's note of October 21, 1905, for the participation of the Bureau of Fisheries in this section. On November 8, 1905, the Secretary of Commerce and Labor informed me that his "Department will be pleased to accept the invitation of the Italian Government and make the desired exhibit if Congress grants the necessary authority and appropriation," and he added:

"As practically all the objects are already assembled, the expense of the project will not be great. It is thought that $12,000 will fully cover the cost of transportation, installation, maintenance, and return of the exhibit."

I have the honor to request that you will submit the papers to Congress to the end that that body may determine whether the invitation shall be accepted, in which case an appropriation of $40,000 (the amount granted by Great Britain for the purpose) will be required to enable the United States to make a creditable display at the exposition. This amount would include the $12,000 asked for in behalf of the Bureau of Fisheries.

It will be recalled that the Italian Government was liberally represented at both the Chicago and St. Louis expositions, its grant for the latter being $120,000.

I have the honor to be, sir, your obedient servant,

ELIHU ROOT.

The SECRETARY OF THE TREASURY.

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DEPARTMENT OF COMMERCE AND LABOR,
OFFICE OF THE SECRETARY,
*Washington, November 8, 1905.*

SIR: I have the honor to acknowledge the receipt of your communication of the 6th instant regarding the participation of the Bureau of Fisheries in the exposition to be held at Milan in 1906. In reply I have the honor to say that the Department will be pleased to accept the invitation of the Italian Government and make the desired exhibit if Congress grants the necessary authority and appropriation. As practically all the objects are already assembled, the expense connected with the project will not be great. It is thought that $12,000 will fully cover the cost of transportation, installation, maintenance, and return of the exhibit.

Very respectfully, V. H. METCALF.

The SECRETARY OF STATE.

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ROYAL ITALIAN EMBASSY,
*Washington, D. C., October 22, 1903.*

MR. SECRETARY OF STATE: In order to celebrate the opening of the Simplon tunnel there will be held at Milan in 1905, under the high patronage of His Majesty the King, an international exposition, which is to include methods of transportation, insurance, and artistic works.

In accordance with the instructions which I have received from my Government, I have the honor to bring this to the notice of your excellency. The Government of the King hopes that that of the United States of America will give this communication favorable consideration and encourage American citizens to exhibit at the exposition, which, while a private enterprise, promises to be a large and important one, not only on account of the moral and financial backing which the people of the locality have given it, but also on account of the ability and standing of the persons composing the executive committee.

The nations are invited to exhibit in the following sections: Transportation on earth and in the air; marine transportation; insurance; decorative art; workshop of industrial art. It gives me pleasure to inclose your excellency a programme of the exposition, and to hold myself in readiness to send as many copies thereof as your excellency may desire, together with any other information or explanation which you think it advisable to ask.

Awaiting meanwhile the reply which your excellency may be pleased to make to this communcation, I avail myself, etc.

V. MACCHI DI CELLERE.

His excellency Mr. JOHN HAY,
*Secretary of State.*

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ROYAL ITALIAN EMBASSY,
*Washington, D. C., March 7, 1904.*

MR. SECRETARY OF STATE: In pursuance to instructions just received from my Government, I hasten to inform your excellency that the exposition intended to be held at Milan in 1905 for the purpose of celebrating the opening of the Simplon Pass, and to which I called your excellency's attention in my note of October 22 last, has been postponed until the spring of 1906. The executive committee of the above-mentioned exposition was obliged to postpone its opening owing to the fact that it is hardly likely that the new pass over the Alps will be opened up to the public before the summer of 1905.

My Government trusts that this postponement will in no way interfere with the participation of American industry and commerce in the various international exhibits promised for this occasion, and it even hopes that the delay will enable the American people to accept in still greater numbers the invitation extended to them by the city of Milan to cooperate, by their presence, in the success of an exposition which commemorates a new achievement of human ingenuity.

Please accept, Mr. Secretary of State, the assurance of my highest regards.

V. MACCHI DI CELLERE,
*Chargé d'Affaires.*

His excellency Mr. JOHN HAY,
*Secretary of State.*

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ROYAL ITALIAN EMBASSY,
*Washington, D. C., September 9, 1905.*

MR. SECRETARY OF STATE: There has been sent to me, for submission to your excellency, the inclosed petition from the American committee for the Milan Exposition of 1906, to request, through the medium of your excellency, that the Federal Government will participate officially in the said exposition.

The fact that the Federal Government has taken part in the exposition at Liege, Belgium, gives rise to the hope that it will do as much at Milan.

As far as I am concerned, I can only recommend the petition which I transmit to your excellency's kind attention.

Accept, etc., MAYOR.

His excellency Mr. ELIHU ROOT,
*Secretary of State.*

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MILAN EXPOSITION, 1906, AMERICAN COMMITTEE,
*New York, September 7, 1905.*

SIR: This American committee on the Milan Exposition, 1906, has been honored in having assigned to it by the central committee at Milan, Italy, the very agreeable duty of soliciting, through the medium of your honored administrative department, the active participation of the United States Government in the forthcoming exposition, which, in commemoration of the completion of the Simplon tunnel, will take place in Milan in 1906.

It affords this American committee much pleasure to be thus called upon to invite the American nation to be represented officially at Milan upon the auspicious occasion referred to, and, as an item of information pertinent to the subject of the committee's communication, it would respectfully apprise you of the fact that the sum of £10,000 has but recently been appropriated by the British Government for the establishment and equipment of the British section at the exposition, thus following the example put by other foreign nations.

In conclusion, honorable sir, this American committee begs to tender to you the assurances of its highest esteem, and to pray that it may be favored with your response at your convenience.

Respectfully,

ANTONIO ZUCCA, *President.*

Hon. ELIHU ROOT, *Secretary of State.*

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ROYAL EMBASSY OF ITALY,
*Washington, D. C., October 21, 1905.*

Mr. SECRETARY OF STATE:

The president of the executive committee of the exposition to be held at Milan in 1906, under the high patronage of the King of Italy, calls my special attention to the fact that one of the sections of that exhibition which bids fair to prove most important is the ninth: Fisheries in salt and fresh water—international. France, Germany, Austria, Switzerland, England, Belgium, Japan, Turkey, and several South American republics have already notified their intention to participate officially.

As it is well known that the United States is one of the most advanced countries in the fishing industry, the presidency of the Milan exposition holds that its accession to this section would give it special importance and be highly appreciated. While communicating the desire so expressed by your excellency, I venture to beg that you will use your good offices to the end that the Federal Government be pleased to authorize the Bureau of Fisheries, belonging to the Department of Commerce and Labor, to participate in the said special exhibition.

Thanking you in advance for whatever you may be pleased to do in the matter, Mr. Secretary of State, I offer to you the assurances of my highest consideration.

MAYOR.

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[Senate Report No. 402, Fifty-ninth Congress, first session.]

The Select Committee on Industrial Expositions, to whom was referred the amendment intended to be proposed to the urgent deficiency bill "To enable the Government to take official part in the international exposition to be held at Milan, Italy, during the year 1906," have examined the same and report it back with a favorable recommendation.

Mr. HALE. Let the bill go to the Calendar under Rule IX, Mr. President.

The VICE-PRESIDENT. Without objection, it is so ordered.

PETER FAIRLEY.

Mr. McLAURIN. I ask unanimous consent to be permitted to make a report at this time.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and the report will be received.

Mr. McLAURIN. I am instructed by the Committee on Claims, to whom was referred the bill (S. 4860) for the relief of Peter Fairley, to report it with amendments. I ask unanimous consent for the present consideration of the bill.

Mr. WARREN. I understand the bill for which the Senator from Mississippi [Mr. McLAURIN] desires present consideration to be one that will provoke no discussion, and so I shall not object to it; but I must say that I shall have to take the floor at the conclusion of the consideration of that bill, and I shall object to it if it gives rise to debate.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill just reported by the Senator from Mississippi [Mr. McLAURIN]?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 4860) for the relief of Peter Fairley.

Mr. McLAURIN. The committee recommends the striking out of "five hundred," wherever it occurs in the bill, and inserting "four hundred and fifty."

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. In line 5, before the word "dollars," it is proposed to strike out "five hundred" and insert "four hundred and fifty;" and in line 9, before the word "dollars," to strike out "five hundred" and insert "four hundred and fifty;" so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay and return to Peter Fairley the sum of $450 paid by said Peter Fairley to the United States on a judgment against him on the bail bond of John C. Lott, who was afterwards captured and returned to the United States officers by said Peter Fairley. The said sum of $450 is hereby appropriated for said payment and return of said sum to said Peter Fairley.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MEDICAL DEPARTMENT OF THE ARMY.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1539) to increase the efficiency of the Medical Department of the United States Army.

Mr. WARREN. I understand the Senator from Maine is ready to proceed.

Mr. KEAN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wyoming yield to the Senator from New Jersey?

Mr. WARREN. Certainly.

Mr. KEAN. The pending bill is rather an important one, and I suggest the absence of a quorum.

The VICE-PRESIDENT. The absence of a quorum being suggested, the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

| | | | |
|---|---|---|---|
| Alger | Crane | Hansbrough | Rayner |
| Allee | Dick | Kean | Scott |
| Beveridge | Dillingham | Latimer | Simmons |
| Blackburn | Elkins | Long | Spooner |
| Bulkeley | Flint | McLaurin | Sutherland |
| Burkett | Foraker | Nelson | Teller |
| Burnham | Frazier | Overman | Warner |
| Burrows | Frye | Perkins | Warren |
| Carter | Fulton | Pettus | |
| Clapp | Gallinger | Piles | |
| Clark, Wyo. | Hale | Proctor | |

Mr. McLAURIN. I wish to state that my colleague [Mr. MONEY] is absent because of sickness.

Mr. TELLER. The Senator from Georgia [Mr. CLAY] has gone home on account of being ill.

The VICE-PRESIDENT. Forty-one Senators have answered to their names. A quorum is not present.

Mr. WARREN. I move that the Sergeant-at-Arms be directed to summon the absent Senators.

Mr. HALE. I think a quorum will be here shortly.

Mr. FRYE. Let the list of absentees be called, and by that time there will probably be a quorum here.

The VICE-PRESIDENT. The Secretary will call the list of absentees.

The Secretary called the list of absentees.

Mr. ALLISON, Mr. BACON, Mr. BAILEY, and Mr. PENROSE entered the Chamber, and answered to their names.

The VICE-PRESIDENT. Forty-five Senators have answered to their names. A quorum is present.

Mr. HALE obtained the floor.

Mr. CARTER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from Montana?

Mr. HALE. I yield to the Senator.

Mr. CARTER. I do not desire to take the floor from the Senator from Maine, but merely rise to make a suggestion. The Senator from Maine has made a statement to the effect that this bill was the first of a series of bills having for their purpose a substantial increase in the various branches of the Army service. That was my understanding of the Senator's statement.

It occurs to me that this is an ill-advised method of proceeding to increase the Army. First comes the primary proposition, Does the Senate or the country stand for a present increase of the Army at all? If it should be determined in the affirmative, then the method of proceeding with the increase will become of very grave importance.

I think it is obvious that a question of this kind relating to unity in the service, a cohesive, inseparable branch of the public service, can not be intelligently disposed of in piecemeal. I recall the effort to reorganize the Army. That proposition led to a spirited and long-continued debate in this Chamber. The bill providing for the reorganization of the Army finally received a majority vote. That bill was not presented in segments. There was no pretense that we would legislate with reference to the artillery in one bill, the line in another bill, and the Medical Corps in still another; but, on the contrary, the entire subject was taken up.

It is a subject not readily divisible. It is true we might consider special cases involving the fortification of certain ports. It might be wise, perchance, to take up coast defense as a separate subject; but, as I understand from the proposition of the Senator from Maine, this is but the entering wedge, the beginning of a policy of disposing of one branch of the subject which belongs to and has intimate relations with other branches of the service.

Mr. WARREN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Wyoming?

Mr. CARTER. With pleasure.

Mr. WARREN. The Senator addresses his remarks to an observation made by the Senator from Maine [Mr. HALE] very much in the way he would do if the Senator from Maine were in charge of the bill and were laying out the premises. The Senator from Maine in his statement—which was merely his belief—that this bill is part of a plan to increase the Army, does not state what I believe to be the plan, and does not state what I believe to be the object of this bill. The object of this bill has nothing whatever to do with a general increase of the Army. It is merely to perfect the organization of the Medical Department of the Army as it now stands. The same course has been pursued with two or three or more of the other departments of the Army since the passage of the bill to which the Senator from Montana alluded, notably in the case of the Engineer Corps. It was found upon trial that that department had not sufficient officers to take charge of the great works in connection with rivers and harbors, etc. It has been found——

Mr. FULTON. May I interrupt the Senator from Wyoming?

The VICE-PRESIDENT. Does the Senator from Wyoming yield to the Senator from Oregon?

Mr. WARREN. Certainly.

Mr. FULTON. I wish to ask a question in the line of the Senator's suggestion. Is this bill really not a movement to correct a mistake, an error that was made in the former reorganization of the Army? That is, does it not seek to correct a mistake which was made in providing for the Medical Department rather than being an attempt to reorganize the Army?

Mr. WARREN. I will say to the Senator from Oregon, yes. It was a mistake in one sense, because the belief existed then, with some, at least, of the members of the Senate, that we needed a less force than experience has shown to be necessary.

Now, I want to say to the Senator from Montana that this bill has no effect upon other branches of the Army. It is simply that we may have not an increase of numbers and not a very perceptible increase in expense—in fact, the expense will be at first decreased—but the object of the bill is to provide that the Army shall have its necessary percentage of surgeons, the same as it had before the Spanish war, before the general increase of the Army, and the same as the Navy has now and has always had, and not have the Army depend so largely upon contract surgeons.

Mr. SPOONER. Will the Senator allow me to ask him a question?

The VICE-PRESIDENT. Does the Senator from Wyoming yield to the Senator from Wisconsin?

Mr. WARREN. Certainly.

Mr. SPOONER. How many colonels are there now in the Medical Department?

Mr. WARREN. Eight.

Mr. SPOONER. This bill provides for sixteen?

Mr. WARREN. Yes.

Mr. SPOONER. How many lieutenant-colonels are there now?

Mr. WARREN. There are twelve.

Mr. SPOONER. How many majors?

Mr. WARREN. I do not recollect, but I have the number here; yes, sixty.

Mr. SPOONER. Well, this bill provides for 110 majors and 300 captains, or first lieutenants. Are all these colonels, lieutenant-colonels, majors, captains, and first lieutenants to take the place of contract surgeons?

Mr. WARREN. Certainly; numerically speaking.

Mr. SPOONER. That is what it means?

Mr. WARREN. Yes; the lieutenants at less pay, the majors, of course, at larger pay. But, as I remarked before—possibly the Senator from Montana did not catch it—we have had from 170 to 200 contract surgeons employed all during the last year. In fact it is necessary now and will be hereafter to employ that number, unless we enlarge the force. The proposed increase in the number of officers decreases an equal or larger number of contract surgeons, and thus the Army is not increased practically.

Mr. SPOONER. How much is saved by this bill?

Mr. WARREN. It saves the difference between the pay of the first lieutenants and the contract surgeons, with so many as serve as lieutenants——

Mr. CARTER. Mr. President——

Mr. SPOONER. It does operate, then, to increase the Army?

Mr. HALE. Yes.

Mr. WARREN. It does not increase the men employed. It simply changes from contract surgeons to captains, lieutenants, and so forth.

Mr. SPOONER. Contract surgeons are not a part of the Army.

Mr. WARREN. They cost money.

Mr. SPOONER. I am not talking about money.

Mr. WARREN. A good deal more——

Mr. SPOONER. I am talking about rank.

Mr. HALE. I will say to the Senator that page 15 of the report shows, even on the most favorable showing, that there is an increase, not at once, but as the years go by.

Mr. CARTER. It is suggested by the Senator from Oregon [Mr. FULTON] that we are merely correcting a mistake made by Congress in the Army reorganization bill. Under the general title of correcting mistakes, we might very well consider whether Congress, according to the present judgment, did not make a mistake in fixing the maximum limit of the Army. If mistakes were made in the Army reorganization bill necessitating corrections which will result in an increase of the Army, I suggest that it is wise to have the whole of such increase—every part and parcel of the remedial legislation, if such remedial legislation be necessary—brought forward for the consideration of the Senate as an entirety.

I merely rose to call attention to my view of the observations of the Senator from Maine, for the purpose of suggesting the advisability of the recommittal of this bill, with a view to having the Committee on Military Affairs bring forward the entire proposition emanating from all the bureaus and subdivisions of the War Department, to the end that we may ascertain just what this increase will be, the branches of the service in which the increase will occur, and thus determine the necessity for the increase and determine whether the country, according to the consensus of opinion here represented, desires any increase at all.

Mr. HALE. Mr. President, there is great force in what the Senator from Montana [Mr. CARTER] has said. I think the Senate is entitled upon this fundamental question of the increase of the Army to the best judgment of the Committee on Military Affairs as to what the bill should be. I do not like this way of nibbling at legislation, getting in a partial bill about one part of an establishment and then another bill about another part of an establishment. I have never, in connection with the Navy Department, thought it was the wise thing to do. Six or eight years ago we had, as it was called, "a general personnel bill" for all branches of the Navy. We presented that bill. Older Senators will remember it—the Senator from New Hampshire, the Senator from Kentucky, who is a member of the committee. We presented a general bill for the government of the different branches of the Navy Department and rules and regulations and laws about all of them, and that bill passed. From time to time there have been complaints—little work in certain cases; certain branches have had the advantage of others.

Now, instead of bringing in separate bills, I introduced a bill here covering all of the departments and branches of the Navy. The same has been done in the House. Later the committees will report, not a single bill for the Pay Department, for the Medical Department, or the Engineer Department, but a general bill; and I think there is great force in that course.

I was interested in the comments that were made and the arguments for this bill grounded upon the necessity of doing something for the Medical Corps by reference to the experience we have had in late wars. Mr. President, there never were any faults or defects of administration that were laid to the Medical Corps as it then existed or now exists. The trouble in the Cuban war was not with the doctors. It was not contended that they were inefficient or of insufficient force. That issue never was before the country, and is not now before the country.

Whatever complaint was made or whatever defects there were in the administration did not belong to the Medical Corps. We conducted that war, so far as this corps goes, in a way that attracted no criticism.

I listened with great interest to the remarks of my venerable, philosophic, and reflective friend the Senator from Alabama [Mr. PETTUS] about the uses of a medical corps and about the figures and proportions of losses in time of war, and how, in Japan, preparation was made for the war and the medical corps was enlarged, in view of a great war, for that purpose. If the Military Committee came before the Senate to-day with the arguments of the Senator from Alabama, that the object of this bill is to prepare for a great war, I would see frankness and openness in it. I agree fully with what the Senator says, that it would have been folly inconceivable on the part of Japan, with what was imminent before that country, if she had not done what she did in organizing her medical corps. There are not many spectacles in history, Mr. President, more instructive than the condition, situation, and sentiment of the Japanese people in the years after the fruits of their war with China had been taken away and wrested from their hands and the silent and determined way in which Japan prepared for the mighty contest that was surely impending.

All that the Senator from Alabama has said about the wisdom of the Japanese in preparing for that war and in enlarging her medical corps and getting ready for the tremendous issues of war and battle are true, and if this bill were put on that ground, which, I think, is the only excuse for it, that we are legislating now to get ready for an incoming and impending war, it would be a different question. The Japanese would have been crazy, would have been lacking in patriotism, knowing that the nation was silently girding itself for the titanic conflict that came afterwards, if every department of her war establishment had not been put in training for immediate conflict—as it was.

Mr. WARREN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from Wyoming?

Mr. HALE. Certainly.

Mr. WARREN. I was deeply interested in the remarks of the Senator from Maine with respect to the Japanese. We, too, have had a war. We prepared for it; according to the Senator we prepared sufficiently. But we lost fourteen by disease to every one killed in battle, while the Japanese lost four.

Mr. HALE. We have not had much of a war.

Mr. WARREN. The comparison is four to one with the Japanese and fourteen to one with us.

Mr. HALE. I have said that nobody complains that the Medical Corps is deficient. In all the agitation that was made about the condition of our Army and about the insalubrity of the locations established for it and about its food, and everything of that kind, I never heard a complaint that the Medical Corps was inadequate or was responsible for the loss.

Mr. WARREN. The Senator must surely have overlooked the current writings of the day.

Mr. HALE. I did not overlook them.

Mr. WARREN. There were no allegations against the men employed, but because of the shortage of men. I suppose the Senator will remember the achievements of officers of the Medical Corps, in the great discovery as regards yellow fever, typhoid fever, and so forth, and how they were stamped out of Cuba, also various diseases in Porto Rico, and thousands—yes, tens of thousands—of lives accordingly saved in Cuba and elsewhere. The Medical Corps has accomplished great achievements. It seems to me their past services are a guaranty that the force will be correctly and properly employed.

Mr. HALE. Nobody proposes to cut them down. The Medical Corps as it exists to-day is not subject to criticism. It has never failed. It has been adequate to every emergency that has come before it.

Mr. PETTUS. Will the Senator allow me a word?

Mr. HALE. Certainly.

Mr. PETTUS. The Senator will remember that my argument was interrupted, at least I was cut off by the regular order before I concluded.

Mr. HALE. I yield to the Senator.

Mr. PETTUS. I hope the Senator will not put me in the attitude of blaming the surgeons for what occurred in our Army. What I intended to impress on the Senate and what the Senator does not seem to have noticed was not that the Medical Corps had neglected its duty, but that it did not have the power to prepare. There were not that class of officers in our Army at that time. They had no power. The theory was that the officer of the line, the commander, was to do all this. They had separate men to do the commissary work and for the quartermaster's arrangements.

Now, the idea I wanted to convey was that there not only ought to be a sufficient number of these officers, and perhaps we have a sufficient number, but that the officers of the Medical Corps ought to have command of that corps and ought to have command of the medical preparations; that they ought to command in the field; I do not mean in fighting, but in the field they ought to have command of the hospitals and ought to have power to prepare them and power to prepare all the medical supplies and all the sanitary arrangements and regulations; and that they could not have unless they had sufficient rank. That was the idea I had; but I never dreamed of blaming the Medical Corps for improper rations or anything of that sort. It was not their business under our system. I want to have the system changed.

Mr. HALE. Those matters as to the control the Medical Department shall have are not in this bill at all. This is a simon-pure bill. We increase certain grades and ranks in the medical branch of the Army of the United States. It is not a question of rank. Of course the rank has been increased because all these officers desire that. The contract surgeons are to be gradually gotten rid of and their places taken by officers who are to belong to the regular permanent establishment who will have their retired pay.

But we have gone over all that. I agree fully that there is great force in the suggestion which has been made. This is a matter of increasing the Army, now an army of 60,000 men. That is the purpose. Nobody need have any doubt about that. The purpose is to increase the Army; and when we do that we ought to have what we have always had heretofore. We ought to have a proposition that deals with the increase of the Army in its different branches so that we may see what it is. The senior Senator from Colorado [Mr. TELLER] will remember a controversy upon this floor years ago in which the increase of the Army was advocated very strongly in a time of profound peace by the then distinguished Senator from Illinois, General Logan. The contest was made on this floor, and it was the judgment of the Senate at that time that there was no necessity for the increase of the Army, and it was voted down.

Afterwards the question came up repeatedly, and, as in the bill I quoted from, the bill of 1901, it was a bill to increase the efficiency of the Army in all its branches. It was not a single bill; it was not what I have characterized as novel legislation, but covered the whole matter. Anyone who will look at the bill of 1901 will see that it covers the branches of the Army, as it ought to have done, so that we could look at it as a whole. That is what we ought to do now, and nobody ought to be against it or be doubtful about meeting that question as one question. Shall we now, in view of any possible emergency, increase the Army of the United States of 60,000 men that we have? If so, let us have a well considered and matured bill that covers all branches of the Army.

Mr. PROCTOR. Mr. President, I think General Chaffee, in his indorsement of this measure, did not intend that it should have any such construction as the Senator from Maine has given it. General Chaffee says:

> But it does give early rank for majors and lieutenants, who are, in fact, the men generally employed for duty with troops, colonels and lieutenant-colonels being more generally administrative officers. For this purpose the number of colonels and lieutenant-colonels provided for in the bill seems to me ample for peace administration and for reasonable requirements in war for an army of 250,000 men.

What he plainly means by that is that for administrative purposes—for the medical staff, if you please—this increase would be sufficient for a large army. But to-day, of course, if the Army was increased, the troops would be provided otherwise. The increase of the Army to any extent would be by volunteer regiments that would come with their two or three medical officers.

Mr. HALE. If the Senator will allow me, what is the force, in view of this contemplated increase, of the suggestion of General Chaffee about an army of 250,000 men? What is the force of that suggestion when he says this is sufficient?

Mr. PROCTOR. That there ought to be in the permanent Medical Corps men trained and of rank who, in an emergency, would provide the administrative force of an increase, but not for the care of troops.

Mr. HALE. That is all I have contended for, that the whole basis of this proposed legislation is on the theory of a greatly enlarged and expanding army.

Mr. PROCTOR. I beg the Senator's pardon; I do not so understand it at all. It merely provides for the present Army sufficient administrative force and sufficient force for duty with the troops, but it does not provide any force for duty with the troops in case the Army should be enlarged. If it was so enlarged, the regular force would be skeletonized, so to speak; it would be scattered through the increased volunteer force as brigade and division surgeons, and the surgeons with the troops would be regimental surgeons.

Now, in regard to contract surgeons, I consider them not so desirable by any means as the regular force. They have much less responsibility. They are not in the service for any considerable time. It is with them, to a large extent, but a makeshift, in order to get started in the profession, and they are constantly being weeded out on the best end. Anyone can see that these men are looking for some permanent settlement in the profession for life, and naturally the best ones would be those first to find such a place. They are constantly being diminished from the better end. The poor are left. I know one Secretary a few years ago was very glad to get rid of seventy or seventy-five contract surgeons. There is no question in my mind but that the Army is very much better off when they are permanent.

Mr. HALE. Suppose he had found them consolidated as a part of the regular establishment of the Army, and did not need them, he could not have gotten rid of them. There is the very point.

Mr. PROCTOR. I beg the Senator's pardon.

Mr. HALE. That is the merit of the contract-surgeon system. If, in the case the Senator has cited, the Secretary had found that conditions were such that he did not need these officers, he could no more remove one of them than he could remove a mountain; they would become concentrated as a part of the establishment. That is the beauty of the contract system.

Mr. PROCTOR. The Senator is supposing a condition that did not exist. It so happened at that time that the regular authorized force was not in the field. Examinations had not been held extensively enough through the country, and, moreover, a large number of small posts on the frontier, twenty-five at least, that had been necessary during the Indian service, were abolished, and that saved in each case two medical officers.

Mr. WARREN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Vermont yield to the Senator from Wyoming?

Mr. PROCTOR. Certainly.

Mr. WARREN. In connection with the observation made by the Senator from Maine I will state that the bill provides for examinations at each step and promotion, and if any surgeon is found to be incompetent at any point he is separated from the Army.

Mr. PROCTOR. In regard to a general measure to increase and reorganize all branches of the Army, I am not myself in favor of a general increase of the Army by any means, but I have recognized for a long time that this corps ought to be increased. The Senate a year ago passed a measure, substantially this one, I believe, giving the increase we did at that session, and we have at this session passed a bill increasing the Ordnance Corps somewhat. That was wise and proper, although I think the increase of this corps is more important. We should have in the Army the very best medical service that we can have. Much of our Army, unfortunately, must be in an unhealthy clime, and we ought to have the very best possible permanent corps and a permanent force nearly sufficient—I will not say ample; I would not go beyond the absolute requirements for present service; I do not believe this bill does that, but I would have one nearly sufficient to take care of the present needs, and to have any small lack filled up by contract surgeons, but not any large lack by any means.

Mr. HALE. The Senator says that a large part of the Army must be in insalubrious regions and conditions. What is the

basis of the statement of the Senator that a majority or a large portion of the Army has got to be in doubtful and unhealthy climates?

Mr. PROCTOR. I beg pardon; I did not say a majority.

Mr. HALE. A large part.

Mr. PROCTOR. I said a large portion.

Mr. HALE. How large a portion?

Mr. PROCTOR. I think there are now about one-fifth—12,000.

Mr. HALE. At present only about one-fifth of the entire Army?

Mr. PROCTOR. But that force has to be renewed once in two or three years; it has to be changed.

Mr. HALE. There is just where the contract surgeon comes into advantage.

Mr. PROCTOR. That is the Senator's opinion about it. I am very decidedly of opinion that the moderate increase this bill asks for, not to overprovide, but nearly to provide for the permanent wants of the Army, ought to be made by an addition to the regular force.

Mr. GALLINGER. Mr. President, I simply wish to call attention in a few words to what I think was on the part of the Senator from Alabama [Mr. PETTUS], reading from a book as he did, a somewhat exaggerated statement, I mean on the part of the author, as to the mortality of troops from disease as compared with the number who die from wounds in battle.

It is said that General Scott during the Mexican war lost one third of his force by disease. That was a very large proportion. General O'Reilly, the Surgeon-General of the Army, states in a letter which will be found in this report that during the civil war the mortality from disease was more than double that from casualities in battle. The Senator, reading from the book, stated that it was four to one, if I remember correctly.

Mr. PETTUS. I stated that in our wars the disproportion was less, but the figures the author gives here purport to be the official figures from the Government of Japan.

Mr. GALLINGER. I understand. In the civil war, then, the casualties from disease were a little more than two to one as compared with the casualties from wounds.

Mr. PETTUS. In the neighborhood of three to one.

Mr. GALLINGER. General O'Reilly, the Surgeon-General of the Army, puts it at two to one, as the Senator will find in this report. That is all I know about it.

Now, Mr. President, in the Spanish war there was one month when the death rate was very high, but during the other months of that war the death rate was not very excessive notwithstanding our troops were in an insalubrious climate. In reference to the civil war, I want to read a paragraph from General O'Reilly's letter or memorandum touching that point. After speaking of the mortality in the Spanish war, he says:

> Nor would such occurrences be possible now in civilized warfare as for 600 wounded to lie for more than ten days on the battlefield, as happened after the second battle of Bull Run, on August 30, 1862, when many of the wounded died of starvation. That this was not one of the unavoidable horrors of war, but was, as stated by the Surgeon-General in reporting these facts, due to defective medical organization is evidenced by the fact that after the organization of the ambulance service of Letterman such occurrences ceased in the Army of the Potomac. After the great battles of Fredericksburg, December 13, 1862, and Chancellorsville, May 2, 1863, for instance, although the army was defeated, the field was cleared of wounded without confusion or delay.

I read this, Mr. President, simply to show that while our medical service was doubtless very defective at the beginning of the civil war (and the fact the Surgeon-General cites, that 600 of our wounded lay on the field of the second battle of Bull Run for ten days is an illustration), Letterman organized the ambulance service, and after that there was very little complaint along that line.

But since the civil war, almost forty-five years, very great advances have been made in this country, as well as in other countries, in the matter of sanitation and in the care of the sick. I have an impression that the results achieved by the Japanese, which were very satisfactory, would perhaps not be greatly in excess of what would be achieved by American surgeons of the present day. The advance in everything that relates to health and the treatment of wounds has been marvelous; and we are not behind the other nations in this matter of progress in medical science and surgical knowledge.

So I think we ought to infer, even in view of the results obtained by Japan, which organized the medical corps with the expectation that a great and prolonged war was to ensue, that if conditions were the same in this country very likely our medical organization might be equal to that of that progressive nation.

I do not question the Senator's figures so far as he cited them from the publication, but still I think the Surgeon-General of the Army perhaps is correct in giving the proportion as a little over two to one in the civil war.

Mr. President, I want to see an effective medical organization, and I am really at a loss to know whether this is a desirable bill or not. I have been very much startled of late in reading a debate in another body to see to what an extent we are increasing the retired force of the Army. I have sat here day after day without casting an adverse vote when officers, distinguished, deserving well of their country, have been promoted one after the other, after serving a single day, to give way for another distinguished officer to take his place. I have thought it was not a good policy, and yet, being a civilian, I have not felt like objecting to it. I think we ought to be careful in all our legislation not to increase the retired force of the Army or Navy to any greater extent than is absolutely necessary.

It may be that this bill is framed along safe and conservative lines, and yet I am impressed with the view expressed by the Senator from Montana [Mr. CARTER] and concurred in by the Senator from Maine [Mr. HALE]. It seems to me we ought to legislate for the Army when trying to legislate for the Army by a general bill that will cover all the various corps of the Army, and understand exactly what we are doing when we give it consideration and vote upon it.

I want to see the Medical Corps as large as is needed. I want to see it as efficient as it can be made. I want to have our soldiers cared for in the best possible manner when they are sick or when they are wounded. It may be, as I said, that this bill is framed along safe lines; and yet I wish that it might have been a general bill covering the various corps, all of whom are clamoring for recognition.

The Senator from Alabama [Mr. PETTUS] has reported a bill for the Dental Corps. I have thought it was a good bill. It is held up on a motion to reconsider, as I remember. If that bill and this bill could be consolidated, and all the other corps, whatever their demands are, could be included in a general bill, I confess I would see my way much clearer than I do to-day to cast an intelligent vote on the question submitted.

Mr. BLACKBURN. It is not my purpose, Mr. President, to enter into any discussion as to what is the real true proportion of death between disease and wounds, nor have I any purpose to discuss a question that seems to me to be too plain to need debate, namely, the perfecting, as far as it may be possible to perfect it, of this corps—one of the essentially important branches of the military establishment of the country.

As a member of the Committee on Military Affairs, I only want to enter a warning here to the Senate not to be misled or sidetracked from the questions presented by the bill. First, it presents for your determination the question as to whether you want to continue or to abolish the system of contract surgeons in the Army.

There are very few—in all sincerity I say I doubt if there is one Senator on this floor for whose mature opinions I have greater respect or in whose judgment I repose more confidence than I do in those of the experienced and efficient and able Senator from Maine [Mr. HALE]. During a service of almost twenty years in the Senate I have been brought into exceptionally close contact with him by reason of protracted service upon the Committee on Naval Affairs, of which he is still the very exceptionally efficient head.

I differ with hesitation from a deliberately reached conclusion of the Senator from Maine, but I am forced to differ, and differ widely, from his conclusion when he tells us that he favors the contract-surgeon system in the Army because of its elasticity; that when the Secretary of War finds there is a superabundance of surgeons under the contract system it is easy to get rid of them by reduction, but under the system proposed by this bill it would not only be difficult, but impossible to reduce the number, because the Secretary of War himself is clothed with no authority to dismiss officers from this or any other branch of the service.

Now, I take issue with the Senator from Maine upon the very primal question as to whether the contract-surgeon system is best. I go further. I will meet him upon the more advanced proposition as to whether the contract-surgeon system is even a satisfactory system in the Army, and I take the negative side of that broader proposition. I say it is not, and my position is sustained by the unbroken chain of testimony from all the officials of the War Department. I apprehend that the Senator from Maine will find himself unable to fortify his position by any official or other utterance of any Secretary of War, Surgeon-General, or General in Chief of the American Army. In the very nature of the thing, the contract surgeon can not be the best.

Mr. HALE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Kentucky yield to the Senator from Maine?

Mr. BLACKBURN. Certainly.

Mr. HALE. Let me ask the Senator a plain, direct question. I can understand that the officials of the War Department want more permanent officers. That is for Congress to settle. But in the last six or eight years that we have had this contract-service system in operation—and it was not put in unadvisedly, but after full discussion as an elastic corps being the best possible thing—where has come to the attention of the Senator any complaint about inadequate and faulty features in the contract service?

Mr. BLACKBURN. If the Senator will give me a chance, I intend to answer that question.

Mr. HALE. I have failed to find such complaints.

Mr. BLACKBURN. I will try to aid the Senator, and I will do it from the records of the War Department.

Now, this is what I was trying to say: The Senator is mistaken, if he will permit me to correct him, when he says that at the time of the adoption of the contract-surgeon system it was adopted as the best system because, perhaps, of its elasticity. I beg the Senator's pardon, that is not my reading of the record of the military establishment of this country. The contract-surgeon system was adopted for another and a very different reason, because it was the only way to get an adequate amount of medical service in the Army. The effort was made to enlarge the number of surgeons, to expand the Medical Department of the Army, and it was only after a refusal by Congress that the War Department was driven, against its own best judgment, to the adoption of the contract-surgeon system, because otherwise it could not get the doctors at all.

Mr. HALE. That is precisely what I say. The arguments for an increase of the regular establishment were the same they are now, and Congress refused to accept them and adopted the contract-surgeon system after full consideration, rejecting what is asked for now in this bill, rejecting a permanent increase, and putting on the contract system.

Mr. BLACKBURN. That is precisely what it is my purpose to tell the Senator.

Mr. HALE. It was done precisely in that way.

Mr. BLACKBURN. I am trying my best to tell the Senator so.

Mr. HALE. So it was after full discussion that Congress had rejected the idea of a permanent increase of the regular officers of the Army.

Mr. BLACKBURN. Now, I want to add—because the Senator falls short in his statement again—not only that, but since that time Congress has enlarged the Army. But these are matters I do not care to discuss. I did not rise for that purpose. I had but two purposes in my mind, and they are material, it seems to me.

I do not want the Senate to be led off by the suggestion that this is an insidious movement originating with the Senate Committee on Military Affairs, or perhaps further back, with the War Office, an entering wedge, as it were, for a permanent material increase in the size of the Army. I am perfectly fair, I think, when I say that technically speaking this is an increase, but literally and truthfully speaking it is not an increase of the Army at all. If it be an increase of the Army it is to this extent and no further: By issuing commissions it to that extent increases the Army in place of the civilian, the nondescript, the contract surgeon who is partly in the Army and partly out of the Army. It charges the Army to that extent with an increase of force. That is all the increase of the Army that is to be found in this bill.

The Senator from Vermont [Mr. PROCTOR] has made it altogether unnecessary for me to repeat the advantages of the commissioned officer in the Medical Corps as compared with the contract surgeon. You go out in the highways and byways and with a dragnet gather in a lot of young, recently graduated doctors. You fix the value of his service, because you have already arbitrarily fixed it. He gets $1,800 a year, which is more than the lieutenant who bears his commission in the Medical Corps of the Army gets. I venture to say here, and I challenge contradiction upon the proposition, that there is not under our system of Government known an examination as severe, as difficult to pass as the examination to which the young surgeons are subjected before a commission is issued to them and they enter the Army as officers in its Medical Corps. I venture to say, and the record bears me out, that the percentage of those who pass that savage examination for admission into the Medical Corps of the Army is lighter than that of those who pass any other examination that is ever held in any branch of the service of this Government. So I stand unchanged in my conviction that for every reason, and especially for the reason so cogently stated by the Senator from Vermont [Mr. PROCTOR], the commissioned surgeon is infinitely superior to and more desirable than the contract surgeon. As he told you, in the very nature of things the very best of the 270 contract surgeons which you have are the very first ones that you are going to lose, because the minute that any one of those 270 contract surgeons discovers a place where he can, in the private practice of his profession, make $2,000 a year instead of $1,800, which the Government pays him, he quits the service as a contract surgeon. As the Senator from Vermont told us, the best ones are the first ones to go and the residuum are the poorest.

But it is not that simply, Mr. President, that I wish to call the attention of the Senate to. The Senator from Montana [Mr. CARTER] has suggested that this bill ought to be recommitted to the Committee on Military Affairs. I hope the Senate will not adopt that suggestion. I think I can satisfy my friend from Montana that it would be useless to do it. In a somewhat extended experience as a member of the Federal Congress, reaching nearly to a third of a century, I venture to declare here and now that never since I entered the halls of national legislation have I had to do with a bill that had been as carefully prepared, as deliberately considered, as carefully and as often dissected and put together and subjected to the crucial examination of as many different critical experts as has the measure that now lies before this Senate.

Mr. SCOTT. Will the Senator from Kentucky allow me?

The VICE-PRESIDENT. Does the Senator from Kentucky yield to the Senator from West Virginia?

Mr. BLACKBURN. Certainly.

Mr. SCOTT. The Senator will also remember that we had numerous hearings of the experts of the Medical Department, all of whom heartily approved of this bill and gave to the committee their reasons for their approval of it.

Mr. BLACKBURN. Yes, sir. Now, Mr. President, what I wanted to impress upon the Senate—and that was the main purpose in my mind when I arose—was that it would be a waste of time to adopt the suggestion of the Senator from Montana to recommit this bill, and I am proceeding now to tell him why. In the first place, this bill comes to the Senate with the unanimous indorsement of its Committee on Military Affairs. In the very nature of this legislation this bill must of necessity be largely technical. I think I am not guilty of any impropriety of speech when I say that the Senate might very naturally concede something to the Committee on Military Affairs superior to the general average of information upon the part of the Senate upon this purely technical question.

Now, I will trace this bill, if you please. It originated with the Surgeon-General of the Army. The Chief of Staff undertook to pass in judgment upon it. By the way; in passing I might say—what it is not necessary for me to state to this Senate—that my record shows that I have never been in sympathy with any piece of legislation that looked toward an enlargment of the Army. Upon the contrary, that record shows that I have consistently and persistently opposed everything in the shape of legislation enlarging the regular standing Army of this country. I may say, further, that I never did gain my own consent to approve of the plan for the establishment of a General Staff. I opposed it from its inception, and I am opposed to its continuance now. I thought it was an ill-advised movement at the time, concededly copied from, or if not copied from at least molded and modeled on, the German military plan. I have never yet been converted to the General Staff which was established so recently in our Army. As I have stated, it was modeled after the German system, and in the very nature of things, to my judgment, it was utterly unfortunate. It was taken from the military establishment of a monarchical government whose normal condition is one of preparedness for war.

Mr. HALE. And a military government.

Mr. BLACKBURN. And a military government. In the very nature of things it was not to be assumed that it would be adapted to a government like ours. It was top-heavy in its very construction. So I am not to be classed with those more liberal Senators who have ever at any time advocated or favored the enlargement of the military establishment of this Government. Technically, as I have stated, this is an enlargement of the Army; substantially and truthfully it is no enlargement of the Army.

But I was tracing the history of this bill. Prepared and submitted by the Surgeon-General of the Army—to whose efficiency and professional accomplishments I am sure it would be the pleasure of every Senator to testify who has an acquaintance with that officer—prepared by him, it was criticised and objected to by the General Staff. It was carried to the Secre-

tary of War, and the Secretary of War and the Chief of Staff did not agree upon its provisions. It was boiled down at last, concessions being made from all three of these original sources, and the Surgeon-General, the Secretary of War, and the Chief of Staff all finally came to the adoption of the present pending measure. It was brought to the Senate Committee on Military Affairs. By that committee hearing after hearing was given to the medical representatives, from the Surgeon-General of the Army down. So in this bill, whether it be a perfect piece of legislation or not——

Mr. HALE. Let me ask the Senator a question. I have been told that there have substantially been no hearings on this bill in this Congress by the Military Committee.

Mr. BLACKBURN. Oh, Mr. President, of course not.

Mr. HALE. But that the hearings were in another Congress.

Mr. BLACKBURN. Yes; and the Senate passed this bill in another Congress.

Mr. HALE. Yes; because then the objections had not been appreciated or realized, but I have been told——

Mr. BLACKBURN. Mr. President, I am sure it is the modesty of the Senator from Maine that has induced him to make that statement. The Senate in another Congress passed this bill after the hearings, not because the objections had not been discovered, but simply because the Senator from Maine at that time was not disposed to object, as he is doing now.

Mr. HALE. I do not suppose that I knew then half as much as I do now with reference to the General Staff. The Senator from Kentucky could have defeated the General Staff if he had made the fight, and I fancy I could have helped him in that regard, but he did not and I did not.

Mr. BLACKBURN. I beg the Senator's pardon. If I had had the remotest idea that any poor, feeble efforts of mine could have defeated the establishment of that feature of your Army, I certainly would not have been derelict or negligent.

Mr. HALE. If the Senator has convictions he does not commonly refrain from making them known because other people do not agree with him. He makes an independent fight. But I do not think the Senator realized, and I did not realize, the vast grasp and usurpation of power that was claimed by the General Staff. If I had realized it I should have made a contest on the floor of the Senate, as I ought to have done and as I am trying to do now in this matter. But we live and learn. We all know how measures get through, because they are reported by committees.

We can not consider everything; we must rely largely on committees; but now and then we find that the committees have made mistakes. I think the committee made a great mistake in ingrafting upon our system this German general staff. We did not need it. They perform great service to an army in the field, which conducts great wars and small wars; but I have never known any necessity for having this great military organization or military camp in the War Department. If I had known that and realized it, and if the Senator had, I think both of us would have joined in an effort to defeat it.

Mr. BLACKBURN. No, Mr. President; I can not agree with the Senator from Maine. I held those views then as firmly riveted as I hold them now. I did know it, and I remember very distinctly that in my discussion with the then Secretary of War it approached closer to an unpleasant discussion than any other matter that ever was debated between us.

Mr. HALE. None of us knew that in the Senate. The bill passed almost sub silentio.

Mr. BLACKBURN. But that I do not think is relevant to this situation.

Mr. HALE. I only suggested that to show that there had been no hearings of account.

Mr. BLACKBURN. The hearings were repeated and extensive; and based upon those hearings this bill passed the Senate.

Mr. HALE. In the last Congress?

Mr. BLACKBURN. Yes; in the last Congress.

Mr. WARREN. It passed unanimously.

Mr. BLACKBURN. It passed without a single objection, and that, too, after this long delay, owing to the disagreement of the Secretary of War and the Chief of Staff and the Surgeon-General, protracted still further by these extended and repeated hearings before the technical committee of the Senate, which is the Committee on Military Affairs.

Mr. WARREN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Kentucky yield to the Senator from Wyoming?

Mr. BLACKBURN. Yes.

Mr. WARREN. I want to say, with reference to the subject-matter and what the Senator was remarking upon and what has been said heretofore by the Senator from Montana [Mr. CARTER] and the Senator from Maine [Mr. HALE], that the then Secretary of War, Mr. Root, when this general bill was under discussion, insisted that we should keep the Medical Corps down to where we did keep it, so that there might be a fair trial, but after a fair trial he became convinced that he had been wrong, and, as the report now shows, his indorsement is as strong as even Mr. Root, who is always most excellent in diction and in argument, can make it.

Mr. HALE. The difference is that the Secretary changed his mind on information in a certain direction. Some of us are opposing this bill because we have got information about it that we did not have before. The Senator's citation simply shows that you can not hold the Senate to a proposition because a bill passes unanimously. Bills frequently pass unanimously. In regard to the isthmian canal we committed ourselves decidedly in favor of a certain project and then adopted another project.

Mr. BLACKBURN. If the Senator will allow me, I will say that inasmuch as he has more to say upon this subject, with his consent I will get through with what I have to add.

Mr. HALE. I beg the Senator's pardon.

Mr. BLACKBURN. What I wanted to add, Mr. President——

Mr. HALE. I will not try to stop the Senator.

Mr. BLACKBURN. I have not the slightest objection.

Mr. HALE. I could not stop him if I desired to do so.

Mr. BLACKBURN. On the contrary, I am always glad to yield to the Senator from Maine. I want to say to the Senate in all candor and frankness that it is useless to adopt the suggestion of the Senator from Montana and send this bill back to the Committee on Military Affairs. The Committee on Military Affairs exhausted every possible resource for information. The Surgeon-General of the Army stands behind this measure. The late Secretary of War and the present Secretary of War, whom I see before me, both stand behind this bill after the fullest measure of consideration. The General Staff itself stands sponsor for this bill. The President of the United States sent a special message to Congress showing his interest in and indorsement of this measure. The Military Affairs Committee of the Senate tells you here, through its chairman and the rest of us who constitute its membership, that we have given exhaustive, repeated, continuous hearings for more than a period of a year, and we have extracted every atom of information, we have gleaned every statement that is calculated to throw light upon any phase or feature of this proposed legislation. If you answer and say it is an imperfect bill, the only reply that the Committee on Military Affairs can make is that it is the best bill the combined effort of the General Staff, the Secretary of War, the Surgeon-General of the Army, and the Military Affairs Committee of the Senate is able to produce.

Mr. NELSON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Kentucky yield to the Senator from Minnesota?

Mr. BLACKBURN. Certainly.

Mr. NELSON. Will the Senator from Kentucky be kind enough to give me some information on a few points? First, as I understand the law, in the Medical Corps as at present organized we have surgeons and assistant surgeons. This bill changes the grades into brigadier-generals, colonels, lieutenant-colonels, and majors.

Mr. BLACKBURN. We have now a brigadier-general of the Medical Corps.

Mr. NELSON. At the head of it.

Mr. BLACKBURN. At the head of it. Then we have colonels, lieutenant-colonels, majors, and first lieutenants.

Mr. NELSON. What I want to know is by making this change in the title of the officers to what extent does it increase the salaries and to what extent does it increase the force?

Mr. BLACKBURN. The chairman of the committee has the tables on his desk. I have not them here.

Mr. WARREN. It does not change the expense one penny. The object of that part of the bill is merely to get shorter and better titles. Instead of having deputy surgeons-general it is proposed to have surgeons with the rank of colonel, surgeons with the rank of lieutenant-colonel, surgeons with the rank of major, and so forth; that is all. It does not change the expense or the rank.

Mr. President, the hour is late, and I assume that Senators are hardly prepared to vote on the bill. I therefore suggest that the bill go over, and I will ask to have it taken up early after the morning business to-morrow morning.

Mr. SCOTT. Some Senators have already given notice of speeches to be delivered after the conclusion of the routine business to-morrow morning.

Mr. WARREN. Of course I will not interfere with prior notices and orders, but will ask that the bill may be taken up on the first opportunity.

Mr. HALE. I think that is fair. Certain Senators have amendments they wish to offer.

Mr. WARREN. Then I give notice that I shall seek to have the bill taken up at the first opportunity and complete its consideration.

Mr. HALE. I will join the Senator in asking to have the bill taken up at the first opportunity, because I do not want to delay it. I want it out of the way.

EXECUTIVE SESSION.

Mr. KEAN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 5 o'clock and 25 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, March 7, 1906, at 12 o'clock meridian.

## CONFIRMATIONS.

*Executive nominations confirmed by the Senate March 6, 1906.*

CHIEF JUSTICE OF ARIZONA.

Edward Kent, of Colorado, to be chief justice of the supreme court of the Territory of Arizona.

ASSOCIATE JUSTICE OF ARIZONA.

Richard E. Sloan, of Arizona, to be associate justice of the supreme court of the Territory of Arizona.

DISTRICT ATTORNEY.

Carl Rasch, of Montana, to be United States attorney for the district of Montana.

MARSHAL.

John Frank Mayes, of Arkansas, to be United States marshal for the western district of Arkansas.

PROMOTIONS IN THE NAVY.

Capt. James H. Dayton to be a rear-admiral in the Navy from the 28th day of February, 1906.

Commander Hugo Osterhaus to be a captain in the Navy from the 19th day of February, 1906.

Lieut. Commander Robert S. Griffin to be a commander in the Navy from the 10th day of February, 1906.

Carpenter Clayton P. Hand to be a chief carpenter in the Navy from the 10th day of January, 1906, upon the completion of six years' service in his present grade.

APPOINTMENTS IN THE NAVY.

John Flint, a citizen of Massachusetts, and Isadore F. Cohn, a citizen of Pennsylvania, to be assistant surgeons in the Navy from the 28th day of February, 1906.

POSTMASTERS.

ALABAMA.

John B. Daughtry to be postmaster at Hartford, in the county of Geneva and State of Alabama.

Archibald C. Walter to be postmaster at Union Springs, in the county of Bullock and State of Alabama.

INDIAN TERRITORY.

James A. Rose to be postmaster at Chickasha, in district 19, Indian Territory.

## HOUSE OF REPRESENTATIVES.

TUESDAY, *March 6, 1906.*

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read and approved.

ANTHONY MICHALEK.

Mr. MANN. Mr. Speaker, I present a privileged report from the Committee on Elections No. 1, to whom was referred the protest against the right of ANTHONY MICHALEK to a seat in the House, which I send to the desk, and I ask that the resolution be read.

The SPEAKER. The Clerk will read.

The Clerk read as follows:

*Resolved*, That ANTHONY MICHALEK at the time of his election as a Member of Congress from the Fifth Congressional district of Illinois had attained the age of 25 years, and had then been for more than seven years a citizen of the United States, and was then an inhabitant of the State of Illinois, in which he was elected, and that he was elected a Member of the Fifty-ninth Congress from the Fifth Congressional district of the State of Illinois and is entitled to retain his seat therein.

Mr. MANN. Mr. Speaker, I desire to state that this is a unanimous report from the Committee on Elections No. 1.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

On motion of Mr. MANN, a motion to reconsider the last vote was laid on the table.

RELIEF OF TOBACCO GROWERS.

Mr. DALZELL. Mr. Speaker, I call up the bill (H. R. 14972) for the relief of tobacco growers, which I send to the desk and ask to have read.

The Clerk read as follows:

*Be it enacted, etc.*, That subdivision 9 of section 3244 of the United States Revised Statutes, as amended by section 69 of the act entitled "An act to reduce taxation, to provide revenue for the Government, and for other purposes," approved August 28, 1894, is hereby further amended so as to read as follows:

"Every person whose business it is to manufacture tobacco or snuff for himself, or who employs others to manufacture tobacco or snuff, whether such manufacture be by cutting, pressing, grinding, crushing, or rubbing of any raw or leaf tobacco, or otherwise preparing raw or leaf tobacco, or manufactured or partially manufactured tobacco or snuff, or the putting up for use or consumption of scraps, waste, clippings, stems, or deposits of tobacco resulting from any process of handling tobacco, or by the working or preparation of leaf tobacco, tobacco stems, scraps, clippings, or waste, by sifting, twisting, screening, or any other process, shall be regarded as a manufacturer of tobacco: *Provided*, That unstemmed tobacco in the natural leaf and not manufactured or altered in any manner shall not be subject to any internal-revenue tax or charge of any kind whatsoever, and it shall be lawful for any person to buy and sell such unstemmed tobacco in the leaf without payment of tax of any kind: *Provided further*, That any person who sells natural leaf tobacco to manufacturers of tobacco, snuff, or cigars shall be deemed and considered a dealer in leaf tobacco and become subject to all the provisions, rules, and regulations of subsection 6 of section 3244, United States Revised Statutes, as amended by section 14, act of March 1, 1879, and also as amended by the act of March 3, 1883, and further, shall be subject to all the provisions of section 3360, United States Revised Statutes, as amended by section 14, act of March 1, 1879, and of sections 3359 and 3391, United States Revised Statutes: *And provided further*, That farmers and growers of tobacco may sell leaf tobacco of their own growth and raising to manufacturers of tobacco, snuff, or cigars without being considered leaf dealers or manufacturers of tobacco and shall not be subject to the sections of the law and amendment thereof above named."

Mr. DALZELL. Mr. Speaker, I ask unanimous consent that the bill may be considered in the House as in the Committee of the Whole.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent that the bill may be considered in the House as in the Committee of the Whole. Is there objection?

There was no objection.

Mr. DALZELL. Mr. Speaker, this is a bill that was passed in the last Congress and has been reported unanimously by the Committee on Ways and Means. The purpose of the bill is to remove certain restrictions now existing upon the growers of tobacco in relation to its sale. The bill was drawn by the Commissioner of Internal Revenue and is approved of by the Treasury Department. Unless some gentleman on the other side of the House wishes to be heard, I will ask for a vote.

Mr. GAINES of Tennessee. Mr. Chairman, this morning the House, following the example of the last House, unanimously passed a bill repealing a nonrevenue-producing 6-cent tax imposed on *leaf* tobacco when sold to consumers or for consumption by *any* person, unless that person be the farmer and grower of the particular leaf actually sold. The farmer and grower, in other words, is not taxed, because he is the producer. The nonproducer is taxed who buys the leaf and sells it to consumers or for consumption. The law (Wilson tariff) REGARDS the leaf (when sold to consumers or for consumption by the nonproducer) as "manufactured" tobacco, and therefore taxable at 6 cents, although the tobacco is still in the leaf (simply cured), just as it was when the farmer sold it to this nonproducer.

While it is true the farmer and producer can sell his own growth and raising (or that of his tenants which he receives as rent) to consumers or for consumption or to dealers, manufacturers, and exporters—*that is, to anyone, free* of this tax—yet this farmer and grower's "hands and feet are tied," so to speak, by certain oppressive, unreasonable, and unnecessary rules and regulations of the Department, which force him to sell and deliver in person when selling to consumers or for consumption, which practically prevents him selling them.

In the main, these regulations and rules the manufacturers in 1894 requested to *make the actual law*, but Congress refused to do so, yet, notwithstanding this condemnation of these proposed rules, the Department, in 1894, promulgated some of these rules and regulations, and they have been and are now being enforced as and as having the effect of law. The repeal of this tax law will, in a large measure, if not entirely, free the tobacco growers of these oppressive rules, as shown by the report of the committee on this bill.

In addition to thus liberating the farmer, giving him the right

to sell his tobacco as he does his corn, wheat, and rye, it will restore to commercial life the "retail dealer in leaf," and let him buy and sell leaf the same way. These "retailers" existed by the thousand under the McKinley Act, but they have been, by reason of this tax and these rules, commercially exterminated.

These retail dealers, under the McKinley Act, competed amongst themselves and with the tobacco trust and the manufacturers in the purchase of leaf tobacco from the farmer, and in this way the farmer's leaf was sold by him at a better price.

When these retailers were thus exterminated, straightway the tobacco combine proceeded to hold up the tobacco grower at his tobacco barn and fixed, and now fix, the price of his leaf tobacco, without practically any competition. Hence the tobacco growers throughout the country appeal to Congress to repeal this tax, that competition may be restored; that the retailers may be revived; that the old freedom of sale, without tax or restriction, may be restored to the grower and the middlemen, and that the tobacco trust may be unsheltered that lurks behind this tax wall.

The Dingley tariff act continued this tax. It was raised to 12 cents because of and during the Spanish war. Congress repealed the war portion of this tax—to wit, 6 cents—leaving unrepealed a tax, at the old figure—6 cents—which was imposed by the Wilson tariff act of 1894.

The McKinley tariff act repealed all tax on *leaf* tobacco in the hands of or sold by any person. It could be, and was, sold under the McKinley law, without the burdens and restrictions I have recited.

The sellers of leaf tobacco were simply required, under the McKinley law, to keep books, showing the sales, purchasers, their places of business, etc., and required to make reports to the revenue department when called on. This could be easily done, of course.

The bill, which passed last Congress and again this morning, was carefully drawn and guards against any and all frauds upon the Government. It was drawn at the request of the House committee by the Commissioner of Internal Revenue, Mr. Yerkes, and is based upon bills introduced in this and previous Congresses to repeal this tax and "otherwise" relieve the tobacco growers and sellers of leaf tobacco; but *this bill* simply *repeals this 6 cents tax*, carefully protecting the Government against all possible frauds. Much more so, I think, than under any previous law.

Last fall a constituent wrote me, asking about his right to sell tobacco under the present law. I ask unanimous consent to place in the RECORD my reply and another letter. I not only explain this objectionable tax law, but cite and discuss these oppressive rules.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

The letter is as follows:

LEAF-TOBACCO LAW EXPLAINED—FARMER TIED HAND AND FOOT.

NASHVILLE, TENN., *October 18, 1905.*

DEAR SIR: Replying to your recent inquiry, to wit:

"Do the revenue laws prohibit a farmer from selling his tobacco in the hand out in the counties where they do not raise any and have to buy all they use?"

I have the honor to answer as follows:

*Without* qualifying as a *manufacturer*, and *without paying any tax, the* farmer can sell *his own growth* and *raising* of tobacco, or that received from his tenant as rent, in the stalk, severed or unsevered, from the soil or in the leaf or hand, raw or simply cured, anywhere, in any amount, to anybody. This answers your question.

Or, differently stated, and in the words of the Department construing the law:

"Every person who sells raw leaf or leaf tobacco *not of his own growth or raising to any person* other than a qualified dealer in leaf, manufacturer of tobacco or cigars, or exporter, will be held liable as a manufacturer of tobacco, and leaf tobacco so sold by such person will be regarded as manufactured tobacco and subject to a tax."

In other words, "every person" who sells to consumers or by retail *leaf* tobacco *not* of his own growth and raising, or if he does *not* sell it to consumers or retailers, but sells it to some one *else, not* a dealer, manufacturer, or exporter, such person or such seller must, under the law, qualify as a manufacturer and pay 6 cents tax on his *leaf* so sold, it being "regarded" by the *law* as "manufactured tobacco," *because not* owned and sold by the farmer who *owned* and *grew* it, nor sold to dealers, manufacturers, or exporters.

The existing law as to the sale of leaf tobacco is found in section 69, Wilson tariff act, August 28, 1894. The McKinley tariff act, October 1, 1890, reduced the tax on "manufactured tobacco" from 8 to 6 cents. Section 69, above cited, made leaf tobacco liable to be taxed at 6 cents.

The Department, December 10, 1894, ruled that allowing the farmer *to sell his own growth and raising of tobacco, without qualifying as a manufacturer*, "is a personal right" (and at a later day ruled that it "is a personal *privilege*") which *he can not delegate to others.*

The right to *not* be a manufacturer is the right of every American citizen, because he *is* an American citizen.

Nevertheless, as a result of this harsh construction of the law, the Department has further ruled:

(1) The farmer can peddle his leaf, but he must do so "*himself.*" (Internal Revenue Decision, Nov. 16, 1897.)

(2) "A farmer can not employ an agent to travel from place to place and sell and deliver his tobacco, but that he may himself sell and deliver the tobacco in any quantity; that if the tobacco is sold on sample by an agent, it must be delivered by the farmer or grower himself directly to the consumer." (Internal Revenue Decision, Jan. 3, 1899.)

(3) "In this connection it is well to state that the privilege granted the farmer or grower of selling his tobacco to any person and in any quantity is a personal privilege, which can not be delegated by him to another person, and he would not have the right to ship his tobacco to another person to be sold by such person directly to consumer, but he may place it in the hands of a *qualified dealer in leaf tobacco* to be sold to other *qualified dealers* or to *manufacturers*, or to *persons* who *purchase* tobacco in packages for *export.*" (Internal Revenue Decision, Jan. 3, 1899.)

(4) "If the tobacco is placed in the hands of an authorized person who would sell or attempt to sell and deliver the same to consumers, it would be liable to seizure and forfeiture, and the person so selling the same would be subject to prosecution for engaging in and carrying on business without qualifying as a manufacturer and properly packing his tobacco and labeling, marking, branding, and stamping the packages." (Internal Revenue Decision, Jan. 3, 1899.)

Thus you see that, while the farmer can sell his own growth and raising of leaf tobacco, or that of his tenant's, to any and every one, he can not employ an agent to sell to anyone and everyone. The farmer is thus denied the *full* benefit of the law of agency in selling his leaf tobacco, but as to all other agricultural products he is fully protected by the law.

It is no answer to this condition of the tobacco farmer to say that "he can employ a dealer in leaf to sell for him," because that dealer can only sell to three classes—dealers, manufacturers, and exporters—while the farmer can sell to *any and everybody.*

Paragraph 2, section 69, Wilson tariff act, imposed these burdens on the farmer and this tax on leaf tobacco when sold by purchasers to consumers or by retail. This act repealed the McKinley tariff, which untaxed leaf and persons selling it and only required those who sold it to keep books showing their sales, names of purchasers, and their places of business to trace the leaf sold if necessary.

The McKinley tariff allowed the farmers to sell their own growth and raising of tobacco in the leaf by simply keeping these books. Retail dealers in leaf bought and sold leaf and simply kept these books. Dealers in leaf and manufacturers could and did qualify as retail dealers in leaf and bought and sold it the same way, and at the same time continued their respective businesses as dealers in leaf and manufacturers.

But under the present law the retailer (farmer excepted, as stated), the dealer, and the manufacturer who sell leaf tobacco by retail or to consumers must qualify as manufacturers and pay the tax of 6 cents on the leaf thus sold, which is regarded when so sold as manufactured tobacco, although it is the identical leaf they bought of the farmer and in the same condition—raw, in the leaf, or in the hand—as when the farmer sold it to them untaxed and unmanufactured and without the farmer qualifying as a manufacturer.

*Any change* to the natural leaf, whether by hand, machine, or otherwise, except to cure it in the ordinary way, makes the leaf manufactured tobacco, and taxable (par. 1, sec. 69, Wilson tariff act), and the person changing it, for sale or gift, becomes a manufacturer.

The present law, imposing this tax on leaf tobacco, and burdening nonproducers who sell it to consumers or retailers, has crushed out of commercial existence the retail dealers who operated under the McKinley Act, and prevents others from now embarking in that business. The retailer was one of the farmers' best customers.

If this law is repealed the farmer's hands and feet will be untied. The abominable rules above named, if ever necessary, would be unnecessary and abrogated. The retailers will revive, compete amongst themselves, with the tobacco trust and all others, for the farmer's leaf, thus giving him a better price for his tobacco and an open chance to all parties to buy and sell it in the leaf.

I introduced a bill in the Fifty-seventh and Fifty-eighth Congresses to repeal this tax and to give the farmer, with his own product, the right to sell it through any duly authorized person, or to hand stem or hand twist and hand press, etc., the same and sell it free of tax.

Unanimously the House of the last Congress passed the bill untaxing leaf in any person's hands, which would have also abrogated the rules of the Department which deny the farmer the full benefit of the law of agency.

The Congress adjourned before the Senate had concluded its investigation of that bill.

We hope this Congress will repeal, at least, this tax law. Its repeal will operate, in a great measure, as an entering wedge for more relief in the near future, I trust. The farmer should have more relief, but as this tax produces no revenue, we may succeed, if we all unite in securing the repeal of the law imposing it.

This will allow any person to sell leaf tobacco as we now sell wheat, corn, and rye.

This subject is so very important that I thought it proper to thus write you fully.

I thank you very much for your kindly expression of approval in the matter of my assistance, gladly rendered, for the relief by Congress of the old Confederate soldiers. I rejoice to know that feeling toward Confederate soldiers is far more kindly, not only in Congress, but throughout our glorious Republic than heretofore.

Yours, very respectfully,

JOHN W. GAINES.

Mr. JOHN B. EDELIN,
*Shiloh, Tenn.*

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M'KINLEY TARIFF ACT AS TO TOBACCO OFFICIALLY EXPLAINED—INTERNAL-REVENUE PROVISIONS OF THE ACT OF OCTOBER 1, 1890.

TREASURY DEPARTMENT,
OFFICE OF THE INTERNAL REVENUE,
*Washington, D. C., October 28, 1890.*

S. D. WARMCASTLE, Esq.,
*Collector Twenty-third District, Pittsburg, Pa.*

SIR: I have received your letter of the 21st instant relative to the internal-revenue provisions of the act of October 1, 1890, entitled "An act to reduce the revenue and equalize duties on imports, and for other purposes."

As to section 27, removing restrictions upon farmers and growers of tobacco, you are informed that the special taxes imposed by the laws now in force upon dealers in leaf tobacco, etc., are not repealed until the 1st day of May next, but the provisions of the statutes imposing restrictions upon farmers and growers of tobacco, in regard to the sales of their leaf tobacco and the keeping of books, or imposing a tax on

account of such sales, were repealed at once on the passage of the act. Farmers can therefore sell their crop of leaf tobacco to anyone and peddle it about the country without restriction any further than keeping a correct account, so as to enable them to make a true and correct statement, under oath, on demand of the revenue officer, of all the sales of leaf tobacco, the number of hogsheads, cases, or pounds, with the name and residence of the person to whom it is sold and the place to which it is shipped.

Every farmer or planter who willfully refuses to furnish such information or who knowingly makes false statements as to any of the facts aforesaid is liable to a penalty not exceeding $500.

Persons who buy leaf tobacco from farmers and sell again are liable to the same special taxes, either as dealers in leaf tobacco or retail dealers in leaf tobacco, as now prevail until the 1st of May next. They will then be relieved from the payment of the special tax, but not from the requirement in regard to keeping books showing from whom the leaf tobacco was purchased and received, to whom sold, etc., as the law and regulations now prescribe. They will also be required to register. (Sec. 26.)

The provisions of sections 28 and 29 relative to peddlers of tobacco take effect immediately. Most of the provisions relative to peddlers heretofore in force are still retained, with such modifications as are rendered necessary by the repeal of the special taxes. As those taxes are not repealed until May 1, it would have been more consistent to have had these provisions take effect at that time, but as the law does not so state, it went into effect at once on the passage of the act.

The provisions of sections 32, 33, 34, and 35 also take effect at once. The bond of a cigar manufacturer, under section 3387 as amended, will be in such penal sum as the collector may require, not less than $100. The provision heretofore in force relative to an additional hundred dollars for each person employed in making cigars was stricken out.

No special stamp has yet been provided for sample boxes containing not less than twelve or more than thirteen cigars. Until one has been provided, such boxes should be stamped the same as a box which contains twenty-five cigars.

In all probability the new stamp for twelve or thirteen cigars will not be ready before January 1, 1891.

Respectfully, yours, JOHN W. MASON, *Commissioner.*

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, read the third time, and passed.

On motion of Mr. DALZELL, a motion to reconsider the last vote was laid on the table.

INDIAN APPROPRIATIONS.

Mr. SHERMAN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 15331) making appropriations for the current and contingent expenses of the Indian Department, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1907.

The SPEAKER. The question is on the motion of the gentleman from New York that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the Indian appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 15331—the Indian appropriation bill—with Mr. CURRIER in the chair.

Mr. SHERMAN. Mr. Chairman, I ask unanimous consent to dispense with the first reading of the bill.

The CHAIRMAN. The gentleman from New York asks unanimous consent to dispense with the first reading of the bill. Is there objection?

There was no objection.

Mr. SHERMAN. Mr. Chairman, the bill presented carrying appropriations for the support of the Indian Department for the next fiscal year presents no new question of policy in reference to the treatment of our wards. The bill is new in form, but in form only. The Indian appropriation bill has been the growth of years, as various arms of the service have developed, and it has been presented in a rather conglomerate form. The committee thought, therefore, it was wise to redraft the bill and they now present it in a form which we believe, as soon as the Members of the House who are interested in the subject become familiar with it, will meet their approval. They will find it easier to follow the appropriations and to determine just precisely what Congress is doing for the various Indians. For instance, the old bill, in its first section, appropriated first for Indian agents, then had a miscellaneous division; then for treaties, then a miscellaneous division; then for incidentals, then a miscellaneous division; then for schools, and then another miscellaneous division; so that if a gentleman desired to ascertain, for instance, what we were doing for the Crows, or the Sioux or the Apaches or some other Indian tribe it would be necessary for him to look first, say, on page 13, and then on page 44, and then on page 67, and, unless he were somewhat familiar with Indian legislation, it would be difficult for him to see just what we were doing. The bill now as presented provides first for all matters that come distinctly under the supervision of the administration of the President, then for those under the Secretary, then for those under the Commissioner, then for the few matters which are general, as, for instance, the board of citizens serving without compensation, which is under no particular authority save the appointment of the President. Then it takes up the balance of the subject by States, agencies, schools, gratuities, and treaties, so that when we come to Arizona or South Dakota we can find grouped together what is appropriated by way of gratuity or by way of fulfilling obligations to each particular tribe of Indians, and any Member of the House can at once, by referring to the section of the bill, ascertain what we are doing in any particular locality or for any special tribe or tribes of Indians.

I realize, Mr. Chairman, that this subject is dry, that it does not present to the average Member of the House the interest that the naval bill, for instance, does, or the Army bill, or even the post-office bill; certainly not the interest that has been shown here time and again in a river and harbor bill, which puts a salve upon the majority of the Members of this House, nor the legislative bill, which cares for, we believe in generous manner, the tens of thousands of employees of the Government here in the city. Yet, Mr. Chairman, dry though the subject be, and hesitating, as I do, to detain a committee in a discussion of this dry subject, I shall occupy sufficient time so that I may be able to show, if possible, that a large amount of gratuities that we have donated for the support of these people through all these years and the large amount of their own funds which we have dispersed as their natural guardians or trustees——

Mr. TAWNEY. Will the gentleman permit a question?

Mr. SHERMAN. Oh, certainly, at any time.

Mr. TAWNEY. Under your new form of bill is it possible to make any comparison with the appropriations heretofore made for the several objects you have appropriated for in this bill?

Mr. SHERMAN. Oh, yes. Comparison can be made; comparison equally accurate, but less easily. It would take—has taken—me very considerable to make the comparison, and I do not wonder that the gentleman from Minnesota, with the burdens resting upon his shoulders, with the vast amount of work imposed upon him as chairman of the Appropriations Committee, has not been able to make it. I have compared the present bill, as presented, with the bills heretofore presented to the House and can at any time refer any gentleman desiring the information to the page and the line of prior laws which are identical, wherever they are identical. I suppose that is the information the gentleman desires.

I want to take sufficient time, Mr. Chairman, to say to the House that all this money that has been expended for the red men, whether as a gratuity or as disbursed from their own funds by us as trustees, has accomplished much in leading toward the goal we all desire to reach for the red men, to wit, to make them self-supporting citizens of this country of ours. As I said before, we present no new policy and we do not enlarge particularly in this bill upon any old policy. We do provide, and provide liberally, for the continuance of education, not merely in the schoolroom, not merely in the reservation day schools, and in the larger nonreservation boarding and industrial schools, but we provide for the broader education, the education which takes place at home, in the kitchen, on the farm; the education of the individual by the matron and by the practical farmer. We provide for all of that, Mr. Chairman, by this bill, and we provide for the continuance of the policy of enforced labor, which, in my judgment, has done even more perhaps in the past decade than the education in the schools which we provide for the Indians to lift them to a higher plane of citizenship. Now, Mr. Chairman, we have every year reports from various agencies, superintendents, matrons, farmers all over the United States, speaking specifically of the conditions at the agency or school or locality where the officer making the report is in charge, and I intend to read briefly from this latest report covering various sections of the country. I will take, if you please, first the report of the Indian agent at Fort Apache, Ariz., and he says:

> There is not an Indian girl or woman on the reservation who has attended a nonreservation school and there never will be if the parents' consent must be had. They have the notion that girls need no education or training.

That is a condition which we do not find generally. That is a special condition in that regard down there. The only condition that we find mentioned in all the reports from all sections of the country, the one wail that goes up from all the agents and from all those who are in charge of the Indians, the one outcry is that liquor does more to damage the Indians than any other single element, and where it is possible to exclude liquor from coming into the reservation or prevent the Indians from having it, there is a greater degree of development and a less amount of crime.

Mr. STEPHENS of Texas. While the gentleman is on that point will the gentleman yield for a question?

Mr. SHERMAN. Certainly.

Mr. STEPHENS of Texas. I desire to ask the gentleman if there is not an appropriation in this bill of $10,000 for the purpose of preventing the sale of intoxicating drinks upon Indian reservations?

Mr. SHERMAN. That is true. There is the usual provision for the duties of Indian police, but a very much enlarged provision, providing Indian police whose duties are very largely to prevent the introduction of liquor onto reservations; and then there is, besides, a special provision appropriating $10,000 for special service, permitting the Secretary or Commissioner, in such manner as he thinks best, to provide for special detective work, if you please, in apprehending white men who insist on infringing the law, and giving liquor to the red men.

Mr. STEPHENS of Texas. What I desired to ask the gentleman was, in what way is it proposed to use this $10,000? Is it under the direction of the Secretary of the Interior or the Commissioner of Indian Affairs?

Mr. SHERMAN. The appropriation was made in response to the recommendation of the Commissioner, contained on page 27 of the annual report for this year, in which he reviews a recent decision of the Supreme Court in reference to a Kansas case, where liquor was given to Indians, and where the contention was that the Indian having become a citizen under the ordinary citizenship law, therefore the liquor law did not apply. And the Commissioner asked for this special appropriation so that he might, away from the reservation, away from the point where the Indian police are patrolling and guarding, make such provision as he could to prevent the giving or the selling of liquor to the Indians.

Mr. STEPHENS of Texas. I notice also that in the bill of last year we appropriated $100,000 for Indian police purposes. This year we have doubled that.

Mr. SHERMAN. Yes.

Mr. STEPHENS of Texas. The bill carries $200,000?

Mr. SHERMAN. Yes.

Mr. STEPHENS of Texas. Is that increase found necessary in order to prevent the sale of whisky on various Indian reservations and in the Indian Territory?

Mr. SHERMAN. That increase was made for this reason—I am not sure that the gentleman was present at the hearing——

Mr. STEPHENS of Texas. I do not think I was.

Mr. SHERMAN. Let me answer the gentleman's other question first. The $10,000 is to be distributed by the Commissioner, subject to the direction of the Secretary of the Interior. At the hearings the Commissioner stated in substance that he was unable at the present prices to get the best Indians to act as police officers. They have heretofore been paid $15 per month for captains and $10 per month for privates, and he said that the best Indians could not be retained in the service at that price; and it is his desire to increase the compensation to $25 per month for the captains and to $20 per month for the privates; and that is the reason the increase is asked for that service.

Mr. STEPHENS of Texas. It is an increase of pay, then?

Mr. SHERMAN. It is an increase of pay, and in order to better the service, as he believes.

Mr. STEPHENS of Texas. I will ask the gentleman this question—if it is not a fact that in the Indian Territory a great deal of intoxicating drink is brought in there by the express companies, and that the law of the United States now prevents the sale or introduction of whisky in that country, yet it is still brought in there by express companies? Should there not be some amendment to the law—I presume it might be subject to a point of order on this bill—that would prevent the introduction of whisky into the Indian Territory or into any Indian reservation by means of the express companies? They do that on the ground that it is State freight, on the same ground that they ship into all local-option communities in the United States.

Mr. SHERMAN. The gentleman understands the conditions in the Indian Territory quite as well as I do. He lives near there, and this provision here does not relate especially to the Indian Territory. It relates to every reservation and to every Indian anywhere in the United States.

Mr. STEPHENS of Texas. But the gentleman is aware of the fact that the express companies do carry intoxicating drinks into the Indian Territory?

Mr. SHERMAN. Never having been in the Indian Territory, I can not say that I have seen the express companies do so, but I have no doubt that the express companies and the railroad companies and the stages carry it and a great many individuals dispense it to the Indians in violation of the law.

Mr. STEPHENS of Texas. Does not the gentleman think, it being interstate trade, we can regulate it, and that we should regulate it?

Mr. SHERMAN. If that is so—if it is interstate commerce—we would refer it to another committee than the Committee on Indian Affairs to dispose of it.

Mr. STEPHENS of Texas. Is it not the duty of the Committee on Indian Affairs to protect the Indians, and would not that be the most effective way to protect them?

Mr. SHERMAN. It is the duty of the Committee on Indian Affairs to protect the Indians. The gentleman is a member of that committee and is responsible, in a measure, for what we do, and for what we leave undone if anything is left out.

Mr. STEPHENS of Texas. The gentleman is aware of the fact that the rules of the House would not permit an amendment to be offered, as a point of order could be made and it could not be put upon this bill. It could be offered, and let some man raise the point of order against it if he desires to do so.

Mr. SHERMAN. If the gentleman would answer a question that I will ask him, it may be an entire answer on the subject. Has the gentleman introduced a bill and sent it to the committee of which he is a member on that subject?

Mr. STEPHENS of Texas. I have an amendment I desire to offer.

Mr. SHERMAN. Oh, but the gentleman knows the rules. If the gentleman wishes to accomplish a reform, why not proceed in the regular way with it?

Mr. STEPHENS of Texas. Like all other reforms, you can not reach it, being hampered by the rules of the House.

Mr. SHERMAN. If the gentleman will permit me, I will proceed along the line I was discussing when interrupted.

The superintendent at Fort Mohave school, Arizona, said:

Adults as well as minors have made rapid intellectual advancement. The former have taken their places in the industrial ranks on the railroads, in the car shops, and in the mines, with credit and profit to themselves and the Department.

The agent at Moqui training school, in Arizona, says:

Better and cleaner homes are in evidence, better and more civilized clothing is worn, larger houses with good doors and glass windows are being builded by the Indians with their own money and labor.

The agent at Fort Defiance, Ariz., says:

Wherever labor is wanted the Navaho is employed. They secure employment in the beet fields, at various mines, and on the railroads, and generally are given the preference over other Indians and Mexicans. At the present time a number of Navaho are working on the improvements now being installed at the Zuni Reservation. I have encouraged the Indians to leave the reservation to find employment, and they are willing to go almost any place to secure work. The railroad company has paid Indians 10 cents per day more than they pay Mexicans.

The farmer in charge of the Navaho extension reports:

There has been marked progress, both moral and otherwise, the past year among the Indians on this reservation. Active interest is being taken by many of them for the improvement of their farms and stock, and especially the blanket industry, which they depend on largely for their support.

The superintendent at Pima Agency says:

There is a noticeable improvement in their dress, manner of living, and desire for articles of furniture. Packing boxes are collected and utilized, homemade chairs, tables, beds, etc., are seen everywhere. The parents recognize the value of an education, and all healthy children of school age are in school. These people nearly all belong to church. When the bell rings on Sunday afternoon, no matter how warm the weather, large numbers of clean, orderly men, women, and children troop by, and can be heard singing hymns during the afternoon hours.

The farmer in charge of Papago, Tucson, Ariz., says:

They are self-supporting, and without a single exception they dress in the manner of civilized persons. The male Indian wears short hair, he buys and wears ready-made clothing, and the women purchase the necessary material and make dresses for themselves and for their children.

The agent at San Carlos, Ariz., says:

The Apaches, thrown upon their own resources, are responding eagerly to demands for laborers. Funds at the disposal of the agent have been totally inadequate, but near the end of the last quarter the demand for labor at the Government dam site on Salt River and on railroads nearing the reservation has been such that every Indian desiring it has been supplied with work at good wages. Indians who were obliged to attend to their crops were impatient for the time when they could be released to take advantage of the wages offered, so that now the reservation is pretty well depleted of able-bodied men and boys. Being nomadic by choice and tradition, or circumstances, they take their families with them. From this time on any large work undertaken by the Government may count upon Indian labor as a factor to supply the demand.

The superintendent in charge of Hoopa Valley Agency, Cal., says:

All the Hoopa Indians wear white man's clothing. Nearly all speak English and many can read and write. Nearly all of them occupy frame dwelling houses, and own good gardens, fields, and stock. They are advancing slowly but surely in civilization, industry, morality, temperance, and independence, and are physically, mentally, and morally superior to the average western Indian. In time they will make good citizens, which is the object we seek to attain.

Most of the Indians seem to be prosperous, contented, and happy. Crops were good, prices remunerative, and work plentiful at good wages. Some of the old folks depend largely on acorns, salmon, nuts, fruit, and

berries for subsistence, but the majority earn a comfortable living by freighting, wood cutting, lumbering, sheep shearing, packing, farming, and gardening.

The school superintendent of Round Valley Agency, Cal., reports:

Some of them do considerable freighting for the Government, as well as for the white people in the vicinity. Still others work on ranches in the surrounding country, and a few go to the coast and work in the sawmills for a portion of the year.

The superintendent of the Lemhi Agency, Idaho, reports:

There has been a very great improvement in the habits of these Indians in the last year. Drink has been indulged in to a less degree than formerly, and their moral condition has improved. Satisfactory progress has been made in the way of improving their farms and in an agricultural way. A larger area of land has been cultivated and brought under irrigation; 708 rods of fence have been erected and 2,039 rods repaired. The number of Indians occupying houses has been increased from 75 to 89, and six Indians who never farmed before have been added to the list of farmers. More work has been performed by Indians, in return for rations, in building and repairing roads and ditches, than in any previous year.

The school superintendent in charge of Potawatomi Agency, Hoyt, Kans., reports:

The most noticeable change in the Indians is their attitude toward the school, and all the change is in its favor. I have not experienced any trouble in keeping up the attendance, which has averaged perhaps the largest of any year in its history, and all accomplished without friction.

The civilization of the Potawatomi tribe has made marked advance in the past few years. Nearly all dress in citizen clothes; a few still wear the costume in part, but the marks of the savage are rapidly disappearing. A large majority of the tribe speak and understand the English language and are competent to transact their own business without the aid of an interpreter.

The agent at the Blackfeet Agency reports:

Previous to 1901 there were on the ration roll of this reservation the entire population, about 2,100. We start the fiscal year of 1905 with something less than 100. I do not believe that any actual suffering has resulted from the inauguration of this policy, and these people are fast learning the lesson that you "can't get something for nothing." The result has been that each year has seen an increasing number of families cultivating little patches of root crops to take the place of the rations formerly issued.

The superintendent in charge of the Nevada Agency reports:

During the year just passed there have been no material changes in the affairs of the Indians of this reservation. They still continue to show a steady advancement toward civilization, and are industrious, and, I believe, appreciate what is being done to educate their children.

The Indians on this reservation are wholly of one tribe. Besides working their own ranches, they are employed all over the surrounding country, and during the past summer they have invariably received the same wages as the whites.

The school superintendent in charge of western Shoshone Agency reports:

These Indians have made an effort to improve their homes and are building substantial log houses, inclosing more hay lands, and building dams and ditches to water their meadows better. As a result their hay crop is increasing from year to year, and as there is a regular demand for all surplus at from $8 to $10 per ton in the stack, they are beginning to get on a permanent self-supporting basis. About $4,000 worth of hay and $3,000 worth of horses have been sold this year.

The school superintendent in charge of Navaho Training School, in his report, says:

The Indians in the locality mentioned above are, by their own efforts, making rapid strides toward progress. Those living along the river are taking out ditches and utilizing the land available for farming purposes. They have, by their own efforts, taken out some twelve irrigating ditches, and the results of this year's crops have greatly encouraged them, being more than double the amount raised in any one year heretofore.

A number of substantial stone houses have been erected on different parts of the reservation by the Indians, and a great many more would be built if the Indians could secure lumber for doors, window frames, and flooring.

Stock raising, blanket weaving, and silversmithing are the principal industries of the Navaho Indians. It is a poor family that does not possess from 100 to 1,000 head of sheep and goats.

The superintendent in charge of the Cheyenne and Arapaho (Okla.) Training School reports:

*Industry.*—There has been a marked improvement in this line in the past year. A large increase is shown over former years in the number of able-bodied Indians who realize that it is best for their own interest to stay at home and work their farms.

And of general conditions, he further reports:

The general condition of affairs at this agency shows an improvement over the former year. The Indians seem to take more interest in looking after their own business and are developing a desire for better homes and better ways of living.

Of customs, etc., he says:

The old tribal customs are fast disappearing and are now almost of the past. All of the men wear citizens' clothes, and nearly all of them speak English. The women all wear calico dresses made according to the Indian style, a very neat, modest dress, and suitable in every way to their wants; moccasins and shawls are also worn by them. The morals of these people are good, and they have easily adapted themselves to the legal marriage, and almost ceased marrying according to Indian custom, and where they are married that way first later a legal marriage is performed.

The school superintendent in charge of Siletz Agency, Oreg., reports:

During the current fiscal year I organized a farmers' institute in this agency for the purpose of creating an interest among the Indians in their homes, stock raising, and agriculture. The meetings are well attended. Many Indians take part in the discussions. I have noticed many improvements around their homes; fences rebuilt, gardens planted, and many more fields of oats sown this year than last. A spirit of emulation has been awakened, and I hope for many more good results. Taken altogether the situation is improving and the outlook encouraging.

The school superintendent in charge of the Umatilla Agency, Oreg., reports:

The general condition of the Indians and the reservation is good. Gradual advancement toward civilization continues, and many new houses are being built by the allottees.

The school superintendent in charge of the Flandreau Sioux, of South Dakota, reports:

The general conduct of these people compares favorably with their white neighbors, almost the only offense being that of intemperance.

The agent for Sisseton Agency, S. Dak., reports:

The general condition of the Indians on this reservation has not materially changed since my last annual report was submitted. I believe, however, that there is some improvement from year to year, and that there is a general tendency to greater industry and the adoption of the methods and habits of civilization.

The school superintendent in charge of Shivwits Indian School, Utah, reports:

The Shivwits Indians have made very gratifying progress under the care and with the assistance of the excellent people who live on the farms as missionary and field matron. Increased interest in the construction, furnishing, and care of their houses, and also in the moral and religious welfare of the entire community and their neighbors; improved moral sense whereby they are quick to discern and eager to correct any lapses or misdemeanors; awakened life and hope under intelligent direction and teaching, which enables them to work to better advantage and therefore produce more from their little farms and gardens, are some of the advantages already theirs, with more to follow in the future certainly.

The agent for Uintah and Ouray Agency, Utah, reports:

The Indians of both these reservations will work and do perform a large amount of work, but it is imperative in order to accomplish any great results in this direction that Indians must not be left to their own initiative, for, while they may earn some money of their own volition, they will invariably spend or gamble away what they make without providing for the future in any manner. It seems to have been the policy during the past year to have procured as much work as possible for individual Indians in performing work for the agency and for white men in the vicinity. If a definite piece of work is set out for them, they will, on the whole, accomplish it in a creditable manner, but seem to have no capacity to secure work of their own accord. These Indians seem to be capable of doing creditable work if employed as daily laborers.

The school superintendent in charge of Puyallup Agency, Wash., reports:

The Skokomish Indians have been reasonably prosperous and are improving their allotments quite extensively. They also secure much employment in the logging camps and sawmills near their reservation, and, as they are quite industrious and fair managers, they are doing very nicely. They are very friendly to schools and send their children to the day school on the reservation as promptly and regularly as weather conditions will permit. They also send quite a number to the Puyallup boarding school. The school on that reservation has been quite successful.

The Chehalis Indians are quite prosperous, and, while they are not improving their allotments as much as they might, still they are doing something in that line and are providing for their families by outside labor.

The report of a farmer, Swinomish Reservation, Wash., is as follows:

Our Indians are making fair progress in civilization. They all dress in citizens' clothes. Most of them wear clothing that looks fairly neat and respectable. A majority of them appear to take pride in sending their children to school looking neat and clean. Some of our most progressive farmers have erected very respectable residences on their farms during the past year, which evidences a spirit of progress. The day school here has a civilizing influence over the old people as well as the young.

The superintendent in charge of the Green Bay Agency, Wis., reports:

The Indians are progressing slowly toward civilization and eventual citizenship. They have adapted themselves to the white man's style of dress, and the majority read and speak English. They all occupy comfortable frame or log dwellings furnished with ordinary conveniences for housekeeping. As a rule, their homes are neatly kept and their table well provided. With the exception of the old and decrepit, who receive rations, they are self-supporting. They have demonstrated some ability in the management of their business affairs, and many of them have been quite successful in their logging operations.

The agent at La Pointe, Wis., reports:

It is a great gratification to me and will also be to your Office to note the rapid progress made during the past year by the Indians in agricultural pursuits. Especially is this evident on the Bad River and Red Cliff reservations. While the majority of the Indians on the other reservations have good gardens, hay meadows, and pastures under cultivation, the Bad River and the Red Cliff Indians have commenced farming operations on a larger scale. Once it was fully understood that the money received from the sale of their timber could not be used except for permanent improvements and cases of necessity, these Indians ceased their importunities and commenced clearing their allotments;

and now a ride over the reservations shows acre after acre cleared of stumps and brush and seeded to grass or planted with growing crops. Many of them display much thrift and ability in managing these operations.

The agent for Shoshone Agency, Wyo., reports:

The progress in school work of a year ago has more than been maintained during the year just closed. By long and persistent effort every Indian child of school age, of whatever degree of blood, was reported in school except those excused upon a certificate of physical disability from the agency physician. I am informed that this is the first time in the history of this reservation that such a condition has obtained.

More interest is being shown by both tribes in agriculture than was a year ago. Large quantities of seed wheat, oats, and alfalfa were purchased by them from proceeds of grazing leases, and nearly all of same was sown in good season.

More attention is also being given to the raising of horses and cattle.

Of the Potawatomi in Kansas the agent says:

The most notable change in the Indians is their attitude toward the school, and all the change is in its favor. I have not experienced any trouble in keeping up the attendance, which has averaged perhaps the largest of any year in its history, and all accomplished without friction.

At Wadsworth, Nev., the agent says:

During the past year there has been no material change in the affairs of the Indians. They still continue to show a steady advancement toward civilization, and are industrious, and I believe appreciate what is being done to educate their people.

So it goes on, Mr. Chairman. And I will not weary the committee, but I think I will print the record more fully than I have read, extracts from the reports of the agents in substantially all of the States of the Union, showing that the progress of the Indians has been and is steadily forward; that more of them labor, more of them live in their own homes, more of them speak our language, and more of them wear our clothing year after year.

If I may be permitted to quote some remarks I made myself last fall at the Mohonk conference, I will take the figures from the book, which very forcibly demonstrates the truth of what I have been saying, and prove in the broad sense that the specific reports which have been made are justified by the general facts:

In 1882, for instance, when the policy of systematic education was begun, the appropriation for this branch of the service was $135,000, a mere bagatelle; in 1895, only thirteen years afterwards, the appropriation had reached $2,000,000, and in 1903, when the time had simply been that of a man reaching his majority, it had reached $4,000,000. In 1882 there were but 4,000 pupils gathered in inadequate, unsanitary school buildings, with indifferent, as a rule, teachers, not over well qualified; in 1895 the number of pupils had increased to 23,000, school buildings to over 200, modern methods had been employed, teachers had been selected with special reference to their fitness to discharge the duties for which they were employed; in 1903 the total school attendance had reached the great sum of 30,000 pupils. These figures, it seems to me, of themselves demonstrate what has been done along educational lines by this Government of ours as touching on the education, training school for the boys and girls. In many cases rations have been cut off in order to instill the principles of industry into the Indian men and Indian women. In 1882 there were comparatively no Indians in this country at any work; in 1895 8,300 Indian families were cultivating 400,000 acres of land, while in 1903 11,280 families were cultivating 418,000 acres of land. The earnings of these Indians in 1895 was $1,056,000; in 1903 it was $2,100,000. We all know that the agencies are gradually being eliminated, and we all know that that is something that we very much desire to be fully accomplished. We want all the agencies wiped out. In 1895 the Indian population, exclusive of the Indian Territory and Alaska, was 182,000; in 1903 it was 187,000. Meanwhile the leaven of education had been gradually working, and in 1895 81,000 Indians had adopted wholly citizens' dress; 31,000 had adopted it in part; while in 1903—mark you the enormous increase—112,000 Indians had adopted the citizens' dress in whole and 44,000 had adopted it in part, or a very large majority of all the Indians in the country had adopted citizens' dress almost wholly. In 1894 there were 33,000 Indians who could read. In 1903 this number had increased to 50,000—almost one-third of the Indian population of the country. In 1895 there were 41,000 Indians who spoke our language; in 1903 65,000. Twenty-three thousand four hundred and sixty Indians occupied homes in 1895, while in 1903 27,000 Indians found domiciles in the white man's dwelling. In 1895 20,000 Indians were members of churches, and were gathered in church buildings of their own to the number of 270. In 1903 the church membership was 31,000, and the church buildings had to be increased to 371. The full significance of that fact may be better realized when we understand that those buildings were very largely erected by contributions from the Indians' own pocket.

Figures are wearisome, Mr. Chairman, and exceedingly dry, but I think the few I have read should demonstrate to the satisfaction of any Member of the House that the money we have expended for our natural wards during this quarter of a century, and the manner in which we have, as their guardians, disbursed their own funds for their good, has resulted in their being well expended, and that these expenditures have produced ample fruit to justify a contiuance of the policy which is now and has been for the last half dozen years in operation. I believe that present conditions, viewed in the light of those of ten years ago and of twenty years ago, justify anyone in being optimistic upon the Indian question. They justify us all in the belief that at some time—I do not think in the near future, but at some time beyond the ken of any man in this House now living—that the time will come when the great body of the Indian people of this continent will be self-supporting along the lines to which they are best adapted.

Mr. TAWNEY. Will the gentleman permit another interruption?

Mr. SHERMAN. Oh, certainly.

Mr. TAWNEY. Will the gentleman kindly state to the House what new legislation there is in this bill?

Mr. SHERMAN. There is a very considerable amount of new legislation in the bill which is subject to a point of order if it be raised when the sections are reached. There will be no contention if any gentleman desires to invoke the rule, and the provisions, I assume, will go out—I know they will, because the present Chairman knows the rules as few men in the House know them, and he applies them regardless of where they will hit.

Mr. TAWNEY. Will the gentleman please explain if there is not express authority in this bill for the diversion of appropriations for supplies——

Mr. SHERMAN. In a way; yes.

Mr. TAWNEY. Does the gentleman think that is good policy to authorize by legislation the diversion of appropriations?

Mr. SHERMAN. The diversion to which the gentleman refers is a gratuity for a special purpose, and the bill authorizes that where that is exhausted and another fund looking to the same general end is not exhausted, some portion of that fund may be used.

Mr. TAWNEY. Will not that in effect operate to relieve the Secretary of the Interior from the operation of the antideficiency law which Congress has enacted at this session, by not requiring apportionment so as to prevent deficiencies? This allows him to use the surplus in one fund for the purpose of making up a deficiency in another fund?

Mr. SHERMAN. I do not think it would, in the first place, and, in the second place, the funds have never been diverted to any considerable extent. Let me say in that connection that, so far as the Indian appropriations are concerned, within the period of time I have been chairman of this committee, of the amounts appropriated by Congress for this service, more than half a million dollars has been turned back into the Treasury. Within ten years more than $500,000 has been turned back into the Treasury.

I am glad the gentleman from Minnesota made the inquiry, because it brings to my mind that I have said nothing about the amount appropriated by this bill. This bill carries $7,785,000, in round numbers, or $400,000 less than the estimates of the Department.

The largest amounts of decrease are the estimates for an irrigation project down on the Gila River in Arizona, and $100,000 in the amount appropriated for the Sioux under the treaty, the Sioux treaty being an elastic one, which provides for the furnishing to the Indians certain specified rations so long as the President deems that they require it, and vesting in the President the authority to use that money where he deems it for the best interests of the Indians. And the President has, through his Secretary of the Interior Department, for some years instead of giving rations to able-bodied Indians, which he has absolutely and wholly refused to do, given the rations only to those who have been unable to work; but the money that has been appropriated has been used to pay to Indians who would work, and then let them use that money for their support, and the result has been that, whereas ten years ago the appropriations to carry out the provisions of this treaty were $1,325,000, up to last year that amount had been reduced $700,000. This year, although the estimate was made for $700,000, the investigation made by the committee in the hearings and by the word of the Representative from South Dakota, who is familiar with conditions there, it was conceded by all that it would be quite possible with the further application of this rule, of compulsory labor to meet our obligations with an expenditure of $600,000.

Mr. BURKE of South Dakota. Will the gentleman allow an interruption?

Mr. SHERMAN. Certainly.

Mr. BURKE of South Dakota. I would like to have the chairman of the committee state to the House how much of the money appropriated by this bill is expended for education, and whether or not it is practically all of it a gratuity?

Mr. SHERMAN. About $4,000,000 in round numbers is spent for education, and a very large part of it, I should say seven-eighths of it, is a gratuity. There were certain treaty provisions under which certain schools are provided for, and a large majority of it—I should say seven-eighths—is a gratuity.

Mr. BURKE of South Dakota. I would like to ask the chairman if the laws providing for Indian allotment did not contemplate and provide that the unused lands when disposed of, the money should be paid into the Treasury and expended for the civilization, education, etc., of the Indians rather than to pay

them the money in cash, as we have been doing under certain bills that have become laws recently?

Mr. SHERMAN. Yes; and as a result of that policy and the treaties by which we have acquired title to their land and which we have disposed of for cash, and a large part of which we have disposed of without any consideration by the free-homestead bill—under that policy there is in the Treasury upward of $30,000,000, the income of which at interest of 3, 4, and 5 per cent is expended annually for the benefit of the Indians, and of course is not appropriated for in this bill.

Mr. HOWELL of Utah. Mr. Chairman, I would like to ask the gentleman a question.

The CHAIRMAN. Does the gentleman yield?

Mr. SHERMAN. Yes.

Mr. HOWELL of Utah. Mr. Chairman, I would like to ask if the Secretary of the Interior did not also recommend an irrigation project for the Uintah Indians in Utah?

Mr. SHERMAN. Mr. Chairman, there was no estimate made for the Uintah proposition. There was a supplementary report sent in, in which the Secretary recommended the expenditure of $600,000 to provide for the irrigation of the Uintah Reservation, but seemingly that irrigation proposition pointed more to the benefit of the white men, citizens of Utah, than it did to the Indians. The Indians, as their lands are now allotted, occupy the bottom lands along the rivers, lands which are productive, and it seemed to the committee that the irrigation scheme recommended by the Secretary had in view more the betterment of the white citizens than it did the betterment of the red men.

Mr. HOWELL of Utah. Did not the Secretary recommend, as necessary for the irrigation of the allotted Indian lands that had been selected and allotted in accordance with the provisions of the act of May 27, 1902, allotting to each head of a family 80 acres of land and each member of a tribe 40 acres of land that could be irrigated?

Mr. SHERMAN. Mr. Chairman, so that there will be no possible misunderstanding as to what the Secretary did recommend, I will insert here and print in the RECORD the recommendation of the Secretary. It is as follows:

DEPARTMENT OF THE INTERIOR,
*Washington, January 5, 1906.*

The CHAIRMAN COMMITTEE ON INDIAN AFFAIRS,
*House of Representatives.*

SIR: I have the honor to transmit herewith, for the consideration of your committee, a copy of a communication from the Commissioner of Indian Affairs, dated the 2d instant, with the draft of an item prepared in his office for insertion in the Indian appropriation bill, providing for the construction and completion of irrigation systems to cover allotted lands of the Uncompahgre and the Uintah and White River Utes in Utah, the cost thereof to be reimbursed to the United States from the proceeds of sale of lands in the former Uintah and Ouray reservations.

The statements in the Commissioner's letter show the urgent need for the legislation proposed, and I have the honor to recommend that the matter receive the favorable action of your committee and the Congress.

Very respectfully,

E. A. HITCHCOCK,
*Secretary.*

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DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
*Washington, January 2, 1906.*

The SECRETARY OF THE INTERIOR.

SIR: In my annual report for the fiscal year ending June 30, 1905, stress is laid on the affairs and needs of the Indians of the Uintah and Ouray Agency. In accordance with the law these Indians have been allotted lands in severalty that can be irrigated, provided the necessary works are constructed.

The problem as to these Indians and their future, if not the most serious that has been before the Indian Office, is certainly very important. They number less than 1,500, and prior to September 1, 1905, occupied a reservation of 2,039,040 acres, or 3,186 square miles, more than 2 square miles per capita. By allotment most of them received 80 acres each, but many only 40 acres. Among them are Indians who participated in the Meeker massacre, and it is plain that they are little fitted for the change that has been made in their lives. Indeed, no considerable number of them can hope to hold their own in the struggle for existence unless they are carefully and wisely helped.

Their land is not first-class farming land. Conclusive proof of this is to be found in the fact that the number of entries made on the lands restored is less than 1,300, and many of these have been abandoned.

Under all the circumstances so great a change in the condition of an equal number of intelligent and competent white citizens would cause such a shock as materially to delay their progress, and hence it is a factor to be reckoned with in the development of these Indians for years to come.

Notwithstanding the very unfavorable existing situation and the troubles ahead, I believe that we need not be apprehensive of the ultimate fate of these people if the Government does its full duty by them and their affairs are administered wisely.

Being confined to farms, they must till these fairly well or fail entirely. Local conditions are such that irrigation alone will succeed. Give them water and their lands will produce according to the quality of the soil; without water they have just so many acres of desert. With water they can become self-supporting; without they are bound to become presently a charge upon the community of which their newly acquired citizenship has made them a part. With nothing to do and no means of support, the only path open to them will be that which leads straight to pauperism, or crime, or both.

Aside from the cost of constructing works, several things had to be considered in planning for irrigating these lands. The streams from which the water must be taken afford a greater supply than is necessary during a part of the year, but nothing like enough for the unallotted lands. Therefore it was necessary to take advantage of the provisions of the act of March 3, 1905 (33 Stats., 1048), and reserve land on either side of some of the streams to protect the rights of the Indians. This course was the more necessary because the laws of Utah declare that "Beneficial use shall be the basis, the measure, and the limit of all rights to the use of water;" and in addition to the usual requirements as to filing, it further provides that the State engineer, in his indorsement of approval, shall require that work must begin within six months of the date of approval, and that the construction of the proposed works shall be completed within a period of five years from the date of such approval.

Great care was taken, and it is believed that the Indians have been placed on the very best land, having in mind the soil and the cost of carrying water on it, and applications have been filed for water for thirty canals and ditches. They have been surveyed and the work begun on all of them, and about $50,000 has been expended from the general appropriation for Indian irrigation, to the great detriment of other reservations. To complete them will require not less than $600,000, and this must be had within the next four years, or expenditures so far made, or which may be made, will be lost wholly or in part.

The Indians have no money, and there is little likelihood that any will be available in the next year, as the lands entered on the former reservation are to be paid for in five equal yearly payments, the first being due some time in September next, too late for use during the present year. Moreover, the expense of surveying the reservation is to be returned to the United States from the proceeds of sale before anything is available for Indian purposes.

It should be kept in mind also that the settlement and development of the lands restored to the public domain is delayed by the reservations made to protect the Indians' water supply, as necessarily the surplus in the streams can not be had by the settlers. If their canals were permitted to reach the streams protected, the water necessary for irrigating allotted lands would be lost, for there is more land than water.

Probably the sale of the surplus lands will in time afford means to construct irrigation works, but until the works are constructed it does not seem probable that the lands can be sold, for settlers can not live five years without a crop.

The wisest course, and by all means the cheapest, would be for Congress to appropriate the amount needed, to be reimbursed from the proceeds derived from the sale of the former reservation lands. Indeed, it seems necessary to do so in order to save the Government from becoming almsgiver in perpetuity to these Indians.

I have therefore caused a draft of an item to be prepared, appropriating the full amount necessary to complete the irrigation systems, in order that work may not be delayed at any stage for lack of funds. Time is of the utmost importance, and money should be available at an early date. The item is inclosed, and I respectfully suggest its transmittal to the proper committees of Congress with a recommendation that it be inserted in the Indian appropriation bill.

Very respectfully,

F. E. LEUPP, *Commissioner.*

Mr. CRUMPACKER. Mr. Chairman, I would like to ask a question or two in relation to the Indians in Alaska. I listened with a great deal of interest to the statement made by the gentleman respecting the gratifying progress that Indians generally have made toward accommodating themselves to the white man's civilization, but what is the situation of the Indians in Alaska and how is their welfare being looked after?

Mr. SHERMAN. We have no Indian agent in Alaska. We never have provided any gratuity for the Alaska Indians. We formerly provided that of the general school fund, $5,000 might be used for the education of the Indians there, but the Indians of Alaska are practically self-supporting. Now, just how well they are supported is quite a question. I am not sure whether or not the gentleman visited Alaska with other members of the House last summer.

Mr. CRUMPACKER. I did not.

Mr. SHERMAN. But there seemed to be a difference of opinion among those gentlemen who viewed the situation themselves. However, I saw no gentleman who made any assertion other than this, That at least all of the Alaskan Indians whom they saw were industrious, that they were employed in some capacity there, either in the canning factories or in fishing or hunting and selling furs and skins or in selling their little trinkets when the excursion boats came along. They were all busy and occupied in some way.

Mr. CRUMPACKER. Then the policy of the Federal Government toward the Indians in the States and the Territories is not applied to the Indians in Alaska at all, I understand.

Mr. SHERMAN. No; they have never come under the head of ration Indians.

Mr. CRUMPACKER. They live in tribal relations to some extent, do they not?

Mr. SHERMAN. To some extent.

Mr. CRUMPACKER. And have a tribal government.

Mr. SHERMAN. Oh, most of those Indians have drifted over from British Columbia. They are not natural United States Indians, anyway.

Mr. CRUMPACKER. I suppose in the main those who are independent, who are not under tribal government, are citizens of the United States, then?

Mr. SHERMAN. Well, unless they become citizens under the general citizen provision they would not be.

Mr. CRUMPACKER. Of course that is a question of law.

Mr. TAWNEY. Mr. Chairman, I will say to the gentleman that in Alaska an Indian can not take up any Government land or mining claim, because he is not regarded as a citizen, and there are no tribal relations in southeastern Alaska among any of the Indians in that part of Alaska.

Mr. SHERMAN. There are no distinctly tribal relations in Alaska anywhere. If the gentleman cares to hear it, I will read the citizenship law which applies to Indians. It is found on page 35 of volume 1 of the Laws and Treaties, as prepared by Keppler, published by the Government:

Every Indian born within the territorial limits of the United States to whom allotments shall have been made under the provisions of this act or under any law or treaty, and every Indian born within the territorial limits of the United States who has voluntarily taken up within said limits his residence separate and apart from any tribe of Indians therein and has adopted the habits of civilized life is hereby declared to be a citizen of the United States and is entitled to all the rights, privileges, and immunities of such citizens.

Mr. CRUMPACKER. It seems to me, then, from the statement of the gentleman from Minnesota [Mr. TAWNEY], that the Alaska Indians are segregated and live practically independent lives, that a great injustice is done to them in withholding from them the right to homestead lands and to take up mining claims. It seems to me that some policy—some, perhaps, adaptive Indian policy—ought to be applied to Alaska. The Indians that are natives there who are engaged in the various industries of the Territories certainly ought to have the privilege of citizenship in so far as it pertains to the right of homestead and to take up mining claims. I did not know a condition of that sort existed in that Territory. It is manifestly unjust and it ought to be remedied, but the Committee on Indian Affairs may not have jurisdiction to report the necessary remedial legislation.

Mr. SHERMAN. If I may say to the gentleman from Indiana, the policy of the committee, and I believe it is the policy of the House, is wherever it is possible to refrain from giving any gratuity to Indians, because it has been discovered wherever rations were withdrawn, wherever gratuities were withheld, wherever education and labor were enforced, there the Indians progressed, and, Indians differing not so much from other citizens, where food was placed before them without effort from themselves, little effort was exerted and progress was retarded.

Mr. CRUMPACKER. Now, it seems in Alaska the Indians have practically abandoned the tribal relations.

Mr. SHERMAN. They practically never had any, because they came over there from British Columbia in bunches.

Mr. CRUMPACKER. They are self-supporting and independent. Their support levies no charge upon the Federal Government. Now, to give them the ordinary rights to take homesteads, to cultivate farms, to take up mining claims, so they may prosper industrially, can not certainly be called a gratuity.

Mr. SHERMAN. Of course, if the gentleman had been to Alaska, he would know the number of farming claims there would be about as few as hens' teeth; but there are mining properties that can be filed upon.

Mr. CRUMPACKER. The Indians there now are absolutely subject to the domination of the Americans. They can not take mining claims, they can not acquire homesteads, however poor they may be, and therefore they must under this system eternally and perpetually be subject industrially and every other way to the citizens of the country who live there.

Mr. SHERMAN. They are aliens, most of these people. They can not become citizens under the law. A great majority of them were not born within the limits of our territory.

Mr. CRUMPACKER. Well, it seems to me that the policy of this Government ought to be to provide for ultimate citizenship for every alien even that it admits within its borders. It is not good policy to have a large alien population in the country, to encourage or permit it to come, and withhold from it the rights and privileges and responsibilities of American citizenship.

Mr. SHERMAN. I do not disagree with the gentleman in that statement.

Mr. TAWNEY. Will the gentleman from New York allow me to make a suggestion?

Mr. SHERMAN. Certainly.

Mr. TAWNEY. I will state for the information of the gentleman from Indiana while I was in Alaska two years ago my attention was called to the fact that under the law passed by Congress known as the "homestead law" a citizen of the United States came into southeastern Alaska and saw a very attractive place occupied by a native. The native's father had occupied it before him; his grandfather had occupied it before him. Under the provisions of our beneficent homestead law for Alaska he filed on that homestead, that ancestral home of that native, and took it away from him because the native was not a citizen and could not become a citizen under our laws.

Mr. CRUMPACKER. I have no doubt an Alaskan Indian who has established and maintained a home in that Territory under existing law is subject to be driven from his own home at the will of any citizen who goes there and covets his place. I think under the law there is absolutely no encouragement offered to them.

Mr. SHERMAN. Mr. Chairman, I reserve the balance of my time.

Mr. FITZGERALD. There are two provisions in the bill, one for establishing an Indian reformatory and the other for ascertaining the advisability of creating a sanitarium for the treatment of tuberculous patients?

Mr. SHERMAN. Yes.

Mr. FITZGERALD. I wish to ask the gentleman from New York first if he thinks it advisable to create any additional distinctively Indian institutions?

Mr. SHERMAN. I think it advisable not to erect a new institution, but I think it advisable to take some institution which now exists and apply it for the purposes suggested in the provision to which the gentleman refers. Of course, when you have 30,000 children of school age, it matters not what their color is, what their nationality is, or what their environment has been, there is more or less of evil, of crime, in that great body, and unless that is curbed, unless there be some restraining influence, there is fear that it will spread. It originated with the Commissioner; it did not originate with the committee; and it is to provide a training school, compulsory, confined within prescribed limits, where children who have become habitually refractory in other institutions can be confined, if possible, until discharged by continuous good conduct, under such terms and regulations as the Department and Secretary should provide.

Mr. FITZGERALD. Is this a fact, that it appears after the establishment and maintenance for a number of years of educational institutions for Indian children it becomes necessary to create a reform school and to put the pupils from these educational institutions into it?

Mr. SHERMAN. It does not appear by reason of the fact that we have educated them; no. The condition existed, in my judgment, to a greater and more aggravated extent before we had schools, but it has become visible by reason of our schools, and has become the more apparent because you have put the evil doer beside the well doer, and make the evil conspicuous by close comparison with the good.

Mr. FITZGERALD. I am led to make this inquiry largely as a result of the experience of the Indian Committee with another distinctively Indian institution—namely, an insane asylum. That insane asylum was erected and $25,000 a year, as I recollect, appropriated annually to maintain it, and it had about sixteen inmates there a year; and finally it was necessary, in order to give an excuse for the continuance of this institution, to extend the territory and the peoples from which the asylum might recruit its inmates. Now, if we establish distinctively Indian reform schools will not the result be that it will be necessary to seek out Indian children who might perhaps be better off if never put into a reform school in order to maintain the school?

Mr. SHERMAN. The gentleman's long and valuable service on the Indian Committee has made him familiar with all Indian questions and also with the history of legislation for several years back, and the gentleman knows that the creation and continuance of this insane asylum was always aggravating not only to the other members of the committee but to the chairman, and the gentleman knows how the institution was originally created. It was created by an amendment, made somewhere else in the world, to the bill, and the suggestion was made by the representative of another body somewhere in the world that unless that provision remained in the bill there would be no Indian appropriation bill in a certain year. It is a fact that it costs us more per capita to care for the insane in that asylum than we could have certainly equally well cared for them in any one of the State institutions in the land. And let me say to the gentleman, if he noticed the phraseology of this provision, it does not provide for setting aside an Indian school or a training school, but setting aside an institution, and I will say to the gentleman that at the time that provision was drawn I had in mind setting aside this insane asylum for a training school and thereby saving the Government some money and doing some good for this race.

Mr. FITZGERALD. Under the language of the bill it would be possible to set aside the insane asylum for the purpose, provided that there were no inmates there. The gentleman would hardly desire the insane asylum as an incident or as a part of the reform school?

Mr. SHERMAN. Not as any part of the institution, but doing away with the institution as an insane asylum and caring for

the few Indian insane—and there are not very many—in some State institution; of course, the Government paying therefor.

Mr. FITZGERALD. Would it not be better, instead of authorizing what may eventually result in a great Indian reform school, to authorize the department to have refractory Indian pupils in the schools placed in State institutions for reform of the young?

Mr. SHERMAN. I am rather inclined to disagree with that suggestion. I rather think it would be better to do as we suggest here, to have a school where these Indians would not be thrown in with incorrigibles of the white race. It is bad enough to have the incorrigibles of their own race as their associates, but where they will be cared for with those of their own race and will not learn anything bad that they otherwise would not possibly know.

Mr. FITZGERALD. I doubt if there are many bad white young men and girls that can teach a bad Indian any evil.

Mr. SHERMAN. I am glad that the gentleman finished the sentence. I thought he started out to say that he thought there were no bad white girls and boys, and knowing he came from Brooklyn, I thought he would not well make any such statement as that.

Mr. FITZGERALD. I can safely say that of my section. The other provision is looking to the establishment of a tuberculosis hospital.

Mr. SHERMAN. The indisputable fact is that tuberculosis is very prevalent among the red people. Some people who inveigh against the larger contract schools, like Haskell and Carlisle, say that tuberculosis prevails because the Indians are taken from one climate to another. But I think an analysis of the facts will disclose that tuberculosis comes more from this condition of affairs: Up in the northern country, where the winters are severe, the Indians live in very contracted quarters—a whole family perhaps in one hut, with one or two rooms, and they will plaster it up inside and out with mud, and very often it will be partially under ground; and they will stay in there, with a stove or a fire in there, so that the thermometer will be too high for the health of any human being; and when the early spring comes they go out and they fail to take care of themselves. They have not the proper, comfortable clothing, and the parents have not been educated to properly care for their children, and they naturally drift from cold into tuberculosis.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SHERMAN. Unless some one wants to ask me a question, I will not consume any more time.

Mr. STEPHENS of Texas. I desire to ask the gentleman a question.

Mr. SHERMAN. My time is exhausted and you take your hour now.

Mr. RUCKER. Mr. Chairman, the consideration of the Philippine tariff bill in the early days of this session provoked general discussion of the merits or demerits, benefits or injuries, blessing or burdens, of high protective tariff, for which the majority of this House stands and upon which many gentlemen "stand pat."

I am by no means persuaded, nor do I even indulge a hope, that anything can be said or done here which will induce our friends on the other side of the aisle to respond to the appeals of the great mass of American citizens, so often and so urgently presented, pleading for relief from some, at least, of the onerous, oppressive, unjust, and unjustifiable impositions of the present high-tariff law.

We hear gentlemen proclaim that they are "not wedded to the schedules" in the Dingley Act, and even concede and admit that some rates are too high. But with a defiance which would merit admiration if it were not so intolerant and arrogant they stubbornly ignore these petitions, and, wrapped in their own conception of the infallibility of their wisdom, they assume that the people do not know what is best for them. They repeat the old, old story of the wondrous and marvelous achievements of high tariff, boasting that it has brought us unprecedented, widespread, universal prosperity, and therefore the rates in the Dingley bill must not and shall not be molested.

Many interesting and valuable contributions have been made to the reasons urged and relied upon in support of the doctrine of protection; none more interesting or valuable, however, than the contributions of the able and distinguished gentleman from Ohio [Mr. GROSVENOR], who always faithfully, intelligently, and courageously presents the most cogent reasons and the strongest arguments of his party, and of the "stand-patters"—of which he is chief—in particular, for its attitude and their attitude on this important and vital subject.

In his great speech delivered January 11 he used a table compiled by Francis Curtis, a part of which I shall read as a basis for some observations:

*Important tariff revisions.*

| Law of— | Reason for revision. | Time consumed. | Nature of change. | Result. |
|---|---|---|---|---|
| 1846 | To satisfy the southern free traders. | 3½ months.. | Free trade and ad valorem duties. | Ruinous |
| 1857 | To decrease the revenue and still further satisfy the South. | 6 months... | Further decrease | Bankruptcy |
| 1861 | First Republican tariff for revenue and protection. | 11 months.. | Increase ..... | Beneficial |
| 1861<br>1862<br>1863<br>1864<br>1865 | To meet requirements of war. | Passed promptly. | General increases | Do. |
| 1867 | To help wool and woolen industries. | 7 months... | Upward changes | Do. |
| 1870 | To establish new industries, especially iron and steel. | 4 months... | $28 per ton on steel rails. | Do. |
| 1872 | To conciliate "reformers." | 3 months... | 10 per cent reduction. | Injurious |
| 1875 | To correct act of 1872.... | 1 month.... | Repeal of 10 per cent reduction. | Beneficial |
| 1883 | To conciliate revisionists | 2 months... | Reduction and increased free list. | Injurious |
| 1890 | To meet existing conditions. | 5½ months.. | Increase and specific rates. | Beneficial |
| 1894 | To try free trade ..... | 8 months... | Large reduction, free wool, etc. | Ruinous |
| 1897 | To provide revenue and to protect our failing industries. | 5 months... | Substantial increase. | Beneficial |

Apparently, almost persuaded by the conclusions of Mr. Curtis, and thoroughly and unalterably convinced by the irresistible logic of his own argument, the gallant leader from Ohio [Mr. GROSVENOR], after hurling a "deliberate challenge to gentlemen on the other side of this question," continued:

It is the imperishable record of more than one hundred and twenty-five years that the American people prosper under high tariffs and suffer under low tariffs.

I accept his challenge and deny the propositions so boldly asserted and so ingeniously and eloquently defended. Statistics do not and will not justify and support the gentleman's contentions, but, on the contrary, they conclusively, emphatically, and overwhelmingly contradict them, as I shall attempt to show.

The Walker, or Democratic, tariff, enacted in 1846, was in force until 1857, when an act was passed reducing tariff rates, and this act was in effect until 1861. The gentleman quotes, with approval, the conclusions of Mr. Curtis that the Walker tariff was "ruinous" and the act of 1857 was "bankruptcy."

In 1861 the Morrill bill, the first protective-tariff law, was enacted, followed by various other measures, each in turn increasing the rates of duty and giving higher protection, which continued until 1870. The gentleman says these were all "beneficial."

In 1870 still higher rates of duty were imposed. In 1872 the tariff law was amended and duties lowered to please "reformers," as alleged, by making an "injurious" reduction of 10 per cent.

The act of 1872 was repealed in 1875, thus restoring the high tariff law of 1870, which continued in operation until 1883.

The Commission appointed by President Arthur in 1883 reported a measure making slight reductions in the law of 1870, and this bill was passed and remained in force until 1890, when the McKinley bill, imposing the highest rates up to that date, was enacted.

In 1897 the Wilson-Gorman law was repealed and the Dingley bill enacted, which is the highest tariff measure ever passed by Congress. This law is now in force, and the gentleman says it is "beneficial."

To sum the whole matter up in few words, I feel justified in saying we had revenue tariffs from 1846 to 1861 and have had protective tariffs since that date.

In this connection, Mr. Chairman, I will read a table prepared from official statistics.

*Comparison of the estimated valuation of the national wealth of the United States and the valuation of farm property.*

| Year. | Estimated national wealth. | | Value of all farm property. | |
|---|---|---|---|---|
| | Total. | Increase. | Total. | Increase. |
| | | *Per cent.* | | *Per cent.* |
| 1850 | $7,135,780,228 | ---------- | $3,967,343,580 | ---------- |
| 1860 | 16,159,616,068 | 126.46 | 7,980,493,063 | 101.15 |
| 1870 | 30,068,518,507 | 86.07 | 8,899,966,578 | 11.52 |
| 1880 | 43,642,000,000 | 45.14 | 12,180,501,538 | 36.84 |
| 1890 | 65,037,091,197 | 49.02 | 16,082,267,689 | 32.03 |
| 1900 | 95,000,000,000 | 45.90 | 20,439,901,164 | 27.09 |

These figures show that from 1850 to 1860, under alleged "ruinous" and "bankruptcy" tariff laws, our national wealth increased over 126 per cent; from 1860 to 1870, under moderate protection, it increased over 86 per cent; from 1870 to 1880, under higher tariff, a little over 45 per cent; from 1880 to 1890, under still higher tariff, only 49 per cent, while from 1890 to 1900, under the "beneficial" influence of the highest tariff we ever had, the increase was only 45 per cent—the lowest per cent of increase in any census period in fifty years of national life.

From 1850 to 1860, under Democratic tariff, the value of farm property increased over 100 per cent, but from that time to this hour the per cent of increase in the value of farm property has steadily decreased, with each ten years, until it was only 27 per cent from 1890 to 1900—the lowest of any period in the last fifty years, except that covering our great civil war. [Applause on the Democratic side.]

These figures also show that in 1850 the value of farm property in the United States was $400,000,000, more than one-half of the total wealth of this Republic. In 1860 farm property represented nearly one-half of our total wealth and in 1870 nearly one-third. With each succeeding period since 1860 the tariff has leaped higher and higher, and the relative value of farm property has sunken lower and lower, until in 1900 the value of all farm property was only a little more than one-fifth of our national wealth. [Applause on the Democratic side.]

In 1880 over 74 per cent of all the farms in the United States were occupied and operated by owners. In 1900, after twenty years of the kind of "unprecedented prosperity" that comes from high protection, the small farm owner disappeared and made way for the tenant, and the result is that the number of farms operated by owners was reduced to 64 per cent.

I have prepared another table showing the increase in acreage of improved farm lands and the increase in value of live stock from 1850 to 1900.

*Statement showing increase in acreage of improved farm lands and value of live stock, 1850–1900.*

| Year. | Acreage of improved farm lands. | Increase. | Value of live stock. | Increase. |
|---|---|---|---|---|
| | | *Per cent.* | | *Per cent.* |
| 1850 | 113,032,614 | | $544,180,516 | |
| 1860 | 163,110,720 | 44.30 | 1,089,329,915 | 100.17 |
| 1870 | 188,921,099 | 15.82 | 1,220,221,166 | 12.01 |
| 1880 | 284,771,042 | 50.73 | 1,576,884,707 | 29.22 |
| 1890 | 357,616,755 | 25.57 | 2,308,767,573 | 46.41 |
| 1900 | 414,498,487 | 15.90 | 3,075,477,703 | 33.20 |

This table shows that from 1850 to 1860, when Democratic tariff for revenue was in operation, the increase in the number of improved acres added to our farms was over 44 per cent, while from 1890 to 1900, under high-protective tariff, it was only 15 per cent.

From 1850 to 1860 the value of live stock on the farms increased over 100 per cent—more than double in value—while in the last census period the increase was only 33 per cent.

Now, Mr. Chairman, I desire to read a table compiled from the Abstract of the Twelfth Census, under the title of "Manufactures."

| | Date of census. | | | Per cent of increase. | |
|---|---|---|---|---|---|
| | 1900. | 1890. | 1880. | 1890 to 1900. | 1880 to 1890. |
| Number of establishments | 512,276 | 355,405 | 253,852 | 44.1 | 40.0 |
| Capital | $9,831,493,500 | $6,525,050,759 | $2,790,272,606 | 50.7 | 133.8 |
| Wage-earners (average number) | 5,314,539 | 4,251,535 | | 25.0 | 55.6 |
| Total wages | $2,327,295,545 | $1,891,209,696 | $947,953,795 | 23.1 | 99.5 |
| Men at least 16 years old | 4,114,348 | 3,326,964 | | 23.7 | |
| Wages | $2,019,954,204 | $1,659,215,858 | | 21.7 | |
| Women at least 16 years old | 1,031,608 | 803,688 | | 28.4 | |
| Wages | $281,679,649 | $215,367,976 | | 30.8 | |
| Children under 16 years old | 168,583 | 120,885 | | 39.5 | |
| Wages | $25,661,692 | $16,625,862 | | 54.3 | |
| Value of products | $13,010,036,514 | $9,372,378,843 | $5,369,597,191 | 38.8 | 74.5 |

These are interesting statistics. To my mind, they conclusively refute the argument that a protective tariff is essential and necessary to maintain confidence and keep alive the fires in furnaces and make the wheels of industry revolve. They show that from 1880 to 1890, most of the time under the operation of a tariff enacted, as alleged, to "conciliate revisionists," and condemned by the gentleman from Ohio [Mr. GROSVENOR] as "injurious," capital seeking investment in manufacturing industries increased over 133 per cent, while in the ten years following, under the salutary and "beneficial" influences of the Dingley tariff, the increase in capital thus invested was only 50 per cent. They show more than this. The value of the output or products of our manufacturing concerns increased over 74 per cent between 1880 and 1890 and only 38 per cent between 1890 and 1900. [Applause on the Democratic side.]

True, we had a protective tariff from 1880 to 1890 as well as from 1890 to 1900, but it is also true that the average rate of duty was much higher during the latter period. What, then, becomes of the argument that high tariff is necessary to stimulate and encourage manufacture? These statistics prove that protected industries were more attractive to capital and thrived better under a lower tariff than they do under the higher schedules of the Dingley law.

But the ingenuity of the advocates of protection must not be overlooked. They profess an ardent interest in the welfare of the wage-earner, and plead almost pathetically that Republican high protection is a great boon to that large and respectable class of American citizens. I deny it. It is a burden and a curse to every laboring man in the United States. [Applause on the Democratic side.]

I shall again refer to the table read by me a few minutes ago, and by the authentic figures there given I show that instead of receiving higher remuneration for his toil the wage-earner actually receives a lower wage under the Dingley Act than he did when we were not burdened with so much so-called "protection."

The average wage of men, women, and children employed in manufacturing establishments in 1890, before the enactment of the Dingley law, was $444.82 per annum. With all the boasted protection afforded the man of toil by the benign and "beneficial" provisions of the Dingley tariff and the hypocritical cant of the Republican party about maintaining a high standard of American labor, the fact is, that in 1900 the average wage paid by these highly protected industries was $6.91 per capita less per annum than was paid in 1890.

This amount is not very large when considered with reference to the pay of one man, but when taken from the earnings of each of over five million wage-earners aggregates the enormous sum of $36,723,464. This represents the exact amount taken from the pockets of labor in a single year by a lot of bounty-fed, tariff-eating cormorants with the aid, consent, and connivance of the Republican party. [Applause on the Democratic side.]

Not only are manufacturers enabled to reduce wages at their own sweet will and pleasure and thus prey upon men who are compelled to toil for daily bread, but Republican policies are directly responsible for the existence and rapidly increasing number of trusts and monopolies, which have absolute control over prices of most articles and commodities of necessary daily use and consumption. The cost of these articles is higher under the Dingley tariff than before its enactment.

In Bulletin No. 59, issued by the Bureau of Labor in July, 1905, I find this statement:

"The price of all the more important articles was higher in 1904 than the average for the ten-year period, 1890 to 1899. Bacon was 37.9 per cent higher, eggs 30.9 per cent higher, dry or pickled pork 25.8 per cent higher, fresh pork 24 per cent higher, corn meal 21.5 per cent higher, potatoes 21.3 per cent higher, chickens 20.7 per cent higher, flour 19.9 per cent higher, salt ham 18.4 per cent higher."

These conclusions, reached after a most careful and thorough investigation, are fully justified by this table contained in Dun's Review of recent date.

| Classes of commodities. | Wholesale cost— | | Increase. |
|---|---|---|---|
| | July 1, 1897. | July 1, 1905. | |
| | | | *Per ct.* |
| Breadstuffs | $10.59 | $18.83 | 77.87 |
| Meats | 7.53 | 8.61 | 14.41 |
| Dairy and garden products | 8.71 | 9.98 | 14.55 |
| Other food articles | 7.89 | 9.92 | 25.80 |
| Clothing | 13.81 | 17.99 | 30.26 |
| Metals | 11.64 | 15.92 | 36.71 |
| Miscellaneous | 12.29 | 17.06 | 38.84 |
| Total | 72.46 | 98.31 | 35.69 |

This table, the result of careful and skillful investigation and computation, is supposed to represent the average annual consumption of one average person. If these figures are accurate, as I believe they are, the increase in the cost of living from July 1, 1897, to July 1, 1905, is $25.85 for each person, or

$129.25 for each family of five persons per annum. But the producers did not get this increase, nor any part of it, as I will show before I conclude. The trusts, the creatures of the Republican party, and bearing a commission from that party to pilfer and rob, took it all—simply stole it.

Our Republican friends are wont to glorify themselves and extol their assumed political virtues, because in this great country, with its vast undeveloped domain, its countless millions of treasure yet hidden away in the bowels of the earth, its fertile and prolific soil, its superb climate, and its matchless citizenship, because here in free America a poor man can find work. They did not create these conditions. Men found abundance of profitable employment before the advent of the Republican party.

Every man should perform work of some kind, and every able-bodied, industrious, sober, and economical man ought to be able, and under fair and honest conditions is able, to earn a support for those dependent upon him. This, however, is next to impossible under a ruinous policy which, year by year, increases the cost of living and decreases the rate of wages—a policy which forces women and little children into the great workshops of the country.

Statistics I have read show that between 1890 and 1900 the number of men employed in manufacturing industries increased only 23 per cent, while the number of women thus employed increased over 28 per cent, and the number of children under 16 years of age increased nearly 40 per cent.

From 1850 to 1860, under Democratic tariff for revenue, the increase in the number of adult male wage-earners employed in protected industries was over 42 per cent, but under your Dingley rates it is only 23 per cent. To-day one-fourth of all the labor in the great industrial workshops is performed by women, and a large part of the other three-fourths is done by children.

If there is satisfaction or glory in this condition, you are responsible for it, are welcome to it. We have had no guilty participation with you in producing it, and we absolve ourselves from all responsibility.

You have promised the workingman much. Your promises were recorded in shifting sand. You pledged him loyal friendship, but you have shamelessly violated your obligations. His children have appealed to you for the bread of hope, and you have scornfully thrown them the stone of despair. You have robbed his home and his children of wife and mother, and driven her to delve and toil in a treadmill for bread. You have denied his infant children the guardianship of a mother's watchful care.

Think of it! An increase during the last census period of 40 per cent in the number of children under 16 years of age forced into sweat shops to earn their bread. This means that 40 per cent more of poor men's children are taken from school and denied education; 40 per cent more to whom the avenues of hope are closed; 40 per cent more doomed by your accursed policy to be forever just what you make them—mere "hewers of wood and drawers of water" for a lot of insatiate, heartless oppressors, "who reap where they have not sown" and grow rich upon the unrewarded labor of men, women, and children. [Applause on the Democratic side.]

I now read a table prepared from information obtained at the Census Bureau and from the Abstract of the Twelfth Census:

| | 1890. | 1900. | Increase. |
|---|---|---|---|
| | | | *Per cent.* |
| Mortgage indebtedness in the United States | $6,019,679,985 | $8,394,728,733 | 39.48 |
| Number of mortgaged homes in the United States | 1,696,890 | 2,361,606 | 39.11 |
| Per cent of families in United States owning free homes | 34.4 | 31.8 | ..... |

These statistics show that mortgage indebtedness in the United States increased nearly 40 per cent between 1890 and 1900; that the number of mortgaged homes increased over 39 per cent, while the percentage of families owning free homes decreased nearly 3 per cent.

If mortgage indebtedness is indicative of "unprecedented" prosperity, and mortgaged homes a condition to be desired and for which men strive, then, indeed, should we place a wreath upon the brow of the Republican party as an expression of a nation's gratitude. The statistics I have read show that for each and every manufacturing industry established between 1890 and 1900 the Republican party has forced a mortgage for $15,141.10 upon the homes of American citizens.

Not only this, but by its unjust tariff law the Republican party has virtually pledged and mortgaged our energies and productive capacity—even manhood itself—to the tariff barons and trusts, to have and to hold to their sole separate use and benefit so long as that party is permitted by a confiding people to plunder and rob them.

Mr. Chairman, the assertion that a nation enjoys the greatest measure of prosperity when its people are burdened most is false in theory and untrue in fact. The life of a nation is its commerce. Commerce is trade—an exchange of commodities. Trade unfettered, except to the extent of contributing its reasonable proportion to the support of government, is necessarily more widespread and beneficial in its results than trade hampered and shackled. The safe and true test that should appeal to every patriotic lawmaker and govern and control his official course is, Will this law afford the "greatest good to the greatest number?" If any enactment has been written in the statute which does not measure up to this just standard, it should be amended or repealed.

This leads me to say the Dingley law ought to be amended, and amended now. It imposes burdens upon the masses that they should not bear. True, it has added millions and perhaps billions to the wealth of the few who are its beneficiaries; but it is equally true that every dollar of those millions was first produced by the toil and sweat of men who, under the sanction of law, were deprived of the fruits of their labor. [Applause on the Democratic side.]

A tariff above the revenue point must depend for its existence upon one of two theories, both of which are radically wrong. It must be upon the theory that it is the part of wisdom and good statesmanship to exercise the taxing power of government to extort tribute from all the people for the sole benefit of the few who are engaged in unprofitable business, in order that they may continue a failing business and at the same time grow rich upon the earnings of others, or it must be on the theory that it is right and just and patriotic to thus use the power of government for the selfish and mercenary interests of those who are conducting a profitable business. I deny both propositions. If any man, or set of men, combination, syndicate, or trust is running an unprofitable business—one which can not stand alone—let him or them or it abandon that business. It is neither right nor just, neither patriotic nor honest to levy upon the industry of the masses for the benefit of those whose coffers are already overflowing with wealth cruelly and heartlessly wrung from toiling millions.

If protection was ever right it is not right now. It is a fact of common knowledge, susceptible of demonstration, that American industries not only have a monopoly of our great and rapidly increasing domestic trade, but they can even dominate and control the markets of the world, without tariff protection.

The value of domestic manufactures exported in 1904 amounted to more than $450,000,000. All of this was sold at a profit in open competition with like articles of foreign production, and much of it, perhaps all of it, sold at prices varying from 20 to 40 per cent less than domestic consumers were required to pay for the same goods. If our manufacturers can successfully compete with foreign producers in foreign lands, what single logical reason can be assigned for continuing the existing high and exorbitant rates of the Dingley tariff? Against whom and against what do our industries need protection? Is it against the importation of iron and steel and their products? Why, in 1905 we exported these to the value of $142,928,513. Would they be protected against foreign producers of steel rails? We exported over 400,000 tons of rails in 1901, and a large quantity every year, though I have not the figures. And in this connection let me say it is an open secret that American-made rails are being sold at a profit beyond the borders of the United States and across the waters at $8 per ton less than they are sold at home. Permit me to say further that the President of the United States, always strenuous and generally courageous, was forced and compelled to abandon and retreat from the position of lofty patriotism occupied by him recently—was captured, subdued, and gagged by the steel trust—and now, in silence and deep humiliation, he witnesses this gigantic national robber take from the Treasury $27 per ton for all the steel rails needed in Panama, when foreign producers would gladly deliver them at $20 per ton. [Applause on the Democratic side.]

And this Congress, or the majority party in this Congress, is so obedient and subservient to the arbitrary demands and dictation of this mighty trust that you dare not and will not raise your voice in behalf of your constituents, whom you know are being robbed of at least $7, in this instance alone, on every ton of rails used in Panama. Is the steel trust so sacred as to command your veneration? Or is the filthy lucre it has wrung by oppression from millions of your constituents so potential and powerful in political campaigns in your districts that you are compelled to listen in awe and tremble with cowardly fear when it issues its mandate for you to follow? Be sure, my friends,

that you do not dispose of your political birthright for a mess of steel-trust tariff pottage. [Applause on the Democratic side.] Do our manufacturers require protection on nails and spikes? In 1905 we exported these to the amount of nearly two and a half million dollars and imported none.

Do they need protection on lumber and the products of lumber? In 1904 we exported these to the value of over $65,000,000.

Do manufacturers of linotype or composing machines need the 45 per cent of protection afforded by the Dingley Act? These manufacturers are amply protected by patent laws of the United States, and without tariff protection can sell their machines at a great profit. The tariff of 45 per cent is prohibitory. It prohibits the importation of similar machines, thus giving to one concern—the Mergenthaler Company—absolute monopoly.

Power lodged in the hands of any one person or one company, without restraint or limitation, is invariably used to oppress. We have approximately 20,000 publications, each and every one of which must continue to apply old methods to their business or become helpless victims to the greed and avarice of the Mergenthaler Linotype Company. It has been shown by competent expert testimony that these machines are manufactured at a cost of about $500 each, and yet purchasers are obliged to pay the exorbitant and ruinous price of $3,000. This amounts to legalized robbery of every progressive newspaper and publishing company in the United States and is an unwarranted and unjustifiable tax, in its last analysis, upon the millions of American citizens who read.

This Congress has received thousands of petitions from editors and publishers throughout the country, representing millions of readers, urging the removal of this prohibitory and monopolistic tariff. Will you heed these petitions? If you do not, and I know you will not, every Republican editor in the United States with as much spinal column as an angle worm ought to unite in making it so exceedingly and uncomfortably warm for you next November that you will cry out in anguish of soul—

> Me miserable; which way I fly is hell,
> Myself am hell.

[Applause on the Democratic side.]

Mr. Chairman, this Republic, the beacon light of nations, excellent beyond compare in its boundless and limitless resources, grand and glorious in its splendid progress and all its mighty achievements, finds its crowning triumph and its glory in the production of those prime necessities of life, its farm products.

For forty-five years we have been burdened, fettered, and manacled with protective-tariff laws, enacted to foster, encourage, and promote the interests of American manufacture. During this long period protected industries have contributed only 19.54 per cent of the vast total volume of our domestic export trade, while the unprotected farms have contributed the magnificent proportion of 72.92 per cent—nearly three-fourths of it all.

In his report for 1903 Secretary Wilson uses this language:

> During the last fourteen years there was a balance of trade in favor of farm products, without excepting any year, that amounted to $4,806,000,000. Against this was an adverse balance of trade in products other than those of the farm of $865,000,000, and the farmers not only canceled this immense obligation, but had enough left to place $3,940,000,000 to the credit of the nation when the books of international exchange were balanced.
>
> These figures tersely express the immense national reserve-sustaining powers of the farmers of the country under present quantities of production. It is the farmers who have paid the foreign bondholders.

Notwithstanding the inestimable value of farm products and the incalculable millions they have added to our national wealth, that great army of wealth producers—the 11,000,000 men of brawn and muscle engaged in agricultural pursuits—are the especial victims of your tariff discriminations. You go into hysterics over the welfare of protected industries, lest some one licensed by your pernicious policy to rob should be required to withdraw his polluted hand from other people's pockets, but you are unmoved at conditions you yourselves have produced which hourly menace the future welfare of this Republic.

Let foreign countries retaliate on account of your prohibitory tariff as Germany now threatens to do and you may ultimately witness the saddest and darkest day in the life of this nation. Destroy the farms, as your policy is doing, and you will have accomplished the monumental folly of destroying the source from whence comes the golden egg of national prosperity. [Applause on the Democratic side.]

Gentlemen occasionally argue that farmers are benefited by high tariff. We heard the gentleman from Massachusetts [Mr. GILLETT] say he would abandon his bill to put hides on the free list if convinced that farmers are benefited by the tariff, which he seriously doubted. Then the distinguished gentleman from New Jersey [Mr. GARDNER] sprang to the rescue of the cause of protection and, confessing that he "happens to be a farmer," assured us that in the last three or four years he has invariably received about $1 more per hide than he did before the Dingley bill was enacted. The Dingley law has been in operation nine years, and, resting the case on the voluntary confession of the "farmer" from New Jersey, it took five or six years for a benefit equal to $1 per beef hide to reach the farmer, and in the meantime the beef trust has succeeded in almost stealing the beef. [Applause on the Democratic side.]

I am very grateful to the gentleman for assurances that the trust did not take the hide also. But, Mr. Chairman, beef hides are not the chief product of the American farm. I would be glad if some gentleman on this floor or elsewhere would explain the cause, in this era of great prosperity and high tariff, of the depreciation in the value of cattle and the great cereal crops. Why is it that, with more people to feed than ever before in the history of the world, these products, so indispensable and necessary to life, are declining in value? Statistics justify the statement that for several years the price of beef cattle has been gradually falling. To-day the seller must accept from 75 cents to $1 less per hundred pounds than the average price for the last ten years. At this rate the loss to cattle raisers is from $9 to $12 on every 1,200-pound steer.

We slaughter 7,000,000 cattle annually. A loss of $9 per head entails a total loss to cattle raisers in one year on fat cattle alone of $63,000,000. But, as the same conditions affect the value of stock cattle, too, it is a fair and conservative estimate to say that by reason of falling prices the farmers are being victimized in the sale of cattle at the rate of at least $100,000,000 every year. This is high-tariff prosperity, the kind of prosperity the farmer gets.

Let us examine a little further. I have prepared a table of average prices of the great cereal crops in ten-year periods, to which I respectfully invite the attention of "stand-patters" particularly. These figures are obtained from Government statistics, and they show a disastrous decline in the prices of farm products.

*Statement showing, in cents, the average price per bushel of farm products for ten-year periods, 1875–1904.*

| Ten-year periods. | Corn. | Wheat. | Oats. | Rye. | Barley. | Buckwheat |
|---|---|---|---|---|---|---|
| 1875 to 1884 | 41.45 | 94.12 | 33.08 | 64.46 | 63.59 | 66.82 |
| 1885 to 1894 | 38.90 | 70.93 | 30.68 | 56.32 | 51.03 | 56.09 |
| 1895 to 1904 | 35.52 | 67.01 | 27.20 | 50.79 | 40.48 | 52.18 |
| Difference in average price | 3.38 | 3.92 | 3.48 | 5.53 | 10.55 | 3.91 |

Here we find conclusive proof that the value of farm products has steadily declined for thirty years—ever since the devil inspired the unhallowed doctrine of protection and found gentlemen representing special interests to proclaim and support it. [Applause on the Democratic side.] As tariff rates have risen from time to time, prices of our great staples have fallen. The aggregate loss sustained by producers in the last thirty years is so appalling in amount that its recital would stifle imagination and defy comprehension.

I shall not go into this matter fully, but I will read a table which I have carefully compiled, showing the aggregate production of the cereal crops in the United States from 1895 to 1904, inclusive, and the loss suffered by farmers on these crops, due to falling prices. In this table I have taken for the multiplier the difference between the average prices of the last ten years and of the ten years next preceding.

*Aggregate production and the loss in last ten years by reason of falling prices.*

| | |
|---|---|
| Corn, 21,203,238,849 bushels, at 3.38 cents, equals | $716,669,473 |
| Wheat, 5,779,303,095 bushels, at 3.92 cents, equals | 226,509,480 |
| Oats, 7,980,109,282 bushels, at 3.48 cents, equals | 277,707,803 |
| Rye, 253,137,984 bushels, at 5.53 cents, equals | 11,798,530 |
| Barley, 928,050,043 bushels, at 10.55 cents, equals | 97,909,279 |
| Buckwheat, 135,719,338 bushels, at 3.91 cents, equals | 5,306,628 |
| Lost to farmers in ten years on six crops | 1,335,901,193 |

These figures show that in the short period of ten years—ten years under "beneficial" influences of the prosperity-breeding Dingley tariff rates—our farmers have actually been robbed, in the depreciated value of six products alone, of $1,335,901,193—enough money to pay one-half of the national debt, principal and interest, and leave $200,000,000 remaining.

Then, Mr. Chairman, notwithstanding the gentleman's assertion to the contrary, "the imperishable record," to quote him, proves that the dawn of the Republican party was the twilight of the farmer's hope and of those good old times when wealth was fairly distributed. [Applause on the Democratic side.]

Pestilences may come, panics may occur, and we may even pass through the valley of the shadow of national death and

our beloved country be drenched with blood shed amid the unspeakable horrors of civil war, and yet the hardy sons of toil—the farmers—who produce the wealth, under fair conditions, can retain a reasonable proportion of the wealth they produce. But through the unfair means of a protective tariff they are ruthlessly pillaged and robbed by those who plead the statute as their warrant of authority.

I hurl the gauntlet back at the gentleman from Ohio and challenge him to show by statistics, if he can—not by mere assumption or assertion—a time in the last one hundred years when growth in wealth and material development was as rapid, or when wealth was as universally and equitably distributed as in those good old days under Democratic administration, when lawmakers were responsive to the will of the people and enacted laws for public good and for the upbuilding of this great Republic and not for the unholy and unrighteous purpose of robbing the masses, under the forms of law, in order that a favored few may amass colossal fortunes and be enabled to make generous contributions to some campaign fund.

Mr. Chairman, "the imperishable record that the American people prosper under high tariffs and suffer under low tariffs" has been impeached, set aside, and for naught held by the cold logic of facts which can not be warped or changed. That great tribunal of last resort—the American people—will ere long enter final decree that protective tariff was conceived in sin and brought forth in iniquity [applause on the Democratic side]; that it is a base, false pretense and confidence game, by means of which producers are wrongfully, fraudulently, and larcenously deprived of their earnings; that the man or men who shall hereafter resort to deceptive and delusive argument to induce American citizens to repose confidence in the Republican policy of protection shall be held and adjudged to be particeps criminis with the trusts, and shall be pilloried in public opinion and forever deprived of a seat in Congress. [Applause on the Republican side.]

To expect the American farmer to longer confide in the Republican party is to assume that intelligent men have become insane and that "judgment has fled to brutish beasts, and men have lost their reason." That party was, tacitly at least, committed to revision, but it has again broken faith with the country. You have smothered the "Iowa idea" and deadened its echo in Massachusetts. You have become intoxicated upon the wine of recent political success, and in your maudlin condition you defy the people who trusted you.

Grave fear that the next House will be Democratic has found numerous expressions. The people are becoming aroused. They are chafing under tariff burdens and tariff discriminations. They begin to realize the enormity of the crime of oppressing eighty-odd million people for the special use and benefit of less than half of one million. They are turning their faces and their hearts to the grand, historic old Democratic party [applause on the Democratic side]; a party often defeated it is true, but never yet and never to be conquered or subdued [applause on the Democratic side]; a party that would gladly welcome defeat again and again rather than violate its time-honored traditions or relinquish its faith in those eternal principles of justice and equality upon which it is builded and to which its hopes are firmly anchored. We will go to the country with a platform demanding tariff revision in plain, positive, and emphatic words, confident of the result. [Applause on the Democratic side.]

I sincerely hope my party will place on that platform as the Democratic nominee in the next national election that man with the dew of morn yet upon his brow, who stands alone, towering above his fellows, the one true ideal of American statesmanship, the workingman's best and most faithful friend, the bold and fearless champion of the right and the defiant and uncompromising foe to the wrong, that pure and incorruptible American whose name is a terror and a menace to wrongdoers, but a solace and inspiration to good citizens everywhere.

With such a platform and such a candidate victory is ours. A political cyclone will sweep the country. When the storm shall have spent its fury, instead of ruin and desolation in its track we will witness joy unconfined, contentment, happiness, and real prosperity. Then we will have absolute assurance of a "square deal" for all, the wage-earner as well as the capitalist, the farmer as well as the manufacturer, because the ship of state will be guided from the White House by the unerring judgment and unrivaled statesmanship of the yet peerless Nebraskan, William J. Bryan. [Applause on the Democratic side.]

Mr. LACEY. Mr. Chairman, my friend from Missouri [Mr. RUCKER] has very cleverly divided his periods into ten years each, so as to include the Wilson bill and the Dingley bill in the same decade, attempting to show us, to the discredit of the Dingley law, what was detracted from that decade by the Wilson law.

Now, I would like to call his attention, just for a few minutes, to the conditions that prevailed during a part of those ten years—that was the Coxey army period. I remember they told us in those days of a Missourian who was a member of the Coxey army and who arrived back home after the long and fruitless journey on his return from Washington City. He was not presentable at home. He went up to the old Missouri farm and stood in the brush out near the barn, and when his little brother came to him he said to him: "I wish you would go in and tell mother to send me out a blanket, so I can walk into the house. Tell mother I have a hat." [Laughter.] That was about all he had left. Those were the deplorable conditions, which I hope the gentleman has not forgotten.

Mr. WILLIAMS. Will the gentleman yield for an interruption?

Mr. LACEY. Certainly.

Mr. WILLIAMS. Will the gentleman be kind enough to tell me the year in which that occurred?

Mr. LACEY. Well, it being Missouri history, I refer the gentleman to his able second [Mr. CLARK of Missouri].

Mr. WILLIAMS. Was it contemporaneous with the march of the Coxey army to Washington?

Mr. LACEY. It was subsequent to that, because it was on his return.

Mr. WILLIAMS. So far subsequent that the McKinley bill was no longer in operation?

Mr. LACEY. Oh, I know what the gentleman is coming at now.

Mr. WILLIAMS. The McKinley bill was in operation when Coxey's army marched to Washington.

Mr. LACEY. That is one of the old standard arguments of my Democratic friend.

Mr. CLARK of Missouri. That is true, isn't it?

Mr. WILLIAMS. Isn't it true?

Mr. LACEY. The McKinley law had not been repealed when the panic of 1903 came.

Mr. WEISSE rose.

The CHAIRMAN. Does the gentleman yield?

Mr. LACEY. Mr. Chairman, I will first answer the gentleman from Mississippi [Mr. WILLIAMS]. The gentleman will remember very well that the Democratic party won their victory in 1892 upon the platform declaration that a protective tariff was unconstitutional. They won that victory, carrying the Presidency and the House by a great majority. They did not yet have the Senate. It was not until about February 20, 1893, when Mr. Roach, of Dakota, was elected to the Senate, that the gentleman's party secured a majority in both branches of Congress; both branches and the Presidency pledged to the repeal of protection and upon the declaration that all protection was unconstitutional. Then came on the panic and it was not until then, and it did not wait for the passage of the Wilson law. The repeal of the protective tariff was assured, and production suspended, waiting to know the worst.

Now, Mr. Chairman, I desire to talk this afternoon on the subject of the home market. It was a pleasure to me a moment ago to see the Speaker go by clad in clothing made in North Carolina, the State that gave him birth. It recalled the days of Henry Clay, the great exponent of the American protective system, who came from Kentucky with Kentucky garments upon him and prided himself on wearing them upon the floors of the Congress.

Mr. CLARK of Missouri. Mr. Chairman, I would like to ask the gentleman a question.

The CHAIRMAN. Does the gentleman yield?

Mr. LACEY. Yes.

Mr. CLARK of Missouri. In the days of Henry Clay nearly all Congressmen wore homespun, didn't they?

Mr. LACEY. They did not pride themselves upon it.

Mr. CLARK of Missouri. Why didn't they?

Mr. LACEY. Because they did not have the American spirit Henry Clay had.

Mr. CLARK of Missouri. Was Henry Clay the only man in the United States at that time that had the American spirit?

Mr. LACEY. No; Andrew Jackson declared in favor of protection to American industries. He was almost as good a protectionist in his day as Henry Clay.

Mr. CLARK of Missouri. I know, but the gentleman undertakes to make the remark on the floor of the House that Henry Clay was a great natural curiosity because he wore homespun clothing, when everybody wore it.

Mr. LACEY. Why, Mr. Chairman, the gentleman who addresses me now has American clothing on. He also stands in American shoes.

Mr. CLARK of Missouri. Certainly I have, and any man who has any sense will buy an American suit if he can get the same quality cheaper than he can a foreign suit.

Mr. LACEY. I see that my friend has learned something. It is not so long ago that he was trying to tear down the custom-houses.

Mr. CLARK of Missouri. Mr. Chairman, that is the seven hundred and twenty-fifth time that that ridiculous statement has been repeated on the floor of this House. [Laughter.] And I had concluded at last that there was one Republican who had self-respect enough not to repeat a statement that every idiotic Republican in the House has repeated.

Mr. LACEY. Mr. Chairman, the gentleman has been congratulated, as I understand him now, 725 times on his conversion. I regret to have added the seven hundred and twenty-sixth time, but at the same time I rejoice to see him clothed and in his right mind—and clothed in American garments, too.

Mr. WEISSE rose.

The CHAIRMAN. Does the gentleman yield?

Mr. LACEY. Not at present. I will yield after a while.

Mr. Chairman, it is the tendency of the human mind to look back with longing regret to the past which is gone and forward with hope to a golden future.

It is the present that is always complained of. Its good is minimized and its evil is magnified. There is nothing so disappointing as attainment. We think the least of that which we possess. The bird in the hand is never so attractive as the one in the bush, though it is a homely maxim that it is worth more. It is the experience of all sportsmen that the imagination dwells longingly upon the big fish that got away. The one brought home is likely to be looked upon with more or less scorn by the fisherman's wife. This mental peculiarity should be resisted.

THE HOME MARKET.

The "markets of the world" are always held up as the most attractive of all to the imagination. The importance of a great and increasing home market is likely to be underestimated. The philosopher in Æsop's Fables walked along, looking up at the stars, and fell in an open well at his feet.

Eighty-seven per cent of the products of our farms under existing conditions find a market, and a good one, the best in the world, in the United States.

In the last year we exported farm products to the amount of $859,160,264. The average export of farm products from 1890 to 1893, inclusive, was $677,896,870.

THE GERMAN TARIFF.

Germany takes pride in sending the products of her factories to all parts of the world, bearing the familiar legend "Made in Germany."

We admire her for her enterprise, but we are not willing to have our American tariff laws also labeled "Made in Germany."

The farmers of Iowa will view with considerable distrust any proposition to discriminate against our best customer, Great Britain. For the year 1904 our exports to the United Kingdom exceeded our entire exports to all the following countries put together: Germany, France, Holland, Italy, Belgium, Canada, Spain, Cuba, European Russia, Denmark, and Japan.

We all desire to maintain relations of the most friendly character with Germany. Vast numbers of her best citizens have crossed the ocean and cast their lot with us, a most welcome and useful addition to our population. Our friendship with Germany has been traditional.

Under the peculiar form of Government of the German Empire the landowners have power in Parliament largely in excess of their numbers, as the representation is not distributed in proportion to the population.

A tariff law was framed in Germany hostile to the interests of American farmers, and it was proposed that this law should take effect on the 1st of March, 1906.

Our exports to Germany in 1904 were $214,780,992. Our German imports were $118,138,089. Our imports were largely of manufactured goods upon which the Germans added the value of their labor. On the other hand, our exports to Germany were mainly of raw material which she desired to use in her manufactures, and included $87,392,063 of raw cotton. The raw materials exceeded $120,000,000 in value.

When we compare this with our enormous exports to Great Britain, which in 1904 amounted to $537,340,599, it is quite obvious that we could not afford to make any treaty with Germany giving her products a preference over those of Great Britain.

Some enthusiastic supporters of the proposition to give special concessions to Germany over those allowed to the balance of our European customers have asserted that we might increase our market for meats in Germany by such concessions to an amount equal to from $50,000,000 to $100,000,000 per annum. These figures are evidently the product of enthusiasm rather than of investigation.

Our Bureau of Statistics reports from official sources that after excepting lard the entire meat products imported by Germany in the last five years has averaged about $12,000,000 yearly from all the outside world.

*Imports of meat and meat products into Germany during the calendar years 1900 to 1905.*

[From official German report.]

| Year. | Weight (pounds). | Value. |
|---|---|---|
| 1900 | 114,817,600 | $13,581,200 |
| 1901 | 120,204,500 | 15,008,800 |
| 1902 | 125,356,400 | 15,195,300 |
| 1903 | 76,450,500 | 9,261,100 |
| 1904 | 65,795,000 | 8,304,500 |
| 1905 | 122,400,100 | (a) |

[a] Values not yet computed for 1905.

Even if we should have made a treaty giving us all of this trade, it would have fallen a long way short of the proposed $50,000,000 to $100,000,000 per annum.

Last year we exported meats to the total amount of $182,552,149. The German trade is desirable, but we could not afford to foster it at the expense of injustice to our other European customers.

"PROVE ALL THINGS; HOLD FAST TO THAT WHICH IS GOOD."

We always have with us the idealist who spurns present good and wants to try something else. He always wants to keep moving on. He would not stand pat in a clover field. [Laughter.]

I wish to call the attention of the farmer, the miner, and the manufacturer to the value of our own market and the impropriety of trading it off or destroying it in the hope of other markets abroad. A country's prosperity depends on its ability to consume its products rather than upon its ability to export them.

I am from a great agricultural State and we feel the greatest interest in Iowa in the market for our farm products. Secretary Wilson in his recent report gives a series of figures upon the increase and value in production of the American farms that are so stupendous as to startle the imagination. His estimates show that in the year just closed the output of the farms of this country were worth $6,500,000,000, and, although we may complain of winds and rain, of heat and cold, Iowa is the most favored of all the States. Look to the north, and the best part of Minnesota lies next to her. The best of Wisconsin is its southwesterly portion. Illinois is a greatly favored State, but her richest land joins Iowa. North Missouri, which my friend [Mr. CLARK] represents, is the best part of her neighbor on the south. Northeastern Kansas reaches up toward Iowa and is the best part of the Sunflower State. Eastern Nebraska is the best of that State, and the southeastern part of Dakota is the fairest and most fertile of all the lands of that growing and prosperous State.

HOW PRICES ARE GOVERNED.

Iowa is bounded on all sides by a zone of fertility. The market to consume this vast product must be a great one. It is a common statement that the prices of all of our farm products are fixed in the markets of Europe; that the farmer is therefore concerned in the foreign rather than the domestic market. This statement is a fascinating one and has done great service in behalf of the free traders in many a campaign in the past.

It was especially effective in the South, where the soil had been scourged by slaves and no manufacturing enterprises had supplied a home market for any of their products. Now that in all parts of the South much of their cotton is manufactured in their own mills, the people there have come to realize that the price of their products sold abroad depends upon the amount of their surplus, and the more that is consumed at home the smaller the surplus, and the smaller the surplus the better is the foreign price.

This simple factor in the problem of prices and markets is now becoming well understood among the planters and farmers North and South. The foreign market is of value to our farm producers in taking that part of their output which can not be disposed of at home.

In old Virginia in the early colonial days they had a currency of tobacco. They had "money to burn." [Laughter.]

Under a Republican tariff law they are enjoying through all the South a prosperity unequaled in the country's history and have more money than ever before. [Applause.]

MOST VALUABLE CONSUMERS.

We are daily furnished with evidence of the superior value not only of a home market, but of the greater value of that market when the consumer is brought nearer to the producer.

The manufacturing consumer in the West is of more value to the farmer of his vicinity than a like number of consumers on the seacoast.

The home market is the best, and the nearer home the better. The free traders time and again in many years have taken the American workingman up into a high mountain and have offered him the "markets of the world" if he would only give up his own—the great home market. The offer has at times misled the voters of the Republic and always with the same disastrous results.

Napoleon said that "the political economists are mere visionaries, who judge men from books and the world from the map." Their theories look beautiful, but we have had too many and too recent experiences in this line to be misled again. Old Gorgon Graham tells us of the bull pup which was anxious to know what were the contents of the third rail on an interurban line. Having put his nose to the rail he was full of information on the subject in a moment. [Laughter.] In 1892 the people of this country were induced to experiment with a Democratic tariff bill and for several years they had more information on the tariff than they wanted. They had some to spare for the next generation.

Coxey's army wore out many shoes, but they replenished their wardrobe secondhand from the wayside, and did not furnish a very attractive market for the Massachusetts shoe manufacturers. Industry lay dead at home and the markets were overstocked abroad.

A "WALK IN LIFE."

The workingman's business in 1894 could not be classed as a trade. It was a "walk in life"—in search of work. [Laughter.] I allude to those dark days of "tariff reform" only lest we forget.

There is an old notion prevalent in New England that whatever is disagreeable is probably right. This is a feeling that should be combated. Hard times are disagreeable, but we should not import them.

I want to-day to recite for your consideration a few cold facts as to the business of the farm, the factory, and the mine. Let us, for example, take up a single industry in the great Commonwealth of Massachusetts. We have had some speeches from her delegation favoring the surrender of some of the farmer's protection for the benefit of the manufacturer. One of the principal industries is that of making shoes. Under the census of 1890 and 1900 the following figures appear:

FACTS AS TO BOOTS AND SHOES IN MASSACHUSETTS.

| | |
|---|---|
| 1890— | |
| Capital | $37,577,630 |
| Cost of materials | 63,928,182 |
| Value of products | 116,387,900 |
| 1900— | |
| Capital | 44,567,702 |
| Cost of materials | 75,751,964 |
| Value of products | 117,115,243 |

Under the calumniated Dingley law let us look at the showing:

| | |
|---|---|
| 1904— | |
| Capital | $52,504,892 |
| Cost of materials | 93,865,898 |
| Value of products | 154,598,570 |

And this great increase of products is accompanied by a gratifying increase in exports of boots and shoes:

| | |
|---|---|
| Exports in 1897 | $1,708,224 |
| Exports in 1905 | 8,057,697 |

Large as the increase of exports is, the magnitude of the home market to the boot and shoe producers is evidenced by the vast amount that is disposed of each year in the United States.

THE FACTORY'S BEST CUSTOMER.

Massachusetts should not be jealous of the prosperity of the great Northwest. The West rejoices in the advancement of the New England States, and a prosperous farmer is the best customer of the New England factory.

The contrast between the conditions of this great industry under the Democratic tariff law and under the Dingley law shows that the prosperity of the country must be regarded as a whole. A tariff prepared to build up a few special industries can not produce the proposed result. It must be drawn so as to give prosperity also to the other industries of the country.

The repeal of the tariff law may enable the farmers to buy some manufactured goods abroad cheaper than the present prices. But if this change puts out of employment the consumers of the farmers' own products the cheapness is too dearly bought.

Massachusetts' best market is the great West. Of her boot and shoe products she sold last year $8,000,000 abroad and $146,000,000 at home. I refer to this industry because some of her great operators complain of the small duty on hides which are the product of the Iowa farm.

In the West complaint is made that the protection to the manufacturer works a hardship upon the farmer whose products must look to Liverpool for their standard.

PROTECTION AND EXPORTS.

I wish to give some figures showing how protection to the home market has not prevented the farmer from selling heavily abroad. From 1890 to 1893, inclusive, the exports of our farm products averaged $677,896,870 per annum. From 1894 to 1898 they averaged $663,638,402. From 1899 to 1904 the average was $864,930,137. When we were seeking the world's markets under the Wilson tariff we sold $200,000,000 less of farm products abroad than we have under our expanded home market under the Dingley law.

And how is it with our general foreign trade? In 1894 we imported $654,994,622 of foreign products. Last year we imported $1,117,512,629, an increase of nearly 100 per cent. Our total exports in 1894 were $892,140,572. For the year 1904 they were nearly doubled, $1,518,561,720. Under the existing tariff our exports were the largest in our history, and so, too, were our imports.

Let us turn a moment to the South. The Manufacturers' Record of Baltimore has compiled some excellent statistics as to progress there.

PROGRESS IN THE SOUTH.

A Republican tariff protects Massachusetts and Iowa both. They are mutually interdependent. But the South, which fought our policies, has shared in their benefits. The South demanded free silver to increase the circulating medium and finds that the Republican gold standard has made good its promise. The circulation in 1896 was $1,539,169,634, and it is now $2,604,902,301, an increase from $21.48 per capita in 1896 to $31.40 per capita in 1905, and a few days ago had increased to $31.73.

By removing the doubt as to our standard of value confidence was assured and the circulation of the best money in the world has steadily increased.

But to return to the results in the South. The wealth of the 14 Southern States exceeds that of the whole counry in 1860. The assessed valuation of those 14 States in 1905 was $6,648,000,000, which is about one-third of the actual value. The actual value is nearly $20,000,000,000.

Farm lands in these 14 States have increased $245,000,000 a year, while from 1890 to 1900 the increase was $75,000,000 a year. The agricultural product of those Southern States for 1905 was $1,800,000,000. This takes no account of the great manufactures and mines in the South.

The mining industries of the nation are also in a prosperous condition. Mineral production for 1894, total value, $527,097,279, including coal; coal, tons, 186,903,315; value, $197,799,043. In 1904, total value, $1,289,047,146, including coal; coal, tons, 352,000,000; value, $444,816,288. For 1905 the total production will reach $1,500,000,000.

BETTER CONDITIONS THAN EVER BEFORE.

The manufacturer is prosperous. The miner is well employed. The farmer of the North and the planter of the South are enjoying better conditions than at any time in their history. Conditions certainly conduce to a cheerful optimism. In Iowa farm land has increased in value under the Dingley law 100 per cent. And the output of the Iowa factories for 1905 was $160,572,313, as shown by the recent census bulletin. Iowa's mineral production last year was $15,008,596.

A pessimist has been well defined as a "man who, when it comes to a choice between two evils, takes both of them." [Laughter.] The tariff reformers tried to prove an alibi in 1894, but the people found them guilty and returned the party of protection once more to power.

In 1892 enough of the workmen in the protected industries voted to abandon protection to elect Mr. Cleveland, while the farmers of the great Northwest remained true to the policy which has built up and preserved the great home market.

An arrangement by which Massachusetts can buy the bulk of her food products from Canada in consideration of freer markets there for American manufactured goods is an attractive programme from a purely sectional standpoint. But if the New England manufacturers' market in the agricultural regions of the Northwest is to be protected, the farmer should not be denied like benefits.

AS TO FREE HIDES.

A crusade in favor of the removal of the duty on hides has been organized in New England. In making a campaign along this line the mistake has been made of claiming that the hide of the beef is a mere "by-product," that the raiser of a steer sells his animal and "throws in" the skin. It is an old adage

among the farmers that "there are five quarters to a steer—two forequarters, two hindquarters, and the hide and tallow make the fifth."

The hide as surely enters into the value of the whole animal as does the porterhouse steak. It is said that the hides are generally sold by the packer and that the farmer has no interest in their value; but the hide is the finished product of the farm and every time a farmer sells a steer he sells a hide.

It takes three years to produce and market a steer. It is a process that can not be forced. The producer must be patient. How many minutes does it take to make a pair of shoes by modern methods? The industry is protected and the shoes are the finished product. The farmer's summer toil and winter exposure is rewarded at the end of three years by a price for his stock that he often deems inadequate. That price includes all the elements of value in the animal. You can not fairly class such products as mere raw material. Capital, intelligence, skill, and labor are combined in the production of the finished animal products.

The Iowa farmer has stood and still stands by the protective system, and he has the right to share in its benefits. Any changes in schedules must recognize the interests of every part of the United States.

THE PARTY OF PROTECTION.

Parties do not make issues. Issues create parties.

Originally founded to restrict the spread of human slavery and afterwards to abolish it, the Republican party's work was not ended when, with a saved Union, the land was all free. It has continued in power as a vital force in the nation's growth.

The upholding of the national faith and credit, the maintenance of a sound currency, and the protection and upbuilding of American industries continue as its cardinal principles of faith; and to it and to its policies the farmer, the miner, the manufacturer, and the business man continue to look with confidence for good government and continued prosperity. [Applause on Republican side.]

Mr. WEISSE. Mr. Chairman, I would like to ask the gentleman from Iowa [Mr. LACEY] one question.

The CHAIRMAN. Does the gentleman yield?

Mr. LACEY. Certainly.

Mr. WEISSE. The gentleman spoke about the 15 per cent duty on hides adding to the value of the cattle, that it adds to one part of the cattle—the hide. Now, I wonder what quarter the packers get when they are buying canner cows for $10 apiece and selling the hides for $10 apiece, and what part do the farmers get?

Mr. LACEY. I should say on the figures he gives the hide is about a half instead of a quarter. But I will ask my friend what State he hails from?

Mr. WEISSE. Wisconsin, and a tanner by trade.

Mr. LACEY. Then he wants free hides?

Mr. WEISSE. He wants to put the gentleman from Iowa [Mr. LACEY] right.

Mr. LACEY. Does the duty add to the price of hides?

Mr. WEISSE. It does.

Mr. LACEY. I am obliged to the gentleman. Our friends from New England tell us it does not, so far as the farmer is concerned.

Mr. WEISSE. I want to ask the gentleman from Iowa [Mr. LACEY], if he will answer me fairly, does he not believe that the 600,000 native steers exported, with their hides, and which are sold in this country for less money because of the 15 per cent duty on those hides—that they will get 15 per cent less on those steers' hides than they do here?

Mr. LACEY. My friend, who is a tanner—and Shakespeare says that a tanner will last nine years after he is dead—my friend as a tanner says the duty adds to the price of the hide, and yet that the cattle sell for less money with the hide on them.

Mr. WEISSE. The cattle exported to foreign countries.

Mr. LACEY. You may make a tanner believe that. You may make some of the gentlemen engaged in the manufacturing of boots and shoes in New England believe that, but you can not make the farmers of Wisconsin and Iowa believe it.

Mr. WEISSE. That may be, but the farmers of Wisconsin and Iowa consider the hide the product of that animal—an animal that is sold to foreign countries, and the foreign countries have to reimport that hide and sell it to this country. And I want to know if that hide does not sell for less in foreign countries. It makes a difference in the sale of hides, if they are taken off here or if taken off in England, of $1,000,000 to the farmers of this country. That is what it makes. And if the duty on hides is put there for the benefit of the farmer, then why do you not include calfskin and horsehide and the light hides which the farmers take off, of 85 per cent?

Mr. POWERS. I listened with great pleasure to the gentleman's speech, and I noticed that he stated repeatedly "Our friends from New England" claim that the duties should be taken off of hides. I notice he used "Massachusetts" occasionally and "New England" as convertible terms.

Mr. LACEY. I would like to ask my friend from Maine if Massachusetts is not all New England?

Mr. POWERS. Not at all. I wish to say to my friend here that there is some little portion of New England outside of Massachusetts.

Mr. LACEY. I will ask my friend from Maine if it is not true that Maine used to be a part of Massachusetts?

Mr. POWERS. It was, only eighty-five years ago. What I am coming at is this——

Mr. LACEY. Then you have got over it there.

Mr. POWERS. I wish to enter this protest: There is, as I was about to say, a small portion of New England—one-half of its territory—called the State of Maine. Now in Maine we are not sitting up at nights with the desire of having the duty taken off of hides. We raise them. We are utterly opposed to taking the duty off of any products of the farmer, and we are utterly opposed to the Massachusetts idea of reciprocity with Canada so that the products will come in. [Applause.] And we do not want to be included as that part of New England that is desirous of breaking down the tariff law and introducing foreign products.

Mr. LACEY. I am very fond of Massachusetts. I am only a little more fond of Maine than of Massachusetts. I never did like to see Massachusetts go astray, and when I find a State represented as ably as she is on the floor of this House saying that they want to take off the protection on Iowa products, or a portion of them, in the interest of their factories—factories which are prosperous and successful beyond almost any time in their history—I simply want to sound a note of warning to them; and when I use the terms "New England" and "Massachusetts" as convertible terms, it is a matter of force of habit, because out West we have always given Massachusetts great prominence.

Mr. CLARK of Missouri. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Iowa yield to the gentleman from Missouri?

Mr. LACEY. I do.

Mr. CLARK of Missouri. Is not Albert B. Cummins now serving a second term as governor of Iowa, and running for a third term?

Mr. LACEY. And I understand the gentleman is very much in favor of him.

Mr. CLARK of Missouri. I am asking you the question.

Mr. LACEY. He is running for the third term.

Mr. CLARK of Missouri. He is a Republican?

Mr. LACEY. He was elected as a Republican, and believes in a great many Republican things.

Mr. CLARK of Missouri. Did you ever read of a sentence out of one of his speeches delivered this winter, in which he declared that "all the robberies and thefts committed by all the insurance officers since life insurance was first originated do not amount to as much extortion as the Dingley bill for one year?"

Mr. LACEY. I have read it with the same pain that I did my friend's speech about the custom-houses. It is the same kind of a speech, and he also will deny it 725 times before he is through with it.

Mr. CLARK of Missouri. But I have never denied it. [Laughter.]

Mr. LACEY. But you have regretted it. [Laughter.]

Mr. CLARK of Missouri. I never regretted it. [Renewed laughter.] If I do regret anything it is that a man on the floor of the House, making a set speech that is already printed, when asked a fair question, would not answer the question instead of making a fling about a speech made here seven years ago.

Mr. LACEY. What is the statute of limitations in Missouri?

Mr. CLARK of Missouri. Three years.

Mr. LACEY. Well, then the gentleman pleads the statute of limitations?

Mr. CLARK of Missouri. No; I do not plead the statute of limitations. [Laughter and applause.] I want you to answer my question.

Mr. LACEY. The doctors tell us that a man entirely changes—that there is not even a part of a bone left—in seven years. The gentleman who made that speech [Mr. CLARK of Missouri] does not stand before me. He is in no wise the same man. The man whom we all love and respect is entirely changed, not only physically, but mentally in the seven years.

Mr. CLARK of Missouri. Answer me categorically, yes or

no: Is Albert B. Cummins, the governor of Iowa, a Republican? Now answer it. You know it.

Mr. LACEY. Will you answer it?

Mr. CLARK of Missouri. If you will not answer it, I will; but I want you to answer it.

Mr. LACEY. I am not his keeper.

Mr. CLARK of Missouri. Well, he is a candidate for governor for the third term, is he not; and the leading candidate, is he not?

Mr. LACEY. He is seeking the nomination. There are others.

Mr. CLARK of Missouri. You voted for him twice?

Mr. LACEY. Certainly.

Mr. CLARK of Missouri. And if he is nominated again you will vote for him?

Mr. LACEY. I suppose I will vote for him if he is nominated on our ticket. [Laughter.] If he is on your ticket I will not. [Renewed laughter.]

Mr. CLARK of Missouri. He is not on our ticket yet.

The CHAIRMAN. Does the gentleman yield to the gentleman from Wisconsin?

Mr. WEISSE. No doubt I took an undue advantage of the gentleman in asking him a question about hides, but he, being a farmer, I will ask him in regard to the price of potatoes. Probably he knows that last year potatoes sold for a pretty fair price and this year also. If under the Dingley tariff bill the 25 cents a bushel added to the price of the potatoes 25 cents, can he tell me how it was that the farmers of Wisconsin had to take them and haul them for miles and sell them for 4 cents a bushel?

Mr. LACEY. Well, now, the gentleman asks a very unwise question. I would ask the gentleman if his idea would be, in order to protect the farmers of Wisconsin growing potatoes—would he take away the duty between Wisconsin and Canada? Would he do that?

Mr. WEISSE. I did not mean the price of foreign products.

Mr. LACEY. The gentleman certainly has not paid very close attention to my speech. I called attention to the fact that you must consider the various different conditions to get the complete results. You can not take a single isolated instance of an excessive growth of potatoes and early frost to condemn the tariff, but you should take the products of every kind that are protected by the tariff and adjust it to the general conditions over this vast area of country.

Mr. WILLIAMS. Results and concomitants.

Mr. LACEY. Including Mississippi, which is prosperous, I am glad to say.

Mr. WILLIAMS. Prosperity existing by reason of the Dingley bill?

Mr. LACEY. Existing by the fact that it is a partner in a country that is enjoying the benefits of protection.

Mr. WILLIAMS. Under an extensive free-trade mantle.

Mr. LACEY. What kind of a free-trade mantle?

Mr. WILLIAMS. Free trade between the States.

Mr. LACEY. Oh, between the States. [Cries of "Oh!" on the Republican side.] Now, I will ask my friend from Mississippi, would he adopt the same rule between Mississippi and Liverpool as he does between Mississippi and Kentucky?

Mr. WILLIAMS. Absolutely, except for the necessity of a revenue.

Mr. LACEY. Very well, then; my friend, too, would burn down the custom-houses, if he could.

Mr. WILLIAMS. I could not, because I would have to collect revenues, and the gentleman from Iowa has brains enough to know that.

Mr. LACEY. The gentleman would limit it to a revenue tariff?

Mr. WILLIAMS. Absolutely.

Mr. LACEY. Then I am glad to see that here is one man who after seven years, although the body has changed, has the same mind. He was a free trader seven years ago and he is a free trader yet.

Mr. WILLIAMS. He was not a free trader seven years ago and is not a free trader now. He is a tariff-for-revenue man.

Mr. LACEY. That is the same thing.

Mr. WILLIAMS. And anybody with ordinary sense knows the difference between the two.

Mr. GARDNER of Massachusetts. May I ask the gentleman from Mississippi a question?

Mr. WILLIAMS. Yes, indeed. I have not the floor, however.

Mr. GARDNER of Massachusetts. The gentleman from Mississippi believes in free hides?

Mr. WILLIAMS. "The gentleman from Mississippi" believes in a tariff for revenue, and he believes in collecting that revenue as nearly as possible upon all imports into the United States, distributing the tax in accordance with two things—the necessities of the Government for revenue, upon the one hand, and the nature of the product, whether it is a necessity or a luxury, upon the other. [Applause on the Democratic side.]

Mr. GARDNER of Massachusetts. Mr. Chairman, am I correct in supposing that the gentleman from Mississippi has introduced a somewhat extensive bill which relates to the repeal and alteration of certain sections in the Dingley tariff, and that in that bill which he has introduced there is a provision for a duty on hides and a duty on sole leather as well?

Mr. WILLIAMS. Of course, and in accordance absolutely with the theory of the gentleman from Mississippi.

Mr. WEISSE. Now, I should like to ask the gentleman from Iowa one more question.

Mr. LACEY. Very well.

Mr. WILLIAMS. But I will say further in reply to the gentleman from Massachusetts that it is a duty of 5 per cent instead of a duty of 15 per cent.

Mr. WEISSE. The gentleman from Iowa contends that the Dingley bill increases the price of the article to an extent. Now, I want to ask him a fair question. In 1890 hides sold for about 4¼ cents. In Chicago last fall they sold at 13¾, and also sold at that price all over the world—a little less here than in foreign countries. It was at a point where we exported when we reached the highest point. Now, I want to ask the gentleman if the 15 per cent duty on 4-cent hides raised the price to 15¾ cents? That is easy to answer.

Mr. LACEY. Yes; that is dead easy. It is a mere matter of computation. But I should like to ask my friend how much the tanners' trust had to do with raising the price last year?

Mr. WEISSE. The tanners' trust of the United States represents less than 20 per cent of the tanning industry of this country.

Mr. LACEY. I am glad to get that information from the gentleman. Coming from the Democratic side of the House, I hope nobody will controvert it hereafter in the progress of this debate.

Mr. WEISSE. All right. I will state further that in 1880 there were 5,700 tanneries in this country, and to-day, under this high protective system, there are 1,300, and if you will continue it there will be a lot more of them go over into Canada in order to get the benefit of the free hides. [Applause on the Democratic side.]

Mr. GARDNER of Massachusetts. Mr. Chairman, will the gentleman from Iowa yield to me?

Mr. LACEY. I do.

Mr. GARDNER of Massachusetts. I should like to ask the gentleman from Wisconsin [Mr. WEISSE] who has just taken his seat, when he makes that statement that only 20 per cent of the tanners of the United States are in the so-called "trust," does he not know and should he not explain to this House that far more than 20 per cent of the tanners of sole leather are included in the trust?

Mr. WEISSE. Does the gentleman maintain that the American Hide and Leather Company, the Shaws in Wisconsin, the Pennsylvania Leather Company do not tan hides? I will state to him that the United States Leather Company tan probably about 40 per cent of the sole leather that is tanned in this country, 60 per cent being tanned by independent companies which I can not mention at the present time, but if he will give me time I will bring the information in a few days. I want to say further that the American Hide and Leather Company tan hides that you pay duty on, and all harness leather, all upper leather, all strap leather, and in fact every piece of leather that the farmer wears is cut out of a hide that pays duty, and only when he wears the soles of his Sunday shoes and his kid gloves does he get anything that comes in free of duty. [Applause on the Democratic side.]

Mr. LACEY. I want to ask the gentleman from Wisconsin a question in my time. Does the gentleman say that a considerable part of the tanneries have left the United States and gone to Canada on account of free hides?

Mr. WEISSE. So it has been reported.

Mr. LACEY. I want the gentleman to state whether it is a fact or not; not whether it is so reported.

Mr. WEISSE. I believe there is no doubt about it. The tanning industry has been on the decline on account of the duty on hides.

Mr. LACEY. What do they do with the hides in Canada after they tan them?

Mr. WEISSE. They have to buy the hides first.

Mr. LACEY. But what do they do with them after they tan them?

Mr. WEISSE. They sell them there in Canada, I suppose.

Mr. LACEY. Do they ship them back to the United States?

Mr. WEISSE. Does the gentleman mean ship the leather back here?

Mr. LACEY. Yes.

Mr. WEISSE. No; I do not think they do.

Mr. LACEY. I thought it was remarkable if they left the United States in order to dodge a 15 per cent duty on hides and would go over there and tan the hides and then ship the leather back and pay the duty under the Dingley law on the manufactured article.

Mr. WEISSE. The 15 per cent duty on hides increases the investment in a tannery to such an extent that if the tanner had the interest money on that investment it would be a greater profit than the American Hide and Leather Company and the United States Leather Company have made since they have been in existence.

Mr. GARDNER of Massachusetts. Now, if the gentleman from Iowa will yield to me——

Mr. LACEY. I will yield such time as the gentleman desires in order to further carry on this civil-service examination. [Laughter.]

Mr. GARDNER of Massachusetts. I would like to ask the gentleman from Wisconsin whether the Central Leather Company, which has bought up the United States Leather Company and other independent concerns, does not tan the greater part of the sole leather that goes into high-class shoes?

Mr. WEISSE. The Central Leather Company does not increase the tanning capacity of the United States Company in sole leather. It does reach out and combine a few harness leather tanneries, but it does not, except in one of them, produce an increase in the production of sole leather. Neither does it control the American Hide and Leather Company. It is independent of either one. It grew out of a deal whereby the Pennsylvania Leather Company was organized. They took a certain amount of money out of the United States Leather Company and compelled the dealers to reorganize. Armour took some stock in it, but has not a controlling interest in it at the present time.

Mr. GARDNER of Massachusetts. Am I to understand from the gentleman that in his opinion the Central Leather Company is not controlled by Armour and his brother-in-law Valentine?

Mr. WEISSE. Not controlled; they are stockholders.

Mr. GARDNER of Massachusetts. Have they got a controlling interest?

Mr. WEISSE. Not at the present time.

Mr. GARDNER of Massachusetts. One other question. I will confess, Mr. Chairman, that I am surprised at the information given by the gentleman from Wisconsin. Will the gentleman from Wisconsin either include in the RECORD, if he has not the information available, or tell the House now what factories have been driven out of this country into Canada by operation of the present law, specifying them by name and giving the number of sides of sole leather they produce in the course of a year?

Mr. WEISSE. That is rather a broad question. No doubt some one in the trade would be able to give that information. Let me ask the gentleman from Massachusetts how many more shoes would there be made in this country and exported providing we did not give the foreign manufacturers 15 per cent rebate on the leather they bought here? In other words, it puts the foreigner in shape so that he can buy his leather in the American market 15 per cent less than the American manufacturer. [Applause on the Democratic side.]

Mr. GARDNER of Massachusetts. And the gentleman, of course, understands that the reason of that rebate is because it is to our advantage and not to our disadvantage to have hides sent in here to be tanned and then reexported. It gives employment to our own people in our own factories.

Mr. WEISSE. That is right, and the people in the shoe factories in the State of the gentleman from Massachusetts [Mr. GARDNER] are unemployed because the foreigner can buy his leather 15 per cent cheaper in the American market than the shoe manufacturer can, I would suggest to the gentleman, if he is looking for employment for his laborer.

Mr. GARDNER of Massachusetts. Then I should like to repeat my request, that the gentleman incorporate in his remarks in the RECORD the list of those firms that have been driven out of the United States.

Mr. WEISSE. And I would like to have the gentleman incorporate in his remarks the number of shoe factories that could be operated in Massachusetts if the foreigner could not buy his leather 15 per cent cheaper than the American.

Mr. GARDNER of Massachusetts. I will endeavor in my own way to predict how many different shoe factories would be established, if that is what the gentleman desires.

Mr. CLARK of Missouri. Mr. Chairman, I would like to ask the gentleman from Iowa a question.

The CHAIRMAN. Does the gentleman yield?

Mr. LACEY. Yes.

Mr. CLARK of Missouri. I listened to the gentleman's speech, but during one portion of it I was engaged in conversation with another gentleman. Did the gentleman from Iowa state in his speech that the surplus of American products that sold abroad had nothing to do with the domestic article at home?

Mr. LACEY. I stated exactly the contrary, that when you reduce the surplus by consumption in the home markets then you have a less amount to send abroad to break the foreign market down with. Consequently the foreign market is affected by the surplus and the home market is also affected by the surplus. It is what we consume at home that adds mainly to the price. The price of our surplus abroad of course is fixed by the size of the surplus.

Mr. CLARK of Missouri. Yes.

Mr. LACEY. And if you had to export three-fourths or four-fifths of your Missouri farm products to Liverpool, the price would go down, because you would "bear" that market by the volume of your products. On the other hand, if you have the St. Louis market and the big factories at home and home consumption the amount sent abroad is less, the scarcity abroad raises the price there so that the price abroad is fixed by the size of the surplus, and you want to reduce that surplus as much as possible, so far as you can do it by getting a good home market for the product.

Mr. CLARK of Missouri. We shipped last year, in round numbers, fifty-three millions of farm products to Germany—about that. What, in the judgment of the gentleman, would be the effect on the price of the American farm products to the farmers if that entire fifty-three millions were thrown back on the American market?

Mr. LACEY. The gentleman has not got it near enough. There were eighty-seven millions of cotton products.

Mr. CLARK of Missouri. Oh, I am talking about farm products as we understand that term up where you and I live—in Missouri and Iowa.

Mr. LACEY. But the gentleman's southern colleagues on that side would hardly agree with him.

Mr. CLARK of Missouri. I know, but no American tariff can affect the price of cotton anywhere on earth. Fifty-three millions of our sort of farm products were shipped to Germany. Suppose that was thrown back on the American market, what effect would that have on the price?

Mr. LACEY. Oh, it would undoubtedly have an injurious effect. There is no question about that; but the point I was seeking to make was this: Now, we ship an immensely larger quantity to England than we do to Germany, and the proposition of our German friends was that we should make a concession—a special concession—to them. If we do that, we must make the same concession to Great Britain. Consequently we would have to scale down our entire tariff, not only as against Germany, but as against Great Britain as well, or we will not be doing the fair thing by Great Britain, and if we do that and greatly enlarge the imports of foreign products, we have taken away that much of the market from our home factories; and when you do that, that takes employment away from the workingman in those factories and takes away from the American the home market. The home market is the best, because we control that. When we go skirmishing after the markets of the world we have to compete with all mankind. This American market, which is the best in the world, we have, and I say we will be foolish to give it up.

Mr. CLARK of Missouri. Let me ask one more question. Do you not think England is just as liable to take exception to this juggling with German invoices that has either been set on foot or is being set on foot as it would be to take exception to a change in the tariff law?

Mr. LACEY. If Germany has any advantage in the way of convenience under a new arrangement as to invoices, that same advantage will have to be given to England. It must be given in all fairness and all decency, and will be if she wants it.

Mr. CLARK of Missouri. Just as soon as England protests, then we have got to go through this administrative revision of the tariff again.

Mr. LACEY. Would my friend suggest a different method than giving to Great Britain whatever is given to Germany?

Mr. CLARK of Missouri. No, sir; I will tell you——

Mr. LACEY. Then the gentleman and I agree upon one thing at least. To treat Great Britain worse than Germany would not be reciprocity.

Mr. CLARK of Missouri. I would suggest this: That we

should have a fair tariff law, inasmuch as we have to have one at all, and that it be fixed so that we can treat all nations of the earth alike and give them advantages where they give us advantages.

Mr. LACEY. Does the gentleman claim that we do not trade with the nations of the world?

Mr. CLARK of Missouri. I am not talking now about buying horses and cattle, or anything of that sort. I am talking about reciprocal relations with these nations.

Mr. LACEY. I was talking about results—that during last year we not only sold more abroad than ever in the history of our country, but we bought more abroad.

Mr. CLARK of Missouri. That is only half the answer, and I will answer the other half, which you ought to have given in all fairness, and that is every nation on the face of the earth did identically the same thing—that is, sold more and bought more. [Applause on the Democratic side.]

Mr. LACEY. And you remember the bread riots and the march which took place only a few months ago through the streets of London by the unemployed. Does the gentleman forget it has only been two or three months ago that the women of the suburbs of London marched down to the House of Parliament and demanded relief?

Mr. CLARK of Missouri. Now I will ask you a question, and you can answer it "yes" or "no."

Mr. LACEY. Why, because they were not having employment there, so I do not presume they are having the same conditions in the Old World as here.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. CLARK of Missouri. I ask unanimous consent that the time of the gentleman be extended for five minutes.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent that the time of the gentleman from Iowa may be extended for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. CLARK of Missouri. Is it not true that England sold us more last year and we sold England more?

Mr. LACEY. That is true.

Mr. CLARK of Missouri. Why are you and your party associates not willing to adopt a tariff system by which we can enter into reciprocal relations with all the nations of the earth?

Mr. LACEY. We have adopted a tariff system which brings these results. We treat them all alike. My friend helped to make a tariff bill a few years ago which brought about exactly the opposite result.

Mr. CLARK of Missouri. That is not true, because——

Mr. GROSVENOR. I did not intend to get into this controversy, and the gentleman from Iowa is taking care of himself, but I will ask the gentleman if it is not a fact the recent upheaval in British politics came by the representation made by Chamberlain and Balfour that the industries of England had fallen at a rapid pace because of the falling off of their foreign markets, and if their struggle for a protective tariff was not based upon the proposition that they had been driven homeward and these hard times and starvation came by their lack of foreign markets?

Mr. LACEY. Mr. Chairman, they were doing exactly what I have been doing to-day. They have been holding up the United States as an example for the world to profit by. And instead of holding us up as my friend from Missouri [Mr. CLARK] does, as adopting policies that ought to be abandoned and ought to be shunned, Great Britain has been torn from one end to the other by envy at the progress and prosperity in this country under the policy under which we now live.

Mr. CLARK of Missouri. I would like to have permission to ask the gentleman from Ohio [Mr. GROSVENOR] a question.

Mr. GROSVENOR. All right.

Mr. CLARK of Missouri. I would like to ask the gentleman if the very state of conditions he sets out about what Chamberlain said and what Chamberlain did, is not the identical reason why Chamberlain's party was defeated by a larger parliamentary majority than ever has been obtained in any parliamentary election in England since history began?

Mr. GROSVENOR. The gentleman is wise enough to draw a distinction between the result of an election and the statement of facts undisputed, made during the progress of the great debate in England. And I say now in answer to it, that there was no pretense made that the statement of Balfour and Chamberlain was not true, that they had been driven out of the markets of the world, and that our products were driving their laboring men out of the labor markets to starvation.

Mr. CLARK of Missouri. Why does not the gentleman answer the question that I asked?

Mr. GROSVENOR. I have answered it.

Mr. CLARK of Missouri. My question was: If Chamberlain's contention about the tariff, which the gentleman just now stated, was not the reason of Chamberlain's party losing Parliament by five hundred and odd majority out of a membership of something over 700?

Mr. GROSVENOR. Chamberlain was seeking a remedy that the people did not approve of.

Mr. CLARK of Missouri. That is exactly it.

Mr. GROSVENOR. Does the gentleman deny the condition of British industry and of British trade to-day?

Mr. CLARK of Missouri. Well, the people seem to have set down upon Chamberlain and his authority.

Mr. GROSVENOR. The people have done nothing of the kind. And the statement which I have read is backed up by every writer and every statesman of England.

Mr. CLARK of Missouri. Now, I want the gentleman from Iowa [Mr. LACEY] to answer the question I asked him. [Laughter.] I like to hear him make a speech, but I want him to answer this question: If it is not true that the imports from England into this country last year were larger than they had been, and our exports to England were larger, too?

Mr. LACEY. It unquestionably is, and the gentleman's proposition is to therefore change the tariff law under which these results were accomplished. [Applause.]

Mr. CLARK. No; it was not. My proposition is that if we give Germany or any other nation the privileges under an administrative revision of the tariff—and I say that Congress ought to revise it instead of the Administration—if we give Germany or any other nation under this administrative revision of the tariff privileges that such a nation as England does not get the advantage of, England or that other nation that is discriminated against is as liable to raise a row as Germany was.

Mr. LACEY. Not only liable to do it, but ought to do it.

Mr. CLARK of Missouri. Why not settle it under the general law, then?

The CHAIRMAN. The time of the gentleman from Iowa [Mr. LACEY] has expired.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. CRUMPACKER having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed with amendments bills of the following titles; in which the concurrence of the House of Representatives was requested:

H. R. 13538. An act to incorporate the Carnegie Foundation for the Advancement of Teaching;

H. R. 8977. An act to create a new division of the western judicial district of Texas, and to provide for terms of court at Delrio, Tex., and for a clerk for said court, and for other purposes; and

H. R. 122. An act to require the erection of fire escapes in certain buildings in the District of Columbia, and for other purposes.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 5976) to provide for the final disposition of the affairs of the Five Civilized Tribes in Indian Territory, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. CLAPP, Mr. MCCUMBER, and Mr. DUBOIS as the conferees on the part of the Senate.

The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House of Representatives was requested:

S. 2446. An act to provide for the purchase of a site and the erection of a public building thereon at Devils Lake, in the State of North Dakota;

S. 2296. An act restoring to the public domain certain lands in the State of Minnesota;

S. 1243. An act providing for compulsory education in the District of Columbia;

S. 1032. An act to aid in the erection of a statue of Commodore John D. Sloat, United States Navy, at Monterey, Cal.;

S. 2623. An act for the extension of Euclid street, in Meridian Hill, D. C.;

S. 4773. An act for the payment of the expenses of the delegates to the third international conference of American States;

S. 684. An act providing for the erection of a public building in the city of Quincy, Mass.;

S. 39. An act for the erection of an equestrian statue of Maj. Gen. John Stark in the city of Manchester, N. H.;

S. 4862. An act allowing settlers with permanent improvements on the town sites of Heyburn and Rupert, in Idaho, to buy lots on which said improvements are located at an appraised price for cash;

S. 3288. An act to authorize the Pennsylvania Railroad Company and the Pennsylvania and Newark Railroad Company, or their successors, to construct, maintain, and operate a bridge across the Delaware River;

S. 4673. An act to provide for the allowance and payment to the employees of the Government Printing Office of the same leave of absence as is allowed to the clerks and employees of the Executive Departments of the Government;

S. 4370. An act to appropriate the sum of $40,000 as a part contribution toward the erection of a monument at Provincetown, Mass., in commemoration of the landing of the Pilgrims and the signing of the Mayflower compact;

S. 4348. An act for the relief of Augustus Trabing;

S. 4313. An act ceding to the State of California certain vacant unappropriated public lands in Santa Cruz County, State of California;

S. 4299. An act to amend section 4421 of the Revised Statutes of the United States, inspection of steam vessels;

S. 4298. An act to amend section 4471 of the Revised Statutes of the United States, regulation of steam vessels;

S. 4111. An act to authorize the Chief of Ordnance, United States Army, to receive four 3.6 breech-loading field guns, carriages, caissons, limbers, and their pertaining equipment from the State of Connecticut.

S. 4094. An act to amend section 4426 of the Revised Statutes of the United States, regulation of motor boats;

S. 3935. An act to authorize Indians on former Uintah Reservation to cut and sell cedar and pine timber for posts and fuel;

S. 3913. An act to authorize commissions to issue in the cases of officers of the Army retired with increased rank;

S. 3414. An act providing for a public highway on the east side of the Fort Sherman abandoned military reservation, Idaho;

S. 3292. An act to incorporate the Great Council of the United States of the Improved Order of Red Men;

S. 3044. An act to promote the efficiency of the Revenue-Cutter Service; and

S. 2724. An act for the relief of Delia B. Stuart, widow of John Stuart.

## INDIAN APPROPRIATION BILL.

The committee resumed its session.

Mr. STEPHENS of Texas. I desire to yield such time as he may desire to the gentleman from Mississippi [Mr. WILLIAMS].

Mr. WILLIAMS. Mr. Chairman, there are but a few things in the world at one and the same time more amusing and more pitiful than the acrobatic exploits of human intelligence when attempting to prove that protectionist laws, whose avowed purpose is to circumscribe and limit trade, result in increasing trade. The gentleman from Iowa [Mr. LACEY] has just illustrated to what extent human ingenuity and human credulity—self-hypnotism, in a word—can go in connection with this sort of exercise. The gentleman from Iowa has just argued that the United States of America were never as prosperous as they are now, and has proven that assertion by saying that they bought more and sold more last year than they ever did before in their history. Then immediately after that he confesses that Great Britain bought more and sold more from us and to us than she ever did before in her history. In the next sentence he asserts that Great Britain is disastrously unprosperous.

Can the same thing prove two things and those two things opposite? The very thing that he cites as showing the prosperity of the United States is cited by him for the purpose of bolstering up his assertion that Great Britain is not prosperous, but is falling behind the industrial progress and opportunities of our people at this time.

Mr. Chairman, it is true that there are about 100,000 unemployed people of the city of London. London has a population of over 6,000,000 people, and it would be a very remarkable thing indeed if there could not be found 100,000 unemployed in a city with 6,000,000 people plus. I will undertake to say that the percentage of unemployed in the city of New York upon that very identical day was greater than it was in London. There happened to be then this condition: There was an approaching political election going on in London and a very large labor movement undertaking to thrust itself into politics, and this great procession was originated as a part of that, and to show the independence of these people and their manhood and their comparative prosperity they carried upon their banners the legend, "It is not charity nor largess that we want, but it is justice."

Now, Mr. Chairman, the gentleman from Massachusetts [Mr. GARDNER] has referred to a bill which I introduced in this House. I want you to understand the character of that bill, and I want the gentleman from Massachusetts' constituents to know what it is, and I want them to know that it is pending in the Ways and Means Committee with a Republican majority of two to one, and at the proper time I am going to ask a vote upon it from the chairman of that committee [Hon. SERENO E. PAYNE], of the great State of New York. [Applause.] It is in absolute keeping with the Democratic doctrine of the Walker tariff, the greatest distinctive tariff that this country ever saw in all of its history.

The bill provides for a reduction of the duty on hides from 15 per cent to 5 per cent, a reduction of the duty on sole leather from 20-odd per cent—I have forgotten the figure—to 7 per cent, and a reduction of between 45 and 60 per cent of the balance of the leather and harness schedules from whatever it is now.

Now, Mr. Chairman, the gentleman from Massachusetts is here as a Representative of a Massachusetts district. He is supposed to represent the interest of the Massachusetts people wherever those interests are not wrong. Of course, no man is presumed to represent any interest when that interest is wrong or when there is anything immoral or unethical about the sought-to-be-represented interest. And this test, by the way, is much easier for a Democrat than it is for a Republican. No Democrat, no true Democrat, ever represents the interests of his constituency to the point of insisting upon pulling out of the Treasury of the United States special benefits for that constituency. [Applause on the Democratic side.] My leather-schedule bill does not propose to pull out of the Treasury special benefits collected by levying taxes upon the balance of the people of the United States for anybody's pocketbook interest, but is a proposition to reduce the taxes upon the balance of the people of the United States and thereby put money in the pockets of Mr. GARDNER's Massachusetts constituents; and we will see whether he will appear before the Ways and Means Committee and urge the passage of that bill or of some other bill along these lines, cheapening the raw material to the Massachusetts manufacturer, and at the same time cheapening, by another reduction of duty, boots and shoes and harness to the farmers, and dentists, and preachers, and laborers, and women and children of the country.

Mr. GARDNER of Massachusetts. Mr. Chairman——

The CHAIRMAN. Does the gentleman yield to the gentleman from Massachusetts?

Mr. WILLIAMS. Undoubtedly I do, and with great pleasure.

Mr. GARDNER of Massachusetts. The gentleman need not expect me to appear before the committee in support of a bill that provides a 5 per cent duty on hides.

Mr. WILLIAMS. Ah, Mr. Chairman, we meet with the usual result in my friend's person of people who want to appear to do something while they do not do it, and while they really, perhaps—I do not know—do not too urgently desire to do it. Now, then, I will face the gentleman with another bill upon that subject later on, because I understand his objection to be now that if the duty is reduced the duty is not reduced sufficiently. Is that the gentleman's objection to the bill?

Mr. GARDNER of Massachusetts. Mr. Chairman, the gentleman says that I took refuge behind the impossible. May I ask the gentleman——

Mr. WILLIAMS. The gentleman knows that free hides are absolutely impossible at this time.

Mr. GARDNER of Massachusetts (continuing). Whether he does not think that his bill is also absolutely impossible?

Mr. WILLIAMS. I think my bill ought to be perfectly possible, but considering——

Mr. GARDNER of Massachusetts. Free hides ought to be possible.

Mr. WILLIAMS. But considering the complacent, satisfied Republican majority, with its total ignorance of the condition of affairs in this country outside of the Committee on Rules and the Committee on Ways and Means, and their present temporary majority, I frankly confess that I do not think my bill will pass.

Mr. WEISSE. May I ask the gentleman a question in regard to the hide tariff? Why did they not put the light hides of 15 pounds and under 25 pounds under 20 per cent, when these are taken off and sold direct by the farmer?

Mr. WILLIAMS. I am glad the gentleman has asked that question. I am not, however, as competent to answer the question as he himself would be, but still I will give the answer as best I understand it. Under the pretext of putting what is called a "protection" for the farmer—I hate that word "protection," by the way; why don't you call it "protectionism" and be done with it? Protection is something that helps everybody, and your protectionism helps—hot houses—one fellow at the expense of all other fellows, so you just ought to call it "protectionism" and be done with it. But under your theory of

protectionism the idea was to solace the farmer, that magnificent specimen of so-called intelligent American citizenship who inhabits the district of my friend from Iowa [Mr. LACEY]—to fill his soul full with the idea that he was somehow benefited and "protected" by law. And then really the classes did not want him to get too much out of it, so they enacted a duty upon hides of 15 per cent; and then by a ruling of the custom-house people they declare that the word "hide" is to be construed as the trade construes it, and therefore it applies only to such outer bark taken off of a cow as weighs over 25 pounds, and most of the hides of cattle that the farmers skin on the farm, and out amongst my Texas friends over here, weigh less than 25 pounds, and are not so-calledly protected at all—not so-calledly even. Most of the heavy cattle go to the packers, and the packers pay pretty much whatever they please for the cattle on the hoof, and sell dressed beef at pretty much whatever they please, and the percentage that the hide adds to the price of the beef on the hoof is beyond even the ingenuity of my friend from Iowa [Mr. LACEY] to cipher out.

Now, Mr. Chairman, to go further with this: We are not, as Democrats, willing to concentrate the taxing power of this country upon a few articles. We are not willing to bribe New England to stay in the Republican party. Do you catch that? [Laughter.]

Mr. GARDNER of Massachusetts. Mr. Chairman——

Mr. WILLIAMS. As long as New England continues to vote for an iniquitous and onerous system of taxation, benefiting a few at the expense of the many, as she has prospered in the past by the system—when she comes to us we will meet her in good Democratic spirit of brotherhood, and say we are always willing to do equity, but when she comes into a court of equity she must come with clean hands. We are therefore not willing to put hides upon the free list to enrich your boot and shoe manufacturers unless you, speaking for your boot and shoe manufacturers, will agree at the same time to reduce the duties upon the finished product, so that the women and children of the South and West may buy shoes cheaper. [Applause on the Democratic side.]

Mr. GARDNER of Massachusetts. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Mississippi yield to the gentleman from Massachusetts?

Mr. WILLIAMS. With pleasure.

Mr. GARDNER of Massachusetts. When the gentleman speaks of being unwilling to bribe the people of New England to stay in the Republican party—and I suppose he means the people of Massachusetts——

Mr. WILLIAMS. Yes; I also have made the usual mistake of regarding Massachusetts as New England. [Laughter.] I apologize for it.

Mr. GARDNER of Massachusetts. And without wishing to call the gentleman's attention——

Mr. WILLIAMS. I apologize, however, to Massachusetts; not to the balance of New England.

Mr. GARDNER of Massachusetts. Without reminding the gentleman that Massachusetts was set off from Maine some time ago, what I want to know is this: Do you mean to say that the Democratic party will not remove the duty entirely from the hide or outer bark of the cattle, or whatever you call it?

Mr. WILLIAMS. I mean to say that the Democratic party will not do it unless at the same time it removes or reduces very materially the duty upon the products made out of hides; and I mean to say furthermore that the Democratic party is ready now to go as far as either Republicans or Democrats in Massachusetts desire to go, provided only that you come in and agree to do your part in reducing duties accruing to your pocketbook interests as manufacturers of boots and shoes and harness under that tariff law. In other words, we will not allow you to attack the iniquitous pocketbook interests of the Iowa farmer, who imagines that he sells these hides (he really does not do it; they go to the packer, and the packer sells the only ones that have got any duty upon them at all—my friend LACEY really has been thinking all this time, and his constituents who have been writing to him about these taxed hides weighing over 25 pounds, that his farmers got the duty)—we are not willing to have you attack the pocketbook interest or fancied pocketbook interest of my friend LACEY'S constituents by putting hides entirely upon the free list, iniquitous as we regard prostituting the laws of the country to any pocketbook interest, unless you will in your magnanimity—and Massachusetts from her historic position in this country ought to be capable of some degree of magnanimity—unless you in your magnanimity freely and voluntarily agree to give up some part of the pocketbook interest in the shape of duties on the finished products that you are indulging in at the expense of the general consumers of the United States.

Mr. GARDNER of Massachusetts. Mr. Chairman——

The CHAIRMAN. Does the gentleman yield further?

Mr. WILLIAMS. Yes, indeed.

Mr. GARDNER of Massachusetts. Speaking solely for such part of Massachusetts as I represent, I think that I can safely say that we are willing to give up every particle of the duty on sole leather in return for free hides.

Mr. WILLIAMS. How much will the gentleman give of the duty on the boots and shoes and harness? Let us have a little experience meeting here.

Mr. CLARK of Missouri. A modus vivendi.

Mr. WILLIAMS. Yes, a modus vivendi, as my friend from Missouri says.

Mr. GARDNER of Massachusetts. Harness, so far as I know, are not manufactured in my district, and I know nothing about the conditions of the trade. I will say this, however, that if a rule were introduced by the Committee on Rules, of which the gentleman from Mississippi is a member——

Mr. WILLIAMS. Nominally, nominally. [Laughter.]

Mr. GARDNER of Massachusetts. Of which the gentleman from Mississippi is, at all events, nominally a member and sometimes invited to the meetings, I presume——

Mr. WILLIAMS. I am invited to the séances, but never consulted about the spiritualistic appearances. [Laughter.]

Mr. GARDNER of Massachusetts. If a rule were introduced providing for the consideration of a bill for free hides and free sole leather, with a 10 per cent duty on shoes and 10 cents ad valorem——

Mr. WILLIAMS. The gentleman means 10 cents specific duty?

Mr. GARDNER of Massachusetts. Ten per cent ad valorem and 10 cents a pair in lieu of the present 25 per cent duty, I should advocate it most heartily.

Mr. WILLIAMS. I am inclined to think that if you would reduce the duty a little bit more on boots and shoes, I would join with you in the modus vivendi, and we would make a column charge on the gentleman from New York, on the Committee on Ways and Means, of which I am also nominally a member, and I think we could arrive at a result. Your 10 per cent plus 10 cents specific, as a new basis, is hardly a reduction.

Mr. GARDNER of Massachusetts. Do I understand my friend to say that it could be done?

Mr. WILLIAMS. Something like it could be done, provided you could persuade the Republican Speaker of the House, and the Committee on Rules, and the Committee on Ways and Means, and the gentleman from New York [Mr. PAYNE]—all Republican leaders—and the gentleman from Massachusetts knows what an easy job that is. [Laughter.]

Mr. GARDNER of Massachusetts. Then the gentleman doesn't think it a practical question?

Mr. WILLIAMS. It is a practical question if you Republicans who say you are in favor of it are in earnest and would coerce your leaders.

Mr. GARDNER of Massachusetts. If the gentleman says it could be done, may I be excused for asking him if he believes in Santa Claus? [Laughter.]

Mr. WILLIAMS. I do, in a way. I believe in it just as I believe in the New England fetich that the Republican party will revise the tariff. [Applause and laughter.] I think that Santa Claus is a very useful cult among children to encourage faith, and I believe the Massachusetts Republican reliance in the junior Senator from Massachusetts and in yourself and in the entire Republican Congressional representation to revise the tariff is an awfully useful cult to encourage Republican voters, who seem to be as full of credulity as children are at Christmas, to remain "in line." [Laughter and applause on the Democratic side.]

Mr. WEISSE. Now, Mr. Chairman, if the gentleman will yield.

Mr. WILLIAMS. Certainly.

Mr. WEISSE. I would like to state to the gentleman the information in regard to the duty on leather from the tanners' standpoint, that whenever they took the duty off from leather they should leave the raw material free for tanners' use.

Mr. WILLIAMS. That great Democrat, Governor Douglas, from the State of Massachusetts, came down with the intention of having a social conference with the President of the United States, but was deprived of that happiness by the fear of the President that he might afterwards repeat something said in the White House—so secret are those inner arcana conferences at the Executive Mansion—I understand, announced for both himself and his committee he would rather put boots and shoes on the free list than to continue to pay 15 per cent duty on hides.

Mr. GARDNER of Massachusetts. That is true; but Gov-

ernor Douglas makes a grade of shoes that perhaps does not need a duty. At least 35 per cent of the manufacturers in my district could not afford to make the exchange. The type of shoe which this minority makes is subject to foreign competition.

Mr. WILLIAMS. In answer to that I have to say that if there are 35 per cent of the boot and shoe manufacturers in the gentleman's district who can not make that sort of boots and shoes, and if Mr. Douglas can make them, in order that the people can get their shoes much cheaper, as they would if the duty were taken off, I suggest that Governor Douglas make all the shoes and the other 35 per cent of the manufacturers get at something else. [Laughter.]

Mr. GARDNER of Massachusetts. That is a good idea, and I suggest that the gentleman explain if all the people in his district can afford to pay $3.50 a pair for shoes.

Mr. WILLIAMS. Speaking for myself, I have been able to buy two or three pairs recently, but then I am not particularly choice about my boots and shoes——

Mr. GARDNER of Massachusetts. Is there no necessity for cheap shoes in the gentleman's district?

Mr. WILLIAMS. Oh, absolutely. Cheap shoes are the very shoes that would be benefited by reducing the duty on hides, and least of all shoes need protection.

Mr. GARDNER of Massachusetts. The gentleman is entirely mistaken. I have heard that statement made again and again on this floor. It is not so. There are certain kinds of shoes, like the farmers' peg shoes——

Mr. WILLIAMS. Yes; "brogans" we call them.

Mr. GARDNER of Massachusetts. I call them "farmers' peg shoes," and I think I am quite as correct, if not more so. The bottoms are made of sole leather and the uppers are made of splits. Now, that kind of shoe is perhaps more affected by this duty on hides than any other kind.

Mr. WILLIAMS. Yes.

Mr. GARDNER of Massachusetts. But, other than heavy wear, the ordinary cheap shoe is not affected nearly so much as the high-priced shoe.

Mr. WILLIAMS. Of course, Mr. Chairman, I do not care much about my own speech. I would just as soon listen to one made by anybody else, especially by my friend from Massachusetts.

The CHAIRMAN. The gentleman declines to yield further.

Mr. WILLIAMS. Oh, no; I did not mean that, but I meant to say that I would proceed now to answer that part of the gentleman's remarks before he made another remark.

I may be mistaken, but it is my judgment, at any rate, that the commoner the shoe the more leather it has got in it and the less workmanship in proportion, and, of course, in proportion as it has less workmanship just exactly in that proportion does the difference between the American and the foreign standard of wages work in favor of the manufacturer of the coarse shoe and against the manufacturer of the highly finished shoe; and just in proportion as it has more leather in it, just exactly in that proportion will the cheapness of the raw material—the hide—help the man who is turning out the cheap shoe. I don't think there can be any amount of statistics in the world that could convince me that that statement is not true.

I want to talk now to my old friend the gentleman from Iowa [Mr. LACEY]. I came into the Fifty-third Congress, and I have looked into that countenance so often for light and so often had to look elsewhere and get the light in other places [laughter] that it is not a very encouraging thing for me to seek it at this time. Sometimes I look into the Republican countenance and feel a certain degree of anxiety for fear I may stir up a spirit of combativeness that will down me, but that sort of a feeling never comes over my mind when I am speaking to the gentleman from Iowa. It has been said of the family of Bourbons, who controlled Spain, and France, and Naples, and partly Portugal——

Mr. LACEY. And Mississippi. [Laughter.]

Mr. WILLIAMS. And Mississippi—they did, and I am astonished at the accuracy of the gentleman's geographical information, because southern Mississippi did once belong to France and was controlled by the Bourbons, but since we ousted them the race of Bourbons have fled. Now, it was said of those people that their marked peculiarity was that "they learned nothing and forgot nothing." If that be a correct definition of a Bourbon, I do not know a man upon this floor who better deserves to be admitted into the royal family than does my friend the gentleman from Iowa [Mr. LACEY].

To my certain knowledge he has been repeating some of these things he said this morning ever since the Fifty-second Congress, when I came up as a kid to watch the performance of that body before I was admitted into the Fifty-third, to which I had been elected, and it seems to me that that far back the gentleman was ringing the changes upon the assertion that we never had any panics except under Democratic tariff laws—ringing the changes regardless of all history, regardless of all facts. Certainly after that in the Fifty-third Congress, I believe it was, that ever-memorable genius—the ablest running debater the American people ever saw, Thomas B. Reed, of Maine—standing upon that side of the Chamber one day was asked the question as to why it was that under the McKinley bill we were then and there suffering from a panic as we then and there were, and in a jocular vein replied, because it was "in anticipation of changing the McKinley law." Now, that has been poll-parroted around by my friend from Iowa [Mr. LACEY] and other people ever since, and with true Bourbon characteristics, no matter what you tell him, no matter what dates tell him—and chronology is about the only thing in the world that can not be disputed—in spite of all that dates tell him and everything else, he will keep on poll-parroting, and he is going to keep on until he dies. Why, the gentleman from Ohio [Mr. GROSVENOR] even has quit that—grown ashamed of it—and the gentleman from Ohio [Mr. KEIFER] has quit that. The other day the latter gentleman called me to order upon the floor for asserting that he had asserted that the Wilson-Gorman bill had anything to do with the panic of 1893, and yet my friend from Iowa [Mr. LACEY] repeats it here to-day. The gentleman from Massachusetts [Mr. GARDNER] asked me if I believed in Santa Claus. Of course I do. There he is right now in propria persona—the dear old tradition—the gentleman from Iowa. [Applause and laughter.]

And my friend from Iowa comes up and tells us to "beware," that "a burnt child fears the fire," and that a bull pup got a smell of a live wire or an electric motor or something of that kind while engaged in a scientific investigation, and that all sorts of things happened to the bull pup, and that the American people similarly had smelled at a free-trade tariff in 1892–93 and the consequence was that they got blown up by Coxey's army coming on to Washington. Now, it is utterly useless for me to tell the gentleman from Iowa that Coxey's army came here about a year and some months before there was any change in the old Republican McKinley bill, the highest protectionist measure that America ever saw except the present Dingley bill. It is utterly useless for me to produce the dates on him. It is utterly useless for me to remind him of the fact that he and I were in the House at that time and that he ought to know or that he "might, could, would, or should" have known it was long before the McKinley bill was repealed and long before the Wilson-Gorman bill was framed. Equally useless to tell him that the panic of 1893 arose and afterwards spent its fury under the McKinley bill and before the Wilson-Gorman bill was conceived or brought forth. It is utterly useless, because the gentleman has got so much in the habit that he does not know how to act or talk, or think, or "think he is thinking" otherwise. It reminds me of an old mule, on one of the old Tennessee places I used to hear about, that was in the habit of going around and around and around pulling a lever to grind meal in one of these old-fashioned horse mills, and after a while the old mule got old and blind and got so he could not see new things of any description, and after a while the mill burned down and the old mule, true to the traditions of his former life, went every morning to that old mill and traveled around and around and around, and those who knew him best told me that his countenance bore the appearance of such good-natured pleasantry while he was going around that it made all of his neighbors rejoice in his subjective happiness. [Laughter and applause.]

The gentleman furnished all sorts of figures to show how prosperous we have been in the exportation of products of the farm—unprotected, by the way—and then he undertakes to tell us that "the price of products depends upon the surplus." Now, he will never repeat that again as long as he lives, I believe, if he will stop to listen and think a minute. The price of nothing in the world ever depended upon a surplus. The price of all commodities in the world, which the world uses, depends upon the world's supply and the world's demand. As far as the price is concerned, it does not make a bit of difference where the product is sold. Geography of sale has nothing to do with it. It is no more important to me as a cotton planter that a million of bales of cotton should be demanded and sold in South Africa than it is for me that an equal number of bales be demanded and sold in Mississippi. It does not make a particle of difference to me whether my cotton is sold at Timbuctoo, in Africa, or sold to the adjoining county. The only thing that matters to me is whether I get a lower or a higher price for it, and in a given year if there are 10,000,000 bales of cotton made in the whole world cotton will be worth from 15 to 25 cents a pound, and if there are 18,000,000 bales made cotton will be

worth from 4 to 6 cents, provided always that the demand remains the same. It is not a question of how much of that cotton is sold in Mississippi or in the United States or in Great Britain or France or Germany, it is a question of how much of that cotton is raised to be sold to the world, and on the other side is how much of the mill power and consuming capacity the world makes an efficient demand for it—that is, a demand from people able to pay for it. The one factor is how much the world is producing, not how much Mississippi produces, not how much the United States produces, but how much the whole world produces; the other factor is how many uses there are for it by people able to pay.

Why, the greatest superstition in the world is the idea that because you have a factory force of fellows brought down, let us say, from New York or out of France or out of Germany to an adjoining town to your home that that makes your cotton or your wheat worth any more. If the same force of people bought the same amount of cotton or the same amount of wheat while they were residents of New York, or Germany, or France, it would have had exactly the same effect upon the price of your wheat or your cotton. There is but one difference in the world, the American standard of wages is higher, and it is higher because we have more cheap and fertile land than any other country in the world, and therefore more opportunities to make money in the natural pursuit of man, and therefore we require a higher bribe to go out of our natural pursuit into factory life. There is this difference, and none other. The American wage is higher and the fellows brought down from New York or France or Germany into an adjoining town earn more money, and in proportion as they earn more money they can buy that much more wheat and more cotton, but their residence has nothing in the world to do with it. Increased wage is, of course, increased demand. But wage depends upon the number of people wanting work on one side and the amount of work calling for wage-earners on the other, and not on legislation—either of the tariff or of other varieties.

It is the entire product of an article set over against the entire demand for the article that fixes the market prices. Now, I know that my friend from Iowa will never repeat that error about "surplus fixing price." [Laughter.] Surplus is only a part of the total price-fixing product.

Why, the gentleman from Iowa [Mr. LACEY] says that the Germans make things and put on them "Made in Germany," but that he does not want the Germans to write across a tariff bill of the United States, "Made in Germany." And yet, under the protecting ægis of our remarkable Secretary of State and our great President, who is worshiped in the bottom of your hearts by every one of you Republicans—it is no lip service you are paying him from day to day, not at all—the Administration has of late branded a part of our tariff system, "Made in Germany." I frequently think how our last German-American modus vivendi must bring a sort of depression into the heart of my friend from Minnesota [Mr. MCCLEARY], who, a little while ago, was being interviewed and telling how he was going to raise a maximum tariff stick over the head of Kaiser Wilhelm and all the other effete European powers, and make them come to taw—in short, was talking just the sort of talk that the gentleman from Iowa [Mr. LACEY] was talking this morning, namely, to the effect that we did not propose to let anybody else on the surface of the earth dictate anything about our tariff laws; that the very sacred scripture laid upon the sacred table inside of the sacred temple of American institutions was the Dingley bill, and that we did not propose to let Kaiser Wilhelm or anybody else question it. But Kaiser Wilhelm did question it; and when Kaiser Wilhelm got through questioning it, I notice he entered into some sort of a modus vivendi, and we have agreed to "consulate" German goods at towns of manufacture instead of at the ports of shipment, and we agreed to do a great many other things that will reduce the number of dollars and cents or the number of marks that the German will pay upon his goods when brought into America, and therefore enable him to sell the goods somewhat cheaper, and thereby, I am glad to say to the humiliation of stand-patters, enable the American consumer to buy them so much cheaper. "Made in Germany?" The gentleman does not want any tariff "made in Germany!" What is the difference between having your law branded "Made in Germany" and having your administrative regulations branded "Made in Germany?" [Laughter.] The Secretary of the Treasury has, moreover, invited us to brand the law "Made in Germany."

Now, a few words upon that question. I do not agree with my friend from Minnesota [Mr. MCCLEARY] that the right way to persuade people to reciprocal trade relations is to hold a big stick over them and threaten them. I do not think you gain much in this world by going around with a stick, anyhow. That has not been my experience. Not only the Bible, but common sense teaches that "a soft answer turneth away wrath." I had this idea which I introduced into a bill. I did it in consequence of the conclusions of a great reciprocity convention. The delegates to that reciprocity convention were so overwhelmingly Republican that they would not even allow anybody to hint at a profession of faith in Democratic ideals; but still they demanded a maximum and minimum tariff. I knew what they wanted was a minimum tariff, because I knew what they wanted to do was to induce people abroad to a more friendly state of mind toward us, and to have grow out of that friendly state of mind a more friendly reciprocal trade relation. I therefore introduced a bill providing for a minimum tariff, and I sent it to the Committee on Ways and Means, presided over by the Nestor of the Congress of the United States, the gentleman from New York [Mr. PAYNE], and the membership of which was never exceeded in any Congress by its membership in this House—in numbers at any rate. [Laughter.] I sent that bill to the Committee on Ways and Means and took you Republicans at your own word. You will remember in section 3 of the Dingley bill you provided—although you provided it for only two years, and the time has now expired—that the President could enter into reciprocal trade relations with anybody by reducing duties 20 per cent and by proclaiming that duty for that particular nation the moment he proclaimed at the same time the fact that that nation had given us certain trade advantages. I, therefore, provided in my bill that the minimum tariff of the United States hereafter should be the present rates less 20 per cent—that is, each tax should be four-fifths of the present tax.

I brought that matter before the Ways and Means Committee. I had childlike confidence in the patriotism and intelligence of the Republican majority upon that committee. My friend from Missouri [Mr. CLARK] had the same degree of confidence, and I shall never forget the look of complacent and confiding optimism upon his childlike countenance the day I brought the bill up in committee. But when I did so and faced my friend from New York [Mr. PAYNE] with it our childlike confidence was disappointed, and the demand of the reciprocity convention was voted down by a strict party vote—all the Republicans on the committee against this bill of constructive statesmanship, all the Democrats for it.

Now, my friend MCCLEARY says, "I want a maximum;" I said, "I want a minimum tariff." He said, "Let us retaliate;" I said, "Let us reciprocate." He said, "Let us threaten;" I said, "Let us invite." He said, "Let us dare on the dogs of war;" I said, "Let us invite the doves of peace." [Applause.] That is, in short meter, Republicanism on one side and Democracy on the other. And what was there at the end of it all? I invoked the doves of peace, and the countenance of my Republican friend from New York, the chairman of the Ways and Means Committee, at once resembled the warlike god of Mars when he is getting ready for battle, and somebody moved to lay the bill on the table. They did it, and they would have laid me on the table except out of pure parliamentary courtesy. [Laughter and applause.]

Now, my friend from Iowa [Mr. LACEY] talks about "our great home market;" and then he says our foreign market is not worth a tithe of it. Why, it is not worth a fifth of a tithe of it. One of the most curious things in the world to me is to see a Republican upon this floor, a protectionist, wedded to the idols of the protectionist, standing in the American Congress and bragging and boasting, Congress after Congress, about our immense "home market." What created our immense home market? Why, thank God, it is the only thing we have that the protectionist can not touch. [Loud applause.] You say that we ought not to have that foreign market extended at the expense of throwing away our home market. I thank God we can not throw away the home market, in view of the absolute free unencumbered trade from Maine to San Diego, Cal., from the coast opposite Vancouver Island to the utmost extent of the Peninsula of Florida, from the Great Lakes down to the Gulf, and from the Atlantic to the Pacific—a scope of territory with the greatest opportunities of industrial development that the world in all of its history has thus far seen, which has been built up and made what it is by the absolute freedom of trade. [Loud applause.]

What right have you Republicans to boast of "our home market?" Why, if you could do it upon your so-called "principles" and your ideas, you would protect Iowa against the abundance of all the other States. Then, if the people of Iowa, in spite of your "protecting" them against Mississippi and Pennsylvania and Massachusetts and New York, grew prosperous anyhow, not because you had "protected" them against these other great Commonwealths, but in spite of your at-

tempted trade obstructions, you would rise on this floor with the same childlike credulity and self-stultification you have to-day displayed and attribute that prosperity to the fact that Iowa was protected against Illinois and Indiana. Why, the very formation of the Government of the United States was a denial of the fundamental principles of the protectionist. We constructed it for the purpose of having a free country and freedom of trade between the several States forming the United States. Still gentlemen rise and cry "free trade," as if the cry ought to affright children. I would not be afraid of the cry; I am not afraid of anything with the word "free" in it. Free religion, free speech, free assembly, free trade, free anything. Anything with the word "free" in it does not excite my dread or fear; but when gentlemen talk about "free trade" they know it is absolutely impossible that anybody with common sense and wanting to carry on a Government should advocate free trade in the United States. They know that the Democratic party has never at any time, before or since the war, advocated free trade. I will not say that if it were possible to advocate it practically that it would not be a very much more beautiful and symmetrical doctrine than the one you are advocating; but you—all of you—know, as a matter of fact, that there is nobody advocating it in the United States now, and you know that the Democratic idea of raising revenue by tariff is the idea of taxing the American consumers as nearly as possible equally and uniformly in proportion to the strength of the back of the taxpayer to bear the burden of the tax.

You know that if the Democratic party could make an ideal Democratic tariff that it would include upon the list a tax on nearly all articles to be consumed. That a small tax would be levied, making it smaller and smaller in proportion as it became more and more a question of the living of the people and the living of the people's industries, and that a large tax would be levied on luxuries—larger and larger in proportion as it was more and more purely a luxury. Many duties would be almost nominal—a mere statistical tax upon the raw material, or upon what you might call the raw materials of life, the necessaries of a man, to live by eating and the coarser clothing—necessary food, bread and meat. The duties needed for revenue and whose levy would be unavoidable would incidentally furnish "protection" enough for every man not an industrial coward. Why is it that you gentlemen are scared? Is it because you have no confidence in the intelligence of your own people? Why are you compelled every time this question is brought up in this House to refer to a rhetorical figure of speech by my friend from Missouri, saying that he wished there was "no custom-houses in this country," when you know at the time he said it he did not say it with any applicability to legislation practically, and that he was speaking of the theory of free trade, if he had tabula rasa to write upon and could make the conditions anew to suit himself—no Supreme Court, with its income-tax decision, and no Federal Government as in the present form? Our forefathers had that chance for a continent and wrote on the tabula rasa the words, "Free trade between the States and Territories." What fool thinks we have suffered by it? My friend from Missouri has not and never had and never will have tabula rasa to write "Free trade between the nations"—knows he has not; moreover, you know he knows it.

Why is it that whenever you come to discuss this matter, instead of discussing what we actually propose to do, you always go off and discuss something of that sort?

Now, what do you propose to do? I have another bill that I introduced, and that bill was to reduce the duties upon articles that were subject to taxation, wherever those articles were taxed at over 100 per cent, to 100 per cent. I understand that the gentleman who presides over this House as its Speaker, for whom I entertain a personal affection not exceeded by the personal affection that I entertain for any man in the House, was interviewed about that bill, and when interviewed he said that he reckoned it was "one of John Sharp Williams's jokes, because there were no duties over 100 per cent." And I heard, too, although I did not see it in a newspaper, but it was told me later, that my friend the chairman of the Committee on Ways and Means [Mr. PAYNE] said he thought, too, it was one of JOHN SHARP WILLIAMS'S jokes.

Mr. PAYNE. I never said anything of the kind.

Mr. WILLIAMS. Very well, then. That speaks well for the gentleman's intelligence.

Mr. PAYNE. I am glad to have the commendation of so high an order of intellect as the gentleman from Mississippi.

Mr. WILLIAMS. You do well, because "praise from Sir Hubert is praise indeed."

Mr. PAYNE. Coming all the way from Heidelberg.

Mr. AMES. "Made in Germany."

Mr. WILLIAMS. And, by the way, I had sense enough to come away from it, too. In a magazine article which I have here entitled, "Tariff revision, reciprocity, and the farmer," are some of the articles which pay over 100 per cent duty.

"Chalk, such as tailor's, billiards, lead, and French, 106 per cent duty." There were $34,000 worth of importations, and the duty paid was $36,000.

On boracic acid, which is an article of ordinary use, two of the greatest borax mines of the world being in this country, the duty is 122 per cent. We imported $30,000 worth and paid a duty of $36,000 on the $30,000 worth imported.

On tannic acid or tannin, the duty is 103 per cent.

On nitric spirits of ether, 250 per cent duty; on sulphuric ether, 236 per cent duty; cotton duck, over 8 square yards to the pound, 112 per cent duty.

Manufacture of cordage, cables of fiber of seven lea yarns, 108 per cent duty; another size, 128 per cent; still another, 150 per cent; a fourth, 36 per cent, and a fifth, 300 per cent. As a matter of course we did not import any cordage of that kind, because the duty is so high.

Gill netting, five lea yarns, 104 per cent. Even with the duty there were $1,980 worth imported, and the duty paid upon this was $2,940.

"Firecrackers"—surely the poor little children ought not to be taxed when they become patriotic on the Fourth of July—"126 per cent."

"Cheap spectacles"—that the poor people wear—"116 per cent."

Common window glass, which is the kind ordinarily used, 24 by 30, 107 per cent duty. We imported $55,000 worth, and the duty paid was $59,000. Size 24 by 36, 125 per cent duty; there were $50,000 worth of imports and $65,000 was the duty paid. Size 30 by 40, 129 per cent duty; above 40 by 50, 255 per cent duty.

Looking-glasses, 24 by 30, 130 per cent duty.

Plate glass, 24 by 60, 142 per cent duty.

Pocket-knife blades, 103 per cent duty.

Stocks for double-barreled guns, 389 per cent duty.

Here I will give you some actual importation—values and duties paid all set out. The duties compound, partially ad valorem and partly specific, amount together in each case to over 100 per cent—woolens, flaxens, dress goods, foods.

*List of actual importations, appraised values, and duties paid under act of 1897.*

F. C. Foster & Co., 210,818; *Oceanic*, October 13, 1904. Woolen and cotton flannels, value, $567, merchandise.

DUTY.

[Compound duty.]

| | |
|---|---|
| $567, at 55 per cent | $311.85 |
| 688 pounds, at 44 cents | 302.72 |
| Total duty | 614.57 |

Manufactures of wool and flax, October 21, 1904, value under 40 cents per pound.

DUTY.

[Compound duty.]

| | |
|---|---|
| $232, at 50 per cent | $116.00 |
| 601 pounds, at 33 cents | 198.33 |
| Total duty | 314.33 |

Perkins, Van Bergen & Co., October 6, 1904. *Majestic*, 205,809, wool dress goods.

DUTY.

[Compound duty.]

| | |
|---|---|
| $318, at 50 per cent | $159.00 |
| 2,473 yards, at 11 cents | 272.03 |
| Total duty | 431.03 |

R. F. Levy, 204,256; *Brennen*, October 4, 1904. Woolens, value, $118.

DUTY.

[Compound duty.]

| | |
|---|---|
| $118, at 50 per cent | $59.00 |
| 282 pounds, at 44 per cent | 124.08 |
| Total duty | 183.08 |

G. W. Sheldon & Co., 199,332; *Kraunland*, September 27, 1904. Plate glass, square over 5 by 10, value, $165.

DUTY.

| | |
|---|---|
| 1,000 feet, at 22½ cents per square foot | $225.00 |

Maritx & G. Man, 216,444; value, $61.

DUTY.

| | |
|---|---|
| 1,900 pounds cheese, at 6 cents | $114.00 |

Thomas Rigney & Co., 200,236; *Baltic*, September 30, 1904. Cleaned rice, value, $486.

DUTY.

| | |
|---|---|
| 27,500 pounds, at 2 cents | $550.00 |

C. E. Armstrong, 177,285; *Celtic*, value, $993. Cleaned rice.

DUTY.

| | |
|---|---|
| 55,000 pounds, at 2 cents | $1,100.00 |

Kalben, 181,721; September 6, 1904. Beer, value, $68.

DUTY.

| | |
|---|---|
| 442 gallons, at 20 cents a gallon | $88.40 |

Tariff, 100 per cent; watch movements, if having more than seven jewels, 50 cents each and 25 per cent ad valorem, act 1897, paragraph 191. Mica, 12 cents per pound and 20 per cent ad valorem. (See Evening Post.)

Immense quantities of mica are used in this country, and the quantity consumed has very largely increased in the past two or three years, and is increasing very rapidly, as large quantities of it are used in electrical contrivances, and on account of the high duty on it a deposit of mica is more valuable than a gold mine, as all the tools you need to mine it is a pick and shovel.

Now, my object in bringing this up is this: There are two classes of Republicans upon this question of protectionism. One frankly taxes the balance of the world to enrich certain industries in his own district, and the higher he can tax them and the more he can enrich his own constituents by exploiting others the better satisfied he is. Now, with him we need not argue at all, because he is not open to ratiocination. He is only open to one argument, and that is to prove to him that a schedule does not enrich his particular fellow—possibly, though not always a campaign-raising fellow.

The duty on mica is claimed in a mica company prospectus to be 150 per cent. It is really sometimes 4,000 per cent; the value of mica waste in Canada being $3 per ton and the duty being 6 cents per pound and 20 per cent ad valorem. But there is a class of Republicans who believe in the protective tariff as a principle upon the ground that it maintains the superiority of the standard of American wage to the standard of wage abroad. With that man you can reason, and with him I propose to reason here and before the country; and I tell you that I have so much confidence in the sanity of the American intellect that I believe that that class of conservative and sensible Republicans are going to go back upon this outrageous Dingley scale of exploitation.

With him you can reason this way. You say that he admits that the *raison d'être*—the cause for the existence—of protectionism is to make up the difference between what you call the pauper labor scale of Europe and your own great American scale (and the scale of wages, as I have more than once tried to demonstrate, does not come from the tariff, but from our grander industrial opportunities, and from the fact that there is more demand for labor in America, in proportion to the supply of labor, than in any other country in the world, except some parts of South Africa, where they had a higher scale of wage than we had until they introduced Chinese labor and broke it down). This man, however, believes that the tariff can and does maintain this difference. If it be true that you want to make up by your tariff scale for the difference between what you call the "European pauper labor" wage and your own laborer's wage, the height to which the tariff ought to go would be the height in dollars and cents, or in percentage of that exact difference, whatever it is, as a factor in the cost of the product.

Now, then, the most expert statisticians say upon an average the labor cost of commodities is not 50 per cent of the entire price of the finished product. There are very few articles indeed concerning which it may be predicated in truth that the labor cost at the factory entering into the entire cost is as much as 50 per cent of the entire cost, but in order to be perfectly fair and that the American people may see that I have exposed this pretense, I introduced a bill providing that wherever the duty—specific or ad valorem or compound—is over 100 per cent of the price of the product it shall be reduced to 100 per cent.

Now, the blindest and most fanatical stand-patter in the world will not undertake to say that the amount of labor cost in the cost of finished product can amount to more than the entire cost of the product. A fortiori the difference between the American labor cost which enters into it and the foreign labor cost entering into an identical article could not possibly be over the entire cost of the product. I am going to put that bill up before my friend from New York, chairman of the Committee on Ways and Means, and the other Republican members of the Committee on Ways and Means and see what they think about it.

The President of the United States himself has said, although I am not quoting his exact language, that the excuse or justification, perhaps, he says, for a protective tariff lies in the fact that you ought to make up at general expense, patriotically, the difference between the scale of foreign wages entering into a product, with the importation of which you are confronted, and the scale of wages that would enter into the identical product if made in the United States. This bill is my test of Republican labor-loving pretense, and also of tariff-revising pretense. Let us see whether it is true, as the newspapers have said, that any sort of agreement or understanding was entered into between the President of the United States and the Speaker of this House, whereby the one was to help along the railroad rate bill and the other was to delay any recommendation of tariff revision. Let us see if the President of the United States sincerely bases his advocacy of protection upon the reasons that he has given or whether he entertains some other reason. Let me say to every one of you that those of you who say wage difference is your reason for voting for protectionism can not vote against my bill, which merely reduces the duty to 100 per cent of the fair invoice price of the article imported.

These figures I have given you are based upon the actual prices of importations. There are other illustrations in the woolen schedule. On some things of the woolen schedule that the laboring men and the laboring women must wear the duty runs over 100 per cent. You say you want the tariff "revised by its friends." In Gods' name let its friends act. It has a conservative friend in the White House, if he is properly quoted. It has fanatical friends or of the other and reasonable class on this floor and in the Senate. You are upon the Government horse and you are in the saddle. Ride the horse, but ride him so that you shall not trample on the rights and liberties of the people unnecessarily. The horse going any gait must trample upon something. Any tax must hurt somebody no matter how small, no matter how reasonable the tax. But you—its friends—revise it, so as to hurt less—ride so as to trample on fewer things.

I am not appealing to Democrats who want revenue tariff, I am making an appeal to Republicans who say they want protection for American labor. If you are not hypocrites, if you are telling the truth, if that is your real reason for wanting it, then 100 per cent, in the name of common sense, will give you all the protection that the labor cost entering into an article could possibly under any circumstances require.

I am making the argument from your own standpoint, not from mine. Act now while you are in power; do something. Which novel is it of Dickens's where he describes the sacred groove within the governmental departments of Great Britain where all studied only the art of knowing "how not to do things?" One fellow would receive something and back it over to another, "respectfully referred," and the other fellow would get it and he would back it over to somebody else, "respectfully referred." This Republican talk of revising the tariff in the interests of the American people and to "suit changed conditions" reminds me of that circumlocution office. You are always referring it back to somebody else. I want the American people to know how many of you are sincere and how many of you are hypocritical when you say that you levy duties for the sake of American labor; that you do not levy them for the sake of enriching American capital; that you do not levy them for the purpose of furnishing a shelter behind which great combinations can be formed to exploit the American people, while they sell cheaper abroad than they do at home; that your sole object is to "benefit American labor" and to make up for the difference between the wage scale here and the wage scale abroad. Oh, if I had had that only in view, and fairly so, I could have gone further and said this: That there is hardly an article manufactured the labor cost of which is 50 per cent of its entire cost.

I could have said that there is hardly an article manufactured the labor cost of which constitutes more than 50 per cent of its entire cost, and then I might have said that in very few instances indeed does the American wage amount to over twice what the foreign wage is, as in comparison with continental Europe and England, leaving out the yellow races, where it is sometimes a little bit more, and that, therefore, if you would cut the 50 per cent of labor cost in two and make the duty 25 per cent on a fair ad valorem basis, that this 25 per cent duty would amply protect American labor, from your own Republican—pretense—standpoint. I am speaking now from your standpoint—that it would amply make up the difference between the wage scale here and the wage scale abroad. Ah, but there are lots of you who know that what you have got in mind is not to make up any difference between any American wage scale and a wage scale abroad; that what you have really in mind is to build up this and that and the other industry represented by your constituents and to enrich them at the expense of the general constituency of the country. And how? By enabling your party pets to sell at higher prices; and to whom? To their fellow-citizens.

Mr. COOPER of Wisconsin. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. WILLIAMS. Yes.

Mr. COOPER of Wisconsin. Do I understand the gentleman from Mississippi to say that he thinks a tariff of 25 per cent would sufficiently protect American labor from foreign competition?

Mr. WILLIAMS. I said 25 per cent would cover the difference of labor cost in almost any article identically manufactured here and abroad.

Mr. COOPER of Wisconsin. Will the gentleman allow me to ask him one more question? Last summer in Japan I went into a woolen factory——

Mr. WILLIAMS. Oh, well, the gentleman will remember that I conditioned my statement by saying I was referring to England and continental countries and not to the yellow races.

Mr. COOPER of Wisconsin. Will the gentleman permit me to ask him a question?

Mr. WILLIAMS. Yes.

Mr. COOPER of Wisconsin. While in Japan last summer I went into a woolen factory. They had German up-to-date machinery, 600 hands employed—about 400 men and perhaps 200 women and girls. I asked the superintendent where they got the wool. He said from Australia, free of duty.

Mr. WILLIAMS. If the gentleman will pardon me, the gentleman has totally misunderstood me, I think I can gather from the character of the question he is asking.

Mr. COOPER of Wisconsin. The gentleman can not tell until I have finished the question.

Mr. WILLIAMS. I did not say that the difference between the American wage scale and the foreign wage scale was only 25 per cent. I said that the difference between that part of the total cost of the product which was due to the foreign labor and that part of the total cost of the product due to the American labor would not exceed 25 per cent of the total cost of the product—an entirely different question.

Mr. COOPER of Wisconsin. I inquired of the superintendent how long they worked a day. He replied, "Eleven hours." I asked him what he paid for his help, and he said they paid the men 45 sen, which is 22½ cents gold, and the women 40 sen, which is 20 cents gold, a day of eleven hours. They were making flannel blankets, such as are manufactured and used in this country. They were working eleven hours a day, with free wool from Australia, wool raised on ranches where they have flocks often of from two million to four or more million sheep each, where there is no winter, and where the herder is paid about 20 or 25 cents a day. Now, what tariff does the gentleman think would enable our laborers making such blankets in our mills, paid a dollar and a half a day with no better machinery, to compete at all?

Mr. WILLIAMS. Well, I will have to get some further information from the gentleman first. Now, I will ask him a question with a view of getting information, and then I will try to answer his question. How much product per day did one of these laborers turn out?

Mr. COOPER of Wisconsin. The machinery ran as fast as it does over here, I thought. I have been in many woolen factories and I never have seen machinery run more rapidly.

Mr. WILLIAMS. I did not ask the gentleman how much product the machine turned out in a day, but I asked how much product did the laborer turn out. For example, in parts of England one woman attends to four looms. In New England she attends to six looms running just as fast.

Mr. STANLEY. In Henderson, Ky., one woman attends to eight looms.

Mr. WILLIAMS. And in some parts of Saxony a woman only attends to three. In other words, in order for me to determine what the percentage of labor cost is in that product I must know how much product each laborer turns out. Now, then, I had, summer before last, in Yazoo, Miss., this experience: A friend of mine came to me and said: "We have a lot of Italians, Swedes, and darkies engaged down here digging to put the new sewerage system in, and they are paying the darkies a dollar and a quarter a day and paying the white men two dollars and a quarter." "Well," I said, "that is not square, because they ought to pay them for equal work the same pay;" but he said: "They are not doing equal work. I went down there the other day, having nothing else to do, and I sat down and watched them, and the white men threw out three shovels to the darkies' one." Now, you see, when I came to a knowledge of the actual facts I found there was still an inequality, but that the darky was getting overpaid instead of underpaid in proportion to work done.

Mr. COOPER of Wisconsin. Will the gentleman permit a question——

Mr. WILLIAMS. In one moment. Later on in order to equalize them they had to do this: They put the Italians and Swedes down in the ditch to throw dirt up on the bank, and it was all one darky could do to take the dirt away as fast as it was thrown out by one white man, although all he had to do was to shovel it away, while the white fellow below had to overcome gravity as well as to dig. Now, if the gentleman could give me the information I asked I think he would find out that when it comes to the making of that blanket that 25 per cent of the cost of Japanese manufacture—that is, of the price in Japan without the tariff, you understand, especially if the wool was free and if the labor was free and if there is no tariff at all—that 25 per cent of that price plus freight to America would more than make up the difference between that remarkably cheap Japanese labor and our remarkably high-priced but also remarkably efficient labor.

Mr. COOPER of Wisconsin. Mr. Chairman, I can not, of course, give the figures which the gentleman asked for in that statement of his, but I can say this, however, by way of general impression: While the Japanese have only recently gone into this sort of business, it is my judgment from what I saw that they will equal the people of any country in this world in anything in a comparatively few years. They have intellect, ambition, energy; they have everything that we possess, except possibly not as fair a complexion——

Mr. WILLIAMS. And not as much physical strength.

Mr. COOPER of Wisconsin. But intellect does not depend upon complexion. These people can very soon be taught to work these machines with as great rapidity and skill as any operative in the United States. It is only a matter of a very few years when they will do anything with that machinery, and do it just as well as we do it here.

Mr. WILLIAMS. Now, Mr. Chairman—and after this I am going to take my seat. I am, I started to say, apprehensive, but apprehensive would not be the right word, because no man ought to be apprehensive of the prosperity and development and growth of other people; but I will say I am very persuaded that in the course of time the Japanese will make as good factory laborers as there are in the world. But the minute he does become as efficient as other labor he is going to receive the wage that other labor receives. He will receive it upon the same principle that if you put on an immense head of water that water will yet seek its level. The great river of labor in this world, the great ocean of prices in this world, always seek their level, and if the Japanese gets to the point where he can do a New England mechanic's or operative's work that Japanese is not going to continue to stay in a country where he is paid half price. His threat or intent or attempt to leave, even before he leaves, will raise wages in Japan. Already that result is beginning to be accomplished in Japan. When he reaches that period of intelligence, he is going to Australia, to South Africa, to Great Britain, and to everywhere else where men who are efficient labor and other men are willing to pay for it. Pari passu wages will rise in Japan. Just in proportion as men become equalized in efficiency they become approximately equalized in remuneration, not perfectly, of course—never—but just as water seeking its level from away up at Lake Itasca down to the Gulf of Mexico never finds its level perfect—not even after it reaches the Gulf, because the winds and the tides destroy it—but is yet always seeking its level, and upon the whole is finding a comparative or approximate level.

It is from just the same ignoring of a principle that gentlemen talk about gold leaving one country and going into another, and hurting the country that it leaves. Gold seeks the place of lowest price. That is the place of its highest purchasing power. Labor seeks also the place of its greatest purchasing power.

Why is it that this great immigration movement has been going on since colonial times—long before the Revolution—from Europe to America? It is just the great father of labor—waters rolling on and seeking the place of the highest wage, the place where the purchasing power of muscle, as measured in other commodities, is greatest, and where the price of other things, as measured in muscle, is least.

Mr. HAMILTON. I may have misunderstood the gentleman, but will he state his scientific authority for sayinlg that only 30 to 50 per cent of the cost value of the finished product represents labor?

Mr. WILLIAMS. I will state that Mr. Edward Atkinson, who now unfortunately is dead, made those figures. I can not now recall just where or when I read them.

Mr. HAMILTON. Will the gentleman state where he made that statement?

Mr. WILLIAMS. I can not now recall, as I said when the gentleman asked me. But since Edward Atkinson stated——

Mr. HAMILTON. It has been stated generally that 80 per cent represents the value of labor.

Mr. WILLIAMS. I am talking about manufactured products. You take corn, for example, where it is pulled by hand, and I suppose that 90 per cent would be labor cost.

Mr. HAMILTON. What would the gentleman say as to manufactured products? What per cent represents labor?

Mr. WILLIAMS. It depends upon the product.

Mr. HAMILTON. On the whole—the scientific average?

Mr. WILLIAMS. What I said was it was very seldom, indeed, that the labor percentage, the labor cost, formed 50 per cent of the total cost of the product.

Mr. HAMILTON. Is it not generally accepted as a scientific fact that 80 or 90 per cent represents the element of labor in the finished product?

Mr. WILLIAMS. It is not. And in making that statement I think I would like to ask the gentleman where his scientific authority for that is?

Mr. HAMILTON. I was trying to think when I asked the gentleman the question. As I recall it, I think I have it from Lalor's Political Encyclopædia—a very able article which appears in that publication.

Mr. WILLIAMS. If the gentleman will look at it, he will find that he has got a statement of all the products—agricultural and all others.

Mr. WEISSE. For the information of the gentleman, if he will take the abstract of the census of 1900, he will find that there were manufactured about $13,000,000,000 of products, and Carroll D. Wright gives 17½ per cent of the cost of the manufactured article as what the laborer received as his share.

Mr. WILLIAMS. I could have furnished that, but what I stated was, not that the average percentage of labor cost was 50 per cent, but that in some exceptional cases with manufactured articles it seldom reached 50 per cent. The average percentage is not 20 per cent of the total cost of the manufactured article. It is very seldom, indeed, that in any manufactured article the labor cost is 50 per cent of the entire cost of the product. Now, mark you, not selling price, not retail or selling price to the jobber, but cost of outturn at the factory.

Mr. HAMILTON. But the value of the finished product?

Mr. WILLIAMS. No; the cost of making it at the factory, not its market value. The latter involves the manufacturer's profit.

Mr. HAMILTON. The gentleman will recognize it is a very important element in this controversy.

Mr. WILLIAMS. It is a very important element in this incidental controversy between you and me, but it is not at all important as far as the proposition that I have faced you with this morning—my bill—is concerned, at least the proposition I have faced the Republicans in the Ways and Means Committee with to-day and will face them with later on on a vote, because, in order to avoid all room for argument, I provide in that bill that wherever the duty is over 100 per cent it shall be reduced to 100 per cent.

Mr. HAMILTON. The gentleman recognizes even in those cases that where the duty may be 100 per cent the price of the article is, in many instances, far below the duty exacted. And what difference does the duty make in that case?

Mr. WILLIAMS. I see what the gentleman is talking about now. He has gone off on something else. Let us keep to this.

Mr. HAMILTON. I was trying to follow the gentleman.

Mr. WILLIAMS. No; the gentleman has gone off on something else—on how much the tariff adds to the price of the product. I say you people pretend that what you want to do is to compensate the American laborer to the proportion necessary in order to make up the difference between the American wage scale and the foreign wage scale. Now, I say, if you are sincere about that, you will not even undertake an argument, that a duty of 100 per cent is not more than sufficient.

Mr. HAMILTON. I say that that is one of the chief arguments in favor of protective tariff.

Mr. WILLIAMS. You will not even undertake an argument that the labor cost of any article is ever above the entire cost of the article, will you?

Mr. HAMILTON. No.

Mr. WILLIAMS. That is one frank answer that I have gotten out of one Republican lately on that question. It could not be, could it? It would be mighty absurd to suppose it would, would it not?

Mr. HAMILTON. The gentleman is making his argument.

Mr. STEPHENS of Texas. Will the gentleman from New York proceed now?

Mr. SHERMAN. One moment, before I move that the committee rise. The distinguished gentleman from Indiana [Mr. CRUMPACKER] asked me some question this morning in reference to education in Alaska. I did not have at hand at the moment the data upon that subject. Dr. Sheldon Jackson has been for many years the superintendent of education for Alaska, having charge, not of the education of the Indians alone, but of all the citizens of Alaska. The Government has been appropriating for twenty years, in the sundry civil appropriation bill, sums running from fifteen to fifty thousand dollars for that purpose, and last year, in the sundry civil bill, $50,000 was appropriated for education in Alaska. And to any gentleman who is curious to look up the matter in detail, he will find in volume 2 of the Annual Report of the Secretary of the Interior for 1903, on pages 2232 down to 2247, a full report of the expenditures of that money for the education of Indians and other children in Alaska, a very considerable proportion of the money being expended for the education of Indians. As I said this morning, only $5,000 was directly appropriated out of the Indian funds for the education of Indians in Alaska. That is all I desire to say about that.

Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. CURRIER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 15331—the Indian appropriation bill—and had come to no resolution thereon.

### LEAVE TO EXTEND REMARKS.

Mr. SHERMAN. Mr. Speaker, I desire to ask unanimous consent that all gentlemen who have spoken in this debate, and those who may speak to-morrow, may have the privilege to extend their remarks in the RECORD.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

### DAM ACROSS RED LAKE RIVER, MINNESOTA.

Mr. STEENERSON. Mr. Speaker, I ask unanimous consent for the present consideration of a Senate bill permitting the building of a dam across the Red Lake River, Minnesota.

The Clerk read as follows:

A bill (S. 4128) permitting the building of a dam across the Red Lake River at or near the junction of Black River with said Red Lake River in Red Lake County, Minn.

*Be it enacted, etc.*, That the consent of Congress is hereby granted to William J. Murphy, his successors and assigns, to build a dam across the Red Lake River at or near the junction of the Black River, so called, with said Red Lake River, in Red Lake County, Minn., for the development of water power, and such works and structures in connection therewith as may be necessary or convenient in the development of said power and in the utilization of the power thereby developed: *Provided*, That the plans for the construction of said dam and appurtenant works shall be submitted to and approved by the Chief of Engineers and the Secretary of War before the commencement of the construction of the same: *And provided further*, That the said William J. Murphy, his successors or assigns, shall not deviate from such plans after such approval, either before or after the completion of such structures, unless the modification of said plans shall have previously been submitted to and received the approval of the Chief of Engineers and of the Secretary of War: *And provided further*, That there shall be placed and maintained in connection with said dam a sluiceway so arranged as to permit logs, timber, and lumber to pass around, through, or over said dam without unreasonable delay or hindrance and without toll or charges: *And provided further*, That the dam shall be so constructed that the Government of the United States may at any time construct in connection therewith a suitable lock for navigation purposes, and may at any time, without compensation, control the said dam so far as shall be necessary for purposes of navigation, but shall not destroy the water power developed by said dam and structures to any greater extent than may be necessary to provide proper facilities for navigation, and that the Secretary of War may at any time require and enforce at the expense of the owners such modifications and changes in the construction of such dam as he may deem advisable in the interests of navigation: *And provided further*, That suitable fishways, to be approved by the United States Fish Commission, shall be constructed and maintained at said dam by the said William J. Murphy, his successors or assigns.

SEC. 2. That in case any litigation arises from the building of said dam, or from the obstruction of said river by said dam or appurtenant works, cases may be tried in the proper courts, as now provided for that purpose in the State of Minnesota and in the courts of the United States: *Provided*, That nothing in this act shall be so construed as to repeal or modify any of the provisions of law now existing in reference to the protection of the navigation of rivers, or to exempt said structures from the operation of same.

SEC. 3. That this act shall be null and void unless the dam herein authorized be commenced within two years and be completed within three years from the time of the passage of this act.

SEC. 4. That the right to amend or repeal this act is hereby expressly reserved.

The amendment recommended by the committee was read, as follows:

Amend, on page 3, line 13, by striking out the words "two years" and inserting in lieu thereof the words "one year."

Mr. DALZELL. Reserving the right to object, do I understand this is a Senate bill?

Mr. STEENERSON. This is a Senate bill, and it has been reported favorably by the Committee on Interstate and Foreign Commerce of this House, and is on the Calendar.

Mr. DALZELL. It comes from a committee of this House?

Mr. STEENERSON. It comes from a committee of this House.

Mr. UNDERWOOD. Is it a unanimous report?

Mr. STEENERSON. It is a unanimous report.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to a third reading; and it was accordingly read the third time, and passed.

The SPEAKER. Is there a similar House bill?

Mr. STEENERSON. There is no House bill.

BRIDGE ACROSS THE DELAWARE RIVER.

Mr. SHERMAN. Mr. Speaker, I desire to call from the Speaker's table the bill (S. 3288) to authorize the Pennsylvania Railroad Company and the Pennsylvania and Newark Railroad Company, or their successors, to construct, maintain, and operate a bridge across the Delaware River, which is identical with House bill 11505, which has been unanimously favorably reported by the Committee on Interstate and Foreign Commerce.

The bill was read at length.

Mr. CLARK of Missouri. Reserving the right to object, I would like to ask the gentleman if he knows anything about what has ever become of that Mann bill that was passed?

Mr. SHERMAN. This has nothing to do with the Mann bill, Mr. Speaker, and I am not asking unanimous consent. I am asking that this bill be put upon its passage, because I have the right to do so under the rules.

Mr. CLARK of Missouri. I am asking for information. If the Mann bill has been passed by the Senate and has been signed by the President, then bridge bills have to be drawn in accordance with that bill.

Mr. SHERMAN. The gentleman from Illinois is present and will answer the gentleman's inquiry.

Mr. MANN. As I understand, the bill has been reported by the Committee of the Senate, but has not passed.

Mr. CLARK of Missouri. It has not passed.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. SHERMAN, a motion to reconsider the vote by which the bill was passed was laid on the table.

The SPEAKER. Without objection, a similar House bill will be laid on the table.

There was no objection.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 10697. An act providing for the insurance of patents for lands allotted to Indians under the Moses agreement of July 7, 1883;

H. R. 10080. An act to provide for sittings of the United States circuit and district courts of the southern district of Florida at the city of Miami, in said district;

H. R. 13542. An act authorizing the Secretary of the Interior to lease land in Stanley County, S. Dak., for a buffalo pasture;

H. R. 13674. An act to amend an act entitled "An act to amend an act entitled 'An act to supplement existing laws relating to the disposition of lands, and so forth, approved March 3, 1901,' approved June 30, 1902;"

H. R. 8493. An act granting an increase of pension to Sallie F. Sheffield;

H. R. 13673. An act to extend the provisions of the homestead laws to certain lands in the Yellowstone Forest Reserve;

H. R. 14590. An act to authorize the Cairo and Tennessee River Railroad Company to construct a bridge across Cumberland River;

H. R. 14589. An act to authorize the Cairo and Tennessee River Railroad Company to construct a bridge across the Tennessee River;

H. R. 14344. An act for the relief of Col. Medad C. Martin; and

H. R. 7961. An act for the relief of G. F. Tarbell.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 2446. An act to provide for the purchase of a site and the erection of a public building thereon at Devils Lake, in the State of North Dakota—to the Committee on Public Buildings and Grounds.

S. 684. An act providing for the erection of a public building in the city of Quincy, Mass.—to the Committee on Public Buildings and Grounds.

S. 1032. An act to aid in the erection of a statue of Commodore John D. Sloat, United States Navy, at Monterey, Cal.—to the Committee on the Library.

S. 2296. An act restoring to the public domain certain lands in the State of Minnesota—to the Committee on the Public Lands.

S. 1243. An act providing for compulsory education in the District of Columbia—to the Committee on the District of Columbia.

S. 39. An act for the erection of an equestrian statue of Maj. Gen. John Stark in the city of Manchester, N. H.—to the Committee on the Library.

S. 4673. An act to provide for the allowance and payment to the employees of the Government Printing Office of the same leave of absence as is allowed to the clerks and employees of the Executive Departments of the Government—to the Committee on Printing.

S. 4862. An act allowing settlers with permanent improvements on the town sites of Heyburn and Rupert, in Idaho, to buy lots on which said improvements are located at an appraised price for cash—to the Committee on the Public Lands.

S. 3044. An act to promote the efficiency of the Revenue-Cutter Service—to the Committee on Interstate and Foreign Commerce.

S. 2724. An act for the relief of Delia B. Stuart, widow of John Stuart—to the Committee on War Claims.

S. 3292. An act to incorporate the Great Council of the United States of the Improved Order of Red Men—to the Committee on the District of Columbia.

S. 3414. An act providing for a public highway on the east side of the Fort Sherman abandoned military reservation, Idaho—to the Committee on the Public Lands.

S. 3918. An act to authorize commissions to issue in the cases of officers of the Army retired with increased rank—to the Committee on Military Affairs.

S. 3935. An act to authorize Indians on former Uintah Reservation to cut and sell cedar and pine timber for posts and fuel—to the Committee on Indian Affairs.

S. 4111. An act to authorize the Chief of Ordnance, United States Army, to receive four 3.6-inch breech-loading field guns, carriages, caissons, limbers, and their pertaining equipment from the State of Connecticut—to the Committee on Military Affairs.

S. 4298. An act to amend section 4471 of the Revised Statutes of the United States, regulation of steam vessels—to the Committee on the Merchant Marine and Fisheries.

S. 4299. An act to amend section 4421 of the Revised Statutes of the United States, inspection of steam vessels—to the Committee on the Merchant Marine and Fisheries.

S. 4313. An act ceding to the State of California certain vacant unappropriated public lands in Santa Cruz County, State of California—to the Committee on the Public Lands.

S. 4370. An act to appropriate the sum of $40,000 as a part contribution toward the erection of a monument at Provincetown, Mass., in commemoration of the landing of the Pilgrims and the signing of the *Mayflower* compact—to the Committee on the Library.

S. 2623. An act for the extension of Euclid street, in Meridian Hill, District of Columbia—to the Committee on the District of Columbia.

S. 4773. An act for the payment of the expenses of the delegates to the Third International Conference of American States—to the Committee on Foreign Affairs.

MARKING CONFEDERATE GRAVES.

Mr. PRINCE. Mr. Speaker, I desire to call up the bill (H. R. 8965) to provide for the appropriate marking of the graves of the soldiers of the Confederate army and navy, and for other purposes, and to move that the same do lie upon the table, for the reason that a Senate bill for the same purpose has been passed and approved by the President.

The SPEAKER. If there be no objection, it will be so ordered.

There was no objection.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. MURPHY, until March 20, on account of illness in his family.

Mr. SHERMAN. I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 4 o'clock and 59 minutes p. m.) the House adjourned.

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## EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of Commerce and Labor submitting an estimate of appropriation for a light and fog-

signal station on Otter Island, Maine—to the Committee on Interstate and Foreign Commerce, and ordered to be printed.

A letter from the Secretary of War, recommending legislation to authorize the War Department to sell coal to avert a coal famine at Nome, Alaska—to the Committee on Military Affairs, and ordered to be printed.

A letter from the Attorney-General, transmitting a reply to the inquiry of the House as to prosecutions of individuals or corporations for entering into combination in restraint of interstate commerce—to the Committee on the Judiciary, and ordered to be printed.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. MONDELL, from the Committee on Irrigation of Arid Lands, to which was referred the bill of the Senate (S. 87) providing for the withdrawal from public entry of lands needed for town-site purposes in connection with irrigation projects under the reclamation act of June 17, 1902, and for other purposes, reported the same with amendment, accompanied by a report (No. 2113); which said bill and report were referred to the House Calendar.

Mr. OLCOTT, from the Committee on the District of Columbia, to which was referred the bill of the Senate (S. 1244) to amend section 605 of the Code of Law for the District of Columbia, relating to corporations, reported the same with amendment, accompanied by a report (No. 2114); which said bill and report were referred to the House Calendar.

Mr. HULL, from the Committee on Military Affairs, to which was referred the bill of the Senate (S. 1540) to increase the efficiency of the Ordnance Department of the United States Army, reported the same with amendment, accompanied by a report (No. 2115); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. KLINE, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 14582) for the removal of snow and ice from the paved sidewalks of the District of Columbia, and for other purposes, reported the same without amendment, accompanied by a report (No. 2116); which said bill and report were referred to the House Calendar.

## REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14241) granting an increase of pension to Lydia M. Edwards, reported the same with amendment, accompanied by a report (No. 1902); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14918) granting an increase of pension to Franklin Simpson, reported the same with amendment, accompanied by a report (No. 1903); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15491) granting an increase of pension to James Buckley, reported the same without amendment, accompanied by a report (No. 1904); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14327) granting an increase of pension to Amelia Nichols, reported the same with amendment, accompanied by a report (No. 1905); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14639) granting an increase of pension to Sarah J. Merrill, reported the same with amendment, accompanied by a report (No. 1906); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14497) granting an increase of pension to Charles M. Pumpelly, reported the same without amendment, accompanied by a report (No. 1907); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14560) granting an increase of pension to Elizabeth Weston, reported the same without amendment, accompanied by a report (No. 1908); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14375) granting an increase of pension to Edmond R. Haywood, reported the same without amendment, accompanied by a report (No. 1909); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14559) granting an increase of pension to Henry West, reported the same with amendment, accompanied by a report (No. 1910); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15449) granting a pension to Rhoda Kennedy, reported the same with amendment, accompanied by a report (No. 1911); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15691) granting an increase of pension to Jerry W. Tallman, reported the same with amendment, accompanied by a report (No. 1912); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13110) granting an increase of pension to James M. Mooman, reported the same with amendment, accompanied by a report (No. 1913); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11622) granting a pension to Martha A. Remington, reported the same with amendment, accompanied by a report (No. 1914); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11926) granting an increase of pension to John Hornbeak, reported the same with amendment, accompanied by a report (No. 1915); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11873) granting a pension to Joseph B. Fonner, reported the same with amendment, accompanied by a report (No. 1916); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12533) granting an increase of pension to Zadick Carter, reported the same with amendment, accompanied by a report (No. 1917); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10816) granting an increase of pension to August Bauer, reported the same with amendment, accompanied by a report (No. 1918); which said bill and report were referred to the Private Calendar.

Mr. HOPKINS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11868) granting an increase of pension to Joseph Dougal, reported the same without amendment, accompanied by a report (No. 1919); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11856) granting an increase of pension to Luke McLoney, reported the same with amendment, accompanied by a report (No. 1920); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11866) granting an increase of pension to David A. Allen, reported the same with amendment, accompanied by a report (No. 1921); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11667) granting an increase of pension to George E. King, reported the same without amendment, accompanied by a report (No. 1922); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10907) granting an increase of pension to John N. Boyd, reported the same with amendment, accompanied by a report (No. 1923); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10753) granting an increase of pension to Jacob Kellar, reported the same with amendment, accompanied by a report (No. 1924); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10230) granting an increase of pension to Clark A. Winans, reported the same without amendment, accompanied by a report (No. 1925); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9839) granting an increase of pension to Jesse Siler, reported the same without amendment, accompanied by a report (No. 1926); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15007) granting an increase of pension to Henry Hares, reported the same with amendment, accompanied by a report (No. 1927); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14890) granting an increase of pension to James H. Posey, reported the same with amendment, accompanied by a report (No. 1928); which said bill and report were referred to the Private Calendar.

Mr. WEISSE, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7331) granting a pension to Henry Porter, reported the same with amendment, accompanied by a report (No. 1929); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5486) granting a pension to Maggie Carroll, reported the same with amendment, accompanied by a report (No. 1930); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7681) granting an increase of pension to James M. Miller, reported the same with amendment, accompanied by a report (No. 1931); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7728) granting an increase of pension to Franklin J. Keck, reported the same with amendment, accompanied by a report (No. 1932); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8315) granting an increase of pension to Martin V. Cannedy, reported the same with amendment, accompanied by a report (No. 1933); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 8722) granting an increase of pension to Arthur M. Lee, reported the same with amendment, accompanied by a report (No. 1934); which said bill and report were referred to the Private Calendar.

Mr. WEISSE, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7876) granting an increase of pension to Julius Beier, reported the same with amendment, accompanied by a report (No. 1935); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8725) granting an increase of pension to Moses B. Davis, reported the same with amendment, accompanied by a report (No. 1936); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3660) granting an increase of pension to James H. Hill, reported the same without amendment, accompanied by a report (No. 1937); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7225) granting an increase of pension to Mary O. Arnold, reported the same with amendment, accompanied by a report (No. 1938); which said bill and report were referred to the Private Calendar.

Mr. WEISSE, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6488) granting a pension to Frank Osterberg, reported the same with amendment, accompanied by a report (No. 1939); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4946) granting an increase of pension to William H. Lewis, reported the same with amendment, accompanied by a report (No. 1940); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 4633) granting an increase of pension to Fannie E. Morrow, reported the same with amendment, accompanied by a report (No. 1941); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4888) granting an increase of pension to William Moore, reported the same with amendment, accompanied by a report (No. 1942); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2765) granting an increase of pension to Andrew J. Benson, reported the same with amendment, accompanied by a report (No. 1943); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3007) granting an increase of pension to Thomas Carder, reported the same with amendment, accompanied by a report (No. 1944); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10396) granting an increase of pension to John A. Malone, reported the same without amendment, accompanied by a report (No. 1945); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9406) granting an increase of pension to Francis W. Preston, reported the same without amendment, accompanied by a report (No. 1946; which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7806) granting an increase of pension to Johanna Walquist, reported the same with amendment, accompanied by a report (No. 1947); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7823) granting an increase of pension to Annie E. Peters, widow of John A. Peters, reported the same with amendment, accompanied by a report (No. 1948); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8930) granting an increase of pension to Margaret Becker, reported the same with amendment, accompanied by a report (No. 1949); which said bill and report were referred to the Private Calendar.

Mr. KELIHER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3484) granting an increase of pension to Edson J. Harrison, reported the same with amendment, accompanied by a report (No. 1950); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3233) granting an increase of pension to Lucius R. Simons, reported the same with amendment, accompanied by a report (No. 1951); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1897) granting an increase of pension to William R. Duncan, reported the same with amendment, accompanied by a report (No. 1952); which said bill and report were referred to the Private Calendar.

Mr. HOPKINS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2082) granting an increase of pension to Siotha Bennett, reported the same without amendment, accompanied by a report (No. 1953); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12532) granting an increase of pension to Zachariah George, reported the same without amendment, accompanied by a report (No. 1954); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1322) granting an increase of pension to Katherine F. Wainwright, reported the same with amendment, accompanied by a report (No. 1955); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2090) granting

an increase of pension to Ellen M. Brant, reported the same with amendment, accompanied by a report (No. 1956); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3344) granting an increase of pension to Henry Sanborn, reported the same with amendment, accompanied by a report (No. 1957); which said bill and report were referred to the Private Calendar.

Mr. KELIHER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2034) granting a pension to Cora F. Mitchell, reported the same with amendment, accompanied by a report (No. 1958); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1913) granting an increase of pension to Charles H. Conley, reported the same with amendment, accompanied by a report (No. 1959); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 17) granting an increase of pension to Levi A. Tripp, reported the same without amendment, accompanied by a report (No. 1960); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 19) granting an increase of pension to Alphonso B. Holland, reported the same without amendment, accompanied by a report (No. 1961); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 22) granting an increase of pension to Andrew Smith, reported the same without amendment, accompanied by a report (No. 1962); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 94) granting an increase of pension to Albert Wines, reported the same without amendment, accompanied by a report (No. 1963); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 162) granting an increase of pension to David D. Griffith, reported the same without amendment, accompanied by a report (No. 1964); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 165) granting an increase of pension to Henry Russell, reported the same without amendment, accompanied by a report (No. 1965); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 180) granting an increase of pension to Joseph W. Legro, reported the same without amendment, accompanied by a report (No. 1966); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 187) granting an increase of pension to James H. Kane, reported the same without amendment, accompanied by a report (No. 1967); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 200) granting an increase of pension to Fredrich Behrens, reported the same without amendment, accompanied by a report (No. 1968); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 203) granting an increase of pension to Edward E. Needham, reported the same without amendment, accompanied by a report (No. 1969); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 218) granting an increase of pension to James White, reported the same without amendment, accompanied by a report (No. 1970); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 220) granting an increase of pension to Jonathan F. Gates, reported the same without amendment, accompanied by a report (No. 1971); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 251) granting an increase of pension to Martin L. Adams, reported the same without amendment, accompanied by a report (No. 1972); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 325) granting an increase of pension to Henry B. Burton, reported the same without amendment, accompanied by a report (No. 1973); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 446) granting an increase of pension to Mary C. Duane, reported the same without amendment, accompanied by a report (No. 1974); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 466) granting an increase of pension to James H. Lewis, reported the same without amendment, accompanied by a report (No. 1975); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 482) granting an increase of pension to Amos M. Runkel, reported the same without amendment, accompanied by a report (No. 1976); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 492) granting an increase of pension to Barney Whitney, reported the same without amendment, accompanied by a report (No. 1977); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 527) granting an increase of pension to Alfred McPherran, reported the same without amendment, accompanied by a report (No. 1978); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 548) granting an increase of pension to William Carr, reported the same without amendment, accompanied by a report (No. 1979); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 555) granting an increase of pension to Henry H. Hill, reported the same without amendment, accompanied by a report (No. 1980); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 589) granting an increase of pension to Joseph L. Prentiss, reported the same without amendment, accompanied by a report (No. 1981); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 597) granting an increase of pension to David M. Pearson, reported the same without amendment, accompanied by a report (No. 1982); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 599) granting an increase of pension to Mary A. Megrue, reported the same without amendment, accompanied by a report (No. 1983); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 623) granting an increase of pension to Bridget Evans, reported the same without amendment, accompanied by a report (No. 1984); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 641) granting an increase of pension to James M. Conrad, reported the same without amendment, accompanied by a report (No. 1985); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 655) granting an increase of pension to Charles E. Bishop, reported the same without amendment, accompanied by a report (No. 1986); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 656) granting an increase of pension to Abraham Walters, reported the same without amendment, accompanied by a report (No. 1987); which said bill and report were referred to the Private Calendar.

Mr. WEISSE, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 671) granting an increase of pension to Charles Conine, reported the same without amendment, accompanied by a report (No. 1988); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 672) granting an increase of pension to James F. Hubbard, reported the same without amendment, accompanied by a report (No. 1989); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the

bill of the Senate (S. 675) granting a pension to Ulrika Bottcher, reported the same without amendment, accompanied by a report (No. 1990); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 712) granting an increase of pension to Lizzie M. McLauchlan, reported the same without amendment, accompanied by a report (No. 1991); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 716) granting an increase of pension to Theodore H. Hanson, reported the same without amendment, accompanied by a report (No. 1992); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 721) granting an increase of pension to Orange S. Mason, reported the same without amendment, accompanied by a report (No. 1993); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 725) granting an increase of pension to William M. Smith, reported the same without amendment, accompanied by a report (No. 1994); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 772) granting a pension to Jerusha Hayward Brown, reported the same without amendment, accompanied by a report (No. 1995); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 784) granting an increase of pension to George L. Cooley, reported the same without amendment, accompanied by a report (No. 1996); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 790) granting an increase of pension to William Benkler, reported the same without amendment, accompanied by a report (No. 1997); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 836) granting an increase of pension to Charles A. Fay, reported the same without amendment, accompanied by a report (No. 1998); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 842) granting an increase of pension to William A. Eggleston, reported the same without amendment, accompanied by a report (No. 1999); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 859) granting an increase of pension to Richard T. Fried, reported the same without amendment, accompanied by a report (No. 2000); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 861) granting an increase of pension to Thomas O'Connor, reported the same without amendment, accompanied by a report (No. 2001); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 969) granting an increase of pension to Howard Ellis, reported the same without amendment, accompanied by a report (No. 2002); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1011) granting an increase of pension to John E. Woodsum, reported the same without amendment, accompanied by a report (No. 2003); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1023) granting an increase of pension to Peter Shippman, reported the same without amendment, accompanied by a report (No. 2004); which said bill and report were referred to the Private Calendar.

Mr. WEISSE, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1130) granting an increase of pension to Isaiah Mitchell, reported the same without amendment, accompanied by a report (No. 2005); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 1138) granting an increase of pension to Albert S. Blake, reported the same without amendment, accompanied by a report (No. 2006); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1173) granting an increase of pension to James M. Fernald, reported the same without amendment, accompanied by a report (No. 2007); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1227) granting an increase of pension to Henry J. Patterson, reported the same without amendment, accompanied by a report (No. 2008); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 1228) granting an increase of pension to Julia L. Plimpton, reported the same without amendment, accompanied by a report (No. 2009); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 1230) granting an increase of pension to Eugene Gaskill, reported the same without amendment, accompanied by a report (No. 2010); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1246) granting an increase of pension to William F. Wilson, reported the same without amendment, accompanied by a report (No. 2011); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 1251) granting an increase of pension to Peter Burns, reported the same without amendment, accompanied by a report (No. 2012); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1357) granting an increase of pension to Orlando C. Pinkham, reported the same without amendment, accompanied by a report (No. 2013); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1399) granting an increase of pension to Henry Jordan, reported the same without amendment, accompanied by a report (No. 2014); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1418) granting an increase of pension to Levi E. Cross, reported the same without amendment, accompanied by a report (No. 2015); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 1420) granting an increase of pension to Sarah A. Tyler, reported the same without amendment, accompanied by a report (No. 2016); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 1421) granting an increase of pension to Harvey C. Brown, reported the same without amendment, accompanied by a report (No. 2017); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1437) granting an increase of pension to William F. Davis, reported the same without amendment, accompanied by a report (No. 2018); which said bill and report were referred to the Private Calendar.

Mr. WEISSE, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1527) granting an increase of pension to John M. Odenheimer, reported the same without amendment, accompanied by a report (No. 2019); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1555) granting an increase of pension to Mary C. Bishop, reported the same without amendment, accompanied by a report (No. 2020); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1624) granting an increase of pension to Peter Betz, reported the same without amendment, accompanied by a report (No. 2021); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 1634) granting an increase of pension to Solomon R. Ruch, reported the same without amendment, accompanied by a report (No. 2022); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 1645) granting an increase of pension to Jacob G. Orth, reported the same without amendment, accom-

panied by a report (No. 2023); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1665) granting an increase of pension to John C. Estes, reported the same without amendment, accompanied by a report (No. 2024); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 1666) granting an increase of pension to George W. Beard, reported the same without amendment, accompanied by a report (No. 2025); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1834) granting an increase of pension to Frederick W. Partridge, reported the same without amendment, accompanied by a report (No. 2026); which said bill and report were referred to the Private Calendar.

Mr. WEISSE, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1905) granting an increase of pension to Edgar Tibbils, reported the same without amendment, accompanied by a report (No. 2027); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 1908) granting an increase of pension to Francesco Del Gindice, reported the same without amendment, accompanied by a report (No. 2028); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 1911) granting an increase of pension to Gunnerus Ingebretson, reported the same without amendment, accompanied by a report (No. 2029); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1978) granting an increase of pension to Thomas Edsall, reported the same without amendment, accompanied by a report (No. 2030); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 2044) granting a pension to Solomon F. Wehr, reported the same without amendment, accompanied by a report (No. 2031); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 2080) granting a pension to Ruth F. Bennett, reported the same without amendment, accompanied by a report (No. 2032); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2090) granting an increase of pension to Sarah E. Adams, reported the same without amendment, accompanied by a report (No. 2033); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2091) granting an increase of pension to John P. Bambush, reported the same without amendment, accompanied by a report (No. 2034); which said bill and report were referred to the Private Calendar.

Mr. WEISSE, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2103) granting an increase of pension to Lorin R. Bingham, reported the same without amendment, accompanied by a report (No. 2035); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2153) granting an increase of pension to Helen B. Read, reported the same without amendment, accompanied by a report (No. 2036); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 2168) granting an increase of pension to Isaac B. Hewitt, reported the same without amendment, accompanied by a report (No. 2037); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2182) granting an increase of pension to John J. Buffington, reported the same without amendment, accompanied by a report (No. 2038); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2216) granting an increase of pension to David W. Magee, reported the same without amendment, accompanied by a report (No. 2039); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2250) granting an increase of pension to John Rauch, reported the same without amendment, accompanied by a report (No. 2040); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2332) granting an increase of pension to Ashley A. Youmans, reported the same without amendment, accompanied by a report (No. 2041); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2344) granting an increase of pension to Albert C. Andrews, reported the same without amendment, accompanied by a report (No. 2042); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2346) granting an increase of pension to John W. Reed, reported the same without amendment, accompanied by a report (No. 2043); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2393) granting an increase of pension to John L. Clark, reported the same without amendment, accompanied by a report (No. 2044); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2406) granting an increase of pension to Thomas Milliman, reported the same without amendment, accompanied by a report (No. 2045); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2473) granting an increase of pension to Charles L. Noggle, reported the same without amendment, accompanied by a report (No. 2046); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2548) granting an increase of pension to Jesse M. Furman, reported the same without amendment, accompanied by a report (No. 2047); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2840) granting an increase of pension to George L. Jaquith, reported the same without amendment, accompanied by a report (No. 2048); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2863) granting an increase of pension to Garrett Rourke, reported the same without amendment, accompanied by a report (No. 2049); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2868) granting an increase of pension to George W. Flick, reported the same without amendment, accompanied by a report (No. 2050); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2882) granting an increase of pension to Samuel E. Johnson, reported the same without amendment, accompanied by a report (No. 2051); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 2950) granting an increase of pension to Joseph E. Stines, reported the same without amendment, accompanied by a report (No. 2052); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3031) granting an increase of pension to Frank Westervelt, reported the same without amendment, accompanied by a report (No. 2053); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3043) granting an increase of pension to Henry D. Hall, reported the same without amendment, accompanied by a report (No. 2054); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 3036) granting an increase of pension to John O. Thorn, reported the same without amendment, accompanied by a report (No. 2055); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3121) granting an

increase of pension to John G. Blessing, reported the same without amendment, accompanied by a report (No. 2056); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3125) granting a pension to Parthenia W. Baker, reported the same without amendment, accompanied by a report (No. 2057); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 3132) granting an increase of pension to Georgia D. Brown, reported the same without amendment, accompanied by a report (No. 2058); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3187) granting a pension to John Harper, reported the same without amendment, accompanied by a report (No. 2059); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 3189) granting an increase of pension to Elizabeth Rutherford, reported the same without amendment, accompanied by a report (No. 2060); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 3199) granting an increase of pension to Andrew J. Coulton, alias Samuel Myers, reported the same without amendment, accompanied by a report (No. 2061); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 3224) granting a pension to Nancy A. Teeters, reported the same without amendment, accompanied by a report (No. 2062); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3242) granting an increase of pension to Daniel Woolley, reported the same without amendment, accompanied by a report (No. 2063); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3310) granting an increase of pension to Richard M. Ogle, reported the same without amendment, accompanied by a report (No. 2064); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3312) granting a pension to Oscar F. Renick, reported the same without amendment, accompanied by a report (No. 2065); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 3315) granting an increase of pension to Henry V. Hamenstaedt, reported the same without amendment, accompanied by a report (No. 2066); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3472) granting an increase of pension to Lena Sherman, reported the same without amendment, accompanied by a report (No. 2067); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3473) granting an increase of pension to La Forrest C. Darling, reported the same without amendment, accompanied by a report (No. 2068); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 3474) granting an increase of pension to James B. Kellogg, reported the same without amendment, accompanied by a report (No. 2069); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 3475) granting an increase of pension to Everett S. Fitch, reported the same without amendment, accompanied by a report (No. 2070); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3492) granting an increase of pension to Catharine Bechtol, reported the same without amendment, accompanied by a report (No. 2071); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3539) granting an increase of pension to Dominick Cavanaugh, reported the same without amendment, accompanied by a report (No. 2072); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 3547) granting an increase of pension to Stephen M. Davis, reported the same without amendment, accompanied by a report (No. 2073); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3575) granting an increase of pension to Sargent R. Emerson, reported the same without amendment, accompanied by a report (No. 2074); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3588) granting an increase of pension to James Lebo, reported the same without amendment, accompanied by a report (No. 2075); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3626) granting a pension to Catherine Coye, reported the same without amendment, accompanied by a report (No. 2076); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3640) granting an increase of pension to Oliver Brenton, reported the same without amendment, accompanied by a report (No. 2077); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3714) granting an increase of pension to James Ruth, reported the same without amendment, accompanied by a report (No. 2078); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3721) granting an increase of pension to May C. Morgan, reported the same without amendment, accompanied by a report (No. 2079); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 3751) granting an increase of pension to Daniel D. Nash, reported the same without amendment, accompanied by a report (No. 2080); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3800) granting an increase of pension to Albert D. Cordner, reported the same without amendment, accompanied by a report (No. 2081); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 3866) granting an increase of pension to Samuel J. Burlock, reported the same without amendment, accompanied by a report (No. 2082); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3903) granting an increase of pension to John McCoy, reported the same without amendment, accompanied by a report (No. 2083); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 3905) granting an increase of pension to James M. Garritt, reported the same without amendment, accompanied by a report (No. 2084); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3932) granting an increase of pension to David Rankin, reported the same without amendment, accompanied by a report (No. 2085); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3933) granting an increase of pension to Sidney R. Smith, reported the same without amendment, accompanied by a report (No. 2086); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4000) granting an increase of pension to Crosby Pyle Woodward, reported the same without amendment, accompanied by a report (No. 2087); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4006) granting an increase of pension to Charles S. Parrish, reported the same without amendment, accompanied by a report (No. 2088); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 4020) granting an increase of pension to Henry C. Johnson, reported the same without amendment, ac-

companied by a report (No. 2089); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4096) granting an increase of pension to Norman W. Lombard, reported the same without amendment, accompanied by a report (No. 2090); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 4097) granting an increase of pension to Julius T. Williamson, reported the same without amendment, accompanied by a report (No. 2091); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 4100) granting an increase of pension to Carlton A. Wheeler, reported the same without amendment, accompanied by a report (No. 2092); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4131) granting an increase of pension to John Connor, reported the same without amendment, accompanied by a report (No. 2093); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4159) granting an increase of pension to Mary P. Johannes, reported the same without amendment, accompanied by a report (No. 2094); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4181) granting an increase of pension to Margaret Hallett, reported the same without amendment, accompanied by a report (No. 2095); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4187) granting an increase of pension to Nathaniel E. Skelton, reported the same without amendment, accompanied by a report (No. 2096); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 4188) granting an increase of pension to Frank D. Smith, reported the same without amendment, accompanied by a report (No. 2097); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4223) granting an increase of pension to Benjamin F. Peirce, reported the same without amendment, accompanied by a report (No. 2098); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4226) granting an increase of pension to James Cain, reported the same without amendment, accompanied by a report (No. 2099); which said bill and report were referred to the Private Calendar.

Mr. WEISSE, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4280) granting a pension to Aurelia Cotten, reported the same without amendment, accompanied by a report (No. 2100); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 4286) granting an increase of pension to Thomas J. Davies, reported the same without amendment, accompanied by a report (No. 2101); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4319) granting an increase of pension to Frederick C. Sturm, reported the same without amendment, accompanied by a report (No. 2102); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4337) granting an increase of pension to Barney McGirl, reported the same without amendment, accompanied by a report (No. 2103); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4362) granting an increase of pension to William Fluegel, reported the same without amendment, accompanied by a report (No. 2104); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 4381) granting an increase of pension to John T. McGarraugh, reported the same without amendment, accompanied by a report (No. 2105); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4422) granting an increase of pension to Lindsay Kirby, reported the same without amendment, accompanied by a report (No. 2106); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 4496) granting an increase of pension to Alphonso Brooks, reported the same without amendment, accompanied by a report (No. 2107); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4507) granting an increase of pension to Joseph Chandler, jr., reported the same without amendment, accompanied by a report (No. 2108); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4636) granting an increase of pension to Henry R. Pease, reported the same without amendment, accompanied by a report (No. 2109); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 4637) granting an increase of pension to Frederick Zimmerman, reported the same without amendment, accompanied by a report (No. 2110); which said bill and report were referred to the Private Calendar.

Mr. SMITH of California, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 8041) authorizing a patent to be issued to Stephen Teichner for certain lands therein described, reported the same without amendment, accompanied by a report (No. 2111); which said bill and report were referred to the Private Calendar.

## ADVERSE REPORTS.

Under clause 2 of Rule XIII, adverse reports were delivered to the Clerk, and laid on the table, as follows:

Mr. DRISCOLL, from the Committee on Pacific Railroads, to which was referred the bill of the House (H. R. 10499) authorizing the accounting officers of the Treasury to readjust the accounts of the Pacific Railway and other companies for transportation of enlisted men of the Army, Navy, and Marine Corps since July 1, 1896, and for other purposes, reported the same adversely, accompanied by a report (No. 2112); which said bill and report were ordered laid on the table.

## PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. BINGHAM: A bill (H. R. 16226) to amend the internal-revenue laws and to prevent the double taxation of certain distilled spirits—to the Committee on Ways and Means.

By Mr. MONDELL: A bill (H. R. 16227) authorizing the Secretary of the Interior, on request of the Secretary of Agriculture, to reserve public lands for purposes of agricultural experiments—to the Committee on the Public Lands.

By Mr. HULL: A bill (H. R. 16228) for the establishment of a plant for the manufacture of powder for the United States Army—to the Committee on Military Affairs.

By Mr. SLAYDEN: A bill (H. R. 16229) to erect a powder factory for the Army of the United States—to the Committee on Military Affairs.

By Mr. FOWLER: A bill (H. R. 16230) for the current deposit of public moneys—to the Committee on Banking and Currency.

By Mr. KEIFER: A bill (H. R. 16231) granting a pension to all persons who have lost their hearing from causes originating in the military service of the United States—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16232) granting a pension to the widow and minor children of an invalid pensioner without proof of soldier's death being due to causes originating in the military service—to the Committee on Invalid Pensions.

By Mr. COCKS: A bill (H. R. 16233) directing the Secretary of War to submit plans and estimates for the improvement of Parsonage River, situated between Baldwin and Ocean Side, Nassau County, Long Island, New York—to the Committee on Rivers and Harbors.

Also, a bill (H. R. 16234) directing the Secretary of War to submit plans and estimates for the improvement of the mouth of Huntington Harbor, Suffolk County, Long Island, New York—to the Committee on Rivers and Harbors.

By Mr. LOUD: A bill (H. R. 16235) authorizing the Secretary of War to deliver condemned brass field pieces to the city of Petoskey, Mich.—to the Committee on Military Affairs.

By Mr. McGUIRE: A bill (H. R. 16236) to appropriate the sum of $250,000 to erect a public building at Enid, Okla.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 16237) to appropriate the sum of $250,000 to erect a public building at El Reno, Okla.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 16238) to appropriate the sum of $250,000 to erect a public building at Lawton, Okla.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 16239) to appropriate the sum of $150,000 to complete the Federal building, and so forth, at Guthrie, Okla.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 16240) providing for free homesteads on the public lands for actual and bona fide settlers, and reserving the public lands for that purpose—to the Committee on the Public Lands.

By Mr. ALLEN of Maine: A bill (H. R. 16241) to authorize the erection on reservation 29 of a monument by the volunteer firemen of the United States—to the Committee on Public Buildings and Grounds.

By Mr. COCKS: A bill (H. R. 16242) for the establishment of a light-house and fog signal on Bouton Point, New York—to the Committee on Interstate and Foreign Commerce.

By Mr. MAHON: A bill (H. R. 16243) to determine the legal ownership and redemption of United States coupon five-twenty bonds, issued under act of March 3, 1865, consols 1865, late the property of the estate of Robert C. Gallaher, deceased, and for other purposes—to the Committee on Claims.

By Mr. WILLIAMS: A bill (H. R. 16244) to construct and equiq, or to purchase, a powder plant for the manufacture of smokeless powder for the Army and Navy of the United States—to the Committee on Military Affairs.

By Mr. DIXON of Montana: A bill (H. R. 16245) for the survey and allotment of lands now embraced within the limits of the Fort Peck Indian Reservation, Mont.—to the Committee on Indian Affairs.

By Mr. GRIGGS: A bill (H. R. 16246) to provide for the location of a Branch Home for aged and disabled volunteer soldiers of the United States at Thomasville, Thomas County, Ga.—to the Committee on Military Affairs.

Also, a bill (H. R. 16247) to provide for an allowance for subsistence of rural free-delivery carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. BARTLETT: A bill (H. R. 16248) to limit the effect of the regulations of commerce between the several States and with foreign commerce in the case of foods and drugs—to the Committee on Interstate and Foreign Commerce.

By Mr. CALDERHEAD: A joint resolution (H. J. Res. 112) to authorize the Secretary of the Interior to certify certain lands to the State of Kansas—to the Committee on the Public Lands.

## PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BENNETT of Kentucky: A bill (H. R. 16249) granting an increase of pension to Thomas Miller—to the Committee on Pensions.

Also, a bill (H. R. 16250) granting an increase of pension to A. J. Mowery—to the Committee on Pensions.

By Mr. BROWNLOW: A bill (H. R. 16251) granting an increase of pension to John M. Wild—to the Committee on Pensions.

By Mr. CALDERHEAD: A bill (H. R. 16252) granting an increase of pension to Adam Dixon—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16253) granting an increase of pension to Margaret A. Hope—to the Committee on Invalid Pensions.

By Mr. DARRAGH: A bill (H. R. 16254) granting a pension to Lucy L. Norton—to the Committee on Pensions.

By Mr. DAVIS of Minnesota: A bill (H. R. 16255) granting an increase of pension to James S. Brand—to the Committee on Invalid Pensions.

By Mr. DE ARMOND: A bill (H. R. 16256) granting an increase of pension to Sarah E. Hopkins—to the Committee on Invalid Pensions.

By Mr. DENBY: A bill (H. R. 16257) granting a pension to Mary O'Donnell—to the Committee on Invalid Pensions.

By Mr. DIXON of Indiana: A bill (H. R. 16258) granting a pension to James J. Shipley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16259) granting a pension to Sarah J. Peak—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16260) granting an increase of pension to Louis Spicer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16261) granting an increase of pension to John P. Bard—to the Committee on Invalid Pensions.

By Mr. DRESSER: A bill (H. R. 16262) granting a pension to Clarence L. Barrett—to the Committee on Invalid Pensions.

By Mr. FOSTER of Indiana: A bill (H. R. 16263) to remove the charge of desertion against the military record of Gabriel Glover—to the Committee on Military Affairs.

By Mr. GAINES of West Virginia: A bill (H. R. 16264) for the relief of Daniel Nihoof—to the Committee on War Claims.

By Mr. JOHNSON: A bill (H. R. 16265) granting a pension to Amanda McGaha—to the Committee on Pensions.

By Mr. GAINES of West Virginia: A bill (H. R. 16266) granting a nincrease of pension to Margaret A. Rucker—to the Committee on Invalid Pensions.

By Mr. GARDNER of New Jersey: A bill (H. R. 16267) granting a pension to Catharine Piper—to the Committee on Invalid Pensions.

By Mr. GILBERT of Indiana: A bill (H. R. 16268) granting an increase of pension to John B. Miller—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16269) granting an increase of pension to Alexander G. Eakman—to the Committee on Invalid Pensions.

By Mr. HERMANN: A bill (H. R. 16270) granting a pension to Telesphore Bronillette—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16271) granting an increase of pension to Edwin Elliott—to the Committee on Invalid Pensions.

By Mr. JOHNSON: A bill (H. R. 16272) granting a pension to William D. Willis—to the Committee on Pensions.

Also, a bill (H. R. 16273) granting a pension to C. H. Kanning—to the Committee on Pensions.

By Mr. JONES of Virginia: A bill (H. R. 16274) granting an increase of pension to David Lindsay—to the Committee on Invalid Pensions.

By Mr. KEIFER: A bill (H. R. 16275) granting an increase of pension to John W. Weimer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16276) granting a pension to Lonzo Miller—to the Committee on Pensions.

Also, a bill (H. R. 16277) for the relief of George C. Jenkins—to the Committee on War Claims.

By Mr. KNOWLAND: A bill (H. R. 16278) granting an honorable discharge to Henry Finnegass—to the Committee on Military Affairs.

By Mr. McKINLAY of California: A bill (H. R. 16279) granting an increase of pension to Edward E. Elliott—to the Committee on Pensions.

By Mr. McGUIRE: A bill (H. R. 16280) for the relief of Abraham H. Onstott—to the Committee on Pensions.

Also, a bill (H. R. 16281) granting a pension to Laurana Cox—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16282) granting a pension to Winfield Castle—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16283) granting an increase of pension to A. H. R. Calvin—to the Committee on Invalid Pensions.

By Mr. McMORRAN: A bill (H. R. 16284) granting an increase of pension to George Rogers—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16285) granting an increase of pension to Henry Johnson—to the Committee on Invalid Pensions.

By Mr. MAHON: A bill (H. R. 16286) granting an increase of pension to John Heff—to the Committee on Invalid Pensions.

By Mr. RICHARDSON of Kentucky: A bill (H. R. 16287) granting a pension to Susan Clark—to the Committee on Invalid Pensions.

By Mr. SAMUEL: A bill (H. R. 16288) granting a pension to William C. Bourke—to the Committee on Invalid Pensions.

By Mr. SCROGGY: A bill (H. R. 16289) for the relief of Erskine R. K. Hayes—to the Committee on Claims.

By Mr. SHERLEY: A bill (H. R. 16290) to postpone until 1937 the maturity of $250,000 of 4 per cent United States bonds held in trust for the benefit of the American Printing House for the Blind—to the Committee on Ways and Means.

By Mr. SMITH of Kentucky: A bill (H. R. 16291) granting an increase of pension to Remus Carter—to the Committee on Invalid Pensions.

By Mr. SOUTHARD: A bill (H. R. 16292) granting an increase of pension to Mary Simons—to the Committee on Invalid Pensions.

By Mr. STANLEY: A bill (H. R. 16293) granting an increase of pension to Benjamine H. Norman—to the Committee on Pensions.

By Mr. STERLING: A bill (H. R. 16294) granting an increase of pension to E. P. Chadwick—to the Committee on Invalid Pensions.

By Mr. SULLOWAY: A bill (H. R. 16295) granting an increase of pension to Lawrence Foley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16296) granting an increase of pension to Henry C. Coffin—to the Committee on Invalid Pensions.

By Mr. TALBOTT: A bill (H. R. 16297) granting a pension to Ida V. Tucker—to the Committee on Invalid Pensions.

By Mr. THOMAS of Ohio: A bill (H. R. 16298) granting an increase of pension to Oscar Brewster—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16299) granting an increase of pension to Nathaniel Lang—to the Committee on Invalid Pensions.

By Mr. TOWNSEND: A bill (H. R. 16300) granting an increase of pension to E. W. Hunt—to the Committee on Invalid Pensions.

By Mr. WACHTER: A bill (H. R. 16301) granting a pension to Hester L. Donn—to the Committee on Invalid Pensions.

By Mr. WEBB: A bill (H. R. 16302) for the relief of the estate of J. R. Crouse, deceased—to the Committee on War Claims.

Also, a bill (H. R. 16303) for the relief of the estate of John K. Wells, sr., deceased—to the Committee on War Claims.

By Mr. WILEY of Alabama: A bill (H. R. 16304) granting a pension to Edgar S. Fridley—to the Committee on Pensions.

## PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Petition of Oscar L. Jackson Camp, No. 249, Sons of Veterans, against bill H. R. 8131—to the Committee on Military Affairs.

By Mr. ADAMS of Pennsylvania: Petition of the National Association of Cement Users, relative to Government investigation of structural material—to the Committee on Appropriations.

By Mr. BELL of Georgia: Paper to accompany bid for relief of Herbert D. Ingersoll—to the Committee on Invalid Pensions.

By Mr. BENNETT of Kentucky: Petition of W. M. Wilt, against the tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of the National Grange, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. BOUTELL: Petition of the Patriotic Order, Sons of America, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. BROWN: Petition of citizens of Wisconsin, against bills H. R. 3022 and 10510—to the Committee on the District of Columbia.

By Mr. BRUNDIDGE: Petition of citizens of Black Rock, Kans., against bill H. R. 3022—to the Committee on the District of Columbia.

By Mr. BUTLER of Pennsylvania: Petition of citizens of Pennsylvania, relative to the Kongo Free State—to the Committee on Foreign Affairs.

By Mr. CALDERHEAD: Petition of citizens of Frankfort, Kans., against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. CAMPBELL of Kansas: Petition of citizens of Kansas, relative to the Osage Indian lands—to the Committee on Indian Affairs.

By Mr. CASSEL: Petition of New York charity organizations, relative to legislation in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of R. M. Reilly, for improvement in the consular service—to the Committee on Foreign Affairs.

Also, petition of Thompson & Co., of Mount Jewett, Pa., against the parcels-post bill—to the Committee on the Post-Office and Post-Roads.

Also, petition of religious bodies at Lancaster, Pa., and other places, against religious legislation—to the Committee on the District of Columbia.

Also, Petition of the State Federation of Pennsylvania Women and the Woman's Club of Columbia, Pa., for preservation of Niagara Falls—to the Committee on Rivers and Harbors.

Also, petition of the State Federation of Pennsylvania Women and the Woman's Club of Columbia, Pa., for the Morris law—to the Committee on Agriculture.

Also, petition of the State Federation of Pennsylvania Women and the Woman's Club of Columbia, Pa., for Government forest reservations—to the Committee on Agriculture.

Also, petition of the Philadelphia Maritime Exchange, for bill H. R. 5281—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Columbia Central Labor Union, for bill H. R. 12973—to the Committee on Immigration and Naturalization.

Also, petition of the American Protective Tariff League, against any change in the tariff—to the Committee on Ways and Means.

Also, petition of Pennsylvania Grange, No. 66, the Prohibition party of Erie County, Pa., and Thompson & Co., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of General Miles Camp, No. 26, Sons of Veterans, against bill H. R. 8131—to the Committee on Military Affairs.

Also, petition of the Japanese and Korean Exclusion League, for the present Chinese-exclusion law—to the Committee on Foreign Affairs.

Also, petition of Fulton National Bank, of Lancaster, Pa., the Christiana National Bank, the Conestoga National Bank, and the Corn Exchange National Bank, relative to bill H. R. 8972—to the Committee on Banking and Currency.

Also, petition of cattle dealers and shippers of Lancaster County, Pa., for bill H. R. 12615—to the Committee on Interstate and Foreign Commerce.

By Mr. COCKS: Petition of citizens of New York State, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. COOPER of Pennsylvania: Petition of citizens of Fayette County, against bills H. R. 3022 and 10510—to the Committee on the District of Columbia.

By Mr. COUSINS: Petition of citizens of Gilman, Iowa, against religious legislation—to the Committee on the District of Columbia.

By Mr. DALZELL: Petition of citizens of Pennsylvania, for the McCumber-Sperry bill—to the Committee on Alcoholic Liquor Traffic.

Also, petition of the Epoch Club, of Pittsburg, for forest reservations—to the Committee on Agriculture.

Also, petition of citizens of Allegheny County, for forest reservations—to the Committee on Agriculture.

Also, petition of citizens of Verona, Pa., against bill H. R. 10510—to the Committee on the District of Columbia.

By Mr. DARRAGH: Petition of A. Ackles and 49 others, against passage of bill H. R. 3022—to the Committee on the District of Columbia.

Also, petition of E. Fox and 34 others, of Michigan, against bill H. R. 10510—to the Committee on the District of Columbia.

Also, petition of citizens of Mecosta County, Mich., against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. DAVIS of Minnesota: Paper to accompany bill for relief of Mary Schoske (previously referred to the Committee on Invalid Pensions)—to the Committee on Pensions.

By Mr. DAWSON: Petition of Hearthstone Club, of Lost Nation, Iowa, for the pure-food bill—to the Committee on Interstate and Foreign Commerce.

By Mr. DENBY: Petition of Detroit Typographical Union No. 18, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of Henry B. Joy and 23 others, of Detroit, Mich., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. DUNWELL: Petition of Frank Folsom, relative to sale of land of the Choctaw and Chickasaw Indians—to the Committee on Indian Affairs.

Also, petition of the New York State Grange, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of the Japanese and Korean Exclusion League, against modification of the Chinese-exclusion law—to the Committee on Foreign Affairs.

Also, petition of Dr. Edward G. Janeway et al., for the pure-food bill—to the Committee on Interstate and Foreign Commerce.

By Mr. EDWARDS: Petition of Sloans Valley, Middlesboro, and Pineville councils, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. FLACK: Petition of Whallensburg (N. Y.) Grange, No. 954, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. FORDNEY: Petition of Fremont Grange, No. 831, for good roads—to the Committee on Agriculture.

Also, petition of Fremont Grange, No. 831, for a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of C. E. Messer et al., of Columbia, Mich., against bills H. R. 3022 and 10510—to the Committee on the District of Columbia.

By Mr. FOSTER of Indiana: Petition of professors, students,

and employees of St. Meinrad's Educational Institution, opposing bill H. R. 7067—to the Committee on Indian Affairs.

Also, petition of citizens of St. Meinrad, Ind., opposing bill H. R. 7067—to the Committee on Indian Affairs.

By Mr. FULLER: Petition of D. C. Murray & Co., against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of Albion, Ill., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of Outer Belt Lodge, No. 474, Brotherhood of Railway Trainmen, for the Bates-Penrose bill—to the Committee on the Judiciary.

Also, petition of Robert S. Waddell, against the Du Pont powder trust—to the Committee on Military Affairs.

By Mr. GAINES of Tennessee: Paper to accompany bill for relief of heirs of Thomas M. Dunn—to the Committee on War Claims.

By Mr. GAINES of West Virginia: Petition of Winifrede (W. Va.) Lodge, No. 19, Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. GILBERT of Indiana: Petition of citizens of Indiana, against religious legislation—to the Committee on the District of Columbia.

By Mr. GOLDFOGLE: Petition of George Borgfeldt & Co., and citizens of New York and vicinity, for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

Also, petition of the New York Credit Men's Association, relative to the bankruptcy law—to the Committee on the Judiciary.

By Mr. GRONNA: Petition of J. M. Dresser, for passage of bill H. R. 5298—to the Committee on the Judiciary.

By Mr. HAYES: Petition of 112 citizens of Mountain View, Cal., against bill H. R. 10510—to the Committee on the District of Columbia.

Also, petition of the Retail Clerks' International Association, against bill H. R. 12973—to the Committee on Foreign Affairs.

Also, petition of the Japanese and Korean Exclusion League, of San Francisco, Cal., against bill H. R. 12973—to the Committee on Interstate and Foreign Commerce.

By Mr. HERMANN: Petition of Western Star Grange, No. 309, of Albany, Oreg., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. HOGG: Petition of citizens of Colorado, against religious legislation in the District of Columbia—to the Committee on the District of Columba.

By Mr. HUBBARD: Petition of citizens of Sergeant Bluff, Iowa, against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. HULL: Concurrent resolution of the State of Iowa, for the pure-food law—to the Committee on Interstate and Foreign Commerce.

Also, petition of citizens of Des Moines, Iowa, against bill H. R. 10510—to the Committee on the District of Columbia.

By Mr. HUNT: Petition of the Protective Tariff League, against tariff-schedule changes of any kind—to the Committee on Ways and Means.

Also, concurrent resolution of the Iowa assembly, relative to the pure-food bill—to the Committee on Interstate and Foreign Commerce.

By Mr. JENKINS: Petition of citizens of River Falls, Wis., against religious legislation—to the Committee on the District of Columbia.

By Mr. JOHNSON: Paper to accompany bill for relief of T. J. H. Harris—to the Committee on Claims.

Also, resolution of Columbia (S. C.) Chamber of Commerce, relative to fast mail service—to the Committee on the Post-Office and Post-Roads.

Also, paper to accompany bill H. R. 9131—to the Committee on Claims.

Also, paper to accompany bill H. R. 9132—to the Committee on Claims.

Also, paper to accompany bill for relief of Amanda McGoha—to the Committee on Pensions.

By Mr. KAHN: Petition of the Amalgamated Association of Street and Electric Railway Employees of America, Division No. 205, against bill H. R. 12973—to the Committee on Foreign Affairs.

Also, petition of the Brownell Slate and Flagging Company, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of the Metropolitan Business College, favoring extension of second-class mailing privileges to commercial college journals—to the Committee on the Post-Office and Post-Roads.

Also, petition of the Heywood Bros. & Wakefield Rattan Company, for a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of 95 citizens of San Francisco, Cal., against bill H. R. 12973—to the Committee on Foreign Affairs.

By Mr. KEIFER: Petition of N. E. Sammons and 56 other students of Springfield, Ohio, against bill H. R. 10510—to the Committee on the District of Columbia.

By Mr. KELIHER: Petition of business firms of Boston, Mass., relative to seed distribution by the United States Government—to the Committee on Agriculture.

By Mr. KENNEDY of Nebraska: Paper to accompany bill for relief of William C. Rich—to the Committee on Military Affairs.

Also, paper to accompany bill for relief of Frederick F. Schnake—to the Committee on Invalid Pensions.

Also, petition of S. K. Warrick and 35 others, of Alliance, Nebr., relative to irrigation loans—to the Committee on Irrigation of Arid Lands.

By Mr. KINKAID: Petition of citizens of Nebraska, against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. LAFEAN: Petition of the chairman of the Arctic Club of New York, relative to bill H. R. 13931—to the Committee on the Merchant Marine and Fisheries.

By Mr. LEE: Paper to accompany bill for relief of Eliza A. Clay—to the Committee on War Calims.

By Mr. LITTAUER: Petition of citizens of Saratoga, N. Y., against bill H. R. 10510—to the Committee on the District of Columbia.

By Mr. LITTLEFIELD: Petition of the National Grange of Maine, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of citizens of Waldoboro, Bryant Pond, and Richmond, Me., against religious legislation—to the Committee on the District of Columbia.

By Mr. MAHON: Paper to accompany bill for relief of John Heff—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of George W. Holland—to the Committee on War Claims.

By Mr. MINOR: Petition of citizens of Underhill, Door County, and Appleton, Wis., against religious legislation—to the Committee on the District of Columbia.

By Mr. NEEDHAM: Petition of the Japanese and Korean Exclusion League, for the present Chinese-exclusion law—to the Committee on Foreign Affairs.

By Mr. NORRIS: Petition of the William Brothers Company, of Wahoo, Nebr., and Hubert A. Johnson, against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. OLCOTT: Petition of Canote Sprigg, of New York, for the pure-food bill—to the Committee on Interstate and Foreign Commerce.

Also, paper to accompany bill for relief of Alma L. Wells (previously referred to the Committee on Invalid Pensions)—to the Committee on Pensions.

By Mr. PARSONS: Petition of citizens of New York, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. PAYNE: Petition of National Granges, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. POLLARD: Petition of citizens of College View, Nebr., against bills H. R. 3022 and 10510—to the Committee on the District of Columbia.

By Mr. SAMUEL: Petition of Washington Camp, No. 204, Patriotic Order Sons of America, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of S. D. Levan et al., favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. SCROGGY: Petition of Rural Council, No. 108, Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of citizens of Ohio, for good roads legislation—to the Committee on Agriculture.

Also, petition of the Association of Mexican War Veterans, for increase of pensions—to the Committee on Pensions.

By Mr. SHARTEL: Petition of the Association of Mexican War Veterans, for increase of pensions—to the Committee on Pensions.

By Mr. SMITH of Maryland: Petition of Wicomico Council, No. 53, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of the Mount Olivet Christian Endeavor Society, of Warwick, against liquor selling in Government buildings—to the Committee on Alcoholic Liquor Traffic.

Also, petition of citizens of Centerville, Md., against bills H. R. 10510 and 3022—to the Committee on the District of Columbia.

By Mr. SPERRY: Petition of the Musicians' Protective Associations of Meriden and New Haven, Conn., for bill H. R. 8748—to the Committee on Naval Affairs.

Also, petition of the New Haven Medical Association, for bill S. 88, relative to pure food—to the Committee on Interstate and Foreign Commerce.

Also, petition of Cheshire (Conn.) Grange, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of the National Bank of New England, of East Haddam, Conn., against bill H. R. 48—to the Committee on Banking and Currency.

Also, petition of the Central Labor Union of Hartford, Conn., relative to Chinese exclusion—to the Committee on Foreign Affairs.

By Mr. STERLING: Petition of citizens of Bloomington, Ill., against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, paper to accompany bill H. R. 15415—to the Committee on Pensions.

By Mr. SULLOWAY: Petition of the professors of the chemical department of the New Hampshire College of Agriculture and Carroll Grange, Ossipee, N. H., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. SULZER: Petition of the New York State Grange, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of the Order of United Commercial Travelers, relative to amendment of the bankruptcy law—to the Committee on the Judiciary.

By Mr. THOMAS of Ohio: Petition of Iron Molders' Local Union No. 395, for the Chinese-exclusion law—to the Committee on Foreign Affairs.

By Mr. VOLSTEAD: Petition of citizens of Minnesota, for a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of Minnesota, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. WEEMS: Paper to accompany bill for relief of George E. O'Neale (previously referred to the Committee on Invalid Pensions)—to the Committee on Military Affairs.

## SENATE.

### WEDNESDAY, *March 7, 1906.*

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. KEAN, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the bill (S. 3288) to authorize the Pennsylvania Railroad Company and the Pennsylvania and Newark Railroad Company, or their successors, to construct, maintain, and operate a bridge across the Delaware River.

The message also announced that the House had passed the bill (S. 4128) permitting the building of a dam across the Red Lake River at or near the junction of Black River with said Red Lake River in Red Lake County, Minn., with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the bill (H. R. 14972) for the relief of tobacco growers, in which it requested the concurrence of the Senate.

#### ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

S. 1234. An act to provide for the appropriate marking of the graves of the soldiers and sailors of the Confederate army and navy who died in northern prisons and were buried near the prisons where they died, and for other purposes;

H. R. 7961. An act for the relief of G. F. Tarbell;

H. R. 8493. An act granting an increase of pension to Sallie F. Sheffield;

H. R. 10080. An act to provide for sittings of the United States circuit and district courts of the southern district of Florida at the city of Miami, in said district;

H. R. 10697. An act providing for the issuance of patents for lands allotted to Indians under the Moses agreement of July 7, 1883;

H. R. 13542. An act authorizing the Secretary of the Interior to lease land in Stanley County, S. Dak., for a buffalo pasture;

H. R. 13673. An act to extend the provisions of the homestead laws to certain lands in the Yellowstone Forest Reserve;

H. R. 13674. An act to amend an act entitled "An act to amend an act entitled 'An act to supplement existing laws relating to the disposition of lands, and so forth, approved March 3, 1901,' approved June 30, 1902;"

H. R. 14344. An act for the relief of Col. Medad C. Martin;

H. R. 14589. An act to authorize the Cairo and Tennessee River Railroad Company to construct a bridge across the Tennessee River; and

H. R. 14590. An act to authorize the Cairo and Tennessee River Railroad Company to construct a bridge across Cumberland River.

#### PETITIONS AND MEMORIALS.

Mr. KEAN presented a petition of the Woman's Club of Orange, N. J., praying for the enactment of legislation to establish a children's bureau in the Department of the Interior; which was referred to the Committee on Education and Labor.

He also presented a petition of the Woman's Club of Rutherford, N. J., praying for the enactment of legislation to prevent the impending destruction of Niagara Falls on the American side by the diversion of the waters for manufacturing purposes; which was referred to the Committee on Forest Reservations and the Protection of Game.

He also presented a memorial of the Woman's Christian Temperance Union of Bergen County, N. J., remonstrating against the repeal of the present Army canteen law; which was referred to the Committee on Military Affairs.

He also presented a petition of Lincoln Grange, Patrons of Husbandry, of Bergen County, N. J., praying for the enactment of legislation to regulate the manufacture of food products; which was referred to the Committee on Manufactures.

He also presented a petition of Local Union No. 248, American Federation of Musicians, of Paterson, N. J., praying for the enactment of legislation to prohibit Government musicians from competing with civilian musicians; which was referred to the Committee on Naval Affairs.

Mr. GALLINGER presented a memorial of the Petworth Citizens' Association, of Washington, D. C., remonstrating against the enactment of legislation providing for the erection of any more high school buildings in the District of Columbia until after a sufficient number have been erected to give every child of school age a full day's instruction in the sixth grade; which was referred to the Committee on the District of Columbia.

He also presented a petition of sundry citizens of Columbia Heights, Mount Pleasant, and neighboring subdivisions of Washington, D. C., praying for the enactment of legislation to establish a park at the northwest corner of Fourteenth street and Columbia road, in that city; which was referred to the Committee on the District of Columbia.

Mr. SUTHERLAND presented a petition of sundry citizens of Salt Lake City, Utah, praying for an investigation into the existing conditions in the Kongo Free State; which was referred to the Committee on Foreign Relations.

Mr. RAYNER presented petitions of the Young People's Society of Christian Endeavor of Dickey Memorial Presbyterian Church, of Dickeyville; of the Young People's Society of Christian Endeavor of Salisbury; of the Young People's Society of Christian Endeavor of Oxford; of the Young People's Society of Christian Endeavor of Woodsboro, and of the Lafayette Square Presbyterian Christian Endeavor Society, of Baltimore, all in the State of Maryland, praying for the enactment of legislation to protect State and county laws against outside nullifiers, and also to prohibit the sale of intoxicating liquor in Soldiers' Homes and all Government buildings; which were referred to the Committee on Military Affairs.

He also presented a petition of Delmar Division, No. 445, Order of Railway Conductors, of Delmar, Del., praying for the passage of the so-called "employers' liability bill" and also the "anti-injunction bill;" which was referred to the Committee on Interstate Commerce.

He also presented petitions of Wicomico Council, No. 53, Junior Order of United American Mechanics, of Pittsville; of John R. Ness, Charles Shriver, and Joseph McGregor, of Baltimore, all in the State of Maryland, praying for the enactment of legislation to restrict immigration; which were referred to the Committee on Immigration.

He also presented the memorials of John R. Ness, Charles Shriver, and Joseph McGregor, all of Baltimore, in the State of Maryland, remonstrating against the enactment of legislation to prohibit the coming of Chinese laborers into the United

States, and also against the repeal of the present Chinese-exclusion law; which were referred to the Committee on Immigration.

Mr. HEYBURN presented a petition of the Indian Rights Association of Philadelphia, Pa., praying for the enactment of legislation granting separate statehood to the Indian Territory; which was ordered to lie on the table.

Mr. BURKETT presented the memorial of E. H. Dort, of Auburn, Nebr., remonstrating against the adoption of the recommendation of the Postmaster-General regarding the parcels post; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the memorial of C. B. Thompson, of Auburn, Nebr., remonstrating against the consolidation of third and fourth class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of Dr. J. M. Meradith, of York, Nebr., praying for the adoption of an amendment to the bill to reorganize the corps of dental surgeons attached to the Medical Department of the Army; which was ordered to lie on the table.

Mr. DICK. I present resolutions of the joint statehood convention assembled at Oklahoma City, Okla., July 12, 1905, favoring joint statehood for Oklahoma and Indian Territories. I move that the resolutions be printed as a document, and that they lie on the table.

The motion was agreed to.

Mr. DICK. I present a petition of sundry citizens of Arizona, favoring joint statehood for New Mexico and Arizona, being an answer to the memorial of the opponents, which is known as Senate Document No. 216, Fifty-ninth Congress, first session. I move that the petition be printed as a document and that it lie on the table.

The motion was agreed to.

Mr. DICK presented petitions of sundry citizens of Chaves County, N. Mex., and Santa Cruz, Apache, and Pima counties, Ariz., praying for the enactment of legislation providing joint or separate statehood for Arizona and New Mexico Territories; which were ordered to lie on the table.

He also presented petitions of sundry citizens of Bernalillo County, Valencia County, Santa Fe County, Silver City, Eddy County, Clayton, Springer, Lincoln County, San Juan County, Donna Ana County, Colfax County, McKinley County, Taos County, Socorro County, Otero County, Grant County, Roosevelt County, San Miguel County, Chaves County, of the city council of Santa Fe, and of the Commercial Club of Albuquerque, all in the Territory of New Mexico, praying for the enactment of legislation providing joint statehood for New Mexico and Arizona Territories; which were ordered to lie on the table.

Mr. PENROSE presented a memorial of the South Side Branch of the Woman's Christian Temperance Union of Pittsburg, Pa., remonstrating against the repeal of the present anti-canteen law; which was referred to the Committee on Military Affairs.

He also presented a petition of the National Board of Trade, praying for the enactment of legislation providing for a reduction in letter postage; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the National Board of Trade, praying for the ratification of reciprocal trade relations with foreign countries; which was referred to the Committee on Finance.

He also presented a petition of the National Board of Trade, praying for the enactment of legislation giving protection to the American trade-mark; which was referred to the Committee on Patents.

He also presented a petition of 76 citizens of Butler County, Pa., praying for the enactment of legislation to limit the effect of the regulation of commerce between the several States and Territories; which was referred to the Committee on Interstate Commerce.

REPORTS OF COMMITTEES.

Mr. BACON, from the Committee on Foreign Relations, to whom was referred the bill (S. 4805) to prohibit aliens from taking or gathering sponges in the waters of the United States, reported it with an amendment, and submitted a report thereon.

Mr. PILES, from the Committee on Commerce, to whom was referred the bill (H. R. 15583) to authorize the Madison Bridge Company to construct a bridge across the St. Francis River, in St. Francis County, Ark., at or near the town of Madison, in said county and State, reported it without amendment.

Mr. NELSON, from the Committee on Public Lands, to whom was referred the bill (H. R. 10101) authorizing and directing the Secretary of the Interior to sell and convey to the State of Minnesota a certain tract of land situated in the county of Dakota, State of Minnesota, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 10480) for the relief of certain settlers upon land within the indemnity limits of the present St. Paul, Minneapolis and Manitoba Railway Company, reported it without amendment, and submitted a report thereon.

Mr. BRANDEGEE, from the Committee on Forest Reservations and the Protection of Game, to whom was referred the joint resolution (H. J. Res. 83) for a report, etc., upon the preservation of Niagara Falls, reported it without amendment.

Mr. CLARK of Wyoming. There was referred to the Committee on the Judiciary the bill (S. 4872) to amend section 5153 of the Revised Statutes of the United States. This was so evidently a mistake, as the bill has nothing to do with matters over which that committee has jurisdiction, that I ask leave to report it back with the request that the Committee on the Judiciary be discharged from its further consideration, and that it be referred to the Committee on Finance.

The VICE-PRESIDENT. That order will be made, in the absence of objection.

PRESERVATION OF NIAGARA FALLS.

Mr. FORAKER. I am instructed by the Committee on Foreign Relations to report back favorably without amendment the joint resolution (S. R. 24) authorizing the President of the United States to invite the Government of Great Britain to join in the formation of an international commission to examine and report upon the diminution in volume of water passing over the Falls of Niagara, and I ask for its present consideration.

The Secretary read the joint resolution.

Mr. TELLER. I should like to ask the Senator reporting the joint resolution to make some statement as to the necessity of such a commission.

Mr. FORAKER. The subject is a very important one. It is possible that the commission is larger than it need be. The Committee on Foreign Relations approved the measure simply as it was introduced by the Senator from New York [Mr. PLATT]. There was no suggestion that there should be a less number of commissioners. Is it the Senator's idea that the number of commissioners might be smaller?

Mr. TELLER. What I want the Senator to direct our attention to, if he will, is the necessity of such a commission and whether the committee have considered that question.

Mr. FORAKER. Mr. President, no one in the Committee on Foreign Relations raised any question as to the propriety of the appointment of a commission, and I supposed that that was a very proper way, inasmuch as two governments are interested in the subject, to approach a consideration of it. I do not know in what other way we could act with efficiency in regard to the matter than through some sort of an arrangement of this character.

Mr. TELLER. If the Senator will allow me to interrupt him, I am not finding any fault with the committee, but I want to know what necessity there is for any action on our part.

Mr. FORAKER. Oh, Mr. President, I have been memorialized, as I supposed every other Senator had been who was a member of this body, for the last five or six months to the effect that something should be done to preserve Niagara Falls. I understand that the waters are being drawn off for electrical plants and other purposes to such an extent that the falls are likely to be entirely destroyed, practically so, at any rate, and that there is a pressing necessity that some steps should be taken to look into the matter, to investigate it, and determine what if anything should be done. I supposed that was a point we were all agreed about. I have assumed that the information given in these memorials was correct. I expect I have received a hundred of them, and I think every other Senator here has. I think if for commercial purposes or on any other account the falls are in any danger of being destroyed, we should take some steps to take action with respect to it if the action be necessary.

I am just informed by the Senator from Connecticut [Mr. BRANDEGEE] that a joint resolution on this subject has passed the House and that it is now under consideration in the Committee on Forest Reservations and the Protection of Game. I was not familiar with that fact. He informs me also that there is a commission already in existence on whom it is proposed to devolve this investigation. In view of this information, which I did not have the benefit of, and which no member of the Committee on Foreign Relations apparently had the benefit of, I will ask, if there is objection to the present consideration of the joint resolution, that it may go over until we look further into the matter.

Mr. TELLER. Mr. President, I wish to say merely a word. I was not aware that there was any bill which had passed the House. I was about to say that I thought if we had any control

of this matter we could exercise it without the assistance of Great Britain, so far as our part of the river is concerned. I am myself inclined to think that it belongs to the State of New York to settle that question and not the General Government.

The VICE-PRESIDENT. Does the Chair understand the Senator from Ohio to withdraw his request for the present consideration of the joint resolution?

Mr. FORAKER. Is it understood that there is objection to its consideration?

Mr. TELLER. I object to its present consideration.

Mr. FRYE. Let it go to the Calendar.

Mr. FORAKER. I ask that it may go to the Calendar, and I shall call it up at a subsequent time.

The VICE-PRESIDENT. The joint resolution will be placed on the Calendar.

JOSE I. RODRIGUEZ.

Mr. MORGAN, from the Committee on Foreign Relations, reported the following resolution; which, with the accompanying papers, was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

*Resolved*, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay Jose I. Rodriguez the sum of $60 (for translating certain papers for the use of the Committee on Foreign Relations) from the miscellaneous items of the contingent fund of the Senate.

COURT AT EVANSTON, WYO.

Mr. CLARK of Wyoming. I am directed by the Committee on the Judiciary, to whom was referred the bill (S. 535) to amend and reenact section 1 of chapter 77 of volume 27 of the United States Statutes at Large, being "An act to provide for a term of the United States circuit and district courts at Evanston, Wyo.," approved May 23, 1892, to report it back favorably without amendment. It is a very short bill, and I ask for its present consideration.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to amend and reenact the section so as to read as follows:

That hereafter and until otherwise provided by law there shall be held annually, on the second Tuesday in July each year, a term of the circuit and district courts for the district of Wyoming at the town of Evanston, in said district, said term to be in addition to the terms now required by law to be held at the city of Cheyenne, in said district.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FUEL IN ALASKA.

Mr. WARREN. I am directed by the Committee on Military Affairs, to whom was referred the joint resolution (S. R. 40) authorizing the Secretary of War to sell to citizens of Nome, Alaska, limited quantities of coal for domestic uses, to report it favorably without amendment. It is a matter of six lines and will lead to no debate. I ask for its present consideration.

The Secretary read the joint resolution.

The VICE-PRESIDENT. The Senator from Wyoming asks unanimous consent for the present consideration of the joint resolution just read.

Mr. TELLER. If there is no debate, I shall not object. I will reserve the right to object if there is any debate on it.

There being no objection, the joint resolution was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MISSISSIPPI RIVER BRIDGE AT ST. PAUL, MINN.

Mr. PILES. I am directed by the Committee on Commerce, to whom was referred the bill (H. R. 8103) to authorize the construction of a bridge between Fort Snelling Reservation and St. Paul, Minn., to report it favorably without amendment.

Mr. NELSON. I ask unanimous consent for the consideration of the bill.

Mr. SCOTT. I shall have to object at this time.

The VICE-PRESIDENT. Objection is made, and the bill goes to the Calendar.

Mr. TELLER. The Senator from West Virginia [Mr. SCOTT] has given notice that he wishes to address the Senate this morning. We are to vote on the statehood bill upon Friday, and there are several Senators who wish to speak on that bill. I wish to enter now an objection to any further business that does not properly belong to the morning hour in order to give the Senator from West Virginia an opportunity to take the floor.

Mr. FRYE. House bill 8103, reported by the Senator from Washington [Mr. PILES], was reported from two committees in the House of Representatives—the Committee on Military Affairs and also the Committee on Interstate Commerce. It was referred here to the Committee on Commerce, and we, on considering it, did not regard it as necessary to send it to the Committee on Military Affairs and authorized that it be reported favorably from the Committee on Commerce. It is a bridge bill.

The VICE-PRESIDENT. The bill will be placed on the Calendar.

BILLS INTRODUCED.

Mr. GALLINGER introduced a bill (S. 4924) to incorporate The Washington Auditorium Company; which was read twice by its title, and, with the accompanying paper, referred to the Committee on the District of Columbia.

Mr. FRYE introduced a bill (S. 4925) to amend the act approved March 6, 1896, relating to the anchorage and movements of vessels in St. Marys River; which was read twice by its title, and referred to the Committee on Commerce.

Mr. CULBERSON (by request) introduced a bill (S. 4926) for the relief of Etienne De P. Bujac; which was read twice by its title, and referred to the Committee on Claims.

Mr. RAYNER (for Mr. GORMAN) introduced a bill (S. 4927) for the relief of the heirs of Edmund Wolf; which was read twice by its title, and referred to the Committee on Claims.

Mr. RAYNER introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 4928) granting a pension to Charles M. Snyder; and

A bill (S. 4929) granting an increase of pension to Cammillers R. Cassell.

Mr. STONE. I present a petition of the Association of Mexican War Veterans of Missouri, praying for an increase of their service pension. I introduce a bill to increase their pensions and ask that it be referred to the Committee on Pensions for its consideration, accompanied by the petition.

The bill (S. 4930) to increase the pension of Mexican war survivors to $20 per month was read twice by its title, and, with the accompanying petition, referred to the Committee on Pensions.

Mr. FORAKER introduced a bill (S. 4931) for the relief of James W. Jones; which was read twice by its title, and referred to the Committee on Claims.

Mr. PENROSE introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions.

A bill (S. 4932) granting an increase of pension to Mary H. Stacy;

A bill (S. 4933) granting an increase of pension to Abraham M. Kauffman (with an accompanying paper);

A bill (S. 4934) granting an increase of pension to John W. Bookman (with an accompanying paper);

A bill (S. 4935) granting a pension to Henry P. Will (with an accompanying paper);

A bill (S. 4936) granting an increase of pension to Jacob Grell (with an accompanying paper);

A bill (S. 4937) granting an increase of pension to John Reece (with accompanying papers);

A bill (S. 4938) granting an increase of pension to Charles W. Abbott (with accompanying papers); and

A bill (S. 4939) granting an increase of pension to Gerritt S. Nichols (with accompanying papers).

Mr. PENROSE introduced a bill (S. 4940) to increase the limit of cost for the purchase of site for a public building at Washington, Pa.; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Public Buildings and Grounds.

He also introduced a bill (S. 4941) to correct the military record of Nathaniel Andrews; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. WARNER introduced a bill (S. 4942) for the relief of the widow and next of kin of John A. Stephens, deceased; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 4943) for the relief of the widow and heirs of John A. Stephens, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. GALLINGER introduced a bill (S. 4944) to authorize the Washington and Marlboro Electric Railway Company, of Maryland, to extend its line into the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

JAMESTOWN TERCENTENNIAL EXPOSITION.

Mr. PENROSE submitted an amendment intended to be proposed by him to the bill (S. 4368) to authorize the United States Government to participate in the Jamestown Tercentennial Exposition, on the shores of Hampton Roads, in Norfolk County, Va., in the year 1907, and to appropriate money in aid

thereof; which was referred to the Select Committee on Industrial Expositions, and ordered to be printed.

COLVILLE INDIAN RESERVATION LANDS.

Mr. PILES submitted the following concurrent resolution; which was considered by unanimous consent, and agreed to:

*Resolved by the Senate (the House of Representatives concurring)*, That the Secretary of the Senate be authorized, in the enrollment of the bill (S. 4229) to authorize the sale and disposition of surplus or unalloted lands of the diminished Colville Indian Reservation, in the State of Washington, and for other purposes, to change the words "section seven" to "section six" where they occur in line 40, page 3, of the enrolled bill.

DAM ACROSS RED LAKE RIVER, MINNESOTA.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 4128) permiting the building of a dam across the Red Lake River at or near the junction of Black River with said Red Lake River, in Red Lake County, Minn., which was, on page 3, line 13, to strike out the words "two years" and insert in lieu thereof the words "one year."

Mr. NELSON. I move that the amendment made by the House of Representatives be concurred in.

The motion was agreed to.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. B. F. BARNES, one of his secretaries, announced that the President had approved and signed the following act and joint resolution:

On March 5:

S. 4482. An act to amend an act entitled "An act authorizing the construction of a bridge across the Cumberland River at or near Carthage, Tenn."

On March 7:

S. R. 32. Joint resolution instructing the Interstate Commerce Commission to make examination into the subject of railroad discriminations and monopolies in coal and oil, and report on the same from time to time.

HOUSE BILL REFERRED.

H. R. 14972. An act for the relief of tobacco growers, was read twice by its title, and referred to the Committee on Finance.

RAILROAD DISCRIMINATIONS AND MONOPOLIES.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States; which was read, referred to the Committee on Interstate Commerce, and ordered to be printed:

*To the Senate and House of Representatives:*

I have signed the joint resolution "instructing the Interstate Commerce Commission to make examinations into the subject of railroad discriminations and monopolies in coal and oil, and report on the same from time to time." I have signed it with hesitation, because in the form in which it was passed it achieves very little and may achieve nothing, and it is highly undesirable that a resolution of this kind shall become law in such form as to give the impression of insincerity—that is, of pretending to do something which really is not done. But after much hesitation I concluded to sign the resolution, because its defects can be remedied by legislation, which I hereby ask for; and it must be understood that unless this subsequent legislation is granted the present resolution must be mainly, and may be entirely, inoperative.

Before specifying what this legislation is, I wish to call attention to one or two preliminary facts. In the first place, a part of the investigation requested by the House of Representatives in the resolution adopted February 15, 1905, relating to the oil industry, and a further part having to do with the anthracite coal industry has been for some time under investigation by the Department of Commerce and Labor. These investigations, I am informed, are approaching completion, and before Congress adjourns I shall submit to you the preliminary reports of these investigations. Until these reports are completed the Interstate Commerce Commission could not endeavor to carry out so much of the resolution of Congress as refers to the ground thus already covered without running the risk of seeing the two investigations conflict, and therefore render each other more or less nugatory. In the second place, I call your attention to the fact that if an investigation of the nature proposed in this joint resolution is thoroughly and effectively conducted, it will result in giving immunity from criminal prosecution to all persons who are called, sworn, and constrained by compulsory process of law to testify as witnesses, though of course such immunity from prosecution is not given to those from whom statements or information merely, in contradistinction to sworn testimony, is obtained. That is not at all to say that such investigations should not be undertaken. Publicity can by itself often accomplish extraordinary results for good, and the court of public judgment may secure such results where the courts of law are powerless. There are many cases where an investigation securing complete publicity about abuses and giving Congress the material on which to proceed in the enactment of laws is more useful than a criminal prosecution can possibly be; but it should not be provided for by law without a clear understanding that it may be an alternative instead of an additional remedy—that is, that to carry on the investigation may serve as a bar to the successful prosecution of the offenses disclosed. The official body directed by Congress to make the investigation must, of course, carry out its direction, and therefore the direction should not be given without full appreciation of what it means.

But the direction contained in the joint resolution which I have signed will remain almost inoperative unless money is provided to carry out the investigations in question, and unless the Commission in carrying them out is authorized to administer oaths and compel the attendance of witnesses. As the resolution now is, the Commission, which is very busy with its legitimate work and which has no extra money at its disposal, would be able to make the investigation only in the most partial and unsatisfactory manner, and, moreover, it is questionable whether it could, under this resolution, administer oaths at all or compel the attendance of witnesses. If this power were disputed by the parties investigated, the investigation would be held up for a year or two until the courts passed upon it, in which case, during the period of waiting, the Commission could only investigate to the extent and in the manner already provided under its organic law, so that the passage of the resolution would have achieved no good result whatever.

I accordingly recommend to Congress the serious consideration of just what they wish the Commission to do and how far they wish it to go, having in view the possible incompatibility of conducting an investigation like this and of also proceeding criminally in a court of law, and, furthermore, that a sufficient sum, say $50,000, be at once added to the current appropriation for the Commission so as to enable them to do the work indicated in a thorough and complete manner, while at the same time the power is explicitly conferred upon them to administer oaths and compel the attendance of witnesses in making the investigation in question, which covers work quite apart from their usual duties. It seems unwise to require an investigation by a commission and then not to furnish either the full legal power or the money, both of which are necessary to render the investigation effective.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *March 7, 1906.*

REGULATION OF RAILROAD RATES.

Mr. SCOTT. Mr. President, I ask that what is commonly known as the "railroad rate bill" be laid before the Senate.

The VICE-PRESIDENT. The bill will be read by its title.

The SECRETARY. A bill (H. R. 12987) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission.

Mr. SCOTT. Mr. President, the subject that has been uppermost in the minds of the masses of the people of this country for some time has been this great question of railroad rate legislation. Senators have been criticised for not promptly concurring and passing some kind of a rate bill without giving it careful and mature deliberation. I believe that it is the desire of every member of this body to enact a law that will be for the greatest good to the greatest number of people, and in order to accomplish that I feel it is the duty of every man to give this question careful investigation and conscientious thought. And in line with this belief I have, since last October, given as much careful study to this question as it is possible for me with my limited capacity to do. That there are railroad evils to be remedied, I for one shall not deny. That many complaints made against these corporations are just, I shall not gainsay. As a consequence we have had before this body, as well as the House of Representatives, many measures presenting as many methods of relief. Of these I shall not speak. I desire only to address myself to the theory advanced by many reformers—that of government ownership or control. In this connection I want to state that I place under the head of government ownership the control of rates by the Government; for while the two propositions may differ somewhat, it is a difference in degree, not in quality. Neither shall I attempt to discuss the authority of Congress to control in any way the operations of the railroads of this country. I shall content myself with the fact that it has exercised such power in the past, and is now asked to exercise the same power in a greater degree than ever before.

From an intimate relationship with railroads as a shipper for nearly thirty years, I have given this subject my consideration. As a Senator of the United States I have tried to study the subject of government control from the broader standpoint of the roads and all shippers. As a consequence, I am forced to the conclusion, from every standpoint, that the roads are better able to fix rates in accordance with the laws of trade than a government.

As was stated more clearly and more eloquently than I can possibly hope to do by the senior Senator from Massachusetts in his address opening the debate in the Senate on this subject, the working of government ownership of railroads and the control of rates are open to the inspection of all, as both exist. A careful study of the railroad situation in the countries where government control obtains—aye, a superficial examination—will show to anyone the evils resulting from the system and force the belief that governments can not make railway rates that will meet the needs of expanding trade and industry.

The study of railway transportation in this country is the examination into the workings of trade and commerce in the greatest and richest market of the world. It is a review of the history of the last half century of our country, of her marvelous growth, her wonderful transformation and her magnificent prosperity. While the tariff has been the wall which has bounded our land, the railroads have been the means of nearly annihilating space. The tariff furnished the occasion and the railroads cemented the States into one—from a commercial standpoint. And this fact should be borne in mind in determin-

ing the influence, the rights, and the future of the railroads. It should not, it must not, be forgotten that the railroads have welded the country into one; that the railroads have made it possible for the products of one section to be the home products of all; that the railroads have been able to stamp out the monstrous doctrine of natural advantage—the advantage of location; that the railroads have with their radiations joined the North, the South, the East, the West into one grand whole of commerce, with a center everywhere.

It would seem that such a benefactor as the railroad has been should be accepted as such and treated as such. But human nature is human nature, the same to-day as it was over one hundred years ago when the Constitution was adopted. The same to-day as it ever has been in all the past, ready to criticise, ready to find fault, ready to cry out. Trading between individuals is the same as trading between communities, as the latter is the same as trading between countries; any difference lies only in amount. In each case the individual, the community, the country seeks the greatest advantage. The loser is the one who objects, who complains, who at last cries out. The force of his outcry depends on the number of voices which echo it, and it may finally lead to serious results. Nor does it matter whether his complaint be founded on justice—if he can complain loud enough others will take up the cry without examining into its merits. So it can easily be seen how a shipper thinking himself unfairly treated by a railroad, a community fearing itself unfairly handled, a locality judging itself discriminated against, may clamor for redress when the general good of all the individuals, of all the communities, of all the localities comprising the country has been best advanced. This is the doctrine of the greatest good for the greatest number, and this doctrine must never be lost sight of in trying to justly serve the people and justly handle the railroads.

The individual and the community or the locality stand for the classes of railroad discrimination which are charged; personal discriminations, the discrimination in favor of localities, and, as a consequence of these two, the fairness of the rates themselves. Of these I desire to speak in their inverse order.

First, as to the reasonableness of rates themselves. No unreasonable rates—that is, rates extortionate of themselves—seem to exist in this country now. There is but little complaint on this point. In the annual report of the Interstate Commerce Commission for 1898 this statement is made:

> It is true, as often asserted, that comparatively few of our railway rates are unreasonable in and of themselves—that is, without reference to other charges made by the same carrier, or to those of other carriers. * * * The cases are exceedingly rare in which unreasonableness has been found merely from the amount of the rate itself as laid upon the particular traffic and the distance it was carried.

In March, 1898, the chairman of the Interstate Commerce Commission testified that the question of excessive railroad charges—

> that is to say, railroad rates which in and of themselves are extortionate—is pretty much an obsolete question.

It is true, though, that much discussion has arisen concerning the increase in railway freight charges made by the railway companies in the past year or two. And there has been a fear held by many that there is danger lest recent consolidations have raised charges. There is still the further fear that consolidations in the future may finally lead to absolute monopolies and extortionate rates. But this is a subject which belongs to another aspect of the case, and which Congress has taken in hand in other laws which it has passed. The life of commerce in this country, as well as others, must find its very existence in competition. Should railroads by merger attempt to limit competition and thereby lessen the opportunities for commerce, I, for one, would insist on radical action.

Having thus shown that it is the general belief that railroad rates are reasonable, I come to the next point, the charge of the existence of discrimination in rates in favor of localities, and this really is the subject proper. Briefly stated, the question is whether the Government should exercise the power to prescribe railway rates for the purpose of guaranteeing the relative reasonableness of the rates made by the railways leading from rival purchasing and distributing centers to common markets and to rival markets. There is but one way of approaching this question, and that is along the path of experience to the field of results.

Europe being composed of older countries than the United States gives an opportunity of studying the railroad proposition from the standpoint of a populated and developed territory, while the experience of the United States and Australia will show the results from the standpoint of new and developing lands. Naturally the railroads found in Europe a developed commerce.

Highways had been built connecting cities, over which the local traffic of that part of the world was largely carried. The rivers were made use of, and thus commerce was carried between various cities and various commercial and trading centers. From necessity "natural advantage"—the advantage of location—was the basis of supremacy. The city which had a seaport or a water communication of some kind was favored above all others. It became the home of the trader and the shipper; it was the point of concentration from which the highways led into the interior and to less fortunately situated cities and towns. From the beginning the railroads were forced to make low rates to towns with water transportation in order to meet the water competition. To interior points, which before this had been reached only by the public highways, higher rates were made, and as a consequence there was a public outcry against discrimination. Various local interests, which were fighting each other for local supremacy, held that the only remedy for the discrimination complained of was government ownership of the railroads, and Prussia, in 1879, took the first step toward this end. In a short time all the private railroads of the German Empire were bought by the Government and the experiment of a government making rates was begun on a fixed scheme of charges which imposed a terminal charge for loading and unloading, combined with a haulage charge of a fixed sum per ton-mile; and in no country has the system been carried to such an extent, tested in every way.

For example, upon raw materials there is a terminal charge plus haulage charge of nine-tenths of a cent per ton-mile for distances up to 62½ miles, and a trifle over three-fourths of a cent for every mile beyond that limit. By this system of distance rates Germany was not only to solve the discrimination problem, but at the same time was to develop each section of the Empire and decentralize the trade of the country. The centralization of trade was one of the complaints made by the public at large—that is, that the trade of the country was centered in a few cities. By a distance or mileage rate scheme each town would have its own rate, which was to be fair and only for the distance hauled. In this manner the large and strong cities were to give up some of their trade and population, and the interior of the Empire was to be developed. It is my purpose to show briefly whether this result has been obtained.

Broadly speaking, after twenty-five years of experiment and trial, the situation in Germany as regards discrimination and the centralization of trade and commerce has changed only for the worse. The scheme has been a failure; commerce and trade have more effectually been centered in certain favored cities than ever before and discrimination has been increased instead of decreased. Sectional interests and trade interests are at swords' points concerning the preservation of established trade and industry, and use any means to prevent that increase of competition between rival purchasing and distributing centers, which was inevitably good with the development of long-distance traffic. Railroad rates are in politics. No great State measure in the German Empire can be carried through without a coalition of discordant interests on the railroad question. So bitter is the feeling, so intense the rivalry, that the German Government has been forced to go into the canal-building business on a most extensive scale; has been forced to grant export bounty duties, levy import duties, and in every way possible try to placate diverging and sectional interests. Virtually, freight or traffic barriers have been built around section after section of that Empire, until each section stands to-day by itself, fighting for commercial interests.

As an illustration of the centralization of trade, the iron and steel business can be taken. The Rhur district and the Saar district produce, respectively, 39 and 36 per cent of the pig-iron product in Germany. In a word, they are iron producers of equal importance. Yet, so far as trade depends on railways, the Saar district is almost shut out from northern, central, and eastern Germany, while, on the other hand, it has practically a monopoly of the iron and steel trade with southern German and Switzerland. The reverse is true of the province of Silesia, which has a monopoly of the trade of that province, parts of east Prussia, and the foreign territory lying immediately to the east of Silesia.

In this way the iron and steel trade of Germany is apportioned to these three producing and distributing centers. Many efforts have been made to have the railway rates lowered between these great producing centers, but they have been unsuccessful. The Government has claimed that a reduction in rates given to one interest or locality must be followed by counterbalancing reductions to others. As a result of this refusal to lower transportation charges and the inability of these three districts to interchange ores it is estimated by one of

the foremost authorities of the German iron and steel industries that the transportation charges constitute 28 per cent of the total cost of iron making in that Empire, as against 10 per cent in Great Britain, Germany's principal competitor. This same condition applies to the traffic in all other bulky and comparatively low-priced articles of trade, and has done much to make more sectional than ever the sections of Germany.

Then, too, the effect of the mileage rate on cities is shown in the example of Bremen and Stettin. Prior to 1877, under the private ownership of railroads, Bremen had a virtual monopoly of supplying Germany with petroleum imported from the United States, but now, owing to the cheap water transportation, Hamburg has captured all that trade and the railroad department is powerless with its inelastic rates, and Bremen must suffer. Bremen is as near the center of the beet-sugar industry as Hamburg, but it has practically no export sugar trade, because the railroad is powerless to aid in meeting the rates of the river vessels. Stettin is the only Prussian port of importance, and it has of late years been losing trade to Hamburg, and the Government is powerless to keep up the business of its one port by reduced freight charges. But it seeks to remedy this condition by the building of canals at an immense expense, and this is the only remedy that Germany has found for its present vexatious problem of freight transportation and the centralizing of trade in a few cities. This agency may be, and is, a greater evil than those complained of under the private ownership of railroads, for it has increased local jealousies and made discriminations in favor of cities and districts more positive than ever shown by a private railroad. And as these rivers are deepened and the canals widened to float larger vessels the discrimination in favor of the cities and the districts reached becomes more marked and more cruel.

It might be interesting for a moment to glance at the condition of the railway properties of Germany from an effective standpoint. They have not advanced in capacity to handle trade, in roadbed, or in any other way in which the modern railroads of America have grown to be such marvels of mechanical genius. So it is not strange that the State railroads of Germany have done little toward helping that country to adjust itself to the general world-wide fall of prices. Professor Meyer, in his work on railway rates, states, on German and American authority, that in Germany for the entire period of 1880 to 1899 prices fell 17.6 per cent and railway charges 14.7 per cent. In the United States, however, prices fell 24.3 per cent and railway charges 41.7 per cent.

It is true that in the matter of personal discrimination the German Government has been fairly successful in limiting it upon railways. Indeed, in the American sense of the term there is no personal discrimination effected by means of secret rates. But the Government found upon taking charge of the private railways that certain commodities were given a special or preferential rate, and it has increased these to such an extent that it is estimated that 80 per cent of the freight of the Empire is carried by these rates.

This brief review of the situation in Germany shows that the government ownership of railroads and the government making of railroad rates has failed in the two most important features—the decentralizing of trade and the abolishing of discrimination. In a word, we find that the commercial freedom of trade intercourse within the borders of the German Empire is far from what it would have been had the making of railroad rates been based upon the economic principles of the demands of trade.

A similar condition exists in Austria-Hungary; and in Austria-Hungary and the Danubian provinces local jealousies and local rates have made it almost impossible for the products of these countries to compete anywhere. So it is in Russia. The great Siberian region could be opened up, as was the great West of this country, for wheat growing. The wheat growers of Siberia would use the manufactured articles of southern Russia; but the wheat growers of Russia whose lands lie between Siberia and the Baltic or Black Sea object on the ground of nearness to markets; as a result there is but little wheat grown in Siberia. In Russia, as in Germany, hard and fast rates have driven transportation to the waterways, and thus increased the discrimination in favor of natural locations.

Australia shows a different aspect. There the several railways compete on a mileage rate for the traffic of the great wool-producing center of Australia—the Riverina. It would be an easy matter for the railway managers to agree upon a division of the Riverina, but the government will not permit it; as a consequence the trade and commerce of the government of Australia centers in the three towns of Melbourne, Sydney, and Adelaide. There are no small basing or distributing centers scattered throughout the country. For example, when the railroads of Victoria were extended to Ballarat, 100 miles in the interior, that town had a considerable wholesale trade, but this was lost on the mileage-distance scheme when the railroad was farther extended. As a consequence there is an extraordinary concentration of the people of Australia in a few cities, and these cities make the laws of a country whose resources are mainly agricultural and pastoral. But a more comprehensive review of the entire situation is found in an interview given by Gen. H. C. Corbin, of our Army, published in the Army and Navy Journal of February 24, 1906. He had just returned from a trip to New Zealand and Australia, and in speaking of the former country, said:

> The government owns all the railroads, life and fire insurance, telephone, as well as telegraph lines; savings banks are the property of the government; yet the railroad rates and fares are much greater than in the United States. This is also true in Australia, where all the railroads are owned and operated by the state. In neither is the service anything like as good as at home.

Having thus briefly outlined the situation as my investigation has led me to find it in Europe and Australia, I come to the situation in the United States, where there has been full sway to competition of commercial forces. What is the result? The most expeditious and efficient system of railroad transportation of any nation of the earth; a system that has a mileage which has increased from 76,808 miles in 1876 to 217,250 miles on January 1, 1906—an increase of 182 per cent; a system that in 1882 carried 360,490,375 tons of freight and in 1904 carried 1,275,321,607—an increase of 254 per cent; a system that as a result of improvement in railway equipment, etc., is vastly more efficient than that of even twenty years ago; a system that has decreased the average rate for carrying freight from 1.24 cents per ton-mile in 1882 to 0.77 of a cent per ton-mile in 1904—a cut of 38 per cent; a system which has decreased the rate per ton charge from 1887 to 1905 24 per cent. Compared with the experience of Germany this should, in my opinion, settle forever the result of government rate making. It will be proper, however, and perhaps enlightening to study somewhat in detail the conditions which have produced these results.

The civil war left the various industries of the United States in a most unsettled condition. The great wave of immigration from 1867 to 1873 and the great panic of the latter year led to a most wonderful change of population and most remarkable migration to the cheap farming lands of the West. The great grain-growing and wheat-raising States west of Pennsylvania increased their area under corn and wheat by 39,000,000 acres—the equivalent of 70 per cent of the increase of the area under crops of all kinds in the United States. At once the economic conditions of the country were faced with the problem of consuming the wheat that was being raised in this wonderful new development of the West. So far did this great American granary lie from the Atlantic seaboard that it was held that the distance alone would preclude its exportation to Europe. More wheat was being raised than could be consumed in the East, and nothing but ruin stared the western farmer, the eastern farmer, and the eastern manufacturer in the face. But the competition of the railroads, competition based on the demands of trade and not on the hard and fast lines of a government mileage rate, solved this problem.

In the development of this great western section people and localities suffered, but the progress went on—the greatest good for the greatest number. The courts were hampered with petitions that the rates on grain be fixed on a mileage basis, since any other adjustment of rates destroyed the advantage of proximity to market. The protestants failed to appreciate that the commerce of the United States was growing outside of State limits, that the manufacturers of the Eastern States would have a market in the great West for their products, and that the whole was being far advanced. Judging from European experience, which I have tried to point out, had they been successful the buffalo to-day might still be roaming through the wild grass of the West, and the trade of this country centered in a few cities of natural location.

This development was brought about by discrimination, or, in other words, by the demands of trade. As late as 1868 the Erie Canal dominated the grain situation and directed the bulk of this traffic to New York City. By 1874 the Pennsylvania and the Baltimore and Ohio railroads had reached Chicago and commenced a series of rate wars with the New York Central to secure to each of them a share on the shipments of grain to Europe. But the ocean freights between Philadelphia and Baltimore and Europe were necessarily higher than the ocean freights between New York and Europe, therefore the railway charges between Philadelphia and Baltimore and the interior had to be, and still must be, lower than the railway charges between New York and the interior. These two roads were finally successful in securing a differential which enabled them

to handle grain in competition with New York. That arrangement did not suit New York then, and does not suit her now. She claims the right of natural advantage, has petitioned Congress time after time, and has been opposed to the differential ever since. On a hard and fast system of mileage rate—such rates as Germany has—New York would to-day handle the bulk of the grain trade.

Consequent upon this rate war is another illustration of the benefit of competition based upon the demands of trade. In 1870 the interior cities of the country solicited Congress to authorize the transportation of imported goods in bond from the Atlantic ports to Chicago, St. Louis, Cincinnati, Memphis, and other cities. The railroads were able to haul these goods at moderate rates, since they gave an opportunity to load the empty cars which had carried the grain east. As a result of favorable action by Congress, these interior cities began a career as distributing points and captured a great part of the jobbing trade that had formerly gone to the larger Atlantic cities. This system aided in the inevitable result of the growth of population and wealth in the interior. The jobbing trade of the Atlantic cities was not satisfied with this competition and complained. It is not satisfied with it to-day, but the greatest good to the greatest number has been obtained.

This competition which has built up this great western territory in every case protects each section. There are ten great concentrating grain markets from which radiate roads in all directions. The traffic is watched from day to day and a rate war is the final arbitrator of differences that can not otherwise be settled. So in every case the rates are a compromise between rival interests. As a compromise they perhaps please no one, but they are for the general good, and are the result of free, unhampered trade competition.

I desire, Mr. President, at some little length to call attention to the study of one more of the discriminations of the railroads which has decentralized trade in this country and established distributing points of importance all over the land—the basing-point system. This is a system which the long and short haul of the interstate-commerce act was, in the opinion of the Interstate Commerce Commission, to do away with. The Commission itself admits that the system has been a material benefit in some cases. (Holdskom *v.* Michigan Central Railroad Company et al.) It admitted that the system resulted in cheaper prices for the people, and that no near-by city was injured, but yet it holds that it is not right. That the system has decentralized trade is further shown by the action of several State railroad commissions, all bearing testimony to this effect.

My attention was called a few days ago to an article in the Review of Reviews, written by Mr. D. K. Redmonds, editor of the Baltimore Manufacturers' Record, showing the astonishing growth and development of the South. I desire to use a few of his figures to illustrate the point I am now discussing. Between 1880 and 1905 the South increased the number of its cotton spindles from 667,000 to 9,205,000 and the consumption of cotton in its mills from 225,000 to 2,163,000 bales. To appreciate these figures it must be remembered that New England and all the country outside of the South in 1880 consumed 1,350,000 bales, or six times as much as the South, and in 1905, 2,282,900 bales, or but a few thousand bales more than the South. In its 777 mills the South has $225,000,000 invested, and the room for the expansion of this industry is limited only by the South's inability to supply labor and capital. Of her coal and iron developments the mind of man can scarcely grasp the full conception. The South has a total of 62,957 square miles of rich coal lands against a combined total for Great Britain and Germany of 12,600 square miles. In timber also the wealth of the South is fabulous and practically untouched, and on top of all comes the South's agricultural productions, with a total value of $1,750,000,000, of which cotton furnished about $600,000,000. It includes also 496,000,000 pounds of tobacco and 2,500,000 barrels of sugar.

All this great development, Mr. President, has been accomplished by the aid of the basing system, which results from the competition between the railways themselves, between the railways and the coast vessels, and between the railways and the river steamers. I can not do better at this point than to reproduce the description of the method of the adjustment of rates under this basing system made before the Industrial Commission by Mr. M. C. Markham, assistant traffic manager of the Illinois Central Railroad. Mr. Markham stated that the Mississippi River fixed the rates between New Orleans and St. Louis. He then added that while Mobile, situated 140 miles east of the Mississippi River, had not the competition of a river to force down railroad rates it had railroads which were interested in enabling Mobile merchants and manufactureres to compete in common markets with the merchants and manufacturers of New Orleans. One hundred and eighty miles farther to the northeast lie Montgomery and Selma, trade centers on the Alabama River.

The railroads reaching Montgomery and Selma had no interest in New Orleans or Mobile, and tried to get all the traffic they could to and from Montgomery and Selma by putting these towns on a fair plane respecting rates with Mobile and New Orleans. Still farther inland lie Meridian and Jackson, Miss., Birmingham and Gadsden, Ala., and Chattanooga, Tenn., on the one side, and Columbus, Rome, Atlanta, Athens, Macon, and Augusta, Ga., and other towns of importance, on the other side, all asking of the railroads which served them such rates as would enable them to do business in common territory in competition with New Orleans, Mobile, Montgomery, and Selma, as well as in competition with one another.

In the same way Galveston, 360 miles west of New Orleans, had no river advantages, but the railroads serving it enabled its merchants and manufacturers to compete in northern common markets with New Orleans merchants and manufacturers. The adjustment of rates the Galveston roads had to make for that purpose ultimately was extended to the outlying and intermediate towns between Galveston and the Missouri River and between Galveston and the Mississippi River north of Vicksburg, all of which had to have the concessions which the forces of trade warranted.

Finally, the low rates made by the railways from St. Louis to Memphis and New Orleans on account of the Mississippi River had to be met by the railroads from Chicago, Cincinnati, and many other points, in order to enable the industries of the last-named cities to hold their own with the industries of St. Louis. In this way, said Mr. Markham, the low rates which were made in the first instance to meet the competition of the Mississippi River finally were extended, wholly or in part, to the entire northern, southern, and southwestern portions of the United States.

It must be plain to every hearer that the consumer was finally the man who profited, for by this working of competition it is the consumer who gained by this vast basing system.

In addition to decentralizing trade, and in that way building up various wholesale interests all over the country, the principle of making low rates to competitive points has been a great economy in the interest of transportation. Freight that moves in large quantities and at regular intervals is handled much more cheaply than freight which comes in small and intermittent quantities. Were there no basing points freight would have to be carried over long distances from the source of supply in comparatively small and irregularly flowing quantities. The establishment of these basing points has made the railroads of the United States what they are to-day. To meet the efforts of their rivals, roads have been forced into large expenditures for the betterment of their lines, in their rolling stock, and all other things relative thereto. With rates fixed to competitive points and on a low basis the Baltimore and Ohio road, for instance, has been forced within the past five or six years to enter into a most expensive system of roadbed, straightening out curves, the laying of heavier rails, the purchase of greater power locomotives and heavy rolling stock.

And the example of the Baltimore and Ohio is only an illustration of what other roads have done. Had not the railroads of this country been permitted to avail themselves of the economies of the basing-point system their growth would have been much slower. To illustrate this point further, a glance at the Australian system will aid. There, as I have shown before, there is no basing-point system. In 1902 the average train load in New South Wales was 66 tons and in South Australia 69 tons. Such loads mean high running expenses, and are ridiculous when compared with the hauling capacity of a modern American railroad.

It is unnecessary to illustrate this system further. The story of the distribution over the West of the merchandise and manufactures of the East is only a story of the basing-point system of the South. The railways pursued the same course in the West as in the South; they developed first the most promising resources, and then turned to the least promising. Thus they discriminated. But in all cases the railways were operated with the one point in view—of making a profitable investment—and to do this they were forced to cooperate with the American people, promoting their immediate as well as their permanent interests. They did not go contrary to the interests of the people. The policy of the railways in making rates was not governed by a fixed rule, such as the mileage tariff, and the rates were made as cases arose, so as to meet the demand of the occasion, and they manifested then, as now, one overruling principle, the development of industry and trade wherever such

development was practicable. In this way they have made the United States a great commercial whole.

In regard to the third class of discrimination charged, that of personal discrimination, it is necessary to say but little. Discrimination between individuals apart from competition—that is, giving to one man or one interest a rate for the sole purpose of favoring the business of that man, or injuring the business of another man or another interest—scarcely exists in this country. The Interstate Commerce Commission says it does not exist. No proceeding is pending now, or has been pending, upon any such charge, though it is an offense under the interstate-commerce act. The chairman of the Interstate Commerce Commission has testified, under oath, that there has never been brought to his knowledge a rate made in bad faith—that is, for the sole motive of helping one man's business and hurting another. Rebates, general tariffs with short terminal lines, and dealings with refrigerator and other car lines are another matter. While for convenience they may be classed under the general head of personal discrimination, they stand upon a really different basis. Rebates are a method of cutting the published rate, the result of competition.

A shipper has a large amount of freight to be carried, several competing railroads want the business, none of the companies can openly change their published rate, but one of them can secure the business, and at the end of the month, or in the regular course of business, send a check to the shipper for a reduction agreed upon by each of them. This is forbidden by the interstate-commerce act; it is a kind of competition which is very dangerous and ought not to be allowed. I can appreciate the desire of a railroad company to give the man who ships 1,000 tons of freight a month a better rate than the one who ships only 100 tons; but it is wrong; it is dangerous, and I will gladly join in any effort that will stamp it out.

But there is also another evil under the head of "personal discrimination," which has come to light within the past few years, and that is a discrimination in favor of handling one shipper's product at the expense of another; the refusal of a railroad company to carry at all the product of a certain shipper. This, to me, Mr. President, is one of the worst evils of railroad management to-day; is one which should be met and dealt with most severely; is one that should be eradicated, stamped out, even if the most stringent measures are necessary to accomplish this end. The railroad, as a common carrier, must and ought of right give to each shipper his fair share of the facilities the road has to offer for the advancement of commerce. I may digress here for a moment to speak of the great coal interests of the country, and to express my belief that it is a most dangerous course for a railroad to pursue, to be found as the owner of, or participating in the profits of, any great tract of coal lands. This I would hold true with any of the other great necessities of life, and believe that the railroad in the future, as in the past, should devote itself entirely to its duties as a public carrier.

The problem of rate making is the problem of commerce; is the problem of compromising the daily struggles going on between the different trade centers of the country. It extends further than to the mere settlement of the price to be charged by one railway in carrying a ton of freight; it enters into the very essence of our happiness and prosperity as a country. The more it is studied the more complicated the problem seems to be, and the more sure I am that the rate-making power is safer in the hands of the railroads than it is in any body of men appointed for that purpose.

I have tried to show the evils of rate making by Government ownership and by Government control. The invariable result in those countries where such system exists has been to transfer the field of business to the field of politics, with disastrous results. Under the Government ownership of railways in Germany the state railway department is not allowed to make a railway rate that will permit the surplus product of one section to compete in another section of the country. It has been forced to expend immense amounts of money to build canals to assist certain sections. It has hampered its own industries and has fostered jealousies. In Russia the same paralysis of the railways exist through trade jealousies with the resulting recourse to transportation by river. In Australia trade jealousies force each colony to refuse to cooperate with its neighbor. And in England and France almost the same condition exists.

On the other hand, the example furnished by the United States speaks more eloquently than any words I can use, of the beneficial results of railroad rates based on the requirements of the economies of trade. I have pointed out the benefits of the basing-point system and of the free play of competition. I have shown how trade has been decentralized and the whole country welded into one great commercial whole. I have tried to show that the railroads by their virtual annihilation of space have made this result possible, and I can see, for myself, no reason why we should change.

But it may be claimed that no measure now before this body would place the rate-making power on a system which would follow so obvious a commercial failure as that off European governments. In reply, I can only say that we must judge of what will be done by what has been done. In 1887 the Interstate Commerce Commission was established for the avowed purpose of regulating trade, doing away with discriminations and the many other faults complained of by certain interests in the United States. Since that time they have had many cases before them, and seemingly from the start laid down as a basic principle that railway rates may not be adjusted to each other on commercial considerations, but that such adjustments must conform strictly to differences in the cost of the service for which the respective rates were made, in other words, that there must be a mileage tariff.

These cases have been all appealed to the Supreme Court and the basic principles laid down by the Interstate Commerce Commission in nearly every case have been overruled. The Interstate Commerce Commission held that competition by waterway was the only commercial consideration that should be taken account of in making a competing rate to a competing point. They have repeatedly condemned the great American rate practices, by which the various sections of the country have been built up into one great whole, without seemingly studying the various conditions that have caused the establishment of such rates. They have held that a rate principle might be unlawful though no location or community could say that they were injured by it. No rate principle was right that was not based on a mileage tariff. The Interstate Commerce Commission has construed the act to regulate commerce on this mileage-tariff plan. It has construed the phrase "under substantially similar conditions and circumstances" to mean but one thing—a mileage tariff.

For instance, in 1893 the Interstate Commerce Commission held that rates made by certain railroads to Troy, Ala., were relatively unjust when compared with those to Montgomery, Ala., attacking the basing-rate system, the benefits of which I have tried to illustrate at some length. The Commission held that the conditions were similar at Montgomery, Ala., to those at Troy, and held that the fact that Montgomery was situated upon a navigable stream did not of itself justify the lesser charge for the longer haul. The Supreme Court, however, in reversing the decision of the Commissioners took into account the fact that the volume of population and business at Montgomery is many times larger than it is at Troy, and that there were more railroad lines running to and from Montgomery connecting with distant markets; that the Alabama River was open all the year, and was capable of bearing to Mobile, on the sea, the burden of all the goods of every class that passed to and from Montgomery. It took all these matters into consideration and decided that the railroads, subject to the two leading prohibitions, that their charges shall not be unjust or unreasonable—

> are better qualified to act in such cases than is any commission or board of public administration, and, within the limits suggested, it is safe and wise to leave to their managers the adjusting of dissimilar circumstances and the conditions to their business.

Another doctrine developed by the Interstate Commerce Commission is that no place may be deprived of the advantages accruing to it by reason of its geographical situation. The monstrousness of this doctrine can readily be seen; and it is on the opposite of this that the railroad systems of this country have based their rates for the past forty years. The result of "the natural-advantage" doctrine has been shown in the railroad history of Europe and Australia. The advantage of the annihilating of space, the building of this country into one, with its basing centers, and its sections brought into close connection, has been shown in the wonderful growth and development of this land since the civil war.

So, Mr. President, judging from the past, I am led to the conclusion that the Interstate Commerce Commission would, if it had the power, establish at once the principles of the mileage tariff and of natural location. Therefore I can not agree that a political commission appointed by a President, open to change at every general election, should have the power to fix railroad rates on any such theories. Neither do I think, Mr. President, that the country wants such a system of rate making, for I do not think that rate making is the remedy for the evils which exist. That there are evils I have tried to point out, and I believe that it is the duty of Congress to eradicate them; to make it plain that the railroads must be public carriers, free

to all; that one man's product must be hauled as rapidly and freely as another; that there must be no rebates, no personal discriminations, no ownership of the great necessities of life. These are evils that are to be met and remedied. The small operator, the small business man, must have the right of having his product expeditiously and freely handled. In my own State a case of a railroad refusing to make a switch connection has been given much publicity. Our own State laws have in similar cases compelled railroads to make these connections.

But to give all the States the benefit of our experience I would have any bill prepared so that it would protect the small operator, whatever his business may be, force railroads to make connections with lateral roads and thus give to all free and unrestricted transportation to all markets. Should the bill now before the Senate pass without amendment, I think the people of the United States within a very few years would find that it remedied none of the evils it was supposed to cure. I want the bill amended so that the coal operator of West Virginia can open up his mine, have that mine connected with a railroad, have his just share of cars, and thus have his product carried to the best market. I want the bill amended so that the farmer of the West can ship his surplus grain; so that the planter of the South can dispose of his cotton, and the lumberman of the North of his timber, and that these in turn can take their share of the manufactures of the East. I want the bill amended so that it will be plain that the railroads shall not be owners of coal lands, grain lands, or any business enterprises, and that the small producer shall have an equal chance with the large.

In trying to treat fairly and justly the railroads, as well as the people, we must bear in mind that the railroad growth of the last half century has been reached only through enormous expenditures of money. The railroads have spanned a wilderness, with no immediate financial returns in prospect, and the wilderness has blossomed as the rose. The railroads climbed through the mountains and hills of West Virginia at a great expense and waited long before the development of her mineral resources startled the world. In most instances the railroads have been built as business enterprises, entered into from purely business motives. Their success has always been identical with the growth of the country. So, Mr. President, we should strive to correct the evils which do exist.

So along the lines of correcting the evils I have pointed out I think the Interstate Commerce Commission could properly work. I also believe that the Interstate Commerce Commission may judge of the unjustness of certain rates, but it should bear in mind that the railroads are not all bad, and its conclusions should be based on the free competition of all trade economies, not on a mileage scheme or a scheme of natural location. I do not want to see railroad rates the general political question of this country. I do not want to see Congress arrayed into sections trading with each other for some seeming advantage. I do not want to see the great commerce of this country centered in a few cities favorably located on natural waterways.

I want to secure to the greatest number the greatest good, and this can be done, in my opinion, better by trained railroad men who have made this question of rates a lifetime study, and acting under the restrictions proposed before, than by any commission.

I realize, however, that there is a demand that the Interstate Commerce Commission should be given authority in the matter, and that power will probably be given it to fix rates when conditions require it. I am opposed to giving them that power, certainly without a provision for a broad and general court revision, to which the shipper and carrier can appeal when the rate designated is unfair to either. I hold to such a revision by the court since the history of the Interstate Commerce Commission has shown to my mind that the power of the court to review their decisions has simply saved this country from the experience of European countries. That experience has shown that discriminations of a more serious nature than we have exist, and prove conclusively that the results coming to us, had the Interstate Commerce Commission the powers to enforce its decisions, would have been disastrous beyond comparison.

Mr. CLAPP. Mr. President, in addressing myself to the pending bill, I shall try to trespass but a little time upon the patience of the Senate and shall endeavor to present in a plain and practical way the issues involved in the pending legislation.

In my humble judgment the day of the academic discussion of this question is past, and we stand now face to face with a practical question, involving also the legal aspect of this controversy as involved in the pending bill. To hear some men talk and to read some articles that are printed from day to day in the magazines, to read the pamphlets that are piled upon our desks in our committee rooms, one would be led to think that the American Republic, for the first time in its history, stood face to face with the problem of rate regulation. Such is not the case.

In 1887 the Federal Government became in a formal and decisive manner committed to the policy of rate regulation, and the question to-day is not what might be done, not what the imagination may conjure up as the possibilities resulting from regulation, but the question is, What is the best plan to pursue in carrying out that policy which we adopted in 1887? If we stood at the threshold of attempted regulation, much of the matter published to-day, while it might be of little value, might perhaps be pertinent; but for nineteen years the Government has been committed to the policy and purpose of regulation, and the wisdom of this policy was frankly admitted by almost every witness who came before our committee last spring. And with nineteen years of experience the real question now is, How can we best perfect the existing law?

The present tentative plan is embraced in the pending bill reported by the committee, and my remarks will be limited at this time to discussing some of the objections urged to the legality of the bill.

Let me say that in presenting these issues I shall try to confine myself to the use of plain terms so far as possible in the discussion of legal propositions, and shall refrain from indulging in any denunciation, for, to my mind, no reason exists why we should not approach the consideration of this question with that same calm deliberation, with that same purpose to serve the interests of the American people, so far as those interests can be served by legislation, which ought to characterize us in the consideration of any other proposed legislation.

I shall waste no time to-day in discussing the primary proposition of the power of Congress to engage in and continue this policy of rate regulation. If there is any one question which, it seems to me, is settled beyond dispute, it is that Congress can regulate interstate commerce, and in that act can employ the agency of a commission. In 1874 this question first began to arise in the efforts of the States to regulate intrastate commerce, and since that time numerous cases have come before the Supreme Court, and there is an unbroken series of adjudications of that court sustaining the power of the States thus to regulate intrastate commerce, and to do it through the agency or the medium of a railroad commission.

Great judges, like Waite, Field, Brewer, and others, have reiterated that this power exists in the States. I shall content myself with one quotation from Justice Brewer in the Reagan case (154 U. S., 362):

> Passing from the question of jurisdiction to the act itself, there can be no doubt of the general power of a State to regulate the fares and freights which may be charged and received by railroad or other carriers, and that this regulation can be carried on by means of a commission. Such a commission is merely an administrative board created by the State for carrying into effect the will of the State as expressed by its legislation.

These cases having arisen under State constitutions it is claimed they afford no authority for the exercise of this plan by Congress under the Federal Constitution. It will be noticed the same division of powers exists in the Federal Government as exist in the State governments, and the repeated affirmation by the Supreme Court of the power of the legislature to employ the agency of a commission. The statement of Justice Brown that such a commission is merely an adminstrative board created to carry out the will of the State as expressed by the legislature is as applicable to Federal as to State.

At the outset we insist that while the Federal Government is a Government of delegated powers, while the powers of Congress are those named in the Constitution, yet as absolutely essential to sovereignty the Federal courts long years ago declared that in those powers which are granted to Congress the power of Congress is plenary, the limitation to be found only in the Constitution itself. This has been iterated and reiterated until finally, in the Northern Securities case (193 U. S., 197), the court declared that the power of Congress over those matters which were the subject of Congressional legislation was as absolute as it would have been in the States which formed the Union or in the Parliament of England. Now, if this is true, then it would follow as a logical sequence that Congress possesses as absolute power in this respect over interstate commerce as the legislature of the State would possess with reference to State commerce or interstate commerce.

But we do not have to depend upon the logic of the situation, for in 1897 the Supreme Court, considering the interstate-commerce act now in force, declared that there were two ways in which Congress could regulate the question of transportation. One way was to enact a schedule. The other was to employ a commission for the purpose of ascertaining what would be reasonable rates and determining what rates were unreasonable. (Maximum Rate case, 167 U. S., 479.)

In 1887 the interstate-commerce law was passed, and at the very threshold of this inquiry to-day it seems to me we should consider what are the proposed changes contemplated by the bill under consideration. We have been told here this morning in effect that the proposed legislation would enable the Commission to reduce transportation rates to a mileage basis; that it would result in that confusion which flows from the governmental ownership of railroads, or, as it has been characterized here as an equivalent, the governmental regulation of railroad rates. There is not a line in the law as it exists to-day which enables the Commission to reduce rates to a mileage basis, and the men who have been instrumental in framing this proposed legislation, recognizing the importance of the interchange of commodities through this great country of ours, breaking down sectionalism, making the people one united whole, have carefully guarded it so that there is not one line in the proposed legislation which would enable the Commission to reduce rates to a mileage basis.

We were told the other day by the Senator from Ohio [Mr. FORAKER] that one constitutional objection to the proposed law was that it would violate that provision of the Constitution which guarantees the ports of the respective States as against favoritism or preferential legislation at the hands of Congress. There is not one line in the proposed legislation which changes the law so far as preferential or differential rates are concerned.

What is the proposed change? The proposed change, Mr. President, in addition to dealing with private cars and kindred service, is simply this: In 1897 the Supreme Court held that while the Commission had the legal authority to condemn an existing rate, they had no legal authority to name the new rate. And what has been the experience since then? Namely, that lacking the legal right to name the new rate, the Commission has practically been obliged to make rates through the agency of a club in the nature of a threat held over the carrier. This was the logical sequence. If the Commission condemned a rate of $1 and suggested a rate of 80 cents, that suggestion was significant in the fact that if the carrier did not adopt the 80-cent rate the Commission could then challenge the new rate, and the result has been, as shown by the testimony before the Interstate Commerce Committee last summer, that in the great majority of cases the carrier has been obliged to or at least has adopted the suggestion of the Commission as to the new rate.

Now the difficulty with the existing law is right here. What the American public, both the shipper and the carrier, need is certainty in law and promptness in the establishment of the things sought to be secured by the law. That is the weak point in the existing law as to the question of fixing rates. While the Commission can condemn the existing rate, they have no legal authority to name the new rate; and this bill proposes to make that change and to give them the same and no more and no greater power—it proposes to give them the same legal authority to name the new rate which they have to condemn the existing rate.

I want to say—and I say it in the sense of a challenge to criticism and analysis—that there is not a single condition relating to and growing out of the change of rates that does not attach as absolutely to a change of rate under existing law as it would if the Commission was authorized directly to name the new rate.

We have been told from time to time, both in the Senate and out of the Senate, that if this law passes and the Commission makes a new rate, that new rate will involve the adjustment of all correlated rates. That is true; but if there is a rate of $1 to-day and the Commission discontinues that rate and forces that rate down 20 cents, that change of 20 cents will just as absolutely affect the revenues of the company, will just as absolutely necessitate the adjustment of correlated rates, will just as absolutely disturb the existing conditions as though that change of 20 cents was made by a direct order fixing the rate at 80 cents.

It seems to me that those who have appeared to be opposed to this proposed legislation have magnified the question in relation to its effect upon the carrier, in relation to its effect upon transportation, in relation to its effect upon existing conditions. It does not depend upon who makes the change nor how the change is made, but it depends upon the change itself.

Now, it is proposed to give this additional power in as plain and certain manner as to expression and administration as possible, and we are met at the very outset by a number of constitutional objections. I shall confine myself principally to answering, as best I may, those which have been made both in the Senate and out of the Senate.

We are told constantly, and have been ever since this matter began to assume a serious form, that the evil in this country is not the question of rates, but it is discrimination and rebates. In 1903 the Senate Committee on Interstate Commerce, recognizing the evil of discrimination and rebates, passed a law specially designed to reach that evil. It is a little singular that the men who to-day are insisting that the one thing which will bring order out of chaos in the transportation world of America is legislation directed at discrimination and rebates were as silent as the tomb when others were engaged in that work in 1903.

That law was not perfect. That law did not go quite far enough in the matter of securing evidence of violation. But it has been an efficient law, and if that law contained mistakes and errors, I for one am perfectly willing to stand here and assume my share of the responsibility for such mistakes.

It has been said that we made a great mistake in that law in changing the punishment from imprisonment to fine. Mr. President, it is not a question so much of punishment, but, as was termed the other day by the brilliant Senator from Iowa [Mr. DOLLIVER], it is a question of securing conviction. It developed before the committee that many of these offenses, so far as the technical act of offense itself was concerned, would be traced to some office boy at a salary of $1,200 a year, and it would be idle to expect juries or courts to inflict upon him the penalty of the law. So it was thought wise to change it to a fine, so that if a conviction was obtained and a penalty was imposed it would fall on those who primarily were guilty of the offense. If that was a mistake, I am willing to stand here and take my full share of responsibility for it.

But, Mr. President, that law did not reach this question of rates alleged to be primarily high in themselves, and that can only be reached by the pending legislation or some bill of a similar character.

The first serious objection that is made to this bill is that the bill does not itself provide for a trial somewhere in a court of justice. From the foundation of the Government Congress has been passing laws that affect the people. This is the first time in connection with this subject that it has ever been suggested that the law operating to carry into effect the will of the legislature along governmental policies should also be a revision of the code of judicial procedure.

Not only that, but we have gone further. In the exercise of the functions of Government we have created tribunals. We have clothed those tribunals with power to determine those acts necessary to be determined in administering the affairs of the Government, notably when we clothed the Postmaster-General with the power to close the mails against the citizens of this country, notably when we clothed the immigration office in final appeal to the Department of Commerce and Labor with power to close the ports of this country against those who sought our shores if perforce it was claimed that they came within the exclusion clause of the Chinese act.

You may search those laws in vain to find there the suggestion that in the law providing for the administration of the functions of government there should be incorporated a revision of the code of judicial procedure. Those laws operate as a finality, so far as the Government goes, but beyond that those upon whom those laws operate have the same right to appeal to a court of equity which any citizen of this country has.

In order to understand the full scope of a review of the act of the Commission we should look back to the source of this subject and see what it is that it is proposed to review. The relation of the common carrier to the public is a peculiar relation. It differs from an ordinary vocation. If a man should start a store or open a farm, there is no rule of American law that interferes with his getting any price he can for his product. But the peculiar relation which exists between the carrier and the public has developed a rule of law that, while the carrier may charge rates for transportation, that charge must be a reasonable rate. That has been reiterated time and again by the courts of this country.

In fixing a rate we have the undoubted right either by act of Congress direct or through a commission to prescribe a reasonable rate, and down to the point of a reasonable rate it is not the taking of the property of the carrier, because in law the carrier has no right of property above a reasonable rate. In determining that reasonable rate you are simply drawing the line between the property of the carrier on the one hand and the property of the shipper on the other, and it does not involve the taking of private property either without process of law or in violation of the constitutional requirement that it can only be taken on paying just compensation.

It is along that line and within that limit that the Government has so often acted through subordinate agents, leaving the act of the agent under the authority of the law final as to the Government itself. But the moment we step over that line, then we are taking private property, and that moment the guaranty

of the Constitution attaches to that property and to the owner of the property.

That being the rule, what is the broad rule of law as to the invasion of that right? The gentlemen who have been principally active in framing this bill framed it upon the theory that no act of Congress can ever take from an American citizen the right to go into a court unburdened save by those trivial burdens that ever attach to litigation and demand at the hands of that court protection under the constitutional guaranty of the right of property.

We went a step further, and went upon the theory that no act of Congress can enlarge that power, because the enlarging of that power and the exercise of that power involve the constitutional right of the other side to the controversy, and his right can not be impaired any more than the right of a common carrier. In other words, we can not enlarge or take from an American citizen the right to go into a court of equity.

The distinguished Senator from Pennsylvania [Mr. KNOX], formerly Attorney-General of the United States, laid down this rule with remarkable clearness in a speech delivered at Pittsburg, in which, in speaking of the effect of the order of the Commission going into effect under the law and the effort of the carrier to obtain a restraining order, he used this language:

> Of course I do not mean that in an independent proceeding begun in the court the court could not, in the exercise of its discretionary powers, when satisfied that the rate fixed by the Commission was unlawful, enjoin its operation until a final hearing. That is a power that inheres in the court that need not be conferred by statute and probably can not be taken away by a statute.

If it is in the inherent power of a court of equity to stay the operation of the order of the Interstate Commerce Commission by a temporary restraining order, it strikes me, as a logical sequence, that that same court has ample jurisdiction to entertain an inquiry as to whether that order should remain in force or not.

But we do not have to depend upon the logic of this matter either, for the courts have entertained this policy in the cases. Take the cases under the law authorizing the Postmaster-General to close the mails. No provision was made there for review. That act of his, so far as the Government is concerned, is final. There is no suggestion there of an amendment to the code of procedure. But in two cases the court has entertained the plea of the citizen, in one case (McAnnulty case, 187 U. S., 94) reversing the order of the Postmaster-General and in the other (Coyne case, 194 U. S., 497) sustaining that order. What is the power of the Postmaster-General? It is said that the pending bill is dangerously near the border line, because it says that the Commission shall ascertain what, in their judgment, is a reasonable rate. The law authorizing the Postmaster-General to close the mails of this country authorizes him, when he is satisfied that the mail is being used for fraudulent purposes, to intervene. Yet the court under that law, as I said, in the one case made an examination and found that they would sustain the order, and in the other case after investigation they decided that they would not sustain the order.

Under the law relating to the exclusion of Chinese, the court never for one moment suggested it lacked power to inquire into the invasion of constitutional rights, although in habeas corpus proceedings it held that you could not retry the question tried by the Commission and affirmed by the Secretary of Commerce and Labor. Yet in each case the petition failed to show or to allege that in the first instance the Secretary on review failed to exercise the utmost care and caution in the determination of that question.

Again, in the Regan case, while the statute attempted to confer jurisdiction, the court declared that the circuit court, by reason of its general equity power, could entertain the suit.

It would seem as though, in view of this long-continued policy of the court in this respect, there could no longer be any question as to the power of a court of equity, independent of any provision placed by Congress in this bill, to entertain the plea of a citizen if his property was being taken in violation of law.

But the question is asked, If this is so, why do you not provide in this law that the court may do this and do that? We decline to make that provision, Mr. President, upon this theory. We proceeded on the theory that you could not take from nor add to the power of a court sitting in equity; that while you might confer equity jurisdiction over matters which it did not formerly exercise, yet as to the purpose, the purview, the scope of inquiry, the right to search the conscience of the chancellor and his judgment to respond to that search, Congress had no power to place any limitation or to enlarge the functions of the court in that respect.

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated by the Secretary.

The SECRETARY. House bill 12707, the statehood bill.

Mr. NELSON. I ask that the unfinished business be temporarily laid aside in order that the Senator from Minnesota may finish his remarks.

The VICE-PRESIDENT. The Senator from Minnesota asks that the unfinished business be temporarily laid aside. It is so ordered.

Mr. CLAPP. It has been suggested from time to time, not in public debate here, but in the effort to reach a happy solution of this problem, that we should put into the bill this provision or that provision as to what the court may do upon an appeal to the court. The objection on the part of the framers of the bill has been that if such a provision, whatever might be its term, be varied, limited the equity power of the court, then the court when appealed to by the citizen in behalf of his property rights would either have to disregard it, or if the court did regard it it would be a limitation upon the right of the citizen and probably be declared void; so it was deemed safer not to attempt any direction, but leave the equity power of the court as it exists.

In 1887 the State of Minnesota passed an act providing for the creation of a railroad and warehouse commission. That commission made an order fixing rates. The supreme court of that State held that that order was mandatory and refused a plea to the writ of mandamus. The case came here, and the Supreme Court declared the law void, because not that it failed to make provision for a review, but, as declared by the Supreme Court, in its own language it shuts out a judicial investigation.

If we undertake in this bill to prescribe the power of the court in its inquiry and we make that one iota less than the broad power of the court of equity, may we not encounter that selfsame objection? That being in the minds of the men who worked out this bill, it was thought best to leave the court to exercise its power, as it was well defined, as it was easy to understand, and in doing that there would be no question of the constitutionality of this provision.

We were then confronted by another question, and it is the subject of serious objection raised by those who seem to oppose the passage of this bill. Under this bill the order of the Commission is to go into effect within a given time. Under the old law it is provided that if the carrier does not obey the order at the end of thirty days the court brings a suit to enforce the order. That has been the source of endless complaint, the source of an amount of delay probably difficult to definitely determine.

It is usual in creating any tribunal to give to the determination of that tribunal prima facie force and effect. So it was thought best in this instance, instead of having a tribunal make a rate and then go into court to establish the justice of that rate, to give prima facie force to that rate and let the carrier who might complain of the rate go into the court and obtain such relief as the court might grant.

Now, ordinarily the party seeking to avoid the force of a determination or judgment can, pending the determination of its hearing, avoid its force at the first determination by giving a bond; but in this case it seemed impracticable to make such a provision. The difficulty about the carrier securing to the shipper a return of the excess pending an examination of the validity of the order is found in the fact that it is difficult to determine who pays the freight.

We used to hear a good deal about Jones, and Jones used to advertise that Jones paid the freight. Sometimes Jones paid the freight and sometimes Jones did not pay the freight. If Jones was making more wagons than he could sell, then he would pay the freight to get the wagons in the market. If the market was demanding more wagons than Jones was making, then the purchaser would have to come to the factory to make the purchase, and the purchaser paid the freight.

Now, take the great question of wheat. The price is largely fixed, perhaps, in Liverpool, and the farmer out in Renville, Minn., when he goes to sell his wheat, gets a price for that wheat based upon the price in Liverpool, less the freight. In that case the farmer pays the freight. But the coal operator of the East, sending his coal to Renville, does not fix the price by inquiring what coal is selling for to-day in Renville, but he fixes the price by taking the eastern price, whatever that may be, and adding the freight to Renville, and in that case the consumer pays the freight.

Then there is a vast amount of merchandise where the freight is paid indiscriminately and indifferently. So it seemed a hopeless task to trace this freight to the man who finally paid it, and who should be reimbursed if the plan for reimbursement was made.

There are certain cases where it is very plain who pays the freight. I knew of a case in Illinois where a man engaged in the pottery business, and pottery interests having been opened in Ohio, the railroads there, with the desire to develop business, which has crowned the greatest railroad operators in this country with success, reduced rates so as to get the business of those potteries in Ohio carried to St. Louis, and the man in Illinois had to suspend operations. Now, if a railroad commission had granted him a reduction to enable him to reach St. Louis, then, clearly, he would be paying the frieght, because that reduction would be absolutely necessary to his getting to the St. Louis market.

Instead of trying to provide in this law for the reimbursement of this freight, it seemed that the wisest plan was to leave it where it could be disposed of in each instance, and absolutely free from any constitutional question.

I certainly entertain the highest respect for the Senator, who, I presume, will be quite instrumental in presenting this plan of impounding the excess by making provision for its distribution. I have a right to. It was my rare privilege to read law in his office, and it is with extreme hesitation that I approach the suggestion of a constitutional question in opposition to what I understand is a view of his. But I want to submit this to the members of the Senate: What plea will the carrier make who seeks the interposition of a court of equity to secure a restraining order until his case can be heard? It must be the plea based primarily upon what we broadly call "confiscation." If it is claimed to be more than the mere change of a rate from an unreasonable to a reasonable rate; if it is an unlawful change, it is the unlawful invasion of a man's property. The invasion of that property may be by the very bill of complaint which he files such a threatened injury as to threaten him with insolvency, or perhaps even to threaten his ability to continue the operation of that road. And yet can we, as a legislative body, say to that man, "Yes; the door of that court is open to you, provided you must first take out of your revenue the very item which you plead as you enter the portal of that court, the taking out of which is an unjust taking and perhaps ruinous to the extent of confiscation?"

But a court can do what the legislature can not do. The court can impose any terms it sees fit; and in this particular instance, which I have illustrated, in the case of the pottery factory, where it is self-evident and plain who pays the freight, if we leave this to the court, the court can, as a condition precedent to issuing its restraining order, require the impounding of the excess or the giving of security for the return thereof. So it seemed best to leave the terms which a court might impose to the control of the court itself.

I pass now—for I notice the time is passing rapidly—to the next serious objection made by the Senator from Ohio [Mr. FORAKER], and I address myself somewhat to his objections because they stand to-day as the only concrete form of the objections made to this bill.

We were told by the distinguished Senator that this bill would be fatally defective in that it attempts to lay the heavy hand of the Government upon two parties who will not make a contract for themselves as to a joint rate and, confiscating their property, make a contract for them.

As to confiscation being involved, I want to recur to the suggestion I have made that the right of Congress to fix a reasonable rate is not the taking of private property. It is simply defining the boundary between the property on the one hand of the carrier and the shipper on the other.

Here are two connecting roads physically connected, but they refuse to make any arrangement for through transportation. Let us again go to the source. Each of those carriers obtained their charters from a State government, we will say, but, in the language of Judge Miller, they obtained those charters subject to the power of Congress to regulate interstate traffic. The exercise of that power by Congress in the reduction of rates to a reasonable point certainly can not be, as we have already shown, the taking of private property for public use. If the operation of the order goes below the point of a reasonable rate, then the remedy is in the court, as though the Commission were dealing with a continuous line and the question of the two lines on a joint transportation contract was not at all involved.

But there is a higher principle than that applicable to this case. In the first place, it is not the making of a contract for parties who will not contract for themselves, but the law recognizes everywhere this condition, that where an obligation rests upon a party to make a contract and he refuses to make it, then the law does not make a contract for him, but imposes a condition which shall take the place of the contract which he ought in good faith to have made. When the carrier started, before the carrier built a foot of railroad, the carrier had to invoke that same principle. Failing to agree with the landowner, the law provided a machinery by which a condition should obtain that would take the place of a contract which the carrier could not make with the landowner.

Now, we do not have to depend upon the logic of the situation in this case either. In 1901 a case came before the Supreme Court of the United States from the State of Minnesota. The railroad commission of Minnesota made an order there as to a joint rate. It is true there was already a joint rate between the two carriers, but I submit that the ignoring of the contract which the carriers had made and substituting another contract or condition in its place was as absolute exercise of power as though no contract had existed in the first instance. The commission there made an order affecting this joint rate. One of the carriers appealed to the Supreme Court of the United States, and that court, in the case of the Minneapolis and St. Louis Railroad Company *v.* Minnesota (186 U. S., 257), sustained the order of the commission, saying:

> The practical result of that argument is such that if there were within a certain State five connecting roads of 100 miles each in length which among themselves had established a joint tariff for the whole 500 miles, the State would be powerless to interfere with such tariff, though its right to do so would be unquestioned if the whole 500 miles were owned and operated by a single company. To state such a proposition is practically to answer it.

If that does not establish the power of government, State or Federal, which may deal with traffic as it may be intrastate or interstate to impose a condition upon which they shall discharge their duty to the public, in the case of the failure of the companies to make the agreement themselves, I can not apply a principle of law to a given case.

But here we have a still stronger case. That same commission made an order requiring two railroad companies that had no contract, that had no agreement, to put in a Y, so that freight might be transferred from one track to the other. Not only that, but in the Minneapolis case, where there were existing contracts, where the railroads had their physical connection, where it required no outlay at their hands, where they had their trains, where they had all the machinery of their roads for transportation, and simply required a condition under which that machinery should be operated, the same commission, in the Jacobson case, went further than that. They made an order that the two carriers, having no facility of transfer, having no contract of any kind, should put a transfer in there at their own expense, and that the expense should be divided between the two carriers, and that, too, where it involved, probably for the first time in the legal history of the United States, an order which required a corporation to exercise the right of eminent domain; yet the court said the fact that it required this light expenditure, the fact that it required the exercise of the right of eminent domain, did not defeat the order, and the order was affirmed. (Jacobson case, 179 U. S., 287.)

I pass now rapidly to the last objection which I shall note of the Senator from Ohio. He called attention to the fact that the bill under consideration prescribes a penalty of $5,000 a day, and contended that that penalty renders doubtful the constitutionality of the proposed law, because the carrier seeking to get a stay order from the court takes the order at his peril, and if that order is subsequently vacated, the penalties for the intermediate time pile up upon the carrier and are such a burden as would render the law in that respect unconstitutional as imposing a burden upon him who goes into equity to protect his property from confiscation. I can not think that the Senator from Ohio read the proposed law with that care which he should before making a criticism of this kind.

When a law prescribes a penalty and the person against whom that penalty is prescribed secures from a court a temporary restraining order, it may be said he does that at his peril; and if the court, upon final deliberation, finds that that order was erroneously made, having been made at the request of the party, the party must suffer, and the penalties are piled up against him. But this proposed law does not present that case. The proposed law, in express terms, provides, speaking of the order of the Commission:

> Such order shall go into effect thirty days after notice to the carrier and shall remain in force and be observed by the carrier unless the same shall be suspended or modified.

Now, under that order, when the carrier obtains his restraining order, so far as the court speaks, it says this order is in abeyance and at the peril of the petitioner who has asked for its suspension. But operating upon the act of the court is the act of Congress, the declaration of the legislative branch of the Government, that that order shall not be in effect pending that suspension. That removes this particular provision of this proposed law from the criticism that has thus been made against it.

It could not be stated more plainly. No man will question but what Congress might read into a law that contained penal clauses a provision that a man obtaining a temporary restraining order should be protected as against those penalties pending the time that order was in force, provided that the order was finally vacated. I know of no plainer way of reading the provision than by using the word "unless." If there is a plainer word, if there is one which more distinctively provides that the order should be in effect unless suspended, then I think, at least speaking for one member of the committee, that the committee would have no hesitation to use that term.

This, then, is not the sole act of the court so far as the court is concerned. The court says: "I will suspend the order until I investigate this matter," and the legislature says that "in that case we suspend the order pending the investigation;" for it does not become an order under the terms of this provision if it is thus suspended. It becomes an order unless it is suspended.

Mr. President, in this brief way I have at this time and for the present reviewed in a somewhat perhaps imperfect manner the objections which have been urged to this bill.

I have only to add that no one claims for this bill perfection. It has been the earnest effort of those who worked upon it to produce a measure as plain and as free from complications as possible. We realize that it could not be perfect, not only because of that imperfection inherent in human nature, but every student of the great problems of the hour must recognize that every effort to solve these problems simply produces, in addition to the progress of the solution, new problems to be solved; and that applies with as much force to this question as to the other great questions affecting the policy of our Republic.

We have tried to keep in mind in the preparation of this bill the rights of all. It has been sought to provide remedies as plainly as it could be done and as prompt and efficient as it might be, having due regard for the rights of all and recognizing those great principles of American law that spread their mantle over all classes and all conditions.

Mr. TILLMAN. I wish to ask the Senator from Minnesota [Mr. CLAPP] a question in regard to his exposition of the meaning of this bill. I want to see if I got him down right. Speaking of the order of the Commission, the language of the bill is:

> Such order shall go into effect thirty days after notice to the carrier and shall remain in force and be observed by the carrier, unless the same shall be suspended or modified or set aside by the Commission or be suspended or set aside by a court of competent jurisdiction.

Did I understand the Senator from Minnesota to interpret those words to mean that any circuit judge or district judge, upon complaint, can suspend this order until this litigation is completed?

Mr. CLAPP. Oh, no; not in a thousand years.

Mr. TILLMAN. Well, then, what did the Senator say? I tried to listen, and that is what I understood him to say.

Mr. CLAPP. I suppose the Senator has reference to what was said toward the close of my remarks?

Mr. TILLMAN. Yes, sir.

Mr. CLAPP. What I said was that where the court suspended this order pendente lite, it not only operated as the expression of the purpose of the court, but in view of the language of the provision, "unless the same shall be suspended," it also operated as the purpose and will of the legislature as to its not being in effect while suspended. Consequently the carrier, obtaining this temporary restraining order, would not be liable for the penalties in the meantime if the restraining order was finally vacated.

Mr. TILLMAN. If the penalty of $5,000 a day is suspended by an order of the court pending the litigation, where is your punishment to compel the carrier to ever obey an order? Is not the whole case given away if the Senator's contention as to the interpretation of these words is right? Are we not face to face with an absolute surrender of relief to the shipper?

Mr. CLAPP. I think we are face to face with the statement made in the paper from which I read. I can not express it any better than it was expressed by the Senator from Pennsylvania [Mr. KNOX] when he said:

> Of course I do not mean that, in an independent proceeding begun in the court, the court could not, in the exercise of its discretionary powers, when satisfied that the rate fixed by the Commission was unlawful, enjoin its operation until a final hearing. That is a power that inheres in the court that need not be conferred by statute, and probably can not be taken away by a statute.

If it is the design that the party seeking the restraining order should be subject to a penalty, and if, after the lapse of some time, the court should refuse to make that order permanent and vacate it, I am very fearful that the language of that provision would have to be changed, and, I want to add, I am very doutful whether it would be valid if changed. We are face to face with the proposition, for if Congress, through a commission, fixes a rate in fact below what the law recognizes as a reasonable rate, then clearly you are invading the property rights of the carrier, and it would seem that it might apply to the court.

Mr. NELSON. Mr. President, unless some Senator desires to speak on the statehood bill, I ask unanimous consent that it may be laid aside for the rest of the day without losing its place.

Mr. PERKINS. Mr. President, I understood that the Senator from North Dakota [Mr. MCCUMBER] intended to speak on the statehood bill this afternoon.

Mr. NELSON. In that case I will modify my request, and ask that the statehood bill may be temporarily laid aside until the Senator from North Dakota returns.

The VICE-PRESIDENT. In the absence of objection, it will be so ordered.

Mr. WARREN. With regard to the Senator from North Dakota [Mr. MCCUMBER], I desire to say that I understand that an arrangement was made whereby it was his intention to ask for an earlier meeting of the Senate to-morrow and to speak to-morrow.

Mr. NELSON. I was not aware of any such arrangement.

Mr. WARREN. That arrangement was made with the understanding that the Senate would take up the bill in relation to the efficiency of the Medical Department of the Army, which was before the Senate yesterday.

The VICE-PRESIDENT. At the request of the Senator from Minnesota [Mr. NELSON] the unfinished business has been temporarily laid aside.

Mr. PERKINS. Mr. President, there is objection to that. I should like the indulgence of the Senate for fifteen or twenty minutes to speak upon this measure in relation to one of the amendments which has been proposed to the bill. It was understood, however, that the Senator from North Dakota was to speak, and that I should follow him, but it is quite as convenient for me to make the few remarks which I desire to make at this time as at any other.

Mr. BAILEY obtained the floor.

Mr. NELSON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Texas yield to the Senator from Minnesota?

Mr. BAILEY. Certainly.

Mr. NELSON. Mr. President, I see the Senator from North Dakota [Mr. MCCUMBER] is now in the Chamber. I also understand that the Senator from California [Mr. PERKINS] desires to speak. I therefore ask that my request to temporarily lay aside the statehood bill be withdrawn and that the statehood bill may remain before the Senate.

Mr. BAILEY. That need not be done, because at the conclusion of a question which I desire to ask, the Senator's request being that the statehood bill be temporarily laid aside, that bill will be resubmitted to the Senate.

Mr. NELSON. I desire to say that it was not my purpose in making the request to foreclose anybody.

Mr. BAILEY. I understand that. But I desire to ask—and the question will require only a moment—does the Senator from Minnesota doubt that Congress can provide in this bill that no interlocutory decree or order shall suspend the rate prescribed by the Commission?

Mr. CLAPP. I would dislike very much to risk a provision of that kind.

Mr. BAILEY. Then would not the Senator be willing to join those of us who sincerely desire to avoid a suspension of the rates in drawing and adopting an amendment which does provide that the court shall not suspend them by an interlocutory decree, and yet so write it in the law that, if the Supreme Court should take the ground that Congress had no constitutional power to enact such a provision, they could cut it out of the law without invalidating the act?

Mr. CLAPP. The difficulty about that is—and I meant to have referred to that in regard to the impounding of the excess—that while it is true we can provide in this bill that the finding of a provision to be unconstitutional shall not avoid the balance of the law, yet if that provision is the provision upon which the enforcement of the law depends, it would go largely to the life of the law if the provision was declared unconstitutional—that is, it strikes me that way.

Mr. BAILEY. I think it very easy to draw a provision and incorporate it in the law which the Supreme Court might eliminate as unconstitutional without marring either the symmetry or the effectiveness of the act.

I want to say if there is any doubt as to the power of Congress to forbid the suspension of these rates by an interlocutory decree and I myself shared that doubt, I would support the

proposition which, though not yet submitted to the Senate, the Senator from Wisconsin has prepared. I think he has prepared a proposition that as thoroughly safeguards it as it is possible to do if the rate is to be suspended at all by any interlocutory decree. But it seems to me just and right if the rate is once established and prescribed by such a commission as I think the President will appoint and the Senate will confirm—a commission composed of men of great ability, of high character, and with qualifications for the performance of their duty—it is not unreasonable to require that that rate shall remain in force until the question has been thoroughly determined upon its merits by the court. To say that a rate established by a commission of men supposed to be especially fit for the performance of that duty shall be set aside by a judge who may know everything about the law, but may know very little about the justice of a railroad rate, is, to my mind, conceding more than Congress is under the necessity of conceding to what are called "the inherent equity powers of the court."

Mr. CLAPP. I would suggest to the Senator that while a penalty of $5,000 a day might render the act void, a penalty which would be fair in the mind of the court, suggestive of obedience to the law, might not render the law void. The difficulty is right here: While we may impose a penalty without violating, as it seems to me, the property rights of the litigant, yet those property rights would be violated if, as a condition precedent to asking a court to pass upon his rights, the court happened to require of him temporarily that which he might allege was essential to the maintenance of his business.

Mr. BAILEY. It occurs to me that if it is an inherent right of a court to hear, and, pending final determination, to suspend the enforcement of the rates, and if it is a right of the carrier to have the rate suspended, you concede something to the force of the contention which I have just indicated when you require the carrier to deposit a bond or money in the court until the proper and final disposition of the case. In other words, if the carrier is entitled to the rate which it establishes as against the rate established by the Commission, then you ought not to require the carrier to deposit in the treasury of the court what it is entitled to have in the treasury of the corporation; but if you concede that that must be done, then, undoubtedly, I would rather have the money deposited in the court than to have the bond.

But, Mr. President, in view of the fact that in most of the States in the Union when the railroad comes to take the citizen's property and they disagree about the price which shall be paid the carrier is authorized to apply to the court for the appointment of a commission, and when that commission assesses the value of the property actually taken and the damages to the remainder of the tract the carrier can deposit the assessment with the court and appropriate the citizen's property to its use, it seems to me we are not asking too much, when the citizen is compelled to apply to the Commission to assess the value of the carrier's service to permit the citizen to have it at the value assessed by a commission, just as the railroad was permitted to take the citizen's property at the value assessed by a commission.

It does not seem to me that there is any difference in principle, and I suggest to the Senator from Minnesota that we all agree upon an amendment which provides against the suspension of rates by interlocutory decree and then in justice to the carrier—because I want to be just to the railroad as well as I do to the shipper—expedite the decision. I have never seen the hour when I would consent to close the doors of the courts of this country to any person; nor have I ever seen the time that I wanted to obstruct the free and open access of every man to the courts of this country for the protection of his property rights. But opening the doors as wide to the railroads as to the shipper—and I want them to stand equally open and as widely open to one as to the other—still it seems to me that we should provide for the rate established by the Commission to remain in effect until finally suspended by the court upon a full investigation into the merits of the case, and provide that when this suit shall be instituted it shall have precedence over every other case on the docket of a different nature, first in the trial court and then in the court to which it might be appealed. When that is done there can be no serious delay in the final adjudication of the case upon its merits.

Mr. CLAPP. Mr. President, if the Supreme Court adhered to the principle involved in the Minnesota Milk Rate case, I doubt very much whether it could be done. I have thought often since that case—and I had the privilege to argue that case in behalf of the State—that as this subject has grown perhaps to-day the court would say, although the State said this is final so far as the State went, somewhat along the line of the argument I have made to-day in regard to the act of the Postmaster-General, that notwithstanding that, the remedy is in a court of equity.

Mr. BAILEY. But the cases are different in the State from a Federal regulation. If a State attempts to deprive a party of his proper and suitable remedy at law, it deprives him of his property without due process, and of course they could appeal to the Federal court to protect that under the fourteenth amendment.

Mr. NELSON. I should like to ask the Senator from Texas a question, with his permission. Have we any more power to prohibit a court of equity of the United States from issuing a temporary injunction in a proper case than we have to prohibit it from issuing a final injunction? Can we do anything here by legislation that will restrain a court of equity, in any case where an injury is threatened and imminent, from issuing a temporary injunction? That is the question involved. If the Senator from Texas thinks we can limit the power of courts to issue temporary injunctions upon an appropriate state of facts, then he is right. If we can not restrain the courts, then the suggestions of the Senator from Texas are immaterial.

Mr. BAILEY. That is true. Speaking for myself, I have no doubt that Congress can provide against the issuance of an interlocutory decree or order suspending these rates. I have never been able to fully subscribe to the doctrine that there is any more inherent equity power in a circuit court of the United States than there is an inherent legal power, and the Supreme Court has more than once declared that all courts below it, or what they call "Congressional courts," possess only the jurisdiction conferred upon them by Congress. Now, if Congress does not choose to confer upon a circuit court of the United States a jurisdiction which is ordinary and usual—and which, except in a great case like this, I would not myself think necessary or proper to modify—it has power to withhold it. Mr. President, if we can not do so this whole bill might as well be left to sleep upon the Calendar, because it is not, in my opinion, worth the time and the trouble involved in its discussion and passage.

If any court to which the carrier may apply—and it may apply to any circuit court of the United States through which its line is located, or, as some provisions say, in which it has its main operating office, or, if the bill is silent as to the jurisdiction, then wherever it can get service—if it has that wide latitude it is certain to find a United States judge who will issue a preliminary restraining order.

I do not mean to imply by that statement that it will find a dishonest judge. I think judges are very much more honest even in corporation matters than it is the habit of some men to describe them. I have not seen very many men on the bench whom I thought ought to be taken off, and on a memorable occasion, even when I thought one ought to be taken off, I was in a minority in this body. Taken as a whole the Federal judges are upright men and learned in the law; but I shall be surprised if the railroads and their attorneys can not make out a case before final hearing which will induce some friendly judge to issue an interlocutory decree, and unless we can give this rate immediate and continuing effect until the case is disposed of upon its merits we are preparing a disappointment for the people of the United States.

Mr. NELSON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Texas yield to the Senator from Minnesota?

Mr. HALE. Mr. President, I rise to a question of the order of business.

The VICE-PRESIDENT. The unfinished business—the statehood bill—is before the Senate.

Mr. HALE. So I understand. Of course, after that is disposed of the important questions involved in what is called "the rate bill" will possess and engross the attention of the Senate for days—may be weeks. There is no opportunity for anything else to intervene, except for the remainder of the day and perhaps to-morrow and the next day. I should like very much to have an agreement made now, and to that end I ask unanimous consent, that when the Senate adjourn to-day it be to meet at 11 o'clock to-morrow. That will extend the time for the debate upon the statehood bill, which is the order of business and the unfinished business, and it will give an opportunity this afternoon, after the Senator from California [Mr. PERKINS] has submitted his remarks, for the Senator from Wyoming [Mr. WARREN] to call up the bill which was before the Senate and not finished yesterday, and get it out of the way.

Mr. BAILEY. The Senator from Maine forgets that the Senator from North Dakota [Mr. MCCUMBER] has given notice that he desires to address the Senate this afternoon; and he is now in his seat.

Mr. HALE. I do not forget, for I have conferred with the Senator from North Dakota, and the arrangement is entirely

satisfactory. The additional hour that will be given in the morning will enable the Senator from North Dakota to address the Senate.

But I think Senators will see that if we do not now dispose of this matter there will be no opportunity in the near future. I am not speaking in the interest of the bill of the Senator from Wyoming, because I am opposed to it, but I think we could finish it and have it out of the way, one way or the other, this afternoon. Then the statehood bill will have free rein and will be disposed of Friday. I suppose the Senator from South Carolina will ask the Senate, after the statehood matter is disposed of, to make the rate bill the unfinished business. After that practically the rest of the time for weeks is confiscated. Nobody will want then to come in or expect to come in with other matters when any Senator desires to debate the great contested question that is resting in the minds of Senators as more important than any other matter. Therefore I will submit my request now that when the Senate adjourn to-day it be to meet to-morrow morning at 11 o'clock.

The VICE-PRESIDENT. The Senator from Maine asks unanimous consent that when the Senate adjourn to-day it be to meet at 11 o'clock to-morrow. Is there objection?

Mr. SPOONER. If the Senator from Maine is making that request upon the assumption that after the Senator from North Dakota——

Mr. HALE. No; the Senator from California.

Mr. SPOONER. That after the Senator from California and the Senator from North Dakota——

Mr. HALE. No; I said the arrangement is perfectly satisfactory to the Senator from North Dakota, who would use the hour in the morning.

Mr. SPOONER. That may be; but it has always been the practice of the Senate, when an hour has been fixed for the disposition of a bill, especially if it were a short time in advance of action, that other matters should not intervene to the exclusion of full and fair debate on the unfinished business.

Mr. HALE. That is why I asked for the hour in the morning.

Mr. SPOONER. Speeches have been made, interjected into the debate, on the railway rate matter, of which no one complains. To-morrow the Senator from Indiana [Mr. BEVERIDGE], who has charge of the Statehood bill, will take the floor and conclude the general debate in behalf of the measure. I understand the junior Senator from Colorado [Mr. PATTERSON] is to close the debate for the opposition. Whether the Senator from Ohio [Mr. FORAKER] desires to speak in support of his amendment I do not know. But there are several who wish to speak on the statehood bill. I myself wish to occupy a little time on it. I do not think anybody would suffer particularly if the medical bill should not be disposed of until later in the session.

Mr. HALE. I have said, of course, that I am not for the bill, but against it, but I do not desire to delay it or proiong it, if we can reach it. It is only by unanimous consent that this programme which I have indicated can be carried out. I should be glad to see it carried out, and to dispose of the medical bill to-day. If it is not disposed of to-day, I think the Senator from Wyoming will see that it can not be disposed of for some time to come. So far as I am concerned, I shall not be here, and I should like very much to be here when that bill comes up.

Mr. SPOONER. How long will the Senator be absent?

Mr. HALE. Perhaps for a week or more.

Mr. SPOONER. The contract surgeons, I fancy, are doing fairly well——

Mr. HALE. I think they are.

Mr. SPOONER. In time of peace, and I rather think these officers, who are to be promoted to be majors and lieutenant-colonels and colonels and captains, and so on, can be induced to possess their souls in patience until we can reach that bill in order.

Mr. HALE. My proposition involves unanimous consent, of course. If the Senator from Wisconsin or other Senators believe that the statehood bill has not only the right of way, but ought to occupy it, neither the Senator from Wyoming nor I, who are acting together in this matter and in good faith——

Mr. SPOONER. Acting together in opposition to each other.

Mr. HALE. Acting together to get it disposed of, can object. We can not do it except by unanimous consent, and if the statehood bill not only has the right of way, but wants to occupy it, neither I nor the Senator from Wyoming can prevent it. My proposition depends upon unanimous consent.

Mr. SPOONER. If it develops later in the afternoon——

Mr. NELSON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from Minnesota?

Mr. NELSON. I desire to say that there has been an understanding that the Senator from Colorado and the Senator from Indiana are to close the debate to-morrow. They expect to occupy the whole day. I think it would be an injustice to both of those Senators to deprive them of that privilege and to arrange to take up the time by other speeches to-morrow. I think other speakers ought to have the rest of to-day.

Mr. SPOONER. I think the Chair would be entirely justified in inferring from my observation that the proposed arrangement is not agreeable. It is objected to.

The VICE-PRESIDENT. The Chair understands that there is objection to the request made by the Senator from Maine.

Mr. WARREN. Mr. President, it is true the statehood bill should have the right of way if demanded. It is also perfectly competent for the chairman of the Committee on Rules to have a say as to the disposition of the time. There has been no disposition on the part of those who favor the medical bill to rush it or to take up time belonging to some other measure. It has been brought back before the Senate because of a motion to reconsider, made by the Senator from Maine, who now joins with me and asks for the early consideration of the bill. I have asked it because it has been long before us—I believe it should be disposed of on its merits—and I also ask its further consideration at this hour to accommodate the Senator from Maine. I do not think it is necessary to refer to the merits of the bill at this time, with respect to captains, majors, colonels, etc., as the Senator from Wisconsin [Mr. SPOONER] has done. That is a matter to be discussed later.

Mr. TILLMAN. I will detain the Senate for only a minute. I am not trying to rush into this rate making matter prematurely, but as one Senator has announced his interpretation of certain words in the bill, which is contrary to my own, I merely wish to say that this whole court question is right about the spinal cord of this issue. I will not now proceed to give my views upon it, but I want to say that if the Congress of the United States is hedged about by judicial decrees that will prevent it from granting relief to the people we will have to reform the Supreme Court, because the people are going to have relief from this intolerable condition. [Manifestations of applause in the galleries.] I myself do not believe any such thing.

Mr. TELLER. I call for the regular order now.

The VICE-PRESIDENT. The regular order is called for.

### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed a bill (H. R. 16305) authorizing the Secretary of War to sell certain coal in Alaska, and for other purposes; in which it requested the concurrence of the Senate.

### FUEL IN ALASKA.

Mr. WARREN. Mr. President, the bill which has just come over from the House of Representatives is an exact duplicate of a joint resolution which was passed this morning by the Senate. I ask unanimous consent that that bill may be now considered and put upon its passage.

The VICE-PRESIDENT laid before the Senate the bill (H. R. 16305) authorizing the Secretary of War to sell certain coal in Alaska, and for other purposes; which was read the first time by its title, and the second time at length, as follows:

*Be it enacted, etc.*, That the Secretary of War be, and is hereby, authorized to cause to be sold to the citizens of Nome, Alaska, at its actual cost to the United States at the place of sale, such limited quantities of coal for domestic uses as, in his judgment, can safely be spared from the stock provided for the use of the garrison at Fort Davis, Alaska.

The VICE-PRESIDENT. The Senator from Wyoming asks unanimous consent for the present consideration of the bill. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. WARREN. I now ask that the vote by which the joint resolution (S. R. 40) authorizing the Secretary of War to sell to citizens of Nome, Alaska, limited quantities of coal for domestic uses was read the third time and passed be reconsidered.

The motion was agreed to.

Mr. WARREN. I now move that the joint resolution be indefinitely postponed.

The motion was agreed to.

### THE STATEHOOD BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12707) to enable the people of Oklahoma and of the Indian Territory to form a constitution and State government and be admitted into the Union on an equal footing with the original States; and to enable the people of

New Mexico and Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States.

Mr. PERKINS. Mr. President, I will trespass for but a few moments upon the time of the Senate. I would not venture to do so even at this time were it not for the fact that coming from the far West, representing in part the great State of California, which has identified her interests—business, social, political, and otherwise—with the Territory of Arizona, I think my silence might be misconstrued by my constituents into indifference to this question.

Mr. President, I have listened with great interest and instruction to the very able addresses in this Chamber on the subject of the pending statehood bill. As far as I have been able to judge from the facts elicited during the discussion the people of Oklahoma and Indian Territory are more than willing that their respective Territories shall be merged and admitted to the Union as a single State. I have had brought to my attention no protests against such action, and the recent history of the Territories gives no reason why there should be antipathy toward joint statehood. The million and a half of white people who are embraced in the present population of the two Territories are all of sturdy American stock from the States within the Mississippi Valley and have settled there within the past fifteen or sixteen years. They form a homogeneous community, within which there are no alien elements to create antagonisms or differences which would tend to embroil factions in political strife. It is easy and natural, therefore, for the people of both sections to come together under a single State government, and as joint statehood is the unanimous desire we have no good reason for denying it to them.

But the conditions in Arizona and New Mexico are totally different. Because I have a personal knowledge of Arizona, and as a witness, as it were, I place myself upon the witness stand to answer any questions, if it is in my power to do so. If not, I will do as some of the judges do when cases are submitted to them; I will take it under advisement and render a decision later.

Several Senators who have made brilliant addresses in favor of forcing these two Territories into a union clearly believe that conditions are similar, though they have never seen any part of either Territory, and others have made no observations except, perhaps, through the windows of a Pullman car. I therefore, as one who has traveled on foot or by means of the automobile of the mountain trail—that is, on the hurricane deck of a mule—over at least one-third of the Territory of Arizona, desire to briefly give my views as to the expediency of forcing joint statehood upon these two Territories.

In passing I wish to say that my friend the senior Senator from Minnesota [Mr. NELSON], in his very able address to the Senate, differing from others in that when he talks he always says something, uttered these words:

> We hear a good deal said, Mr. President, as to what the wishes of the people may be. Ordinarily we ought to assent to the wishes of the people, but sometimes it is better for us to use our own judgment. These Territories are the children of Uncle Sam. Ordinarily the kind parent sees to the wishes of his children, but sometimes the wise parent finds it judicious to take the bit in his own mouth and to curb the zeal and the energy of his children and keep them within the proper channel.

My friend forgets that these children have come to years of maturity. They belong to Uncle Sam's family. They have an equal voice in the administration of Uncle Sam's affairs. When the Senator from Minnesota says, as he virtually says by inference, "My son Samuel, I want you to marry Eliza," it is a wedding that will not bring happiness to the family or peace to the community in which they live. So it will be here if we force the marriage of Arizona and New Mexico when Uncle Sam's family and children are protesting against the marriage. For that reason I am in favor of the amendment offered by the distinguished Senator from Ohio [Mr. FORAKER], that we should submit this question to the votes of the people of Arizona and New Mexico separately, and if either one of those Territories says, "We do not want to be married to each other," then I say that as true Americans it is for us to say: "Remain as you are, as Territories, and when you come into the estate to which you are entitled and develop the great resources of your Territory, the time will come perhaps when we will admit you into the family of States."

Twenty years ago, when I spent two months in Arizona investigating its agricultural and live stock possibilities, the murderous Apache was abroad in the land and no man's life in certain sections of the Territory was safe without the shelter of the cities and towns. There were no farms, no ranches, no attempts at agriculture, except in the immediate vicinity of large settlements, where the inhabitants could join in mutual defense against the red-skinned murderers. Only a few of the more adventurous or reckless prospectors dared to go into the interior to search for minerals. The entire Territory was, in a manner, terrorized by warlike Indians, and up to that time there had been possible no attempt to develop its resources.

When at the foot of Mount Huachuca, in southern Arizona, in 1885 I camped out for several nights the Apache Indians were making raids all around us. I do not attribute the little hair I have left here to that experience, but I think it materially affected it for some time, for certainly my nights were very restless, as naturally they would have been when camping in that vicinity, for ten Mexicans were murdered within a few days within two miles of where we were in camp.

But with the subjugation of the Apaches and the building of railroads opportunities were afforded which were taken advantage of by the class of men and women who went into the wastes of California and in fifty years built up a State which has been and for a long time to come will be one of the wonders of the world.

Twenty years ago there were comparatively but a few miles of railroad in the Territory of Arizona. There was no way of passing over the sands of that Territory except upon a coach or a mule or afoot, and, as I stated, the Indians were so hostile at that time that one's life was in danger if he went a few miles away from a camp or a village. But since then the people have built up Arizona. They have not come from Mexico or from regions where Mexican blood prevails, but from the purely American States, where they were born with the pure American spirit of self-reliance and independence. I am acquainted with very many of them, and know that for good citizenship, high character, and public spirit they can not be surpassed. They form a typical American community.

In New Mexico we have entirely different conditions. When that region came to us and was formed into a Territory, which then embraced Arizona, we took over with the soil some 60,000 Mexicans, who were the sole population and from whom have sprung the greater part of the population of to-day. When Arizona was set off as a separate Territory only 8,000 or 9,000 Mexicans went with the land, and that element makes no showing at present in the total of the population of the Territory. The blood and spirit of New Mexico is Mexican, while that of Arizona is American. I therefore deem it my duty to protest against the passage of any bill which proposes to join New Mexico and Arizona in statehood. I earnestly believe that the people of Arizona are unalterably opposed to such action, and to join them by compulsion with a community with which they have, and will for generations have, nothing in common is un-American and repugnant to the belief in fair play and a fair chance which exists in every true American.

Were we an empire, like Germany, we could consistently join peoples who were totally lacking in sympathy one for the other, as was done when Alsace and Lorraine were added to the German Empire. But I do not understand that imperial methods of procedure have yet become so attractive to the American people that they will countenance such an act of imperial power as proposed in the bill before us.

Within the established boundaries of States and Territories there grow up communities which by reason of their political isolation take on certain characteristics, develop along certain lines, and have interests that differ in many points from those of their immediate neighbors. This is as inevitable in States and Territories as it is in families. The families in a given municipality have a common interest in the affairs of the city, and work together for its best interests; but no two families are so nearly identical in habits, character, education, aspirations, aims, likes, and dislikes as to render it possible to join them in one household with any chance that harmony and happiness would result.

If two households desire to try the experiment of forming one family from their numbers, no one has the right to endeavor to prevent them; but should an effort be made to join two families, one of which found nothing in the other with which to sympathize, whose habits of life were different, whose education was totally unlike, and whose development was along very different lines, there would arise such universal condemnation that the crime—for crime it would be—could never be consummated or sanctioned by the people.

The State, the Territory, is simply a political family, which has grown up under conditions determined by boundary lines as the walls of the home determine the condition of domestic life and shape the destinies of the individual members of the family. Since 1863 Arizona and New Mexico have been independent of each other, and in the forty-three years which have elapsed have developed along lines determined by the characteristics of climate, soil, laws, population, and customs which have obtained within their respective boundaries. As these ele-

ments have differed, the development has differed, until now the two Territories are so dissimilar that there is little in common between them. New Mexico has retained the characteristics of old Mexico, while Arizona has entered into the full spirit of modern progress. Can it be wondered at, therefore, that from practically every inhabitant of the latter Territory comes a protest against being brought under the influences of a comparatively unprogressive people? What is the opinion of one of the advocates of joint statehood as to conditions in New Mexico? The honorable Senator from Illinois [Mr. HOPKINS] had this to say on this point a few days ago:

For many years the population of New Mexico was largely Spanish and Mexican and a mixed breed, where the Spanish language was the prevailing language, not only among the people generally, but in her schools and in her courts. I remember, some years ago, when a bill for the admission of New Mexico as a State into the Union was under consideration in the House of Representatives, when I was a Member of that body, that the statement was made by one of the leading Members of the House, who had given careful investigation to the subject, that 70 per cent of the people could not read or write in any language other than the Spanish language, and that the percentage of illiteracy was ten times greater than the illiteracy of a State like Michigan or Iowa. I am glad to state, however, that there has been a decided improvement in the condition of the people of that Territory within the last ten or fifteen years, and that they have developed a school system that is giving ample facilities to the children of school age to acquire a good common school education, and that while interpreters are used in the courts and many of the transactions in business life are conducted in Spanish, year by year substantial gains are made, not only in education, but in the use of the English language in all the vocations of life.

It is my opinion, however, Mr. President, that New Mexico is not now entitled to admission as a separate State and never will be.

But the Senator from Illinois thinks that if New Mexico is joined to Arizona the State thus formed will be worthy of admission. What stronger justification could there be for the opposition of the people of Arizona to the proposed action? If to bring New Mexico up to the standard which will warrant statehood it is necessary to join Arizona to that Territry, it seems to me that the sense of justice of this body should cause them to heed the protests of a people who object to being swallowed up by a comparatively unprogressive community in order that the general average may be raised.

Let us see what the differences between the two Territories are. The census figures tell the story. It speaks in language so potent and with such emphasis that it can not be contradicted.

In Arizona in 1900 the total male illiterates of voting age were 11,215, of whom 4,776 were white and 5,948 Indian; in New Mexico the same class numbered 15,585, of whom 12,504 were white and 2,901 were Indian. In Arizona of these illiterate whites 1,017 were native, and in New Mexico 10,260 were native. The percentage of illiterates in population at least 10 years of age was, for total white, in Arizona, 14.9; and in New Mexico, 29.9. The percentage of illiterates in the native white population over 10 years of age was, for Arizona, 6.2; and for New Mexico, 29.4. The percentage of illiterates among the total white male population of voting age was, in Arizona, 13.7; and in New Mexico, 24.6; the percentage of illiterates among the native white male population of voting age was, for Arizona, 4.5; and for New Mexico, 23.6.

These figures, it seems to me, are a perfect justification of the demand of the people of Arizona that they shall not be joined in statehood with their neighboring Territory. The smaller population of Arizona, started on a certain line of development, would be compelled to meet a larger population which has taken a different course, and where their interests conflict the 25 per cent of the votes of New Mexico cast by illiterates would hold the balance of power. The male population of voting age, excluding Indians, in Arizona numbered at the time of the census about 39,000. The number of males of voting age in New Mexico, excluding Indians and illiterates, was practically the same, there being a difference of only a few hundred. The voters of Arizona, therefore, just equal the educated males of voting age in New Mexico; but in the latter Territory there is a reserve of illiterate voters, excluding Indians, of 12,684. Everyone who knows anything whatever of politics will recognize the fact that, were the two Territories joined in statehood, every question—and there would be many—where the interests of the two sections conflict would be decided by the huge illiterate vote of that portion which was the Territory of New Mexico. This vote could be so handled that in very truth, as the people of Arizona assert, the Arizona portion of the new State would be completely Mexicanized.

I may say in passing, Mr. President, that for ten years or more after California became a State in the Union the laws of our State were printed in Spanish and the two or three political parties contending for office and the emoluments for office did not go into a convention before the people without at least having one or two candidates on each ticket of Mexican birth. Have we any reason to believe that different conditions would exist in New Mexico if it were merged into a State with Arizona?

On this showing, I think it is very easy to understand why there is opposition to statehood in Arizona. What man in that Territory would be willing to see placed in a position to affect his vested interests the great mass of illiterate voters of New Mexico. And how can we, in cold blood, vote to deliver over to the domination of ignorant voters of alien blood the men who, imbued with the spirit of modern progress, have in the last few years pushed Arizona to the front as one of the progressive regions of the continent? In the ten years from 1890 to 1900 Arizona gained 63,300 in population and New Mexico only 41,717. In 1880 the acreage of improved lands in Arizona was only 56,071, against 237,392 in New Mexico; but in 1900 Arizona had added 200,000 acres to her area of improved lands, while New Mexico had added only 90,000. Another fact showing the difference in character of the population in the two Territories is that the average value of the products of an Arizona farm was, in 1900, $1,205, against $825 for New Mexico; and while New Mexico has over 12,300 farms, against 5,800 in Arizona, it possessed only 670 whose products exceeded $2,500, while Arizona had 509. In manufactures the same disparity is found. In 1880 Arizona had 66 establishments against 144 in New Mexico. In 1900 Arizona increased her establishments to 314 and her capital invested from $272,600 to $10,157,000, and in 1905 to $14,395,000, while New Mexico increased its capital from $463,275 to $2,698,788 in 1900, and to $5,705,880 in 1905. Arizona far outstripped her neighbor in the industrial race, as the value of manufactured products more clearly shows; for while in 1880 it produced only $618,365 worth against $1,284,846 in New Mexico, in 1905 it produced over $28,000,000 worth of manufactured products against only $5,700,000 in New Mexico. Horsepower development tells the same story. In 1890 Arizona had 826 horsepower against 1,825 in New Mexico; but ten years later it had 9,110 against New Mexico's 4,360, and in 1905 had increased it to 26,068 against New Mexico's 5,978. But the whole progress of development in the two Territories is epitomized in the following figures:

*Value of agricultural and manufactured products per capita in Arizona and New Mexico, 1890 and 1900.*

| State. | Agricultural products. | | Manufactured products. | |
|---|---|---|---|---|
| | 1890. | 1900. | 1890. | 1900. |
| Arizona | $18.00 | $58.00 | $16.00 | $173.00 |
| New Mexico | 12.00 | 52.00 | 10.00 | 29.00 |

In agriculture Arizona maintained her lead of $6 per capita, but her new irrigation systems will soon increase that lead tenfold and more. In manufactures, in 1890, Arizona had a lead of $6 per capita, but in 1900 had increased that lead by $144 per capita, and whereas the production was only $16 in 1890 against $10 for New Mexico, ten years later Arizona was producing $173 per capita while New Mexico was producing only $29.

Every fair-minded person can, I think, on this showing fully understand why men of the highest character, intelligence, and public spirit write from Arizona like the following, which I quote from the letter of a gentleman who represents the class of broadest education and widest cultivation in Arizona. I will read this letter coming from him as reflecting the sentiment there. It was a personal letter to me, yet I have no hesitancy in giving the author of it if required, because he is identified with the interests of that Territory and is a gentleman of culture and education. He writes:

The people of Arizona are a unit against the passage of this bill. Their interests in every particular would be greatly injured and in many cases ruined by the passage of this bill. Is it not un-American to force a measure upon a loyal, enterprising, and progressive people against their united protest? I have quite large interests in both New Mexico and Arizona and know that they are unlike in the character of their inhabitants and in their interests to such a degree that the same legislation would not be adapted to both. Their union would provoke controversy, endless litigation, and racial trouble. It would open the door to political marplots and engender civil strife, and in the end probably bloodshed. Arizona would suffer most, for our educational, mining, and business interests are by far superior, our rulers and office-holders almost to the man are now white Americans, while the very opposite is true of New Mexico. The union is abhorrent to Arizonians, and our loyalty to every interest of the nation should be respected and be rewarded by fair treatment and not with punishment.

This is the protest of education, pure and simple; that of the professions is voiced by the remonstrance of the Bar Association of Arizona, who say:

It is impossible by resolutions to convey to you or to the honorable body of which you are a member the intensity of the feeling of our people upon this subject, and their loathing of the proposed union. In this time of our peril we appeal to the Senate of the United States,

and to each individual member thereof, not to put upon the people of Arizona the blight which this odious union will entail.

The people of this Territory are homogeneous, with similar tastes, ideals, and ambitions, and they have, at great sacrifice, established and maintained appropriate educational and charitable institutions, conformable to those ideals and ambitions, and they desire the opportunity to work out their own destiny in accordance with those ideals. * * *

The inhabitants of this Territory differ from those of New Mexico in race, government, ideas, political ambitions, and otherwise to such an extent as to make it impossible for the people of the two Territories to unite in harmonious conduct of a State government.

The business interests of Arizona are unanimous in protest against joint statehood, and the welfare of business men in that Territory is so dependent on their ability to develop along the course that they have marked out for themselves that commercial bodies in States where Arizona has business connections earnestly protest against the proposed crime. Of the fifty-four newspapers in Arizona all except three are strenuously opposed to joint statehood, and of the white inhabitants it may confidently be asserted that nine out of ten prefer a Territorial government to statehood in conjunction with New Mexico.

It seems to me that the burden of the argument in favor of forcing Arizona into union with New Mexico is that Arizona has no chance for future development—that it has already reached, or nearly reached, its limit, and therefore will never be fitted for statehood if left to itself. One answer to this is that the people of Arizona would prefer a permanent Territorial organization rather than to be joined to New Mexico. But another answer is that there is no good ground for an assertion that the limit of Arizona's progress has been reached. Only a few years have elapsed since the subjugation of the Indians has rendered it possible for Americans to enter the Territory for the purpose of settlement and the development of the resources of the country. In those few years—and to-day there are only some 800 miles of railroad in the Territory—vast changes have occurred, and more are impending. Already the assessed valuation of property in the Territory exceeds that of New Mexico by $15,000,000, of which $12,000,000 was put to the credit of Arizona in the single year 1904. The people of the Territory have just laid the firm foundations for a prosperous future, and will not submit to having those foundations undermined by the injection into their political and business policies of ideas, which have kept the land over the national boundary line in a somnolent condition for a century or more.

No one who has read Two Years Before the Mast can ever forget the picture of desolation which California presented as drawn from the pen of Dana. A vast extent of dry and dusty plain, waterless and treeless, met the traveler from San Diego to San Francisco Bay. The only inhabitants were Mexicans and Indians, and the only occupation was the herding of cattle.

Contrast it to-day, Mr. President, with the picture drawn by Dana in the memorable voyage he made on the coast of California. The principal products then exported from our State were hides and tallow. To-day everything that is known that would grow in the garden of paradise will grow in that great State. We are exporting a million tons of wheat, more or less, to Europe and foreign countries per annum to feed the crowned prince and the pauper alike.

We are exporting 30,000 carloads of citrus fruits from California overland, besides that which we consume ourselves in our own State. It is the only State in the Union that produces raisins, olive oil, and a hundred other articles in such abundance that it excites the envy, or certainly the emulation, of every other State in the Union. We have our splendid institutions, our two great universities, richly endowed; the University of California, by a constitutional enactment in the organic law of our State, and another great university, the Leland Stanford Junior University, endowed by more than $40,000,000, represented to-day by students in that university from every State and Territory in the Union, where they may come and there drink from the fountain of knowledge without money or without price, all by the munificent hand of the donor of that university and by the taxpayers, the people of California, who have so richly endowed our university.

But, better than all that, we are building up a people there from every State in the Union, and our population compares favorably with that of almost any of the New England States or that of the Central States of our Union; and yet this picture drawn by Mr. Dana of a desolate, dreary waste of land, not capable of producing sufficient to feed the people who were living there at the time, was true. It was true, for ten or fifteen years thereafter we imported from Chile, from Oregon, and from the Atlantic States, bringing them around Cape Horn, flour, dairy products, and many manufactured articles, which the people could not then produce for themselves.

Contrast that condition with that which exists to-day. We are the fifth manufacturing State in the Union. Although geologists said that no coal could be found there, that no iron could be found there, that no oil could be found in our State; that it was barren of those products; yet to-day California is producing more crude petroleum than any other State in the Union.

I will not dwell upon California, Mr. President. She stands there a monument to the enterprise of her people. Nature has so richly endowed her that she sings to the western sea the sunset song of the nation. She is a part of this great Union; she is one of the brightest States in the constellation of the Union. I only refer to it now in passing to show that what has occurred in California is possible in the Territory of Arizona; for the Californians are going to Arizona to-day seeking the development of the great resources of that Territory, and I hope to live long enough and I hope my constituents in California will think enough of me to return me here that I may vote for the admission of Arizona as a State in the Union.

One hundred and fourteen thousand square miles are embraced within that Territory to-day, comprising nearly twice the area of the New England States. Why should we not listen to their appeal, "Wait until we are ready to come into this Union and share with you this great boon; force it not upon us against the protest of our people?"

The eminent educator connected with the University of Arizona, from whom I have read, continues:

And such had been the condition of the country from the time that Coronado made his famous expedition into the unknown north and induced the Spaniard to settle there.

These same mission fathers who came up from Mexico into New Mexico and out through Arizona into California and founded the missions of California more than one hundred and twenty-five years ago were the advance guard of Christian civilization. We honor them for their religious zeal; we honor them for their devotion to their religious principles, Mr. President; but it required the energy, the enterprise, the will force of true Americans to go there and develop those great resources of the Golden State. And what is possible to the Golden State of California is possible in the development of Arizona.

To-day their citrus fruit reaches the market two or three months earlier than that of our own State; their dates, cantaloupes, and melons are all brought into the market two or three months earlier than those that come from almost any other State of the Union.

So I might go on; I will not weary you in relation to the great possibilities of Arizona in the future. Nature has placed there a soil life-giving to the whole vegetable kingdom, and it only requires water and the hoe to tickle it to make it yield everything that would grow in the garden of paradise. Those people are developing it. They are storing the water in the mountains; they are sinking wells and elevating the water to the surface by means of electric power that is generated by the waters that flow down the mountain sides turning the little turbine wheels that run the electric motor, and those motors generate a thousand, aye, ten thousand horsepower over that region, distributing that water hundreds of miles from the source of power; that is running the pumps that elevate the water which will make every acre of land in the Territory of Arizona in due time fruitful, because it only requires water to make it yield to the toil of the husbandman.

The fathers of the missions alone had planted a few vines, fig and orange trees, the entire yield of which was not more than sufficient to supply the needs of the churchmen and their immediate followers. Even as late as 1875 the entire region which is now known as "southern California" was in practically the same condition. Flocks and herds were the chief means of support for the scanty population, the few American members of which were anxious to leave a region which was stagnant through the deadening influence of the prevailing spirit of Mexico. At that late date no one would have had the hardihood to predict a hundredth part of the progress which has since been made and which was only rendered possible by the construction of railroads, which brought into the land the spirit of progress with a new population.

May I say in passing, Mr. President, that Arizona has only about 800 miles of railroad, while the State of California has to-day about 6,000 miles of railway? These great modern forces of development are speaking in language more potent than words and giving assurance that the energy and the enterprise of the people shall not go unrewarded.

American energy overcame Mexican sloth only through sheer force of numbers. When the Mexican element was completely and hopelessly submerged, then, and only then, was progress possible. What has been accomplished in this one corner of the State of California in less than thirty years everyone

knows. The great city of Los Angeles, with its 150,000 inhabitants, of which my distinguished colleague [Mr. FLINT] is a resident, is simply one manifestation of the result of southern California's emancipation from Mexicanism. Why, then, should we to-day shackle Arizona to this same element which kept back our own State for a generation or more?

With this object lesson before us, do we dare to force back under the deadening influence of Mexicanism a people who have just succeeded in escaping from it? Do we dare to say to those energetic Americans who are building irrigation works, opening mines, laying out fields, developing varied mineral resources, exploiting forests, and preparing a sure basis for future growth, do we dare to say to them that they shall not be permitted to work out their future on the lines that we know are safest and best, but that they must submit themselves to the repressive influences which creep over the Mexican border like the malarial poison from a stagnant marsh?

The ambition of the people of a Territory to become a State is as natural and as laudable as the ambition of a boy to become a man. For Territorial population the attainment of statehood is the attainment of full growth and the possession of the strength and power of maturity.

The States—

Says President Woodrow Wilson—

constitute the ordinary fountains of justice and of legal right, and stand nearest the people in the regulation of all their social and legal relationships. * * * They make up the mass, the body, the constituent tissue, the organic stuff of the Government of the country. * * * To them is intrusted our daily welfare.

The State is the acme of political organization in our great country, the foundation of our power and strength, and the sure bulwark of the people's liberties. Under State laws only can a community develop all its powers and in the direction of the genius of its people.

It is our duty, then, to give to those fitted for it the opportunity to follow the course which nature has marked out for them, and to free them from the trammels of national guardianship.

For that reason, it will afford me great pleasure, Mr. President, to cast my vote to admit Oklahoma as a great State into the Union. I believe her future will be as bright as that of the State that I have the honor, in part, to represent on this floor; and we can ask nothing better for the great State of Oklahoma.

But it is not our duty to endeavor to join two peoples differing in aims, character, blood, and tendencies, and force them into a union which can result in nothing but hostility and the prevention of advancement. Such a course is un-American, and I do not believe that the Senate will permit this crime to be committed. Its sense of justice will, I am sure, at least give the people of the two Territories a chance to separately express their opinion at the ballot box, the sacred urn of the people's liberties; and whatever they may decide upon, their verdict will be acceptable to the American people.

Arizona demands that consideration as a right which I am confident the true spirit of Americanism and fair play here represented will not deny to her.

Mr. SPOONER. Mr. President——

Mr. McCUMBER. Will the Senator yield to me for a moment?

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from North Dakota?

Mr. SPOONER. Certainly.

Mr. McCUMBER. I ask unanimous consent that when the Senate adjourn to-day it adjourn to meet to-morrow morning at 11 o'clock. I ask unanimous consent for this purpose: I gave notice about three days ago that, immediately after the conclusion of the morning business on to-morrow morning, I would discuss this question. Since that time I have been informed by the Senators in charge of the bill that two Senators who are on the committee would like to close the debate and take most of the day to-morrow. I have made the request for the meeting to-morrow an hour earlier than the usual time so that if they find by to-morrow morning that they can yield to me that extra hour in the morning I shall speak; but if, on the contrary, they find they will need all of to-morrow, I shall not insist on taking up the time. If I make an address at all on the bill, as I have tried to arrange to do, it will be for an hour or an hour and a half. Senators have already listened to-day to three quite lengthy addresses, all of them demanding very close attention, and I think it might be an imposition to ask them to listen to any further extended remarks to-day. That, Mr. President, is my reason for making the request.

Mr. TELLER. Mr. President, I suggest to the Senator from North Dakota that he move that when the Senate adjourn to-day it adjourn to meet at 11 o'clock to-morrow morning, instead of asking unanimous consent.

Mr. McCUMBER. I will change the request, then, and put it in the form of a motion.

The VICE-PRESIDENT. The Senator from North Dakota moves that when the Senate adjourn to-day it be to meet at 11 o'clock to-morrow morning. The question is on that motion.

The motion was agreed to.

Mr. SPOONER. Mr. President, I am sensitive to the fact that the Senate has already listened to quite an elaborate debate during the day; but as I desire to submit an explanation of my attitude upon amendments that will be offered to this bill, and as I must do so at this time or not at all, I take the floor, promising not at any length to occupy it.

The passage of this bill involves a constitutional function which is of very great importance. It is a function so grave, Mr. President, that politics in decency should have no influence whatever in its determination. The power to admit new States into the Union was for some reason not placed by the framers of the Constitution in the category or list of legislative powers. It occupies in the Constitution a place of isolation. It is to be found in section 3 of Article IV of that instrument:

New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the jurisdiction of any other State; nor any State be formed by the junction of two or more States, or parts of States, without the consent of the legislatures of the States concerned as well as of the Congress.

It is important, Mr. President, not simply as involving the serious discharge of Senatorial duty, but it is important because once done it is perpetual. A State once admitted into the Union is a part of the Union so long as government upon the earth shall last. Therefore a mistake, if made, is one which is irrevocable; it never can be corrected.

And, Mr. President, I have a conviction about it. I do not believe that Arizona is fit, tried by any test, to come into the Union as a State; nor do I believe that New Mexico, tried by any test, is fit to be admitted into the Union as a State. I criticise no other man, but I find no justification for myself, to my own conscience, in voting to force these two Territories, each of which is unfit for statehood, in as a State of the Union which is not, in my judgment, fit.

It was an unhappy thought that ever made of bills for the admission of States into this Union omnibus measures. The cases are utterly different; they have nothing whatever in common. The right of Oklahoma and the Indian Territory to come into the Union as a State no man can gainsay. Tried by the test of population; tried by the test of intelligence; tried by the test of area; tried by the test of sure resources to support for all time statehood, with its responsibilities and duties, the Indian Territory and Oklahoma were entitled two years ago, at least, to come into the Union as a State.

What has that to do with the admission of New Mexico and Arizona? Yet, Mr. President, it is put up to the Senate, to use a phrase which nowadays we hear once in a while and read oftener, that unless it shall pass this bill for the admission of Arizona and New Mexico combined as a State, the people of the Indian Territory and Oklahoma shall stand knocking indefinitely at the door of the Union. That, to me, is a proposition so destitute of justice and statesmanship and patriotism as to be inexplicable.

I will vote with the utmost delight to open the door of the Union to the new State of Oklahoma without a misgiving; but if I should vote against the amendment of the Senator from Ohio [Mr. FORAKER], at least—and that is a concession which helps a little bit one's conscience—to leave it to the people of New Mexico and Arizona separately to vote upon the sole question as to whether they will be united and come united into the Union, I should be voting against my conviction of right; I should be voting to violate what, in my judgment, Mr. President, however others may look upon it, is a solemn governmental pledge.

My education on this subject came from the Committee on Territories. I read with the utmost care the report of that committee printed December 10, 1902, upon the question of the fitness of Arizona and New Mexico to come into the Union. Of course, it will be conceded that it would be unjust, although the Indian Territory and Oklahoma could meet the test, to require a unit of population such as, taking our whole population, would be justified. If the rule were adopted that a new State should have a population equal to the average population of the remainder of the States, it would require 1,650,000 people. That would not be fair.

Nor is it fair, save in exceptional circumstances, to admit into the Union a Territory, or two Territories combined, which barely possess the population necessary for one unit of representation in the Congress of the United States, which is about 194,000 people. I do not go back to argue about the ancient units. They have no possible applicability to the question in-

volved here, because the original States made the Government. They were not admitted into the Union, but, going together, they formed the Union. So as to the States which were carved out under the Ordinance of 1787. That was a compact. Those Territories had area, they had wealth, they were to be peopled by our own people; and so it was provided that they should come into the Union. That was a pledge, but it was no stronger, so far as the right of ultimate statehood is concerned, than the pledge to Arizona written by Congress in 1863 on the statute books of this country.

But it takes more than area to make a State; it takes more than people to make a State; it takes more than wealth to make a State. It takes a requisite area, of course; it takes people in sufficient numbers and adequate fitness, of course; and it takes resources which give warrant for the belief that in the long reach of time that people will be able to perform all the functions which are involved in statehood as to governmental institutions, as to the upbuilding of education, and as to all of those things in which the people of real States delight.

Mr. President, how is it as to Arizona? I do not reflect at all upon the people of Arizona in anything I say, or upon the people of New Mexico in anything I say. If there is any reflection upon either, it is in the quotations which I shall make from the report of the committee of 1902.

The population of New Mexico by the census of 1900 was—total, 195,310; of that total 180,207 were white; 13,144 Indians untaxed, to be excluded; 1,610 negroes; 349 Mongolians. This table says 62½ per cent are Mexicans. Probably the more accurate estimate is from 50 to 60 per cent are Mexicans.

Arizona, 1900, population, 122,931; white, 92,903; Indians, 26,480; negroes, 1,848; Mongolians, 1,700.

Now, Mr. President, it is stated in this report that the census of 1900 is substantially accurate. It is also stated as follows:

> The great majority are native New Mexicans of Spanish and mixed Spanish and Indian descent, and of these practically all speak Spanish in the affairs of daily life, and the majority speak nothing but Spanish.

It cites the testimony of the census enumerators, justices of the peace, and the census of 1900. It is stated in this report and the names of the witnesses are given that the—

> Courts are conducted through the medium of an interpreter, and it is impossible to conduct the machinery of justice without this official.
>
> * * * * * * *
>
> The interpreter interprets the testimony of witnesses to the jury, the argument of counsel to the jury, and the charge of the court to the jury.

If this report is to be believed, as it undoubtedly was believed in 1902, it shows a condition in the Territory of New Mexico which demonstrates, Mr. President, that that Territory is not entitled at this time, in respect of fitness of population, to be admitted into the Union. It is saying nothing against the Mexican that he does not readily learn the English language; it is saying nothing against him that he is easy-going and that instead of being a leader he is led; it is saying nothing against him that he does not quickly assimilate with the Anglo-Saxon, and that he does not take easily to our theories of government and to our institutions.

But in this day, Mr. President, with a population in the United States of 80,000,000, is it asking too much, when it is proposed to admit a Territory into the Union, to say to them, "Wait; wait until you have a population different from this population in New Mexico," a Territory in which the courts must be conducted in a foreign language? Is that tolerable for a State in the Union? Is it tolerable that in the judicature of a State the proceedings in court are to be conducted through interpreters? Is it tolerable, Mr. President, that in a State a jury shall be informed through an interpreter both of the charge of the court and the testimony of the witnesses? Is it tolerable that in a State a jury sitting in judgment upon a man's property or his life shall not be able to converse each with the other member of the jury in a language they can understand?

How many times have the lawyers in this body seen men who had been summoned for jury duty set aside because they could not understand the language in which the proceedings were to be conducted?

Was this statement of the committee true in 1902, that most of the Mexicans spoke Spanish and not English, and that the proceedings were conducted of necessity in the Spanish language? If it was true then, and if some statements which have been made in the last two weeks are true, it is the most marvelous advance in the study and acquisition of language ever known.

Mr. CARTER. I call the attention of the Senator in that connection to a statement which appeared in the public press some days ago about a man about to be executed.

Mr. SPOONER. I read it.

Mr. CARTER. He was tried by a jury eleven members of which could not understand the language.

Mr. SPOONER. The statement was—and it gave the name of the man and the location—that he was tried and sentenced to be hanged. On the morning of the day he was to be executed he attempted to commit suicide. He was carried in a state of collapse to the scaffold. He died. I do not speak of that, but the statement was that of the jury which tried him, which condemned him—and his defense was self-defense—only one could speak or understand the English language. A community in which that can happen is not ready, Mr. President, to come into the Union as a State. I care not what its wealth, I care not what its population, it is not fit to come into the Union as a State. Am I wrong about it?

The report continues:

> In the majority of cases it is true that some member of the jury is able to speak both languages and can then act as interpreter for the others.

But think how much is involved in that! You have a right that the jury shall be able—each juryman—to understand the language of the witnesses who testify against you and the witnesses who testify for you. You have a right that the jury shall understand the lawyer who defends you. You have a right that the jury shall understand the judge who instructs it, and then each one shall be able to discuss with his fellows the testimony, the arguments, and the charge to the jury. But if there are only two who understand the language it is a trial by two and not by twelve, because the other ten derive their information from the two.

To me it is intolerable. I should like to vote for this bill. It was recommended by a Republican President and passed by a Republican House. But I am discharging here a duty under my oath, and I can shift the responsibility for my action upon no one else. I must speak and vote as I think, not as some other man thinks or votes.

Coming to the courts of the people—

Quoting again from the report—

> Justices of the peace—practically all of them speak Spanish and the proceedings of their courts are conducted in Spanish. The dockets of nearly all justices of the peace are kept almost exclusively in Spanish. The statutes of the Territory in the offices of practically all justices of the peace are printed in Spanish.

Perhaps that is not longer so. Some member of the committee can advise me if it be not still the fact.

The witnesses are named.

> Practically all subpœnas, summonses, and other processes from justices of the peace courts are in Spanish. The same is true in criminal cases in the Federal and Territorial courts.
>
> In political campaigns almost all political speeches are made either in Spanish or in English through an interpreter, and interpreters are used in practically all (it may even be said in all) political conventions.

The names of witnesses are given, including the testimony of a brother of the Senator from Ohio [Mr. FORAKER].

Is that still true, or in the four years that have speeded since then has some magic wrought change in this respect in New Mexico? In that space of time are the statutes no longer needed to be printed in Spanish? Are the jurors able to understand and speak English? It would be a change impossible in the ordinary course of events.

> An interpreter is used in the legislature, and both council (senate) and house have official interpreters.

Last session, in a short speech upon this subject, I had in my hand a list of the legislators, and the Senator from Illinois asked me to read the names. I replied that I did not understand Spanish. After I left the Chamber, my friend the Senator from Ohio [Mr. FORAKER] undertook to read them, and he picked out five or six or seven English names which were on the list and read them. I wish I had the list here. I would ask him to read the rest of the names. It is nothing against those people that they are Spanish; far from it; it is nothing against them that they do not understand English; far from it; but that has been a Territory a great many years. Many years ago it came very near being admitted as a State, when our friend the Senator from West Virginia [Mr. ELKINS] was the Delegate from New Mexico in the House of Representatives. It did not come near being admitted because it was entitled to it then, but, I suspect, because the Senator from West Virginia was its Delegate.

Coming to the schools, the report continues:

> Until recently (historically speaking) no English was taught in the common schools. At present both Spanish and English are taught in most of the schools. (Testimony of Miss Francesca Zana, p. 9; Enrique Armijo, p. 10; J. Francisco Chavez, p. 27; Rafael Gallegos, p. 22, and others.)
>
> Spanish is taught through the second reader and no further, because a person who has learned Spanish sufficiently to go through Manella's second Spanish reader can speak and write that language fluently, and no further instruction for practical purposes is necessary. (Testimony of Enrique Armijo, p. 16.)

In some schools, as in those at Santa Fe, no Spanish is taught. (Testimony of J. Francisco Chavez, pp. 27, 28.)

In some schools Spanish is taught exclusively; and history, arithmetic, and geography are translated from American text into Spanish. (Testimony of J. Francisco Chavez, superintendent public instruction for New Mexico, pp. 27, 28.)

In some high schools—

I will not read all of this. Then the evidence is that after they have been graduated from the schools and have been taught the modicum of English required they lapse quickly into the use of Spanish, which also is the human nature of it.

The report continues:

There are towns—

This is the report of the committee—

There are towns (some even when surrounded by heavily predominating American conditions and influences, such as at Las Vegas) where the signs at grocery stores, meat markets, and all the mercantile establishments are printed exclusively in Spanish. (Testimony of Enrique E. Salasar, p. 11.)

The above are the conditions even in the larger towns; and this is intensified, of course, in the little country settlements, where the people are usually bunched together, their occupation being principally that of herding sheep and goats and with little or practically no communication with the outer world. (Testimony of H. S. Wooster, pp. 18-19; Rafael Gallegos, p. 22, and others.)

A portion of the population, even including some justices of the peace, have little understanding of our institutions. (Testimony of Felipe Baca y Garcia, p. 25; Leonardo Duran, p. 43.)

The remainder of the 195,310 people in New Mexico—

Dealing with the census of 1900—

are called in that Territory "Americans," as contradistinguished from the class above spoken of, who are there termed "Mexicans." But the "Americans" are made up from every other nationality except Mexicans. Germans, Italians, French, and all other nationalities are called "Americans." And yet of the entire population of New Mexico 33.2 per cent are illiterates—that is, *that portion can neither read nor write Spanish, English, or any other language.* (Census of 1900.)

*If the test of illiteracy were confined to the English language only, the committee is of opinion that the percentage of illiterates would be much more than doubled.*

Do you suppose that has changed much since 1902? Probably some; and it will continue to change, for with the years and the hope of statehood when she shall have fitted herself for it—and if it gives her no ambition to become fit conclusively she is not fit—her educational system will be developed and this ratio of illiteracy will be diminished.

Jurymen sometimes sign by their marks.

The report gives the percentage of illiteracy, etc., but I do not care to take further time with it, although I will.

Mr. President, I am not going into the question of New Mexico's wealth—mineral and agricultural. Considered from the standpoint of to-day neither is adequate. With irrigation the time may come when a good part of New Mexico—the valleys of New Mexico—will be as fertile as the valley of the Nile. In fact, it is impossible to tell what development may not come in the long future to New Mexico, but, Mr. President, in admitting a Territory into the Union as a State we are not to speculate as to whether at some time in the distant future she may not, through irrigation or some other development, have acquired that wealth to fit her for the duties and functions, perpetual as they are, of statehood. What have we a right to expect from the standpoint of to-day? I want her, Mr. President, to develop. She can not become too rich to please me. Her population can not increase too rapidly for me. She can not go upward in every line of civilization too fast to please me. But I am asked to vote her into the Union to-day when I think she is not fit.

How with Arizona? No one here pretends that Arizona alone is entitled to come into the Union.

Mr. TELLER. Will the Senator allow me to suggest that Arizona is not trying to get in alone?

Mr. SPOONER. I know it.

Mr. TELLER. She is quite willing to stay out.

Mr. SPOONER. I know it; but if Arizona were trying to come in Arizona ought not to be permitted to come in.

Mr. TELLER. They are trying to force her in.

Mr. SPOONER. I will get to that. She ought not to be admitted into the Union. She has not the population. There are splendid people, of course, in both of those Territories, but she has not the population, she has not the resources developed. With all her splendid prospects, from no point of view is she entitled to come into the Union. And, as the Senator from Colorado says, she does not ask it. Why, then, is this question here as to Arizona? How would you answer to the people of Arizona if you passed this bill? Is it so necessary that New Mexico shall come into the Union at this time that Arizona must be forced into her embrace to make it possible, against the protest of her people?

Whence comes any such necessity? There was a time in the history of this country when, in the struggle between freedom and slavery, States came in which were not then fit, and when a free State came in a slave State was sought to be brought in alongside of it. That time has gone by. There is no constraint resting upon the American Congress in these days upon such a question except the constraint of conscience; that is all. When ever before were a people brought into the Union against their protest, as it is sought here to bring Arizona into the Union?

Ah, but it is said that the people of Arizona want to come into the Union. Who says it? Who knows it?

Mr. NELSON. Three years ago——

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Minnesota?

Mr. SPOONER. Certainly.

Mr. NELSON. I wish to reply to the inquiry of the Senator as to who knows it. Three years ago a bill was passed, which the Delegate from Arizona supported, if I am not mistaken, to make four States, of which Arizona was one, and the Senator from Wisconsin knows it.

Mr. SPOONER. Oh, Mr. President, "the Senator from Wisconsin knows it." Of course I know a bill passed the House to admit four States—the Indian Territory as a State, Oklahoma as a State, Arizona as a State, New Mexico as a State.

Mr. NELSON. Did not the Delegate from Arizona support the bill at that time?

Mr. SPOONER. Undoubtedly; and I have no doubt that if Arizona were told that she could be admitted as Arizona into the Union, if the entity which since 1863 has stood upon the map representing the Territory of Arizona could come in, they would be for it; but when it is said that Arizona must become a part of New Mexico in order to come into the Union, when she is told——

Mr. NELSON. But I understood the Senator from Wisconsin to say Arizona had never asked to come into the Union as a State.

Mr. SPOONER. Oh, no. The Senator misunderstood me.

Mr. NELSON. Three years ago through her Delegate she asked it.

Mr. SPOONER. The Senator misunderstood me.

Mr. NELSON. I want to tell the Senator from Wisconsin that just as soon as this bill is disposed of, if it is not passed, she will come here asking to be admitted into the Union as a State.

Mr. SPOONER. Yes; I will deal with that, Mr. President. What I said was this: I asked if an instance had been known in the history of the country where a Territory had been forced into the Union against the will of her people; and then I replied to the observation made by the Senator from Colorado to me, that Arizona is not asking now to come into the Union. If she were asking to come into the Union, I for one should fight it with my uttermost strength.

Mr. President, there was a combination in the Senate once in regard to four States. That was when Senator Quay was here. That was the time to which the Senator from Minnesota refers. I will not talk about that. I pass it. I will say this, however, that there never was a time then or since when I for one did not demand that if the two were put together, as a compromise, they should have the right in after years, when the population reached a certain number, by a majority vote of the people residing in either part—the New Mexican part and the Arizona part—to separate and be two States when in population and otherwise they had become fit. I never saw the time, even in those days, in our conferences, when I was willing, nor were there many on this side willing, to force the people of Arizona into the perpetual embrace of New Mexico.

The very concession in name to Arizona is significant. And would New Mexico part willingly with hers, but for the greatly superior voting strength she would have in the new Arizona?

Now, I said there was a pledge. That has been much debated. The Senator from Kansas [Mr. LONG] the other day sneered at it. I asked the distinguished Senator, when he read that language, to tell me, if it did not mean what it said, what it did mean. He referred me politely to the speech delivered a year or two ago by the Senator from Indiana [Mr. BEVERIDGE], which I have read with great pleasure. Having read it, or that portion of it which refers to this matter, with due deference to him, I find myself entirely confirmed in the opinion which I had formed upon an independent examination of my own. I have not gone into the history which dislocated Arizona from New Mexico. I had heard it as tradition—probably there are evidences of it in the reports and the debates—that it grew out of the division between the forces and sentiments of the Union and the Confederacy in New Mexico as a whole, and had its inspiration in the desire to safeguard a part of it in all events to the Union. I have heard it said that there was a gov-

ernor of New Mexico in the Territory who bore the appointment of Jefferson Davis, and at the same time a governor of New Mexico in the Territory who bore the appointment of Abraham Lincoln.

Mr. TELLER rose.

Mr. SPOONER. I do not know.

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Colorado?

Mr. SPOONER. Certainly.

Mr. TELLER. I should like to say to the Senator that if there was any governor of New Mexico with Jefferson Davis's commission he kept very quiet.

Mr. SPOONER. I said I had heard it; that I had read it.

Mr. TELLER. He did not show himself. There never was a more loyal people in the United States than the people of New Mexico.

Mr. SPOONER. I do not doubt that, but they had an element sent up there that made trouble, did it not?

Mr. TELLER. The only people who were sent up there was when General Sibley went up with the army, and the New Mexican and Colorado troops started them out of New Mexico in short order.

Mr. SPOONER. I do not question that, nor do I challenge for a moment the loyalty of the people of New Mexico—Mexicans and all—to this Government. Not at all. But there was trouble in New Mexico, and out of that, I have always supposed, came this legislation. Perhaps out of that came this pledge. It is peculiar to this legislation, so far as I remember. Now, what is it?

That all that part of the present Territory of New Mexico situate west of a line running due south from the point where the southwest corner of the Territory of Colorado joins the northern boundary of the Territory of New Mexico to the southern boundary line of said Territory of New Mexico be, and the same is hereby, erected into a temporary government—

"Temporary government." All Territorial governments are temporary. This was incorporated within the language of the decision of the Supreme Court which I have never fully understood—

by the name of the Territory of Arizona: *Provided*—

No lawyer ever loses sight of the effect of a proviso. It is the last word of the Congress in this section. It qualifies all which precedes it upon the same subject. What is it?—

*Provided*, That nothing contained in the provisions of this act shall be construed to prohibit the Congress of the United States from dividing said Territory—

That is different from reserving the right to destroy it, to obliterate it, and the Congress which passed this act had that distinction in contemplation—

That nothing contained in the provisions of this act shall be construed to prohibit the Congress of the United States from dividing said Territory or changing its boundaries in such manner and at such time as it may deem proper.

They did afterwards attach a portion of it to Nevada, colored red on that map. This additional proviso followed, and I will revert to that:

*Provided further*, That said government—

What government? The temporary government constituted and erected by this act—

SHALL BE MAINTAINED AND CONTINUED UNTIL SUCH TIME AS THE PEOPLE RESIDING IN SAID TERRITORY SHALL, WITH THE CONSENT OF CONGRESS, FORM A STATE GOVERNMENT, REPUBLICAN IN FORM, AS PRESCRIBED IN THE CONSTITUTION OF THE UNITED STATES, AND APPLY FOR AND OBTAIN ADMISSION INTO THE UNION AS A STATE ON AN EQUAL FOOTING WITH THE ORIGINAL STATES.

Does that mean nothing? As to this language construction has no office to perform. It is too plain for that. No pledge was ever uttered by human speech or penned by human hand clearer than that. It was a pledge that in exercising this power to divide the Territory or change its boundaries it would not destroy the governmental entity, the Territory of Arizona created by this act.

And it was gravely argued by the Senator from Indiana that it was unconstitutional, that the Constitution gave no right to Congress to enter into a contract like that with a Territory. Certainly not. But, Mr. President, the Constitution of the United States did not prevent, nor could it prevent, the Congress of the United States from making a pledge to that people. It is not a contract enforceable in the courts. Specific performance of it can not be compelled in equity. It is like a treaty in one sense. It is binding, binding as the word of a man of honor, binding in foro conscientiae, binding in honor; and if there ever was a pledge which ought to be kept, this pledge made by the Congress of the United States away back in 1863 to all the men and women and children who have gone their way from the South and from the New England States and the Middle Western States to the plains of Arizona is such. That power can least afford to break a pledge which can with least danger repudiate it.

Will somebody tell me what it means if it does not mean what it says? Will somebody tell me that that pledge did not influence some of the splendid men and women who went to Arizona and who have lived there and built up that Territory, of which they are proud? Do you suppose it amounted to nothing? The Territory had been torn from New Mexico. Would people naturally want to go there to settle without some certainty that it would not be set back in after years to New Mexico?

There is many a contract made, Mr. President, not enforceable, which no man of honor ever fails to keep. If I tell you if you will do this or that I will stand by it financially, it may be void under the statute of frauds, but you would despise me if I sought to evade fulfillment by refuge behind that plea.

The Senator says in his speech, "Why was this pledge given to Arizona and not to other Territories?" We are not concerned with that. We are standing here to-day in the place of the men who made that pledge. We made it; our Government made it. It is outstanding, Mr. President, unredeemed, partly violated in a way—no, not at all violated. Congress reserved the right to take a part of the Territory away. Congress exercised the right to attach it to Nevada. But the Congress which did that kept her faith with Arizona and left a more compact Territory, and left intact this government, which it had then erected and pledged itself to maintain and continue.

If it be asked why the same pledge was not made to Idaho or to some of the other Territories, I do not answer. I am not called upon to speculate about that. All I have to do is to ask, "Is it nominated in the bond? Is it a pledge?" If it is, what will we do with it? What will we do with it against the protest of the people who bring it here and lay it before us and say, "You made it; we relied upon it?" We ask—we do not demand—we ask our Government to redeem it, not to let them into the Union now, but not to destroy them, not to send them back after all these years into New Mexico, of which Arizona would be an American province.

I was taught, Mr. President, in my youth as a law student the doctrine that every word of a statute, the voice of the supreme legislative power in the State, construed to mean something. That is elementary. I can not understand upon what theory of logic it is attempted to cut out this pledge and whistle it down the wind as of no greater weight than a feather. I can not bring myself to think that it is an honorable thing for this Government to do.

I have sympathy for the pioneers, the brave, rugged men who have gathered with their families from all sections, after long and wearisome journeys, in a Territory of the far West; who have endured the hardships of the frontier; who have driven back the Indian; who have conquered the desert; who have built towns and cities; who have planted churches and schoolhouses; who have established legislatures, and have carried forward government; who have erected and cherished the institutions of civilization; who have built a real political entity.

These people of Arizona love their Territory as we love the States which sent us here. All of the associations incident to the pioneer life and the development of the region are theirs, as tender as any in the world. They love its name. They love its institutions. They are proud of its fame. They guard its honor. That their revolt against its obliteration, against the destruction of its individuality, which all the years they have been upbuilding, is but human nature, and goes far, Mr. President, to demonstrate, so far as the quality of that citizenship is concerned, fitness for statehood.

And why must this thing be done? Because if we do not combine Arizona with New Mexico and do it now, each will come knocking at the door until we, forgetful of public duty and weary of importunity, will open unto them. It is to rid ourselves of future annoyance or it is to protect ourselves against future weakness. Which is it? Perhaps it is both.

I have faith myself in the people. I have faith in the Congress. I have faith in my colleagues here. I am not at all alarmed, Mr. President, about the future of Arizona and New Mexico in respect of the matter to which I just referred. Let them come and knock. If they ought not to be admitted, the Senators on that side and on this will keep them out. I am not prepared to believe that any consideration of partisanship would lead to neglect or violation of duty. How many years have they been knocking, knocking, at the door, and they are still not States of this Union? Who has kept them out, and why have they been kept out? They have been kept out by both parties because they were not fit to come in.

I am willing to trust those who are to come after us in Congress and in the White House to conserve the public interest

with the same fidelity which we ought to bring and which we all try to bring to the discharge of public duty.

Mr. President, I have taken much more time than I intended. I have spoken with earnestness. It involves the interest of the whole people for one thing. That ought to make one earnest. It involves the honor of this Government. That justifies one in being earnest, and I compromise much with myself by voting for the amendment of the Senator from Ohio [Mr. FORAKER]. If I had my way about it, I would strike New Mexico and Arizona from this bill.

Mr. FORAKER. Will the Senator allow me to interrupt him? I have offered that kind of an amendment also, and I may offer that first instead of the other to which the Senator refers.

Mr. SPOONER. Then I would admit Oklahoma into the Union as a State.

Mr. President, I have finished.

HENRY E. RHOADES.

Mr. GALLINGER. On behalf of the senior Senator from New York [Mr. PLATT], I ask for the present consideration of the bill (S. 3506) for the relief of Henry E. Rhoades, assistant engineer, United States Navy, retired. A similar bill has passed the Senate several times, and it will take but a moment.

The VICE-PRESIDENT. The bill will be read for the information of the Senate.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration. It directs the Secretary of the Navy to transfer Asst. Engineer Henry E. Rhoades, upon the retired list of the United States Navy, from the half-pay list to the 75 per cent pay list of retired officers, under section 1588 of the Revised Statutes of the United States, to take effect from the date of his retirement.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EXECUTIVE SESSION.

Mr. KEAN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After eight minutes spent in executive session the doors were reopened, and (at 5 o'clock and 15 minutes p. m.) the Senate adjourned until to-morrow, Thursday, March 8, 1906, at 11 o'clock a. m.

## NOMINATIONS.

*Executive nominations received by the Senate March 7, 1906.*

RECEIVER OF PUBLIC MONEYS.

John H. Duncan, of Missouri, to be receiver of public moneys at Springfield, Mo., his term having expired. Reappointment.

INDIAN AGENT.

William L. Belden, of Steele, N. Dak., to be agent for the Indians of the Standing Rock Agency, in North Dakota, vice Isaac N. Steen, resigned.

PROMOTIONS IN THE NAVY.

Commander John B. Collins to be a captain in the Navy from the 28th day of February, 1906, vice Capt. James H. Dayton, promoted.

Lieut. Commander Edward Lloyd, jr., to be a commander in the Navy from the 19th day of February, 1906, vice Commander Hugo Osterhaus, promoted.

PROMOTIONS IN THE ARMY.

*Corps of Engineers.*

Capt. William V. Judson, Corps of Engineers, to be major from March 2, 1906, vice Gillette, resigned.

First Lieut. George B. Pillsbury, Corps of Engineers, to be captain from March 2, 1906, vice Judson, promoted.

Second Lieut. Ralph T. Ward, Corps of Engineers, to be first lieutenant from March 2, 1906, vice Pillsbury, promoted.

*Infantry Arm.*

Maj. Robert J. C. Irvine, Ninth Infantry, to be lieutenant-colonel from March 3, 1906, vice Wood (W. T.), unassigned, detailed inspector-general.

Capt. John Cotter, Fifteenth Infantry, to be major from March 3, 1906, vice Irvine, Ninth Infantry, promoted.

POSTMASTERS.

ILLINOIS.

Martin A. L. Olsen to be postmaster at De Kalb, in the county of Dekalb and State of Illinois, in place of Martin A. L. Olsen. Incumbent's commission expires March 14, 1906.

IOWA.

Willis S. Gardner to be postmaster at Clinton, in the county of Clinton and State of Iowa, in place of Willis S. Gardner. Incumbent's commission expires April 10, 1906.

Newton W. Wentz to be postmaster at Oakland, in the county of Pottawattamie and State of Iowa, in place of Newton W. Wentz. Incumbent's commission expired December 16, 1905.

KENTUCKY.

J. T. Williams to be postmaster at London, in the county of Laurel and State of Kentucky, in place of A. R. Dyche. Incumbent's commission expired January 16, 1905.

MONTANA.

Percy F. Dodds to be postmaster at Whitefish, in the county of Flathead and State of Montana. Office became Presidential January 1, 1906.

NEBRASKA.

Clark K. Brown to be postmaster at Cozad, in the county of Dawson and State of Nebraska, in place of Frank P. Corrick. Incumbent's commission expired January 20, 1906.

Charles A. Sweet to be postmaster at Creighton, in the county of Knox and State of Nebraska, in place of Charles A. Sweet. Incumbent's commission expired February 10, 1906.

NEW JERSEY.

William H. Lushear to be postmaster at Short Hills, in the county of Essex and State of New Jersey, in place of William H. Lushear. Incumbent's commission expired January 30, 1906.

NEW YORK.

William A. Boyd to be postmaster at Mamaroneck, in the county of Westchester and State of New York, in place of William A. Boyd. Incumbent's commission expired February 28, 1906.

John J. Roehrig to be postmaster at Rosebank, in the county of Richmond and State of New York, in place of John J. Roehrig. Incumbent's commission expires March 21, 1906.

NORTH CAROLINA.

John W. C. Long to be postmaster at Statesville, in the county of Iredell and State of North Carolina, in place of John W. C. Long. Incumbent's commission expired February 18, 1906.

OHIO.

William S. Cappeller to be postmaster at Mansfield, in the county of Richland and State of Ohio, in place of William S. Cappeller. Incumbent's commission expires March 20, 1906.

OKLAHOMA.

Margaret J. Ryan to be postmaster at Guymon, in the county of Beaver and State of Oklahoma. Office became Presidential January 1, 1906.

PENNSYLVANIA.

Edward C. Dithrich to be postmaster at Coraopolis, in the county of Allegheny and State of Pennsylvania, in place of Edward C. Dithrich. Incumbent's commission expires March 10, 1906.

Ernest A. Hempstead to be postmaster at Meadville, in the county of Crawford and State of Pennsylvania, in place of Ernest A. Hempstead. Incumbent's commission expired March 5, 1906.

Isador Sobel to be postmaster at Erie, in the county of Erie and State of Pennsylvania, in place of Isador Sobel. Incumbent's commission expires March 14, 1906.

VIRGINIA.

John N. Davis to be postmaster at Woodstock, in the county of Shenandoah and State of Virginia, in place of John N. Davis. Incumbent's commission expired January 21, 1906.

W. T. Hopkins to be postmaster at Newport News, in the county of Warwick and State of Virginia, in place of Fred Read. Incumbent's commission expired January 20, 1906.

E. V. Jameson to be postmaster at Pulaski, in the county of Pulaski and State of Virginia in place of Lee S. Calfee, removed.

Hamilton W. Kinzer to be postmaster at Front Royal, in the county of Warren and State of Virginia, in place of Hamilton W. Kinzer. Incumbent's commission expired January 20, 1906.

Franklin Stearns to be postmaster at Glenallen, in the county of Henrico and State of Virginia, in place of Sydney S. Trevvett. Incumbent's commission expired February 10, 1906.

WEST VIRGINIA.

James F. McCaskey, to be postmaster at New Martinsville, in the county of Wetzel and State of West Virginia, in place of James F. McCaskey. Incumbent's commission expires March 15, 1906.

WISCONSIN.

James Harris to be postmaster at Prairie du Chien, in the county of Crawford and State of Wisconsin, in place of Ira D. Hurlbut. Incumbent's commission expires April 10, 1906.

## CONFIRMATIONS.

*Executive nomination confirmed by the Senate March 6, 1906.*

CIRCUIT JUDGE OF HAWAII.

William J. Robinson, of Hawaii, to be third judge of the circuit court, first circuit, of the Territory of Hawaii.

*Executive nominations confirmed by the Senate March 7, 1906.*

CONSUL-GENERAL.

Amos P. Wilder, of Wisconsin, to be consul-general of the United States at Hongkong, China.

MARSHALS.

Claudius Dockery, of North Carolina, to be United States marshal for the eastern district of North Carolina.

Charles B. Hopkins, of the State of Washington, to be United States marshal for the western district of Washington.

POSTMASTERS.

ALABAMA.

Ida O. Tillman to be postmaster at Geneva, in the county of Geneva and State of Alabama.

ARKANSAS.

William L. Jefferies to be postmaster at Clarendon, in the county of Monroe and State of Arkansas.

CALIFORNIA.

Austin Wiley to be postmaster at Arcata, in the county of Humboldt and State of California.

KENTUCKY.

E. S. Moss to be postmaster at Williamsburg, in the county of Whitley and State of Kentucky.

MASSACHUSETTS.

Walter N. Beal to be postmaster at Rockland, in the county of Plymouth and State of Massachusetts.

William F. Darby to be postmaster at North Adams, in the county of Berkshire and State of Massachusetts.

Joseph M. Hollywood to be postmaster at Brockton, in the county of Plymouth and State of Massachusetts.

MICHIGAN.

Ramsay Arthur to be postmaster at Schoolcraft, in the county of Kalamazoo and State of Michigan.

Charles Brown to be postmaster at Vicksburg, in the county of Kalamazoo and State of Michigan.

Seymour Foster to be postmaster at Lansing, in the county of Ingham and State of Michigan.

Glover E. Laird to be postmaster at Mendon, in the county of St. Joseph and State of Michigan.

Richard B. Lang to be postmaster at Houghton, in the county of Houghton and State of Michigan.

Albert A. Worthington to be postmaster at Buchanan, in the county of Berrien and State of Michigan.

MINNESOTA.

Joseph Cowin to be postmaster at Adrian, in the county of Nobles and State of Minnesota.

John P. Mattson to be postmaster at Warren, in the county of Marshall and State of Minnesota.

NEW MEXICO.

Robert W. Hopkins to be postmaster at Albuquerque, in the county of Bernalillo and Territory of New Mexico.

NORTH CAROLINA.

W. M. Currie to be postmaster at Maxton, in the county of Robeson and State of North Carolina.

Elizabeth H. Hill to be postmaster at Scotland Neck, in the county of Halifax and State of North Carolina.

RHODE ISLAND.

H. Elmer Freeman to be postmaster at Phillipsdale, in the county of Providence and State of Rhode Island.

TEXAS.

Frank Leahy to be postmaster at Rodgers, in the county of Bell and State of Texas.

Charles McCormack to be postmaster at Plainview, in the county of Hale and State of Texas.

Lola Weand to be postmaster at Fort Sam Houston, in the county of Bexar and State of Texas.

VERMONT.

Julius O. Belknap to be postmaster at South Royalton, in the county of Windsor and State of Vermont.

Mark H. Moody to be postmaster at Waterbury, in the county of Washington and State of Vermont.

WISCONSIN.

David C. Owen to be postmaster at Milwaukee, in the county of Milwaukee and State of Wisconsin.

WASHINGTON.

James N. Scott to be postmaster at Kennewick, in the county of Yakima and State of Washington.

## HOUSE OF REPRESENTATIVES.

### WEDNESDAY, *March 7, 1906.*

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read and approved.

COAL TO CITIZENS OF NOME, ALASKA.

Mr. CAPRON. Mr. Speaker, I ask unanimous consent for the present consideration of a joint resolution which I send to the Clerk's desk.

The SPEAKER. The gentleman from Rhode Island asks unanimous consent for the present consideration of the following joint resolution, which the Clerk will report.

The Clerk read as follows:

*Be it enacted, etc.,* That the Secretary of War be, and is hereby, authorized to cause to be sold to the citizens of Nome, Alaska, at its actual cost to the United States at the place of sale, such limited quantities of coal for domestic uses as, in his judgment, can safely be spared from the stock provided for the use of the garrison at Fort Davis, Alaska.

The SPEAKER. This is in the form of a bill:

*Be it enacted, etc.—*

If there be no objection, the title will be amended. Is there objection to the present consideration of the bill?

There was no objection.

The bill was ordered to be engrossed and read a third time; and was accordingly read the third time, and passed.

On motion of Mr. CAPRON, a motion to reconsider the last vote was laid on the table.

By unanimous consent, the title was amended to make it read: "A bill (H. R. 16305) authorizing the Secretary of War to sell certain coal in Alaska, and for other purposes."

INDIAN APPROPRIATION BILL.

Mr. SHERMAN. I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the Indian appropriation bill; and pending that, Mr. Speaker, I ask unanimous consent that general debate be concluded to-day, and that the time be controlled by the gentleman from Texas [Mr. STEPHENS] and myself in equal parts.

The SPEAKER. The gentleman from New York asks unanimous consent that general debate upon the Indian appropriation bill be closed to-day and that the time be controlled half and half by the gentleman from New York [Mr. SHERMAN] and the gentleman from Texas [Mr. STEPHENS]. Is there objection?

Mr. STEPHENS of Texas. I have no objection to that arrangement, Mr. Speaker.

There was no objection.

The motion of Mr. SHERMAN was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 15331—the Indian appropriation bill—with Mr. CURRIER in the chair.

Mr. SHERMAN. Mr. Chairman, I yield one hour to the gentleman from South Dakota [Mr. BURKE].

Mr. BURKE of South Dakota. Mr. Chairman, as a member of the committee that reported this bill I desire to submit a few observations on the bill and upon the general subject of Indian legislation. In South Dakota we have a population of something more than 20,000 Indians. I have been a resident of that State about twenty-four years. I have resided in the section of the State adjacent to the Sioux Indian reservations, and therefore in discussing the subject of Indian legislation I am going to speak from the standpoint of one who knows something about the Indians from actual contact and observation.

Mr. Chairman, whenever legislation is suggested in this House for the benefit and advancement of the Indians, or to open for settlement Indian reservations that are not used by the Indians, there are certain people throughout the East that show signs of hysteria and express alarm and fear that the "poor Indian," as they say, is again about to be robbed or outraged. I propose to show, Mr. Chairman, that instead of the Indian

being mistreated, that he has been most generously treated, treated better in many respects than our white citizens.

The bill before the committee, as suggested by the chairman, is new in form. The committee considered that the old form, which had been in use many years, was not such a form as presented the different subjects that the bill covers in the most intelligent manner, and therefore they have adopted and presented here a new form of a bill which I am certain, as stated by the chairman yesterday, will meet with the approval of the Members of the House when they become familiar with the changes and the new form.

The bill contains appropriations for absolute gratuities of $585,000. About that amount is appropriated every year as a gratuity. The bill contains an item for the support of schools of $3,558,405, and, as the chairman of the committee stated yesterday, practically that amount is a gratuity. In other words, we expend that amount of money annually for the education of the Indians that is paid out of the Treasury as a gratuity.

I want to call the attention of the House to the Indian allotment law enacted in 1887. That act, recognizing that the Indians had certain rights in the land which they occupy as reservations, provided for alloting to each individual Indian a certain quantity of land, and to each head of a family, to each child over 18 years old, and also to each child, regardless of its age, under 18 years. That provision gives to an Indian with a family of four or five children from a section to a section and a half of land.

In the Sioux Reservation in South Dakota, with which I am familiar, the allotment features of the law opening that portion which was ceded in 1889 increased the area of the allotment by doubling the amount as provided in the original allotment act, so that allotments are made in quantites as follows:

> To each head of a family, 320 acres; to each single person over 18 years of age, one-fourth of a section; to each orphan child under 18 years of age, one-fourth of a section; and to each other person under 18 years now living, or who may be borne prior to the date of the order of the President directing an allotment of the lands embraced in any reservation, one-eighth of a section: *Provided*, That where the lands on any reservation are mainly valuable for grazing purposes an additional allotment of such grazing lands, in quantities as above provided, shall be made to each individual.

So that an Indian with a family may take 640 acres of grazing land or 320 acres of agricultural land; to each child over 18 years of age, 320 acres of grazing land, and to each child under 18 years of age, 160 acres of grazing land.

Now, in the case of an Indian with five children there is awarded to him and his family something like 1,400 acres if it is grazing land, or one-half that amount of agricultural land. The land is held in trust for a period of twenty-five years. It is not subject to taxation, and it becomes his absolute property at the expiration of twenty-five years, and he has the benefit and use of it in the meantime without paying 1 cent of taxation either for schools, for maintaining the township and county or State government.

This allotment law was, as I stated, enacted about twenty years ago, and it contemplates that after the allotment to the Indians on the reservations has been made, then the surplus land or unused land, land that the Indians do not require, shall be disposed of and sold under the provisions of the homestead law. And it provides further that the proceeds of the sale of these unused lands shall be paid into the Treasury for the support and maintenance and education and civilization of the tribe.

Mr. Chairman, it has become necessary, in order to secure legislation disposing of these surplus lands, that we shall provide that the money, or a large portion of it, received from the sale of the lands shall be paid to the Indians per capita in cash. In the meantime, we are appropriating from three to four million dollars annually from the Treasury for the education of these same Indians that we are paying money to for surplus and unused lands that we are selling, after they have taken their allotments.

Mr. STEPHENS of Texas. Will the gentleman allow a question?

Mr. BURKE of South Dakota. Yes.

Mr. STEPHENS of Texas. I understand the gentleman to state that about twenty years ago Congress passed a bill permitting the Secretary of the Interior to allot lands to the Indians separately, so that the rest of the reservation might be thrown open; that is the law the gentleman refers to?

Mr. BURKE of South Dakota. Yes.

Mr. STEPHENS of Texas. Does the gentleman know of a single instance where the present Secretary of the Interior has complied with that law and under it allotted lands to the Indians out of their reservations?

Mr. BURKE of South Dakota. Mr. Chairman, I would answer that by saying that this law authorizes the Secretary of the Interior to negotiate an agreement with the Indians for a sale of these unused lands, and there have been many such agreements sent to this House that were negotiated under the provision I have referred to in the original allotment law.

Mr. STEPHENS of Texas. Mr. Chairman, can the gentleman point out one negotiated by the present Secretary, where he has allotted lands to the individual Indians?

Mr. BURKE of South Dakota. I most certainly can. In South Dakota he has sent to this House one referring to the sale of a portion of the Rosebud Reservation, that portion located in Gregory County, and another relating to the Lower Brule Reservation.

Mr. STEPHENS of Texas. That was not done in response to the act of Congress passed twenty years ago, was it?

Mr. BURKE of South Dakota. It was, Mr. Chairman. It was under authority given to the Secretary under the law to which I have referred.

Mr. STEPHENS of Texas. Can the gentleman state why there is a difference made between his State and New Mexico and Arizona?

Mr. BURKE of South Dakota. I am not familiar with the conditions in the two Territories named by the gentleman.

Mr. STEPHENS of Texas. Or Oklahoma?

Mr. BURKE of South Dakota. Or Oklahoma. My recollection is that we did have a treaty or an agreement pertaining to some portion of the Kiowa and Comanche reservations, with which the gentleman is familiar, that was negotiated under the present Secretary of the Interior.

Mr. STEPHENS of Texas. That was in 1892, before Mr. Hitchcock's administration.

Mr. BURKE of South Dakota. That may be true.

Mr. FITZGERALD. Mr. Chairman, while many agreements have been negotiated, none have been ratified, practically none, in the form in which they were negotiated. And that is what confuses the gentleman from Texas [Mr. STEPHENS].

Mr. BURKE of South Dakota. Mr. Chairman, it is true that since the decision by the Supreme Court in what is known as the "Lone Wolf case" treaties or agreements have not been ratified, but legislation has been enacted along the line of agreements substantially complying therewith. I desire to call attention to a provision of the allotment law to which I have referred substantiating what I have said as to what shall be done with moneys that may be received from the sale of the unused portions of Indian reservations. In section 5 of that law I read this paragraph:

> And the sums agreed to be paid by the United States as purchase money for any portion of any such reservation shall be held in the Treasury of the United States for the sole use of the tribe or tribes of Indians to whom such reservations belong, and the same, with interest thereon at 3 per cent per annum, shall be at all times subject to appropriation by Congress for the education and civilization of such tribe or tribes of Indians or the members thereof.

Mr. Chairman, in the bill dividing the great Sioux Reservation in South Dakota into separate reservations that identical language was incorporated, showing that it was the policy and the intention of Congress when the original allotment law was passed, after giving to an individual Indian a certain tract of land in the form of an allotment, to have the balance of the lands which constituted the reservation sold and disposed of and the proceeds put in the Treasury for the support, education, and civilization of those Indians. I merely refer to this, Mr. Chairman, for the purpose of showing that, instead of mistreating the Indians, we are dealing with them in a manner that is extremely generous. I am not criticising that policy, because there is no question that under the system of education the Indian is making very rapid progress. I believe that in the past ten years, under the policy that has prevailed dealing with the Indians of this country, they have made greater progress than they made in the fifty previous years.

As the chairman of the committee stated yesterday, instead of appropriating money and buying rations and issuing them to Indians regardless of whether they are able to work or not, to-day we are legislating that moneys appropriated for the support of Indians may be commuted instead of giving them a ration by requiring them to work and paying them for their labor. For many years it was thought that the Indian ought not to work; that he was different from a white man, and there was a certain sentiment that controlled legislation relating to him, and he was supposed to be permitted to live in absolute idleness and roam over the country hunting and fishing without having to think once or care where his next meal was coming from, because he knew that he could go to the agency and there he would have issued to him meat and other provisions, as well as clothing. Under the policy that prevails now an Indian who is able-bodied, who is capable of laboring, is given to understand that if he wants to eat he has got to work the same as a white man, and throughout my State, where, as I

say, we have a great many Indians, that system has worked with good results. We have Indians employed not only upon the reservations in the construction of roads, in the construction of irrigation works, in hauling freight for the agencies, but in many instances Indians are employed off the reservation the same as any other citizen of the State, and some of them in the western sections of the State are working on the railroad as section hands.

The old Indian—the Indian who has had no opportunity whatever to progress, who is aged and infirm—the Government still cares for, as it formerly did all Indians, by issuing to him rations and providing him with food and clothing. Mr. Chairman, many Members of this House will recollect in the Fifty-seventh Congress that there was passed a bill known as the "Rosebud bill." That bill provided for the disposition and sale of that portion of the Rosebud Reservation in South Dakota located in Gregory County. Before the measure became a law there was a very strenuous opposition, not in this House, but from sources entirely independent of this House and originating at Philadelphia. The Indian Rights' Association, assuming to know the facts and believing that the proposed legislation was unfair to the Indians, protested against the enactment of the bill, claiming that it was going to do a wrong to the Indians, and that it was dishonest for that reason.

Notwithstanding that opposition and after some concessions were made as to the price of the land, the bill became a law. The bill provided that the land should be disposed of to settlers under the provisions of the homestead law, under rules and regulations to be prescribed by the Secretary of the Interior, and under that authorization the Department applied what is known as the "lottery system." The lottery system has been in use now in the opening of two or three reservations, and the only opposition to the system, the only denunciation of the system, has come from the extreme East and in remote parts of the country from where the law has been applied. The Rosebud measure has been criticised since it was enacted by certain magazine and other writers, and particularly has the feature relative to the lottery system been denounced. Now, Mr. Chairman, the Rosebud bill, as I stated, opened to settlement about 400,000 acres of land. In the tract affected there were something over 500,000 acres. Before the law was applicable the Indians had the right to locate and select allotments in the portion that was affected by the bill. They proceeded to locate and select their allotments and took out of the tract 100,000 acres of land, and I want to say that Indians, in many repects, are like white men and they know good land from bad land, and when they took that hundred thousand acres out of that tract for their allotments they took the very best parts of it, and the parts of it especially that were along the streams and the creeks. That law provides that the balance of the land shall be sold; first, for all lands taken in the first three months the price to be $4 an acre; after the three months and for the next three months the price to be $3 per acre, and after that the price to be $2.50 an acre. Mr. Chairman, notwithstanding the fact that the Indians had taken their allotments as the allotment law provided, that they are to possess this land for twenty-five years without being obliged to pay any taxes whatever, notwithstanding that the value of these lands is to be greatly enhanced by reason of the adjoining lands being settled upon and cultivated by the white settler, notwithstanding the provisions to which I have referred in the general allotment law and which is also in the law which created the Rosebud Reservation, instead of providing that the money should be placed in the Treasury for the education and the civilization and advancement of these Indians the law provides that it shall be paid out to them, one-half of it per capita in cash. Mr. Chairman, I want to state now that in the future, from the standpoint of the best interests of the Indians, to say nothing of following the law which we have on the statute books, I shall protest against moneys being paid to Indians in cash that may be realized from the sale of lands which they do not use and do not occupy.

Mr. FITZGERALD. Mr. Chairman, will the gentleman yield for a question?

Mr. BURKE of South Dakota. Certainly.

Mr. FITZGERALD. Does the gentleman object to the policy of paying part of the proceeds of those sales in cash to the Indians?

Mr. BURKE of South Dakota. I most certainly do, Mr. Chairman, and I shall protest against any measure that may come up in this House again containing such a provision.

Mr. FITZGERALD. Under the Rosebud bill provision was made that a very large percentage of the funds derived should be paid in cash to the Indians?

Mr. BURKE of South Dakota. Yes, sir.

Mr. FITZGERALD. Did the gentleman protest against that feature in that bill?

Mr. BURKE of South Dakota. Mr. Chairman, it was necessary to have the bill apparently upon its face extremely liberal toward the Indians in order to overcome the opposition represented by my distinguished friend from New York.

Mr. FITZGERALD. The opposition represented by myself, the gentleman said, never urged that large percentage payments be paid to the Indians. If the gentleman recollects, he himself desired that large percentage payments be made in order to allay the fears and stop the protests of the Indians who owned these lands that were to be disposed of.

Mr. BURKE of South Dakota. Let me say to the gentleman that it is another argument against the system of negotiating treaties or agreements with the Indians. That provision was put in the Rosebud bill because it was in the agreement with the Indians. It was put in the agreement with the Indians because they could not make an agreement unless it was in.

Mr. FITZGERALD. But the gentleman knows that he is one of those who have been urging most strenuously that Congress ignore completely the terms of these agreements.

Mr. BURKE of South Dakota. Yes, and I shall continue to urge that.

Mr. FITZGERALD. And I simply wish to call attention to the fact that in the bill opening a reservation in his own district he desired to have as much put into the bill as was possible in order to prevent the outcry on the part of the Indians.

Mr. BURKE of South Dakota. Mr. Chairman, my position on the question of disposing of Indian lands is and will hereafter be governed entirely by what I believe to be for the best interests of the Indians.

Mr. FITZGERALD. If it would not interrupt the gentleman's statement, I wish he would give the House this information, namely, the amount of acres disposed of under the Rosebud bill, and the maximum price, and each of the other prices.

Mr. BURKE of South Dakota. A little further on I will give the gentleman exactly that information. I was about to say, Mr. Chairman, that I am hereafter going to favor legislation that I believe is for the best interests of the Indians from every standpoint. The Indians of this country, in one sense, are mere children, and it is absurd for Congress, that has jurisdiction over them, when it considers some measure is advisable to promote their interests, to have to go to them and ask them to consent that they be dealt with honestly and, as Congress believes, wisely. And it is because of that system that this condition has arisen by which moneys are being squandered that otherwise should be husbanded and expended for the advancement and education of the Indian as the original allotment law contemplated.

Mr. STEPHENS of Texas. Would the gentleman be willing to support a measure that would provide that all the lands in the Indian reservations containing valuable minerals might be thrown open under the United States mining laws, and the proceeds thereof applied to the Indians, as another Indian fund—a general bill of that kind covering all mineral reservations?

Mr. BURKE of South Dakota. Without having opportunity, Mr. Chairman, to give the question any consideration, I am inclined to say no. Perhaps I do not understand the question.

Mr. STEPHENS of Texas. Then can the gentleman give any reason why a great many million acres of land containing valuable mineral deposits should be locked up in Indian reservations and indefinitely withheld from the American miner and prospector?

Mr. BURKE of South Dakota. If that condition prevails, Mr. Chairman, it is not within the section of the country with which I am familiar.

Mr. STEPHENS of Texas. The gentleman is very fortunate in living in the section of the country that he does. I hope the gentleman will remove his place of residence to the great Territories of the Southwest, where these conditions do prevail, namely, New Mexico and Arizona.

Mr. BURKE of South Dakota. I will state to the gentleman that I have the good fortune to live in a section of country that has the richest hundred square miles in the world, known as the Black Hills.

Mr. STEPHENS of Texas. I am glad to know that the gentleman is so fortunately situated, and I hope he will turn his attention outside of his own bailiwick and assist these Territories that have no voting representation on this floor, and that are not entitled to votes here, to secure their rights. They should have separate statehood, and their representatives on this floor and in the Senate, so that these Indian tracts of land may be thrown open and that country may be developed.

Mr. BURKE of South Dakota. It has been asked, Mr. Chairman, what disposition was to be made of the proceeds of the

sale of this Rosebud Reservation other than the one-half which is to be paid to them per capita in cash. I wish to say that the law provides that the balance of the money shall be expended for stock cattle, and that cattle shall be issued to the Indians. So that while they do not get all of the money in cash, only getting half of it, the other half is given to them in cattle, or the equivalent of cash. Now, notwithstanding, Mr. Chairman, the provision of the allotment law to which I have referred, that the moneys received from the sale of lands similar to the Rosebud lands shall be placed in the Treasury for the support and education of the Indians, we are paying out the entire amount to the Indians and at the same time we are making appropriations from the Treasury to educate these Indians that are benefited by the sale of the Rosebud lands.

The original agreement with the Rosebud Indians provided that they should be paid for the lands the sum of $2.50 an acre, which would have made an aggregate sum of $1,040,000. When we proposed the measure which finally became a law, which does not obligate the Government to pay for any of it except sections 16 and 36, which are ceded to the State for school purposes, it was claimed that unless there was a price put upon the land, some claiming as high as $10 an acre, that it would be disposed of for a low price and the Indians would not receive anything like as much as they would have received if the agreement had been carried out, viz, a million and forty thousand dollars.

Mr. Chairman, that bill became operative, so far as the opening was concerned, on the 8th day of August, 1904, about a year and a half ago. I have here from the General Land Office a letter signed by the Commissioner, giving a statement of the amount of lands that have been disposed of at the different prices and the amount of money that has been received and placed in the Treasury to the credit of the Indians up to December 31, 1905. This statement shows conclusively that when the matter is finally completed and the land is all disposed of and paid for, instead of the Indians receiving $1,040,000 they will probably receive from $200,000 to $400,000 in excess of that amount. For the benefit of the House I would like, Mr. Chairman, to have the letter read which I send to the Clerk's desk; also a letter from the Secretary of the Treasury, showing the amount of money that has been paid into the Treasury by reason of sales of land in the Rosebud Reservation, in Gregory County, to which I have referred.

The Clerk read as follows:

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
*Washington, D. C., February 7, 1906.*

Hon. CHARLES H. BURKE,
*House of Representatives.*

SIR: I have the honor to acknowledge the receipt of your letter of January 27, 1906, requesting to be furnished with a statement up to and including December 31, 1905, of the lands disposed of in Gregory County, S. Dak., in what was formerly the Rosebud Reservation, opened to entry under the provisions of the act of April 23, 1904 (33 Stat., 254).

In response to your inquiries I have to state—

First. During the period ending on the date above mentioned there were made 1,881 homestead entries of the $4 class, embracing approximately 300,960 acres.

Second. One hundred and sixty-two homestead entries of the $3 class, embracing 21,898.87 acres.

Third. Three hundred and four homestead entries of the $2.50 class, embracing 38,045.82 acres.

Fourth. Four hundred and twenty homestead entries, all of the $4 class, upon which the first payment of $1 per acre had been made, were relinquished and the land embraced therein reentered. The area covered by these entries was 64,969.47 acres, and the money received therefor, $64,969.47.

Fifth. Twenty-nine thousand five hundred and forty-three and fifty one-hundredth acres were granted to the State under the provisions of section 4 of the act above referred to. In accordance with the terms of said act the Indians received $2.50 per acre for said lands, amounting in the aggregate to $73,858.75, and this amount has been paid into the Treasury for the credit of the Indians on account of said school lands.

Sixth. Homesteads embracing 29,532.19 acres of the $4 grade were commuted, and $118,128.76 was received therefor. One homestead entry of 160 acres, perfected under sections 2292, 2304, and 2305, Revised Statutes, the entryman having four years' military service to his credit and having paid the full price of the lands, is included in the area given.

Seventh. There are approximately 110,080 acres remaining unappropriated, which would make 688 homestead entries of 160 acres each.

Eighth. No contests arose by reason of different parties claiming the same tract during the sixty-day period following the day of opening (August 8, 1904), during which period a preference right of entry was given to parties who had registered, and no such contests could arise for the reason that during this period rights were initiated by entry or filing and not by settlement under the provisions of the President's proclamation.

The order in which entries of this land should be made was determined by registration and drawing, in accordance with a plan which was adopted by President McKinley and first used in opening to entry the Kiowa-Comanche Reservation, in Oklahoma, in 1901. Since that time it has also been used in opening the Rosebud, Devils Lake, and Uintah reservations, embracing in the aggregate three and one-half million acres of land. In these openings there were registered in the aggregate 304,000 people and in none of them were those participating subjected to any great hardship and to but little inconvenience. No complaint of any character has reached this office, either as to the fairness of the method employed, its execution, or the results obtained.

The figures given in the first, second, third, and fourth items are approximately correct, and it is believed will serve your purpose, although some slight changes might be made therein upon a more careful inspection of the records.

Very respectfully,
W. A. RICHARDS,
*Commissioner.*

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
*Washington, January 30, 1906.*

Hon. CHARLES H. BURKE,
*House of Representatives.*

SIR: In reply to your letter of the 27th instant asking for a statement of the amount paid into the Treasury to December 31, 1905, as proceeds of Rosebud Reservation sold under section 5, act of April 23, 1904, I would state that the sum of $434,907.87 has been so received and covered.

By the same act Congress appropriated the sum of $75,000, or so much thereof as might be necessary, to pay for sections 2 and 16, granted to the State of South Dakota. The net amount required to execute this provision of the law is $73,858.75, making a total credit on account of land disposed of, of $508,766.62.

There has been disbursed from this appropriation the sum of $87,280.20, leaving a balance available of $421,486.42.

Respectfully,
L. M. SHAW, *Secretary.*

Mr. BURKE of South Dakota. Mr. Chairman, it appears by these letters that more than half a million dollars has already been paid into the Treasury, notwithstanding but very few have yet made final entry and final payment, not having been there long enough to do so and comply with the law. I think it will be seen that there will be nearly, if not quite, another million dollars received from the sales of these lands, making a total of about a million and a half dollars as against the million and forty thousand dollars they would have received under the treaty.

I want to refer further to this letter which has been read from the Commissioner, which states that under this so-called "lottery system" there never has been any complaint from anyone who registered and took advantage of the system in order to get or acquire a claim. One hundred and five thousand people, in round numbers, went to South Dakota and registered in order to have a chance to get a claim in this Rosebud country, and notwithstanding that great number of people, there never has been, so the Commissioner states, one complaint from any person, and not a contest by reason of more than one person claiming the same tract of land.

Mr. MARTIN. Mr. Chairman, I would ask my colleague to state that out of this hundred and five thousand applicants for the privilege of filing upon the lands how many entries, in fact, could have been made and were made?

Mr. BURKE of South Dakota. About twenty-five hundred in round numbers could have been made, but of those that registered not to exceed about twelve or thirteen hundred made entries.

Mr. MARTIN. So that the number of those people who could, in fact, obtain a piece of this land under homestead filing was very small.

Mr. BURKE of South Dakota. Yes; very small. Under the system that prevailed before the lottery system was adopted there could not have helped being serious bloodshed and loss of life, and there would have been litigation that would have lasted for the next twenty years between parties in contest claiming the same tract of land. But under this lottery system there has not been any complaint, but general satisfaction expressed and no contest whatever. Yet, Mr. Chairman, when you get down in the extreme East there are those who are ready to make a criticism about what is called the Government indulging in running a lottery. It is the most fair, and the only fair manner I can conceive of in disposing of such lands.

Mr. Chairman, I have endeavored to show generally that the Indians of this country are being treated very generously by the Government. I have cited the case of the Rosebuds to show that that is the fact, and that we have dealt with them in what might almost be termed an extravagant manner. I do not think that any person who knows anything about or is familiar with the Indian would say that it was for his best interest to take the money that might possibly belong to him and pay it out to him to spend as he might see fit. There is no parent, who is possessed of means, that would give any considerable amount to his child to squander. On the contrary, he would husband it and spend it for the advancement, education, and development of the child, and if possible when the child has reached his majority and shown traits of character that demonstrate that he is capable of managing property and having charge of money, that then he would pay the money out to him, or give it to him and allow him to spend it as he might see fit.

Why, Mr. Chairman, I have in mind one instance of an Indian on the Pine Ridge Reservation in South Dakota who received several hundred dollars as the result of a claim that he had for a depredation. Having received the money, he spent a con-

siderable part of it—I do not know exactly how much, but several hundred dollars—for a hearse. He had no use whatever for it, but he was attracted by it and thought it would be a nice thing to have, and so he spent his money in purchasing a hearse.

Now, I say, for the good of the Indian, and for his advancement, to say nothing of the law which we have on the subject, these moneys should be placed in the Treasury and reserved and expended only as the best interests of the Indians may seem to require.

Mr. MARTIN. Mr. Chairman, if it will not interrupt the line of thought which my colleague is pursuing, I should like to ask him to make a statement as to whether this plan which the Government has adopted in recent years of encouraging the Indians to work, and in a sense of providing work for them within the reservation, for themselves and their teams, has, in fact, encouraged them in habits of industry.

Mr. BURKE of South Dakota. I can answer that question from personal knowledge, and unhesitatingly answer it in the affirmative. While when the system was first proposed the Indians rebelled, to-day they favor it. The Government, as I believe I have already stated, instead of issuing rations and clothing to the Indians, provides work—improving roads in some instances, construction of irrigation ditches, or the hauling of freight—and the Indian receives his pay the same as any other man who labors, and the Indian finds that under this new system he is independent. Under the old system an Indian drew his rations, as a rule, every two weeks. That meant a feast for the first two or three days and starvation until the next ration day, whereas now he has his daily pay, from which he supplies his needs the same as his white brother, and, as I stated in the outset, under the new policy that prevails for the conduct of Indian affairs I do not hesitate to say that I believe the Indian has made more progress in the last ten years than in the previous fifty years, and I believe if this policy is continued, that the solution of the Indian question is, at least, in sight. How long it will take remains to be seen.

I believe that the tribal relations ought to be broken up, that as they become capable of managing their affairs the individual Indians should be allowed to have a fee simple patent to their lands, and if there are any moneys in the Treasury belonging to the tribe that they should be paid their pro rata share and be let go and in future depend upon their own efforts for their livelihood and their success. Of course I would limit this to such individual Indians as had reached such a stage of advancement as to be capable of managing their own affairs.

Mr. Chairman, the bill under consideration contains a provision authorizing the Commissioner of Indian Affairs to investigate and report to Congress upon the desirability of establishing a sanitarium for the treatment of Indians afflicted with tuberculosis. He is also to report, as far as possible, the extent of the prevalence of tuberculosis among Indians. That subject was referred to by the chairman yesterday, and there was some inquiry concerning it.

I wish to say that this is indeed a very serious proposition. In the beginning of this session I introduced a bill to establish an Indian sanitarium on the Missouri River at or near the city of Pierre, or Fort Pierre, in South Dakota, for the purpose of providing a place where Indians suffering from tuberculosis might be taken and cared for and nursed and, if possible, brought back to health.

Mr. STEPHENS of Texas. I will ask the gentleman if he does not think that the best means of preventing the increase of tuberculosis among the Indians would be to educate them on the reservations of the West, where the climate and conditions are of a sort to which they are accustomed, instead of bringing them to the East, to such places as Carlisle and Hampton, having different climates and different conditions?

Mr. BURKE of South Dakota. Mr. Chairman, I want to say that I am in favor of all the different systems of education which we have for the Indians, the reservation school, the agency school, the nonreservation school, and, if you please, the schools mentioned by the gentleman. While perhaps as an original proposition I would not be in favor of sending the Indian to a remote part of the country for his education, I do believe that the institutions the gentleman has referred to are doing and have done a great work for the development and civilization and education of the Indians of this country; and while it is true that many Indians who go away to eastern schools return to their homes affected with tuberculosis, and perhaps live but a short time, I doubt very much if statistics will show that the proportion of Indians who become affected with tuberculosis while attending school—and I do not care where the schools are located—is as great as among the Indians upon the reservations and that have never been away to school.

I am going to briefly show the condition of the Indians in South Dakota as to tuberculosis. South Dakota is known and recognized as a State where among the whites tuberculosis is not at all prevalent. It is rarely that a case of tuberculosis develops in South Dakota, while we have many people coming into the State afflicted with the disease who recover and live for many years as though they never had been affected. Consequently it can not be said that if tuberculosis is prevalent among the Indians that it is due to any climatic conditions. The bill which I have referred to was sent to the Interior Department, and a report was made thereon by the Commissioner, which was approved by the Secretary, and I am going to refer very briefly to that report. I will quote from the Commissioner's letter as follows:

> The prevalence of tuberculosis among the Indians is a matter of grave concern. While investigations made by this Office reveal an alarming situation, it is probably only in particular localities where the scourge is worse among the Indians than among whites under similar conditions. A campaign of education has begun among our own people, and if it is necessary for them it is at least as important for our Indians. In their own camps and cabins they do not have the sanitary conveniences of a modern civilized home, and one consumptive may become, through ignorance, a source of infection to numberless other persons.

To show the extent of the prevalence of this disease among the Sioux Indians I will read from this report of the Commissioner a statement made by the agency physician at the Pine Ridge Agency in South Dakota, showing the extent of the disease among the Pine Ridge Indians:

> In a recent report by Dr. Joseph R. Walker, agency physician at Pine Ridge Agency, S. Dak., a number of statistical tables were given, from which it appears that in 1905 the full-blood Indian population of the reservation was 4,875, among whom there were 561 cases of consumption during the year, of which 172 were new cases, 104 recoveries, and 109 deaths. The mixed-blood population was 1,822. Among these there were 54 cases of tuberculosis, of which 22 were new, 13 recoveries, and 6 deaths.
>
> The statistics for ten years, from 1896 to 1906, give 903 deaths from tuberculosis among the Indians and 70 deaths among the mixed bloods.
>
> The long service of Doctor Walker at Pine Ridge and his interest in this subject have enabled him to prepare tables unavailable at other reservations, but I assume that the ratio shown at Pine Ridge approximately would hold at the other Sioux reservations of North and South Dakota.

Out of a population of less than 5,000 nearly 1,000 died of tuberculosis within a period of ten years.

The CHAIRMAN. The time of the gentleman from South Dakota has expired.

Mr. SHERMAN. Mr. Chairman, I yield the gentleman fifteen minutes more.

Mr. BURKE of South Dakota. A prominent physician residing in my home city, Dr. D. W. Robinson, president of the board of health of the State, recently contributed an article on the subject of tuberculosis among the Sioux to the Review of Reviews, and it is published in the March number of that magazine. Doctor Robinson is familiar with the conditions of the Sioux Indians, having resided for many years at Pierre, where I reside, adjacent to the Great Sioux Reservation. He has been for many years the physician at the Pierre Indian school, and he has made a study of this subject. In this article he states that up to about 1878 there was no tuberculosis to any extent among the Sioux Indians; that since their mode of life has been changed, and instead of moving from place to place and living in their tepees, they have been confined in small log huts, as was stated yesterday, without ventilation, without any regard whatever for sanitation, this disease has made progress among these Indians, until to-day, as stated by the Commissioner in the report to which I have referred, it is a matter of grave concern.

He says in that statement:

> It is impossible to reduce the conditions to tables and figures. The experience of several years as health officer and as physician to two Indian schools has convinced me that fully 60 per cent of the younger generation has some form of tubercular infection, and 50 per cent of those of the age of puberty die of some form of the disease.

Then he states that there is a report from the Standing Rock Reservation that 75 per cent of all deaths result from tuberculosis. He also quotes from an Indian living on the Sisseton Reservation, who has lived there for fifty years, that fully 50 per cent of them die with this disease.

Now, to illustrate that it is not necessarily a conclusion that an Indian can only acquire tuberculosis by attending some Indian school, as suggested by the inquiry of the gentleman from Texas [Mr. STEPHENS], I want to call attention to one instance. Doctor Robinson refers to it in this statement. I happen to know the family, and I can say that it was not due to the fact that the children were in school that the condition that is disclosed here resulted. He says:

> One of the striking instances in point is the destruction of a family of a noted worthy chief, John Grass. In 1892 a white friend met him

and his seven sons at a convocation of the tribe. These sons were stalwart fellows and apparently well.

In 1902, ten years thereafter, the friend again met the aged chieftain, who at once recognized the white man. He said: "You saw my boys; all gone, all died of the disease. I have no child left."

Commenting on that, he said:

It is peculiarly pathetic and appeals most emphatically to the Government for its amelioration. Most justly do these poor wards deserve some measure of relief. The Indians are not alone interested. The health of the white community is menaced by the plague spot which surrounds the agency.

Mr. Chairman, I have referred to this subject for the purpose of calling to the attention of this House the importance of some action, and some prompt action, being taken to check this disease among the Indians of the country, and to justify the action of the committee in putting in the bill a provision authorizing the Commissioner to investigate the subject and report fully to the next session of Congress.

Mr. Chairman, there is one further question to which I desire to refer before I conclude. That is the provision in the bill for an appropriation to be used in obtaining evidence and in prosecuting parties engaged in the sale of liquor to Indians. The Commissioner urges it very strongly in his report made for the fiscal year ending June 30, 1905. He states:

During the last year fresh efforts have been made by persons engaged in the liquor traffic to elude the law forbidding the introduction of liquor into the Indian country.

Up to last April whenever a person was convicted of selling liquor to an Indian it was never considered that there was a distinction as between an Indian who had taken his allotment and an Indian commonly known as a "reservation Indian." The Supreme Court, in a case entitled "The matter of Heff," held that where an Indian had taken his allotment under section 6 of the Indian allotment law he is a citizen of the State or Territory within which he resided, and that he is no longer subject to the jurisdiction of the United States. The effect of that decision has been most demoralizing among the Indians. Liquor is now sold to Indians almost as openly as to white men, and because of that fact largely I introduced at the earlier part of this session a bill which provides for an amendment to section 6 of the Indian allotment law, so that hereafter, when lands are allotted to Indians, citizenship is to be withheld until they receive their fee-simple patent. In other words, during the period of time that the Government elects to withhold the title to the land citizenship is also to be withheld and the United States will continue to exercise jurisdiction over such Indian. I speak of this because I expect to ask unanimous consent of this House within a very few days to have that bill passed. In the measure there is a provision giving to the Secretary of the Interior authority, in his discretion, whenever he believes an Indian has reached the stage of advancement and civilization where he is capable of managing his own affairs, to issue to such Indian a fee-simple patent, and with that will go full citizenship.

This bill now before the committee is filled with provisions authorizing the Secretary of the Interior to convey to Indians their allotments and relieve them from the trust features. The committee, in incorporating these provisions in the appropriation bill, followed in every instance the recommendation of the Secretary of the Interior. Our theory is that the Secretary of the Interior and the Indian Department is the Department of the Government that knows what is for the best interests of the Indian; that knows when he has reached a stage capable of managing his own affairs; and, therefore, when it recommends that an Indian be given a fee simple patent for his allotment we put it in the Indian appropriation bill—and I may say that it is subject to a point of order—and in this respect the progress, advancement, and the best interests of the Indian may be very seriously hampered and interfered with unless we have a law such as I have proposed, and such as has been recommended by the Committee on Indian Affairs. It has the very strong recommendation of the Commissioner and is approved by the Secretary of the Interior. I hope that I may be recognized at some near date to call up the bill for consideration, and I trust that every Member of the House will see the necessity and importance for the enactment of such a measure.

In conclusion, Mr. Chairman—and I have not said as much as I wanted to on the subject—I desire to again say that the policy of the Government has been most generous toward its Indian wards. There has been little occasion in recent years for criticism of the administration of Indian affairs. There is no committee of this House that gives more careful consideration to its particular business than does the Committee on Indian Affairs, under the able administration of the distinguished gentleman who has been the chairman of that committee for so many years. There is no branch of the Indian service that he is not familiar with, and every measure that comes from that committee—not only the appropriation bill, but any other bill that has to do with Indian affairs—has behind it the belief on the part of the chairman and the committee that the bill is an honest measure and one that will promote the interest of the Indians and be for their best welfare. [Applause.]

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. KEIFER having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had disagreed to the amendment of the House of Representatives to the bill (S. 956) providing for the election of a Delegate to the House of Representatives from the district of Alaska, had asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. NELSON, Mr. DILLINGHAM, and Mr. PATTERSON as the conferees on the part of the Senate.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 4860. An act for the relief of Peter Fairley;

S. 4593. An act for the relief of Francis J. Cleary, a midshipman in the United States Navy;

S. 4129. An act to regulate enlistments and punishments in the United States Revenue-Cutter Service; and

S. 3433. An act to amend an act entitled "An act to divide the judicial district of North Dakota," approved April 26, 1890.

The message also announced that the Senate had passed without amendment bill of the following title:

H. R. 16305. An act authorizing the Secretary of War to sell certain coal in Alaska, and for other purposes.

The message also announced that the Senate had passed the following resolution; in which the concurrence of the House of Representatives was requested:

Senate concurrent resolution 14.

*Resolved by the Senate (the House of Representatives concurring)*, That the Secretary of the Senate be authorized in the enrollment of the bill (S. 4229) "to authorize the sale and disposition of surplus or unallotted lands of the diminished Colville Indian Reservation, in the State of Washington, and for other purposes," to change the words "section seven" to "section six" where they occur in line 40, page 3, of the enrolled bill.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the bill (S. 4229) to authorize the sale and disposition of surplus or unallotted lands of the diminished Colville Indian Reservation, in the State of Washington, and for other purposes.

The message also announced that the Senate had passed bill of the following title; in which the concurrence of the House of Representatives was requested:

S. 535. An act to amend and reenact section 1 of chapter 77 of volume 27 of the United States Statutes at Large, being "An act to provide for a term of the United States circuit and district courts at Evanston, Wyo.," approved May 23, 1892.

The message also announced that the Senate had agreed to the amendment of the House of Representatives to the bill (S. 4128) permitting the building of a dam across the Red Lake River at or near the junction of Black River with said Red Lake River, in Red Lake County, Minn.

INDIAN APPROPRIATION BILL.

The committee resumed its session.

Mr. SHERMAN. Mr. Chairman, the gentleman from Texas [Mr. STEPHENS] was called from the Hall for a moment, and he requested me to yield in his behalf thirty minutes to the gentleman from Pennslyvania [Mr. KLINE].

Mr. KLINE. Mr. Chairman, since the opening of the first session of the Fifty-ninth Congress, this House has had under discussion and consideration nuemrous questions of a local, national, and a few of an international importance. For more than a week the Philippine tariff bill was discussed from various standpoints, as a general economic policy, with a reference to our duty to the Filipinos and its effect upon local interests in the United States. The bill was passed with one amendment, by a vote of 278 for and 71 against the contemplated legisaltion. The Senate committee has reported the bill unfavorably, and the arduous work and labors of this House may, as it now seems, become a nullity, without any tangible or substantial results.

The statehood bill, bound and riveted by the Rules Committee, with a view to having it passed without amendment and under limited debate, now seems to have met its destiny and fate in the Senate, where, with the Foraker amendment, it is receiving, and will receive a sensible, proper, and statesmanlike consideration, with the result that the people of the Territories

of New Mexico and Arizona will not have statehood enforced upon them, either joint or several, except by their consent. [Applause.]

The rate bill was discussed at great length in all its phases, influences, ramifications, and consequences. So extensive and persuasive, indeed, were the discussions that some of us by its diversified treatment were hypnotized with the subject, and others felt as if they had become intimidated to support the bill. The legislation contemplated by the bill, however, is just and fair, both to the transportation companies and the shipper, and to my mind and judgment was subject to only a single criticism, namely, that there was no provision in the bill granting a right of appeal or review from the decision of the Interstate Commerce Commission. By reason of this omission I hesitated to support the bill.

I am, however, much gratified in the hope that this legislative measure will be perfected in the Senate by the insertion of this healthy and much needed provision of right of review or appeal. With this amendment the bill is nigh perfect and fair to all interests.

We have had under consideration many other subjects of a private and public nature, such as the granting of pensions, allowance of claims, authorizing the bridging of rivers, legislation affecting the District of Columbia and our various and remaining Indian tribes, passage of appropriation bills, Federal control of insurance companies, consolidation of custom-houses, rules to regulate the business and deliberations of this honorable body, and discussed numerous topics which from year to year arise and must engage the time and attention of Congress.

I have become interested in a measure not political in its character, in which our national banks are concerned, and in the discussion of which I invite the attention of the House for a few minutes.

At the opening of the present session of Congress I introduced a bill amending section 29 of an act approved June 3, 1864, entitled "An act to provide a national currency secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof." By said bill it was contemplated to enact legislation that the total liabilities of any national banking association, of any person, or of any company, corporation, or firm for money borrowed, including in the liabilities of a company or firm, the liabilities of the several members thereof, shall at no time exceed one-tenth part of the amount of the capital stock of such association actually paid in and its surplus fund.

Under existing law the loans of a national banking association to any person, firm, or corporation are limited to 10 per cent of its capital stock, and by the bill introduced loans of this character were intended to be limited to 10 per cent of the capital stock paid in and its surplus fund.

I am told that the bill which I fathered, and other bills on the same subject, were considered by the subcommittee on banking and currency, and its provisions received favorable approval, subject to the restriction or amendment that the loans to any person, firm, or corporation by a national bank be limited to 10 per cent of the capital stock actually paid in and 10 per cent of the surplus fund, equivalent only to the extent of the capital stock of such banking institution. In other words, a national bank with $100,000 capital and $300,000 surplus, under such a bill, amended as aforesaid, could only loan to any person, firm, or corporation the sum of $20,000, namely, $10,000 on its capital and $10,000 additional, being 10 per cent on $100,000 of its surplus fund, equivalent to the amount of the capital stock actually paid in.

For some reason unknown to me (as I have observed in the newspapers and am advised) a bill known as the "Shartel bill," introduced December 18, 1905, was substituted for or selected in preference to the bill which I introduced on December 4, 1905, the first day of the present session of Congress.

Mr. GOULDEN. Mr. Chairman, will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman yield?

Mr. KLINE. Certainly.

Mr. GOULDEN. Do you know of any case in which that 10 per cent limitation has worked a hardship or has done any injury to a business or banking interest? I understand you are president of a national bank, and you ought to be able to tell us.

Mr. KLINE. I am not president of a national bank, but interested in banking. Yes; right in my city—Allentown, the queen city of the Lehigh Valley, and probably one of the most prosperous, progressive, thrifty, and beautiful inland cities of the United States—I know of instances where banks were unable to accommodate their customers by reason of the existing limitations on loans. The Allentown National Bank had a capitalization of $500,000 and a surplus of about $200,000. It increased its capitalization to $1,000,000 and now has a surplus of about $600,000. It could not accommodate the great cement interests and other numerous industries which were operating in my locality and the street-railway interests that center in that city. I know of another instance in that city. The Second National Bank, organized forty years ago, with a capitalization of $200,000—it was unable to accommodate its customers as desired. Two years ago it increased its capital stock to $300,000 and increased its surplus to $300,000.

Mr. GOULDEN. Will the gentleman allow another question? Does not the gentleman from Pennsylvania think this 10 per cent limitation is in the interest of the banks?

Mr. KLINE. I do not, as I shall tell you hereafter. I believe that surplus is part of the capital and should have the same benefits that capital at present enjoys.

Mr. GOULDEN. As I understand, the gentleman thinks that national banks should be authorized to make loans to the extent of 10 per cent of both their capital and surplus actually paid in?

Mr. KLINE. My opinion is that a national bank should be permitted to discount paper of any person, firm, or corporation to the extent of 10 per cent of its capital stock and 10 per cent of the surplus, subject to the limitation which has been put upon this legislation by the Shartel bill as amended by the Committee on Banking and Currency, so that the total liabilities to any bank from any one person, firm, or corporation shall in no event exceed 20 per cent of its capital stock.

Mr. GOULDEN. One more question. It has been suggested by my friend from Maryland, Mr. SMITH. That is to any one single individual, firm, or corporation?

Mr. KLINE. To any single person, firm, or corporation; yes.

Mr. GOULDEN. That is as you understand the law should be?

Mr. KLINE. Yes, sir.

Mr. PRINCE. Will the gentleman yield to a question here? Or if the gentleman prefers to have me ask it later, I will do so.

Mr. KLINE. Ask it now, please.

Mr. PRINCE. As I understand, you said that the bill which the Banking and Currency Committee had reported favorably contained a provision that you could loan only on one-tenth of the surplus paid in.

Mr. KLINE. Capital actually paid in and surplus equivalent to capital stock. That is what I said.

Mr. PRINCE. Perhaps I misunderstood the gentleman.

Mr. KLINE. If the gentleman understood me differently, it was a mistake.

Mr. PRINCE. Now, will you be kind enough to state to the committee what you understand is the nature of the bill that has been favorably reported?

Mr. KLINE. I will come to that a little later and explain just what my opinion is upon that portion of the bill. I know the bill which has been introduced by the gentleman from Missouri [Mr. SHARTEL] and amended by the Committee on Banking and Currency limits the total amount of liabilities to a national bank to 20 per cent of the capital stock.

Mr. PRINCE. Go ahead in your own way.

Mr. KLINE. The provisions of my bill and the original Shartel bill are identical in every respect. It is, however, immaterial whose name the bill on this subject bears. I am in favor of and will support such legislation enlarging the limitation of loans by national banks.

The national bankers' conventions of the United States for years have resolved and appealed for this character of Federal legislation, and the clearing-house associations in our metropolitan cities have favored such an amendment to our national banking laws.

Since the introduction of my bill (H. R. 448) I am in receipt of numerous letters from banking houses doing business in all parts of the United States, recommending and urging the passage of such legislation. Amongst others who have communicated with me on the subject are the following: Penn National Bank, Reading, Pa.; Merchants' National Bank, Allentown, Pa.; First National Bank, Bethlehem, Pa.; Allentown National Bank, Allentown, Pa.; Second National Bank, Allentown, Pa.; Second National Bank, Reading Pa.; Hanover National Bank, New York, N. Y.; Corn Exchange National Bank, Philadelphia, Pa.; Columbia National Bank, Pittsburg, Pa.; First National Bank of Pittsburg, Pittsburg, Pa.; Fourth National Bank, Cincinnati, Ohio; Chemical National Bank, New York, N. Y.; National Union Bank of Reading, Reading, Pa.; The Crocker-Woolworth National Bank, San Francisco, Cal. And I apprehend every Member of Congress has received similar requests from national banks, doing business in their several districts.

The Comptroller of the Currency has recommended in his last report, as well as in his previous reports that national banks

be allowed to loan to any person, firm, or corporation not only 10 per cent of their capital, but also 10 per cent of their surplus.

Our national banking system is a great one, but may now be a little antiquated on a few points. It was the creation and formulation of one of the greatest minds this country has ever produced. It was made necessary and operative during the exigencies of the war period. It was successful and in aid of the great prosperity, expansion, and development which the country has been enjoying for many years. When the loan limit was originally fixed in the national banking act, approved June 3, 1864, at 10 per cent of the capital stock of the banks, few banks had any large surplus, and, as the Comptroller says, it was not expected that new banks then organized would pay any surplus with their capital.

Under existing law banks of $25,000 capitalization may be organized, and do business in villages, towns, or municipalities having a population less than 3,000. In towns with less than 6,000 people they may capitalize at $50,000; in cities or municipalities having a population of more than 6,000 and less than 50,000, national banks can not be capitalized at less than $100,000, and in cities having a population in excess of 50,000 the capitalization must be $200,000 at least.

The national banking system has during its operation become very popular, and its uses, conveniences, and benefits are in large demand in all parts of the country. They have multiplied and increased in numbers very largely since the act of 1900 authorizing the incorporation of banks with a capital of $25,000 in communities having a less population than 3,000.

As an evidence of their popularity, strength, and uses the following figures are supplied as to their number, capital stock, and amount of deposits. On or about June 30, 1905, there were in the United States, including the insular possessions, 5,668 national banks, with a capital of $791,567,231, and deposits aggregating $3,783,658,494.

The growth and popularity of national banks is further evidenced by the following statistics, indicating the number of banks, capitalization, surplus, and net earnings during and in five-year periods, from March 1, 1880:

| Date. | Number of banks. | Capital. | Surplus. | Net earnings. | Ratios, dividends to capital. |
|---|---|---|---|---|---|
| Mar. 1, 1880 | 2,046 | $454,080,090 | $117,226,501 | $21,152,784 | 3.99 |
| Mar. 1, 1885 | 2,650 | 522,859,715 | 148,771,121 | 21,601,202 | 3.91 |
| Mar. 1, 1890 | 3,294 | 615,405,545 | 204,546,434 | 35,284,539 | 4.27 |
| Mar. 1, 1895 | 3,729 | 693,971,505 | 246,552,149 | 23,397,885 | 3.64 |
| Mar. 1, 1900 | 3,587 | 604,755,505 | 253,475,808 | 40,151,038 | 4.01 |
| Mar. 1, 1903 | 4,596 | 710,281,395 | 343,713,237 | 53,059,990 | 4.43 |
| Sept. 1, 1903 | 4,805 | 735,314,217 | 362,497,812 | 55,921,540 | 4.37 |
| Jan. 29, 1906 | 5,911 | 814,987,743 | 442,590,192 | ---------- | ---------- |

The growth of national banks is also evidenced by the following statement, during periods, commencing September 30, 1892, of the loans and amounts due to depositors:

| Date. | Number of banks. | Loans. | Due to depositors. |
|---|---|---|---|
| Sept. 30, 1892 | 3,773 | $2,171,000,000 | $1,779,300,000 |
| Sept. 22, 1895 | 3,712 | 2,059,400,000 | 1,715,200,000 |
| Sept. 20, 1898 | 3,585 | 2,172,500,000 | 2,106,600,000 |
| Sept. 30, 1901 | 4,221 | 2,051,700,000 | 3,044,600,000 |
| Sept. 9, 1903 | 5,042 | 3,508,600,000 | 3,305,900,000 |
| Jan. 29, 1906 | 5,911 | 4,071,041,164 | 4,088,420,135 |

It is safe to say that the original idea of the present law, limiting loans to 10 per cent of the capital stock actually paid in, was to prevent the directors of a bank from taking all the money in it, and so as to curb them, because deposits in banks in those days were not of any importance, relatively to the capital, compared with what they are now. Since that period the magnitude of business is so much greater and the amounts to be handled so very much larger that the existing law, limiting and restricting the amount of loans, hampers and inconveniences real banking to-day. Then the business was measured and done with thousands and tens of thousands; now the large business, mercantile and industrial, interests are conducted with hundreds of thousands and millions of dollars. It is thus very apparent why the existing limitation of loans should be enlarged, as contemplated by the several bills introduced on this subject. A national bank with, say, $100,000 capital and $300,000 surplus—and there are numerous banks that have a proportionate surplus—is much hampered, and its usefulness largely destroyed by said limitation, in being permitted only to loan to an amount of 10 per cent of its capitalization, to wit, $10,000. Those opposing this class of legislation may say: "If such or these banks are hampered by this restriction on their business, let them enlarge their capitalization in accordance and in proportion with the demands of their trade." But why should that be necessary when the bank has a large surplus? Surplus is practically capital. A large surplus is an evidence of the bank's financial strength and successful continuance of business. Surplus is earned capital, and is largely in aid of the confidence of the public in the bank and its intrinsic ability to pay its obligations. Surplus is and has been treated as capital for purposes of taxation. The late revenue laws enacted during the Spanish war decided this point, when it was expressly stated that for the purposes of taxation, in computing capital, surplus must be included.

In some States trust companies and banking institutions, incorporated under State laws, are required to pay a tax, not only on the capital, but on the surplus and undivided profits as well; and in other States (amongst others Pennsylvania) the tax is based upon the market value of the stock, which is enhanced and usually fixed by the par value of the stock, its surplus and undivided profits. If surplus shall bear the burdens of taxation, it should certainly also, on the contrary, be allowed to enjoy some of the advantages which are by law granted and accorded to capital. May I ask, Which bank has the greater strength, credit, and confidence in the community, the one capitalized at $500,000, with a surplus of $1,000,000, or the one with a capitalization of $1,500,000, without a surplus? It goes without saying, the former with a large surplus.

The exigencies and opportunities of business at this time are such that the restriction of the present law is onerous; and, as I have indicated, frequently harmful to the bank's best interests. It is a restriction which in the past has not always been observed. The Comptroller of the Currency says that a very large number of excess loans have been reported, but that there is no way of punishing a bank which so offends except by taking away its charter. Manifestly this would be a punishment out of all proportion to the offense, and it is no wonder the Comptroller considers its application unadvisable.

At this point I desire to use the language and sentiment of Mr. F. H. Skelding, president of the First National Bank of Pittsburg, with a capital of $1,000,000 and a surplus of $2,400,000, in a communication addressed to me on this subject, and in which he granted me the liberty to make use of his letter in connection with the proposed legislation as my judgment might dictate. He says:

> Bank officers should be the best judges of the amount of credit to extend to their customers, and a strong bank with a large surplus should not be hampered in its operations regarding the amount of money which it may lend to a single borrower by the rule which applies to banks possessing no surplus whatever.
>
> It is far better to have a law which is not onerous, and which can and should be enforced, than the present one, which is constantly being broken or ignored, the punishment for which is so out of proportion to the transgression that the authorities do not attempt to enforce it.

The president of the Fourth National Bank of Cincinnati, Ohio, says:

> By reason of changes in all lines of business a change (referring to limitation of loans) is almost imperative.

It would seem, as the Comptroller said in substance, if it is safe for a bank with $200,000 capital and no surplus to loan $20,000, it should be equally safe for one with $75,000 capital and $125,000 surplus to loan an equal amount of $20,000.

State banks, savings institutions, trust companies, and insurance companies, with their banking methods, have in late years become potent, progressive, and popular rivals or competitors of national banks. The expansion and enlargement of the business of State banks and trust companies has been marvelous, and has increased to unexpected and immense proportions. Their business and number has to a great extent overlapped the business and number of national banks in the United States, as is shown by the following figures:

On or about June 30, 1905, there were in the United States 14,242 State banks and trust companies, with a capitalization of $748,263,149, and deposits aggregating $8,002,662,822.

Mr. GOULDEN. Mr. Chairman, I wish to know, as the gentleman is so very familiar with this subject, whether or not the laws governing and regulating State banks and trust companies are inadequate, and whether or not they have entirely too much authority in the financial world?

Mr. KLINE. To that interrogatory or question, I reply that that is not a matter for Federal legislation. The legislatures of the several States should legislate concerning that subject; and if I was a member of a State legislature and a question of a similar character were to come up, I would put the same limitation upon the rights and powers of trust companies, State banks, and savings institutions, upon this subject, that I am asking for to-day, so far as national banks are concerned.

Mr. GOULDEN. Thank you. Mr. Chairman, I asked the gentleman this question because I wanted his opinion, and because it coincides with mine and is sound.

Mr. KLINE. The following comparatively indicates the deposits of all banks, State and national, at the periods indicated:

| | |
|---|---|
| **1890.** | |
| National banks | $1,521,745,665 |
| Savings banks | 1,524,844,506 |
| State banks | 553,054,584 |
| Loan and trust companies | 336,456,492 |
| Private banks | 99,521,667 |
| **1895.** | |
| National banks | $1,736,022,007 |
| Savings banks | 1,810,597,023 |
| State banks | 712,410,423 |
| Loan and trust companies | 546,652,657 |
| Private banks | 81,824,932 |
| **1900.** | |
| National banks | $2,458,092,758 |
| Savings banks | 2,449,547,885 |
| State banks | 1,266,735,282 |
| Loan and trust companies | 1,028,232,407 |
| Private banks | 96,206,049 |
| **1903.** | |
| National banks | $3,200,993,509 |
| Savings banks | 2,935,204,845 |
| State banks | 1,814,570,163 |
| Loan and trust companies | 1,589,398,796 |
| Private banks | 133,217,990 |
| **June 30, 1905.** | |
| National banks | $3,783,658,494 |
| All State banks, including trust companies | 8,002,662,822 |

State banks and trust companies have numerous advantages and opportunities not possessed by national banks. Trust companies are enabled to engage in almost every class of business, namely, the administration of trust estates; they may become registrars of stock, trustees in corporate mortgages, sureties in nearly all cases where bail is required under State laws; they may become guardians, trustees, executors, and administrators, may make loans on judgments, mortgages, and other securities, and may engage in innumerable other kinds of business which national banks are not permitted to transact; they may make loans unlimited in amount, and are only limited in loans made to the directors or officers of the institution, and therefore, by reason of their extensive powers and facilities, have better opportunities for making profit for the stockholders and accommodating their customers.

The only advantages that national banks now have not possessed by State institutions are that they are enabled to secure circulation and Government deposits upon depositing Government bonds, under the restrictions, limitations, and rules enforcible by the national banking laws. The modes of examination and supervision governing State banks and national banks are almost identical, except that the former make their reports to and are examined by the banking department of the State, and the latter make their reports to and are examined by and through the Comptroller of the Currency. By reason of the superior advantages and opportunities possessed by State banks and trust companies, as heretofore indicated, a large number of national banks have wound up their business and had themselves incorporated under State laws. On January 29, 1906, 5,911 national banks were in operation. In all, 8,050 banks were organized. Of this number, 443 have become insolvent and 1,696 have gone into liquidation.

Inasmuch as there is no limitation of loans made by State institutions, except loans made to its directors and officers, the limitations of loans by national banks should be enlarged, as provided by the legislation proposed, and by the enlargement of this power national banks would have similar opportunities to make loans as those now possessed by banking institutions incorporated under State laws.

It has been suggested, however, by some that the authority to loan to the extent of 10 per cent on the surplus fund should be limited to so much of the surplus fund, equivalent to the amount of the capital stock actually paid in, so that the total liabilities shall in no event exceed 20 per cent of the capital stock. This may be a wise limitation, and the reason suggested for this restriction is that national banks might incorporate with a small capital and create a large surplus fund, much larger than the capital stock, whereby the security of the depositors and creditors of the bank would be impaired, and the interests of that class of people might become jeopardized.

If the legislation contemplated should be enacted into law, national banks should also be compelled strictly to comply with the law. Under existing law, banks making loans beyond the 10 per cent limitation can only be disciplined through the Comptroller of the Currency, through the institution of a suit, or proceedings for the forfeiture of the charter. For a violation of the provisions of the national-banking act on this subject there is now no penalty but death to the corporation if the Comptroller chooses to enforce the remedy. He is not the original violator of the law. It is the board of directors and officers of the bank that violate the law when they transcend their authority and not the Comptroller of the Currency, and an amendment to this contemplated legislation, or existing law, making the directors and officers of the bank offending guilty of a misdemeanor, triable in the district court of the United States and punishable by fine or some other proper penalty, would be a wise provision and a proper safeguard for the protection of both the stockholders and depositors of the institution.

I am heartily in favor of the proposed legislation. Without exception, the national banks of the country favor it. This limitation of loans by national banks should be enlarged in order that they may accommodate their customers. They should have privileges similar to those now possessed by savings banks and trust companies, so that they may no longer be hampered by existing restrictions, and that they may be enabled to compete for business on an equal basis with financial institutions incorporated under State laws. Their surplus is as sacred as their capital stock, and the limitations now existing should be removed and enlarged, as contemplated by the several bills introduced on this subject.

I ask permission that Abstract of Reports of Condition of National Banks, No. 47, made and prepared by the Comptroller of the Currency and issued as of February 24, 1906, be inserted in the RECORD at this point as a part of my remarks.

The matter referred to is as follows:

[Abstract of reports of condition of national banks—No. 47.]

*Abstract of reports of condition of national banks in the United States on March 14, May 29, August 25, November 9, 1905, and January 29, 1906.*

| | Mar. 14, 1905—5,587 banks. | May 29, 1905—5,668 banks. | Aug. 25, 1905—5,757 banks. | Nov. 9, 1905—5,833 banks. | Jan. 29, 1906—5,911 banks. |
|---|---|---|---|---|---|
| **RESOURCES.** | | | | | |
| Loans and discounts | $3,851,858,472.90 | $3,899,170,328.32 | $3,998,509,152.62 | $4,016,735,497.99 | $4,071,041,164.84 |
| Overdrafts | 36,375,221.89 | 30,367,466.35 | 29,905,633.72 | 54,473,855.67 | 47,256,537.93 |
| U. S. bonds to secure circulation | 440,80[illegible],640.00 | 457,502,540.00 | 477,592,630.00 | 493,679,340.00 | 505,723,560.00 |
| U. S. bonds to secure U. S. deposits | 95,855,800.00 | 74,289,450.00 | 61,847,570.00 | 57,559,800.00 | 57,825,380.00 |
| Other bonds to secure U. S. deposits | 4,349,410.00 | 7,526,101.20 | 6,308,131.28 | 7,623,416.01 | 7,172,769.81 |
| U. S. bonds on hand | 17,558,850.00 | 16,108,500.00 | 12,041,410.00 | 10,536,940.00 | 9,352,380.00 |
| Premiums on U. S. bonds | 15,030,722.49 | 14,490,434.62 | 14,375,131.51 | 13,726,692.03 | 12,913,510.59 |
| Bonds, securities, etc | 642,778,943.25 | 669,545,598.84 | 667,177,767.76 | 657,943,673.32 | 652,443,986.45 |
| Banking house, furniture, and fixtures | 128,144,430.56 | 130,006,135.39 | 132,987,384.56 | 136,006,309.64 | 138,564,972.90 |
| Other real estate owned | 20,519,501.27 | 20,154,800.77 | 19,926,274.48 | 20,487,751.57 | 20,661,526.19 |
| Due from national banks | 329,177,405.92 | 332,143,552.94 | 320,743,427.49 | 348,417,657.89 | 342,446,563.53 |
| Due from State banks and bankers, etc | 123,445,301.66 | 112,388,835.07 | 113,466,291.74 | 124,998,489.03 | 123,398,688.23 |
| Due from approved reserve agents | 594,094,119.63 | 562,495,160.15 | 605,464,479.80 | 569,121,818.42 | 598,697,066.12 |
| Checks and other cash items | 25,260,772.64 | 28,111,820.50 | 23,031,600.43 | 28,260,936.52 | 30,035,519.81 |
| Exchanges for clearing house | 287,122,185.75 | 267,856,167.53 | 265,080,927.79 | 340,428,162.01 | 421,600,088.30 |
| Bills of other national banks | 27,515,271.00 | 28,824,161.00 | 29,182,653.00 | 31,183,857.00 | 30,595,424.00 |
| Fractional currency, nickels, and cents | 1,854,387.26 | 1,798,508.32 | 1,859,804.33 | 1,817,487.94 | 2,102,096.56 |
| Specie | 483,249,060.39 | 479,635,070.78 | 495,479,452.93 | 460,934,467.89 | 492,568,374.74 |
| Legal-tender notes | 157,904,573.00 | 169,629,979.00 | 170,073,847.00 | 161,157,612.00 | 175,734,915.00 |
| Five-per-cent redemption fund | 21,460,689.87 | 22,208,658.63 | 23,280,126.70 | 24,047,836.69 | 24,721,911.93 |
| Due from Treasurer of United States | 3,771,926.68 | 3,552,605.27 | 4,017,141.50 | 3,927,131.93 | 4,069,606.59 |
| Total | 7,308,127,686.16 | 7,327,805,874.68 | 7,472,350,878.64 | 7,563,155,823.55 | 7,769,826,583.52 |
| **LIABILITIES.** | | | | | |
| Capital stock paid in | 782,487,884.67 | 791,567,231.32 | 799,870,229.00 | 808,328,658.00 | 814,987,743.00 |
| Surplus fund | 408,888,534.08 | 413,436,145.71 | 417,757,591.42 | 420,785,055.00 | 442,590,192.69 |
| Undivided profits, less expenses and taxes | 194,667,181.00 | 201,855,091.02 | 202,536,366.23 | 212,371,042.49 | 193,779,046.37 |
| National-bank notes outstanding | 430,955,178.50 | 445,455,717.50 | 468,979,788.50 | 485,521,670.50 | 498,238,538.00 |

*Abstract of reports of condition of national banks in the United States on March 14, May 29, August 25, November 9, 1905, and January 29, 1906*—Continued.

| | Mar. 14, 1905—5,587 banks. | May 29, 1905—5,668 banks. | Aug. 25, 1905—5,757 banks. | Nov. 9, 1905—5,833 banks. | Jan. 29, 1906—5,912 banks. |
|---|---|---|---|---|---|
| LIABILITIES—continued. | | | | | |
| State-bank notes outstanding | $40,344.50 | $30,973.50 | $30,972.50 | $30,972.50 | $30,973.50 |
| Due to other national banks | 812,378,655.55 | 790,421,572.98 | 832,078,395.74 | 777,165,729.63 | 825,732,807.01 |
| Due to State banks and bankers | 318,788,438.81 | 325,349,412.83 | 354,253,517.22 | 348,631,097.97 | 364,221,046.34 |
| Due to trust companies and savings banks | 386,543,992.20 | 393,825,032.79 | 404,183,168.12 | 339,112,588.75 | 368,223,878.59 |
| Due to approved reserve agents | 37,916,423.26 | 37,572,634.34 | 34,362,500.71 | 39,127,292.53 | 37,316,988.52 |
| Dividends unpaid | 915,406.78 | 1,328,776.08 | 993,490.14 | 1,770,894.60 | 1,861,847.86 |
| Individual deposits | 3,777,474,006.12 | 3,783,658,494.42 | 3,820,681,713.23 | 3,989,522,834.51 | 4,088,420,135.60 |
| U. S. deposits | 84,705,235.83 | 65,570,520.69 | 52,351,688.22 | 51,600,587.23 | 52,207,533.07 |
| Deposits of U. S. disbursing officers | 8,517,157.53 | 9,727,823.57 | 9,738,611.35 | 9,685,067.89 | 9,809,358.44 |
| Bonds borrowed | 34,819,906.69 | 34,886,467.43 | 38,485,468.75 | 36,590,097.50 | 37,396,386.12 |
| Notes and bills rediscounted | 6,092,005.30 | 5,590,563.75 | 6,911,508.71 | 7,369,244.45 | 5,103,174.63 |
| Bills payable | 16,911,531.59 | 21,573,416.52 | 23,181,411.02 | 28,497,673.59 | 21,514,855.84 |
| Reserved for taxes | | | 2,360,697.34 | 2,684,200.47 | 1,382,784.47 |
| Liabilities other than those above | 6,025,803.75 | 5,956,000.23 | 3,593,760.44 | 4,361,115.94 | 7,069,496.47 |
| Total | 7,308,127,686.16 | 7,327,805,874.68 | 7,472,350,878.64 | 7,563,155,823.55 | 7,769,826,583.52 |

*Number of national banks organized, insolvent, in voluntary liquidation, and in operation on January 29, 1906.*

| States. | Organized. | Insolvent. | In liquidation. | In operation. |
|---|---|---|---|---|
| Maine | 107 | | 25 | 82 |
| New Hampshire | 68 | 4 | 8 | 56 |
| Vermont | 73 | 7 | 16 | 50 |
| Massachusetts | 305 | 11 | 83 | 211 |
| Rhode Island | 65 | | 40 | 25 |
| Connecticut | 104 | 4 | 21 | 79 |
| Total, New England States | 722 | 26 | 193 | 503 |
| New York | 581 | 44 | 155 | 382 |
| New Jersey | 165 | 7 | 16 | 142 |
| Pennsylvania | 804 | 26 | 95 | 683 |
| Delaware | 24 | | | 24 |
| Maryland | 100 | 1 | 9 | 90 |
| District of Columbia | 22 | 3 | 6 | 13 |
| Total, Eastern States | 1,696 | 81 | 281 | 1,334 |
| Virginia | 109 | 6 | 16 | 87 |
| West Virginia | 93 | | 13 | 80 |
| North Carolina | 63 | 4 | 9 | 50 |
| South Carolina | 33 | 1 | 7 | 25 |
| Georgia | 93 | 6 | 14 | 73 |
| Florida | 47 | 8 | 4 | 35 |
| Alabama | 96 | 7 | 15 | 74 |
| Mississippi | 32 | 2 | 6 | 24 |
| Louisiana | 51 | 6 | 10 | 35 |
| Texas | 541 | 28 | 96 | 457 |
| Arkansas | 39 | 4 | 5 | 30 |
| Kentucky | 170 | 5 | 37 | 128 |
| Tennessee | 108 | 7 | 31 | 70 |
| Total, Southern States | 1,515 | 84 | 263 | 1,168 |
| Ohio | 523 | 20 | 154 | 349 |
| Indiana | 291 | 14 | 76 | 201 |
| Illinois | 470 | 20 | 95 | 355 |
| Michigan | 190 | 14 | 88 | 88 |
| Wisconsin | 171 | 5 | 49 | 117 |
| Minnesota | 284 | 8 | 41 | 235 |
| Iowa | 378 | 13 | 79 | 286 |
| Missouri | 180 | 11 | 62 | 107 |
| Total, Middle States | 2,487 | 105 | 644 | 1,738 |
| North Dakota | 128 | 13 | 9 | 106 |
| South Dakota | 104 | 9 | 20 | 75 |
| Nebraska | 241 | 20 | 56 | 165 |
| Kansas | 300 | 35 | 90 | 175 |
| Montana | 54 | 10 | 14 | 30 |
| Wyoming | 25 | 2 | 3 | 20 |
| Colorado | 114 | 9 | 24 | 81 |
| New Mexico | 33 | 4 | 6 | 23 |
| Oklahoma | 118 | 6 | 11 | 101 |
| Indian Territory | 146 | 1 | 5 | 140 |
| Total, Western States | 1,263 | 109 | 238 | 916 |
| Washington | 93 | 23 | 34 | 36 |
| Oregon | 63 | 6 | 12 | 45 |
| California | 125 | 6 | 15 | 104 |
| Idaho | 35 | 1 | 6 | 28 |
| Utah | 24 | 1 | 6 | 17 |
| Nevada | 6 | 1 | 1 | 4 |
| Arizona | 16 | | 3 | 13 |
| Alaska | 2 | | | 2 |
| Total, Pacific States | 364 | 38 | 77 | 249 |
| Hawaii | 2 | | | 2 |
| Porto Rico | 1 | | | 1 |
| Total, island possessions | 3 | | | 3 |
| Total, United States | 8,050 | 443 | 1,696 | 5,911 |

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and Mr. BUTLER of Pennsylvania having taken the chair as Speaker pro tempore, a message in writing from the President of the United States was communicated to the House of Representatives by Mr. BARNES, one of his secretaries, who also informed the House that the President had approved and signed bills of the following titles:

On March 5, 1906:

H. R. 13308. An act to authorize the construction of a bridge across the Arkansas River at Pine Bluff; and

H. R. 13365. An act to amend an act entitled "An act authorizing the Kensington and Eastern Railroad Company to construct a bridge across the Calumet River," approved February 7, 1905.

On March 6, 1906:

H. R. 297. An act to authorize the construction of dams and power stations on the Tennessee River at Muscle Shoals, Alabama; and

H. R. 10067. An act authorizing the disposition of surplus and allotted lands on the Yakima Indian Reservation, in the State of Washington, which can be irrigated under the act of Congress approved June 17, 1902, known as the "reclamation act," and for other purposes.

INDIAN APPROPRIATION BILL.

The committee resumed its session.

Mr. STEPHENS of Texas. Mr. Chairman, I yield an hour to the gentleman from Georgia [Mr. BRANTLEY].

Mr. BRANTLEY. Mr. Chairman, I desire to discuss some of the reasons assigned for the passage of the bill (H. R. 5281) to remove discriminations against American sailing vessels in the coasting trade and to urge upon the serious attention of the House some of the many objections against its passage. It presents no new question, because for the past twenty-five or thirty years, or longer, this same bill, or in substance the same, has been regularly presented in each Congress and has as regularly met a just and righteous defeat. There is not very much that is new that can be said either for or against it, for the argument has been thrashed out time and again. The continuous and persistent refusal of Congress, however, for all these years to enact it into law furnishes very strong presumptive evidence in support of the claim now made that it is unwise, unjust, unfair, and productive only of harm, if sanctioned by the Congress.

DISCRIMINATIONS.

That occasional instances of unfairness and of discriminations have sometimes occurred in the administration of some of the State laws on pilotage I will not undertake to deny. The charge has been made that such discriminations have been practiced, and as I know nothing of the facts upon which any specific charge is made I can not discuss them. I submit, however, that such occasional discriminations, if they do occur, furnish no argument in favor of the passage of this bill. They are not germane to the real question Congress has to determine before it can pass this bill. I maintain, in the first place, that the pilotage laws of the several States, as a rule, are fair and just, and if they are violated or improperly executed there is a complete remedy within the State. Some specific complaint has been made as to pilotage charges at Gulfport, Miss., and I see in the newspapers that this week a committee was appointed by the Mississippi legislature to investigate these charges. If overcharges or discriminations exist there, the Mississippi legislature has full power to provide a remedy, and I have no doubt will do so.

I maintain, in the second place, that if any State should undertake to enact or enforce any pilotage law discriminating against the vessels of other States in favor of its own vessels engaged in interstate commerce, such law would be void and would be so held by all the courts of the country. It is a fun-

damental rule, long since declared by the Supreme Court of the United States, that one State can not discriminate against another State in its own favor in matters of commerce. And more than this, the Congress of the United States, in 1866, passed a law on this very subject, and the same is now found in section 4237 of the Revised Statutes, as follows:

No regulations or provisions shall be adopted by any State which shall make any discrimination in the rate of pilotage, or half pilotage, between vessels sailing between the ports of different States, or any discrimination against vessels propelled in whole or in part by steam, or against national vessels of the United States; and all existing regulations or provisions making any such discriminations are annulled and abrogated.

No State can violate this law or enact laws of its own in conflict therewith. It follows, therefore, that if any discriminations are or should be practiced by any State in the matter of its pilotage laws or their enforcement the remedy is ample and complete in the courts of that State and the courts of the United States. It also follows that such discriminations, if they now or shall hereafter exist, furnish no justification or excuse for the passage of the pending bill. Because crimes of all sorts are committed in a State furnishes no argument in favor of taking away from that State all power to punish crimes.

The majority of the committee, in their report favoring the bill, cite as an argument in favor of its passage a law of the State of South Carolina which, it is alleged, discriminates in favor of South Carolina vessels. It is not an open question that a law making such discrimination is unconstitutional. The old pilotage law of Georgia contained such a discrimination, and, upon appeal being made to the courts, the supreme court of Georgia declared it unconstitutional. The case came to the Supreme Court of the United States, and is reported in 118 United States, page 90; and this court likewise held the discriminating law unconstitutional and void. A later case is reported in 195 United States, 332. The Texas pilotage laws discriminated in favor of Texas ships. The courts of Texas held the discriminating clauses in the law to be void, and the Supreme Court concurred in this view. The opinion of the court in this case is quoted from by the majority of the committee in a way to indicate a suggestion from the court that Congress should legislate on this subject. The court expressly refused to make any such suggestion. The court disposed of the argument that the Texas pilotage laws were in violation of the fourteenth amendment and in violation of the antitrust laws, and said there could be no unlawful monopoly in any case where the chosen officers of a State performed a duty imposed upon them by law, and that all such argument was merely argument against national or State regulation of pilots. The court then said:

When the propositions just referred to are considered in their ultimate aspect, they amount simply to the contention, not that the Texas laws are void for want of power, but that they are unwise. If an analysis of these laws justified such a conclusion—*which we do not at all imply is the case*—the remedy is in Congress, in whom the ultimate authority on the subject is vested, and can not be judicially afforded by denying the power of the State to exercise its authority over a subject concerning which it has plenary power until Congress has seen fit to act in the premises.

The real question to be here considered is whether this bill, under the guise of removing discriminations, does not, in truth and in fact, impose a discrimination far more serious in its effect and consequences than the alleged discriminations sought to be removed. That this is its purpose and will be its effect, is clearly shown by its slightest consideration.

THE PRESENT LAW.

The First Congress, that assembled in 1789, enacted what is now known as section 4235 of the Revised Statutes, to wit:

Until further provision is made by Congress, all pilots in the bays, inlets, rivers, harbors, and ports of the United States shall continue to be regulated in conformity with the existing laws of the States respectively wherein such pilots may be, or with such laws as the States may enact for the purpose.

From the time of the first Congress until the time of the Fifty-ninth Congress, now in session, this has been the law. In the very beginning of our Government, in the wisdom of its founders, it was deemed wise and best, owing to the varying conditions existing in the different States and at the different ports of the country, to leave each State free to enact such pilotage laws as it might deem best suited to build up and maintain and protect its own commerce. It was realized that if Congress undertook to provide a uniform pilotage system for all the States, such a system, while it might be wise and helpful to one State, would be most injurious to another, and that under the operation of a uniform rule the ports of one State would flourish while the ports of another would suffer, and that in this way the operation of a uniform rule would result in Congress directly discriminating in favor of one State as against another, contrary to the fundamental principle upon which the Government was founded.

The wisdom of the policy inaugurated by the fathers of this country has been upheld and sustained time and again by the Supreme Court of the United States, and has further been sustained by every Congress which has met since the Government was founded in the steadfast refusal of each succeeding Congress to change it.

The Supreme Court, in the case of Cooley *v.* Port Wardens (12 Howard, 399), said:

The act of 1789 contains a clear and authoritative declaration by the first Congress that the nature of this subject (pilotage) is such that until Congress shall find it necessary to exert its power it should be left to the legislatures of the States; *that it is local and not national; that it is likely to be best provided for not by one system or plan of regulations, but by as many as the legislative discretion of the several States shall deem applicable to the local peculiarities of the ports within their limits.*

Under this policy the various States have adopted and maintained such systems of pilotage as to them have appeared best to meet their needs. Some of the States, and perhaps the most of them, have, in the course of time, found themselves able to maintain a pilotage system without requiring compulsory fees to be paid by coastwise vessels. Many of them have found that in the development of their foreign trade they were able to maintain their pilotage system by compulsory pilotage fees only from all foreign vessels. Some of them, I believe, perhaps a very few, have abolished compulsory pilotage upon all vessels. The important fact to bear in mind, however, is that each State has enacted such laws as it thought best suited to its interest. Each State has been guided by its own judgment as to what was best for the development and maintenance and protection of its commerce. We now have presented the proposition that this free choice of policy so long exercised by all the States shall be denied to such of the States as have not seen proper or have not been able to follow the policy adopted by other States.

This bill can not affect such States as have already abolished, of their own accord, compulsory pilotage upon coastwise sailing vessels. It is aimed solely at those States that have not abolished such compulsory pilotage. It is, therefore, a discrimination of the rankest sort and of the most fundamental character, for it is a discrimination against sovereign States. It compels certain States to do that which other States have voluntarily done. It denies to certain States the free choice of policy that the other States have enjoyed. It requires by compulsion certain States to do away with compulsory pilotage on coastwise sailing vessels, and it does this utterly without inquiry into and without regard to the question as to whether or not these States so discriminated against would be able thereafter to maintain a pilotage system at all.

Mr. GOULDEN. Mr. Chairman, I desire to ask the gentleman from Georgia whether it is not the purpose of those States for which he is now speaking to abolish as rapidly as possible the compulsory pilotage system now there?

Mr. BRANTLEY. Undoubtedly they will do it just as rapidly as they can and maintain and protect their commerce.

Mr. GOULDEN. The gentleman is aware that Wilmington Harbor, Delaware, has been released from compulsory pilotage. And that is the purpose in all the States for which the gentleman is speaking, in regard to the compulsory pilotage system.

Mr. BRANTLEY. Undoubtedly it is the purpose, as it is to the real interest of every State, to do away with compulsory pilotage and to lighten and lift every burden upon its commerce just as quickly as it can do so consistently with the safety and protection of that commerce. If the States against which this bill is aimed, or any of them, have not succeeded in building up sufficient foreign trade to maintain a system of pilotage, it necessarily follows that the system or systems now existing within them will be abolished or become ineffective—if this bill passes—with no means of providing another system by any method heretofore or now known of maintaining a pilotage system. The bill, therefore, whatever may be the purpose or motive behind it, if enacted into law, will impose a most serious and unjust discrimination against certain States of the Union.

STEAMERS.

In 1871 Congress enacted quite a lengthy law in reference to inspection of steamboats, and included within it a provision relieving vessels propelled by steam and engaged in the coasting trade from the operation of the compulsory pilotage laws of the States. From that day until this the contention has been made that sailing vessels engaged in the coasting trade are discriminated against in favor of steamers, and the purpose of this bill, as of all similar bills on the subject, has been ostensibly to remove this alleged discrimination. It has never seemed to occur to the advocates of this bill that the just and proper remedy for the alleged discrimination about which they complain would be to repeal the act of 1871, so as to place steamers and

sailing vessels upon the same footing as to pilotage. This method of removing the alleged discrimination would be fair to all the States and to all the interests involved. It would leave each State free to impose such pilotage fees as it thought wise, and would divide the burden of maintaining a pilotage system between the steamers and the sailing vessels, and would, no doubt, result in the diminution of pilotage fees generally. This method of removing the alleged discrimination, however, is not popular with the advocates of the proposed bill, and for the reason that what the advocates of the bill really desire is not the removal of a discrimination, but the saving of pilotage fees.

Mr. GOULDEN. Will the gentleman allow me an interruption?

Mr. BRANTLEY. Yes, sir.

Mr. GOULDEN. Is not the gentleman aware that the sailing vessel is an entirely different proposition from the steam vessel; that sailing vessels make few trips yearly to the various ports, and therefore the masters are not familiar with these ports, whereas the steamships are usually regular visitors, and they have aboard of them mates and captains who thoroughly understand the channels? Therefore you can exempt steam vessels where you can not exempt sailing vessels?

Mr. BRANTLEY. I will say to the gentleman that I live in a seaport and have some little familiarity with shipping, and that identical proposition I propose to discuss in my remarks. Certain vessel owners, in order to increase their profits, are willing to take the chance of losing property and imperiling life by doing away with pilots everywhere. They boldly declare before the committee that they do not need them. Only certain vessel owners, however, take this position, and as against their view there appears in the hearings of the committee a multitude of protests from masters of vessels, underwriters, commercial organizations, labor organizations, health officials, and various bodies and persons, all connected with the commercial world, protesting against the passage of this bill.

I can not undertake to say what the purpose of Congress was in relieving steam vessels from the operation of State compulsory pilotage. It may have been to encourage the steamboat industry, or it may have been for some other purpose. The purpose is not revealed in the debate on the act of 1871. The fact that the very lengthy bill at that time enacted contained a provision relieving steam vessels from compulsory pilotage does not appear to have been referred to at all in the debate. Attention does not seem to have been directed to it, so that we are in ignorance as to the purpose that was in the mind of the Congress at the time.

All men know, however, that sailing vessels stand in much greater need of pilots than do steam vessels. Steamers engaged in the coasting trade, as a rule, make regular trips at close intervals from port to port, and their masters become familiar with the entrance into these ports. The speed and direction of a steamer is always under control and it can feel its way cautiously through an unknown channel, while the sailing vessel visits the ports less frequently and is largely at the mercy of the wind and the waves and can not feel its way. But, more than all this, there is no real competition between a sailing vessel and a steamer in the matter of freights. Where certainty as to the time of delivery and promptness as to delivery are required, the steamer is and always will be given the choice, regardless of what the rate of freight may be, but with all freight where promptness of delivery and certainty as to time are not required it is impossible for a steamer to compete with a sailing vessel in the matter of freight charges. The sailing vessel has no fuel to buy or to carry. The space that would be devoted to fuel and to machinery is carrying space. No engineers and firemen are required, and the operating expenses of the sailing vessel are far less than those of the steamer. When people are in a hurry to have their goods delivered the sailing vessel has never and never will be able to compete with the steamer, and the situation in this respect would not be changed in any particular by the abolishment of all pilotage laws in the United States.

Mr. GOULDEN. Will the gentleman permit a statement right here?

Mr. BRANTLEY. Yes, sir.

Mr. GOULDEN. The sailing vessels not only require this pilotage system for their own protection, but they require it for the protection of all craft on the river. They are a danger and a menace to steam vessels and all others, because they are not able to go directly in and out of your channels. I would ask the gentleman, living, as he does, at a seaport, if that is not true?

Mr. BRANTLEY. That is true; and I am glad the gentleman made the statement.

PETITIONS FROM SHIPPERS.

It is rather an interesting fact that quite a number of shippers of lumber and other products in some of the States to be affected by the pending bill have telegraphed and written, as appears in the report of the committee favoring the bill, urging that this proposed legislation be enacted. Exactly how it is to benefit them will not appear if consideration is given to the testimony of Mr. Pendleton, a sailing-vessel owner and the chief advocate of the bill. I find on page 57 of the report of the committee his statements as to the earnings of certain vessels. He admits that the low earnings of these vessels is exceptional. He reports the case of a vessel loaded at Norfolk that only netted the owners $90.67 on the voyage. He reports the case of another vessel out of which the owners only received net $312 for the voyage. He reports the case of another vessel, loaded at Charleston, where the owners only received $116.32 as the net earnings of the voyage. His plea is that these vessels ought to earn more money, and that but for compulsory pilotage they would have earned, in addition to the amounts above quoted, in the case of one vessel, $270.40; in the case of another vessel, $173.22, and in the case of the other vessel $179. His purpose in urging the passage of the pending bill is to save pilotage fees to the vessels and thereby increase their earnings. The question naturally arises, If the vessels are to be the beneficiaries of the saving of pilotage fees, how are the shippers to be benefited? He makes no plea for shippers, but pleads always and all the time for vessel owners. The purpose of this bill is not to help shippers. Its purpose is revealed in its title. It is to remove discriminations, not against shippers, but against sailing vessels.

Mr. GOULDEN. Before leaving that, I would like to ask the gentleman now, inasmuch as he is quoting from a large shipowner, whether he has a full list of all of his sailing vessels, and thus is able to strike an average of profit upon each one of them. He has simply given a few of them, as I understand it, and has not given the total list of vessels. He may have made a large profit on many of those vessels, and there should be a just average struck, so that we might know whether or not that trade is a paying one to the owner of the ship.

Mr. BRANTLEY. I have not the full list; but I stated that Mr. Pendleton admitted that the figures given by him were exceptionally low earnings as to the particular vessels. As a matter of fact, his business is profitable, evidenced by the fact of his statement that he is the owner of 100 of these vessels, and it must be evident that he does not own them because they are unprofitable, but because they are profitable.

Mr. GOULDEN. That is what I desired to do—to bring out that point.

Mr. BRANTLEY. There is a more important feature, however, in connection with the shippers that deserves consideration, and that is if the shippers in any State believe the pilotage laws of their State are onerous or burdensome upon commerce the State has full power to grant relief, and they should appeal to the State legislature and not to the Congress. The matter is one that has been within the power of the States to control ever since the Government was founded.

I do not speak against a revision of the pilotage laws in my State or in any other State. I do protest, however, against taking all power in the matter from the States and transferring it to the National Congress. The folly of stripping the States of power in the matter was forcibly stated in a speech delivered upon this floor in the Fifty-fourth Congress by the late Amos J. Cummings, then and always a gallant and eloquent defender not only of the pilots, but of the right of the States to regulate and maintain their own pilotage systems. He called attention to the fact that after over fifty years of compulsory pilotage the State of New York, in 1845, repealed all of its pilotage laws, and for eight years any person desiring to do so could lawfully act as a pilot; that at the expiration of these eight years the ship *New Era* appeared off the New Jersey coast with a load of immigrants from Antwerp, and that the captain, although hailed by a pilot, refused to take one. A tempest arose that night, and before daylight the ship was a total wreck. Hundreds of lives were lost. Four hundred and eight bodies drifted ashore and were buried in a huge grave on the site of what is now Asbury Park. Following this disaster the State of New York reenacted its pilotage laws.

So any State, under the law as it now stands, may experiment as much as it pleases with its pilotage laws. It may abolish them entirely, but if it finds as a result of that experiment that its commerce has declined, that lives have been lost and property has been destroyed, it will reenact them, so as to protect life and property and commerce. If this bill becomes a law, however, the Southern States, or the most of them, will find

their pilotage laws repealed for them, and no matter how great the necessity hereafter, they will be unable to reestablish them or to maintain a pilotage system of any degree of efficiency, for the reason that they have not sufficient foreign shipping with which to maintain them. There is no reason, therefore, why the people in any of these States should ask Congress to tie the hands of their State and make its legislature helpless to protect them in the future, no matter what conditions may arise.

Mr. SHERLEY. In that connection I would like to ask the gentleman if he has the various pilotage laws of the Southern States, and if he will put them into the RECORD in connection with his speech?

Mr. BRANTLEY. I will put into the RECORD the pilotage laws of my State, and I want to discuss those. I have not the pilotage laws of the various States.

Mr. SHERLEY. The reason I am asking the gentleman is that I have had some difficulty, without original examination of the different State laws, to get at their exact provisions, and I thought if he had them it would be of service to the House to put them in the RECORD.

Mr. BRANTLEY. I am sorry I have not got them, but I will put in the laws of my State.

Every State desires to build up its commerce. Every seaport desires to increase the number of ships visiting it. In order to build up commerce and to bring more ships it is necessary to make the burdens on commerce as light as possible. Every State knows this and every seaport knows it. In a sense each State is a competitor of all other States and each port is, in a sense, a competitor of all other ports. Both the States and the ports have every inducement to make pilotage charges and all other port charges as just and as reasonable and as low as they can be made with prudence and safety. It is perfect folly to say that in the State of Georgia 20 pilots in Savannah, 15 pilots in Brunswick, and a few other pilots at Darien and St. Marys can control and dominate the legislature of Georgia and prevent a reduction of pilotage charges, if the charges ought to be reduced or prevent a revision of the pilotage laws of the State if they ought to be revised. The people of Georgia know far better than does this Congress what regulations are necessary and best to build up their commerce and to make their ports flourish and grow. They not only know better what is best for them, but they have a local pride and a local interest that enables them to far more justly and energetically care for their commerce than Congress would or could possibly do. We have the power now in Georgia, in so far as our commerce may be affected by pilotage laws, to regulate and change these laws as our own good judgment may deem best. We have the power to remedy all evils and correct all wrongs and remove all discriminations that may be found to exist, and it seems a pitiful confession of weakness and incapacity for our people to come to Congress in this matter and, pleading our incompetency, ask that our hands be tied and that Congress enact our local legislation for us.

THE GEORGIA LAWS.

I can not discuss the various provisions of the different State pilotage laws, because I am not familiar with them, but I have before me the Georgia law on the subject and I do not think it amiss to call attention to it or, at least, to some of the more important features of it.

Beginning with code section 1651, the Georgia law authorizes the corporate authorities of Savannah, Darien, Brunswick, and St. Marys to appoint commissioners of pilotage. These commissioners license the pilots. They prescribe the fees, make rules for the government of the pilots, and provide penalties, and can deprive a pilot of his license for want of skillfulness or for neglect or carelessness, or for intoxication. Their power is not unlimited, however, in prescribing pilotage fees, for section 1655 provides:

> They shall from time to time hereafter, whenever necessary, revise and grade the existing pilotage fees, both inward and outward, on vessels drawing 17 feet or less, when loaded, so that said fees shall not exceed the average of the fees charged at the ports of Norfolk, Wilmington, Charleston, Port Royal, Beaufort, Fernandina, Pensacola, Appalachicola, Mobile, and New Orleans. They shall exempt vessels from the payment of pilotage fees, either inward or outward, *unless services are tendered outside the bar.*

The legislature placed this limitiation as to fees for the purpose of safeguarding the commerce of the ports of the State and preventing such excessive fees as would drive commerce from the ports of Georgia to the ports of other States where pilotage fees were less. The legislature also in this limitation provided that these commissioners could not allow fees unless the services of a pilot were tendered outside the bar. This was to compel the pilot to remain on the bar if he wished to earn anything. This same section of the Georgia Code also contains a provision of our law in reference to exempting certain vessels from the payment of pilotage fees by authorizing a license. This license provision is much criticised in the report of the committee favoring the pending bill. The provision is, as to the pilotage commissioners, and says:

> They shall allow vessels running coastwise under United States license to pay, after paying the inward pilotage for that trip, an annual license fee of 25 cents per registered ton, which shall belong to the pilot entitled to the inward pilotage fee, and the payment of said license fee shall exempt at that port said vessel for twelve months thereafter from compulsory employment of a pilot, either inward or outward, or payment therefor unless services of a pilot are accepted; licenses shall be renewed to vessels after having arrived in port, and if they approach the port after the expiration of a former license, the license shall be granted only after they have paid the inward pilotage for that trip, if service has been tendered outside the bar; and any vessel while in a port for which she has had a license, may, within ninety days after the expiration of that license make application for and on payment of the license fee shall receive a new license for twelve months from the date of the expiration of the old license.

Mr. GOULDEN. Will the gentleman permit a question?

Mr. BRANTLEY. Yes, sir.

Mr. GOULDEN. Does the gentleman regard the charges under the compulsory pilotage laws in the State of Georgia as too high or of moderate degree?

Mr. BRANTLEY. Our laws were enacted a number of years ago. At the time they were enacted all interests consented to them, and they were considered fair and just, and the charges established thereunder reasonable. Of course, it may be now that changed conditions may authorize a change in these laws, though upon the whole I think they are now considered reasonable. In this forum, however, I am not so much concerned about their reasonableness or unreasonableness as I am concerned over the proposition that Congress should undertake to revise them.

It should be observed that this license provision is not compulsory. No vessel has to procure a license. It is a concession to the vessel owner. It was enacted for the purpose of reducing the expense of pilotage. The commercial interests of the State brought it about. While it has the effect of reducing the earnings of the pilots, it does not have the effect of abolishing the pilots. It was not enacted in their interest, but solely in the interest of those who need their services. It is passing strange that this provision of law, directed against the earnings of the pilots, should now be used as an argument in favor of wiping them out altogether.

Mr. HUMPHREY of Washington. Mr. Chairman, if it will not interrupt the gentleman, I would like to ask him about granting licenses. It was stated before our committee that, taking the port of Norfolk, last December the pilots received on an average $980; that during that time they did not render any service whatever to the vessels. It is also further stated that last year the pilots at that same port received between $60,000 and $75,000 from sailing vessels, and that a pilot was never aboard a sailing vessel in fact for eighteen years.

Mr. BRANTLEY. What port is that?

Mr. HUMPHREY of Washington. The port of Norfolk, Va.

Mr. BRANTLEY. The pilots received this amount of money from coastwise sailing vessels?

Mr. HUMPHREY of Washington. Yes, sir; and I have never seen that statement disputed. It was made by a member of the committee to our committee, and if that is true, I would like to know what the gentleman's defense is for that condition of affairs.

Mr. BRANTLEY. I would state, in reply, that I know absolutely nothing of the facts in reference to the matter. I do not know whether they are true or not, but of one thing I am sure, and that is that the State of Virginia and no other State is going to tolerate such undue taxation of its commerce as will drive commerce away from it. If the laws of any State have the effect of driving commerce from that State, that State suffers more than any other part of this country suffers. I submit that each State should continue to enjoy the privilege that it has had ever since this Government was founded, to frame such laws in this connection as in its judgment will best build up and maintain its commerce. If the laws of the State are violated, there is ample provision to punish the violation. If indiscriminations exist, there is ample law to prevent discrimination.

Mr. SHERLEY. Mr. Chairman, in that connection I might suggest to the gentleman that the Northern States did have pilotage laws and did exercise the privilege of determining for themselves when the proper time had arrived for their abolition.

Mr. BRANTLEY. That is very true. I am very glad to have that statement go in. We simply ask now to be allowed to do what these States have done, and to abolish our compulsory pilotage laws when we think we can do so with safety.

Mr. HUMPHREY of Washington. As I understand, the gentleman's attitude is this: That if these facts exist, he does not

deny that they should be remedied, but if the States refuse to do that, then the nation should not interfere.

Mr. SHERLEY. If the gentleman will permit, I would like to answer the question. The assumption that the gentleman makes is one based upon disputed facts. The gentleman contends that the people of Virginia know more about the facts and are very much better able to determine the wisdom of their laws than people outside of the State of Virginia and that the remedy is with the Virginia legislature.

Mr. HUMPHREY of Washington. The gentleman forgets that I put in my hypothetical question "if the facts were as cited," that the pilots received an average of $980 a month for which they rendered no service, and that they received from sixty to seventy-five thousand dollars last year from sailing vessels for which they rendered no service, and I ask him, If the State would not legislate to correct this evil should not the nation do so?

Mr. SHERLEY. Bad cases make bad laws. Now, the gentleman wants us to take a suppositious statement of facts as being the facts and pass a general law that would punish some other State equally with Virginia.

Mr. BRANTLEY. I thank the gentleman from Kentucky for his statement. I would say further that if a State has pilotage laws that are burdensome upon the commerce of other States, it is one thing to substitute a better system. It is quite another thing for the National Government to abolish the system existing and provide no other in its stead, and at the same time leave the State helpless to do so. That is exactly what the pending bill does. But the Georgia law further provides that all vessels not exempt under the laws of the States or of the United States shall pay full pilotage fees inward and outward to "the first pilot who may have offered his services outside the bar and exhibited his license as a pilot if demanded by the master."

Code section 1664 provides:

> Every pilot boat cruising or standing out to sea must offer the services of a pilot to the vessel closest the bar unless a vessel more distant be in distress, under a penalty of $50 for each and every negligence or refusal either to approach the nearest vessel or to aid her if required, or to aid any vessel in sight showing signals of distress; and the commissioners, or a majority of them, may, for such negligence or refusal, deprive the pilot of his license.

The pilot can not select the vessel of the deepest draft so as to earn the largest fee, but must pilot the nearest vessel, and, regardless of his fees or his earnings, he must ever respond to a signal of distress.

In case a vessel or its cargo of freight is damaged through the negligence or default of a pilot and the damage is less than $100 the board of pilot commissioners have full power to require the payment of the damage. If the damage exceeds $100 the pilot is made specifically liable in the courts of the State for the full amount of the entire damage.

The assertion is made in the report of the majority of the committee that—

> If the State pilot, by reason of incompetency or negligence, causes injury to the vessel or causes her to be lost, he is not liable for the damage caused, and neither owner nor underwriter has any recourse but to accept the loss.

And this is given as an argument in favor of the bill. This statement does not apply to Georgia, for, as I have just stated, our pilots are made specifically liable for any damages caused by their carelessness or default, and, in addition, no man can be a pilot in Georgia without giving a bond in the sum of $2,000 for the faithful performance of his duties.

The pending bill proposes to authorize local inspectors of hulls and boilers of vessels to license local pilots, and proposes to authorize the pilot so licensed to take a vessel into any of the ports of this country, wholly regardless of whether or not he knows anything of the entrance into the port he seeks.

Mr. LITTLEFIELD. Mr. Chairman, I should like to inquire what bill the gentleman refers to in that remark?

Mr. BRANTLEY. No. 5281, I think, is the number of it.

Mr. LITTLEFIELD. Will you be kind enough to state again what you say it does?

Mr. BRANTLEY. It authorizes local inspectors to license pilots.

Mr. LITTLEFIELD. The State inspectors, you mean.

Mr. BRANTLEY. I am talking about the steamboat inspectors. They will license pilots under the bill.

Mr. LITTLEFIELD. Do you mean the United States inspectors or State inspectors?

Mr. BRANTLEY. The United States inspectors.

In Georgia no man can be a pilot or receive a certificate to act as a pilot until he has served as an apprentice two full years in a decked pilot boat on the bar for which he desires to be a pilot and gives satisfactory evidence of character and skill; and no certified pilot shall be entitled to additional authority until he has served eighteen months. Many years ago the Supreme Court of the United States recognized a fact that the friends of this bill appear to have lost sight of, and that is that there are more kinds of pilots than one. In a case in 2 Wallace, page 459, the court said:

> The term "pilots" is equally applicable to two classes of persons: To those whose employment is to guide vessels in and out of ports and to those who are intrusted with the management of the helm and the direction of the vessel on her voyage. To the first class, for the proper performance of their duties, a thorough knowledge of the port in which they are employed is essential, with its channels, currents, and tides, and its bars, shoals, and rocks, and the various fluctuations and changes to which it is subject. To the second class knowledge of an entirely different character is necessary.

The friends of this measure refuse to recognize this difference in pilots and assume that if a man is found competent to navigate and steer a ship he necessarily has knowledge of the entrance into all harbors in the country, and the bill proposes that inspectors who, perhaps, know nothing of the entrance into a certain harbor or across a certain bar, may license another man likewise knowing nothing of this entrance or bar, and authorize him thereby to pilot a ship across this bar and into this harbor. The people of Georgia have always felt that in order to preserve the fair fame of their ports as safe and protected ports, so as to bring commerce to them, it was absolutely essential to have pilots thoroughly familiar with the entrance into these ports to guide and conduct vessels therein. This bill, if enacted into law, nullifies the wise provisions of the Georgia law, disregards the wisdom of the Georgia lawmakers and the custom and practice of a century, and says, in effect, that knowledge of a bar and knowledge of a harbor are totally unnecessary to qualify a pilot to take a ship across such bar or into such harbor.

Mr. LITTLEFIELD. Does the gentleman mean that this would eliminate your local system?

Mr. BRANTLEY. Undoubtedly.

Mr. LITTLEFIELD. It does not have that effect at all. It simply says that where you do not take the services of the local system, you do not pay. That is all there is in substance to the bill.

Mr. BRANTLEY. I am discussing that question.

Mr. LITTLEFIELD. I wanted to see if the gentleman correctly apprehended the effect of the legislation.

Mr. BRANTLEY. I think I fully understand the purpose of the bill, and I understand also that unless we can have compulsory pilotage we can not maintain our pilotage system.

Mr. LITTLEFIELD. Indirectly, then, your proposition would be that it would have the result you state.

Mr. BRANTLEY. Oh, indirectly.

Mr. LITTLEFIELD. I beg your pardon. I thought you meant directly.

THE EVIL CONSEQUENCES OF THE BILL.

Mr. BRANTLEY. In the State of Georgia from 65 to 70 per cent of the vessels handled by pilots are domestic vessels. It is quite evident, therefore, that if these domestic vessels be relieved from pilotage fees there will not be enough vessels remaining to maintain a pilotage system. The argument is made, however, that no such result followed the exemption of coastwise steamers from compulsory pilotage and that no harm has resulted to the coastwise steamers. This suggestion presents no argument at all, and for the reason that pilotage systems have been continued notwithstanding the exemption granted steamers, and have been continued by reason of the help received from coastwise sailing vessels. Pilots have been on all the bars ready at all times to assist coastwise steamers when those steamers needed assistance, and the steamers have not therefore suffered. If coastwise steamers and coastwise sailing vessels, however, are both to be exempt from compulsory pilotage, what inducement will there be for the pilots to remain on the bar? The pending bill recognizes that pilots are sometimes necessary, and while providing for the exemption of coastwise sailing vessels from compulsory pilotage also provides that the fees charged for the pilotage of any vessel shall not exceed the customary or legally established rates in the State, thus providing for the protection of the coastwise sailing vessels in the matter of fees whenever they actually need a pilot. The question arises, however, if this bill becomes a law will there be a pilot on the bar to give protection when protection is needed?

This bill is very one sided in its provisions. It does not undertake to repeal any provisions of any State law that is compulsory on pilots. If the States insist upon it the pilots will still be required to purchase and maintain at their own expense their pilot boats and to remain at their posts in fair weather and in foul. They will still be required to tender their services outside the bar. All the apprenticeship, all the labor, all the

peril, and all the hardships they are now required to undergo will still be required of them, but there will be no compensation, except at the will and the pleasure of the vessel owners. It is inconceivable that the States will require the kind of service pilots are now required to give and not provide compensation for them. It is likewise inconceivable that men can be found to invest their money in pilot boats and expose themselves to the perils of the sea in order to serve as pilots, if they are to receive no compensation therefor. A solemn and responsible duty rests on somebody to protect the commerce of the seas that enters and leaves the ports of this country, and likewise to protect the lives engaged in this commerce. One of the forms of protection that has ever been deemed necessary is in the furnishing of experienced pilots to guide vessels in and out of the ports. The furnishing of these pilots has devolved upon the States ever since our Government was founded, and they have discharged this duty without let or hindrance upon the part of the National Government. The pending bill proposes, in effect, to hinder and handicap the States in the performance of this solemn and responsible duty by imposing unreasonable and unjust regulations upon them. The States will thereby be less able to discharge the solemn duty resting upon them, and the United States will have assumed no part of that duty.

COMPULSORY PILOTAGE.

The majority of the committee concede in their report that pilots are sometimes necessary and should be furnished. They, however, think that if in order for a State to have an adequate system of pilotage, "the pilots must be subsidized for services they do not render;" that the ports or the people should pay the alleged subsidy. It is, therefore, solemnly insisted that where the foreign shipping into any State is not sufficient to maintain a pilotage system, the State or the ports should, by some system of taxation, tax themselves to maintain the system. The error of this argument is revealed in its statement. It must be remembered that pilots are stationed on the outer bars of the several ports for the protection of the vessels that come into those ports. They have no other duty or purpose than to protect these vessels. True, it may be that ofttimes a vessel may come when the sun shines and the wind is fair and will not need a pilot, but this same vessel at another time, when the storm king is abroad, will need, and urgently need, this same pilot. The pilot is there to render service whenever service is needed. If he is to be paid only when his services are actually used, he should not be required to be on hand except when his services are actually needed. No one can tell when a pilot will be needed, and it would be a very absurd law that would require pilots to be on the bar only at those times when their services were in demand. They are required to be there all the time and ought to be so required and this requirement being exacted of them, they should be paid whether they render service or whether they do not. Not only should they be paid, but they should be paid by those in whose interest and for whose protection they remain outside the bar. The principle that justifies this has been maintained in all the countries, practically, of the world and has been repeatedly upheld by the Supreme Court of the United States. In 2 Wallace, 456, the court said:

> The object of the regulations established by the statute was to create a body of hardy and skillful seamen, thoroughly acquainted with the harbor, to pilot vessels seeking to enter or depart from the port and thus give security for life and property exposed to dangers of a difficult navigation. This object would be in a great degree defeated if the selection of the pilots was left to the option of the master of a vessel, *or the exertion of a pilot to reach the vessel in order to tender his services were without any remuneration.* The experience of all commercial States has shown the necessity in order to create and maintain an efficient class of pilots, of providing compensation not only when the service is tendered or accepted by the master of the vessel, but also when they are declined.

In Cooley *v.* Port Wardens (12 How., p. 312), the Supreme Court said:

> Compulsory pilotage laws rest upon the propriety of securing lives and property exposed to the perils and dangers of navigation by taking on board a person peculiarly skilled to encounter or avoid them, upon the policy of discouraging the commanders of vessels from refusing to receive such persons on board at the proper times and places and upon the expediency and even intrinsic justice of not suffering those who have incurred labor and expense and danger to place themselves in a position to render important service, generally necessary, to go unrewarded, because the master of a particular vessel either rashly refuses their proffered assistance or, contrary to the general experience, does not need it.

In 13 Wallace, Ex parte McNeil, 238, the Supreme Court said:

> A pilot is as much a part of the commercial marine as the hull of the ship and the helm by which it is guided; and "half pilotage," as it is called, is a necessary and usual part of every system of such provisions. Pilots are a meritorious class and the service in which they are engaged is one of great importance to the public. It is frequently full of hardship, and sometimes of peril; night and day, in winter and in summer, in tempest and calm, they must be present at their proper places and ready to perform the duties of their vocations. They are thus shut out for the time being from more lucrative pursuits and confined to a single field of employment.

The suggestion that a pilot should be required to be on duty at all hours of the day and night on the outer bar, and yet should only be paid when he actually pilots a vessel, is just as absurd a proposition as to say that the members of your city fire department should only be paid for the actual fires they fight or that the members of your city police force should only be paid for the actual arrests they make. The suggestion that pilots should only be paid for actual service is contrary to the rules and customs prevailing and being practiced in almost every walk of life. This Government maintains a great Navy and a standing Army. Both Army and Navy are paid for their time in peace as well as in war; they are paid not for the battles they fight, but for being ready at all times to fight the battles of our country; and so it has ever been that men called upon to prepare themselves for the public service and to engage in the public service are paid for the time that they are on duty, whether their services are always required or not. Lighthouses are erected, buoys are placed, light-ships are stationed, and range lights are displayed—all to help the navigator find his way and as a protection to him against disaster. In the same way the pilot stationed on the outer bar is stationed there as a protection. He is there not to protect the masses of the people, nor the property of the country, but he is there to protect the property of the vessel owners and the lives of the men in their service, and it is but simple justice and common equity that the vessel owners should pay him. This great Government charges these vessel owners nothing for all the protection it affords them. It does not furnish the pilots, however, and vessel owners enjoying so many benefits and so much protection, all free of cost to them, should not hesitate to pay for the protection afforded them by the pilots.

OUR SAILING VESSELS FLEET.

The point is sought to be made that while there has been great increase in recent years in the tonnage of steam vessels, there has been no such increase in the tonnage of sailing vessels, and that the failure of sailing-vessel tonnage to increase is due to compulsory pilotage laws. It is stated that the total tonnage of steam vessels has practically doubled within ten years, while the tonnage of sailing vessels has remained about the same during this period. The Secretary of the Department of Commerce and Labor fully answers this contention when he says that the natural development of marine architecture favors the increase of steam vessels and the decrease of sailing vessels. The statistics show, however, that while there has been practically no increase in tonnage of schooners and square-rigged vessels, there has been quite a large increase in the tonnage in the past ten years of rigged barges, and as these barges pay pilotage fees it is thus demonstrated that the existence of compulsory pilotage has had nothing to do with steam tonnage outstripping sailing-vessel tonnage. When it is borne in mind that compulsory pilotage only exists in a few of the States, it is unreasonable to contend that this compulsory pilotage in these few States has contributed very materially to any decrease in the tonnage of sailing vessels.

The coastwise commerce of our country, as it has grown and extended from year to year, has demanded quicker and better transportation facilities, and with the natural and inevitable result that steam-going vessels, with their rapid and certain transit and their traffic connection with the railroads, have been built to meet such demands. If sailing vessels could meet the ever-growing demands of this commerce, they would be built just as rapidly and just as extensively as steam-going vessels are being built. The majority of the committee, in their report, refer to the sailing of coastwise vessels as a languishing industry, and all due to compulsory pilotage laws. If languishing now, was it at one time flourishing? That is the assumption; and if so, the industry has both flourished and languished under the very same laws, for throughout the fluctuations of the industry the laws have remained the same. It is rather late in the day to suggest that an industry that has grown and flourished under laws designed for its protection and that were framed before the Government of the United States was formed, is now, under these same laws more than a hundred years later, languishing by reason of these laws. But, is the industry languishing? Notwithstanding the great increase in steam tonnage, sail tonnage has practically held its own. Is it unprofitable? Ask the shipowner who, while before the committee urging the passage of this bill, admitted himself the owner of one hundred sailing vessels, and each one of them acquired and put in commission while compulsory pilotage was in existence. In contrast to the statement that the industry is languishing, we have the statement of those who seek to build up our foreign shipping by subsidies, that our

coast and lake shipping is the most prosperous and greatest in the world.

In a recent speech delivered on this floor by the gentleman from Kentucky [Mr. GILBERT], who has made an exhaustive study of our merchant marine, foreign and coastwise, he declared that—

Our merchant marine collects higher freight rates, the officers and crew live higher and better, and the shipowners clear more money than any merchant marine in the world.

In this connection, it is somewhat remarkable that any part of our coastwise shipping interests should complain of what they call a "pilot monopoly," or of any other monopoly, for not only is there no pilot monopoly, the Supreme Court having said to the contrary, but there is no class of people and no other interest so highly protected and so highly favored by our Government as the coastwise shipping interests of this country.

Gentlemen who favor this bill speak of the many millions of dollars spent by this Government in the improvement of harbors as a reason why pilotage should be done away with and the earnings of the coastwise sailing vessels still further enhanced. They forget that all of these millions have been spent for the direct interests of the coastwise vessels. Not only have these millions been expended in the improvement of harbors, but other millions have been expended in providing light-ships and light-houses and other aids for navigation, all in the interest of the vessel owners. These vessels are not taxed to pay any part of these vast expenditures; and not only do they pay no part of this burden assumed for their benefit, but they are otherwise tremendously favored, for foreign vessels are not allowed to engage in the coastwise trade, so that our coastwise vessels have a complete monopoly of the coastwise business, and having this monopoly no power of Government regulates their charges to the public. Not satisfied with the monopoly they now enjoy and the protection they now have, they have come to Congress and asked in this bill that the States be stripped of any power to safeguard the lives of the people they employ, or to safeguard the property of the shipper intrusted to their keeping, and all in order that their profits may still further be enhanced. The improvement of our harbors has resulted in deeper water and deeper-draft vessels, but in the shifting sand bars that usually prevail at the South and the larger class of vessels that have to be handled, requiring more and more skill and more and more knowledge of entrances into harbors, these improvements, in the opinion of the States, have not yet justified the abandonment of their pilotage systems. These States have no enmity toward the sailing vessels. They welcome their every visit and ask that it be repeated time and time again, but they do insist that so long as they police their harbors and their outer bars for the protection of these vessels, these vessels shall pay for the protection thus afforded them.

Mr. LITTLEFIELD. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Georgia yield to the gentleman from Maine?

Mr. LITTLEFIELD. Only for a suggestion.

Mr. BRANTLEY. Yes.

Mr. LITTLEFIELD. Is not the gentleman advised of the fact, inasmuch as he is discussing this question of improving harbors, that the vast amount of the expenditure is rendered necessary by reason of the large draft of the vessels, and that the question of a large draft does not, to any degree of consequence, affect the coastwise fleet; that it is almost altogether for the purpose of accommodating the foreign-going fleets? That is the practical fact. I do not know whether the gentleman is advised of it or not.

Mr. BRANTLEY. I will ask the gentleman from Maine if he is not aware of the fact that these same coastwise sailing vessels are every year being built of deeper draft and of larger size?

Mr. LITTLEFIELD. Well, to an extent, but not to any great extent.

Mr. BRANTLEY. Every year.

Mr. LITTLEFIELD. Their draft is nothing compared with the draft of the foreign-going fleet. There is not any question about that, I think the gentleman will be satisfied.

Mr. BRANTLEY. Oh, these improvements affect vessels engaged in the foreign trade the same as they affect vessels in the coastwise trade, but the fact remains that the coastwise vessels have the full benefit of every dollar of improvement, and the further fact remains that in our southern ports they have by far the greater benefit, for there are more of them. It is because we haven't got the foreign vessels that we protest against this bill.

Mr. LITTLEFIELD. It is very true that when you dredge for a vessel having a draft of 25 feet it takes care of a vessel drawing 14 feet.

Mr. BRANTLEY. Oh, we have four and five and six masted schooners coming into my port.

Mr. LITTLEFIELD. I think if the gentleman will look it over he will find that the steam coastwise fleet draw from 6 to 10 feet more than the sail.

Mr. BRANTLEY. Our coastwise steamers draw less water than do some of the large schooners.

Mr. LITTLEFIELD. That may be your experience, but it is not the experience on the balance of the Atlantic coast.

Mr. BRANTLEY. It applies to the Clyde Line and the Mallory Line steamers that come into my port regularly.

Mr. LITTLEFIELD. They go over to Key West.

Mr. BRANTLEY. They do not go over to Key West; they come into my port.

Mr. LITTLEFIELD. What port is that?

Mr. BRANTLEY. Brunswick. They draw less water than some of the large schooners.

Mr. LITTLEFIELD. Bearing also on your suggestion in relation to the earnings of the vessels, does the gentleman question the accuracy of the statement that appears in the majority report, that the sums paid for pilotage over and over again aggregated more than the amount paid to the owners in dividends? Does the gentleman question the accuracy of that statement?

Mr. BRANTLEY. I do not know anything about that.

Mr. LITTLEFIELD. That is the fact.

Mr. BRANTLEY. The gentleman from Maine can state that in his own time.

Mr. LITTLEFIELD. I know the gentleman would not intentionally misstate any of these things.

Mr. BRANTLEY. I was not discussing the question whether the earnings of the sailing vessels were greater or less than the total sum of pilotage fees, and could not have made any misstatement about it.

Mr. LITTLEFIELD. No; not that particular question, but the gentleman referred to the large earnings of the vessels. I only wanted to call the gentleman's attention to the fact about which there is no question.

Mr. BRANTLEY. It is argued that the tugboats take the place of the pilots and that when a tugboat is employed to pilot a vessel into or out of a port it is wrong to require such vessel to pay a pilot in addition to paying the tugboat. It must be borne in mind, however, that there is no law compelling the use of a tugboat, and neither is there any law requiring the tugboat to remain on the outer bar to render help when help is needed. Not only is there no law requiring the tugboat to remain on the outer bar and no demand for such a law, but the tugboat is not there except when the weather is fair. The time comes, and comes frequently, when the tugboat finds it far more convenient to ride inside the bar, in the harbor. These are the times when the little pilot boat remains outside and is required to remain there, and these are the times when its presence brings gladness and hope to the distressed sailing vessel seeking an entrance into a harbor of refuge which, blinded by storm, it can not find. It may be that sometimes the tugboat is competent to take the place of the pilot, but it does not follow therefrom that it is always competent to do so, nor does it follow therefrom that a pilotage system is unnecessary.

When all the argument has been had in the discussion of this question we must inevitably reach the point where the solution of the question will hinge on the proposition that a pilotage system is either necessary or unnecessary. If the advocates of the pending bill are prepared to insist that a pilotage system is unnecessary and that the day of the pilot has passed, then let them place their support of this bill on that ground, and let the Congress and the country determine whether or not the ground is well taken. If they are not prepared to insist that pilotage systems in the Southern States are unnecessary, then there remains no ground upon which the pending bill can be reasonably and justly defended.

It may be and perhaps is true that the pilotage laws in my State and in some other States should be revised. It may be that the time has come or will shortly come when we should consider the question of reducing the rate of pilotage fees where a tugboat is used, or where the services of a pilot are refused; when we should consider the question of reducing the rate of pilotage fees when a vessel desiring to enter one of our ports not for cargo, but merely to escape the perils of the sea; when we should consider the question of reducing fees where a vessel crosses the bar but to enter quarantine, and then has to again enter for the purpose of receiving cargoes; when we should consider the question of other changes and revisions of our laws; these and all kindred questions I am quite sure that the people of my State and of all the States interested in the maintenance of a pilotage system are thoroughly familiar with and will take just and proper action thereon at the right and proper time.

I am not here to insist that the system of my State or the system of any State is perfect, but I am here to insist that my State be accorded the same privilege that all the States of the East have enjoyed of changing its system whenever it thinks a change ought to be made. I am here to insist that the shipowner in the East has no right to dictate to the State of Georgia the kind of pilotage system the State of Georgia shall enforce. I am here to insist also that our pilots be taken care of. The system that we have builded in my State has been builded upon a policy, as declared by our State supreme court, "to engender among the pilots a laudable rivalry to venture beyond the bar, or its immediate proximity, and thus be ever ready to lend aid to vessels making for the port." Our supreme court has also said that "commercial necessity calls for hardy, energetic, and fearless pilots." There are no more hardy, energetic, and fearless men in any calling than these same pilots. We not only require that a man shall be brave and fearless in order to be a pilot, but we also require that he shall be a man of good character, and have sufficient standing to enable him to give the bond necessary for a pilot to give. We require him as a precedent necessary to becoming a pilot to engage in a long and arduous term of apprenticeship. We require not only that he shall have the courage to perform the duties that shall be imposed upon him, but that he shall know how to perform these duties. We do not allow our pilots to absent themselves from duty. We compel them to be on guard at all times. We charge them with the duty of constantly sounding our channels, so as to detect the slightest change therein. We require them to promptly report any discharge of ballast in our channel by any vessel, and the failure to make such report necessitates dismissal of such pilot from the service. We look to them to aid us in our quarantine regulations. We require them to ascertain from every vessel, before boarding it, the state of health on the vessel, and from them the quarantine officer first learns of any contagion that is approaching. We have found our pilots indispensable to the protection of the vessels visiting us, and indispensable to the maintenance of our commerce and the reputation of our ports. We have found them faithful, reliable, and in all cases fully to be depended upon. We exact onerous and responsible duties from them, and I am not willing to consent here or elsewhere to the passage of any law that will deprive them of fair and just remuneration for the service that they so bravely and efficiently render.

As a part of my remarks I submit a letter from Capt. Charles E. Arnold, for many long years a faithful and efficient pilot on the bar at Brunswick, Ga., and whose views are entitled to all the credit that a life of honest toil, of upright character, and of devotion to all duties, public and private, can give:

BRUNSWICK, GA., *February 21, 1906.*

MY DEAR SIR: I am a pilot on St. Simons bar. I commenced in March, 1879, to serve my apprenticeship, and on April 1, 1884, received my first certificate. On April 1, 1886, I received my branch as pilot. Have never wasted my earnings through drink, sporting, or riotous living. I have a family, and it takes all I make to support them and educate my children.

We have eleven active pilots on this bar, and none of them have any money of any consequence. There are two old pilots not in active duty. I mention this fact because there has been so much said about pilots making so much money. There has been for the last thirty-odd years, nearly every year, a bill before our National Congress to take away the State right and abolish this system of compulsory pilotage, and it has fallen to my lot for several years past to take some part in asking that Congress allow this law to stand as it is. In doing this I have talked with many masters or captains of vessels, some of whom are part owners and a few sole owners and many who own only small interests, and 75 or 80 per cent of them are opposed to the abolishing of the present system of pilotage in the Southern States. Many others say that they do not want the pilotage taken off, but can not express themselves on account of having to go on vessels owned by such men as Mr. Pendleton and others, who are the prime movers in this fight against the pilotage laws in these States.

There is a license clause in our law, made by those interested in vessels in the year 1886, in the Georgia legislature, and there are several licensed vessels that come to this port regularly and wait, even with fair winds, for tugboats, and will not employ a pilot—I presume because their owners prohibit their taking a pilot. In several instances they have had to lay outside and ride out heavy northeast blows, when, if they had taken a pilot, they would have been in out of the weather and not jeopardized the life and property of the crew and vessel. This happens very often here.

Another argument often mentioned against pilots is that the Government has spent so much money in deepening the channels and making them so plain by buoys, beacons, and lights. A few years ago our bar was only about 250 feet long, and we then had 11½ feet at low water on the bar. To-day we have in our channel 19 feet at low water, and the channel is supposed to be 200 feet wide at the bottom and 400 feet wide from side to side, and our bar is now 4⅝ miles long, with these same 11½-foot shoals at low water on either side of this 19-foot channel, and pilots are therefore a greater necessity to-day than when we had the shoal bar, from the fact that vessels to-day are larger and draw more water.

Another argument is that pilotage is too high. That has been reduced, from the fact that the class of vessels to-day carry in proportion to their draft more than twice the tonnage that the old style vessels did, and all pilotage is charged according to the draft of the vessel.

As the Senate has just passed the ship subsidy bill, this with the fact that no foreign vessel can engage in the coastwise trade, it would seem that the vessel owners want everything.

Another cause for having the present pilotage system is that our shoals extend from 4 to 6 miles outside of land, and the coast is very low and we have lots of thick, smoky weather, and our pilot boats are outside nearly all the time and are a guide to vessels bound up and down the coast, as well as those to the port to which the pilot boat belongs, and I as a pilot have many times put vessels on their course when bound to other ports, both north and south of us.

Yours, very truly,

CHAS. E. ARNOLD,
*Pilot, St. Simons Bar.*

Hon. WM. G. BRANTLEY,
*Washington, D. C.*

Mr. HAUGEN. Mr. Chairman, in view of the strenuous efforts put forth here and elsewhere in favor of parcels post, and in view of the misrepresentation and misconception and the vigorous efforts put forth by mail-order houses in districts to secure instructions in favor of parcels post in Congressional conventions to be held, I wish to offer some observations along this line and submit a few facts with a view to disabusing the minds of those who I believe are laboring under a misconception.

Before entering into a discussion as to the merits of the proposition I wish to read from letters received. It deals first with statistics as to the number of people living in the rural districts and in the towns in his county and then closed by saying:

You say you are opposed to the Government going into the freight business. You probably do not call the carrying of parcels weighing 4 pounds freight business, but carrying parcels weighing 5 pounds would be freight business. Please give this matter careful consideration, and remember that the ratio between rural population and those engaged in retail trade is probably about the same in the Fourth district as a whole as it is in ——— County. When the conventions are held in the spring to name delegates to the Congressional convention resolutions will be introduced favoring parcels post.

In another letter he states:

What is there to hinder limiting the weight of parcels carried to 50, 25, or even 10 pounds? Congress seems to have the power to limit the weight at present to 4 pounds. If parcels-post business should take on such dimensions as you anticipate, that is only an argument in favor of its establishment. Parcels post instead of being a drain on the Treasury is the means of making the rural free delivery self-sustaining. It is the logical complement and corollary of rural free delivery.

In another letter he refers to an editorial on page 233 of the Independent as worthy of consideration.

To begin with, the question is not who is entitled to the most consideration—the mail-order houses or the merchants in the small towns. If that were the question I am free to say that I believe that the merchant who pays taxes, who helps to build up the State, county, and town, who helps build and maintain sidewalks, streets, schools, churches, water and light plants, and all good things essential to the welfare, comfort, happiness, and convenience of the people of his community, is entitled to more consideration by that community than he who contributes nothing to that locality (that is Republican doctrine; that is why this wall of protection is built up, giving protection to the American wage-earner, the producer, and home interests), and there can be no question as to the justice of their claims. But this is not the question. Nor is it a question where or from whom goods may or shall be bought by people living in rural districts, or whether the purchaser secures a better bargain one place or the other. This is a question that Congress has nothing to do with. The Constitution provides:

All duties, imposts, and excises shall be uniform throughout the United States.

No capitation, or other direct tax, shall be laid, unless in proportion to the census or enumeration hereinbefore directed to be taken.

No tax or duty shall be laid on articles exported from any State.

No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another; nor shall vessels bound to, or from, one State be obliged to enter, clear, or pay duties in another.

It is intended that commerce shall be as free as air between the States, so far as the Constitution or Congress is concerned.

The real question is: Shall the Government go into the freight or express business? Shall the rural free-delivery service and the city delivery be discontinued? Can it be done in justice to all and without injury to anyone? The Post-Office Department is a great business institution, doing business every year aggregating nearly $170,000,000. Viewing it from a business standpoint, is the parcels post a safe businesslike proposition?

What are the contentions? Freight is slow; express charges are high and quicker, and cheaper transportation is desired. I read to you from an editorial on page 233 of the Independent of January 25, 1906, referred to in the letter just read:

The just demands of the American people require a parcels post, not only greatly below express charges, but much below the relative cost of smaller packages now passing through the post-offices. A reduction of rates of at least one-third could be safely and wisely effected. The American rate for parcels—that is, fourth-class matter—is 1 cent for 4 ounces, but the English rate is 6 cents for the first pound and 2 cents for every after pound. In America the weight limit is 4 pounds, but in England it is 11 pounds. The English parcel of 4 pounds requires 12 cents postage, but the American postage requires one-fourth more.

The rate on parcels here is claimed to be 4 cents per pound. The Independent says that a reduction of rate of at least one-

third could safely and wisely be effected, or that the rate can be reduced to 2⅞ cents per pound. But I understand that the present rate for merchandise, or fourth-class matter, is 1 cent per ounce, or 16 cents per pound. And if a 2⅞-cent rate is determined on the reduction would be 13¾ cents per pound, or 80 per cent of the present rate on fourth-class matter.

Others say reduce the rate to 2 cents; some say 1 cent, and others say less. Some say the weight limit should be 11 pounds, some 25, some 50, some 100, some 200. Others say why fix a limit at all? Why not include carload lots? If the Government can give this service at exceedingly low rates, why should the manufacturer of heavy articles be denied the same privileges as others? Now, all of this seems nice; and of course if this could be accomplished it might be the right thing to do. It is natural that all would want cheap rates, as it would benefit everybody, and, generally speaking, everybody is pleased to get something for nothing—if not entirely gratis, at as low a price as possible if nobody is injured thereby; but it is also true that generally one would not give his consent to rob others in order to further his own interests. So in this case, if parcels post would create a large deficit, the deficit would have to be made up by all the people, or the gain made by few on account of low rates would have to be paid out of the General Treasury, or, in other words, Mr. Jones would be compelled to contribute toward paying Mr. Smith's freight. If this is so, then can parcels post be made self-sustaining? Can this cheap rate be had with justice to all and without injury to anybody and without loss to the Government?

The general opinion seems to be that the postal rates should be made as low as express charges, and also that parcels post should be made self-sustaining. I have received hundreds of letters on this subject, and I will read to you from one more of them, which is a fair sample, and I believe it expresses the views of most of the people who desire parcels post.

Referring to parcels post, he says:

> I am opposed to making it a burden to the Government, and I am still more opposed to rural free delivery being discontinued. I would rather see postage advance than to lose the rural free-delivery service. Let Congress put the price of postage on parcels so that it will cover the cost of transportation. The farmers here in Iowa do not object to paying what a thing is worth, but we do object to being robbed by the express companies the way we are now. A parcel post with the rural routes would be one of the greatest blessings the Government has done for the farmers, and I see no reason why it can not be made self-sustaining.

This is certainly a dignified and honorable position to take; and so far as I know, that position is taken by all, and the letters, I believe, voice the sentiment of a very large majority of those who desire parcels post. The question, then, is, can this be accomplished? First, we will compare express rates with the cost of carrying parcels or mail by the Government.

I was told by a reliable merchant in my district a few days ago that by prepaying express charges the express companies will meet postal rates to any point where the company has an office, the minimum charge being 15 cents, or if over two roads the minimum charge is 20 cents, or 10 cents to each road for 4 pounds of limited value. The shipment by express insures a safer and prompter delivery. The Government does not insure delivery or reimburse for losses, except when registered, and then only to the extent of $10 or $25 on any one package. He told me that he frequently has goods shipped from New York to California by express at postal rates.

A Post-Office Department report, made in 1900, quotes from Cowles's General Freight and Passenger Post the following:

> Our express companies carry all sorts of parcels, from the domicile in New York to the station, thence by rail a thousand miles to Chicago, and deliver at the domicile in that city, at the rate of $3 a hundred pounds, but the railways tax the Government $2.77 a hundred, $55.50 a ton, for the transportation of its mail bags for an average haul of not over 442 miles.

The Interstate Commerce Commission's report for 1904 shows that the earnings of the railroads for 1903 were as follows:

| | |
|---|---|
| From mail and mail cars | $41,709,396 |
| From express | 38,331,964 |
| Excess of mail pay over express earnings | 3,377,432 |

In 1902 the excess of mail pay over express earnings was $5,582,385.

According to this, the express companies charge $3 per hundred from New York to Chicago, a distance of 1,000 miles. The rate from here to Chicago, a distance of 800 miles, is $2.25 per hundred, and the railroads, in 1900, taxed the Government $2.77 per hundred, or $55.50 per ton, for the transportation of mail for an average haul of not over 442 miles. Besides the $2.77, the Government now pays an average of $5,427.62 for each of more than 1,000 cars, and, besides this, pays a subsidy to the various railroad companies aggregating last year $167,175. Then there is the pay of 12,474 officers and employees in the Railway Mail Service. In fact, the total expense is nearly $170,000,000, which makes the average cost of handling the mail about 17 cents per pound. The Postmaster-General estimates the cost of handling all mail matter at from 5 to 8 cents per pound, but it would probably be much in excess of the amount stated by the Postmaster-General, because the parcels post would get all of the long-distance parcels, which would be carried at a loss, while the express companies would get the short-distance parcels, because zone rates would be less than postage rates.

The Postmaster-General states that—

> It would be necessary to adopt rates of postage to meet the rates of express companies and that it is not deemed wise at this time, at least, to ask authorization of Congress for the establishment of separate parcels post in the domestic service.

How are the transportation companies paid? To begin with, the present rates per pound weight were first fixed by the act of March 3, 1873. These were reduced 10 per cent by the act of July 12, 1876, and 5 per cent more by the act of June 17, 1878. First, the pay is based solely on the average weight of the mail carried daily the whole length of the route, but when a full railway post-office car is added to the train the Post-Office Department pays to the railroad a rental for the entire car based upon its length. This rent, then, is added. Mr. Shallenberger stated before the Committee on Post-Offices and Post-Roads:

> The total number of railway post-office cars in service last year was 1,015, and the number in reserve was 215. The Government paid $5,500,044.65 for the cars in service, an average of $5,427.62 a car. The cars cost about $5,500 or $6,000 each, and are maintained and repaired at an annual cost of about $1,200. They are built and owned by the railroad companies and rented to the Post-Office Department. The pay for a line of these cars is $25 a mile for 40-foot cars, $30 for 45-foot cars, $40 for 50-foot cars, and $50 for 55 or 60-foot cars.

What is the cost of the service?

The total number of railroad-mail routes is 3,064, and the total length of these routes is 200,965 miles. The annual travel on these routes is 362,645,731 miles. The annual rate of expenditure for mail transportation by rail—not counting the rental of postal cars—was $41,504,345.

The total number of postal-car routes is 294, the total length of these routes, 53,000 miles, and the appropriation for the current fiscal year was $5,875,000.

The combined expenditure for railroad-mail transportation and railroad postal cars was $44,695,610 in 1904. The combined expenditure in 1905 was $45,576,515.

It is estimated that the railway-postal clerks during the fiscal year 1905 handled 18,000,000,000 pieces of mail matter, exclusive of registered matter, of which 9,050,000,000 pieces were first-class matter and the balance pieces of other classes.

The deficit of the Post-Office Department for 1905 was $14,572,584.13.

Turn to Senate Document No. 174, Fifty-eighth Congress, third session, and you will find the amount paid each year to the railway companies for the purpose of carrying the United States mail since 1873, as follows:

| | |
|---|---|
| 1873 | $7,257,196.00 |
| 1874 | 9,113,190.00 |
| 1875 | 9,216,518.00 |
| 1876 | 9,543,134.00 |
| 1877 | 9,053,936.00 |
| 1878 | 9,566,595.00 |
| 1879 | 9,567,590.00 |
| 1880 | 10,498,986.00 |
| 1881 | 11,613,368.00 |
| 1882 | 13,206,510.70 |
| 1883 | 13,906,956.79 |
| 1884 | 15,629,444.52 |
| 1885 | 17,347,754.39 |
| 1886 | 17,360,172.88 |
| 1887 | 17,849,853.06 |
| 1888 | 19,199,791.85 |
| 1889 | 22,128,850.65 |
| 1890 | 22,286,261.43 |
| 1891 | 25,837,147.30 |
| 1892 | 27,277,617.70 |
| 1893 | 28,516,378.17 |
| 1894 | 30,565,036.56 |
| 1895 | 31,190,230.65 |
| 1896 | 32,442,290.80 |
| 1897 | 33,854,075.32 |
| 1898 | 34,768,904.90 |
| 1899 | 36,001,826.99 |
| 1900 | 37,668,873.35 |
| 1901 | 38,507,809.79 |
| 1902 | 39,830,675.92 |
| 1903 | 41,697,229.02 |
| 1904 | 44,503,987.42 |

Add to the $45,576,515 paid the railway companies in 1905 the subsidy paid the various railroads, amounting to $167,175, and other expenses connected with the Department, and you have a grand total of $167,399,169.23. The Postmaster-General states—

> That the cost to the Government for handling all mail matter is estimated to be from between 5 to 8 cents per pound.

But this, as I understand, simply includes the cost of transporting the mails, and does not include all expenses connected

with handling of the mails. It is an easy matter to determine what the average cost is—that is, if you have the number of pounds handled and the amount expended. Let us look into the matter and see. The report does not give the total number of pounds handled, but on page 79 the Postmaster-General states:

According to the estimates heretofore made and published, matter of the second class approximates in weight two-thirds of the bulk of all mail matter, yet produces only about 4 per cent of the postal revenue.

The weight of second-class matter is reported to be 663,000,000 pounds. If 663,000,000 pounds is two-thirds of the bulk of all mail matter, the total weight would be 994,500,000 pounds, or practically 1,000,000,000 pounds.

I understand that this does not include equipment, such as sacks, pouches, twine, etc., which is paid for per pound to railroad companies for carrying same as mail matter. When the weight of the equipment is added the total weight would be about double this amount, as the weight of the equipment is about equal to the weight of the mail. But the weight of equipment has nothing to do with it, as the Government gets pay only for the actual mail matter handled.

If you will turn to the report of the Second Assistant Postmaster-General to the Postmaster-General, showing the results of the special weighing of mail through the United States from October 3 to November 6, 1899, you will find the following statement:

*Per cent by classes of mail matter originating in the United States, including mail for local delivery and all mail dispatched from all post-offices of the United States by steam railroads, electric cars, steamboats, and on star routes, or otherwise.*

| Class. | Weight for 35 days. | Estimated weight for 365 days. | Per cent of total weight. |
|---|---|---|---|
| | *Pounds.* | *Pounds.* | |
| First class | 9,098,882 | 94,888,341 | 6.06 |
| Second class | 37,820,857 | 394,417,505 | 25.19 |
| Second class free | 3,140,464 | 32,750,550 | 2.09 |
| Third and fourth class | 13,987,967 | 145,874,518 | 9.32 |
| Government free | 9,218,203 | 96,132,692 | 6.14 |
| Equipment | 76,866,032 | 801,602,902 | 51.20 |
| Total | 150,132,405 | 1,565,666,508 | 100.00 |
| Weight of mail matter from which a revenue is derived | 60,907,706 | 635,180,362 | 40.57 |
| Weight of mail matter from which no revenue is derived | 89,224,699 | 930,486,146 | 59.43 |
| Total | 150,132,405 | 1,565,666,508 | 100.00 |

Here the total weight is estimated at 1,565,666,508. This includes 801,602,902 pounds equipment, and leaves only 764,063,606 as mail matter. But of course the business has increased, and I believe it is safe to estimate the weight of actual mail matter at 1,000,000,000 pounds, and the total weight, including equipment, at 2,000,000,000 pounds. The estimated cost of handling the mails should not be made on the total weight including equipment, because the Government is paid only for the actual weight of the mail matter. The equipment and cost of carrying equipment is a part of the expense in handling mail matter, as much as is that paid railroad companies or salaries to clerks, and parcels post would require equipment as well as first, second, and third class matter, as these parcels would have to be packed in pouches and handled the same as other mail matter. For instance, if parcels weighing 100 pounds are received they must be sent out in pouches or sacks, and if sent out in pouches weighing 100 pounds, the Government would pay the railroads for 200 pounds and receive pay for only 100. So, if the Government pays a railroad on an average of, say, 5 cents per pound for the total weight, including equipment, it would cost the Government twice that amount, or 10 cents per pound, for actual mail matter, as it pays for 2 pounds for every pound of actual mail carried by the railroads.

So in estimating the cost of handling mail matter and the cost of parcels post, first it is necessary to ascertain the number of pounds of mail matter handled, or the number of pounds on which the Government receives pay; second, the amount paid out. If 1,000,000,000 pounds of mail is handled what is the cost per pound? First, the Government pays the railroad companies $41,000,000 for carrying the mails, or 4.1 cents per pound. It pays $5,427.62 for each of 1,015 cars, and I understand they also pay for 215 cars in reserve, or a total of $5,500,000, which adds another one-half cent. You now have 4.6 cents per pound. The Government employs 12,474 officers and clerks in the Railway Mail Service or for looking after the mail while in transit, at an annual salary of more than $13,000,000, or 1.3 cents per pound. We now have a cost of 5.9, or practically 6 cents per pound. But there are some 200,000,000 pounds of mail not carried by railroads. I find on page 2, Senate Document No. 174, that the Postmaster-General makes this statement:

In order to secure a basis for an accurate estimate of the total weight of mail carried on the various mail routes of the country, the Department ordered an actual weighing of the mails originating in each post-office of the country from October 3 to November 6, 1899. The reports of this weighing were forwarded to the Department and tabulated, and on the basis of this weighing an estimate of the total weight of mail carried and the weight carried on railroad lines for one year was made. The total weight of mail and equipment thus found was 1,565,676,508 pounds. The weight for railroad lines, including equipment, was 1,347,145,180 pounds.

The rate for railroad lines, including equipment, then, was only 1,347,145,180 pounds. Deduct 801,602,902 pounds for equipment and it leaves only 545,542,278 pounds mail carried by the railroads. The Government paid the railroad companies, according to a statement made by the Postmaster-General in 1899, $36,001,926.94, an amount equal to 6.8 cents per pound for that year. If you deduct 200,000,000 from 1,000,000,000 pounds, you have only 800,000,000; and the cost would now be about 7½ cents per pound; but I want to get at the average cost of handling all mail matter in order to ascertain what parcels-post will cost. In addition to the 5.9 cents per pound, the mail must be collected and delivered. You have an expense of $26,000,000 for the rural free delivery service, and $21,000,000 for the city free delivery, or $47,000,000 for the two; or a cost of 4.7 cents per pound. Add this to 5.9 and you have a total of 10.6 cents per pound. In addition to this we have the transportation of mail on star routes, on steamboats, electric and cable-car service, the mail-messenger service, and the transportation of foreign mail, which aggregates more than twelve million. Another expense of 1.2 added to the 10.6, making a total of 11.8. In addition to this you have the rent, light, fuel, and equipment for many of the 68,000 post-offices. The Department employs in all 280,000 people, and the total expense last year was $167,399,169.23, which would make the average cost about 17 cents per pound.

But you may say that this is not a fair comparison, that the parcels handled by the Post-Office Department are less in weight and much greater in number than parcels-post packages would be, or those handled by the express companies, and do require more help to sort and handle. I admit that, and some allowance should be made. But certainly the cost of carrying parcels post by railroad companies would be nearly the same, as the companies are paid so much per pound, and nobody has suggested a reduction. In fact, the Congressional committee recommended that no reduction should be made. And the only reduction would be the reduction in rate per pound, caused by an increased weight carried by railroad companies. More cars would be needed. More railway mail clerks will be required to handle the additional mail matter. Eight hundred and fifty-three were added this last year. More city and rural carriers would be needed, and a much higher salary would be demanded on account of the increased weight to be carried. More clerks would be required and more room needed in all of the 68,000 post-offices, and the cost would increase all along the line; and the average cost for handling these additional parcels would probably not be much below the present average cost of 17 cents per pound.

But, for the sake of argument, let us assume that the cost would only be 10 cents a pound. If the postal charges are fixed at 4 cents a pound, what would be the result? Every $4,000,000 worth of business would incur a loss of $6,000,000, as the service would cost 10 cents a pound, or $10,000,000. If the rate is to be reduced to 2 cents, every $2,000,000 worth of business would incur a loss of $8,000,000. But H. R. 470, the Hearst bill, provides that postal charges on merchandise, etc., shall be: "On parcels over 12 ounces, and not exceeding 1 pound, 5 cents. On parcels over 1 pound, 2 cents for each additional pound or fraction thereof."

The postage then on 10 pounds would be 23 cents, or 2.3 cents per pound. At this rate, for every $2,300,000 worth of business, the cost to the Government would be ten million, or a loss of $7,700,000. But the contention is that the rate should be much lower, and if a compromise is made at 1 cent per pound, every $100,000,000 worth of business would mean a loss to the Government of nine hundred million, an amount about a hundred million dollars in excess of the annual appropriations of Congress, or about equal to our interest-bearing debt, or about equal to one-third of the total money circulation in the United States.

What are the causes of our present deficit? The principal cause given is second-class matter. Turn to page 80. The Postmaster-General states:

During the last fiscal year the total weight carried at 1 cent a pound and free was 663,107,128 pounds. If it costs the Government as much

as 5 cents a pound to handle this matter in the mail, it will be seen that the amount paid out was $33,155,356.40. The actual revenue was $6,186,647.54.

Here you have a loss of $27,000,000 on a $6,000,000 business, and the cost to the Government is figured at only 5 cents, which is, of course, much below the actual cost, and if the cost is 10 cents per pound the loss would be $60,000,000.

The Postmaster-General states in his report that the second-class matter—663,000,000 pounds—approximates in weight two-thirds of the bulk of all mail matter, yet produces only $6,186,647.54, or 4 per cent of the present revenue. Now, if, for instance, the rate on all mail matter should be fixed at the same price as second class, which is 1 cent per pound, the revenue would be only 6 per cent of the present revenue, or $9,279,971.31. Deduct the $9,279,971.31 from $167,399,169.23 total expenditures, and you have a deficit of about $158,000,000. If the rate should be fixed at 2 cents, the revenue would be about eighteen and one-half millions, and the deficit about $149,000,000. If the rate should be fixed at 3 cents, the revenue would be about twenty-seven and three-quarter millions, and the deficit $139,500,000. If fixed at 4 cents, the revenue would be about $37,000,000, and the deficit about $130,000,000. If at 5 cents, the revenue would be about forty-six millions, and the deficit about $121,000,000. If the rate is fixed at 6 cents, which is twice as high as anybody has suggested that the rate should be on parcels post, the revenue would be about fifty-five and one-half millions, and the deficit $111,000,000.

Can the cost be reduced? The answer is no.

See page 65, where the Postmaster-General calls attention to the Congressional commission investigation—a commission composed of distinguished men, four members of the Senate and four members of the House. After exhaustive investigation, the Commission submitted its report in 1901. The general conclusion was:

> We are of the opinion that the prices now paid the railroad companies for the transportation of the mails are not excessive, and recommend that no reduction be made thereof at this time.

This report was substantially concurred in by all except Representative Fleming and Senator Chandler. Fleming filed a separate report recommending a reduction of 5 per cent. Senator Chandler did not sign either of the reports.

What do we find? The present prices paid railroad companies are declared to be reasonable, though I am inclined to differ with the Commission and other Members on that subject. Nobody has suggested to reduce the rates paid the railroads or the cost of the service.

If the low rates are given, if the weight limit is extended, and these special privileges granted, it is safe to say that the business of the Post-Office Department will increase extensively. The freight business of this country is over fourteen hundred million. The express business is also large. The appropriation for the Post-Office Department has increased from $35,756,091 in 1875 to $181,022,093.75 for 1905–6, an increase of more than 500 per cent, or $145,266,002.75, in thirty years. It has increased from $49,040,400 in 1885, an increase of more than 350 per cent, or $131,981,693.75, in twenty years; and from $87,236,599.55 in 1895, or over 100 per cent, or $93,785,494.26, in ten years.

Here we have an increase of nearly $100,000,000 in ten years under ordinary conditions without extending any special privileges or inducements in rates or weight limit. What would it be with a large reduction of rates and an extension of the weight limit?

Suppose that the parcels post increases the postal business $100,000,000 on the basis of a 2-cent rate; and the cost of the parcels post is 6 cents per pound, the cost of the Government would be three times the rate charged, or $300,000,000, and the loss would be $200,000,000. If the business increases $100,000,000 on a basis of 3 cents, the cost would be double, or $200,000,000, or a loss of $100,000,000. If $100,000,000, on a basis of 4 cents, the cost would be $150,000,000, or a loss of $50,000,000. But some say the rates should be only 1 cent per pound. In that event the cost would be six times the receipts; the loss would be $500,000,000; and if the cost should prove to be 10 cents per pound, the loss would be $900,000,000. This may be putting it strong, so we will assume that the rate would be fixed at 5 cents, and the increase of business will be $100,000,000, and that the cost is only 10 cents, or $200,000,000, which would mean a loss of $100,000,000 to the Government. How are you going to make up the deficit?

The total expenditure last year for this Department was $167,399,169.23. The total receipts were $152,826,585.10; total excess of expenditure over receipts, $14,572,584.13. Add this $14,000,000 to the $100,000,000 and you would have a deficit of over $114,000,000.

How is this $114,000,000 to be provided for? Are you going to pay it out of the Treasury? No; all are agreed that that can not be done at this time. Besides, as before stated, some doubt the wisdom and propriety of "robbing Peter to pay Paul," or "to compel Mr. Jones to contribute toward paying Mr. Smith's freight." Are you going to increase the rates of postage? No; the proposition is to reduce them. Are you going to reduce the cost of handling mail? No; there seems to be no show to do that. What will you do? Some say discontinue the rural free-delivery service. Why discontinue this service and deprive the people of the rural districts of this valuable and much appreciated service? More than 50 per cent of the people of the United States live in the rural districts. Six million families are engaged in agriculture. This and the $7,000,000 expended by the Agricultural Department is about the only appropriation made directly in their interest. The inauguration and promotion of the rural free-delivery service was a recognition justly due a deserving people—a people where patriotism, loyalty, morality, and virtue prevails. It was with a view to adding to the blessings, advantages, advancement, happiness, comfort, and convenience of a people who have contributed so much to this nation's growth, greatness, dignity, prosperity, stability, and peace—a people always found in the foremost ranks in our days of unpleasantness, marching on to victory in times of peace and war. Nobody has done more to maintain or perpetuate this great and splendid Government of ours; nobody has responded more promptly, freely, or heartily when our Government institutions were in danger than have the people to whom this service is extended. The rural free-delivery service, together with railroads, telegraph, telephones, and the improvements of roads, has brought the people on the farms nearer and in closer communication with the towns and cities, and has added much to their convenience and advantages, and thus encouraged our young men and women to remain on the farms, where they do and may enjoy a greater degree of earthly blessings, true happiness, independence, advantages, and general content than they do in the cities, where they so often encounter difficulties and temptations which are so hard to overcome.

Up to October 2, 1905, 50,389 petitions had been filed, of which 33,486 had been favorably acted on; 12,257 filed with adverse action, leaving 4,655 cases pending. On July 1, 1905, we had 32,121 routes and 32,055 carriers, paying them more than $20,000,000 annually in salaries. There are now 226 routes in operation in my district, giving employment to 226 carriers; nearly all are paid $720 per annum, a total of $13,560 per month, or $162,720 a year. Can we afford to discontinue this whole service in order to accommodate half a dozen mail-order houses that do not contribute a cent to the maintenance of the State, county, or towns, schools, or churches of those localities? But the total amount appropriated last year for the rural free-delivery service was only $25,828,300, and we still have a deficit of $88,000,000. But you say you can also dispense with the city free-delivery service. Of course it will have to go also. But by so doing you have reduced the expenses only $21,000,000, and still you have $67,000,000 to provide for.

Mr. STEPHENS of Texas. May I ask the gentleman a question?

Mr. HAUGEN. Certainly, I will be very glad to answer the gentleman.

Mr. STEPHENS of Texas. I desire to ask the gentleman if he desires to withdraw the support of the Government to the rural free delivery of the country? Are you opposed to the rural free-delivery system?

Mr. HAUGEN. Certainly not; I am opposed to the parcels post under existing conditions, and am in favor of the rural free-delivery service.

Mr. STEPHENS of Texas. I am glad to learn that.

Mr. HAUGEN. The point I am trying to make is this. With a parcels post the danger is, and the general belief is that you would have to discontinue the rural free delivery. Not only the rural free delivery but also the city delivery.

If you establish a parcels post at the rate of 5 cents a pound and the cost is 10 cents a pound, and the business increases to the extent of $100,000,000 you have a deficit of $100,000,000. I am opposed to discontinuing the rural free-delivery service or the city delivery in order to make up the deficit caused by parcels post to accommodate a few catalogue houses.

Mr. NORRIS. Mr. Chairman, will the gentleman permit an interruption?

Mr. HAUGEN. Yes; I will be very glad to have it.

Mr. NORRIS. I do not believe the gentleman said just what he intended to say just a moment ago.

Mr. HAUGEN. I think so.

Mr. NORRIS. You said you were in favor of parcels post to accommodate a few catalogue houses.

Mr. HAUGEN. I said I was against it.

Mr. NORRIS. I thought you meant that.

Mr. HAUGEN. I am in favor of the rural free delivery and city delivery, and against a parcels-post system that will incur such a large deficit. It is generally conceded that parcels post is in the interest of catalogue houses, and will enable them to build up an absolute monopoly in the mercantile business; and I fail to see where such a monopoly would be of sufficient benefit to warrant such action.

I am one of those who believe that we already have more monopolies than is good for this country. We have the beef trust, the harvester trust, and many others. My observation has been that they have been of very little benefit, if any; and I doubt the wisdom of taxing the Government $100,000,000 in order to crowd out the merchants of the smaller towns, and destroy the beautiful towns, villages, and cities throughout the country, and to promote this monopoly.

Mr. NORRIS. I interrupted the gentleman simply to correct him. I thought that in the close of his statement he did not state what he intended.

Mr. STEPHENS of Texas. Will the gentleman yield for a question?

Mr. HAUGEN. Certainly.

Mr. STEPHENS of Texas. I desire to ask him this: If the Government should take charge, or, in other words, regulate the amount of charges that could be made by the express companies so as to place it under the railway commission, that would obviate the crying necessity that now exists for a parcels post. In other words, does not the Government come in competition, then, with the express companies in the country, and in that way is not your object to force the express companies to put down the enormous rates they are now charging to the citizens of this country?

Mr. HAUGEN. I will say to the gentleman from Texas that I am in favor of and voted for the amendment to the Hepburn bill, to place express companies under the regulation of the Interstate Commerce Commission. My contention is that the postal rates are higher than the express rates. I made the statement that the express companies charge $2.25 a hundred from Washington to Chicago, a distance of 800 miles. They charge $3 from New York to Chicago, a distance of 1,000 miles. The railroad companies tax the Government 5⅝ cents a pound for an average haul of 442 miles.

Mr. STEPHENS of Texas. Then why does not the Government exert its power and influence to reduce these enormous rates so that there will be no necessity for the parcel post?

Mr. HAUGEN. You have reference to the rates in the postal service? The express charges, according to Cowel's statement, quoted in the Postmaster-General's report, for 1,000 miles, are less than one-half the cost to the Government for carrying mail by railroad companies, including the railway mail clerks, an average distance of 442 miles.

Mr. STEPHENS of Texas. If the gentleman will permit, will not you admit that private individuals or private corporations can carry these parcels cheaper even than the Government can carry them?

Mr. HAUGEN. Certainly they can. There is no question about that.

A great deal has been said about the government ownership of railroads. Here is a fair example of what government ownership means. We are now engaged in a business in competition with private concerns. We pay the railroads for rent on cars and for carrying mail and clerks in the Railway Mail Service an average of 7½ cents per pound for an average haul of 442 miles. The whole postal business aggregates practically $170,000,000 annually, or an average cost of 17 cents per pound for all mail matter handled.

On the other hand, any of the large express companies carry 100 pounds with a limited guaranty from New York to Chicago, a distance of 1,000 miles, for $3, or $2.25 from Washington to Chicago, a distance of 800 miles. These four companies—the American, Wells-Fargo, United States, and Adams—are practically one company, which is an absolute monopoly, no competition existing, all companies having practically the same officers, nearly all railroad lines being divided between them, and but one company doing business on any one road. Their combined capital is $60,000,000, and much of it water. They have 40,000 agencies, employ 50,000 people, handle 100,000,000 packages, 7,000,000 money orders, 20,000,000 other sealed packages, and all pay liberal dividends on stocks and bonds, including watered stocks and bonds; and it is alleged they charge exorbitant prices, and yet the rate on 100 pounds for 1,000 miles is less than one-fifth of the average cost to the Government for handling all mail on an average haul of 442 miles.

The Government also has a printing office, the largest in the world, I believe. The Government printing done by this institution, we have been told here a number of times, costs about 50 per cent more than if done by private contract. The Librarian of the Congressional Library stated to the Committee on Appropriations only the other day that it cost him 60 per cent more to have the binding done by the Government Printing Office than it does other public libraries which have the binding done by private contract. I believe he said 60 per cent.

There can be no question in the mind of anybody but that the public printing and the postal service could be had for one-third less, and I believe it is safe to say one-half of what it costs the Government now if it were let to private concerns. Excessive cost seems to be the result in everything the Government undertakes to do.

In view of these facts I am opposed to the establishment of parcels post, and I am in favor of continuing the 32,121 rural free-delivery routes, which employ 32,055 carriers, and continuing the city delivery, which employs 21,778 carriers, not only to continue these services, but to extend them. We better have this service with $15,000,000 deficit than to dispense with it and establish a limited parcels-post service with $67,000,000 deficit.

The Department is going forward with a mighty speed. Postmaster-General Cortelyou makes this statement:

> What a contrast between the service of his day and that of the present time! From 75 post-offices in 1790, the year of Franklin's death, the number had grown in 1901 to 76,945, and now is 68,131; from receipts of $37,935, and expenditures of $32,140, we have advanced in the same period to receipts of $152,826,585, and expenditures of $167,399,169; from a total force of about 500 to a total force of about 280,000.

Much is said about parcels post in other countries, especially in Germany. Yes, Germany does a parcels-post business on a large scale; but Germany owns its own railroads. The parcels post is a separate business from the post-office business, and is carried in separate cars and on separate trains, stored in separate buildings, and they are separate as much as the post-office and express business are here, except there the two are conducted by the Government, while here only one. But Germany, with her dense population, can not be compared with our sparse population. The German Empire has 208,830 square miles, with a population of 58,500,000, or 280 to the square mile. The United States has 3,000,000 square miles, a population of about 80,000,000, or 27 to the square mile.

Now, we will get back to this public ownership.

Mr. LACEY rose.

The CHAIRMAN. Will the gentleman from Iowa [Mr. HAUGEN] yield to his colleague?

Mr. HAUGEN. Certainly.

Mr. LACEY. The gentleman seems to have investigated this matter very thoroughly, and I would like to ask if there is anything in Germany analogous to the mail-order houses in this country?

Mr. HAUGEN. I could not answer that question. I think not.

I am now coming back to this government-ownership proposition.

Mr. GROSVENOR. Will the gentleman allow me a question?

Mr. HAUGEN. Certainly.

Mr. GROSVENOR. I have not followed closely the gentleman's argument, but I saw a statement the other day of the comparison between the cost of carrying goods by express and by mail, which stated that the express companies gathered the articles in the city of New York and delivered them at the houses in the city of Chicago——

Mr. HAUGEN. Yes, sir; at $3 a hundred.

Mr. GROSVENOR. At half the cost the Government was paying for carrying the mails halfway to Chicago.

Mr. HAUGEN. Yes, sir; that is absolutely correct. They charge $3 per hundred from New York to Chicago, a distance of a thousand miles, and it costs the Government $7.50 a hundred for the average haul of 442 miles. Besides you have this advantage. The express companies make a guaranty. They guarantee the delivery and they guarantee the shipper against loss. The Government makes no guaranty unless registered, and that in limited amounts of from ten to twenty-five dollars. Of course the express rates are higher on smaller and more valuable packages.

Mr. GROSVENOR. The Government delivers the mail onto the cars and takes it from the cars.

Mr. HAUGEN. That is true.

Mr. NORRIS. In order to do this freely, it seems to me you ought not only to count the weight but take into consideration the number of parcels by express and also the number of articles delivered by mail. That might make some difference.

Mr. HAUGEN. It might make some difference as to the average cost.

Mr. NORRIS. Would it not, as an actual fact, make a great deal of difference?

Mr. HAUGEN. The weight of the parcels has nothing to do with it so far as the railroad companies are concerned. The railroad companies have nothing to do with sorting the mail. They simply carry it and are paid a certain amount for carrying it.

Mr. SMITH of Kentucky. I want to ask the gentleman a question. He seems to have investigated this question in a very exhaustive manner. I want to ask him if he is or is not convinced by his examination or investigation that the rates paid to the railroad companies for carrying the mail matter could be very much reduced without doing an injustice to the railroad companies?

Mr. HAUGEN. While I disagree with the Commission's report, I do not wish to put my judgment up against these eight distinguished men. That Commission was made up of four distinguished Senators and four distinguished Members of the House, one of them now a member of the Cabinet, our able Attorney-General; but I intend to investigate that subject carefully and to discuss it at a later date; and all that I care to say at this time is that the Government pays the railroad companies an average of $12\frac{8}{10}$ cents for each of the 362,645,731 miles traveled, or $225 per mile for each of the total 200,965 miles on the 3,064 mail routes; and that it costs the Government an average of 7½ cents per pound for all mail carried by railroad companies, which includes the salary paid the railway mail clerks who look after the mail while in transit.

Mr. SMITH of Kentucky. There is no excuse for that.

Mr. HAUGEN. Another thing, the establishment of parcels post would discriminate against a local merchant. The present law provides that carriers shall not, during their hours of employment, carry any merchandise for hire, except on request of patrons residing on their respective routes, and that only whenever the same shall not interfere with the proper discharge of their official duties, and under such regulations as the Postmaster-General may prescribe. With the establishment of parcels post carriers would be required to deliver merchandise sent from outside merchants even though it came in carload lots, regardless of the condition of roads or interfering with their prompt delivery of other mail; and the only way the local merchant could have his merchandise delivered would be by paying full postage—the same rate as the merchant a thousand miles away, who would be near the factory and would have less freight to pay to his place of business, and, of course, could afford to undersell the local merchant by reason of this discrimination.

How would the parcels post operate in our rural districts with rural free delivery service? Suppose the weight limit is fixed at 50 pounds, and some mail-order house made a special price, say, on sugar, and fifty patrons on one route each ordered 50 pounds, and all would be shipped and delivered on one day. The rural free-delivery carrier would have, besides his ordinary mail, 2,500 pounds of sugar to deliver, which would require from one to three teams, according to the condition of the roads. With this freight service added to the mail business, would you expect the carriers to continue their services at $720 per year? Certainly not. I believe the general opinion is that the carriers are now underpaid. In many instances I believe their salaries should be increased even under present conditions.

We now have a deficit of nearly $15,000,000. Are we now to go headlong into a losing proposition that may incur a deficit of hundreds of millions of dollars? No; before considering that proposition let us first endeavor to reduce the expenses. First, give attention to the prices paid the transportation companies, and if possible rearrange the whole service so as to enable the Government to compete with private enterprises engaged in a like business. When that has been done, then there will be time to talk about going into the freight and express business; but not now, when we are confronted with the cold facts that it means a loss of from 1 to 400 per cent on every dollar's worth of business, and, besides, absolutely the discontinuance of the rural free delivery and city free delivery service.

I submit to you unless the cost of carrying and handling the mail can be greatly reduced the Government can not in justice to all concerned go into the express and freight business, such as is commonly called "parcels post."

In conclusion, I want to enter a protest against the delivery of mail to boxes by number alone. In this connection I want to make myself clear that I have no quarrel with the Post-Office Department or anybody connected therewith. The Department has at its head very excellent, accommodating, affable, pleasing, courteous, and competent gentlemen; men of energy, integrity, judgment, and ability; and the same can be said of all connected therewith so far as I know. The Department can not be held responsible for excessive prices paid the railroad companies or expenditures in general. Congress appropriates the money and in most cases specifies how money shall be expended, and it must shoulder the responsibility.

As to the delivery of mail matter numbered, I understand that mail matter simply numbered is not delivered to boxes with a corresponding number; but I have at various times protested against, and will continue to protest against, any law or rule requiring the delivery of mail simply numbered, leaving off the name of the person for whom it is intended. To illustrate the feeling in this matter I will put it as the proposition was put to me by a farmer who called to enter his protest against this method. He had been ordered to number his box. He said he had no objection to the numbering of the box, but protested against being addressed by number. He said that he believed he was entitled to more civil treatment, and made the point that the code of etiquette and law of decency requires that every gentleman and lady shall be addressed by his or her name, and that only scrub animals are referred to by number. If a registered or fine animal is advertised, offered for sale, or referred to, the name is added to the number; if a pen of scrub animals is offered it is generally by number. It appealed to me that there was much force in his argument, and it is fair to assume that the people of your district and my district are entitled to as much consideration and respect as high-class animals.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SHERMAN. Does the gentleman want any more time?

Mr. HAUGEN. I do not care to deprive other Members of their time.

Mr. WILLIAMS. I ask unanimous consent that the gentleman may have ten minutes more.

The CHAIRMAN. The committee has no control of the time.

Mr. WILLIAMS. That is a great misfortune, Mr. Chairman.

The CHAIRMAN. There was an order made this morning dividing the time between the gentleman from New York and the gentleman from Texas.

Mr. SHERMAN. May I ask the Chair to inform me how the division of time now stands?

The CHAIRMAN. The gentleman from New York has consumed an hour and forty-three minutes and the gentleman from Texas has consumed an hour and thirty-five minutes.

Mr. STEPHENS of Texas. I desire to yield to the gentleman from Iowa who has just spoken ten minutes out of my time.

Mr. SHERMAN. I had asked the gentleman if he had desired further time, and he said he did not.

Mr. HAUGEN. I am very grateful to the gentlemen, Mr. Chairman, but I understand that the time is limited and that there are others who desire to speak. I have already consumed considerable time; and as there is so much to be said on this subject and it would take hours to cover all that is involved in the question, I do not feel justified in proceeding further at this time, but will ask permission to have printed in the RECORD a communication from the Post-Office Department.

Mr. STEPHENS of Texas. We are very much interested.

Mr. HAUGEN. I will not ask for any more time.

The communication referred to is as follows:

POST-OFFICE DEPARTMENT,
FOURTH ASSISTANT POSTMASTER-GENERAL,
*Washington, February 20, 1906.*

Hon. G. N. HAUGEN,
*House of Representatives.*

SIR: In compliance with your request of February 13, you will find inclosed list of rural delivery routes in your district, showing total number of routes in operation, number ordered established, and number adversely reported. There are no pending applications.

The list furnished in October last is herewith returned.

Very respectfully,

P. V. DE GRAW,
*Fourth Assistant Postmaster-General.*

*Rural-delivery service in the Fourth Iowa district.*

| Post-office. | Number of routes established. | Reported adversely. | Post-office. | Number of routes established. | Reported adversely. |
|---|---|---|---|---|---|
| Alta Vista | 1 | 1 | Dorchester | 3 | |
| Arlington | 4 | 2 | Dougherty | 2 | |
| Bassett | 1 | 1 | East Elkport | 2 | |
| Bonair | 1 | | Edgewood | 2 | |
| Burroak | | 1 | Elgin | 5 | 1 |
| Calmer | 3 | 1 | Elkader | 3 | |
| Carpenter | 1 | | Elkport | 1 | 1 |
| Castalia | 1 | | Elma | 4 | 2 |
| Charles City | 6 | 1 | Farmersburg | 1 | |
| Chester | 2 | | Fayette | 4 | |
| Church | 1 | | Floyd | 3 | |
| Clayton | | 1 | Fort Atkinson | 2 | 1 |
| Clear Lake | 6 | | Frankville | | 1 |
| Clermont | 2 | 1 | Fredericksburg | 4 | |
| Cresco | 8 | 1 | Froelich | | 1 |
| Decorah | 8 | | Garnavillo | 1 | |

*Rural-delivery service in the Fourth Iowa district*—Continued.

| Post-office. | Number of routes established. | Reported adversely. | Post-office. | Number of routes established. | Reported adversely. |
|---|---|---|---|---|---|
| Grafton | 1 | | Plymouth | 1 | 1 |
| Guttenburg | 2 | | Postville | 3 | 1 |
| Hanlontown | 2 | | Randalia | | 2 |
| Harpers Ferry | 1 | 1 | Republic | 1 | |
| Hawkeye | 4 | 1 | Riceville | 4 | |
| Ionia | 2 | 1 | Ridgeway | 2 | |
| Joice | 1 | | Rock Falls | 1 | |
| Kensett | 3 | 1 | Rockford | 5 | |
| Lansing | 3 | 2 | Rockwell | 3 | 1 |
| Lawler | 3 | 3 | Rudd | 1 | |
| Lime Springs | 4 | 1 | St. Ansgar | 3 | 2 |
| Little Cedar | 1 | 4 | St. Olaf | 2 | |
| Littleport | | 1 | Staceyville | 1 | 1 |
| Locust | 1 | 1 | Strawberry Point | 3 | 1 |
| Luana | 2 | 1 | Swaledale | 1 | 1 |
| McGregor | 3 | | Thornton | 2 | |
| McIntyre | 2 | 1 | Turkey River | 1 | |
| Manly | 2 | | Ventura | 2 | |
| Marble Rock | 2 | | Volga | | 3 |
| Mason City | 8 | | Wadena | 3 | |
| Maynard | 2 | | Watertown | 1 | |
| Miltonville | | 2 | Waterville | 2 | 1 |
| Meservey | 1 | | Waucoma | 4 | 1 |
| Mitchell | 1 | 1 | Waukon | 5 | 3 |
| Monona | 4 | 1 | Waukon Junction | | 2 |
| Nashua | 3 | | Westgate | 1 | |
| New Albin | 2 | 1 | West Union | 3 | 6 |
| New Hampton | 6 | | | | |
| Nora Springs | 4 | | Total | 226 | 73 |
| Northwood | 5 | | Favorably reported: | | |
| Oelwein | 3 | | Northwood | 1 | |
| Orchard | 1 | | Castalia | 1 | |
| Osage | 6 | 4 | | | |
| Ossian | 3 | 1 | Total | 228 | |
| Osterdock | 1 | | | | |
| Otranto Station | | 2 | | | |

*Schedule of rates for railway mail transportation.*

| Average weight of mails per day carried over whole length of route. | Pay per mile per annum. Rates allowable under act of Mar. 3, 1873. | Rates allowable under acts of July 12, 1876, and June 17, 1878. | Rates allowable to land-grant railroads, being 80 per cent of allowance to other railroads, under act of July 12, 1876. | Intermediate weight warranting allowance of $1 per mile under the custom of the Department, subject to acts of July 12, 1876, and June 17, 1878. |
|---|---|---|---|---|
| | | | | *Pounds.* |
| 200 pounds | $50.00 | $42.75 | $34.20 | |
| 200 pounds to 500 pounds | | | | 12 |
| 500 pounds | 75.00 | 64.12 | 51.30 | |
| 500 pounds to 1,000 pounds | | | | 20 |
| 1,000 pounds | 100.00 | 85.50 | 68.40 | |
| 1,000 pounds to 1,500 pounds | | | | 20 |
| 1,500 pounds | 125.00 | 106.87 | 85.50 | |
| 1,500 pounds to 2,000 pounds | | | | 20 |
| 2,000 pounds | 150.00 | 128.25 | 102.60 | |
| 2,000 pounds to 3,500 pounds | | | | 60 |
| 3,500 pounds | 175.00 | 149.62 | 119.70 | |
| 3,500 pounds to 5,000 pounds | | | | 60 |
| 5,000 pounds | 200.00 | 171.00 | 136.80 | |
| For every additional 2,000 pounds | 25.00 | 21.37 | 17.10 | |
| Over 5,000 pounds | | | | 80 |

No allowance is made for weights not justifying the addition of $1.

*Rates allowable per mile per annum for use of railway post-office cars when authorized.*

| | | |
|---|---|---|
| Railway post-office cars, 40 feet | per daily line | $25.00 |
| Railway post-office cars, 45 feet | do | 30.00 |
| Railway post-office cars, 50 feet | do | 40.00 |
| Railway post-office cars, 55–60 feet | do | 50.00 |

To constitute a "line" of railway post-office cars between given points, sufficient railway post-office cars must be provided and run to make a trip daily each way between those points.

Mr. WILLIAMS. I ask unanimous consent that the gentleman from Iowa may continue his remarks in the RECORD.

The CHAIRMAN. The gentleman has that permission under the order adopted yesterday.

Mr. GARDNER of Massachusetts. Mr. Chairman, in view of the fact that in my opinion the Committee on Immigration will report a substantial measure for the restriction of immigration, it is my desire to get as much time for debate on that question as possible. I know if that bill comes before the House there will be an immense demand for the time allotted to debate, so I take this opportunity to express my views, and shall be glad to be interrupted by any gentleman who wishes to ask a question.

The humanitarian urges us not to restrict immigration, because our forefathers had the advantage of a free country into which to come as pioneers and found for themselves homes in a new world, and because America should ever be a land of refuge for the oppressed and for the ambitious man. But go down to Ellis Island any afternoon when a ship from Genoa is coming in; watch that long line of assisted and semicontract labor passing the inspectors, and then try to pick out one man in five who looks like a hearty self-respecting pioneer, and not like a man brought here under a contract expressed or implied. But, says the practical man, these men are all needed; there is a demand for their labor; if there were no demand, how could they come here and get jobs? Well, there is no question that over 1,000,000 came here last year and got jobs yielding, under present conditions, a very fair living.

But times are very prosperous now. When times are hard what is to become of this vast population which has come into our land? Some of it will go home, perhaps, but the bulk of it will remain to compete with our own people for limited opportunities of employment.

There is an unlimited demand for labor if very low wages are paid. We all could build railroads if the wages were not too high. So, when the practical man says that the restriction of immigration will interfere with new enterprises by restricting the labor supply, is that observation anything more than an expression of fear as to the cheapness of his labor supply? It may be very true that if he can not get cheap labor many valuable enterprises must be stopped because there is not the cheap labor to carry them on. It may be that those enterprises not only would inure to the promoter's benefit, but to the benefit of many other people as well. Still, would not the indicated line of reasoning obtain if you were to cut existing wages in the United States in half? Would not many enterprises at once be undertaken because they could be made profitable with cheaper labor? Undoubtedly so. Undoubtedly many men would profit; and yet no sane man would think it good for this country to reduce wages one-half.

How often we hear the argument that as each new race comes in it lifts up the others. Well, I will admit that in the past there has been that tendency; but we have 80,000,000 people here now, and that is too great a number for a superstructure. Only a small part of 80,000,000 can be employers or shopkeepers or foremen. I do not believe it is any longer true that the incoming races are pushing up all of those already in, but I think, on the contrary, that you are subjecting our workmen striving to maintain their standard of wages to a competition which is unfair.

Our immigration officials lay a great deal of stress on the question of the distribution of immigration. They point to the fact that over half of these aliens settle in New York and Pennsylvania, and yet that throughout the West and the South there is a demand for labor. Immigration, however, does not go there, and they say that there ought to be a remedy.

In my opinion, there can not be any remedy except natural laws. Immigrants do not stop in New York and Philadelphia because they are put there. They stop because there is a demand for them there, and because they can get higher wages and more steady employment than if they went somewhere else. It is foolish to say that these immigrants congest our large centers and become charges upon the community. It is not true. There were 315,000 immigrants settled in New York State last year, one year's importation alone, and yet only 12,000 aliens, all told, are in the penal and charitable institutions of the State. In Pennsylvania less than 6,000 aliens, all told, are in charitable or penal institutions, and yet 210,000 last year alone settled in Pennsylvania. I think that we must accept the fact as demonstrated beyond doubt that those people stay in Pennsylvania and stay in New York on account of economic reasons.

At the immigration conference in New York again and again I heard speakers tell of the demand for labor in the West and in the South. In private conversation with the speakers I generally found that steady jobs were not offered, or else that the rate of wages was lower. Under present conditions in the South, I found that in the cotton mills the rate of wages was fairly high and that the employment was steady. I say to you, Mr. Chairman, that if the rate of wages now obtaining in some of the southern cotton mills continues the question of their labor supply will be solved by migration from Fall River and other northern places.

Mr. WILLIAMS. Mr. Chairman, is it or is it not true that

a majority of the Hugarians and Italians coming into the United States now are peasants and agricultural laborers?

Mr. GARDNER of Massachusetts. Nearly a majority.

Mr. WILLIAMS. Then does the gentleman know any good reason why these idle men, with agricultural training behind them, should not be directed by immigration laws to the idle lands in the South and in the West?

Mr. GARDNER of Massachusetts. Mr. Chairman, I can refer the gentleman to the Manufacturers' Record, published in the city of Baltimore, July 20 last. This contains a symposium of views collected all over the South, from all sorts of men, showing what results have obtained when the attempt has been made to connect the jobless man with the manless job. You will find almost invariably——

Mr. WILLIAMS. The gentleman has misunderstood me.

Mr. GARDNER of Massachusetts. I think I understood the gentleman.

Mr. WILLIAMS. He is stating his position too broadly. I am not undertaking to connect the jobless man with the manless job. I am undertaking to connect the idle agricultural man with the idle acre.

Mr. GARDNER of Massachusetts. Continuing with what I was saying, the symposium shows that when these foreign arrivals have been settled in various parts of the South by somewhat artificial means, such as the intervention of State immigration agents, they frequently do not stay. Many proceed at once to the city, where they find permanent employment and conditions existing which, rightly or wrongly, they desire. It is not to be wondered at that they prefer the city. If there was any medicine that I could inject into the Yankee boys in my district to keep them in the country instead of having them flock to the city I should be glad to know it. I do not expect these aliens to have any less predilection for the city than those Yankee boys.

Mr. GRAHAM. Will the gentleman allow an interruption?

Mr. GARDNER of Massachusetts. Certainly.

Mr. GRAHAM. The gentleman states that it is impossible, in his opinion, to so scatter the immigrants that they will not settle in the crowded cities of the United States. In a bill that I had the pleasure of offering, and which rests in the Immigration Committee, I proposed to allow or permit the Secretary of Commerce and Labor to prevent these men from immigrating into this country unless they will scatter throughout the States—in other words, to prevent their settling where there is 30 per cent foreign population now existing; not to allow them to settle in any city or town where there is 30 per cent of foreign population at present.

Mr. GARDNER of Massachusetts. Mr. Chairman, I have given that proposition no thought, but, as stated by the gentleman, I should say it was all moonshine. To go on, in accordance with suggestions of Commissioner Sargent, after a close examination and full hearing, two bills for the better distribution of immigrants have been introduced, one of them by my colleague on the committee, Mr. HAYES, of California, and the other by myself. In my opinion, neither of them amounts to much as a practical measure for distribution against the current of supply and demand.

Now, in discussing immigration matters, people who have not given study to the subject fail to appreciate the difference between selection of immigration and restriction of immigration. For instance, we have laws which exclude those who are likely to become paupers, those who have certain physical defects, loathsome diseases, and the like. Those are selective laws. Then we have the contract-labor law, which is a restrictive law, tending to cut down the numbers that are coming in, irrespective of whether aliens have certain given mental, moral, or physical qualifications.

Then we have the $2 head tax. That is an excellent thing as a revenue measure, but is not a success either in the direction of selection or of restriction.

The proposed educational test, which I believe to be good as far as it goes, is both a selective and a restrictive measure, but it does not begin to be restrictive enough. I do not believe it would accomplish what I want to see accomplished, which is a horizontal cut right through the center of our immigration. Now, if it is selection that the people of the United States want, pass the Dillingham bill. I understand from immigration authorities that if that had been in operation last year it might have cut down the immigration a few thousand.

Mr. DRISCOLL. Will the gentleman allow me an inquiry?

Mr. GARDNER of Massachusetts. Certainly.

Mr. DRISCOLL. What does the gentleman mean by a horizontal slash? Does he refer to countries or to the number of immigrants?

Mr. GARDNER of Massachusetts. Perfectly irrespective of race, religion, or country, as I will show the gentleman if my time does not run out. A head tax would operate alike on one country as on another.

Mr. DRISCOLL. I do not know if the gentleman has considered this proposition; if immigrants from foreign countries should be prohibited from coming here, have we any class of people in this country who, from generation to generation, would do what we ordinarily call the "common work," what some people call the "servants' work?"

Mr. GARDNER of Massachusetts. If we pay enough they will do it, and if we haven't anybody else to do it we have got to do it ourselves.

Mr. DRISCOLL. Is it not true that there never was a country that we know anything about where what we call "society" is so much in a state of unrest from bottom to top as it is in this country? Has it not been the case for many years that people born in one State insist on getting up and moving to another State?

Mr. GARDNER of Massachusetts. The gentleman means the tendency to migration?

Mr. DRISCOLL. Not only to migration, but a tendency to elevate one's self in one's work, a constant tendency to elevate one's standing in the community.

Mr. GARDNER of Massachusetts. There is no question but that has been the history in time past.

Mr. DRISCOLL. So that there is to be nothing left at the bottom. Is not that the situation?

Mr. GARDNER of Massachusetts. I believe we can put the bottom on a higher plane.

Mr. SHERLEY. Mr. Chairman, will the gentleman yield to a suggestion and to a question?

The CHAIRMAN. Does the gentleman yield?

Mr. GARDNER of Massachusetts. Yes.

Mr. SHERLEY. I want to suggest to the gentleman that one of the troubles seems to be that immigration is forced into this country by virtue of the greed of steamship companies. They undertake to procure immigrants for the money that is to be made out of transporting them.

Mr. GARDNER of Massachusetts. I do not think that the principal trouble. I think it is an element in the question. If my time does not run out, I think the gentleman will see later that I give due weight to steamship activity, but that I point out a cause a good deal deeper.

Mr. SHERLEY. The gentleman must not misunderstand me——

Mr. GARDNER of Massachusetts. I quite understand the gentleman's point, but that he will see I am coming to later—the question of what the motive force is which brings an individual in here.

Mr. SHERLEY. If the gentleman will permit me, I do not want to take up his time unless he desires——

Mr. GARDNER of Massachusetts. I want to discuss this question and I am glad to have any question asked. Now, at the risk of making my speech wrong end foremost, I can explain somewhat to the gentleman my theory as to the basic cause for our gigantic immigration.

Mr. SHERLEY. If the gentleman will permit me, it might save his time and mine if he will allow me to suggest my inquiry without his undertaking to determine what it is before hearing it, and that is this: That being one of the causes—not the controlling cause—which brings much undesirable immigration, could we not, to some extent, remedy the matter by a law restricting the number of immigrants on each ship? Would we not thereby circumvent the greed of the shipowner, as the allotted number would readily take passage without special inducement, and those only would come who desire to emigrate of their own initiative?

Mr. GARDNER of Massachusetts. Well, Mr. Chairman, we have to some extent restricted the number of passengers for a great many years under our navigation laws. Canada has tried it in the case of the Chinese, but she charges Chinamen a $500 head-tax as well.

To go on, if the people want only selection, why we can pass any number of little bills providing that an alien be excluded if he has poor physique, is an imbecile, and the like. There were 279 certified at Ellis Island last year for poor physique. We might have excluded them under the Dillingham bill. There were 47 imbeciles admitted at the same port; but what does all that amount to? We can exclude a few thousand by selective measures, but if we really want restrictive measures and seriously desire to cut down our immigration we have got a fight on our hands, and it is none too soon to begin. We shall be fought at every stage. The steamship companies and the large transportation lines might put up a mock battle against some of these unimportant selective bills, with a view to keep-

ing us as long as possible at the soup before we get at the meat, but if we try to get a real restrictive measure through Congress we shall have every transportation line and every steamship line trying to stop us, and it will not be any sham battle. I for one would rather see a real restrictive bill reported to this House and beaten than pass half a dozen of those little, unimportant selective bills, which merely tend to raise the qualifications of a few thousand people.

You will find plenty of people to allege that the trouble is not with our immigration laws, but with their enforcement. That is a very easy thing to say. Anyone who has not been as much at Ellis Island as has my friend the gentleman from New York [Mr. GOULDEN] and as I have been might suppose that there was something in the statement. There is nothing in it at all, however. I take pleasure in saying that the officers of our Marine-Hospital Service who examine the immigrants physically and the inspectors of our Immigration Bureau who do the rest enforce the laws as well as they can be enforced. Their failure to enforce the law arises from the nature of the case. They fall down not on the physical side, but owing to the impossibility of executing our contract-labor law and our law against the admission of people likely to become a public charge.

Mr. Chairman, how much more time have I remaining?

The CHAIRMAN. The gentleman has five minutes remaining.

Mr. GARDNER of Massachusetts. Then, Mr. Chairman, I will take up this question of our contract-labor law, without going into the medical end of the question. I should be glad to describe to you the exact system of medical inspection, because I believe it is practically sound, no matter what anybody else may say. That is an individual opinion, however. Our laws against the admission of contract labor break down utterly. Two-thirds of our adult male immigrants, in my opinion, come under contract, express or implied. I heard that statement doubted the other day on the floor of the House. I think two of the Members from New York were amongst those who doubted it, so I desire to read one or two pieces of evidence which may be material:

Mr. GARDNER. Now, as a matter of fact, do you not think a very large proportion of the labor that comes into this country comes under an implied contract?

Mr. SARGENT. I think there is no question about it, Mr. Gardner. (From page 69 of Commissioner Sargent's testimony before the Immigration Committee.)

Now, in the report of Commissioner Williams, of New York, in 1904:

A very large percentage of the present immigration is of the assisted class. (Page 105, Annual Report of Commissioner-General of Immigration for 1904.)

I quote from Inspector Marcus Braun's report of his investigations abroad, page 27:

Furthermore, these immigrants are mostly contract laborers.

He is referring, as the context will show, to immigrants from eastern and southern Europe. I have evidence here of the same tenor from Mr. Campbell, of the Bureau of Immigration. I think any man who goes down to Ellis Island and uses his eyes and hears these people answer the inspectors would be convinced that the contract-labor law is nearly inoperative. But how can the inspector prove it in any individual case? The inspector stands there with the manifest in front of him, the answers stamped or written in. He asks the immigrant a series of questions. The immigrant answers him exactly in the words of the manifest. The inspector asks whether anybody has given him money for his passage and the immigrant says "No." He asks him if he has come there under a contract, and receives the same reply. Then they cross-examine the immigrant, often by another interpreter. Unless that immigrant has been very badly schooled or is very stupid, or unless some suspicious circumstance arises, nobody can say that he ought to be excluded. Perhaps too many aliens are billed to the same address. That is suspicious, and the men are held for a board of special inquiry, sitting the next day. Once in a while, but not often, they are able to show a strong probability that those men are contract laborers. As a matter of fact, I think we sent home 1,164 contract laborers out of an immigration of a million last year. Yet I do not believe that any man who has looked into the question believes that much less than two-thirds of our adult immigrants are indeed contract laborers. Now to come to the question of remedy.

How much time have I, Mr. Chairman?

The CHAIRMAN. The time of the gentleman has expired.

Mr. JAMES. Mr. Chairman, I ask unanimous consent that the gentleman be permitted to conclude his speech.

The CHAIRMAN. The Chair has no authority to grant additional time.

Mr. SHERMAN. The gentleman has authority to print, and I desire to state to the gentleman from Massachusetts that I promised what little time I have remaining.

Mr. GARDNER of Massachusetts. I quite understand the situation. If the gentleman will yield me one minute, I desire to make a statement. Whereas, Mr. Chairman, I should be very glad to print the rest of my ideas, I much prefer to take time on another appropriation bill to discuss this matter before the House. I am not making this speech especially for circulation, but because I want to discuss with the House the question of immigration. I shall be glad to ask for more time some other day.

Mr. SHERMAN. Mr. Chairman, I now yield to the gentleman from Minnesota [Mr. VOLSTEAD].

Mr. VOLSTEAD. Mr. Chairman, I desire to call the attention of the House to the proposition pending before it for methylated or denatured alcohol for use tax free as an industrial agent. In my judgment, the enactment of this measure into law has in it as much of real promise for the public good as any other measure pending before this House. It would create a new industry that in time would place in the pockets of the people millions of dollars and add immeasurably to their comfort and convenience.

While I desire to call your attention briefly to some of the uses to which alcohol can be put, I wish first to offer some observations as to whether it is practical to enact this law.

At the outset let me say that I am not urging this law in the interest of a reduced tax upon alcohol for use in the beverages. That tax is needed and I believe should be retained in preference to taxes that affect the necessaries of life. The proposition that I make is to permit the use of alcohol free of revenue tax after it has been rendered unfit to drink by mixing it with the poisonous wood alcohol or other like ingredients. In the present state of our revenues I do not believe that it would be advisable to attempt to secure free alcohol for use even in drugs or medicines.

The question of whether the character of denatured alcohol can be preserved so as to prevent its use as a beverage in place of the taxed article appears to be the one question of most importance. This is not a new question, but one that has received the most careful consideration in this and other countries. Though the best chemical skill and appliances have been employed in an effort to prove that denatured alcohol can be purified, I believe that it can be said without fear of contradiction that not a single experiment has been made showing that it is practical to entirely remove the peculiar odor and taste from denatured alcohol so that the fraud could not be readily detected if an attempt should be made to dispose of it in place of the taxed article. It is asserted on very high authority that denatured alcohol can not be purchased and restored so as to be suitable for use as a beverage at a price less than the cost of alcohol, including the revenue tax added. It would be necessary not only to pay for the original production of the alcohol, but for a number of distillations requiring extra skill with special appliances, much more difficult than for the original distillation before denatured alcohol could be used for any kind of drink, and even then the telltale smell and taste of the elements used for denaturing would remain to accuse and convict. These investigations have satisfied nearly every civilized country that alcohol can be denatured so that it can be used for industrial purposes free of tax without danger to the revenue from alcohol used for beverages. Of the great industrial and commercial powers the United States alone has refused to be convinced, and is to-day a conspicuous example of a country adhering to an illiberal and unprogressive policy. Substantially the same objections that can be made to tax-free denatured alcohol in this country can be made to it in the European countries. There, as here, alcoholic spirits for use as beverages bear a heavy tax for the support of the Government. The only difference that has been urged is that in Europe the population is more dense and more closely under police surveillance than here. This, in my judgment, is not a material difference. Our thorough system of communication and ever active and aggressive news agencies serve to expose crime, which is all that is necessary, as the personal interest that every citizen in a free country has in enforcing the law renders police surveillance unnecessary. Among those who obey the law there are always those who profit by the enforcement of the law. If police surveillance should be considered necessary, you have in the postmasters and mail carriers an agency that comes in touch with every man, woman, and child in the land almost daily, a means for securing practically without cost information that would surely lead to detection and punishment. In a bill that I have drawn on this subject I have suggested the possibility of this agency. The Commissioner of Internal Revenue

does not appear to think that there would be any advantage in a sparsely settled locality for restoring this denatured alcohol. He said in a hearing before the Ways and Means Committee a few days ago, in discussing this subject, that he did not think there would be any more danger of fraud than we have now by reason of illicit practice in distilling, and added:

I suppose the purification of this denatured alcohol would require the very finest type of still and everything of that kind. It would be difficult to find a place where they could operate it. They could not operate it in the mountains; they would have to go up in the tenth story of some building where they could have modern implements.

It is fear of punishment and not the difficulty of committing crime that prevents the criminally inclined from breaking the law. The distillation of alcohol from sweet wines or other substances is much easier than from denatured alcohol, and much safer, as the product would not offer any means for detection. That the danger to the revenues has been exaggerated appears evident from the fact that to-day about three and one-half million gallons of alcohol is used tax free to fortify sweet wines. These wines contain about 25 per cent alcohol; still there has been no complaint that this alcohol has been distilled from the wine, a thing that could easily be done, and, it would seem, at great profit.

But it does not seem necessary to speculate on this question, as the experience of years ought to be considered as having settled it. The European countries have operated under such laws for many years and have found so little trouble with the anticipated fraud on the revenues that instead of increasing they have from time to time relaxed their restrictions, and instead of adding more material to denature it they are adding less. England, which collects a larger revenue per gallon than we do on alcoholic liquors, has just completed an investigation of this whole subject by a commission that has recommended that the material for denaturing be reduced one-half or more, and that the restrictions upon the sale and use of denatured alcohol be relaxed. Germany is still more liberal. Can we afford to confess that our people are so lawless or the Government so incompetent that this measure of so much importance to the people can not be permitted to pass? Why not suppress the silver dollar and the greenback to prevent counterfeiting and forgery? The arguments that would apply to one position would no doubt apply to the other.

The time has come when the necessity for this relief is becoming more and more pressing. With wasteful indifference the supply of fuel is, in many localities, rapidly being exhausted. Fuel, on account of its bulky nature, is difficult to transport to any great distance and, as a consequence, in many localities the price is very high and rapidly increasing. The people are anxiously looking for relief and have, in my locality, given serious consideration to the use of peat as a fuel. Every mail brings letters urging free denatured alcohol as a possible remedy. It is believed that if denatured alcohol is given the same considerate treatment as it is accorded in Germany the day is not very distant when many sections will produce the alcohol needed for light and, to some extent, for heat and power. To do that it would, of course, be necessary to produce alcohol at a much less figure than that at which it is sold to-day. That this is possible seems perfectly evident. The records of the Commissioner of Internal Revenue show that first-class distilleries produce about 5 gallons of proof spirits to every bushel of corn and it is known that the by-products more than pay for the cost of distillation. This would make the cost of alcohol, 90 per cent pure, about 11 cents per gallon if produced from corn at 30 cents per bushel; but call it 15 cents per gallon, or one-half of the price of a bushel of corn. Alcohol has been sold in this country at 20 cents per gallon plus the tax. But it should be borne in mind that though corn is the usual material for the production of alcohol for use as a beverage, it is not likely that it would be used for the production of denatured alcohol, as such alcohol can be produced much more cheaply from other materials. Alcohol produced from potatoes is not so desirable for drinking purposes as that from corn, but is equally serviceable for industrial purposes.

The Secretary of Agriculture, Mr. Wilson, has lately called attention to the fact that an ordinary crop of potatoes will produce twice as much alcohol as an ordinary crop of corn, and that the amount of alcohol produced from the ordinary potato may be largely increased, if not doubled, by planting potatoes especially suited for this purpose. He said that it would be within bounds to say that 500 gallons of alcohol 95 per cent pure could be produced from one acre of potatoes. He also called attention to the fact that the corn stalks from an acre of ripe corn would produce more alcohol than the corn itself. Without referring to other sources of supply, such as beets, sweet potatoes, yams, and cassavas equally serviceable, it is evident that alcohol can be produced and sold at a cost so small that it would readily compete with the present price of gasoline and kerosene in many localities. This is not a matter of mere guess. What has been done in other countries can be done here. In Germany alcohol has been sold as low as 12 cents per gallon, and is being largely used there for light, heat, and power. The conditions in Cuba are still more favorable, and alcohol there serves the same purposes at a still lower figure. It has been urged that the material for producing alcohol can not be raised as cheaply here as in Germany because of the difference in price of labor. This may be true of the production of beets, but it is certainly not true of potatoes, which can be planted, cultivated, dug, and placed in the wagon box for market by machinery. It is a product of the cheapest kind of land with practically no hand labor. America beats the world in that kind of productions. To get this fuel as cheaply as possible I believe you should allow small distilleries on the cooperation plan, such as they have in some European countries, so that the farm products can be hauled directly from the farms to the distillery, and the alcohol taken from the distillery to be used after being denatured without the addition of too much cost for transportation. In this way you can no doubt have very cheap alcohol. So judging by the experience in Germany this law would afford the farmers a very important market, as it would no doubt soon double the present production of alcoholic spirit. Almost 30,000,000 bushels of grain besides a large amount of sirup is now used annually for the production of alcohol. This means a large market, one that will be constantly expanding and against which no hostile tariff can interfere. The president of the Great Northern Railway Company said a few years ago that the oriental market for some 5,000,000 bushels of wheat had increased the price of wheat here at least 5 cents per bushel. If that was true, what then can be said of the effect of this demand?

People who have not given this matter any consideration may feel that these claims are extravagant, and for fear that some may think that my views need corroboration I wish to call your attention to a statement made a few days ago by the Secretary of Agriculture, Mr. Wilson. He said, in part, before the Ways and Means Committee of this House:

In the future—it may be some time in the future—the time will certainly come when the world will have to look to agriculture for the production of its fuel, its light, and its power. It seems to me that through the medium of alcohol agriculture can furnish in the most convenient form for use of man this absolutely necessary source of supply. I believe, therefore, that the utilization of alcohol in the arts and in the industries, under such restrictions as would safeguard the fiscal right of the United States Government, would prove not only a great stimulus to the manufacturers, but a great benefit to agriculture.

United States Consul-General F. H. Mason, of Berlin, speaking in a special consular report of the use of alcohol in Germany, says:

At its present price of 15 marks per hectoliter (about 13 cents per gallon) it competes economically with steam and all other forms of motive energy in engines of less than 20 horsepower for thrashing, pumping, and all other kinds of farm work, so that a large percentage of the spirit produced in agricultural districts remote from coal fields is consumed in the district where it is grown. The motor for farm use is tightly inclosed and absolutely free from danger of fire.

He also speaks of alcohol engines as having advantages over other engines in that they are immediately ready for operation, clean and free from odors, and possessing greater economy of maintenance. In this he is strongly corroborated by the distinguished scientist, Prof. Elihu Thompson.

The denatured alcohol is especially suited for the production of light. One gallon of this alcohol will produce twice as much light as a gallon of kerosene. The alcohol lamp does not smoke or gum. It is easily cleaned and with a Welsbach burner gives a strong white light closely resembling an electric light. Hundreds of millions of gallons of kerosene are used each year in this country for light, while a much better and cheaper light could be supplied from alcohol. In Germany an alcohol heating stove is made and used. It is said to give very good results and at a very low figure for cost. Such a stove could, no doubt, be used here to great advantage. Of late the internal combustion engine has come rapidly into general use. The demand for it is very great. It is wanted, among other things, for pumping water, grinding feed, sawing wood, elevating grain, turning printing presses, and running machines in small mills, shops, and factories. It is wanted for automobiles. The only fuel available at this time for the operation of this engine is gasoline. The supply of gasoline is limited, as it is a by-product of kerosene. The petroleum of the South and West produces very little gasoline, while the petroleum of the East only produces 5 to 10 per cent. It has become necessary to find a market for immense quantities of kerosene to be able to produce at a profit a sufficient amount of gasoline. The demand for this gasoline has been very great. Some has been imported and the price has risen rapidly, so that in my locality it is sold as high

as 20 to 25 cents per gallon. If the demand for these engines is to be met it is necessary to find some other fuel than gasoline. Alcohol answers the purpose and has many advantages over it. It is said to give more power than gasoline, is cleaner, produces no disagreeable odors, is more reliable, and can be handled without danger of explosion and fire.

It is the ideal fuel for the farm engine. Give this alcohol to use free of revenue tax and you will gradually see a cheaper, cleaner, and better lamp replacing the kerosene lamp; the alcohol stove free from the disagreeable odor of gasoline and much safer than the gasoline stove will be used for cooking and to quite an extent for heating. The alcohol engine will be doing duty everywhere; the automobile needs it to make possible and secure its future. Some day it may draw our plows, harvest and thresh our crops, as it is now doing to quite an extent in Germany. Many industries now suffering for lack of this cheap industrial agent will profit immensely. But it is not necessary to enumerate the advantages, as they must be apparent to all.

No doubt alcohol has in the ages past been more of a curse than a blessing, but I believe the day is at hand when the temperance people can work hand in hand with the distillers for the production of alcohol, not for drink, but for industrial uses, not to impoverish and debase, but to enrich and bless with the comforts and conveniences of life. It appears clear to me that there is no justice in retaining this tax which affords but a meager revenue, as the tax is so high that the use of grain alcohol is prohibited for the purposes for which denatured alcohol can be used. The wood alcohol has taken its place. Careful estimates would indicate that only from three to five hundred thousand dollars in revenue would be lost by enacting this law. The added stimulus given business by allowing tax free alcohol would no doubt in a large measure recoup this loss. A small tax upon the alcohol now used free of tax to fortify sweet wines, as recommended by the Commissioner of Internal Revenue, would, I believe, more than make up the loss. This tax simply serves to shackle a great industry and to take away from the people a great opportunity.

Those engaged in producing wood alcohol, kerosene, and gasoline are profiting largely by this tax on industrial alcohol, and are of course opposed to this law. In 1896 it appeared in the hearings before the joint committee of Congres investigating this subject of denatured alcohol that the wood-alcohol people were an absolute monopoly, with power to fix prices arbitrarily without reference to the cost of the product. They had for years sold one-fourth of their product in foreign countries at a net price to them of about 27 cents per gallon, while they sold their product in this country for more than double that amount. The claim was made that their sales in foreign countries were at a loss, a thing I doubt very much. The sales were made at the European price to meet competition there, and it would seem to me that with our cheaper material for the production of wood alcohol it could be made as cheaply here as in Europe. I need not argue that this tax should not be retained on industrial alcohol to protect the producer of kerosene and gasoline. If there is anyone interested in the Standard Oil Company, let him make his plea for that company. The wood-alcohol trust and the Standard Oil trust ought not to prevail against a legislation so manifestly in the interest of fair play. They can not reasonably ask or expect that an industry with such vast possibilities for public good shall forever remain shackled for their special benefit. How quickly would they resent and condemn a tax upon their products; how strongly would they not urge its repeal? Let not past injustices be urged as an excuse for further injustices. No man has a vested right to retain the benefits of an unjust law at the expense of the public. The enactment of this law would not, in my judgment, destroy the wood-alcohol factories or send Rockefeller to the poorhouse. The production of wood alcohol and petroleum will continue to be necessary, but this law will tend to keep their prices within some reasonable limit. We are only asking that denatured alcohol shall have the same opportunity as the articles with which it comes in competition, the same opportunity as every other honest industry. We ask that an unfair law behind which monopolies shelter shall be repealed for the public good. [Loud applause.]

Mr. SHERMAN. Mr. Chairman, I yield a minute to the gentleman from Pennsylvania [Mr. GRAHAM].

Mr. GRAHAM. Mr. Chairman, I just simply desire to reply to the gentleman from Massachusetts [Mr. GARDNER] as to his statement that the scheme as proposed in my bill to restrict immigration was all moonshine. I desire to state, if he will take the trouble to read the bill that I have presented in Congress, he will find out whether it is all moonshine or not. He will find that it is the most restrictive and drastic measure that has ever been presented to this House, in my estimation.

Mr. GARDNER of Massachusetts. Mr. Chairman, I apologize to the gentleman for making an impolite statement in the heat of debate.

Mr. GRAHAM. I am very much obliged to the gentleman. I have no doubt he did not mean it in that sense, but I wanted the Members of the House to understand, and therefore I will insert my bill in the RECORD, so that the Members can get at the facts in the case. It is as follows:

*Be it enacted, etc.,* That there shall be levied, collected, and paid a duty of $10 for each and every passenger not a citizen of the United States or of the Dominion of Canada, the Republic of Cuba, or of the Republic of Mexico who shall come by steam, sail, or other vessel from any foreign port to any port within the United States, or by any railway or any other mode of transportation, from foreign contiguous territory to the United States. The said duty shall be paid to the collector of customs of the port or customs district to which said alien passenger shall come, or, if there be no collector at such port or district, then to the collector nearest thereto, by the master, agent, owner, or consignee of every such vessel or transportation line. The money thus collected shall be paid into the Treasury of the United States, and shall constitute a permanent appropriation, to be called the "immigrant fund," to be used under the direction of the Secretary of Commerce and Labor to defray the expense of regulating the immigration of aliens into the United States under this act, including the cost of maintaining a bureau for furnishing aliens at ports of embarkation and domestic ports with information regarding different parts of the country, the needs and demands for labor therein, the resources and climate of the different sections of the country, also including the cost of reports of decisions of the Federal courts and digests thereof for the use of the Commissioner-General of Immigration, the cost of translating and printing certain parts of the immigration laws and regulations, and of printing application blanks and certificates of admission hereinafter provided for, and the salaries and expenses of all officers, clerks, and employees appointed especially for the purpose of enforcing the provisions of this act. The duty imposed by this section shall be a lien upon the vessel which shall bring such aliens to ports of the United States, and shall be a debt in favor of the United States against the owner or owners of such vessels, and the payment of such duty may be enforced by any legal or equitable remedy. The head tax herein provided for shall not be levied upon aliens in transit through the United States, nor upon aliens who have once been admitted into the United States and have paid the head tax who later shall go in transit from one part of the United States to another through foreign contiguous territory: *Provided,* That the Commissioner-General of Immigration, under the direction or with the approval of the Secretary of Commerce and Labor, by agreement with transportation lines, as provided in section 32 of this act, may arrange in some other manner for the payment of the duty imposed by this section upon aliens seeking admission overland, either as to all or as to any such aliens.

SEC. 2. That the following classes of aliens shall be excluded from admission into the United States: All idiots, insane, or feeble-minded persons, epileptics, and persons who have at any time previously been insane; paupers, persons likely to become public charges; professional beggars; persons afflicted with a loathsome or dangerous contagious disease or with tuberculosis; persons who are wholly dependent for their support upon their own physical exertions and who are afflicted with a chronic disease or whose physical or mental condition is such as would incapacitate them for such work; persons who have been convicted of a felony or other crime or misdemeanor involving moral turpitude other than a purely political offense; bigamists; anarchists, or persons who believe in or advocate the overthrow by force or violence of the Government of the United States or of all government or of all forms of law, or the assassination of public officials; prostitutes, and persons who procure or attempt to bring in prostitutes or women for the purpose of prostitution; those who have been within one year from the date of the application for admission into the United States deported as being under offers, solicitations, promises, or agreements to perform labor or service of some kind therein; any person over 10 years of age who can not read and write; any person over 60 years of age who will be dependent upon his or her own exertions, unless he or she be one who has been sent for as hereinafter provided; any child under 18 years of age unaccompanied by any parent, grandparent, or lawfully appointed guardian, unless such child has been sent for as hereinafter provided; and also any person whose ticket or passage is paid for with the money of another or who is assisted by others to come; but this section shall not be held to prevent persons who have become citizens of the United States, and who themselves are residing therein, from sending for a grandfather, grandmother, father, mother, brother, sister, child, or grandchild who is not of the foregoing excluded classes: *Provided,* That skilled labor may be imported if labor of like kind unemployed can not be found in this country: *And provided further,* That the provisions of this law applicable to contract labor shall not be held to exclude professional actors, artists, lecturers, singers, ministers of any religious denomination, professors for colleges or seminaries, persons belonging to any recognized learned profession, or persons employed strictly as personal or domestic servants: *And provided further,* That no aliens shall be admitted into the United States without first having obtained from the diplomatic or consular officer of the United States nearest his or her place of residence a certificate of admission as shall be hereinafter provided for. Upon receipt of application for such certificate the diplomatic or consular officer shall furnish the applicant with a copy of the United States immigration laws, as well as of the regulations governing the admission of immigrants under the provisions of this act, which shall be translated in the language of the government to which he is accredited, and he shall require said applicant to fill out and execute under oath a formal application in triplicate, to be prescribed by the Secretary of Commerce and Labor, setting forth the reason of the applicant's desire to become a citizen of the United States; his or her trade or occupation; date and place of birth; names of his or her grandparents, parents, brothers, or sisters; if married, name of his or her wife or husband and of children and grandchildren, if any; present and previous residence; state of health; his or her intended destination in the United States, and intentions upon reaching there; and whether he or she is the owner of real or personal estate, and if so, of what description and value. With said formal application the diplomatic or consular officer shall also require a certificate, also in

triplicate of the chief officer or minister of police where such applicant resides to the effect that the applicant is under no charge of crime or violation of law, and has not been for a period of five years. Upon receipt of such application and certificate the diplomatic officer shall, if same be in proper form, communicate (and the consular officer shall so act through the proper diplomatic representative) with the foreign office of the government to which he is accredited with a view to ascertaining whether for any reason said applicant would not be permitted to emigrate. Upon satisfying himself as to whether or not the applicant is in every particular under the provisions of this act entitled to admission into the United States the diplomatic or consular officer shall forward the original and duplicate (retaining the triplicate for the records of his office) application and certificate, with complete description of the applicant, to the Secretary of Commerce and Labor, with his recommendation. In the Secretary of Commerce and Labor shall be vested the power to refuse the issuance of certificate of admission to any person not entitled to admission under the provisions of this act, and also, in his discretion, to persons whose intentions are to take up his or her residence in any city or town having a population consisting of over 30 per cent of foreign-born residents: *Provided*, That such person is not a grandparent, parent, wife or husband, brother or sister, or child or grandchild of a parent already in the United States and shall have come after having been sent for, as herein provided; and any alien who shall take up his or her residence at a place other than that described in his or her application shall be guilty of a misdemeanor and, when apprehended, shall be deported in accordance with existing law. If the Secretary of Commerce and Labor decides that the applicant is entitled by law to admission he shall cause to be issued in duplicate a certificate containing a complete and accurate description of the applicant, his or her final destination in the United States, and the names of his or her grandparents, parents, brothers, sisters, wife or husband, and children and grandchildren, if any, granting to the applicant admission into the United States at any time within the period of ninety days after thirty days from the date thereof, provided said applicant shall be found, upon examination by immigration officers at the port of arrival, entitled physically and mentally to admission under the provisions of this act, and these shall be forwarded to the diplomatic or consular officer to whom the application was made. The diplomatic or consular officer shall notify applicant of their receipt, and immediately prior to said applicant's departure, and upon receipt of a fee, to be reported and accounted for by said officer, to be prescribed by the Secretary of State, in the currency of the country of the applicant as nearly equivalent as is possible to $1.50 United States currency, and also of a certificate of good health issued by an officer of the United States Public Health and Marine-Hospital Service at the port of departure, he shall forward the original certificate to the applicant and at the same time the duplicate to the immigration officer at the port of arrival of the immigrant, for his information and guidance. No alien shall be admitted into the United States without a certificate provided for in this act, and any alien arriving without such certificate shall be returned to the country from whence he or she came, at the expense of the steamship or railroad company which brought him or her.

Mr. Chairman, under this bill all that the gentleman from Massachusetts has been contending for is provided. A rigid examination is made on the other side of the water by United States diplomatic or consular officers.

That is where the examination should be made and the restrictions take effect, and then if the applicants for immigration make any false statements, or if they settle in any city or town having a population consisting of over 30 per cent of foreign-born residents they can be deported for making such false statements or settling in places from which they have been restricted. The gentleman states that he was not desirous of simply keeping out a few thousand indesirable aliens, but he wanted to cut this great influx of immigration in two. Let him help me pass this measure, and if it becomes a law I will guarantee that he will see a cut of at least 75 per cent.

Mr. STEPHENS of Texas. Mr. Chairman, I yield to the gentleman from Tennessee [Mr. GAINES].

Mr. GAINES of Tennessee. Mr. Chairman, on yesterday the gentleman from Iowa [Mr. LACEY] made a statement which I think if allowed to stand in the RECORD as it now reads will not only mislead the living, but will do grave injustice to the memory of the dead. On page 3496 of the RECORD the objectionable statement in question is found in the words of the gentleman from Iowa [Mr. LACEY], as follows:

He [Andrew Jackson] was almost as good a protectionist as Henry Clay.

To get the connection I will read the RECORD, as follows:

Mr. CLARK of Missouri. Mr. Chairman, I would like to ask the gentleman a question.

The CHAIRMAN. Does the gentleman yield?

Mr. LACEY. Yes.

Mr. CLARK of Missouri. In the days of Henry Clay nearly all Congressmen wore homespun, didn't they?

Mr. LACEY. They did not pride themselves upon it.

Mr. CLARK of Missouri. Why didn't they?

Mr. LACEY. Because they did not have the American spirit Henry Clay had.

Mr. CLARK of Missouri. Was Henry Clay the only man in the United States at that time that had the American spirit?

Mr. LACEY. No; Andrew Jackson declared in favor of protection to American industries. He was almost as good a protectionist in his day as Henry Clay.

Mr. CLARK of Missouri. I know, but the gentleman undertakes to make the remark on the floor of the House that Henry Clay was a great natural curiosity because he wore homespun clothing, when everybody wore it.

Mr. LACEY. Why, Mr. Chairman, the gentleman who addresses me now has American clothing on. He also stands in American shoes.

Mr. CLARK of Missouri. Certainly I have, and any man who has any sense will buy an American suit if he can get the same quality cheaper than he can a foreign suit.

Now, Mr. Chairman, I have no desire in the world to get into a war of words with any gentleman on the floor of this House for the purpose of simply warring with words or otherwise; but I do think that when Members of Congress—and I do not mean to be severe in my criticism—discuss these great questions, knowing the confiding public will read them, they ought not to voice statements that are calculated to mislead the people. I myself may be guilty of that which I may be indirectly accusing others, but I am sure it is not intentional, and am satisfied that with my friend from Iowa [Mr. LACEY] it is the same way; but the fact is that the gentleman is charging, in effect, that Henry Clay was always a protectionist like the gentleman from Iowa [Mr. LACEY] is now; that Andrew Jackson was practically the same kind of a protectionist. These utterances are misleading, and I shall try and state the facts.

I believe the gentleman makes a limitation by using the words "almost as good a protectionist in his day as Henry Clay."

Now, Mr. Chairman, I deny that Henry Clay either lived or died the kind of protectionist that the gentleman from Iowa [Mr. LACEY] is now living. He was no "stand-patter," and he, in his later years, when, in substance, he saw that the American manufactories were no longer "infants," proceeded to join hands with the Democratic reformers, and finally he got down to where he used language in substance such as this—that he was ready to frame a tariff along the "revenue" lines of his Democratic opponents.

Mind you, now, I am not claiming that Mr. Clay at the beginning, say 1810, and along there when we framed a tariff for the purpose of excluding foreign imports to build up infant manufactures at home, to furnish our people with homemade clothing and other things, but I speak of Mr. Clay's latter-day record. In 1840, Mr. Chairman, he used this language:

No one, Mr. President, in the commencement of the protective policy ever supposed that it was to be perpetual.

The gentleman from Iowa wants it "perpetual." He has associated himself, as he had a right to do, with Henry Clay as his foster father in protection. But Mr. Clay says it was not intended to make perpetual protective tariffs. Mr. Clay continued:

We hoped and believed that temporary protection extended to our infant manufactures would bring them up and enable them to withstand competition with those of Europe. If the protective policy were entirely to cease in 1842 it would have existed twenty-six years from 1816, or eighteen from 1824, quite as long as at either of these periods its friends supposed might be necessary.

That he said sixty-six years ago. Again, in 1842, Mr. Clay said:

Let me not be misunderstood, and let me entreat that I may not be misrepresented. I am not advocating the revival of a high protective tariff. I am abiding by the principles of the compromise act.

No revival of a "high" protective tariff, said he.

Now, Mr. Chairman, in 1833, when Andrew Jackson was President, Mr. Clay in part said this:

Now, give us time—

Now, that sounds a little like the gentleman from Iowa in 1906. "Give us time" until our infant giants come to be major giants to control all the markets of the world, and then we will let down the tariff bars.

Mr. Clay said:

Now, give us time; cease all fluctuation and agitations for nine years, and the manufacturers in every branch will sustain themselves against foreign competition.

That was seventy-three years ago, Mr. Chairman, but still the gentleman from Iowa is a "stand-patter." He would have protective tariff nine hundred and ninety-nine years, and have the tariff wall nine hundred and ninety-nine feet high.

Away back in the early framing of our tariff laws, in 1810, almost at the beginning, Mr. Clay used language that reads thus:

But it is important to diminish our imports, to furnish ourselves with clothing made by our own industry, and to cease to be dependent for the very coats we wear upon foreign and perhaps inimical country. The nation that imports its clothing from abroad is but little less dependent than if it imported its bread.

Mr. Chairman, in 1810 our manufactories were "infants" if they ever were. But compare the tariff rates then with those of 1906—a mouse to a white elephant gives you a fair comparison.

The manufacturers were not to be always on infantile legs, and did not expect them to continue to be so, so that in 1833 Mr. Clay says that nine years of protection is all they need.

Once having had a good taste of protection, the manufacturers contended for more and "perpetual" protection at that, which Mr. Clay says was not contemplated.

Why, you let the manufacturers come in and make a part of one of our tariff bills, I think it was the McKinley bill. Senator MCCREARY told me himself that the manufacturers came

into the committee room, and he saw the handwriting of the manufacturers where they wrote into the face of the McKinley bill some of the rates of that measure.

This was charged upon the floor of this House by the lamented and gifted son of West Virginia, Mr. William L. Wilson. It was not denied by anyone. Go read Mr. Wilson's speech and you will find I quote him correctly in substance.

In 1833 Mr. Clay, in urging the "compromise tariff" in lieu of the "tariff of abominations" of 1828—made by the wise men and manufacturers, and with the making of which Mr. Clay had nothing to do, because he was then Secretary of State, Mr. Clay said:

I am anxious to find out some principle of mutual accommodation to satisfy, as far as practicable, both parties; to increase the stability of our legislation; and at some distant day—but not too distant, when we can take into view the magnitude of the interests which are involved—to bring down the rate of duties to that revenue standard for which our opponents have so long contended.

Yes; Jackson was a good revenue reformer; so was Henry Clay. Neither was a "stand-patter;" and I stand here to-day to remind my friend from Iowa and other "stand-patters" that they do violence when they refer to Henry Clay and claim he clung to anything like stand-pat protection or held any tax rate as sacred.

Mr. LACEY. When Henry Clay and the other gentleman figured with him on the immediate effect of the compromise act of 1833, with an annual reduction of the tariff down to the revenue point, which had to run to 1837, does the gentleman remember what happened in 1837?

Mr. GAINES of Tennessee. Oh, now, you want to go off on the question of finance and State-bank issues and panics. I want to discuss this one thing—tariff and Henry Clay and Andrew Jackson. If you want to discuss panics or finance, I will go back into the miserable time when the McKinley tariff produced a deficit in 1893 or 1894 and after the Harrison Administration had gone out and the Cleveland Administration had come in the Cleveland Administration on account of this deficit which it found had to issue bonds. I have discussed that question here for nine years, until I have grown gray and feel that I have seriously taxed the patience of the House.

Mr. LACEY. I was going to ask the gentleman if it was not true that the fruits of that Clay compromise, which took away protection, resulted in the panic of 1837 and the worst ruin this country ever saw prior to the Democratic panic of 1894?

Mr. GAINES of Tennessee. Why didn't you go into history yesterday and prove that, instead of simply stating it as you do now in the House? You will notice that on these questions of such importance I do not simply get up—and I say it respectfully to my friend—I do not simply get up and say so and so and leave it with my own unsupported statement, but I go and get the records and read the proof to the House. There are none so deaf as those who will not listen when you are giving them what Paddy gave the drum, to wit, the truth. There is none so blind as an Iowa stand-patter. [Laughter.] They will not see the truth even if neighbor Governor Cummins states and restates it.

Let me go a little further. Here, again, is what Mr. Clay said:

If there is any truth in political economy, it can not be that result will agree with the prediction, for we are instructed by our experience that the consumption of any article is in proportion to the reduction of its price, and that, in general, it may be taken as a rule that the duty upon an article forms a part of its price.

Now, I see my friend from Iowa is not listening again. [Laughter.] Here I find Clay totally disagreeing with my distinguished friend from Iowa. I will read that clause again:

And that, in general, it may be taken as a rule that the duty upon an article forms a part of its price.

Senator Sherman and Mr. Reed, our late Speaker, said the same thing.

Now, in the nine years I have been hearing my distinguished friend from Iowa hold this House spellbound in defending trust-making tariffs he never made any such statement as that, and you might wait nine hundred and ninety-nine years and the gentleman never would agree that the tariff tax became a part of the price of an article.

So, gentlemen, I have read a lot of utterances here from Henry Clay, who, in his early days in the jungles of dear old Kentucky, was glad to wear any kind of clothes that he could get, a condition that, I dare say, my distinguished Iowa friend never found himself in at any time. I dare say he always had whatever he wanted. I hope he always will; but sooner or later Henry Clay saw, and this is the point I make, that manufacturers were not always infants, always needing mammies to put pap in their lips. He saw that manufacturers from 1810 to 1833, about twenty-three years, had risen to a point where they only needed nine years' more protection for the infants to stand alone. And yet here is my dear Iowa friend, who, sooner or later, will be gathered to his fathers, wanting, in 1906, to stand by these giants, to help up the same giants that stood by Henry Clay in their majestic strength sixty years ago.

Now, my friend, who is familiar with these facts, had forgotten them yesterday, and I wanted then to correct him, but I would not interrupt my friend from Mississippi [Mr. WILLIAMS], who was making his usual magnificent defense of a revenue tariff, keeping up a good Democratic contribution to the RECORD, to go alongside of the bad reading (from our standpoint) of the gentleman's good speech (from his standpoint), and so I have deferred it until to-day to reply to the gentleman from Iowa.

So now we have Henry Clay coming to where he is almost as good a tariff Democrat as Andrew Jackson. I insist neither was a "stand-patter."

Just a word, in passing, on Jackson getting the Government out of debt. In 1832 he said to Congress:

I can not too cordially congratulate Congress and my fellow-citizens on the near approach of that memorable and happy event—the extinction of the public debt of this great and free nation. Faithful to the wise and patriotic policy marked out by the legislation of the country for this object, the present Administration has devoted to it all the means which a flourishing commerce has supplied and a prudent economy preserved for the public Treasury.

Now, let us see what President Andrew Jackson said in his "farewell address" to his country. After he had gone through the great struggle with Nick Biddle and his corrupting monopoly, and crushed both, what else did he do? He approved a great number of tariff-reform laws. He reduced the tariff. What else? He crushed every thing else that undertook to "run" Congress, defy the law, and outrage the people of this country.

Jackson was a great private citizen, an illustrious soldier, a great, clean, and upright and fearless President, so much so that even the gentleman from Iowa [Mr. LACEY] alludes to him with pride and pleasure, as we all do. His experience with tariff makers and monopolists for eight years had reimpressed him with the evils that flow from such sources, and when he came to lay down his high trust he wrote a farewell address, among other things commending the Farewell Address of George Washington, which I may say here you did not think enough of the other day—Washington's Birthday—to have read. I was up in Connecticut making a speech to the Sons of the American Revolution that day, and they asked me, having seen in the papers the action of the House, what in the world the House meant by not reading Washington's Farewell Address. I told them I wasn't allowed to know. [Laughter.]

Now, this illustrious President, Andrew Jackson, in his farewell address, speaks of the duties of the citizen and lawmaker thus:

In the legislation of Congress, also, and in every measure of the General Government, justice to every portion of the United States should be faithfully observed.

No free government can stand without virtue in the people and a lofty spirit of patriotism, and if the sordid feelings of mere selfishness shall usurp the place which ought to be filled by public spirit the legislation of Congress will soon be converted into a scramble for personal and sectional advantages.

Under our free institutions the citizens of every quarter of our country are capable of attaining a high degree of prosperity and happiness without seeking to profit themselves at the expense of others; and every such attempt must in the end fail to succeed, for the people in every part of the United States are too enlightened not to understand their own rights and interests and to detect and defeat every effort to gain undue advantages over them; and when such designs are discovered it naturally provokes resentments which can not always be easily allayed.

Justice—full and ample justice—to every portion of the United States should be the ruling principle of every freeman, and should guide the deliberations of every public body, whether it be State or national.

Mr. Chairman, these are wise and lofty sentiments that we should live up to to-day.

Again, he spoke of unjust tariffs in part thus:

There is perhaps no one of the powers conferred on the Federal Government so liable to abuse as the taxing power.

The most productive and convenient sources of revenue were necessarily given to it, that it might be able to perform the important duties imposed upon it; and the taxes which it lays upon commerce being concealed from the real payer in the price of the article, they do not so readily attract the attention of the people as smaller sums demanded from them directly by the taxgatherer—

He says the tariff tax is "concealed" from the "real payer." How? "In the price of the article." But the gentleman from Iowa will deny that; yet Clay also admitted, in effect, this as a fact—

But the tax imposed on goods enhances by so much the price of the commodity to the consumer—

Mr. Chairman, the gentleman will dispute that—

and as many of these duties are imposed on articles of necessity which are daily used by the great body of the people, the money raised by these imposts is drawn from their pockets.

Congress has no right under the Constitution to take money from the people unless it is required to execute some one of the specific powers intrusted to the Government; and if they raise more than is necessary for such purposes, it is an abuse of the power of taxation, and unjust and oppressive.

It may indeed happen that the revenue will sometimes exceed the amount anticipated when the taxes were laid.

When, however, this is ascertained, it is easy to reduce them, and in such a case it is unquestionably the duty of the Government to reduce them, for no circumstances can justify it in assuming a power not given to it by the Constitution nor in taking away the money of the people when it is not needed for the legitimate wants of the Government.

Mr. Chairman, the gentleman from Iowa says: "Touch not, handle not, 'reduce' not a single tariff rate. Stand pat; these rates are sacred." Neither Jackson nor Clay ever uttered a "stand-pat" sentiment.

Continuing, Andrew Jackson further said:

The result of this decision has been felt in the rapid extinguishment of the public debt and the large accumulation of a surplus in the Treasury, notwithstanding the tariff was reduced and is now very far below the amount originally contemplated by its advocates.

*But, rely upon it, the design to collect an extravagant revenue and to burden you with taxes beyond the economical wants of the Government is not yet abandoned.* The various interests which have combined together to impose a heavy tariff and to produce an overflowing Treasury are too strong and have too much at stake to surrender the contest.

The corporations and wealthy individuals who are engaged in large manufacturing establishments desire a high tariff to increase their gains.

Designing politicians will support it to conciliate their favor and to obtain the means of profuse expenditure for the purpose of purchasing influence in other quarters; and since the people have decided that the Federal Government can not be permitted to employ its income in internal improvements, efforts will be made to seduce and mislead the citizens of the several States by holding out to them the deceitful prospect of benefits to be derived from a surplus revenue collected by the General Government and annually divided among the States; and if, encouraged by these fallacious hopes, the States should disregard the principles of economy which ought to characterize every republican government, and should indulge in lavish expenditures exceeding their resources, they will before long find themselves oppressed with debts they are unable to pay, and the temptation will become irresistible to support a high tariff in order to obtain a surplus for distribution.

[Applause.]

Mr. Chairman, Jackson warned his countrymen against "corporations and wealthy individuals engaged in large manufacturing establishments" and "high tariffs and designing politicians." Was he a false prophet?

I continue to read Jackson's address:

Do not allow yourself, my fellow-citizens, to be misled on this subject. The Federal Government can not collect a surplus for such purposes without violating the principles of the Constitution and assuming powers which have not been granted.

It is, moreover, a system of injustice, and if persisted in will inevitably lead to corruption, and must end in ruin.

The surplus revenue will be drawn from the pockets of the people—from the farmer, the mechanic, and the laboring classes of society; but who will receive it when distributed among the States, where it is to be disposed of by leading State politicians, who have friends to favor and political partisans to gratify?

It will certainly not be returned to those who paid it and who have most need of it, and are honestly entitled to it—

He speaks, Mr. Chairman, of the "safe rule"—

There is but one safe rule, and that is to confine the General Government rigidly within the sphere of its appropriate duties. It has no power to raise a revenue or impose taxes except for purposes enumerated in the Constitution, and if its income is found to exceed these wants it should be forthwith reduced and the burden of the people so far lightened.

In concluding his address Jackson said:

In presenting to you, my fellow-citizens, these parting counsels, I have brought before you the leading principles upon which I endeavored to administer the Government in the high office with which you twice honored me.

Knowing that the path of freedom is continually beset by enemies who often assume the disguise of friends, I have devoted the last hours of my public life to warn you of the dangers.

The progress of the United States under our free and happy institutions has surpassed the most sanguine hopes of the founders of the Republic.

Our growth has been rapid beyond all former examples in numbers, in wealth, in knowledge, and all the useful arts which contribute to the comforts and convenience of man, and from the earliest ages of history to the present day there never have been 13,000,000 of people associated in one political body who enjoyed so much freedom and happiness as the people of these United States.

You have no longer any cause to fear danger from abroad; your strength and power are well known throughout the civilized world, as well as the high and gallant bearing of your sons.

It is from within, among yourselves—from cupidity, from corruption, from disappointed ambition and inordinate thirst for power—that factions will be formed and liberty endangered.

It is against such designs, whatever disguise the actors may assume, that you have especially to guard yourselves.

You have the highest of human trusts committed to your care. Providence has showered on this favored land blessings without number, and has chosen you as the guardians of freedom to preserve it for the benefit of the human race.

May He who holds in His hands the destinies of nations make you worthy of the favors he has bestowed and enable you with pure hearts and pure hands and sleepless vigilance to guard and defend to the end of time the great charge He has committed to your keeping.

My own race is nearly run; advanced age and failing health warn me that before long I must pass beyond the reach of human events and cease to feel the vicissitudes of human affairs.

I thank God that my life has been spent in a land of liberty and that He has given me a heart to love my country with the affection of a son. And filled with gratitude for your constant and unwavering kindness, I bid you a last and affectionate farewell.

ANDREW JACKSON.

[Loud applause on the Democratic side.]

Mr. SHERMAN. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. CURRIER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 15331—the Indian appropriation bill—and had come to no resolution thereon.

### THE LATE BENJAMIN F. MARSH AND JOHN M. PINCKNEY.

Mr. McKINNEY. Mr. Speaker, I ask unanimous consent for the present consideration of an order fixing a day for memorial addresses on the life, character, and services of the late Hon. BENJAMIN F. MARSH, of Illinois.

Mr. STEPHENS of Texas. Mr. Speaker, I would like to add the name of the late Hon. JOHN M. PINCKNEY, of Texas, to the resolution offered by the gentleman from Illinois. It will be perfectly satisfactory to have the addresses follow those on the late Representative MARSH.

The SPEAKER. That can be added to the order, if there be no objection.

There was no objection.

The Clerk read as follows:

*Ordered*, That a session of the House be held on Sunday, April 15, 1906, and that the day be set apart for addresses on the lives, characters, and public services of Hon. BENJAMIN F. MARSH, late a Member of the House of Representatives from the State of Illinois, and Hon. JOHN M. PINCKNEY, late a Representative from the State of Texas.

The SPEAKER. Is there objection to the present consideration of the order which the Clerk has just reported? [After a pause.] The Chair hears none. The question is on agreeing to the order.

The question was taken; and the order was agreed to.

### PURE-FOOD BILL.

Mr. MANN. Mr. Speaker, I filed to-day from the Committee on Interstate and Foreign Commerce a report on the bill (S. 88), known as the pure-food bill. I ask unanimous consent that the minority have until a week from to-morrow to file its views.

Mr. BARTLETT. That is to include to-morrow week, the whole of the day?

Mr. MANN. A week from to-morrow. Of course that would include the whole of the day.

### SUPPLEMENTAL REPORT ON BILL FOR RELIEF OF P. S. CORBETT.

Mr. MILLER. Mr. Speaker, I desire to ask unanimous consent as chairman of the Committee on Claims to make a supplemental report in connection with the bill S. 1894. There was left out of the report as originally made by the committee some important matter which should have gone in the report for the information of the House.

Mr. WILLIAMS. To what bill does this apply?

Mr. MILLER. To a bill for the relief of P. S. Corbett. It is a Senate bill which has passed the Senate.

Mr. WILLIAMS. I have no objection.

There was no objection.

### DAM ACROSS CHOCTAWHATCHEE RIVER.

Mr. CLAYTON. Mr. Speaker, I desire to ask unanimous consent for the present consideration of the bill H. R. 14808.

The SPEAKER. The gentleman from Alabama asks unanimous consent for the present consideration of a bill, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 14808) authorizing the Choctawhatchee Power Company to erect a dam in Dale County, Ala.

*Be it enacted, etc.*, That the Choctawhatchee Power Company, its successors and assigns, be, and is hereby, authorized to erect, build, have, and maintain a steel and concrete dam, or dam of other material, on the Choctawhatchee River at a point above the Atlantic Coast Line Railroad bridge near Newton, on said river and in Dale County, Ala.: *Provided*, That the plans of said dam shall be submitted to and be approved by the Chief of Engineers and the Secretary of War before construction is commenced; and the Secretary of War may at any time require and enforce, at the expense of the owners, such modifications in the construction of said dam as he may deem advisable in the interests of navigation: *Provided further*, That there shall be placed and maintained in connection with said dam a sluiceway so arranged as to permit logs, timber, and lumber to pass around, through, or over said dam without unreasonable delay or hindrance and without toll or charges; and suitable fishways, to be approved by the United States Fish Commission, shall be constructed and maintained on said dam.

SEC. 2. That this act shall be null and void unless the dam herein authorized is commenced within one year and completed within three years from the date hereof.

SEC. 3. That the right to amend or repeal this act is hereby expressly reserved.

Mr. SHERMAN. Mr. Speaker, reserving the right to object, I desire to inquire if the gentleman will inform the House how the word "steel" and how the word "dam" is spelled in the bill?

Mr. CLAYTON. They are spelled in the usual proper way. When a bill is as clean as this the word "steel" is spelled correctly, and when the bill is so honestly and clearly drawn the word "dam" is spelled properly.

Mr. SHERMAN. What is proper under those circumstances?

Mr. CLAYTON. The spelling is in accordance with the rules of good English. "Dam" is spelled without an "n."

Mr. SHERMAN. I wanted to know what was the rule for good English in the gentleman's country.

Mr. CLAYTON. The word "steel" is always spelled with the double "e" in a clean bill like this.

Mr. PAYNE. Mr. Speaker, I have not any interest in the orthography of the bill, but I would like to inquire whether the Government has spent any money on this river where this dam is located?

Mr. CLAYTON. Not one cent. This dam is to be constructed on this river at a point where it is not navigable. It is above a railroad bridge and never will be navigable at the point where it is proposed to erect this dam, and the War Department has approved the bill. I hold here in my hand the report approving it and it is the desire of the citizens of that neighborhood to utilize this power that is now going to waste.

Mr. PAYNE. On the statement of the gentleman I think I am in favor of the bill.

Mr. CLAYTON. I am glad the gentleman is. It is on the Choctaw-hatchee River and not the Chocta-whatchee, as the Clerk insists on calling it. If he was acquainted with Indian nomenclature I suppose he would know the difference between Choctaw-hatchee and Chocta-whatchee.

Mr. Speaker, I ask that the bill be put upon its passage.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to be engrossed and read a third time, was accordingly read the third time, and passed.

On motion of Mr. CLAYTON, a motion to reconsider the vote by which the bill was passed was laid on the table.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 648. An act granting a pension to Charles Falbisaner;
H. R. 2108. An act granting a pension to Mattie Settlemire;
H. R. 3250. An act granting a pension to Harrison White;
H. R. 3502. An act granting a pension to Morris Osborn;
H. R. 3983. An act granting a pension to Blanche Douglass;
H. R. 4826. An act granting a pension to Leola V. Franks;
H. R. 5711. An act granting a pension to Richard H. Kelly;
H. R. 6076. An act granting a pension to Anna M. Case;
H. R. 6400. An act granting a pension to Harry W. Omo;
H. R. 6489. An act granting a pension to Mary E. Scott;
H. R. 6613. An act granting a pension to Thomas J. Stevens;
H. R. 6859. An act granting a pension to Eva B. Koch;
H. R. 7240. An act granting a pension to Glawvina A. Pinnell;
H. R. 7636. An act granting a pension to John J. Meeler;
H. R. 9253. An act granting a pension to Vollie A. McMillen;
H. R. 9530. An act granting a pension to Catherine B. Casey;
H. R. 10457. An act granting a pension to Lizzie Bremmer;
H. R. 10459. An act granting a pension to Alta M. Westenhaver;
H. R. 10476. An act granting a pension to Charles T. Hesler;
H. R. 10483. An act granting a pension to James Galit;
H. R. 10611. An act granting a pension to John J. Brewer;
H. R. 10967. An act granting a pension to George Larson;
H. R. 11051. An act granting a pension to Henry T. McDowell;
H. R. 11630. An act granting a pension to Harriet E. St. John;
H. R. 11846. An act granting a pension to Clara M. Thompson;
H. R. 12285. An act granting a pension to Mary C. Kirkland;
H. R. 12297. An act granting a pension to Estelle Kuhn;
H. R. 524. An act granting an increase of pension to Sylvenus A. Fay;
H. R. 650. An act granting an increase of pension to Felix G. Stidger;
H. R. 1032. An act granting an increase of pension to Seth Phillips;
H. R. 1043. An act granting an increase of pension to Horace Hounsom;
H. R. 1200. An act granting an increase of pension to John G. Parker;
H. R. 1287. An act granting an increase of pension to John D. Moore;
H. R. 1359. An act granting an increase of pension to Henry M. Robinson;
H. R. 1483. An act granting an increase of pension to Josephine E. Quentin;
H. R. 1484. An act granting an increase of pension to John L. Lovell;
H. R. 1485. An act granting an increase of pension to Susan J. Williams;
H. R. 1585. An act granting an increase of pension to George N. Dutcher;
H. R. 1658. An act granting an increase of pension to George M. Drake;
H. R. 1859. An act granting an increase of pension to George T. B. Carr;
H. R. 1889. An act granting an increase of pension to William M. Shultz;
H. R. 1902. An act granting an increase of pension to Gilbert Ford;
H. R. 1909. An act granting an increase of pension to Alexander Miller;
H. R. 1975. An act granting an increase of pension to William House;
H. R. 1978. An act granting an increase of pension to Harry C. Thorne;
H. R. 1979. An act granting an increase of pension to Amanda L. Hill;
H. R. 2048. An act granting an increase of pension to Joseph J. Cooper;
H. R. 2054. An act granting an increase of pension to Ralph A. Adams;
H. R. 2059. An act granting an increase of pension to Jerome Washburn;
H. R. 2114. An act granting an increase of pension to Benjamin F. Bibb;
H. R. 2116. An act granting an increase of pension to Daniel Hays;
H. R. 2156. An act granting an increase of pension to Rachel E. Ware;
H. R. 2174. An act granting an increase of pension to Nathaniel Buchanan;
H. R. 2204. An act granting an increase of pension to Dexter E. W. Stone;
H. R. 2306. An act granting an increase of pension to James W. Stell;
H. R. 2307. An act granting an increase of pension to Joseph Jones Martin;
H. R. 2478. An act granting an increase of pension to Asa M. Foote;
H. R. 2595. An act granting an increase of pension to Peter D. Sutton;
H. R. 2703. An act granting an increase of pension to Stephen Weeks;
H. R. 2709. An act granting an increase of pension to Julius D. Rogers;
H. R. 2762. An act granting an increase of pension to William Chandler;
H. R. 2823. An act granting an increase of pension to Orton D. Ford;
H. R. 2849. An act granting an increase of pension to Jesse Harrison;
H. R. 2949. An act granting an increase of pension to George W. Adamson;
H. R. 2954. An act granting an increase of pension to Chauncey P. Dean;
H. R. 3193. An act granting an increase of pension to James R. Todd;
H. R. 3220. An act granting an increase of pension to Sarah Johnson;
H. R. 3230. An act granting an increase of pension to James H. Beulen;
H. R. 3315. An act granting an increase of pension to Lewis L. Daugherty;
H. R. 3342. An act granting an increase of pension to Albin L. Ingram;
H. R. 3403. An act granting an increase of pension to George A Baker;
H. R. 3425. An act granting an increase of pension to Warren A. Blye;
H. R. 3483. An act granting an increase of pension to Lemuel P. Williams;
H. R. 3500. An act granting an increase of pension to William M. Martin;

H. R. 3544. An act granting an increase of pension to Josiah M. Grier;
H. R. 3552. An act granting an increase of pension to David F. McDonald;
H. R. 3570. An act granting an increase of pension to Susan Whorton;
H. R. 3571. An act granting an increase of pension to Eber Watson;
H. R. 3679. An act granting an increase of pension to Albert M. Hunter;
H. R. 3966. An act granting an increase of pension to Samuel Jester;
H. R. 3973. An act granting an increase of pension to Isaac P. Knight;
H. R. 4179. An act granting an increase of pension to Owen Donohoe;
H. R. 4192. An act granting an increase of pension to John C. Cavanaugh, alias John Carpenter;
H. R. 4202. An act granting an increase of pension to John C. Umstead;
H. R. 4206. An act granting an increase of pension to Isaac Henry Ober;
H. R. 4221. An act granting an increase of pension to William Foat;
H. R. 4246. An act granting an increase of pension to George D. Street;
H. R. 4685. An act granting an increase of pension to Jacob Rich;
H. R. 4741. An act granting an increase of pension to Stephen Dickerson;
H. R. 4751. An act granting an increase of pension to Joseph J. Sparling;
H. R. 4764. An act granting an increase of pension to Ahijah Brown;
H. R. 4878. An act granting an increase of pension to Isaac H. Witherwax;
H. R. 4886. An act granting an increase of pension to Marquis De Lafayette Burket;
H. R. 4957. An act granting an increase of pension to Elijah J. Snodgrass;
H. R. 4962. An act granting an increase of pension to William J. Sturgis;
H. R. 5028. An act granting an increase of pension to Samuel P. Carll;
H. R. 5163. An act granting an increase of pension to William U. Mallorie;
H. R. 5186. An act granting an increase of pension to Charles W. Fulton;
H. R. 5212. An act granting an increase of pension to Giles Q. Slocum;
H. R. 5605. An act granting an increase of pension to James S. Pelley;
H. R. 5640. An act granting an increase of pension to Abraham Mathews;
H. R. 5647. An act granting an increase of pension to Peter Wetterich;
H. R. 5656. An act granting an increase of pension to Darius H. Randall;
H. R. 5658. An act granting an increase of pension to Joseph Nichols;
H. R. 5692. An act granting an increase of pension to Henry G. Gardner;
H. R. 5708. An act granting an increase of pension to Thomas T. Fallon;
H. R. 5753. An act granting an increase of pension to Sallie H. Murphy;
H. R. 5830. An act granting an increase of pension to Sylvenus Hardy;
H. R. 5855. An act granting an increase of pension to Francis L. Brown;
H. R. 5909. An act granting an increase of pension to William H. Bynon;
H. R. 5938. An act granting an increase of pension to Edward J. McClaskey;
H. R. 5957. An act granting an increase of pension to Henry J. Steck;
H. R. 6063. An act granting an increase of pension to Maria Dyer;
H. R. 6065. An act granting an increase of pension to Charles E. Crowe;
H. R. 6085. An act granting an increase of pension to Jacob C. Rardin;
H. R. 6098. An act granting an increase of pension to Sadie A. Walker;
H. R. 6109. An act granting an increase of pension to William H. Ackert;
H. R. 6115. An act granting an increase of pension to Edward Sarlls;
H. R. 6117. An act granting an increase of pension to Elizabeth Dill;
H. R. 6133. An act granting an increase of pension to Mary Bagley;
H. R. 6137. An act granting an increase of pension to Henry S. Stowell;
H. R. 6178. An act granting an increase of pension to Carl W. Block;
H. R. 6226. An act granting an increase of pension to George Bruner;
H. R. 6340. An act granting an increase of pension to William D. Hatch;
H. R. 6398. An act granting an increase of pension to George W. Henry;
H. R. 6399. An act granting an increase of pension to David Hanna;
H. R. 6408. An act granting an increase of pension to Isaiah Queman;
H. R. 6494. An act granting an increase of pension to William Hughes;
H. R. 6516. An act granting an increase of pension to Joseph Bailey;
H. R. 6538. An act granting an increase of pension to George H. Rice;
H. R. 6565. An act granting an increase of pension to Francis M. Hatter;
H. R. 6813. An act granting an increase of pension to Emsley Kinsauls;
H. R. 6873. An act granting an increase of pension to Charles A. Phillips;
H. R. 6913. An act granting an increase of pension to John Gibbons;
H. R. 6941. An act granting an increase of pension to Alice Gearkee;
H. R. 6947. An act granting an increase of pension to Charles Washburn;
H. R. 6962. An act granting an increase of pension to Richard Phillips, jr.;
H. R. 6977. An act granting an increase of pension to Alfred S. Isaacs;
H. R. 6992. An act granting an increase of pension to Mary Duffy;
H. R. 6993. An act granting an increase of pension to John Sarvis;
H. R. 7001. An act granting an increase of pension to Andrew M. Dunham;
H. R. 7213. An act granting an increase of pension to Loucette E. Glavis;
H. R. 7222. An act granting an increase of pension to Levi J. Walton;
H. R. 7224. An act granting an increase of pension to Charles R. Ellis;
H. R. 7231. An act granting an increase of pension to Samuel O'Tool;
H. R. 7238. An act granting an increase of pension to William J. Campbell;
H. R. 7241. An act granting an increase of pension to Mary J. Allhands;
H. R. 7525. An act granting an increase of pension to William K. Spencer;
H. R. 7576. An act granting an increase of pension to George W. Brummett;
H. R. 7599. An act granting an increase of pension to William Holland;
H. R. 7600. An act granting an increase of pension to John Welch;
H. R. 7607. An act granting an increase of pension to Annie M. Smith;
H. R. 7628. An act granting an increase of pension to Lorenzo D. Stoker;
H. R. 7649. An act granting an increase of pension to William Leipnitz;
H. R. 7665. An act granting an increase of pension to Wesley J. Banks;
H. R. 7680. An act granting an increase of pension to William Shannon;
H. R. 7711. An act granting an increase of pension to Samuel Dunnan;
H. R. 7721. An act granting an increase of pension to Daniel V. Lowary;

H. R. 7750. An act granting an increase of pension to Anton Reidmuller;
H. R. 7838. An act granting an increase of pension to S. Harriet Morris;
H. R. 7941. An act granting an increase of pension to Carlon B. Osborn;
H. R. 7948. An act granting an increase of pension to James W. Reynolds, alias William Reynolds;
H. R. 7955. An act granting an increase of pension to Newton E. Terrill;
H. R. 7982. An act granting an increase of pension to Francis M. Kellogg;
H. R. 8043. An act granting an increase of pension to Lafayette Dodds;
H. R. 8044. An act granting an increase of pension to Angel Hausker;
H. R. 8061. An act granting an increase of pension to Heart Echard;
H. R. 8156. An act granting an increase of pension to Loren H. Howard;
H. R. 8169. An act granting an increase of pension to Eliza C. Jones;
H. R. 8187. An act granting an increase of pension to Silas G. Elliott;
H. R. 8213. An act granting an increase of pension to William Monteith;
H. R. 8216. An act granting an increase of pension to Philipp Cline, alias Francis Klein;
H. R. 8233. An act granting an increase of pension to Charles A. Power;
H. R. 8242. An act granting an increase of pension to John Alves;
H. R. 8251. An act granting an increase of pension to Abel S. Thompson;
H. R. 8253. An act granting an increase of pension to John Dolan;
H. R. 8288. An act granting an increase of pension to Jonathan Carr;
H. R. 8302. An act granting an increase of pension to Maurice Hayes;
H. R. 8317. An act granting an increase of pension to Eliza Thompson;
H. R. 8406. An act granting an increase of pension to Susan W. Selfridge;
H. R. 8494. An act granting an increase of pension to David A. Jones;
H. R. 8520. An act granting an increase of pension to Alfred F. White;
H. R. 8541. An act granting an increase of pension to Edward H. Pinney;
H. R. 8556. An act granting an increase of pension to Ethan Blodgett;
H. R. 8562. An act granting an increase of pension to William Ostermann;
H. R. 8596. An act granting an increase of pension to John C. Messerschmidt;
H. R. 8649. An act granting an increase of pension to William Bode;
H. R. 8663. An act granting an increase of pension to Frederick A. Amende;
H. R. 8664. An act granting an increase of pension to Henry Wascher;
H. R. 8714. An act granting an increase of pension to George Gibson;
H. R. 8794. An act granting an increase of pension to Stout Shearer;
H. R. 8846. An act granting an increase of pension to Thomas Todd;
H. R. 8847. An act granting an increase of pension to Philip B. Thompson;
H. R. 8918. An act granting an increase of pension to Andrew J. Hull, alias Spencer J. Hull;
H. R. 8926. An act granting an increase of pension to John Keller;
H. R. 8939. An act granting an increase of pension to Sarah A. Chauncey;
H. R. 8944. An act granting an increase of pension to William H. Lorance;
H. R. 8949. An act granting an increase of pension to Albert Richard Clark;
H. R. 9051. An act granting an increase of pension to Asher S. Bouden;
H. R. 9052. An act granting an increase of pension to Jonathan Wood;
H. R. 9059. An act granting an increase of pension to Ebenezer S. Edgerton;
H. R. 9065. An act granting an increase of pension to George G. Brail;
H. R. 9077. An act granting an increase of pension to Samuel Engle;
H. R. 9104. An act granting an increase of pension to Henry Brown;
H. R. 9122. An act granting an increase of pension to Philander Bennett;
H. R. 9142. An act granting an increase of pension to Herman A. Kimball;
H. R. 9146. An act granting an increase of pension to Francis A. Jones;
H. R. 9209. An act granting an increase of pension to Stephen D. Cohen;
H. R. 9234. An act granting an increase of pension to William A. McDonald;
H. R. 9237. An act granting an increase of pension to Jacob Dachrodt;
H. R. 9279. An act granting an increase of pension to Patrick Curley;
H. R. 9351. An act granting an increase of pension to Marie G. Bondham;
H. R. 9405. An act granting an increase of pension to John Burns;
H. R. 9416. An act granting an increase of pension to Jacob M. Longsworth;
H. R. 9567. An act granting an increase of pension to Henderson Rose;
H. R. 9579. An act granting an increase of pension to John G. Harris;
H. R. 9651. An act granting an increase of pension to Charles S. Word;
H. R. 9789. An act granting an increase of pension to Josiah Nicholson;
H. R. 9795. An act granting an increase of pension to Emory Edward Patch;
H. R. 9851. An act granting an increase of pension to William G. Richardson;
H. R. 9906. An act granting an increase of pension to Hinman Rhodes;
H. R. 9929. An act granting an increase of pension to Orlean De Witt;
H. R. 10007. An act granting an increase of pension to Appleton Gibson;
H. R. 10175. An act granting an increase of pension to Matthew A. Knight;
H. R. 10216. An act granting an increase of pension to Hugh Longstaff;
H. R. 10256. An act granting an increase of pension to Daniel D. Diehl;
H. R. 10258. An act granting an increase of pension to Elias Smith;
H. R. 10266. An act granting an increase of pension to William H. Morris;
H. R. 10269. An act granting an increase of pension to Andrew Ricketts;
H. R. 10297. An act granting an increase of pension to Nicholas Hercherberger;
H. R. 10307. An act granting an increase of pension to Milton A. Saeger;
H. R. 10308. An act granting an increase of pension to Dillon F. Acker;
H. R. 10323. An act granting an increase of pension to Patrick J. Donahue;
H. R. 10362. An act granting an increase of pension to William J. Chenoweth;
H. R. 10437. An act granting an increase of pension to Casper Yost;
H. R. 10439. An act granting an increase of pension to Mary Ann Gaunt;
H. R. 10477. An act granting an increase of pension to James B. Babcock;
H. R. 10521. An act granting an increase of pension to John F. Cluley;
H. R. 10522. An act granting an increase of pension to Charles H. Everitt;
H. R. 10551. An act granting an increase of pension to Ezekial Polk;
H. R. 10552. An act granting an increase of pension to James Wilkinson;
H. R. 10564. An act granting an increase of pension to Levi N. Bodley;

H. R. 10582. An act granting an increase of pension to Oscar B. Caswell;
H. R. 10588. An act granting an increase of pension to John H. Parker;
H. R. 10623. An act granting an increase of pension to Joseph L. Bostwick;
H. R. 10637. An act granting an increase of pension to Levi I. Shipman;
H. R. 10720. An act granting an increase of pension to Joseph F. Caldwell;
H. R. 10722. An act granting an increase of pension to William H. Flint;
H. R. 10741. An act granting an increase of pension to Thomas Clark;
H. R. 10807. An act granting an increase of pension to Jacob J. Long;
H. R. 10872. An act granting an increase of pension to Abram J. Hill;
H. R. 10883. An act granting an increase of pension to William Lee;
H. R. 10918. An act granting an increase of pension to Nathan W. Josselyn;
H. R. 10925. An act granting an increase of pension to Isaac C. Dennis;
H. R. 10954. An act granting an increase of pension to Letitia D. Watkins;
H. R. 10969. An act granting an increase of pension to Calaway G. Tucker;
H. R. 11061. An act granting an increase of pension to Reanna Pile;
H. R. 11096. An act granting an increase of pension to Sion B. Glazner;
H. R. 11101. An act granting an increase of pension to Andrew J. Baker;
H. R. 11105. An act granting an increase of pension to Michael Comer;
H. R. 11132. An act gratning an increase of pension to Horace E. Lydy;
H. R. 11144. An act granting an increase of pension to Lewis Pratt;
H. R. 11145. An act granting an increase of pension to Melvin J. Lee;
H. R. 11160. An act granting an increase of pension to Lemuel Herbert;
H. R. 11205. An act granting an increase of pension to Jeremiah Spice;
H. R. 11302. An act granting an increase of pension to John R. Cotton;
H. R. 11320. An act granting an increase of pension to Adam Cook;
H. R. 11343. An act granting an increase of pension to Enoch Bolen;
H. R. 11561. An act granting an increase of pension to Egbert P. Shetter;
H. R. 11620. An act granting an increase of pension to John J. Quimby;
H. R. 11653. An act granting an increase of pension to James R. Jordan;
H. R. 11658. An act granting an increase of pension to Gould E. Utter;
H. R. 11672. An act granting an increase of pension to Franklin J. Fellows;
H. R. 11724. An act granting an increase of pension to John A. Conley;
H. R. 11777. An act granting an increase of pension to Manson B. Scott;
H. R. 11808. An act granting an increase of pension to Webster Thomas;
H. R. 11842. An act granting an increase of pension to James M. Noble;
H. R. 11908. An act granting an increase of pension to Stephen V. Sturtevant;
H. R. 11916. An act granting an increase of pension to Edward L. Kimball;
H. R. 12008. An act granting an increase of pension to James D. Blanding;
H. R. 12016. An act granting an increase of pension to James Cassady;
H. R. 12027. An act granting an increase of pension to Nathan C. Bradley;
H. R. 12038. An act granting an increase of pension to Charles H. Burleigh;
H. R. 12054. An act granting an increase of pension to Martha E. Hallowell;
H. R. 12102. An act granting an increase of pension to Wilhelmina Healey;
H. R. 12156. An act granting an increase of pension to Edwin Billing;
H. R. 12290. An act granting an increase of pension to David L. Kretsinger;
H. R. 12384. An act granting an increase of pension to Andrew Dunning;
H. R. 12388. An act granting an increase of pension to Harvey T. Dunn;
H. R. 12506. An act granting an increase of pension to John T. Howell;
H. R. 12507. An act granting an increase of pension to George W. Collier;
H. R. 12510. An act granting an increase of pension to John McWhorter;
H. R. 12583. An act granting an increase of pension to Elizabeth L. H. Labatt;
H. R. 12640. An act granting an increase of pension to Augustus Walker;
H. R. 12713. An act granting an increase of pension to Augustus F. Bradbury;
H. R. 12754. An act granting an increase of pension to William B. Eversole;
H. R. 12837. An act granting an increase of pension to Martha Miller;
H. R. 12839. An act granting an increase of pension to Kathryn G. Hayt;
H. R. 12937. An act granting an increase of pension to James Hoover;
H. R. 13037. An act granting an increase of pension to Elizabeth Jane Kearney;
H. R. 13050. An act granting an increase of pension to William G. Crockett;
H. R. 13078. An act granting an increase of pension to Elizabeth F. Partin;
H. R. 13084. An act granting an increase of pension to William Dixon;
H. R. 13129. An act granting an increase of pension to Pinkney W. H. Lee;
H. R. 13141. An act granting an increase of pension to William A. Southworth;
H. R. 13457. An act granting an increase of pension to William M. McCay;
H. R. 13536. An act granting an increase of pension to Peter Cline;
H. R. 13579. An act granting an increase of pension to Amon Miller;
H. R. 13582. An act granting an increase of pension to James Sutherland;
H. R. 7961. An act for the relief of G. F. Tarbell;
H. R. 14344. An act for the relief of Col. Medad C. Martin;
H. R. 8493. An act granting an increase of pension to Sallie F. Sheffield;
H. R. 10080. An act to provide for sittings of the United States circuit and district courts in the southern district of Florida at the city of Miami, in said district;
H. R. 10697. An act providing for the issuance of patents for lands allotted to Indians under the Moses agreement of July 7, 1883;
H. R. 13542. An act authorizing the Secretary of the Interior to lease land in Stanley County, S. Dak., for a buffalo pasture;
H. R. 13673. An act to extend the provisions of the homestead laws to certain lands in the Yellowstone Forest Reserve;
H. R. 13674. An act to amend an act entitled "An act to amend an act entitled 'An act to supplement existing laws relating to the disposition of lands, etc., approved March 3, 1901,' approved June 30, 1902;"
H. R. 14590. An act to authorize the Cairo and Tennessee River Railroad Company to construct a bridge across the Cumberland River; and
H. R. 14589. An act to authorize the Cairo and Tennessee River Railroad Company to construct a bridge across the Tennessee River.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 4094. An act to amend section 4426 of the Revised Statutes of the United States, regulation of motor boats—to the Committee on the Merchant Marine and Fisheries.

S. 4348. An act for the relief of Augustus Trabing—to the Committee on War Claims.

S. 4129. An act to regulate enlistments and punishments in

the United States Revenue-Cutter Service—to the Committee on Interstate and Foreign Commerce.

S. 3433. An act to amend an act entitled "An act to divide the judicial district of North Dakota," approved April 26, 1890—to the Committee on the Judiciary.

S. 4860. An act for the relief of Peter Fairley—to the Committee on Claims.

S. 4593. An act for the relief of Francis J. Cleary, a midshipman in the United States Navy—to the Committee on Naval Affairs.

BRIDGE ACROSS TUG FORK.

Mr. HOPKINS. Mr. Speaker, I ask unanimous consent for the present consideration of the bill H. R. 15263.

The SPEAKER. The gentleman from Kentucky [Mr. HOPKINS] asks unanimous consent for present consideration of a bill, of which the Clerk will read the title.

The Clerk read as follows:

A bill (H. R. 15263) to authorize William Smith and associates to bridge the Tug Fork of the Big Sandy River, near Williamson, W. Va., where the same forms the boundary line between the States of West Virginia and Kentucky.

The SPEAKER. Is there objection?

There was no objection.

The bill and committee amendment were read at length.

The SPEAKER. Is there objection to the bill as amended?

Mr. WILLIAMS. Mr. Speaker, this bill is in the usual form.

Mr. HOPKINS. And is unanimously reported by the committee and indorsed by the War Department.

There was no objection.

The bill as amended was ordered to be engrossed and read a third time; was accordingly read the third time, and passed.

On motion of Mr. HOPKINS, the vote by which the bill was passed was laid on the table.

VIEWS OF MINORITY.

Mr. GILLESPIE. Mr. Speaker, I rise to ask unanimous consent to file views of minority of the Committee on Banking and Currency on the bill (H. R. 8973) to amend section 5200, Revised Statutes of the United States, relating to national banks.

The SPEAKER. Is there objection?

There was no objection.

RAILROAD DISCRIMINATION.

The SPEAKER laid before the House a message from the President of the United States relative to joint resolution instructing the Interstate Commerce Commission to examine into the subject of railroad discrimination and monopolies in coal and oil and report on the same from time to time; which was read, and referred to the Committee on Interstate and Foreign Commerce.

[For message see Senate proceedings of March 7, 1906.]

REPRINT OF BILL.

Mr. SHERMAN. Mr. Speaker, I ask unanimous consent for reprint of the bill H. R. 15331, known as the "Indian appropriation bill."

The SPEAKER. Is there objection?

There was no objection.

Mr. SHERMAN. Mr. Speaker, I move that the House do now adjourn.

Accordingly (at 5 o'clock p. m.) the House adjourned.

## EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Attorney-General submitting an estimate of appropriation for pay of regular assistant attorneys, United States courts—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Duwamish River, Washington—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examinations of westerly side of Arthur Kill, New York and New Jersey—to the Committee on Rivers and Harbors, and ordered to be printed.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. MANN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 88) for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes, reported the same with amendment, accompanied by a report (No. 2118); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. NEVIN, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 15434) to regulate appeals in criminal prosecutions, reported the same with amendment, accompanied by a report (No. 2119); which said bill and report were referred to the House Calendar.

Mr. ESCH, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 14591) to authorize the construction of a bridge across the Cumberland River in or near the city of Clarksville, State of Tennessee, reported the same with amendment, accompanied by a report (No. 2120); which said bill and report were referred to the House Calendar.

Mr. MONDELL, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 12323) to permit the State of Utah to select lands in any abandoned military reservation in Utah, reported the same with amendment, accompanied by a report (No. 2123); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. TIRRELL, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 11029) to authorize the holding of a regular court of the district and circuit courts of the United States for the western district of Virginia in the city of Big Stone Gap, Va., reported the same without amendment, accompanied by a report (No. 2106); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

## REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. MEYER, from the Committee on Naval Affairs, to which was referred the bill of the House (H. R. 5651) for the relief of William H. Beall, reported the same without amendment, accompanied by a report (No. 2121); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1889) granting an increase of pension to Arthur Thompson, reported the same without amendment, accompanied by a report (No. 2122); which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON of Kentucky, from the Committee on Pensions, to which was referred the bill of the House (H. R. 1895) granting a pension to H. Edward Goetz, reported the same with amendment, accompanied by a report (No. 2124); which said bill and report were referred to the Private Calendar.

Mr. AMES, from the Committee on Pensions, to which was referred the bill of the House (H. R. 2202) granting a pension to Ellen Harriman, reported the same with amendment, accompanied by a report (No. 2125); which said bill and report were referred to the Private Calendar.

Mr. MACON, from the Committee on Pensions, to which was referred the bill of the House (H. R. 2697) granting an increase of pension to R. G. Childress, reported the same with amendment, accompanied by a report (No. 2126); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 4593) granting a pension to William C. Short, reported the same with amendment, accompanied by a report (No. 2127); which said bill and report were referred to the Private Calendar.

Mr. LONGWORTH, from the Committee on Pensions, to which was referred the bill of the House (H. R. 5252) granting an increase of pension to Thomas Howard, reported the same with amendment, accompanied by a report (No. 2128); which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON of Alabama, from the Committee on Pensions, to which was referred the bill of the House (H. R. 5485) granting a pension to Horace D. Mann, reported the same with amendment, accompanied by a report (No. 2129); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the

bill of the House (H. R. 5936) granting an increase of pension to Caroline Neilson, reported the same with amendment, accompanied by a report (No. 2130); which said bill and report were referred to the Private Calendar.

Mr. LONGWORTH, from the Committee on Pensions, to which was referred the bill of the House (H. R. 7495) granting a pension to Susie M. Gerth, reported the same with amendment, accompanied by a report (No. 2131); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 7588) granting an increase of pension to Thomas Dowling, reported the same with amendment, accompanied by a report (No. 2132); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 9061) granting a pension to Charles R. Hill, reported the same with amendment, accompanied by a report (No. 2133); which said bill and report were referred to the Private Calendar.

Mr. MACON, from the Committee on Pensions, to which was referred the bill of the House (H. R. 10448) granting an increase of pension to George M. Frazer, reported the same with amendment, accompanied by a report (No. 2134); which said bill and report were referred to the Private Calendar.

Mr. DICKSON of Illinois, from the Committee on Pensions, to which was referred the bill of the House (H. R. 10900) granting an increase of pension to Arthur R. Dreppard, reported the same with amendment, accompanied by a report (No. 2135); which said bill and report were referred to the Private Calendar.

Mr. HOGG, from the Committee on Pensions, to which was referred the bill of the House (H. R. 11691) granting an increase of pension to John Clark, reported the same with amendment, accompanied by a report (No. 2136); which said bill and report were referred to the Private Calendar.

Mr. DICKSON of Illinois, from the Committee on Pensions, to which was referred the bill of the House (H. R. 12651) granting a pension to Louis Grossman, reported the same with amendment, accompanied by a report (No. 2137); which said bill and report were referred to the Private Calendar.

Mr. AIKEN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 13079) granting an increase of pension to James H. Griffin, reported the same with amendment, accompanied by a report (No. 2138); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 13255) granting an increase of pension to W. J. Hayes, reported the same with amendment, accompanied by a report (No. 2139); which said bill and report were referred to the Private Calendar.

Mr. LONGWORTH, from the Committee on Pensions, to which was referred the bill of the House (H. R. 14472) granting a pension to Thomas Cheek, reported the same with amendment, accompanied by a report (No. 2140); which said bill and report were referred to the Private Calendar.

Mr. CAMPBELL of Kansas, from the Committee on Pensions, to which was referred the bill of the House (H. R. 14532) granting a pension to Augusta N. Manson, reported the same with amendment, accompanied by a report (No. 2141); which said bill and report were referred to the Private Calendar.

Mr. AIKEN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 14547) granting an increase of pension to Thomas Chapman, reported the same with amendment, accompanied by a report (No. 2142); which said bill and report were referred to the Private Calendar.

Mr. CAMPBELL of Kansas, from the Committee on Pensions, to which was referred the bill of the House (H. R. 14655) granting a pension to Henry Gilham, reported the same with amendment, accompanied by a report (No. 2143); which said bill and report were referred to the Private Calendar.

Mr. AIKEN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 14718) granting an increase of pension to Joseph A. Jones, reported the same with amendment, accompanied by a report (No. 2144); which said bill and report were referred to the Private Calendar.

Mr. BENNETT of Kentucky, from the Committee on Pensions, to which was referred the bill of the House (H. R. 14875) granting an increase of pension to Mary A. Witt, reported the same with amendment, accompanied by a report (No. 2145); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 14951) granting an increase of pension to James Nunan, reported the same with amendment, accompanied by a report (No. 2146); which said bill and report were referred to the Private Calendar.

Mr. DRAPER, from the Committee on Pensions, to which was referred the bill of the House (H. R. 15110) granting an increase of pension to John Green, reported the same with amendment, accompanied by a report (No. 2147); which said bill and report were referred to the Private Calendar.

Mr. DICKSON of Illinois, from the Committee on Pensions, to which was referred the bill of the House (H. R. 15192) granting a pension to John J. Meredith, reported the same with amendment, accompanied by a report (No. 2148); which said bill and report were referred to the Private Calendar.

Mr. AIKEN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 15198) granting an increase of pension to Elizabeth J. Martin, reported the same with amendment, accompanied by a report (No. 2149); which said bill and report were referred to the Private Calendar.

Mr. BENNETT of Kentucky, from the Committee on Pensions, to which was referred the bill of the House (H. R. 15276) granting an increase of pension to Wesley Smith, reported the same with amendment, accompanied by a report (No. 2150); which said bill and report were referred to the Private Calendar.

Mr. MACON, from the Committee on Pensions, to which was referred the bill of the House (H. R. 15347) granting an increase of pension to John M. Love, reported the same with amendment, accompanied by a report (No. 2151); which said bill and report were referred to the Private Calendar.

Mr. AIKEN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 15382) granting an increase of pension to Mary C. Moore, reported the same with amendment, accompanied by a report (No. 2152); which said bill and report were referred to the Private Calendar.

Mr. DICKSON of Illinois, from the Committee on Pensions, to which was referred the bill of the House (H. R. 15870) granting a pension to Mary Palmer, reported the same with amendment, accompanied by a report (No. 2153); which said bill and report were referred to the Private Calendar.

Mr. CAMPBELL of Kansas, from the Committee on Pensions, to which was referred the bill of the House (H. R. 15893) granting an increase of pension to Volney P. Ludlow, reported the same with amendment, accompanied by a report (No. 2154); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 15940) granting a pension to James M. Carley, reported the same with amendment, accompanied by a report (No. 2155); which said bill and report were referred to the Private Calendar.

Mr. PATTERSON of Pennsylvania, from the Committee on Pensions, to which was referred the bill of the House (H. R. 15941) granting an increase of pension to Lydia A. Keller, reported the same with amendment, accompanied by a report (No. 2156); which said bill and report were referred to the Private Calendar.

Mr. LOUDENSLAGER, from the Committee on Pensions, to which was referred the bill of the Senate (S. 1273) granting an increase of pension to Eleanora A. Keeler, reported the same without amendment, accompanied by a report (No. 2157); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 2096) granting an increase of pension to Nathaniel R. Kent, reported the same without amendment, accompanied by a report (No. 2158); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 2142) granting an increase of pension to Adelle D. Irwin, reported the same without amendment, accompanied by a report (No. 2159); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 2735) granting a pension to Marcelina S. Groff, reported the same without amendment, accompanied by a report (No. 2160); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 2968) granting a pension to George W. Hale, reported the same without amendment, accompanied by a report (No. 2161); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 3029) granting an increase of pension to Delia A. Hooker, reported the same without amendment, accompanied by a report (No. 2162); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 3888) granting an increase of pension to Susan E. Israel, reported the same without amendment, accom-

panied by a report (No. 2163); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 4227) granting a pension to John H. McKenzie, reported the same without amendment, accompanied by a report (No. 2164); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 4595) granting an increase of pension to Amos McManus, reported the same without amendment, accompanied by a report (No. 2165); which said bill and report were referred to the Private Calendar.

## PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred, as follows:

By Mr. GROSVENOR: A bill (H. R. 16306) to amend the act approved March 6, 1896, relating to the anchorage and movements of vessels in St. Marys River—to the Committee on Interstate and Foreign Commerce.

By Mr. WATKINS: A bill (H. R. 16307) authorizing the Secretary of the Interior to have a survey made of unsurveyed public lands in the State of Louisiana—to the Committee on the Public Lands.

By Mr. HAMILTON: A bill (H. R. 16308) for a reconnoissance and preliminary survey of a land route for a mail and pack trail, and to determine the feasibility of a railroad from the navigable waters of the Tanana River to the Seward Peninsula, in Alaska, and for other purposes—to the Committee on the Territories.

By Mr. GREGG: A bill (H. R. 16309) to establish a fish-hatching and fish-culture station in the county of Houston, State of Texas—to the Committee on the Merchant Marine and Fisheries.

By Mr. SMITH of Maryland: A bill (H. R. 16310) to regulate the retirement of certain veterans of the civil war—to the Committee on Military Affairs.

By Mr. WILLIAMS: A bill (H. R. 16211) to incorporate the Industrial Educational League of the South—to the Committee on Education.

By Mr. COOPER of Pennsylvania: A bill (H. R. 16312) providing for the administration of the operations of the act of Congress approved June 17, 1902, known as the reclamation act—to the Committee on Irrigation or Arid Lands.

By Mr. PEARRE: A bill (H. R. 16313) to amend section 54 of chapter 106 of the act of the Thirty-eighth Congress entitled "An act to provide a national currency secured by pledge of United States bonds, and to provide for the circulation and redemption thereof," approved June 3, 1864—to the Committee on Banking and Currency.

By Mr. MONDELL: A bill (H. R. 16314) providing that the State of Wyoming be permitted to relinquish to the United States certain lands heretofore selected and to select other lands from the public domain in lieu thereof—to the Committee on the Public Lands.

By Mr. WEBB: A resolution (H. Res. 358) referring to the Court of Claims the bill H. R. 16303—to the Committee on War Claims.

Also, a resolution (H. Res. 359) referring to the Court of Claims the bill H. R. 16302—to the Committee on War Claims.

By Mr. AIKEN: A resolution (H. Res. 360) providing for the printing of 10,000 copies of the Report on Trade with China and the Orient—to the Committee on Printing.

By Mr. BIRDSALL: A memorial of the legislature of the State of Iowa, recommending the enactment of the pure-food law—to the Committee on Interstate and Foreign Commerce.

By Mr. McCARTHY: A memorial from the legislature of Iowa, recommending the enactment of the pure-food law—to the Committee on Interstate and Foreign Commerce.

## PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ADAMS of Pennsylvania: A bill (H. R. 16315) to correct the military record of William R. Walsh—to the Committee on Military Affairs.

By Mr. BELL of Georgia: A bill (H. R. 16316) for the relief of the heirs of John B. Graham—to the Committee on Claims.

By Mr. BUTLER of Tennessee: A bill (H. R. 16317) granting an increase of pension to Newton Moore—to the Committee on Pensions.

By Mr. CALDER: A bill (H. R. 16318) for the relief of the heirs of those killed by the explosion at Fort Lafayette February 19, 1903—to the Committee on Claims.

By Mr. CALDERHEAD: A bill (H. R. 16319) granting an increase of pension to Orrin D. Nichols—to the Committee on Invalid Pensions.

By Mr. COCKRAN: A bill (H. R. 16320) granting a pension to Esther M. Noah—to the Committee on Invalid Pensions.

By Mr. CONNER: A bill (H. R. 16321) granting an increase of pension to Alem B. Shipman—to the Committee on Invalid Pensions.

By Mr. COOPER of Wisconsin: A bill (H. R. 16322) granting an increase of pension to George C. Limpert—to the Committee on Invalid Pensions.

By Mr. CURTIS: A bill (H. R. 16323) granting a pension to Mary C. Finlay—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16324) granting a pension to Jacob Goehring—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16325) granting a pension to Desemer Mawdsley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16326) granting an increase of pension to James M. Flynn—to the Committee on Pensions.

Also, a bill (H. R. 16327) granting an increase of pension to John Kuhn—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16328) granting an increase of pension to Monroe J. Cook—to the Committee on Invalid Pensions.

By Mr. DOVENER: A bill (H. R. 16329) for the relief of Elias E. Barnes—to the Committee on Claims.

Mr. GAINES of West Virginia: A bill (H. R. 16330) granting a pension to Martin J. Helmick—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16331) for the relief of the heirs of Samuel B. McClung—to the Committee on War Claims.

By Mr. HERMANN: A bill (H. R. 16332) granting a pension to Kate F. Hoffman—to the Committee on Invalid Pensions.

By Mr. HOLLIDAY: A bill (H. R. 16333) granting a pension to Joseph H. Glover—to the Committee on Pensions.

Also, a bill (H. R. 16334) granting an increase of pension to Enos Day—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16335) granting an increase of pension to John A. Bryan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16336) granting an increase of pension to Willis W. Dawson—to the Committee on Invalid Pensions.

By Mr. HOPKINS: A bill (H. R. 16337) granting a pension to Henry Richey—to the Committee on Invalid Pensions.

By Mr. LAMB: A bill (H. R. 16338) for the relief of the estate of William B. Todd, deceased—to the Committee on the District of Columbia.

Also, a bill (H. R. 16339) granting an increase of pension to Mack Harris—to the Committee on Invalid Pensions.

By Mr. LITTAUER: A bill (H. R. 16340) granting an increase of pension to William M. Harris—to the Committee on Invalid Pensions.

By Mr. LLOYD: A bill (H. R. 16341) granting a pension to Sarah J. Ridgeway—to the Committee on Pensions.

By Mr. McKINLEY of Illinois: A bill (H. R. 16342) granting a pension to Matilda Foster—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16343) granting an increase of pension to Francis D. Matheny—to the Committee on Invalid Pensions.

By Mr. McGUIRE: A bill (H. R. 16344) granting an increase of pension to Jacob Meek—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16345) granting a pension to A. F. Bunton—to the Committee on Pensions.

Also, a bill (H. R. 16346) granting an increase of pension to Amos W. Polly—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16347) granting a pension to Jacob Bowersmith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16348) granting a pension to Forest McBride—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16349) granting an increase of pension to James Demick—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16350) granting a pension to Day Wheeler—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16351) granting a pension to Jeremiah Dotter—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16352) granting an increase of pension to C. W. Bugbee—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16353) granting a pension to Thomas B. Asher—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16354) granting a pension to George G. Sherlock—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16355) granting an increase of pension to Charles W. Pool—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16356) granting an increase of pension to Isaac Wyant—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16357) granting an increase of pension to Harrison Clark—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16358) granting an increase of pension to Martin V. B. Barron—to the Committee on Pensions.

Also, a bill (H. R. 16359) granting an increase of pension to Wyatt Botts—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16360) granting an increase of pension to William Faulkner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16361) granting an increase of pension to Lewis W. Dennen—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16362) granting an increase of pension to Green B. Hill—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16363) granting an increase of pension to Isaac Fickle—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16364) to correct the military record of James E. Neely—to the Committee on Military Affairs.

Also, a bill (H. R. 16365) to correct the military record of John Bailey—to the Committee on Military Affairs.

By Mr. MAYNARD: A bill (H. R. 16366) for the relief of Mary Cornick—to the Committee on Claims.

By Mr. PARSONS: A bill (H. R. 16367) providing for the adjudication of the claim of Walston H. Brown, sole surviving partner of the firm of Brown, Howard & Co., by the Court of Claims—to the Committee on Claims.

By Mr. PAYNE: A bill (H. R. 16368) for the relief of Edward W. Clark, of Penn Yan, N. Y.—to the Committee on Military Affairs.

By Mr. REEDER: A bill (H. R. 16369) granting a pension to Joseph A. McElroy—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16370) granting an increase of pension to W. B. Fleming—to the Committee on Invalid Pensions.

By Mr. SCHNEEBELI: A bill (H. R. 16371) granting an increase of pension to Peter Eberts—to the Committee on Invalid Pensions.

By Mr. SHERMAN: A bill (H. R. 16372) granting an increase of pension to Andrew Dorn—to the Committee on Invalid Pensions.

By Mr. SIBLEY: A bill (H. R. 16373) granting pensions to honorably discharged soldiers who served in Captain Kemp's or Captain Brown's company, Department Troops of Monongahela Infantry—to the Committee on Invalid Pensions.

By Mr. STEPHENS of Texas: A bill (H. R. 16374) for the relief of the estate of T. H. Goodloe, deceased—to the Committee on War Claims.

Also, a bill (H. R. 16375) granting a pension to Julien D. Bond—to the Committee on Pensions.

By Mr. VAN WINKLE: A bill (H. R. 16376) granting an increase of pension to Joseph Muncher—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16377) to correct the military record of George W. Spencer—to the Committee on Military Affairs.

By Mr. WILEY of New Jersey: A bill (H. R. 16378) to authorize John A. Ockerson to accept decorations tendered him by the Government of the French Republic, the King of Italy, the King of Sweden, the King of Belgium, the Emperor of Germany, and the Emperor of China—to the Committee on Foreign Affairs.

## CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 9909) granting an increase of pension to John A. Lennon—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 13258) granting a pension to Nicodemo De Salle—Committee on Invalid Pension discharged, and referred to the Committee on Pensions.

A bill (H. R. 15675) granting an increase of pension to Harley Mowrey—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 15907) granting an increase of pension to Louis De Laittre—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 3474) for the relief of J. B. Chandler and D. B. Cox—Committee on Claims discharged, and referred to the Committee on War Claims.

## PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ANDREWS: Petition of the Oragrande Times, against the tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of the Japanese and Korean Exclusion League of San Francisco, Cal., against the Foster bill—to the Committee on Foreign Affairs.

By Mr. BARCHFELD: Petition of George C. Henry, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of Mrs. C. F. Scott, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. BENNET of New York: Petitions of the New York A. C. Journal, the Seventh Regiment Gazette, the Building Trades Employment Association Bulletin, and the Nautical Gazette, et al., against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. BIRDSALL: Petition of citizens of Iowa, against religious legislation—to the Committee on the District of Columbia.

Also, petition of the Press, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. BROWN: Petition of Der Gefluegel-Zuechter, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. BURKE of Pennsylvania: Petition of George C. Henry and Mrs. C. F. Scott, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. BURKE of South Dakota: Petition of citizens of South Dakota, against religious legislation—to the Committee on the District of Columbia.

By Mr. CALDER: Petition of the New York Lumber Trade Journal, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. CAMPBELL of Ohio: Petition of the National Association of Cement Users, for an appropriation for experiments by the United States Government—to the Committee on Appropriations.

By Mr. CURTIS: Petition of the Horton Headlight, against the tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of citizens of Kansas, against bill H. R. 3022—to the Committee on the District of Columbia.

Also, petition of citizens of Kansas, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. DE ARMOND: Paper to accompany bill for relief of Sarah E. Hopkins—to the Committee on Invalid Pensions.

By Mr. DRAPER: Petition of citizens of Ellenburg Center, N. Y., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. DRESSER: Petition of the Daily Journal, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. DRISCOLL: Petition of Frank H. Hale and the National Grange, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. ESCH: Petition of citizens of Wisconsin, against bill H. R. 7076—to the Committee on Interstate and Foreign Commerce.

Also, petition of citizens of Wisconsin, against religious legislation—to the Committee on the District of Columbia.

By Mr. FLACK: Petition of residents of Ellenburg Center and Colton, N. Y., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. FLETCHER: Petition of the United Travelers of America, for amendment to the bankruptcy bill—to the Committee on the Judiciary.

By Mr. FOSTER of Indiana: Petition of the Star-Messenger, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. FULLER: Petition of citizens of Morris, Ill., for the Hepburn-Dolliver bill—to the Committee on the Judiciary.

Also, petition of the Chicago Medical Society, for the pure-food bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Japanese and Korean Exclusion League, for present Chinese law—to the Committee on Foreign Affairs.

Also, petition of the Commercial Law League of America, for consular reform—to the Committee on Foreign Affairs.

By Mr. GARDNER of Massachusetts: Petition of James S. Steele et al., of Gloucester, Mass., and William H. Jordan, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. GILBERT of Indiana: Petition of the Journal-Gazette, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. GRAFF: Petition of Council No. 112, of the Commercial Travelers of America, for amendment to the bankruptcy law—to the Committee on the Judiciary.

Also, petition of merchants of Armington, Ill., against the parcels-post bill—to the Committee on the Post-Office and Post-Roads.

By Mr. GRAHAM: Petition of the Protective Tariff League, against any change in the tariff schedules—to the Committee on Ways and Means.

Also, petition of the Builders' Exchange League of Pittsburg, against the Gilbert anti-injunction law—to the Committee on the Judiciary.

Also, petition of citizens of Pittsburg, Pa., against religious legislation—to the Committee on the District of Columbia.

Also, petition of the State Federation of Pennsylvania Women, for forest reservation—to the Committee on Agriculture.

Also, petition of Thompson & Co., of Mount Jewett, Pa., against a parcels post—to the Committee on the Post-Office and Post-Roads.

Also, petition of the State Federation of Pennsylvania Women, for the Morris law—to the Committee on Agriculture.

Also, petition of the State Federation of Pennsylvania Women, for preservation of Niagara Falls—to the Committee on Rivers and Harbors.

By Mr. GRANGER: Petition of Division No. 18, Ancient Order of Hibernians, of Providence, R. I., for a statue to Commodore Barry—to the Committee on the Library.

By Mr. HASKINS: Petition of Ottaquechee Grange, of Taftsville, Vt., and D. G. Spaulding et al., of Woodstock, Vt., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. HAUGEN: Petition of the Rockford Register, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. HAYES: Petition of citizens of San Francisco, Cal., against passage of bill H. R. 12973—to the Committee on Foreign Affairs.

Also, petition of citizens of San Jose, Cal., for relief for certain Indians in Alaska—to the Committee on Indian Affairs.

By Mr. HEPBURN: Petitions of citizens of Clarinda, Page County, and Decatur, Iowa, against religious legislation—to the Committee on the District of Columbia.

Also, petition of citizens of Osceola, Iowa, against religious legislation—to the Committee on the District of Columbia.

By Mr. HOWELL of New Jersey: Petition of Frank C. Wright, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. HOWELL of Utah: Petition of Parley P. Jensen, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. HUBBARD: Petition of citizens of Iowa, against religious legislation—to the Committee on the District of Columbia.

By Mr. HUFF: Petition of George C. Henry, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of Loyalty Council, No. 314, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of the Association of Mexican War Veterans of the State of Missouri, for increase of pensions—to the Committee on Pensions.

By Mr. KAHN: Petition of the Equal Suffrage League, for the pure-food bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of Fort Sutter National Bank, of Sacramento, Cal., for bill H. R. 8973—to the Committee on Banking and Currency.

Also, petition of F. N. Longer, for a White Mountain forest reserve—to the Committee on Agriculture.

Also, petition of the Fort Sutter National Bank, of Sacramento, Cal., against certain provisions of the bill for postal savings banks—to the Committee on the Post-Office and Post-Roads.

Also, petition of Alexander Hamilton Council, No. 35, of San Francisco, Cal., Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of George D. Cooper, of San Francisco, Cal., for the ship-subsidy bill—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the Wilmerding-Loewe Company, for amendment of the pure-food bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of Division No. 115, Order of Railway Conductors, for the Bates-Penrose bill—to the Committee on the Judiciary.

Also, petition of the Union Company, of San Francisco, Cal., against certain provisions of the pure-food bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of J. A. Parry, of San Francisco, Cal., relative to legislation for the tobacco interest—to the Committee on Ways and Means.

By Mr. KENNEDY of Nebraska: Paper to accompany bill for relief of John P. Wishart—to the Committee on Invalid Pensions.

By Mr. WILLIAM W. KITCHIN: Paper to accompany bill for relief of Louise Lindley—to the Committee on Invalid Pensions.

By Mr. KNAPP: Petition of citizens of Colton, N. Y., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. KNOWLAND: Petition of the Industrial News, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. LINDSAY: Petition of S. Demorritah, of New York, for the pure-food bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of Edward J. Wheeler, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of citizens of Ellenburg Center, N. Y., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. LONGWORTH: Petition of the Catholic Knights of America Journal and the Pythian Monitor, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. McCALL: Petition of citizens of Malden, Mass, for forest reservation in the White Mountains—to the Committee on Agriculture.

Also, petition of citizens of Massachusetts, against free distribution of seeds by the Government—to the Committee on Agriculture.

By Mr. MADDEN: Petition of the Farm Implement News, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. MINOR: Petition of citizens of Sturgeon Bay and Seymour, Wis., against religious legislation—to the Committee on the District of Columbia.

By Mr. MOUSER: Petition of many citizens of New York and vicinity, for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

By Mr. NEEDHAM: Petition of the Cypress (morning and daily), against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. NORRIS: Petition of citizens of Cambridge, Nebr., against religious legislation—to the Committee on the District of Columbia.

By Mr. OLCOTT: Petition of the Nautical Gazette, against the tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of citizens of Glasco, N. Y., and Jacob Van Vechten, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of citizens of New York, for the pure-food bill—to the Committee on Interstate and Foreign Commerce.

By Mr. PALMER: Petition of the Hazleton Sentinel, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. PARSONS: Petition of the New York A. C. Journal, the Seventh Regiment Gazette, the Nautical Gazette, and the Building Trades Bulletin, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. RAINEY: Petition of citizens of Illinois, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of the Observer, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. REEDER: Petition of the News, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. REYNOLDS: Petition of the Deutsche Wacht, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. RIVES: Petition of citizens of New York and vicinity, for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

By Mr. RUPPERT: Petition of citizens of New York State, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of the New York Athletic Club Journal, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. SHARTEL: Petition of the Neosho Times, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. SHERMAN: Paper to accompany bill for relief of Andrew Dorn—to the Committee on Invalid Pensions.

By Mr. SIBLEY: Petition of the Citizen, against the tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of citizens of Warren County, Pa., against bill H. R. 10510—to the Committee on the District of Columbia.

Also, petition of ladies of Franklin, Pa., for a forest reserve—to the Committee on Agriculture.

By Mr. SIBLEY: Petition of the State Federation of Pennsylvania Women, to preserve Niagara Falls—to the Committee on Rivers and Harbors.

By Mr. SOUTHARD: Petitions of the Exponent and the Fulton County Tribune, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. SPERRY: Petition concerning allowance for clerk hire to the Committee on Alcoholic Liquor Traffic—to the Committee on Accounts.

By Mr. STEPHENS of Texas: Petition of members of the Creek Indian tribe, against allotment of lands and dissolution of their tribal government—to the Committee on Indian Affairs.

By Mr. SULLOWAY: Petition of Scammel Grange, of Durham, N. H., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of Scammel Grange, of Durham, N. H., for bill H. R. 180—to the Committee on Agriculture.

Also, petition of Scammel Grange, of Durham, N. H., for retention of the tax of 10 cents per pound on imitation butter—to the Committee on Agriculture.

Also, petition of Scammel Grange, of Durham, N. H., for bill H. R. 10099—to the Committee on Interstate and Foreign Commerce.

Also, petition of Scammel Grange, of Durham, N. H., for a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of Scammel Grange, of Durham, N. H., for bills H. R. 285 and 286—to the Committee on Agriculture.

Also, petition of Stephen J. Wentworth Camp, No. 14, Sons of Veterans, against bill H. R. 8131—to the Committee on Military Affairs.

By Mr. THOMAS of North Carolina: Petition of the North Carolina Society, Daughters of the American Revolution, for an appropriation to preserve the monument and grounds at Moores Creek battlefield—to the Committee on the Library.

By Mr. TIRRELL: Petition of many citizens of New York and vicinity, for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

By Mr. TOWNSEND: Petition of the Tyler Publishing Company, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. VOLSTEAD: Petition of the Beardsley News, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. WEBB: Paper to accompany bill for relief of estate of John K. Wells—to the Committee on War Claims.

Also, paper to accompany bill for relief of estate of J. R. Crouse—to the Committee on War Claims.

## SENATE.

THURSDAY, *March 8, 1906.*

The Senate met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Journal of yesterday's proceedings was read and approved.

### MILEAGE TO ARMY OFFICERS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of War, transmitting an amendment to the provisions of the mileage law as embodied in the Army appropriation bill, providing that hereafter annual expenses only not to exceed $4.50 per day and the cost of transportation when not furnished by the Quartermaster's Department shall be paid to the officers of the Army, etc.; which was referred to the Committee on Military Affairs, and ordered to be printed.

### DISPOSITION OF USELESS PAPERS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting, pursuant to law, schedules of papers, documents, etc., on the files of the Treasury Department which are not needed in the transaction of the public business and have no permanent value or historical interest; which, with the accompanying papers, was referred to the Joint Select Committee on the Disposition of Useless Papers in the Executive Departments, and ordered to be printed.

### PETITION.

The VICE-PRESIDENT presented a petition of the Chamber of Commerce of Oklahoma City, Okla., praying for the enactment of legislation granting joint statehood to the Indian and Oklahoma Territories without restrictions as to capital location beyond 1908; which was ordered to lie on the table.

### REPORTS OF COMMITTEES.

Mr. GEARIN, from the Committee on Pensions, to whom was referred the bill (H. R. 4704) granting a pension to Alice Rourk, reported it without amendment, and submitted a report thereon.

Mr. GEARIN (for Mr. CARMACK), from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 2150) granting an increase of pension to William E. Smith;

A bill (H. R. 2151) granting an increase of pension to Lydia C. Wood;

A bill (H. R. 1888) granting a pension to William T. Scandlyn; and

A bill (H. R. 13976) granting an increase of pension to John R. Stalcup.

Mr. GALLINGER, from the Committee on Commerce, to whom was referred the bill (S. 4886) to simplify the issue of enrollments and licenses of vessels of the United States, reported it without amendment, and submitted a report thereon.

Mr. ALGER, from the Committee on Commerce, to whom was referred the bill (S. 4925) to amend the act approved March 6, 1896, relating to the anchorage and movements of vessels in St. Marys River, reported it without amendment, and submitted a report thereon.

### PUBLICATION OF COAL AND ISTHMIAN CANAL STATISTICS.

Mr. MORGAN. Mr. President, I move that the papers which I hold in my hand, and of which I will prepare a memorandum, be referred to the Committee on Printing, with instructions that the committee report a resolution for their printing for the use of the Senate. I make this motion under the instruction of the Committee on Interoceanic Canals. I will explain it in just a moment, so the Committee on Printing will understand what the Committee on Interoceanic Canals is trying to do.

In certain reports made to the Secretary of the Navy or the Chief of the Bureau of Equipment there have been, commencing back in 1886, as I now remember, and continuing down to date, chemical analyses and examinations of all the steaming coals in the world, their location, and their availability to commerce, and the ports that may be opened up toward the different coal mines. The committee thinks it is very important to lay before the Senate and Congress and before the coal miners in the United States these analyses, that they may see the value of their coal in respect of the commerce that is expected to be created by the opening of the isthmian canal.

In the same connection, and as a further part of the resolution, I will ask for the printing of a table showing the expenditures which have been made between certain dates in the construction of the canal for the purchase of material of every kind. Those dates are between February 1, 1905, and October 31, 1905, inclusive. This paper was handed in by Mr. Ross, who is the general purchasing agent for the canal. It contains a classified statement of every purchase that has been made after the time of advertising, the amount paid, and the contract and the lowest bidder in accordance with the specifications. It is an important paper, and I ask to refer it to the Committee on Printing, with the memorandum which I will furnish, which I have not at this moment time to do without delaying the Senate too long, for their guidance in coming to a conclusion as to whether these papers ought to be printed.

I now present the papers and ask their reference to the Committee on Printing, with a memorandum to be prepared under the instructions of the Committee on Interoceanic Canals when it is ready.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Alabama? The Chair hears none. Without objection, the order will be made.

### BILLS INTRODUCED.

Mr. DUBOIS introduced a bill (S. 4945) to enable the Department of Agriculture to conduct demonstration experiments for the purpose of eradicating pear blight in Idaho; which was read twice by its title, and referred to the Committee on Agriculture and Forestry.

Mr. ALGER introduced a bill (S. 4946) for the relief of certain naval officers and their legal representatives; which was

read twice by its title, and referred to the Committee on Naval Affairs.

He also introduced a bill (S. 4947) for the relief of Franklin L. Van Auken; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. OVERMAN introduced a bill (S. 4948) for the relief of W. A. McLean; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 4949) for the relief of Rufus Avery; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. FORAKER introduced a bill (S. 4950) to grant an honorable discharge to Harvey Williams; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 4951) for the relief of Erskine R. K. Hayes; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. OVERMAN submitted an amendment authorizing and empowering the Court of Claims, upon final determination of the case or cases involving the claim of the intermarried white persons in the Cherokee Nation to share in the common property of the Cherokee people and to be enrolled for such purpose, etc., intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. SUTHERLAND submitted an amendment granting the right of way for the construction and maintenance of canals and ditches for mining, agricultural, manufacturing, and other purposes over the Indian grazing lands upon the former Uintah Indian Reservation in Utah, intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. FORAKER submitted an amendment, proposing to appropriate $375,000 for the construction of a hospital at the Columbus Barracks, Ohio, intended to be proposed by him to the Army appropriation bill; which was referred to the Committee on Military Affairs, and ordered to be printed.

AMENDMENTS TO STATEHOOD BILL.

Mr. McCUMBER. I submit an amendment intended to be proposed by me to the statehood bill. I ask that it may be printed and lie on the table.

The VICE-PRESIDENT. The amendment will be printed and lie on the table.

Mr. TELLER. I submit an amendment intended to be proposed by me to House bill 12707, the statehood bill.

The VICE-PRESIDENT. The amendment will be printed and lie on the table.

Mr. PATTERSON. I should like to have the title of both amendments stated, so as to indicate what they are.

The VICE-PRESIDENT. There are no titles to the amendments.

Mr. PATTERSON. As the amendments do not state in brief what the object is, will the Senator from North Dakota state the object of his amendment?

Mr. McCUMBER. I will state that the object of the amendment which I have introduced is to amend the bill so as to make Indian Territory a separate State.

The VICE-PRESIDENT. The Senator from Colorado also offers a proposed amendment.

Mr. TELLER. I propose to amend the clause providing that the capital of Oklahoma shall be at Guthrie and shall not be changed previous to 1915, by striking out "fifteen" and inserting "eight." My amendment modifies the suggestion of the bill that the legislature shall not establish a capital before 1915.

Mr. BAILEY submitted an amendment intended to be proposed by him to the bill (H. R. 12707) to enable the people of Oklahoma and of the Indian Territory to form a constitution and State government and be admitted into the Union on an equal footing with the original States; and to enable the people of New Mexico and of Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States; which was ordered to lie on the table, and be printed.

Mr. DOLLIVER submitted an amendment intended to be proposed by him to the bill (H. R. 12707) to enable the people of Oklahoma and of the Indian Territory to form a constitution and State government and be admitted into the Union on an equal footing with the original States; and to enable the people of New Mexico and of Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States; which was ordered to lie on the table, and be printed.

FISH-CULTURAL STATION AT BOOTHBAY HARBOR, MAINE.

Mr. FRYE submitted an amendment proposing to appropriate $5,000 for the purchase or construction of a steam launch for use at the fish-cultural station at Boothbay Harbor, Maine, intended to be proposed by him to the sundry civil appropriation bill; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Appropriations.

THE STATEHOOD BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12707) to enable the people of Oklahoma and of the Indian Territory to form a constitution and State government and be admitted into the Union on an equal footing with the original States; and to enable the people of New Mexico and Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States.

Mr. McCUMBER. Mr. President, yesterday I asked that the Senate might meet this morning at 11 o'clock so that if the Senator from Colorado [Mr. PATTERSON] and the Senator from Indiana [Mr. BEVERIDGE], who are to close the debate on the statehood question, should desire the entire day I for one would not be in the way. I am informed by the Senator from Colorado, who is to follow me, that he prefers to take up the subject a little later on, and for that reason I will take an hour probably in making a few remarks on this subject.

Mr. President, I myself can conceive of no legislation which should be approached with greater or more earnest care or patriotic and unselfish purpose than that designed to create and establish a new State in the Union. I know of no subject which should be more free from partisanship, which all unconsciously seems to affect much of our labors here.

In our ordinary legislative work we may be partially excused if we take some chances on what the future effect of our legislation may be. We may be partially excused if we are forced now and then to gamble somewhat upon the results of any legislation which we may enact, for in that case if we do make an error we can correct that error in the next Congress, or even the very next year. But our legislation in admitting a new State into the Union is one which becomes final in all respects. It not only binds our own hands for all future time, but it ties the hand of all future legislation on the subject, and binds the people of those States for all time to come. We therefore become responsible not only for the evil result that may follow during all of the years from an ill consideration of the subject, but also become responsible for the better result that might have followed to the people of any particular State or to the country at large had our work been more wise and just.

I regret, Mr. President, that we have been unable to raise this great subject, so potent for good or evil, above political partisanship. I regret it because it seems to me that it unjustly affects a great measure of this kind. Political parties, in themselves transient, are only for the hour. It is probable that in less than another century both of our present great political parties will cease to exist. If the same parties continue they will simply be parties of the old name, but with new policies to meet new conditions of the country as those new conditions shall arise.

But, Mr. President, while the political party may cease to exist, the States which we create will still exist; the Government, which is made up of those States, will still exist. The representation which we shall make to-day will continue as we have made it; but whether that representation in all the days of the future shall be just and fair according to resources, according to population, according to industries or territory, or whether it shall be unequal or unjust depends very much upon our legislation here to-day.

It seems, therefore, to me to be as short sighted and as pernicious for us to allow our partisanship, our fealty to any political party, to dominate or influence our judgment in the slightest degree in legislation which is to determine what amount of territory shall be made into a State or how many States shall be carved out of a given territory as it would be for us to perpetuate, were it possible to do so, our own political ideas and creeds for all time upon the people of any State which we shall make.

That we are, as a rule, influenced more or less by party ties on this measure it would be folly for us to deny. The close division of party lines whenever the subject has been before us heretofore presents an insurmountable proof of that fact. The crack of the party whip, lashed more furiously on this subject than I have ever known before, still echoes through this southern corridor. I am not claiming for a moment that I myself would be wholly free from this influence under any possible condition. If I believed that political conditions would remain indefinitely as they now are, requiring, as I believe they do

require, the continuance of that political power in which I believe, and I further believed that adding a new State might overturn that policy, it is possible that I might postpone the consideration of the admission of a new State which might threaten the continuance of our present Republican policies. But there could be no possible justification that should be admitted with a view to keep this or that political party in power. I think we have a right to trust to the people of a State themselves that they will know what will be for their best interest. If we can not trust them, we can not trust self-government whatever.

Mr. President, if taxation without representation is pernicious, it follows that taxation without equal representation must be pernicious to the extent of its inequality. But taxes are for the most part levied upon industries, either directly or indirectly. They become vicious to the extent that they may be unequally levied upon such industry. It therefore follows that industries should have equality of representation in proportion to their importance; and as they would be important in proportion to the number of people subsisting upon them, this would practically mean equality of representation according to population.

In the other House to-day we have substantially equality of representation upon the basis of population. In this body there is gross inequality. This inequality is due to conditions over which neither we nor our forefathers who adopted the Constitution can or could have controlled. They did the best they could with the conditions they had to deal with. They were compelled to accept inequalities of representation in order to secure consent to form a compact and enduring government. But, Mr. President, while we have inherited those conditions of inequality, we are not confronted in legislating for the future with any such restrictions. We can not change the old relations, but we can legislate for the future with a view to correct these inequalities, not just for to-day. It follows, therefore, that we by our legislation should seek not to aggravate this inequality by making it more so in the future, but our legislation should be directed toward minimizing it as much as it is possible for us to do.

Everyone will admit that the ideal United States might consist of fifty separate States, each of practically the same size, the same population, the same future prospects. But as that can not be done, then our duty is to approximate that ideal just as near as it is possible for us to do.

There are but two great questions of prime importance to be considered in relation to this subject. First, would four new States created out of the four Territories still left west of the Mississippi River be for the best interest of the country itself and secure a more just and equitable representation of all the industries and all the people in the United States as they shall exist not to-day, but in fifty years or a hundred years? Second, would it be for the best interest of those several Territories to be admitted as four separate States into the Union?

If both of these propositions are answered in the affirmative, then there is but one clear road to duty; we should admit them.

What do we mean by "best interest of the United States?" As long as the Territory is a part of the United States, part of the body politic, adding to the wealth and prowess of the country, it would make little difference whether such Territory had two Representatives or eight Representatives, if this were all that was to be considered. The Government would have the same assets in either case, the population to make its wealth, the soldiery to fight its battles.

But there is that in the case which does primarily affect the interest of the United States as a nation. The country is vitally interested in the highest development of its citizenship. Well, how are you going to secure this highest development? The answer is: By a State government that will best govern its people. But, again, what are the essentials of such a State government? They are, first, territory that is sufficient in wealth, population, resources and future prospects to support a respectable State government without overburdening the people with taxation; second, a State which is sufficiently limited in territorial area and in population to insure that close touch and relationship and understanding between the government and the governed and between all sections of the State necessary for proper legislation.

The government and governed should always be in such close proximity that each understands the other fully, and each section of a State should know the wants and necessities of every other section. The lack of this proximity is the curse of colonial government. We have an example right in this country in the government of the Indian Territory by Congress, the worst governed Territory in the United States. Immense distances, impassable mountain ranges, may separate people from the seat of government, or separate one section from the other and isolate them as surely as oceans and seas. The governing power should be so close to every township within its borders that it will not miss a single heart throb of its people.

I think, Mr. President, I do not err when I say that the States of Maine, New Hampshire, and Vermont, in their past at least, more nearly approximate the ideal than any other set of States in the United States. I do not believe that I err when I say that those States have been governed, and governed well, with the least burden to their people of any of the great States of the Union. I believe I am equally correct when I say that those little States have been more free from political scandal than any other States in the Union. They are all of them small States, but I believe they have supported all necessary government institutions with as little burden to the people as any section of the United States.

Mr. President, if one were to pick up a school map of to-day and compare it with a geography of thirty or more years ago, he would find a metamorphosis that has kept exact pace with the change of sentiment of the American people. Our earlier maps represented the United States with its clear-cut State lines. We saw and were impressed with the form, size, and location of each State and each Territory. They were marked with various colors to clearly distinguish the one from the other. This was in the days when the State was a much more important factor than to-day; when State attachment was more keen. That attachment and patriotism have been, to a certain extent, swallowed up or merged into the greater national attachment and patriotism. Our school geographies of to-day, while showing the border lines of each State, are so constructed and colored to manifest the great industrial sections whereby State lines become obliterated, and we see only the great belts represented by different colors, standing for commerce, for manufacturing, for cotton raising, for wheat raising, for coal mining, for iron industries, for cattle raising, for gold and silver and copper mining, and for lumbering, so that at one glance at our up-to-date map, with its deeper and its lighter colorings, we get a comprehensive view of the nation and the country as a whole—an industrial view of the United States—and we lose the State in the industrial section. As we trace the map from ocean to ocean, our gaze first falls upon the textile manufactures, the great cotton spinning and weaving mills, the manufacture of boots and shoes, the great commercial sections of New York, Philadelphia, and Baltimore. As we press westward we cross the coal-mining section and, with it and beyond it, the great iron-manufacturing sections of the country. Still westward we are brought in contact with diversified agriculture and fruit raising, with the lumber industries of both the North and South. Then comes the great corn belt and, to the Northwest, the great wheat-raising sections. Beyond this the cattle ranges, and beyond that the mining regions, and on the western coast the great lumber, agricultural, and fruit-raising sections again.

People are living upon these great industries of the country, and they are great just to the extent of the number of people who subsist by them; and a just and proper and equal representation must necessarily be one which would give each industry and the population supported by it that voice in national affairs in both branches of Congress which would be its just proportion according to its prominence. If one-tenth of the people of the United States were engaged in coal mining, as distinct and separate from all other business, then that industry should have one-tenth of the representation in both branches of Congress. That would be equally true of the cotton industry or of the iron industry. If one-tenth of the population of the United States were engaged in stock raising, then the stock-raising industry of the country would be entitled, under a just representation, to a voice equal in voting power to one-tenth of the entire voting power of Congress. And if the agricultural interest were equivalent to one-half of all other interests, then that industry should be so represented.

I know, Mr. President, it has been said heretofore, and may be said again, that each Representative and each Senator represents the whole United States. This is true of the Representatives; it is partially true under our theory of government of the Senate. The two Senators, however, were supposed primarily to represent a sovereign State, and though that distinction has become to a considerable extent obliterated, still the proposition remains true that, whether Senator or Representative, that man best represents the industry with which he is best acquainted, and that means the industry which has surrounded his whole life. So that while some of our most populous States might complain that in proportion to population they have not equal representation in this body, it can be well answered that their industries

are represented by Senators of other States having like industries. For instance, the iron and coal regions of West Virginia, Pennsylvania, and Virginia are represented by Senators from all of those States; so the manufacturing industries of Massachusetts, New Hampshire, Connecticut, Rhode Island, and New Jersey.

I do not claim to be a fair representative of either the iron or coal or the shipping industries of the United States. If I want information on the former, I go to the Senators of Pennsylvania or West Virginia or Virginia. If I want accurate knowledge concerning shipbuilding, its cost, the many things which hinder its development, I would not turn my attention to Wyoming or Colorado, but would go directly to the representatives of Maine and New Hampshire and Massachusetts. But if I want to know what legislation is for the best interest of the wheat-growing sections of the United States, I would first consult my own judgment and information and then those who come from States producing the same cereal.

Again, it may be answered that the Senators represent the State in its sovereignty and the Representative represents his district; but, while all together represent the United States, we only get the equality of representation by having each industry represented by those who are best acquainted with that industry.

There are at present twenty-six States east of the Mississippi River, constituting about one-third of continental United States. There are nineteen States and four Territories west of the Mississippi River, constituting about two-thirds of the United States. That section west of the Mississippi River in the future will be the great agriculture and stock-raising section of the United States. It should have a representation in the future equivalent to what its importance in the future will be. No one will deny, I think, that if one-half of the population of the United States in less than one hundred years will be west of the Mississippi that that section should have one-half of the representation, at least; in other words, if it has one-half the population and two-thirds of the territory to represent, it should have one-half of the representation in both branches of Congress. But, Mr. President, if every Territory west of the Mississippi should be created into a State it would still have but twenty-three States, and no matter how great its population, its representation would be in the Senate in the ratio of forty-six to fifty-two. Therefore, though our population may be double that of the East, we will never secure, no matter what we may do, an equal and just representation. And yet there seems to be an effort here to curtail that representation and make it even less than it is to-day.

Now, Mr. President, will this west two-thirds of the United States ever have a population equal to that portion east of the Mississippi River? You must remember that if we eliminate the arid regions, which you say can not be irrigated, we will still have left more acres of land which can be cultivated and cropped than there are east of the Mississippi. You must also remember that while our soil, and especially upon the level plains, which is not washed away by floods, is practically inexhaustible, on account of denudation of the forests of your mountains and for other reasons your Eastern and Middle States are becoming more and more worthless as agricultural States. Large areas of once valuable farm lands in the States of Maine, Vermont, New Hampshire, Connecticut, and part of Massachusetts are being bought up for summer homes by the wealthy residents of the great cities. We have bills before us asking the Government to take possession of the Appalachian chain of mountains and create a park out of it for the conservation of the waters which pour unrestrained down the mountain sides in their terrific rush, which have taken away the soils of what were once fertile fields. He who travels from Chicago to Washington can not but observe the vast tracts of abandoned agricultural lands in the Virginias and in Maryland. As I go southward I am impressed with the numberless spots of red clay on every little mound or knoll protruding above the soil and manifesting the bald-headedness of agricultural senility. If I go still farther westward, I find the amount of fertilizer necessary to raise a crop almost equalizes the value and profits of raising the crop.

Mr. President, let us go a step further. I find by looking at the statistics—and I believe I am correct in my figures—that in the last ten years the population of the States east of the Mississippi has increased about 17 per cent—that is, from 1890 to 1900. The population west of the Mississippi River in the same time has, I think, increased about 50 per cent. At the same ratio the population west of the Mississippi in from forty-five to forty-eight years will be greater than the population east of that same river.

I find also, Mr. President, that, according to our last census report, the estimation of the population of the United States I believe is now about 87,000,000—almost 90,000,000—nearly 300 per cent more than it was in 1860. Whether we follow this ratio or not, it is absolutely certain that in less than another century we shall have more than 200,000,000 people in the United States.

What are you going to do with those people? Where are they going? Where will they make their homes? Where will their future life be spent? Mr. President, so long as there is a foot of earth that will produce an ear of corn there will be agriculturists, and so the great farms of the Dakotas and of Minnesota will necessarily be divided and redivided again; the millions of acres of land upon the western coast which are producing only timber to-day will necessarily be replanted with orchards, raising fruits and vegetables. Our great plains will be covered with the immense herds of cattle and sheep which will be necessary to support this mighty population of over 200,000,000. The greater proportion of this excess of population, Mr. President, will settle west of the Mississippi River.

Therefore, I again insist that, other things being equal, instead of cutting down the representation of that section of the country, we should make it greater, if possible, than it is to-day, and that certainly we should not combine any two of those Territories into one State which are capable of making great States of the Union.

Mr. President, I want to call attention to a few matters in reference to the statistics of this statehood bill. I admit that I am at a loss just how to meet the arguments of the single statehood statesmen on account of their new and unique maxims, which govern them in their conclusions, and which they say must also govern us. Let me give a few of these maxims, taken from their own addresses upon this subject of statehood. I invite your attention, Mr. President, to this rather curious fact, that throughout their entire arguments they stand firmly by these two simple propositions: First, like produces like; second, like produces unlike. You will find that they always land on the same side, sometimes upon their feet, sometimes the reverse, but they always land on the same side of the fence.

Now, let me give you by couplets a few of their theorems, and I take them either literally or by conclusion from their own remarks upon this subject. Here they are:

1. New Mexico and Arizona will not have sufficient population for two States. Conclusion: New Mexico and Arizona should be joined.

2. Oklahoma and Indian Territory will have a sufficient population for two States. Conclusion: Oklahoma and Indian Territory should be joined.

1. New Mexico and Arizona have the same character of productions and industries. Conclusion: They should be joined.

2. Oklahoma and Indian Territory have different characters of productions and industries. Conclusion: They should be joined.

Again, 1. Oklahoma and Indian Territory together would be the size of the average Western State. Conclusion: They should be joined.

2. New Mexico and Arizona will be twice the size of the average Western State. Conclusion: They should be joined.

Again, 1. Each of the Territories, Indian Territory and Oklahoma, is now the size of the average State east of the Mississippi. Conclusion: They should be joined.

2. New Mexico and Arizona would be at least four times the size of the average State east of the Mississippi. Conclusion: They should be joined.

I do not know how to meet arguments which always mean "heads I win, tails you lose."

There is another one of those axioms that is fathered by the Senator from the State of Illinois [Mr. HOPKINS]. He says in effect:

1. Neither New Mexico nor Arizona nor both together are fit for statehood or ever will be fit for statehood. Conclusion: They should be joined and immediately admitted.

2. But succeeding Congresses may not measure up in intelligence and patriotism with the present Congress. Conclusion: They should be admitted before the next Congress can get hold of them.

Let me see, Mr. President, if there is any warrant for this last assertion. The object of the argument of the Senator from Illinois was to belittle the future prospects of either the Territory of Arizona or New Mexico. At this point of his argument the Senator from Maine [Mr. HALE], who has the smoothest way of boring right to the center and getting to the meat of a proposition of any Senator upon this floor, immediately rose, and I want to quote a portion of the dialogue which ensued:

Mr. HALE. Has it occurred to the Senator in what he is saying and what, I think, impressed other Senators, as has the speech of the Senator from Illinois and the very lucid and admirable speech of the Senator from Ohio yesterday, that the logical conclusion is that we ought not to admit these two Territories at all? We are going very far, and I

am afraid too far, considering all the conditions, that of admitting these two Territories as one State. I think the wiser thing would be to let them remain where they are.

He has good support in the Senator from Wisconsin.

Mr. HOPKINS. Mr. President, there is some force in the position suggested by the Senator from Maine, but we do know that one of the political parties of this country stands now for the admission of these two Territories as separate States.

Mr. HALE. I do not mean to say that I will not vote for this proposition at all, for it may be the best in the emergency, but the logic, the figures, the conditions are all against admitting these two sparse, stray Territories as States.

Mr. HOPKINS. Yet, Mr. President, for fifty years these Territories have been seeking admission as a State, and I think it is the consensus of opinion that it would be wiser to end that by admitting them as one State than to defer action.

Mr. President, why is it better not to defer action? The Senator admits that neither New Mexico nor Arizona is fit for statehood. That suggestion is concurred in by the Senator from Minnesota [Mr. NELSON], as shown by his address of a year ago, and it is concurred in by every Senator who has spoken against the admission of these two Territories as separate States.

Now, if the contention of these leading supporters of joint statehood is correct, if neither New Mexico nor Arizona has future prospects, if neither of them can ever measure up to the standard which they lay down as necessary for the admission of a new State, if their prosperity is limited by the lines they have drawn, then certainly they are not fit for statehood, are they? Not only that, but they never will be fitted for statehood, will they? Then, Mr. President, why not adopt the suggestion of the Senator from Maine and eliminate both of those Territories? The answer has meaning in it. "It would be wiser to end that by admitting them as one State than to defer action." In that sentence is sounded the fear that some future Congress, taking this subject up again, may not be sufficiently qualified to deal with it, or that some future Congress, looking at the same facts, will come to the conclusion that an enormous injustice is being done to those States west of the Mississippi River, and especially to those two particular Territories.

To me there is also another matter of significance. If they are not fit for statehood to-day, then why should we admit them at all? There is not a Senator, Mr. President, who has spoken upon this subject who has not, either by direct words or by the logic of his entire argument, admitted and proved conclusively that Oklahoma will make not only a State that will average up with the other States of the Union, but that it will make a State that will be greater than the average State of the United States. Every one of them has, either by direct words or by conclusive result from their argument, established the fact that the Indian Territory will not only make a State that will average up with the average State in the United States, but that it will make a better State than the average State of the Union.

So, Mr. President, after their arguments, it is incomprehensible to me how they can oppose separate statehood for these two Territories.

The conclusion seems obvious that there is a determined effort that that section west of the Mississippi River shall never have its equal representation in the Senate of the United States.

But, they say, the policy has been to make greater and larger and more important States out of this western country. Why has that been the policy? What is the spirit that has been back of that policy? Why should the Western State by necessity be a larger or more important State than the average Eastern State? Mr. President, from a child I have read the utterances of the great statesmen of the East, and until a few years ago the consensus of opinion of the entire East seemed to support the proposition that they regarded the western representation with some distrust; as not being sufficiently conservative; as being dangerous to the settled financial and industrial policies of the country. To what extent they have been justified in that assumption in the past I will not say.

It is possible that the conditions in every new State where the population is pouring in from all other sections of the country, and sometimes from foreign countries, may be a little chaotic. Its representatives may, to a certain extent, while that condition lasts, represent those chaotic conditions in the Congress of the United States, but I do not think that condiion exists to-day. I want to say now, and I say it with all earnestness and with a sincere conviction, that, unless all political and industrial and sociological signs fail, in less than a quarter of a century the East will wish to Heaven that they had the western votes in the Senate of the United States to save them from themselves.

I have been watching for a few years past to see what effect the immigration of these millions of inhabitants of southern Europe—Slavonians, Roumanians, Italians, Sicilians, Silesians—that are pouring into this country at the rate of 1,000,000 a year and making up our population, especially in the great cities, will have upon the future of the great States in which those cities are situated. I have not been blind to the fact that only last spring the great city of Chicago voted to take the first step toward paternalism in government by an almost overwhelming vote. I am not blind to the fact that in the last election in the city of New York there was a serious doubt if that great city did not elect a Socialist for mayor. I want to say to-day that the population and the conditions are changing. New York City is becoming more and more the dominant factor in the politics of the State of New York.

That is true of all the great cities. The city of New York is becoming more and more Italian and Slav. The city of Boston is a conglomeration of all the foreign elements. The city of Chicago is much the same way. Baltimore is becoming Slav and Russian Jew, and even in the staid old State of New Hampshire the population is fast giving away to the "Canuck" from the North; and the old stock, descended from our Revolutionary fathers and from the Pilgrim fathers, are leaving their native State, and, if you will glance at a report that is made as to the nationality of the people in the Territory of Arizona, you will find where they are going.

In that Territory only about 1 per cent of the population is of foreign birth. Only about 2 per cent is of foreign birth and the children of foreign birth. The other 98 per cent is of the old American stock that have gone there.

I want to say another thing. The time is coming, and it is nearly at hand, when we will need, unless we are going pell-mell into paternalism and socialism, the agricultural vote of the West to sustain this Government. I want to tell you further, Mr. President, that so long as a man owns his little flock of a hundred sheep and he herds them upon the plains of New Mexico and Arizona, that man will never become a socialist, an anarchist, or paternalist; that man will love the right of property; he will guard his sacred rights. So long as he owns one acre of land that is entirely his own, and tills it and cultivates it, that man will never vote for Government ownership in any of the great properties of the country. That is the character of representation and the character of the citizenship that we need in this country, and will need badly in the next quarter of a century.

There ought to be some standard on which we are to rely in admitting new States into the Union. Those who support single statehood have so many different standards and have to have so many different and adverse premises in order to arrive at a conclusion that they leave us no guide. What should be the guide? I think that I can not be charged with an inconsistency. I make five simple propositions, and am willing to stand or fall by those propositions: First, Oklahoma has sufficient territory; it has sufficient resources and sufficient population to insure a good stable State government that will be equal to or exceed the average State government of the United States; second, the Indian Territory will measure up about the same; third, that New Mexico, while it may not have the resources and future prospects to make it measure up with the greatest States in the United States, will have sufficient population, sufficient resources, and sufficient prospects to make it one of the great States of the Union; and fourth, what may be said of New Mexico can be equally said of Arizona; and fifth, that the Government of the United States, in order to properly represent all of its industries equitably and justly, should, in less than one hundred years, have a greater representation west of the Mississippi River, and that section itself will be entitled to a greater representation than would be given by the bill which is supported by a majority of the members of the Committee on Territories.

Now, Mr. President, I want to refer briefly to some statistics. I know generally they are boring, but I am going to make them interesting, if I can. I will have them so few and to the point that I believe I can make them interesting. We have loaded our records up with all of the statistics that we could get and we have got to separate what is good and what is unimportant.

It is said that New Mexico is incapable and will be incapable in the future of sustaining a good State government. Let us see how that is. New Mexico to-day is supporting a splendid Territorial government. It has a capitol costing $400,000; it has a penitentiary costing $500,000. If we are to take the arguments of some, the people of that Territory are too sleepy to get into the penitentiary, and they have no need for it, and there is no need for a capitol for those people who are not wide enough awake to become citizens of the United States. They have an agricultural and mechanical arts college, which cost $98,000; they have an asylum for the insane, which cost $79,000; they have a school of mines, which cost $65,000; they have a university, which cost $65,000; they have a normal university,

which cost $58,570; they have a military institute, which cost $53,000; a normal training school, which cost $28,000, and an asylum for the deaf and dumb, which cost $6,000.

Every one of those institutions was built by those Mexicans. Every one of those institutions is supported by those Mexicans, of whom we have heard to much, and while they were being built there must have been something in the mind of the denizens of that Territory that they would be utilized, and, Mr. President, they are utilized to-day.

The indebtedness that was created for those institutions was about $1,180,000 in 1901. In two years they had reduced that indebtedness $82,000 and had laid away $243,000 in addition.

What are those institutions for if they are not for the people? But we had considerable talk yesterday upon the matter of the lack of education of these people. I want to call your attention to the matter of schools. The school population of New Mexico in 1901 was 53,000; in 1903, two years later, it was 68,000; in 1901 the school enrollment was 21,000; in 1903, two years later, it was 37,000, and it has been increasing right along at that ratio. In 1901 there were 599 schools; in 1903, only two years later, there were 665 schools. It will thus be observed that in two years there was an increase in all of these matters of nearly 50 per cent. Is there a State in the Union that can measure up to that? Can any of your older States do it?

I want to call attention to another thing, and that is the area of coal lands. You say they can not sustain a population there. Let me ask the Senator who says that they can not sustain a population in that country sufficient to support a great State to tell me what will be done with 1,493,480 acres of coal lands already in sight and which have been prospected? Here is a table which I will insert:

*Coal lands of New Mexico.*

[H. R. Report 496.]

| | |
|---|---|
| Area of prospected coal lands—acres | 1,493,480 |
| Amount of coal in sight—tons | 8,813,840,000 |
| Value of coal | $10,000,000,000 |
| Coal produced from June 30, 1900, to June 30, 1903—tons | 3,710,000 |
| Valued at | $5,000,000 |
| Coke—tons | 94,000 |
| Valued at | $250,000 |

What will be done with 8,813,840,000 tons of the best coal in the country already in sight and prospected? What will be done with the value of that coal in sight, amounting to more than $10,000,000,000? When our population reaches one hundred and fifty or two hundred million every foot of that coal land will be utilized, and it will support an immense population.

I will submit these statistics, because they are short, and merely run over them very rapidly.

*Statistics of New Mexico.*

PUBLIC BUILDINGS.

| | |
|---|---|
| Capitol | $400,000 |
| Penitentiary | 500,000 |
| College of Agriculture and Mechanical Arts | 98,000 |
| Asylum for insane | 79,000 |
| School of mines | 65,000 |
| University | 65,000 |
| Normal university | 58,570 |
| Military institute | 53,460 |
| Normal training school | 28,000 |
| Asylum for deaf and dumb | 6,000 |

INDEBTEDNESS.

The indebtedness of New Mexico in 1901 for these buildings and otherwise was $1,180,800; in 1903 the indebtedness was $109,800—a decrease in two years of $82,000, besides increasing a sinking fund of $234,590.

SCHOOLS.

| | |
|---|---|
| The school population of New Mexico was— | |
| In 1901 | 53,000 |
| In 1903 (two years later) | 68,000 |
| In 1901 the school enrollment was | 21,000 |
| In 1903 the school enrollment was | 37,000 |
| In 1901 the number of schools was | 599 |
| In 1903 the number of schools was | 665 |

RAILROADS IN NEW MEXICO.

| | |
|---|---|
| June 30, 1900—miles | 1,679 |
| June 30, 1902—do | 2,520 |
| Increase in two years—per cent | 41 |

STOCK, 1905.

| | |
|---|---|
| Cattle—head | 1,123,000 |
| Sheep—do | 5,674,000 |
| Horses—do | 97,500 |

SHIPPED OUT IN 1905.

| | |
|---|---|
| Cattle | 184,602 |
| Horses | 5,295 |
| Hides | 17,275 |
| Sheep | 422,252 |

WOOL CROP, 1902.

| | |
|---|---|
| The wool crop for 1902 was—pounds | 22,000,000 |

NEWSPAPERS.

On September 15, 1903, there were seventy newspapers published in the Territory.

I wish to speak of the railroads. On June 30, 1900, there were 1,679 miles of railway in the one Territory of New Mexico. On June 30, 1902, there were 2,520 miles. There was a 41 per cent increase in two years. What are these railroads being built for? To run into a Territory that will produce nothing and can not support anything? The very fact of the increase of 41 per cent in the mileage of the railways is indisputable evidence that there is a demand, a commercial and an industrial demand for these railways, and that means that there will be a population in that section of the country to produce the things which are to be hauled by the railways.

Again, in 1905, there were 1,123,000 head of horned cattle, 5,674,000 head of sheep, 97,500 head of horses. It takes men and property to care for that many head of stock. How many of the older States can make a showing that is equal to it? I have here a statement of the wool crop. In 1902 there was shipped out 22,000,000 pounds of wool from New Mexico.

A little on the newspapers. On September 15, 1903, there were seventy newspapers in that little Territory.

I have the advance sheets from the Census Department, bringing the statistics of manufactures right down to date. I do not think they are published yet. They show a wonderful advancement in the last five years in both Arizona and New Mexico. I will ask to insert them here:

| | |
|---|---|
| Capital employed in manufacturing establishments: | |
| In 1900 | $2,160,000 |
| In 1905 | $4,638,000 |
| Increase—per cent | 114 |
| Salaried officials, clerks, etc.: | |
| 1900 | 88 |
| 1905 | 224 |
| Increase—per cent | 154 |
| Salaries: | |
| 1900 | $90,000 |
| 1905 | $263,000 |
| Increase—per cent | 190 |
| Total wages paid: | |
| 1900 | $1,199,000 |
| 1905 | $2,153,000 |
| Increase—per cent | 79 |

*Statistics of Arizona.*

[Senate Document No. 216]

SCHOOLS.

| | |
|---|---|
| 1895 | 219 |
| 1905 | 523 |
| Increase—per cent | 139 |

TEACHERS.

| | |
|---|---|
| 1895 | 314 |
| 1905 | 538 |
| Increase—per cent | 121 |

SCHOOL PROPERTY.

| | |
|---|---|
| 1895 | $414,000 |
| 1905 | $925,000 |
| Increase—per cent | 123 |

COPPER PRODUCTION.

| | |
|---|---|
| 1894—pounds | 44,514,894 |
| 1905—do | 241,400,000 |
| Increase (nearly)—per cent | 600 |

VALUE OF PRODUCTION.

| | |
|---|---|
| 1895 | $40,000,000 |
| Total mineral production for 1905 (exclusive of lead, zinc, and precious stones) | $45,000,000 |

LIVE STOCK, 1905.

| | |
|---|---|
| Cattle—head | 750,000 |
| Valued at | $12,000,000 |
| Horses—head | 25,000 |
| Valued at | $1,000,000 |
| Sheep—head | 1,000,000 |
| Valued at | $3,000,000 |
| Goats—head | 200,000 |
| Valued at | $200,000 |

*Statistics table No. 2.*

| | |
|---|---|
| Capital employed: | |
| 1900 | $9,517,000 |
| 1905 | $14,395,000 |
| Increase—per cent | 51 |
| Total wages paid: | |
| 1900 | $2,287,000 |
| 1905 | $3,969,000 |
| Increase—per cent | 73 |

IRRIGATION PROJECTS IN ARIZONA.

| | |
|---|---|
| Salt River project will increase area in Salt River Valley—acres | 100,000 |
| Colorado River project—do | 300,000 |
| Little Colorado River project—do | 80,000 |
| Upper Gila project—do | 40,000 |
| San Pedro project—do | 20,000 |
| Total amount which can be irrigated—do | 887,000 |

Let us take the capital employed in manufacturing establishments in 1900, taking it from the two censuses, 1900 and 1905. The amount invested in those establishments in New Mexico was $2,160,000 in 1900; in 1905, $4,638,000—an increase of a hundred and fourteen per cent. The salaried officers were increased a hundred and fifty-four per cent. The wages paid increased from $1,199,000 in 1900 to $2,153,000 in 1905, making an increase of 79 per cent. I can give the same figures with

reference to the schools. In Arizona there has been an increase of a hundred and thirty-nine per cent in the school population in five years. There has been an increase of a hundred and twenty-three per cent in school property. There has been an increase in the copper production of 600 per cent in the last ten years. In 1894 it was 44,514,894 pounds. In 1905 it was 241,400,000 pounds.

The value of the minerals produced, exclusive of lead and precious stones, in 1905 was $45,000,000, in round numbers. Is not that pretty good for a Territory? Will not that sustain a population?

In estimating the population which will be supported by irrigation, we must take into consideration the difference between a population supported by land when it is irrigated and in the usual method in which it is used. It is safe to say that when it is planted to fruits, as most of it is, and other things of like character, 1 acre will support one individual, and support him well. It is said there are 887,000 acres of land in New Mexico which can be irrigated. That means nearly a million of population, without taking into consideration at all these vast coal lands and without taking into consideration the vast acres which can be used for the purpose of stock raising.

When the United States, by its Congress, advances to that position where it will give the same consideration to the beet-sugar manufacturing industry of the country that it has given to the other manufacturing industries of the United States, it will develop an immense area which will support a large population in all of these Western States.

Mr. President, the saccharine matter in the average sugar beet raised in Colorado, Arizona, or New Mexico is from 20 to 25 per cent. In Germany, from which we get most of our sugar, it is only 14 per cent. The land there which produces this sugar, which sugar pays the price that is necessary to bring it to the United States, is worth $300 an acre. Here we can raise twice as much per acre, and with proper protection the lands in the near future ought to be worth, at the same rate, nearly $600 per acre.

Let us look a moment at this matter. In 1903 there were imported into the United States 4,216,116,000 pounds of sugar. We produced but 687,209,700 pounds. We produced, therefore, but 22 per cent of all the sugar that we used. The world's product is 22,000,000,000 pounds, in round numbers. Now, we use 20 per cent of all the sugar that is raised in the world, and we can produce in this country every pound of sugar that we need, and when the industry has the proper protection we will find use for all of the wild lands in that section of the country that can possibly be irrigated.

The Senator from Minnesota [Mr. NELSON] spoke rather disparagingly of the citizens of New Mexico. I do not mean to say that in speaking disparagingly of them he spoke in terms of unkindly feeling. But he gave the facts as he understood them. He states that they are unfitted for statehood; but notwithstanding the fact that he insists that they are unfitted for statehood he comes to the conclusion that they ought to be admitted to statehood together with the people of Arizona.

The Senator from Ohio differed with him, because in speaking of this same population—and I want to show again how they arrive at the same conclusion by absolutely different methods and different premises. Will the Senator from Wisconsin [Mr. SPOONER] kindly give me his attention while I read just that part of the remarks of the Senator from Ohio? I want to show how he differs with the Senator from Ohio on the character of the Mexican people. The Senator from Ohio said——

Mr. SPOONER. The Senator refers to the Senator from Ohio. I should like to know to which Senator from Ohio he refers?

Mr. MCCUMBER. The junior Senator from Ohio [Mr. DICK]. He said:

> New Mexico is taking on new life and is becoming as aggressive and up-to-date as the rest of the United States. The larger towns have electric-light plants. There are electric street railway systems. All the larger towns have waterworks. Three cities have mail delivery. There are three rural mail routes, and roads are being built. Beautiful homes are being constructed. On every hand is evidence of prosperity, of civic spirit, and public and private progress.
>
> Every person who has appeared before either committee of Congress investigating this subject and who has testified on this particular point, bears testimony to the high character and sterling worth of this element in the population of New Mexico. They are beyond question as good citizens as can be found elsewhere in the United States.

That is the tribute which was paid by the Senator from Ohio, who says that these people ought to be joined with Arizona, and he diametrically opposes the proposition of the Senator from Wisconsin and the Senator from Minnesota and others, who say they are disqualified for statehood.

Then, it seems, there are some evidences of prosperity and of public and private progress in this so-called "God-forsaken country." We find the Senator from Ohio declaring that these people are progressive, wide-awake, and wise; the Senator from Minnesota declaring that they are nonprogressive, sleepy, and otherwise, and yet both of them arrive at the same conclusion, that they should be joined and admitted—one because they do measure up to the standard of the average American citizen, and the other because they do not measure up to the average American citizen.

Mr. President, personally I believe they are making great progress. When I examine their schools and their school systems, when I learn that they are now forcing education in the English language in all their schools, when I find that their schools and school-children are increasing at the rate of over 50 per cent in every five years, I think the time is not far distant when every one of these people will speak the English language, and we will not again have a case such as that cited by the Senator from Wisconsin [Mr. SPOONER], where a man was convicted of murder, as he says, by a jury only one of whom understood the English language.

There are sections, even in the State of Wisconsin and in many portions of our large cities, where a foreign language is spoken, as I understand. I do not mean that no other languages are spoken, but where a foreign language is used by the average citizen. I know it is true in some counties in my own State. The people nearly all speak a language which is foreign to us. But where we can not secure a jury by reason of their not understanding the language there can always be a transfer to some other section of the country where the language is understood.

Now, Mr. President, to little advantage has been the accumulated knowledge of the past hundred years if it has not given us greater power to estimate the future prospects and development of any State or Territory, if it has not given added power and clearness to our perspective vision.

Discovery of steam has increased our power of locomotion fiftyfold, the power of production a hundredfold. The discovery and use of electric power as a means of transmission of thought and information has given us added knowledge of the world on which we live that is akin to the added knowledge obtained through the powerful telescope of the starry heavens. And just in proportion as the telescope has added to our scientific knowledge of the universe, whereby we can foretell every eclipse and every comet—can follow its path without the variation of an inch through billions of miles of space—so has this added knowledge of the last hundred years, obtained through these agencies unknown to our forefathers, given us a just right to speak somewhat definitely and with greater assurance and optimism of the future of any section of this United States.

Our forefathers, before the dawn of these great possibilities, of these great aids to human knowledge and progress, might well be excused if they judged the future by their narrow environments. They may be excused if they saw no use of any territory outside of what could be reached by a few days' travel in a stagecoach. But we who are held in by no such narrow surroundings, we who can look as from a mountain top, have no right to close our eyes to future possibilities, and much less have we any right to assume that we have reached the apex of science in discovering means to make every portion of the earth yield fruits for the support of humanity.

Mr. President, as we look back over a hundred and twenty-five years of national history it truly does seem as though the Almighty had looked after this country and made us his chosen people, and that in our blindness we laid the foundation of a great national structure. Our greatness is due to our expansion, but our expansion was not due to our foresight and calm deliberation as to what our inherent needs might be in the future. We have never acquired one foot of territory, unless Texas may be an exception, since we became a nation simply because we believed that our people would need it, but because we did not want anyone else to have it. That has been true down to this very day. We made the great Louisiana purchase not because we thought or claimed that we would need the country ourselves, but because we wanted the undisputed control of the great Mississippi River. We did not want France to have it, or England or Spain. That was true of the purchase of Alaska. We are holding to-day islands in the Pacific and islands in the Caribbean Sea, not because we wanted them for homes for our own people, but because we wanted them for strategic or commercial purposes.

So we come now to the question, What are the possibilities of these great future States? In estimating their possibilities we have a right to assume that many things which are unknown to-day will be known in the future; that many things that are

necessary to develop this country, which are undreamed of to-day, will be thought out and will be found to be useful in the next hundred years, when there will be a demand for them.

In estimating the future population of a State I claim that we have a right to assume, and in the light of past history and experience it is our duty to assume, that many things will be accomplished in the future which have not been accomplished in the past; that means mechanical and scientific will be found in the future to produce results which we may not even have dreamed of at the present time.

Before any man dare utter the word "impossible," or even doubt the feasibility of any contemplated project in irrigation in bringing the waters from the mountains to irrigate the surface or bringing the waters from the bosom of the earth for the same purpose, let him consider a moment what are the possibilities which he sees all around him to-day which were absolutely impossible yesterday. Let him consider, for instance, how long the great potent forces which now enter into all the commerce and industries of the world lay unknown and unused.

How many thousands of years did our ancestors look upon the outcroppings of the coal deposits of the world as so much useless black bowlder? It is only to-day in the world's life that we have learned the use of coal. The story of Aladdin and his wonderful lamp, the wildest imagination of the fanciful mind of the Orient, has been more than reproduced in the last fifty years. The magic touch of the hand of intelligence on the lamp of inventive genius has brought the black demon out of the earth, the giant with breath of fire and strength invincible, who, obedient to the command of the world, has given humanity a wealth undreamed of in all the days of oriental splendor. In the light of actual results, the tales of the Arabian Nights are tame and commonplace. In that black stone—coal—is concentrated enough latent energy when transformed into steam or electric power to reverse the very rotation of the earth. One hundredth part of the coal in sight in New Mexico applied properly would raise all of the waters out of all of the streams that pour from the mountain sides and hurry their course to the sea and spread them upon the surface of our broad lands. The coal is there, the rivers are there.

Let us look for a moment at the matter of irrigation. Think how much the world has advanced in the last few years in the matter of irrigation. It took centuries of time from the first simple irrigation, from the carrying of water in buckets from the Nile, then by inundation, then by diverting a portion of mountain streams, and, finally, by creating vast reservoirs to hold the flow of waters in abeyance until needed. And here we have rested—stopped at the very simplest stage of irrigation, the storing and diverting of waters from mountain streams.

But, Mr. President, this has required no great engineering feat or skill. It has required no extraordinary intelligence. Everyone knows that water will run down hill. Civil engineering can only lay claim to science in irrigation when it succeeds by some method, not too expensive, in bringing the water uphill, raising it from a lower to a higher level, where it may be discharged upon adjacent lands. Is this not possible? Is it not feasible? Because it is in advance of present methods is nothing either against its feasibility or possibility. Is it less impossible than what we are achieving every day? If one could take a bird's-eye view of this whole United States, even as he can look over a railway map, he would see a network of shining rails of steel traversing the country in all directions, and over them running at terrific speed hundreds of thousands of loaded trains. Now, every train that moves across this continent is, by every rotation of its engine wheels, overcoming the law of gravitation, and so successful and so inexpensive that they have become almost the sole instrument of internal traffic. Every steamboat that plies our great rivers, by every stroke of its wheel in its course against the stream, is overcoming the law of gravitation. The force that carries a single train over these Territories has power enough to pull a mighty stream 200 feet over hills and plains. Is the project, therefore, for lifting rivers bodily out of their channels and scattering the waters over the earth less feasible or conceivable than that our very thoughts can be carried across the world in the flash of a second?

Nor are steam and electric power, generated by the use of coal, the only instruments at your command.

Five hundred years ago windmills pumped the sea out of Holland, and yet over those arid regions for centuries the breezes have sung the song of its immense productive wealth when water and soil should be combined and have incessantly sighed for work to do.

Could we measure the pressure of the current of the Colorado or some of these great rivers we would find the power which needs but the proper harness to become one of the greatest benefactors. This river annually deposits billions of tons of soil in the ocean. In the moving and flowing waters is a perpetual motion. Countless millions of tons of pressure annually flowing over those lands and over those streams, and none of it utilized.

And until one or all of these simple energies which I have mentioned are converted into their most apparent use—that of lifting the waters out of their beds and carrying them over the surface for irrigation—there is food for thought on the part of our engineers. There are immense chains of mountains, nearly one-third of the entire area, congealing the moisture to snow through summer and winter. There are mighty streams that are pouring down and flowing wasted to the sea. Who is it that dare utter in this age of science the word "impossible" as applied to the theory that we will succeed in time in controlling every foot of this water?

The Senator from Ohio, speaking of the Gila River, says there are times when 300,000 cubic feet per second are poured down toward the ocean. What right has he to deny the proposition that the time will come when we can conserve all of that water?

Mr. President, there are two great forces that are limiting the so-called "arid belt." The Reclamation Service, working from the mountain, taking the snows that are melted and go down in mountain streams and conserve them to discharge upon the land, are moving that arid belt eastward. On the other hand, we have our agricultural colleges instructing how to raise cereals, and where it was thought a few years ago there was not sufficient precipitation to raise anything producing splendid crops in that semiarid section. These two forces are pressing these two lines closer and closer together, and the time is not far distant, in my candid opinion, when they will meet.

In closing I wish to say one word for the cattle industry upon the great plains. It has been stated that you can not range cattle for a distance of more than 5 miles from water. Admitting that to be true, still you leave out of consideration the fact that there are little pools of water, little oases, over all the arid and semiarid region; sparse to be sure, but which answer that purpose. The great majority of our cattle are watered without running streams.

You are assuming that we must have the same kind of irrigation for cattle that we will have for land. In the near future we will need all of this land. When we do, the mountain streams can be brought hundreds of miles from their source. They will not have to overcome the topographical barrier that would be necessary for irrigation. The land can not go down into the valley to water itself, but the steer can, and the amount that is necessary to water a single thousand acres will water a million head of stock. So the possibilities of stock raising in that vast section are beyond comprehension.

Mr. President, I merely wish to say in closing that I have dealt with the future possibilities of these Territories from at least a semiscientific standpoint, because it is from the scientific standpoint that we are to develop a great portion of them. But I believe, and candidly believe, that the result will be that we will have great States in the two Territories of Arizona and New Mexico. If that is true they are entitled to be admitted as separate States, if at all.

I am not combating the theory of the Senator from Wisconsin or any of those that claim that they should not be admitted at this time. If we have fear for their future progress and development, then in Heaven's name let us let them alone. Let them stay out if they are not fit to come in; but I for one want to protest against that kind of an argument which says, "You are absolutely unfit, either separately or together, for statehood, but notwithstanding that unfitness we will force you into the Union jointly." It is a wrong to the country; it is a wrong to them. It has been the purpose of my argument simply to elucidate as much as I could the fact that if we admit them at all we have a right to admit them as two great separate States, depending upon the future, and with an absolute assurance that the future will justify our action.

Mr. BAILEY. Mr. President, I desire to propose an amendment to the statehood bill. I move, beginning with the word "and," in the first line on page 6, to strike out all down to and including the word "legislature," in line 4 on page 6. At the suggestion of a Senator who sits beside me I will read what I move to strike out. Perhaps it would be clearer to read the two lines before the part I propose to strike out, which are as follows:

The capital of said State shall temporarily be at the city of Guthrie, in the present Territory of Oklahoma.

I propose to strike out the words following:

And shall not be changed therefrom previous to A. D. 1915, but said capital may, after said year, be located permanently by the electors of said State at an election to be provided for by the legislature.

The effect of my amendment, if it prevails, will be to strike out that portion of the bill which locates the capital until 1915 permanently by the bill, and leaving the people of that State to locate it according to their own desire.

The VICE-PRESIDENT. The amendment proposed by the Senator from Texas will be printed and lie on the table.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

H. R. 14808. An act authorizing the Choctawhatchee Power Company to erect a dam in Dale County, Ala.; and

H. R. 15263. An act to authorize William Smith and associates to bridge the Tug Fork of the Big Sandy River, near Williamson, W. Va., where the same forms the boundary line between the States of West Virginia and Kentucky.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 16305) authorizing the Secretary of War to sell certain coal in Alaska, and for other purposes, and it was thereupon signed by the Vice-President.

RAILROAD DISCRIMINATIONS AND MONOPOLIES.

Mr. TILLMAN. Mr. President, I was not present yesterday when the message of the President was sent to us and read in this body, commenting upon Senate joint resolution 32. That message is a very remarkable document and will need some discussion, but as the statehood bill is under discussion and Senators are waiting to speak on it, I merely give notice that I shall feel called upon, as soon as the opportunity offers, to explain my views in regard to the scope of the joint resolution upon which the President commented, and to say something about those comments.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Commerce:

H. R. 14808. An act authorizing the Choctawhatchee Power Company to erect a dam in Dale County, Ala.; and

H. R. 15263. An act to authorize William Smith and associates to bridge the Tug Fork of the Big Sandy River, near Williamson, W. Va., where the same forms the boundary line between the States of West Virginia and Kentucky.

THE STATEHOOD BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12707) to enable the people of Oklahoma and of the Indian Territory to form a constitution and State government and be admitted into the Union on an equal footing with the original States; and to enable the people of New Mexico and Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States.

Mr. PATTERSON. Mr. President, I would not address the Senate on the statehood bill were it not that no member of the minority of the Committee on Territories has as yet addressed the Senate in opposition to the measure. The minority members have insisted that some one shall represent them, and have urged that I do so.

I will speak chiefly upon one phase of the bill—that which involves what I believe to be the unquestioned and the unqualified right of the people of Arizona to have separate statehood, with the consent of Congress. This is a right fixed by all the traditions and uniform practice of Congress and by the express letter of the law under which the Territory of Arizona was organized.

The bill that is under discussion provides for the joinder of Oklahoma and Indian Territory into one State and New Mexico and Arizona into another. So far as the uniting of Oklahoma and the Indian Territory is concerned, I do not agree with the Senator from North Dakota [Mr. MCCUMBER]. I have no question but that it was the expectation and intention of Congress, when the Territory of Oklahoma was organized, that Oklahoma and the Indian Territory should at some time become one State. Oklahoma was carved out of the Indian Territory in 1890, with the consent of the Indian tribes to whom the entire Territory belonged; and the act organizing Oklahoma seems very clearly to anticipate that ultimately the Indian Territory and Oklahoma would be permanently united. I call the attention of the Sentae to the language of the act organizing Oklahoma, upon which I base that conclusion. It reads as follows:

Any other lands within the Indian Territory not embraced within these boundaries—

Meaning the boundaries of the Territory of Oklahoma before set forth in the bill—

not embraced within these boundaries shall hereafter become a part of the Territory of Oklahoma whenever the Indian nation or tribe owning such lands shall signify to the President of the United States in legal manner its assent that such lands shall so become a part of said Territory of Oklahoma, and the President shall thereupon make proclamation to that effect.

No one can read the act and consider in that connection the clause to which I have just called attention without reaching the conclusion that when Oklahoma was carved out of the Indian Territory it was the intent and expectation of Congress that they would both at some future time be reunited.

Then, again, Mr. President, by reason of the area of the united Territories being less than the area of any State that has been admitted for the past twenty-five years, and by reason of the identical character of their industries, productions, language, and customs, I was induced in the Fifty-seventh Congress to offer a bill for their joinder in statehood.

The bill I introduced was, I believe, the only bill which has ever been introduced into the Senate to accomplish that end. Whenever either branch of Congress has acted with reference to Oklahoma and the Indian Territory it has been in that direction.

The Senator from Wisconsin [Mr. SPOONER], I think, was mistaken in some remarks he made yesterday about the bill of the Fifty-seventh Congress for the organization of new States. He spoke of that measure as providing for four States. My recollection is that it provided for but three, for Oklahoma, Arizona, and New Mexico; but it did provide that the President might at any time in the future, by proclamation, annex the Indian Territory to Oklahoma, so that both Territories would, in the end, be a single State.

So, Mr. President, under those circumstances, I have no hesitation and no reluctance in saying that I will vote for so much of the measure as I can that favors the union of Oklahoma and the Indian Territory. If I can not vote for so much of the measure as thus provides by itself, then I will be compelled to vote against the entire measure. But I believe the end intended by Congress from the time it commenced to deal with the Indian Territory——

Mr. PETTUS. Mr. President, I ask leave to interrupt the Senator from Colorado.

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Alabama?

Mr. PATTERSON. Certainly.

Mr. PETTUS. I would be very much obliged to the Senator if he would explain by what contract or agreement the United States acquired the right to put the Indian nations into a State with Oklahoma. Being on the Committee on Territories, I suppose the Senator knows that the United States contracted that it would not do it.

Mr. PATTERSON. Mr. President, I am simply dealing with results, not with reasons. I know that Congress assumes the right to deal with the Indian Territory; that it was dealing with it at a time when the tribal relations that have held the Indians together were being abolished, and the Indians were being made citizens of the United States. When those things are accomplished, from the very necessity of the case it becomes territory of the United States, to be organized by Congress.

I will not spend any more time upon Oklahoma and the Indian Territory. I simply wanted to say enough to give the reasons that moved me to support the union of those two Territories in a single State. That both are in every way qualified by population, by wealth, by the character of their people to be a State in the Union is conceded; and as to those two Territories, to admit them is simply the performance of a duty by Congress that the people of the country have a right to expect.

There is a claim made—and I will discuss that a little later on—that the act of one Congress can not bind another Congress in dealing with the territory of the United States. I do not agree with that proposition altogether. If it is simply a question of power, then perhaps one Congress can not control a subsequent Congress, but if it is a question of right or duty, or of action from a sense of obligation, one Congress may by law pledge the country and then depend upon subsequent Congresses to observe in good faith the pledges given. Especially is that the case, Mr. President, when for a great number of years the people of the country have acted upon the faith of such a pledge as that given to Arizona, and upon the faith of which Arizona has acted for forty-three years, depending upon Congress recognizing that obligation when the proper time arrived.

It is said, Mr. President, that those who oppose the union of Arizona and New Mexico are inconsistent in advocating the union of Oklahoma and the Indian Territory. On the contrary, consistency requires, if respect is to be paid to acts of Congress,

that the union of Arizona to New Mexico should be prevented, while the union of Oklahoma and the Indian Territory should be secured.

The Territory of Arizona was created by act of Congress in 1863. Those who have opposed the admission of Arizona into the Union as a State have insisted, by inference at least, that that legislation was hasty and ill advised, and that the unusual provision found in that law was incorporated into it by some trick or subterfuge; in other words, that Congress never intended that such a provision with reference to the subsequent statehood of Arizona should be incorporated into the law.

Mr. President, an examination of the history of the bill organizing Arizona into a Territory discloses that the measure had been in both branches of Congress for a very considerable time. It was a House bill. It was introduced in the first session of the Thirty-seventh Congress; reported back from the Committee on Territories at the first session with a favorable recommendation; certain amendments were also recommended, and as thus amended the House passed the bill. During the second session of the same Congress the Senate debated the bill very extensively. In the third session, after a very considerable debate, after amendments of various kinds had been discussed, after amendments had been added to the bill and then by unanimous consent reconsidered, after the need of a separate Territorial government for Arizona had been fully and thoroughly discussed, the act passed the Senate and was approved by the President.

So it will not do, as the senior Senator from Indiana [Mr. BEVERIDGE] did at the last session, to urge that action upon the bill for the organization of Arizona was hasty or ill advised, or that it was the outgrowth of an oyster supper or of a combination between mere adventurers from the Territory of Arizona by which some ill-advised and unmerited and unwarranted action was taken by Congress. The truth is, Mr. President, the creation of the Territory of Arizona had been before Congress in various forms for nearly ten years, and, as I suggested, it was as thoroughly and intelligently discussed as any such measure had ever been discussed, so far as is shown by the annals of Congress. During the discussion Senator Wade, of Ohio, who was chairman of the Senate Committee on Territories, said:

> The question has been under consideration before the Committee on Territories ever since I have been a member of the committee. The committee agreed in 1853 or 1854, when Mr. Douglas was at its head, that it ought to be organized. For some reason or other it was not done.

Upon the authority of such an eminent statesman and Senator as Benjamin F. Wade, of Ohio, the proposition to divide the then Territory of New Mexico into two, the western half to be the Territory of Arizona, had been before Congress for a period of ten years and had received the most thorough consideration by the Senate and the committee.

Mr. President, if there were any doubt as to the thoroughness with which the law for the organization of Arizona was considered, the personnel of the House and the Senate committees should have a most conclusive effect. The chairman of the House committee was James M. Ashley, of Ohio, than whom no more distinguished Member had ever had in charge the future of our Territories. James H. Cravens, of Indiana, with whose history and qualifications the senior Senator from Indiana [Mr. BEVERIDGE] should be well acquainted; Owen Lovejoy, of Illinois, who earned a world-wide reputation for integrity and the zeal with which he combatted the institution of slavery; William A. Wheeler, of New York, who subsequently became Vice-President of the United States, and Aaron Harding, of Kentucky.

Of the members of the Senate committee, there were at that time Benjamin Wade, of Ohio; John P. Hale, of New Hampshire; Reverdy Johnson, of Maryland, and Henry Wilson, of Massachusetts—a quartette of as brilliant statesmen as ever guided the nation. Henry Wilson subsequently became Vice-President of the United States.

When the names of those great and conscientious statesmen are mentioned, and it is known that this measure for the organization of Arizona received in committee their most careful scrutiny, it will not do to say that any single provision found in that bill was there by inadvertence, by overreaching, or as the result of a trick of any kind. It follows, Mr. President, when we find in the bill organizing the Territory of Arizona a provision that had never before been incorporated in any bill for the organization of any Territory the proposition "that the said government [Arizona] shall be maintained and continued until such time as the people residing in said Territory shall, with the consent of Congress, form a State government, republican in form, as prescribed in the Constitution of the United States, and apply for and obtain admission into the Union as a State on an equal footing with the original States," that there was a reason for it. There was a reason, which appealed to the patriotism and sense of duty of those eminent statesmen. It was a reason, Mr. President, that was never questioned in the House of Representatives, so far as can be discovered; it was not questioned on the floor of the Senate. While many amendments were offered and discussed, the provision in mind was not questioned, and the necessity for it and its propriety was never denied. With all the evidences we have of the careful scrutiny given to the measure, we must conclude that there was some strong and overpowering reason that induced the committees of both branches of Congress and the President of the United States to approve the clause in question.

Mr. President, time and again the question has been asked, What was the reason for incorporating in the Arizona bill this provision as to the future statehood of the Territory? It has not been answered except in a somewhat tentative way. If we go to the debates of Congress, while there is no clear statement of the reason, a reason may be inferred from the nature of the debate that occurred. I will first suggest the reasons that may be extracted from the debates, and then reasons that we may deduce from the history of those times.

It was shown in the debate, Mr. President, that the inhabited portion of Arizona Territory was more than 700 miles away from the seat of government in New Mexico; that there was a wild, barren, and uninhabited waste between; that the cost of travel between the two points was something enormous for those who sought to reach the seat of government. In that section of New Mexico, Mr. President, there were between 15,000 and 20,000 warlike, savage Indians, with whom those who lived in the Arizona section were in almost constant conflict.

As to the population of the New Mexican portion of the Territory in those early days, it was almost entirely Mexican. They spoke the Spanish language. Their customs and their institutions differed very seriously from those that were in process of development by the American settlers in the Arizona section of the Territory. Upon the testimony of Mr. Trumbull, so strong was the opposition of the people of what was to be the Territory of Arizona to their New Mexican association, that they positively refused to send members of the legislature to the New Mexican assembly. They must have realized the extraordinary position they would be in in a legislature consisting almost exclusively of Spanish-speaking members, ignorant of their needs and of what in justice they required.

It was under those circumstances that the law for the organization of Arizona was passed by Congress.

Then there is another reason which there is ample room to believe was controlling. Reference has been made to the fact that Arizona was organized at a time when this country was in the throes of civil war. That is true, Mr. President, and New Mexico was the theater, for a sparsely settled section of the country, and a far distant portion of it, of no mean part of the thrilling deeds of that great tragedy. For a long time it was a question of uncertainty as to whether New Mexico would in the end cast its fortunes with the Southern Confederacy or not. We know that in the spring of 1862 General Sibley invaded New Mexico from Texas, his objective point being Denver. His purpose was to control those two great Territories, New Mexico and Colorado, so that if those who were struggling for the Confederacy were successful those two Territories might be made a part of its possessions. We know that Sibley marched with a force of Texans up the Rio Grande River. In New Mexico he captured Forts Bliss and Fillmore. Two battles were fought, one the battle of Apache Canyon, in which a considerable number of combatants on both sides fell. The Union forces were comprised of the First Colorado Regiment and a battery of artillery, and the Confederate forces consisted of between 600 and 800 men under General Sibley himself. As the result of that battle fought after Sibley's forces had taken possession of Albuquerque and of Santa Fe, when he was marching on Fort Union, farther north, in the expectation of invading from that point the then Territory of Colorado, the battle of Apache Canyon was fought. The Confederate forces were defeated, and they started on a retreat to Texas.

But that did not end the danger, Mr. President, of New Mexico becoming a part of the Southern Confederacy should the efforts of those who were fighting its battles be successful. We have no reason to believe, from the discussion in the Senate at that time, that the outcome of the war was considered certain. We have the right to conclude that Congress, in incorporating into the bill organizing Arizona a provision that would save at least one-half of the Territory to the North should the war end adversely to the northern cause, had that end in view. By organizing Arizona there was a central government provided for the one half of New Mexico organized into Arizona, the seat of government of which was far removed from the other half

of what was left of New Mexico. If New Mexico should ultimately be carried with the South, then the western half (Arizona) would be saved to the Union.

Mr. President, when we consider the time, the historical events, the dangers that were constantly menacing the Union cause in that section and the evils that such a course might avoid, we can understand why it was that Congress inserted in the bill organizing Arizona the provision about which there is so much controversy.

But it is said, Mr. President, that Congress had no right to insert a clause of that kind in a bill organizing a Territory; that it had no right to attempt in any way to bind subsequent Congresses in dealing with the territory of the United States. On the contrary, I maintain that it had the right, and, while it is within the power of subsequent Congresses to ignore the express will and pledge of the Thirty-seventh Congress in that and in other respects, that the Thirty-seventh Congress had the right to do what it did, and that it is the bounden moral duty of this and of other Congresses to respect it, I have no earthly doubt.

Mr. President, it might as well be said that the confederacy of the States in 1787 had no right to declare that the Northwestern Territory should be organized into at least three States and into not more than five. That was but the Congress of the United States. There was no party with which that Congress was dealing except as you find it recited in the ordinance. All that we have on record is the discussion upon the subject and the fact that, by an act of Congress or in the terms of the ordinance, the great Northwest Territory was set apart and dedicated forever to freedom and that not less than three nor more than five States should be created from it.

Does anybody contend that a subsequent Congress might not, if it would, have disregarded the ordinance of 1787? True, the moral sense of the country would have revolted at the act; true it was that there was no reasonable right to expect that; but we do find, Mr. President, that a subsequent Congress for a considerable length of time refused to be bound by the ordinance, and that fact is established in the history of the State of Michigan and its admission into the Union.

We find, Mr. President, that after Michigan had 60,000 inhabitants its people, as they had a right to do, met in constitutional convention, formed and adopted a constitution, and elected a legislature, which appointed two Senators for admission to the Senate of the United States, and that for three years Congress refused to recognize the obligation that was imposed upon Congress by the ordinance of 1787. During those three years Michigan was almost in a state of rebellion. It refused to recognize the right of the President to appoint a governor for it. It refused to receive or to permit the other officers appointed by the Administration to assume control and direct the affairs of Michigan. It claimed that its right was absolute, under the terms of the ordinance of 1787, to be a State in the Union, since it had more than 60,000 inhabitants, and that Congress, under the express language of the ordinance, had neither right, power, nor authority to refuse them participation as a State in the affairs of the Union.

Here I may call attention to the language of the ordinance of 1787 that states the population that would be sufficient to constitute a State. It has been charged over and over again that Congress fixed 60,000 as the population that must exist before any of the States carved out of the Northwestern Territory might be admitted into the Union. Such is not the fact. Under the language of the ordinance of 1787 any one of the States named or for which it provided, when it had a population of 60,000, could not be excluded from participation as a State, but the ordinance further provided that Congress might admit as States parts of that Northwestern Territory with a less population than 60,000 if, in its opinion, the welfare and interests of the country would be subserved by it. I call the attention of the Senate to this language, which bears out precisely what I say. Reading from Article V of the ordinance, we find the following:

> And whenever any of the said States shall have 60,000 free inhabitants therein such States shall be admitted, by its delegates, into the Congress of the United States on an equal footing with the original States in all respects whatever, and shall be at liberty to form a permanent constitution and State government: *Provided,* The constitution and government so to be formed shall be republican and in conformity to the principles contained in these articles; and so far as it can be consistent with the general interest of the confederacy, such admission shall be allowed at an earlier period, and when there may be a less number of free inhabitants in the State than 60,000.

So that, under the Ordinance of 1787, the Congress of the Confederacy declared that when any one of the States provided for had 60,000 inhabitants its right was absolute; it should be admitted into the Union; its Delegates should take their seats in the Congress of the Confederacy, but that the Congress might, when the interests of the country seemed to require it, admit them as States with a less population than the number named.

Commencing with the Ordinance of 1787 and carefully scanning every act of Congress by which a Territory has been organized since, we learn that no Territory has ever been divided except to create a greater number of States. We also find when Congress has been silent in the matter of division that the act organizing a Territory has been accepted as a pledge by Congress that that particular Territory should in the end become a State, and that by the act such a Territory is clothed with the inchoate rights of statehood. This has been declared to be the fact by the Supreme Court of the United States.

I also find that no Territory has ever been merged into another Territory and that no two Territories have ever been united for the purpose of forming a single State. Under those circumstances, Mr. President, and in view of the traditions and the uniform practice of Congress as determined by its acts and in the language of the act organizing the Territory of Arizona, what room is there to say that the right exists in this Congress to annul the act of 1863 and to coerce the people of Arizona into a disagreeable, distasteful, and abhorrent union with the people of any other Territory?

It is not because the union is to be with New Mexico that complaint is made, nor because the union might be with any other Territory, if there were some other contiguous Territory, but because the people of Arizona have developed that Territory under a pledge from Congress that they should form a State out of that Territory and be admitted, and because they are unwilling to share either the memory of their sufferings or the glory of their achievements with any other Territory. Realizing that no such effort has ever before been made and that the provisions that are found in the several acts creating Territories do not contemplate the annihilation of a Territory, but their permanent preservation for statehood, how this or any subsequent Congress can vote affirmatively for this coerced union is more than I can understand.

The Ordinance of 1787 marked out the policy of the country for all future time as to its course in dealing with the territory of the United States. The territory was received for the purpose of creating it into States, not to hold it as provinces or colonies, but to give its people at the earliest practicable moment, under Territorial government, a certain amount of self-government and control, and ultimately to allow them to become inhabitants of a State upon an equality with the other States of the Union.

I find that following the ordinance of 1787 was the ordinance with reference to the territory south of the Ohio River. That ordinance was exceedingly short. It simply established that territory into a district and provided in terms that it should be governed by the same system that was provided for the territory northwest of the Ohio.

Then we have an act of Congress in 1798, organizing what was known as the Territory of Mississippi. That act expressly provided that Mississippi might at some future time be divided into two Territories, and we find that, following the authority conferred later, in 1817, Alabama was carved out of the Territory of Mississippi. Then there existed two Territories, Mississippi and Alabama, and they were subsequently brought into the Union as States.

Following the ordinance of 1787 the Northwest Territory was at first divided into two Territories—what we may call the Territory of Ohio, which really remained the Northwest Territory, governed under the system the ordinance of 1787 created, and that west of the Ohio, which became the Indiana Territory.

In 1804, after the purchase of Louisiana and its cession under the terms of the purchase to the United States, the Louisiana Territory was divided into two Territories. One was the Territory of Orleans, the other the Territory of Louisiana. The Territory of Orleans subsequently become the State of Louisiana. The Territory of Orleans, as it was defined by the ordinance, was reserved for a State without interfering in any degree with the boundaries of the Territory, as the act of Congress defined them. Subsequently what was known as the Territory of Louisiana became the Territory of Missouri. I suppose that change in name was by reason of the admission of the Territory of Orleans into the Union as the State of Louisiana, which necessitated the change of name.

The Territory of Louisiana, transformed from the Territory of Missouri, was subsequently divided as it might be under the act creating it, and the Territory of Arkansas was carved out of the Territory of Missouri.

Then we find that the Territory of Michigan was carved out of the Indiana Territory and became one of the five States for which the Ordinance of 1787 provided. The Illinois Territory

was also carved out of the Indiana Territory, and it became one of the five States the ordinance provided for.

Florida was organized into a Territory after its cession to the United States by Spain. No mention was made in that ordinance of the division or curtailment of its boundaries in any degree. Florida, therefore, was admitted into the Union as a State.

Next in order we have the Territory of Wisconsin. Wisconsin was the fifth State carved out of the Northwest Territory. When it was organized into a Territory its Territorial limits extended beyond the Mississippi River and included what subsequently became the Territory of Iowa.

After the organization of Wisconsin Territory, embracing both Iowa and Wisconsin, Iowa was set apart as a separate Territory. Then Wisconsin became a State and Iowa became a State a few years thereafter. The boundaries of Iowa as a State were identical with its boundaries as a Territory.

Mr. BEVERIDGE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Indiana?

Mr. PATTERSON. Yes.

Mr. BEVERIDGE. I think the Senator is unintentionally in error on that point. The State of Iowa was made out of the Territory of Iowa, and that Territory, in its turn, was carved out of a larger territory after it was a Territory, had full Territorial organization, without any reference whatever to the people who were living in the portions that were left out, and without submitting it to the people of the Territory itself. The State of Iowa—I think the Senator from Iowa will verify that—was made by carving it out of a larger Territory, it then existing as a Territory, without submitting the question at all to the people.

Mr. PATTERSON. What Territory was Iowa a part of at the time it was incorporated with Wisconsin?

Mr. BEVERIDGE. There was a great deal more of the Territory of Iowa than there is of the State of Iowa.

The point I make, if the Senator will pardon me a little further, is that the portions left out of the organized Territory of Iowa, when it was made a State, were left out without submitting that question in any way possible to the people who were thus left out or to the people who were left in.

Mr. PATTERSON. I will come to that after a while. What I assert is, that when the Territory of Wisconsin was organized it embraced the same territory of which the State of Wisconsin is now comprised and the territory of which the State of Iowa is comprised, and the territory west of the Mississippi, lying between the Mississippi and the Missouri, that was associated with Wisconsin as a Territory was a part of the Louisiana Purchase, which up to that time had been left practically unorganized, and what was subsequently the Territory of Iowa originally existed as a part of the Territory of Wisconsin. What became Iowa was taken from the unorganized territory of the Louisiana Purchase and united with part of the Northwest Territory as the Territory of Wisconsin. Subsequently Iowa was severed from Wisconsin and organized into a Territory by itself, and Wisconsin became a State in the Union. It would have been impossible, under the provisions of the Ordinance of 1787, to associate Iowa with Wisconsin as a State, because the Northwest Territory was to be created into not more than five States, and no additional territory could have been added to it for purposes of statehood without violating its express terms.

Minnesota was organized as a Territory in 1849. Minnesota came into the Union with its Territorial limits unimpaired. New Mexico was organized in 1850. At the time of its organization it did not embrace all of the territory that is now within the boundaries of New Mexico and Arizona. It was in 1853 that we acquired that part of Arizona known as the "Gadsden Purchase." Following that we had the organization of the Territory of Utah, of Dakota, of Nevada, of Colorado, of Kansas, of Idaho, of Montana, of Wyoming, of Oklahoma, and Hawaii.

In every one of the acts creating these and other Territories, after the act creating the Territory of Wisconsin, we find this provision:

> That nothing in this act contained shall be construed to inhibit the Government of the United States from dividing the Territory hereby established into one or more other Territories, in such manner, and at such times, as Congress shall, in its discretion, deem convenient and proper, or from attaching any portion of said Territory to any other State or Territory of the United States.

The Senator from Wisconsin [Mr. SPOONER] very properly said in his address yesterday that these provisos recognized the right of Congress to divide a Territory, thereby creating two States out of what otherwise might be one. But there is no provision in a single one of those statutes which contemplates the possibility of the destruction of a Territory, the destruction of its government, its abolition, and the merging of one Territorial government into another existing Territorial government.

I call upon the Senator from Indiana to point to a single instance—a single instance—in which one Territory has been united with another Territory; a single instance in which, in the creation of a State, two Territories have been united to form a single State. The history of this country will not afford an instance of that kind; and therefore we have the uniform and unquestioned practice of Congress to guide and support us in the position we take with reference to the Territory of Arizona.

Mr. President, I call the attention of the Senate to the language of the ordinance of 1787, which states the purpose for which the territory was set apart:

> And for extending the fundamental principles of civil and religious liberty, which form the basis whereon these republics, their laws and constitutions are erected; to fix and establish those principles as the basis of all laws, constitutions, and governments, which forever hereafter shall be formed in the said territory; to provide also for the establishment of States, and permanent government therein, and for their admission to a share in the Federal councils on an aqual footing with the original States, at as early periods as may be consistent with the general interests:
>
> *It is hereby ordained and declared by the authority aforesaid,* etc.—

This first act of Congress was for the purpose of creating States, of defining their boundaries, by first organizing what is termed a Territory, authorizing the division of a Territory thus organized for the creation of more States, and for no other purpose.

I wish to call attention to, and to analyze, the language of that part of the act that guarantees statehood to Arizona. The first section, in its first paragraph, sets apart the territory that is called the Territory of Arizona. It is that part of New Mexico that lies west of a line drawn from the northwest corner of the Territory of Colorado down to the border line of Mexico. Everything west of that was to be the Territory of Arizona. It then provides:

> And the same is hereby erected into a temporary government by the name of the Territory of Arizona.

All Territories by the very terms of their acts were creations of temporary governments. Then follows the first proviso:

> *Provided,* That nothing contained in the provisions of this act shall be construed to prohibit the Congress of the United States from dividing said Territory—

As Territories had been divided theretofore—

> from dividing said Territory or changing its boundaries in such manner and at such time as it may deem proper.

Nothing was to prevent Congress from dividing the Territory of Arizona. Nothing was to prevent Congress from changing its boundaries. But then follows the second and the controlling proviso, which limits everything that preceded it:

> *Provided further,* That said government shall be maintained and continued until such time—

Until what time?—

> until such time as the people residing in said Territory—

Not Territory spelled with a lower case "t," but with a capital "T," the Territory for which the government was created, the Territory that remained after its boundaries might be changed, after a part might be taken off for another Territory, the remaining part of Arizona. I will reread the whole of this proviso:

> *Provided further,* That said government shall be maintained and continued until such time as the people residing in said Territory shall, with the consent of Congress, form a State government, republican in form, as prescribed in the Constitution of the United States, and apply for and obtain admission into the Union as a State, on an equal footing with the original States.

What is the difference between a pledge of Congress to the country and its people and to Arizona and its people and the pledge contained in the ordinance of 1787? I have no question that any subsequent Congress possessed the "power" to repeal or modify the ordinance of 1787. So any subsequent Congress possesses the "power" to change or modify this pledge by Congress to the country and to Arizona. What is the material difference between the two pledges? It would have been considered sacrilege to have laid a vandal hand upon any part of the ordinance of 1787, and it is sacrilege now to lay a vandal hand upon a pledge made by Congress forty-three years ago to the people of the United States, to the United States, and to the people of the Territory of Arizona, that their government should continue and be maintained until they formed a State constitution and applied for admission into the Union as a State.

To be sure, Mr. President, Arizona has not as yet formed a constitution, but the equivalent of this language is that under no circumstances will the government of Arizona be taken from those people until they are admitted as a State with their own consent.

"You shall continue a Territory; your borders may be

changed; another Territory may be carved out of it; but the government that was created in 1863 shall continue over the Territory that remains, and it shall so continue until you voluntarily appear at the doors of Congress either with a constitution already framed or to apply for permission to meet and form a State government." And the wrong that is being done, the outrage almost unspeakable, Mr. President, is that after Arizona for forty-three years has existed with this pledge solemnly made by Congress, it, relying upon this pledge, after tens of thousands of American citizens have moved into Arizona, relying upon the good faith of Congress to carry out this pledge, have taken with them their families, have invested their means, have helped to build up the institutions of that Territory—the unspeakable outrage is to declare to them, "We will take your government from you and force you into statehood with the people of another Territory, no matter how abhorrent that association may be."

Mr. President, when you analyze this section you find there is a distinction between "territory" and the "government." They are not altogether synonymous terms. I mean territory as an area of land. I do not mean the Territory as a government. A certain area of land was set apart and, with the government, was to constitute the Territory of Arizona. The territory might be divided into two parts or three if Congress so desired. The territory or the land might have its boundary changed. But that which is to continue and to be maintained is the government and so much of the land as should be left after Congress had exercised, in its discretion, the power reserved to it.

Let me illustrate by Arizona what is meant by the power to change its boundaries. There is in the northwest part of Arizona a section of land lying to the north and west of the Grand Canyon of the Colorado. It is claimed by those who live in Utah that it is a place of refuge for thieves and other felons; that when Utah officers pursue them, after their having committed depredations in Utah, the outlaws cross the line and the Utah officials have no authority to pursue them. They can not reach them in Arizona without a long detour, and it is almost impossible, except at one or two points, to cross the Grand Canyon to reach them.

Now, if, under those circumstances, Congress should see fit, Utah remaining a Territory, to pass an act segregating the northwest corner of Arizona and attaching it to Utah, for the reasons I have stated—for the better government of Utah, for the better government of Arizona—it would be perfectly within the power of Congress to do so. But when you attempt to uproot the government; when you attempt to destroy it, root and branch; when it is proposed in the face of the solemn pledge by Congress to merge Arizona into another entire Territory and bind them together forever as a State, you violate the solemn pledge of Congress and do violence to the American sense of right and justice.

Mr. BEVERIDGE. I do not know whether I understood the Senator aright. I will ask him to state whether I did. He maintains that it is within the power and right of Congress, if it deems it wise for the reasons given by the Senator, to detach the northwest corner of Arizona, the portion of land north of the Grand Canyon, and attach it to Utah. Am I correct about that?

Mr. PATTERSON. If Utah were yet a Territory.

Mr. BEVERIDGE. Oh, certainly.

Mr. PATTERSON. Then it would be within the power of Congress, in my judgment, under the clause of the first proviso——

Mr. BEVERIDGE. So far as Arizona is concerned.

Mr. PATTERSON. So far as Arizona is concerned, to attach it to Utah.

Mr. BEVERIDGE. Now I desire to ask the Senator the question. If we have the power to detach that area and attach it to Utah, would we not have the power, as a matter of power, to detach the entire northern plateau of Arizona?

Mr. PATTERSON. Go ahead and finish your question.

Mr. BEVERIDGE. That is the question. Then, the next one.

Mr. PATTERSON. I have not denied the "power" of Congress to destroy the Territory of Arizona.

Mr. BEVERIDGE. Ah! Then the Senator admits that so far as the legal force of this matter is concerned it is nil, a nudum pactum. What then does the Senator argue with reference to that? If we have the power and the right, for reasons which appear sound to Congress, representing the nation and the whole American people, to detach a portion of Arizona, without saying anything to the people of Arizona, either those in the portion detached or those in the portion left, why have we not the power also to detach, for good and sufficient reasons, a third of it, two-thirds of it, all of it? It comes down to the question as to whether the reasons are sufficient, does it not?

Mr. PATTERSON. No; it comes down to the question whether the honor of the nation is involved——

Mr. BEVERIDGE. Then, Mr. President——

Mr. PATTERSON. Whether the obligations solemnly undertaken by the Congress of the United States forty-three years ago are to be repudiated. I raise no question about the "power." I present the question of the moral obligation——

Mr. BEVERIDGE. Ah, Mr. President——

Mr. PATTERSON. The moral duty, the rights that the people of Arizona acquired to insist that the compact shall be carried into effect.

Mr. BEVERIDGE. Then how far was the honor of the country impaired when after it was an organized Territory over 11,000 square miles were detached? The Senator says we have a right to detach all of the northwestern corner north of the Colorado Canyon. He now says we can not detach two-thirds, one-third, or any other portion—not as a matter of law, but as a matter of national honor. If, then, we were to do what the Senator says we may do, detach that portion north of the Colorado Canyon, how much of our honor would be impaired?

Mr. PATTERSON. I will attempt to show the Senate and the Senator from Indiana, if the Senator from Indiana is open to reason.

The first proviso of the first section of the act organizing the Territory is as follows:

*Provided*, That nothing contained in the provisions of this act shall be construed to prohibit the Congress of the United States from dividing said Territory or changing its boundaries in such manner and at such time as it may deem proper.

There is the authority retained in the act in which the other pledge was made, reserved to Congress, to divide the Territory into two Territories or to change its boundaries, not to annihilate it, not to destroy it.

Mr. President, there is a second proviso that controls the first.

Mr. BEVERIDGE. Will the Senator permit me to ask him a question before he takes up the second proviso?

Mr. PATTERSON. Certainly.

Mr. BEVERIDGE. Under the proviso he has just read, does he concede the power of Congress, if Congress deems it wise and right to do it, to split Arizona in the middle, at Phoenix, and unite all the eastern half of it to New Mexico?

Mr. PATTERSON. All such provisions must receive reasonable construction. The act can not be so enlarged or so construed as to destroy its clear intent. I suppose, under the language of the act, that if Congress saw fit it might, in the exercise of the "power" it possesses, cut Arizona in two. It might annex the eastern half to New Mexico, but whether that would not be in violation of the compact or its pledge would be a question that might well be discussed.

Under the uniform rule that Congress has followed, Territories have been divided only to make additional States. Territories have not been diveded to enlarge existing Territories, and under a fair construction, as we would measure the words of Congress by all the previous history of its legislation, when it reserved the power to divide the Territory the power was reserved to divide it so that two States might be created and not that one-half of it might be returned to the Territory from which it had been previously detached or added to some other Territory.

But, Mr. President, let us admit for the sake of argument that that extreme use might be made of the power that is lodged in Congress—to divide the Territory of Arizona in two and attach one-half of it to the Territory of New Mexico. The government of Arizona would still remain over the remaining half, and that remaining half could not be forced into an unwilling alliance with any other Territory or with any State, having in mind the clear and solemn pledge of Congress,

Legislation of this kind must always receive a reasonable construction, and if, in the exercise of the power to divide Arizona or to change its boundaries Congress should destroy Arizona, Congress would break faith with the people of the country and with the people of Arizona.

Mr. SPOONER. Will the Senator allow me to interrupt him for a moment?

Mr. PATTERSON. With pleasure.

Mr. SPOONER. I desire to call his attention to the fact, as a matter of history, that the bill for the organization of Arizona originated in the House of Representatives with this proviso incorporated in it, and it clearly appears from the debate that one controlling motive which led the Senate to concur in that measure, as evidenced by the debates, was the necessity for the legislation in order to enable this Government to redeem pro tanto the pledge made to Mexico in the treaty of Guadalupe Hidalgo.

It is stated in the debates that there were 2,000 American citizens; that there were 4,000 pueblos, Mexicans, who were civilized, and who, under the constitution of Mexico, were citizens of Mexico at the time of the cession, and that there were from 15,000 to 20,000 wild Indians. Under the treaty of Guadalupe Hidalgo the 4,000 pueblo citizens had become citizens of the United States, with the treaty pledge that we would give them the protection of our laws. And it is recited in this debate that they lived 700 miles away from the capital of New Mexico, that almost impassable mountains intervened, that they were in danger of constant attack from the Indians, and that in no other way could the pledge made by this Government to Mexico in the treaty of Guadalupe Hidalgo be carried out except to give them the protection which could be given only by enacting and creating this Territorial form of government. So the record shows, and the truth is, and the history is, that this pledge was made in part redemption of the treaty.

Mr. PATTERSON. Mr. President, I had referred to all of the reasons suggested by the Senator from Wisconsin, except the fact that the act organizing Arizona was in part influenced by the obligation resting upon the Government to carry out the obligations of the treaty of Guadalupe Hidalgo. But there were other reasons. Those I attempted to give, and whether they are sound or unsound must be left to the Senate.

Mr. President, I will not consume any more time in discussing the obligations of the act of 1863. I desire briefly now to refer to the claims that are made that neither Arizona nor New Mexico is fit for statehood. While I oppose the enforced union of these Territories, I have no question but that each is entitled to statehood, and that if Congress should do its duty it will with as little delay as possible pass an act admitting both Arizona and New Mexico into the Union.

But I am reminded by the denunciation of these two Territories by the able and eloquent Senators who oppose their admission as States of the wonderful similarity between the views taken of the western country in the year 1906 and the views entertained of all the country west of the Mississippi River in 1838. In that year Congress attempted to make an appropriation to establish a mail route between Independence, Mo., and the mouth of the Columbia River, on the Pacific coast. That attempt naturally led to a discussion as to the character of the country which the mail route must traverse. Daniel Webster, then in the Senate and at the zenith of his glory, crystallized the opinion entertained by most eastern people at that time of the character of the country that has since developed into a vast and valuable empire. Webster, in discussing the proposed mail route, thus described the country as he conceived it:

> What do we want with this vast, worthless area; this region of savages and wild beasts, of deserts, shifting sands and whirlwinds of dust, of cactus and prarie dogs? To what use could we ever hope to put these great deserts or those endless mountain ranges, impregnable and covered to their very base with eternal snow? What can we ever hope to do with the western coast—a coast of 3,000 miles, cheerless, rockbound, uninviting, and not a harbor on it? What use have we for such a country? Mr. President, I will never vote one cent from the Public Treasury to place the Pacific coast one inch nearer to Boston than it now is.

Those are practically the views, Mr. President, entertained by the Senators who now oppose the admission of New Mexico and Arizona to statehood. They decry their population. They demean and belittle their productions. They regard them as great wildernesses, not yet even partially reclaimed and never possible of full reclamation from the state of wildness and worthlessness that Senator Webster consigned all the Louisiana Purchase to.

But, Mr. President, they are as much mistaken now as to Arizona and New Mexico as were Webster and the rest who decried all the country secured through the Louisiana purchase more than one hundred years ago. I have insisted for years that both New Mexico and Arizona are fitted for statehood and should be admitted as States. I recollect when Colorado was admitted by the Forty-third Congress, of which the Senator from West Virginia [Mr. ELKINS] was a member as a Delegate from the Territory of New Mexico, that by the sheerest accident New Mexico was not at that time admitted. I am inclined for the sake of history and to relieve myself from a charge that has been made to give that history a most interesting chapter and one that should teach a valuable lesson.

It is claimed, and has been claimed very industriously since 1876, that had it not been for me Mr. Tilden would have been inaugurated President of the United States; that because in 1873 I had been elected Delegate to Congress from the Territory of Colorado, I repaired to Washington at the close of the Forty-third Congress, in 1874, and had Colorado admitted as a State in time for the election of 1876; that I had represented that Colorado was certainly Democratic, but when the Presidential election was held Colorado went Republican, casting its vote for Hayes and Wheeler; that had it not been that Colorado was thus admitted Hayes would not have received Colorado's three votes and Tilden must have been declared elected.

Mr. President, these are the facts of Colorado's admission, and in that connection is the tragedy of New Mexico. It was in 1873 that bills for the admission of Colorado and New Mexico were introduced into the Forty-third Congress. To a certain extent they were political measures. The fortunes of the two bills were tied together. The bills for the admission of Colorado and New Mexico passed the House at the same time and by practically the same vote. The bills then went to the Senate together. There was a decided opposition in the Senate then, as there is now, to the admission of new Western States.

It was the plan to amend them in the Senate and trust to the House, under the rules then existing, to prevent them from being brought to a final vote. They passed the Senate together, were amended in identical particulars and passed the Senate by the same vote.

The two bills as amended were sent back to the House. The last day of the Forty-third Congress was approaching. Both bills went to the Speaker's table, instead of being referred to the committee, and by arrangement they remained there to be called from the table and passed when the propitious moment arrived. But it required a two-thirds vote to secure that result.

About a week before the close of Congress, while the force bill of that session was under discussion, the now Senator from Michigan [Mr. BURROWS], then a Member of the House, made a speech that for eloquence and arousing partisanship has rarely been excelled. I was standing behind the rows of seats while that speech was being delivered. So powerful and overwhelming was the eloquence of the now Senator from Michigan that when he concluded there was a universal burst of applause from the Republican side of the Chamber, in which the galleries strongly united. My friend from West Virginia, the then Delegate from New Mexico, was standing close to the speaker when he concluded. He was then as now intensely Republican, more emotional then than now, and, carried away by his feelings, he was among the first to rush to the Representative and seize his hand and congratulate him upon the power and splendor of his address.

Mr. President, on the other side of the Chamber were numbers of Democrats aroused to high resentment as the Member from Michigan proceeded with his speech. While it aroused the enthusiasm of the Republican side of the House, it deeply angered the other side. When some of the Democrats, who had stood by New Mexico and Colorado for their admission into the Union, witnessed the then Delegate, Mr. ELKINS, rush to and congratulate Mr. BURROWS, they clenched their teeth and mentally said, "Wait until your bill comes up, and we will pay you for this demonstration."

Mr. President, the scene shifts to the last night of the session. It was about 2 o'clock in the morning. Mr. Blaine was Speaker. It had been prearranged with the Speaker that at the proper time a motion would be made to take the bill for the admission of Colorado and then the bill for the admission of New Mexico from the Speaker's table, to concur in the Senate amendments, and put the bills on their final passage. At the time agreed upon a Member rose. He was recognized by the Speaker, Mr. Blaine, and moved that the bill for the admission of Colorado be taken from the Speaker's table, the amendments concurred in, and the bill put upon its final passage. A roll call was ordered; the two-thirds vote necessary was given, with five or six additional votes; and Colorado became a State in the Union, awaiting only the signature of the President to the bill.

Immediately the same Member rose and moved that the bill for the admission of New Mexico be taken from the Speaker's table and the amendments concurred in and the bill passed. A roll call was ordered, but enough of the Democrats whom the Senator from West Virginia, then a Delegate, had so incensed voted against New Mexico, and it lacked a few votes of the necessary two-thirds. Had it not been for Mr. ELKINS's impulsive congratulation of Mr. BURROWS New Mexico would have received every vote that had been cast for Colorado.

So from that day to this New Mexico has been a Territory, while Colorado has been enjoying all of the benefits of statehood; and the Senator from West Virginia, realizing that New Mexico had lost the fight he had struggled for years to win and that it could not be successfully renewed for many years, changed his domicile, and has been honorably representing the State of West Virginia in this body almost ever since.

I mention this historical fact, Mr. President, for the purpose of showing that thirty-three years ago, had it not been for so trifling a matter as congratulating another on a fine speech, New Mexico would have been a State now for more than thirty-three years. On what a slender thread hangs the fate of States!

If New Mexico was fitted for statehood thirty-three years ago,

in the opinion of the House of Representatives and of the Senate of the United States—and it must be believed that both Senators and Representatives acted conscientiously at that time—why is not New Mexico fitted for statehood at this time? Why should it be thrown in the teeth of the people of New Mexico that they are so lacking in intelligence, in industry, in morals, in education, and material prosperity that in the year 1906, notwithstanding statehood was practically pledged in the treaty of Guadalupe Hidalgo in 1848, they are not yet fitted for statehood?

But, Mr. President, why does Arizona now object to a union with New Mexico in statehood? As I suggested, it has its own history and its own achievements. The Senator from Indiana [Mr. BEVERIDGE], in a speech he made in the last Congress, called the attention of the Senate to the State of Texas, a great imperial State that had a right to be divided into five States and be represented on this floor by ten Senators, and yet it declined to accept that privilege. He referred to California and the other great States, and because those great States would not be divided, he insists that Arizona and New Mexico should not object to being united.

Suppose some one should suggest to the Senator from Indiana that Indiana and Illinois were too small and should be united as one State, or that Ohio and Pennsylvania should be united as one State; suppose some one should suggest to the Senator from Kansas [Mr. LONG] that Kansas and Colorado should be united as one State; if there were serious danger of the accomplishment of either the one proposition or the other, the people of every one of those States would be up in arms ready to resist it with force, if necessary.

Mr. President, when a people have lived together for many years, when they have built up the institutions of their State or Territory, when they have shared the common dangers and have earned the common glories, there are feelings that will unite them and prevent them from being disunited. Such is the case with Texas, such is the case with California and other great States. But how different is that from taking two Commonwealths, let us say, for illustration, two great Territories, with a half century of history behind each, each entitled to separate statehood, each having fought and suffered and endured the dangers and privations of building up their country for half a century in expectation of ultimate separate statehood, then seek to unite them as one State by force! You would arouse precisely the same resentment, the same feeling of abhorrence that would exist should the attempt be made to unite two States that had been free and independent for a half century.

So, Mr. President, there are reasons quite independently of the act of 1863, quite independently of the uniform practice of Congress in the creation of Territories and the admission of such Territories as States, why Arizona objects to being united with New Mexico in statehood. The Senator from Indiana gave reasons strong, eloquent, comprehensive, and overwhelming. Let me call the attention of the Senate to the report made by the majority of the Committee on Territories to the Fifty-seventh Congress, of which the Senator from Indiana is chairman, in which report the conditions in New Mexico and Arizona were dealt with most exhaustively. First, let me read what the report says about the population of Arizona, and then what it says of the population of New Mexico. It says:

> Arizona has a population of 122,931 (census 1900). Of these the considerable majority are Americans, as distinguished from the native or "Mexican" population, although nearly 30,000 (28,931) are "Mexicans."

That is, there are about four Americans to one Mexican in Arizona according to the census.

> Schools are conducted in English with few or practically no exceptions, and, while interpreters are used in the courts, it is to a limited extent, compared with New Mexico.

Then the report says as to educational progress of the Territory of Arizona:

> As to the educational progress of the people of the Territory, taken as a whole, it may be considered fair. Of course, in towns like Prescott (population, 3,559), or Phoenix (population, 5,554), or Tucson (population, 7,531) the schools are altogether admirable. School buildings in these three towns compare favorably with much larger towns even in the best portions of the entire country. It is also true that nowhere in the Republic are to be found men and women of higher quality in all that makes good citizenship than the people in these localities.

Such was the testimony not only of the Senator from Indiana in the last Congress, but of the entire Republican membership of the Committee on Territories.

Mr. BEVERIDGE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Indiana?

Mr. PATTERSON. With pleasure.

Mr. BEVERIDGE. I will italicize the force of what the Senator is saying when he reads from and comments upon that portion of the report by pointing out that in the last session, when I was closing the debate upon this question, I again affirmed my high regard and exalted esteem for the people living in those two towns in the Territory of Arizona and living elsewhere throughout those Territories. I am particularly glad to do it, Mr. President, in view of the fact that because a man has taken a position upon a question of statesmanship it has been represented in private conversation and elsewhere that he has slandered the people of those Territories.

I am very glad indeed to italicize what the Senator is saying, and every word he reads, and to tell him that I said it not only there, but that I have said it elsewhere at other points and in the debates upon this floor; but, Mr. President, that is no reason for statehood. There must be quantity as well as quality.

Mr. PATTERSON. Mr. President, I knew the Senator from Indiana would italicize what he had said two years ago about the people of Arizona, for I doubt if there is a more intelligent, a more patriotic, a more industrious, or a more ambitious people to be found upon the face of this continent than is the population of Arizona, and that population, according to his own figures and the census reports, stands about four to one—four parts being what is denominated "American population" and the one being "Mexican."

Now, Mr. President, we will go to his statements about the people of New Mexico. You will discover that there is a vast difference in the quality of the people of the two Territories, according to his report. It says:

> The great majority are native New Mexicans of Spanish and mixed Spanish and Indian descent, and of these practically all speak Spanish in the affairs of daily life, and the majority speak nothing but Spanish.

That of itself would be almost enough to compel the people of Arizona to refuse voluntarily to be added to New Mexico as a State; but, he continues:

> Courts are conducted through the medium of an interpreter, and it is impossible to conduct the machinery of justice without this official.

Then he continues:

> The interpreter interprets the testimony of witnesses to the jury, the argument of counsel to the jury, and the charge of the court to the jury.

That is the way justice is administered in the Territory of New Mexico—foreign-speaking juries and lawyers compelled to address juries through interpreters. You will find a little further on that the court is often compelled to send some person who speaks both Spanish and English to the jury room to let the jury know what the testimony was. According to the testimony of the Senator from Indiana and the other members of the committee:

> Occasionally the interpreter must be sent by the judge to the jury room in order to enable the jury to reach a verdict, since it sometimes happens that some of the members of the jury are English speaking, some Spanish speaking, and no member of the jury can speak both languages.

A little further on he says:

> In the majority of cases it is true that some member of the jury is able to speak both languages and can then act as interpreter for the others.

Mr. BEVERIDGE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Indiana?

Mr. PATTERSON. Of course.

Mr. BEVERIDGE. I will not ask the Senator any further questions, because I do not wish to take up the Senator's time, but I will ask this one: Did the Senator from Colorado indorse that report when it was made to the Senate upon the bill then pending?

Mr. PATTERSON. Mr. President, so far as I am concerned, from my observance I think the Senator from Indiana, through want of information or for some other reason, exaggerated the condition.

Mr. BEVERIDGE. The Senator, then, did not——

Mr. PATTERSON. I am simply attempting, now, to give the reason why the people of Arizona declined to be annexed in statehood to the people of New Mexico as stated under the solemn obligations of a Senator of the United States by the Senator from Indiana, the six members comprising the majority of the committee uniting with him.

Mr. BEVERIDGE. Mr. President, the Senator evades the question. I ask him again, Did he then indorse the report from which he now reads?

Mr. PATTERSON. I have answered that question, and I do not have to answer it again.

Mr. BEVERIDGE. No; I do not think the Senator in fairness has answered it.

Mr. PATTERSON. Then I will answer it again. I believed and felt from my personal knowledge that there was a grave exaggeration at that time by the majority of the committee in dealing with the people of New Mexico.

Mr. BEVERIDGE. Then the Senator did not at that time indorse the report?

Mr. PATTERSON. Well, the Senator ought to be content with what I have said.

Mr. BEVERIDGE. Has the Senator changed his belief from that time until now?

Mr. PATTERSON. The Senator is now quoting the Senator from Indiana. Let me ask the Senator from Indiana——

Mr. BEVERIDGE. The Senator can not quote the Senator from Indiana with approval one day and with disapproval another day, when on both days he quotes exactly the same words.

Mr. PATTERSON. Mr. President, I am simply quoting the Senator from Indiana without approval or disapproval. I credit the Senator from Indiana with stating in this report and elsewhere what he honestly believes were the conditions, and I am not now affirming my own views. But will the Senator from Indiana answer this question: Did he believe, when he made these statements, that the statements were true?

Mr. BEVERIDGE. I suppose the Senator will hardly put that question to me or to any other Senator.

Mr. FORAKER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Ohio?

Mr. BEVERIDGE. I will answer the Senator from Colorado, though, of course, Mr. President, such a question requires no answer. We all know that every member who signed that report believes what it says.

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Ohio?

Mr. PATTERSON. Certainly.

Mr. FORAKER. What I want to know is not whether the Senator from Indiana believed at the time he wrote that report what he said. We all know he did, or otherwise he would not have written it. But does he believe it now?

Mr. BEVERIDGE. Yes, Mr. President, I believe it now concerning the conditions when it was written. I believe it now as modified by the conditions that have since occurred. I do not want, Mr. President, to take up any more of the Senator's time, but I will say this: I think the Senator is using the time very well in reading from the report which I had the honor to draw, but when he reads certain statements concerning certain things and then applies them to an entire Territory as though that were all the committee had said concerning that Territory, and then takes up something else which is derogatory concerning portions of any Territory and applies that to the rest of the Territory without reading the whole thing, he hardly informs the Senate or does himself full justice. I am not going to suggest to the Senator that he shall read all of the report, since it is somewhat extensive, and as he is to close the debate on that side this afternoon I will apologize for asking him a question concerning his consistency on this subject.

Mr. PATTERSON. I will now read what the Senator says about the character of the people, both Mexicans and white, or I will do so if I am given the time.

Mr. BEVERIDGE. I do not want the Senator to occupy too much time.

Mr. PATTERSON. Now I will continue. The Senator further says in the report:

> In political campaigns almost all political speeches are made either in Spanish or in English through an interpreter, and interpreters are used in practically all (it may even be said in all) political conventions.
>
> An interpreter was used in the last Republican Territorial convention, which nominated the present Delegate to Congress, and nominating speeches were made through that medium.
>
> An interpreter is used in the legislature, and both council (senate) and house have official interpreters.
>
> Until recently (historically speaking) no English was taught in the common schools. At present both Spanish and English are taught in most of the schools.
>
> Spanish is taught through the second reader and no further, because a person who has learned Spanish sufficiently to go through Manella's Second Spanish Reader can speak and write that language fluently, and no further instruction for practical purposes is necessary.
>
> In some schools Spanish is taught exclusively; and history, arithmetic, and geography are translated from American text into Spanish.
>
> In some high schools, such as the high school at East Las Vegas, the "American" town, as distinguished from Las Vegas proper, the so-called "Mexican" town, Spanish is taught only in the last two years of the course, *and the reason it is taught in these higher grades is because the graduates must understand that language for the active affairs of daily life.*

So that when you annex Arizona and New Mexico the first thing you must do is to establish schools to teach the Arizonians the Spanish language, in order that they may engage with the rest of the population in the active affairs of life. The Senator says further:

> Of all schools (save, probably, the high schools at Albuquerque and East Las Vegas and the purely "American" towns of Carlsbad, Roswell, and Rowan) the children at play during the recess or going home from school speak Spanish instead of English.

I might read many other things, but I will skip some. But to quote the Senator on the subject of illiteracy in New Mexico:

> The remainder of the 195,310 people in New Mexico are called in that Territory "Americans," as contradistinguished from the class above spoken of, who are there termed "Mexicans." But the "Americans" are made up from every other nationality except Mexicans. Germans, Italians, French, and all other nationalities are called "Americans." And yet of the entire population of New Mexico 33.2 per cent are illiterates—that is, *that portion can neither read nor write Spanish, English, or any other language.* (Census of 1900.)
>
> *If the test of illiteracy were confined to the English language only, the committee is of opinion that the percentage of illiterates would be much more than doubled.*

So that, according to the testimony, if the test of illiteracy is to be confined to the English language, 66.4 per cent of the population of New Mexico are illiterate.

Now, Mr. President, I want to read what the Senator says about the Americans. I want to read, as I said, all that he said about the Mexican and the American population. This is his estimate of the American population:

> As to the remaining, or "Americans," some of them are not as good citizens as the Mexican element. (Testimony of Judge Mills, p. 2.) Such are the "riffraff," to use the expression of United States Judge Mills (testimony, p. 1), who first follow the introduction of railroads, and certain other elements always seen on any country's extending frontier, but these are, of course, disappearing. The majority of "Americans," however, are good material for citizenship, and of a large number of them absolutely too much can not be said.
>
> Aside from these towns, practically all development is Mexican. For example, the Mexican population universally live in adobe or mud houses, just as they did a hundred years ago. Even in the capital city of Santa Fe practically all the residences and most of the schools are in these earth structures. These houses are built of mud (sometimes plastered), of bricks of sod (this is not the true adobe house, however). These to-day resemble to a striking extent the common and usual homes of the Chinese people, both in city and country.

That does not require any comment. It is with people such as he describes that the Senator from Indiana proposes to force the people of Arizona into an unwilling alliance.

Now, let me read his estimate of the moral caliber of the New Mexican, of his indifference, his ignorance, and gullibility. This is an interesting description:

> It is the further belief of the committee that a large portion of the people are indifferent to and ignorant of the question—

That is, statehood. Now, think of it, Mr. President. Here is the all-absorbing question of statehood—statehood for a Territory with a population of somewhere between 200,000 and 300,000; statehood for a Territory that has been seeking statehood now for more than sixty years. If there is a question upon which a people, however ignorant, should be informed, it is that of statehood when they had been seeking it for sixty years. But I continue reading from the Senator's report:

> It is the further belief of the committee that a large portion of the people are indifferent to and ignorant of the question. (Testimony of Martinez Amador, p. 105.) If it be said that they voted in favor of it, the answer is that nothing is easier than to appeal to a people like the native New Mexican with a statement that there is something which he has not (and which will be of value to him) in order to make him desire it, without understanding in the least just what it is that he is deprived of.

This, Mr. President, is the character of the people of New Mexico as outlined, painted in, and described by the Senator from Indiana and the majority of that committee; and these are the people with whom they are seeking to force the people of Arizona into an alliance with. Will the Senator say that the people of Arizona are not justified, taking what the Senator from Indiana says to be true, in saying, "No; we would rather remain outside of the Union for a half century than be forced into the Union as a State with such a population as this to overwhelm ours with the mere weight of numbers."

Why, Mr. President, here is a population of 250,000, a majority of them Mexican and Spanish people, and here is a population of 125,000 or of 150,000, three out of four speaking the English language. What show would the people of one section have in contest with the people of the other? Sending their representatives to a general assembly in which, according to the report, two-thirds of those from New Mexico would be Mexicans, how would such divergent peoples get together in establishing schools and other institutions, institutions to fit a live, wide-awake, progressive, aggressive, and ambitious American population?

But, Mr. President, the people of New Mexico no more want joint statehood than do the people of Arizona. I will send to the Secretary's desk and have read resolutions that were adopted by the Republican central committee of the Territory of New Mexico upon this subject.

Mr. BEVERIDGE. I have no purpose to hasten the Senator at all, but I desire to call his attention to the understanding that the Senator was to go on after the morning business, and that at 2 o'clock, or as near that time as possible, I should be allowed to take the floor.

Mr. PATTERSON. I will soon be through.

Mr. BEVERIDGE. I do not want to cut the Senator off, but

I suggest that if the paper will consume much time in being read, it may be printed in the RECORD without reading.

Mr. PATTERSON. There was some interference with the understanding and arrangement, as the Senator from Indiana knows.

The VICE-PRESIDENT. Without objection, the Secretary will read as requested.

The Secretary read as follows:

[Republican central committee of New Mexico.]

At a regularly called meeting of the Republican central committee of the Territory of New Mexico, held at Santa Fe, November 10, 1905, at 3 o'clock p. m., the folowing resolution was passed by a vote of 29 ayes to 6 nays:

"This committee, representing the sentiment of the Republican party of this Territory, renews its declaration in favor of single statehood. The proposition of joint statehood never emanated from the people of either this Territory or the Territory of Arizona, and the majority sentiment of the people of both Territories is decidedly against it.

"We look upon the joint statehood measure, so far as it affects this Territory, as an attempt at legislative coercion. We again invite the attention of the National Congress to the repeatedly expressed sentiment in our national and Territorial conventions of the two great political parties in favor of single statehood for this Territory, and express the hope that our Territory will get a square deal, and be honored with an early admission as a State within its present boundaries."

I hereby certify that the foregoing is a true and correct copy of a resolution passed by the Republican central committee on the date above given, and that the vote on the same was 29 for and 6 against its adoption.

H. O. BURSUM,
*Chairman Republican Central Committee,*
*Territory of New Mexico.*

Mr. PATTERSON. Mr. President, I have here an interview, clipped from the Washington Post of this morning, with Francis G. Tracy, of Carlsbad, N. Mex., at the Riggs House, in which, in the most unmeasured terms, he denounces joint statehood in behalf of the people of New Mexico. I will not take up time by reading it, but ask that it may be inserted in the RECORD as a part of my remarks.

The VICE-PRESIDENT. Without objection, it will be so inserted.

The article referred to is as follows:

"As a citizen of New Mexico, I'd like to say a word on this statehood question," said Francis G. Tracy, of Carlsbad, N. Mex., at the Riggs House.

"It has been repeatedly stated in Washington that the people of New Mexico are clamoring for joint statehood. I know this to be untrue. With our people there is the serious question of the great size of the proposed State, the inaccessibility of large portions of it, the difficulty of communication, and the lack of homogeneousness of the population.

"I live in southeastern New Mexico, and I can reach Chicago easier and only a few hours later than I can get to Santa Fe. The cost is about the same.

"We of eastern New Mexico know nothing of the people of Arizona and they know as little of us. My home is in the Pecos Valley, the great American settlement of the Territory, where the population has been doubling annually for several years. This is the part of the Territory that Senator BEVERIDGE and his colleagues passed through in the night. Here are more than 100 miles of irrigated farms, orchards, vineyards, the greatest flowing artesian wells in America, if not in the world; two big Government irrigation projects, and the promise of a population as dense as that of southern California. Mr. BEVERIDGE would not stop to look at this lest his argument for the future growth of our Territory could not be based on the census of 1900, in face of the facts that he and his colleagues would have to admit.

"There is scarcely an unprejudiced or fair-minded man in America who will not agree that the English-speaking people of New Mexico and Arizona ought to have the right to vote separately whether they want statehood at all upon such terms as the Hamilton bill proposes. It is the vote in New Mexico which is expected to bring in Arizona against her will, and it is the enormous land grants—20,000,000 acres—which are expected to influence the New Mexican politicians who control the native vote. Afterwards the Anglo-Saxon is supposed to look out for himself."

Mr. PATTERSON. Mr. President, a statement contained in the resolutions of the Republican Territorial central committee is pregnant with suggestion. It is that the idea of joint statehood did not originate with either the New Mexican people or with those who reside in Arizona. Joint statehood for New Mexico was not even thought of in the Fifty-seventh Congress. The House of Representatives passed the act admitting Arizona and New Mexico as separate States. That bill came to the Senate, and, even in opposing that measure, no suggestion was made that Arizona and New Mexico should be united into a single State. The measure was fought during the entire session upon the theory that neither one Territory nor the other was fitted for admission into the Union. Then will the Senator from Indiana tell the Senate where this proposition for joint statehood originated? Is it his child, or was it born of some Member at the other end of the Capitol? Will he kindly tell when it originated, what was its purpose, and what was sought to be accomplished? Did those who first gave it life and have since adopted it realize at the time that in insisting upon joint statehood for those two Territories they were flying in the face of a solemn compact existing between Congress and the people for more than sixty-three years, that such a thing as that should not be done, but that the government of Arizona should continue until the people applied for admission as a State into the Union? Are either sectional or political emergencies or exigencies so great that this solemn pledge must be disregarded and a thing done in the creation of a State that has never before been done by Congress in all the history of the Union?

Mr. President, so far as I am concerned, I protest against the commission of this grave moral crime by the Senate of the United States. I insist that the pledge made to the country by a solemn act of Congress shall be kept by all succeeding Congresses, unless some stronger reason than in this case is shown, unless there is a preponderating reason existing, one that affects the life of the nation itself; otherwise the compact must be kept. Unless the people of Arizona are permitted to say at a free and untrammeled election whether or not they are willing to be joined in statehood with New Mexico, or whether they will insist upon the pledge given by Congress being carried out, then it is the duty of every Senator to vote against the measure. If the people of Arizona are permitted to vote, and will say: "Yes; we are so anxious for statehood that we will unite with New Mexico," then I ought to be content; but even then I feel that a gross wrong would be done to the minority of the people of Arizona and also to the people of New Mexico. The adoption of the amendment offered by the Senator from Ohio [Mr. FORAKER] is a proper solution of the controversy. Before a constitutional convention is called the question shall be submitted to the voters of each Territory as to whether they favor the joint-statehood proposition. That will be in strict accordance with the act of 1863. The good faith of Congress and the good faith of the Senate require that that pledge shall be religiously kept, either in the way proposed by the Senator from Ohio or in some way that is its full equivalent.

I apologize to the Senate for occupying so much of its time, but feel that the importance of this question has justified me in doing so.

Mr. BEVERIDGE. Mr. President, the Senator from Colorado says, as though it were a noteworthy fact, that the idea of joint statehood did not originate with the people of either Territory. Why should it? Statehood is not a question to be settled by the people of the Territories alone; it is a question for the nation to settle. It is not a local matter; it is a national matter. It is not a temporary arrangement for the benefit alone of the people living in these Territories; it is a permanent arrangement, which fixes their relation and that of their posterity with all the multiplying millions who shall live in this Republic till the end of time.

STATEHOOD A NATIONAL QUESTION.

So, Mr. President, we can not deal with this matter as though it were an affair of district or state politics or the interests of friends whom we should like to accommodate, or even the temporary views of the people of the territories. We, as Senators of the United States, can look upon this question only from the view point of the Nation, whose Government is forever affected by it, and of all the American people, whose interests now and for all time to come are vitally concerned.

Mr. President, when Congress creates new states out of "territory belonging to the United States," to use the exact language of the Constitution, the people living within those boundaries cease to be local communities and become national commonwealths. They begin not only to completely govern themselves, which is important; but they also begin, and forever continue, to aid in the government of the remainder of the Republic, which is more important. When a new state is created, it is instantly endowed with indestructible power over every citizen that anywhere dwells beneath the shadow of our flag. Therefore, because a state helps to govern the remainder of the Nation forever, the question of its creation should be left to Congress.

LOCAL SENTIMENT NOT A TRUE GUIDE.

Congress acts, or is supposed to act, from the view point of the Nation; the people living within the territory naturally and necessarily act from local and temporary considerations. Congress represents, or ought to represent, the settled views of the whole people of the Republic. The people in the territories necessarily, naturally, and unavoidably represent local, personal, selfish, and changing opinions. For example, three years and a half ago, when the Committee on Territories reported the bill to admit Oklahoma and the Indian Territory as one state, it was then met with a bitter hostility, as the Senator from Minnesota [Mr. NELSON], who reported it, can testify. But it has since won the approval of nearly every thoughtful and patriotic man. When that bill was proposed, the people of those two territories were almost unanimously against it. To-day the people of those two territories are almost unanimously for it; a change in view on the part of a million and a half in-

telligent American citizens in three years as to what was best for them in that locality.

And so we see there, Mr. President, from an illustration immediately before us, that the opinion of the people living within a territory as to statehood—as to that unchangeable condition which must last forever—is necessarily too temporary, too local, too interested, and therefore too changeable to be any sort of a guide in telling the Congress of the United States what it should do in such vast business.

POWER OF CONGRESS TO CREATE STATES UNLIMITED.

Mr. President, it was for these reasons that the Constitution gave Congress absolutely unlimited power over the creation of new states. The Constitution does not contemplate that the people living within the boundaries of the proposed new state shall be consulted at all. If the Constitution had considered this a local matter and not a national matter, it could have added seven words which would have settled the whole controversy. The Constitution now reads:

New states may be admitted by the Congress into this Union.

If the fathers who drafted that instrument had meant that the people living within the territory should be consulted about it, they would have added seven words and made the Constitution read:

New states may be admitted by the Congress into this Union *with the consent of the people thereof.*

But the fathers refused to write those seven words into the Constitution and left Congress the sole and absolute arbiter of the destiny of "territory belonging to the United States."

CUSTOM OF CONSULTING PEOPLE WISE AND AMERICAN.

But, Mr. President, while this is true, there has grown up a custom of consulting the people living in the territory within the boundaries of the proposed new state upon the question as to whether or not they will accept the invitation of the Nation into full membership in the republic. It is a wise custom, an American custom, and one which meets my hearty approval, as I have no doubt it meets the hearty assent of every American citizen.

Mr. PATTERSON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Indiana yield to the Senator from Colorado?

Mr. BEVERIDGE. I am very glad to.

Mr. PATTERSON. I do not intend to interrupt the Senator very much, but the clause of the Constitution to which he makes reference is an interesting one—that Congress may admit new states into the Union. Does not that imply upon the application or with the consent of the people of the territory?

Mr. BEVERIDGE. Not at all; quite the reverse.

Mr. PATTERSON. One word more. Congress may admit new states. Suppose Congress insists that there shall be a state in the Union against the will of the people; who is going to coerce the people of the state into operating and acting as citizens of a state? There is no coercive power; therefore there must be consent.

Mr. BEVERIDGE. There is absolutely no question whatever of the power of Congress to create a state out of territory belonging to the United States, and to admit it, no matter what the people may say. A custom has grown up to consult the people, but it is a custom which is so American, which is so in accord with the genius of our institutions, that everybody accepts it. But the Constitution did not so put it. The Constitution left it in the hands of Congress for undoubtedly wise and far-seeing reasons, which it is not necessary now to take time to discuss, though I will cite one.

It is conceivable that a community of people might be living within "territory belonging to the United States," living under peculiar institutions, enjoying the protection of our flag, and yet who did not want to come into the full membership of the Union. There is no question whatever that Congress would have power to make that a state. But the discussion on this point is more or less academic, and was brought out by the remark of the Senator from Colorado. Since the Constitution can almost always be said, except in extraordinary cases, to be interpreted by a long continuous custom——

Mr. PATTERSON. I wish to interrupt the Senator simply to elucidate the constitutional proposition that Congress may, whether the people of a territory desire it or not, make the territory a state. Suppose Congress should, as in this case it does, declare that a certain area of the territory of the United States shall be a state and should order an election for members of a constitutional convention to form a constitution. What power is there in the Federal Government to coerce the people into electing delegates to form a constitution?

Mr. BEVERIDGE. It would be quite within the power of Congress, under the power given—

to make all needful rules and regulations respecting the territory belonging to the United States—

to provide all laws that might be necessary. But no person could compel the people to elect Senators or Representatives under it. If all the people united in not doing it, it could not be done. It would be a state de jure, but not de facto.

But the Senator's hypothesis is unthinkable. It is unthinkable that there will be in any community large enough to be a state an absolute unanimity of opinion upon that subject. There would always be somebody to vote for the Senators and the Representatives which Congress, in creating the new state, provided for. While this academic discussion is interesting, time flies, and, as I said, it perhaps is not greatly pertinent, except to show that, in the opinion of the fathers, the question of creating a state is a question for Congress to settle and not for the people of the territories to settle. Let me reiterate for the third time that the custom has been unbroken since the Ordnance of 1787 until now to consult the people about it. And that is just what the bill does as it comes to us from the House.

BILL SUBMITS QUESTION OF STATEHOOD TO VOTE OF THE PEOPLE.

What does this bill provide for, Mr. President? First, it describes the boundaries of the proposed new state. Second, it describes the limitations of the constitution of the proposed new state. Third, it provides certain conditions, certain limitations, certain benefits that will be conferred upon the people of the new state. And then finally it submits to *a majority of all the people* living within the boundaries of the proposed new state the question whether or not they will accept the provisions of the bill.

But, Mr. President, those who oppose this measure are not content that a majority of *all* the people living within the limits of the proposed new state shall say whether or not they will come into the Union. They insist that a majority *of a small minority living in a portion* of the proposed new state shall control the opinion of *all* those living within its borders. Those who oppose this bill are not willing that all American citizens living within the boundaries of the proposed new state shall vote at one common general election, as though they were all common American fellow-citizens, but they insist that they shall vote at separate elections, as though they were citizens of foreign countries.

SHALL THE MAJORITY OR THE MINORITY SETTLE THE QUESTION OF STATEHOOD.

Those who oppose this measure take the position, and it was voiced in the argument of the Senator from Colorado [Mr. PATTERSON], that the people who live within Arizona and the people who live within New Mexico shall vote as though those territories were already states. I have heard and read in times past and recently something about states rights. I know in common with everybody else of the great history that clusters around that idea and has so limited and modified it that but a fragment of the original idea now remains. But this is the first time I ever heard of territorial rights.

Now, let us bring this down to a question of figures, Mr. President, and see where it leads us. There are in New Mexico and Arizona, to take a low estimate, something like 300,000 white people. Of these, 200,000 are in New Mexico and 100,000 are in Arizona. Both New Mexico and Arizona are within the limits of the proposed new state whose boundaries Congress in this bill fixes. The opponents of this measure insist that these 300,000 American fellow-citizens shall not vote together in a common or general election, but that they shall vote separately.

Now, if all these people voted, fifty thousand and one in Arizona would control the remainder of the entire 300,000 if it went the other way. But 50,000 is one-sixth of 300,000. So that, as the Senator from Kansas so lucidly pointed out the other day, we have the proposition, novel in American history, that in the proposed new state *one-sixth of its people shall control the destiny of five-sixths of its people as though they were foreigners.* Yet just that is what the enemies of this bill propose.

SHALL 10,000 VOTES FIX THE DESTINY OF 300,000 PEOPLE?

Let us reduce this to a question of votes, Mr. President, because to a question of votes at one time or another this great business comes at last. There was at the last election in Arizona, I think, something like 21,000 votes cast. A little over 10,000 votes is a majority of these. So if in the election which is advocated by the opponents of this bill 10,000 voters can be persuaded or purchased or cajoled or coerced, or in anywise, properly or improperly, influenced, they put an absolute veto not only upon the will of the other 350,000 people and the destiny of their descendants for all time to come, but they negative

also the will of the Congress that represents the entire American people.

Very well! There is one mining company in Arizona alone that employs 10,000 men, and it employs in all of its enterprises almost 10 per cent of the entire population of Arizona.

So, Mr. President, we see the nature of the proposition to "let the people of the territories vote separately," which upon its face seems so fair, so much like a "square deal," so much like common justice, but which is, after all, the very gravest of injustices to the people of the Nation and to the people of the territories as well. Mr. President, such a proposition was never heard of before in all the history of American state making, and I intend, before I am through with this argument, to examine it critically and extensively. But before we go to the question as to how the people should vote upon this measure let us examine some of the large questions of statesmanship for and against the measure itself.

## I.

### AFFIRMATIVE REASONS FOR THE BILL.

What are the reasons why we should create these two states out of this remaining contiguous "territory belonging to the United States" so that from ocean to ocean there shall hereafter be nowhere a single American citizen unrepresented on the floor of this Congress? Ah, Mr. President, there is a thought worth the attention of every Senator—*from ocean to ocean let there be no longer an American citizen unrepresented in the Congress that governs him.*

What, then, are the reasons for this measure? The committee does not come before the Senate with the bill passed by the direct representatives of the American people in the House of Representatives as an idle proposition or without reasons. Let us first take up Oklahoma and the Indian Territory. Very little need be said about that proposed state.

Mr. PATTERSON. Will the Senator from Indiana state what company in Arizona employs 10,000 men?

Mr. BEVERIDGE. Yes, sir; I will. I have it right here. It is in the House hearings. There is a statement from James Douglas, who is manager of the Copper Queen Consolidated Mining Company, which was presented to the House committee by one of the most earnest opponents of this bill, Mr. B. A. Fowler, one of the most honorable gentlemen I know. I disagree with him heartily upon this question, but I admit his high character and great intelligence. And the statement is made by Mr. Douglas himself that they (Phelps, Dodge & Co., owners of "The Copper Queen") "employ fully 10,000 men, about three-fourths of that number in Arizona and the balance on the railroads and in the coal mines in New Mexico; and," he goes on to say, "since more than 10 per cent of the population of Arizona is either employed in or dependent upon our various enterprises," he thinks they have a right to say what should be done down there on the question of state making, which affects every citizen of this Nation and the prosperity of all the citizens of this Nation to the end of time.

Mr. PATTERSON. Mr. President——

Mr. BEVERIDGE. Certainly; go ahead.

Mr. PATTERSON. Without raising any question of veracity as to anybody I only want to say that I am informed by one whose opportunities for knowing are of the best that the company employs about a thousand men in its mines and about fifteen hundred otherwise.

Mr. CLARK of Montana. Fifteen hundred in the mines.

Mr. PATTERSON. About fifteen hundred in the mines and about a thousand otherwise, making a total of about twenty-five hundred. I put that statement against the other.

Mr. BEVERIDGE. In answer to that I will merely say that this appears in the testimony of Mr. Fowler before the House committee at a public hearing, and is given upon authority and by one of the men of greatest weight and character in the entire Southwest. I do not know whether it is true or not, but I do know this, and shall discuss it a little later on, that considerable numbers of men are employed by the mining companies.

### GROWTH OF AN IDEA.

Now, a word about Oklahoma and Indian Territory. Very little need be said. Three years and a half ago the Committee on Territories proposed that idea. But it was then resisted with a fierceness and an unreasoning vigor which astonished every member of the committee. It has won its way since that time, and now is receiving the hearty applause of those who at one time attempted to defeat it.

This new state composed of Oklahoma and Indian Territory will make a state 11,000 square miles smaller than the state of Kansas, a state smaller than Missouri, smaller than Nebraska, smaller than South Dakota, equal about to the state of North Dakota. It is a parallelogram, like Colorado. It is an economic unit, balancing its waving fields of grain and its timber with its inexhaustible mines of coal, zinc, lead, and marble, and its wells of natural gas and oil.

This great economic unit and industrial unit was once a political unit. The present unnatural, absurd, zigzag, and bizarre boundary line is the result of accident, as I shall show before I get through with this argument, when I come to the question of territorial boundaries. This bill proposes to destroy that absurdity, that anomaly, and to inclose this noble dominion in the original boundaries which it once had.

When thus reunited Oklahoma will have a million and a half people, a people drawn from the best and bravest citizenship of this country in every section of the Republic, a people who in Oklahoma have grown rich and great, even under a territorial government; who in the Indian Territory have grown rich and great without any government at all, and who in both territories have surpassed in material and moral upbuilding every portion of this Nation in the same space of time.

### THE GREATER OKLAHOMA.

That is a broad statement, I know, Mr. President, but I make it knowing how broad it is. For it is an inspiring fact that civilization reached the climax of its effort in civic affairs in the making of the Greater Oklahoma of this bill. The American's capacity for self-government, his instinct for the building of a state erected there his noblest monument to free institutions. On wind-swept prairies, in savage forests, the sons and daughters of the Republic have created in the Greater Oklahoma of this bill a matchless commonwealth in a shorter space of time than was ever done before in all the history of this world before.

When they went there they had no habitations, these settlers of this great new land. They built them in a day—built them of the prairie's sod and of the forest's logs. They were rude huts to be sure. But the magic of the American woman, who always has helped the American pioneer carry American civilization into the Nation's waste places and wildernesses—the magic of this queen of the Republic transformed these rude huts in a moment, aye, in an instant, into American homes.

They had no food. Almost with the passing of a single sun they won it from the soil, and with the succession of the seasons, by systematic and untiring labor, they sent from their fertile fields food for the feeding of the Nation.

### THE BUILDERS OF GREATER OKLAHOMA.

They had no schools. Where the law permitted they built hundreds of schools at the common charge almost as quickly as they raised the rooftrees of their homes, and where the law did not permit they provided by private subscription for the education of their children.

They had no capital, no railroads. They compelled capital to look their way, seek their friendship, and pour its golden treasures at their feet. Capital, looking ever for those regions where multitudes of people must finally abide and great resources are to be transported, built railroads all over this splendid land; and these railroads were built not out of subsidies voted by the people, but out of the money of legitimate investors; not leaving behind a burden for coming generations to carry, as was the case in Kansas and Nebraska, but bringing an asset second only to the fertility of the land and the energy and intelligence of the people who developed it.

This great, splendid million and a half of American citizens have earned the right to statehood, and it should be given to them, not only as a matter of justice to them, but as a matter of justice to the Republic as well. For, Mr. President, when Oklahoma rises in the councils of the Nation her voice will be strong and commanding with the numerical equality of her sisters. Her interests are so varied, her industries are so numerous, that when her representatives address the American Congress or give advice in its committees or speak anywhere they will speak for a miniature United States itself, and that is the condition which Senators ought to represent upon the floor of this Senate instead of the condition which the Senator from North Dakota [Mr. MCCUMBER] spoke of this morning.

So, Mr. President, we find a practical unanimity in favor of the Oklahoma of this bill, *although three years ago it could not have mustered 15 votes on this floor and hardly any in the House*, and the people of the two territories were unanimously and vigorously against it. All were against it then; all are for it now.

### ARIZONA AND NEW MEXICO AN ECONOMIC UNIT.

What about New Mexico and Arizona? What are the reasons why these territories should be reunited and their original boundaries restored? In the first place they are an economic unit, an industrial unit, a unit as Oklahoma and the Indian territory are a unit. They are a unit in their productions—one supplying what the other does not have. For example, Arizona has copper, Ari-

zona has gold, Arizona has silver. New Mexico has very little copper and very little gold and silver. But Arizona has no coke or coal to smelt her copper; no coke or coal to work her mines. New Mexico has some of the best coal fields in the world. New Mexico has splendid material for coke. They raise in New Mexico the products of the Temperate Zone; in the southern portion of Arizona they raise the products of the Semitropical Zone. And so the people of those two territories when united—no, not united, but when reunited—will supply each what the other lacks and make an industrial unity as it will be a political unity.

VARIED INDUSTRIES FOUNDATION OF A PROSPEROUS STATE.

Second, they have when combined numerous industries. It has become a truism that no people can become prosperous and great whose resources are not varied, whose interests are not numerous. I should not want any state to be exclusively agricultural, any state to be exclusively mining, any state to be exclusively anything. The fundamental doctrine of the party to which I am proud to belong—and it has now become the faith of the entire country, so much so that there is no dispute about it any more—that if a people or a community are to be prosperous they must be diverse in their industries and make more numerous their resourses.

Very well. Arizona is chiefly a mining country. New Mexico has mining, too, in some respects, but she has grazing also; she has agriculture. But if you put the two together, you have a great state made up of a large number of industries instead of having two small states each largely made up of one industry, and in each of which one industry controls. It is not good for any commonwealth to be dominated by manufacturing industry. It is not good for any commonwealth to be dominated by the mining industry, or any other industry. But all industries ought to be so interwoven and interdependent that they will always be checks and safeguards upon each other and contribute to each other's strength and welfare.

So the second material reason for reuniting these territories, which once were one and which got along for twelve years as one and got along splendidly, considering their frontier condition, is that the new state will have varied industries and varied interests.

SHOULD NEVER BE TWO STATES; NOW PREPARED TO BE ONE STATE.

I think it is now conceded by most that these two territories should not at present be two states, and that they should never be two states as long as present conditions continue. There must be more people.

Mr. President, the question is whether we are going to have two states or one state permanently out of these territories. Speeches have been made here during the last three years, and repeated here recently—and we would have been very glad three years ago to have had all the help on that proposition that we could get—to show that these two territories ought not to come in as two states, because they lack the necessary number of people to make their admission a matter of justice to the rest of the Nation.

Three years ago we of the committee, supported gallantly by the Republican majority, fought for that proposition to a finish. But we get no help from some who urged us on to combat when there was immediate danger of the admission of these territories as separate states and who now grow impassioned against separate statehood for these territories separately when there is no immediate danger. But let the inexplicable conduct of individuals pass. This is a national matter.

I propose to show a little later on in my analysis of the population of Arizona and New Mexico just what that population is. But I will now state the total number and then refer to the fact that so far as science now sees it can not be greater, as the comparative population of other parts of the Nation has grown greater.

LIMIT OF ALL POSSIBLE FUTURE POPULATION IN NEW MEXICO AND ARIZONA COMBINED.

By the last census and the governor's report there are in Arizona a hundred and twenty-three thousand people, of whom about 92,000 are white. In New Mexico, by the Governor's report, over 300,000 people, of whom the very greater percentage are white. These people are engaged in grazing or mining or agriculture.

We have heard beautiful dreams described concerning irrigation and the possibilities of the future. I took occasion last year to have made the most generous estimate which the wisest and best-informed scientist could give upon that subject, and I have found that in the territories of Arizona and New Mexico there is not now irrigated—and there never can be irrigated, so far as science, giving the most generous estimate, can tell—more than a million and a half acres. To show what this means I have had a diagram made, by which, in comparison with the whole area of both territories you can see just what that means. There, for instance [indicating], is the amount irrigated in the little black space, and here [indicating] is the amount that is irrigable in the territory of Arizona. Here [exhibiting] is a similar condition in New Mexico. Here [indicating] is the amount as to both.

POSSIBILITIES OF IRRIGATION.

It must not be thought that irrigation can be spread beyond the estimated amount here given. It must not be thought that this is a region of country where, by some sort of magic, rainfall can be made to increase; where the streams can be made to swell and flow steadily. They have had observations upon that subject for a good many decades, and the rain has not come in greater abundance nor have the streams permanently risen. It is the statement of the Geological Survey (and there are not a more friendly set of men in the world to irrigation) that—

As shown by the approximate estimate, it may be possible within the next decade or generation to bring under irrigation in these two territories 750,000 acres, or about one and one-half times as much land as is now irrigated.

Again:

There are in the more densely settled irrigated countries localities where the irrigated lands support a person to the acre, and with a million acres under irrigation in the future in these two territories it is only reasonable to expect that *there will be opportunities to furnish homes for a million white inhabitants,* a population as large as that now living in the *state of Nebraska.*

In other words, Mr. President, there are in these two territories now, if you grant the largest claims of those who are entitled to speak, perhaps, at the outside and extreme estimate, 400,000 people. There are in Arizona 92,000 white people. That is not enough to send one Representative to Congress. Very well, if the most extreme claims for all the plans of the Reclamation Service are carried out, if every spot that has been surveyed (*and every spot in the territories has been carefully surveyed*) should be irrigated and all the plans should be a success which now are problematical, nevertheless the amount of land that will be brought in under irrigation in the two territories will some future day support not more than 1,000,000 people at the outside. Such is the testimony of science.

Is that too many, Mr. President? If not, we must not admit them as two states, because they have too few people; nor should we wait, because the time never will come when there will be too many people.

LET NO AMERICAN CITIZEN BE UNREPRESENTED.

There is another reason why we should not wait. While I have resisted the coming into the Union of these territories as two states, I nevertheless profoundly sympathize with the view that where it is possible to do so in justice to the rest of the Republic there should not remain any large number of unrepresented American citizens in this Republic.

Mr. President, it is a pretty serious thing to keep 400,000 American citizens out of this Union. It is a pretty serious thing to tell them that because some absurd words were fraudulently introduced into the organic act away back fifty years ago (and I am going into that quite fully later on) they can not come into the Union as one state. It is a pretty serious thing not only to them but much more to the Republic itself to deny representation to the 400,000 American citizens living in these territories when for sixty years they and their ancestors have thus been living.

NEW MEXICO AND ARIZONA MIGHT LONG AGO HAVE BEEN ADMITTED AS ONE STATE.

Mr. President, there has not been in the history of this Republic a tutelage that long, *nor would it have been that long if the two territories had not been separated.* If they had remained in one terrtiory as they were up to 1863, when they were divided, *that territory would long since have been a state,* because no person could have resisted the appeal of 400,000 Americans or of 300,000 Americans to full citizenship in this Republic.

So first of all they must not be brought in as two states. Even the Senator from Colorado [Mr. PATTERSON] indorses that view, because he read with very great approval the report of the Committee on Territories upon that subject. It is approval on his part now, but it was disapproval then. However, I do not blame men for changing their minds.

MINING NECESSARILY TEMPORARY; STATEHOOD ETERNAL.

Mr. President, I have shown that irrigation is not a basis for a very greatly increased population. Neither is mining. The Senator from Montana [Mr. CLARK] appeared before a committee of the House and testified that a mine might give out at any moment, no matter how flattering its prospects. The statement of the governor of Arizona in one of the best reports that I have ever read is that whether a mine is short or long lived its continuous operation will sooner or later result in its

exhaustion. Then he goes on to a considerable extent to show that mining does not develop the resources of a territory or a state. Mining exhausts the resources of any region where it is practiced. One day there may be a great population. The next day that mine's life may be exhausted and the population leave. Population goes where work is.

Some three years ago, with a friend, I went to a deserted city. One year before it had been eager with the thronging life of 5,000 human souls, who were dependent upon a mine hard by. But when we went through it twelve months later the grass was growing in the streets, the windows were broken, and through them swept the howling wind. The doors hung upon rusty hinges and the homes of men had become the habitation of beasts. In one twelvemonth a population of 5,000 people had ceased to be, so far as that locality is concerned.

WHEN MINES GIVE OUT THE PEOPLE THEY SUPPORT DISAPPEAR.

The other day I read that the mountain which is opposite the hotel in Bisbee and which belongs to one of the mines, the Copper Queen—and there are those here who ought to know about that—had been exhausted. They had followed the veins of ore to their last extremity, so that the mountain which once teemed with richness and supported thousands of people was now only a network of empty tunnels of exhausted wealth. It was honeycombed with galleries from which all the ore had been extracted. And when that ore is gone the people go, if mining is the only industry. So, Mr. President, mining can not be said to be a basis of population.

After all, we have got in the end to come back to the soil and to the manufacturing of the articles which the soil produces. So these two territories should not come in as separate states. On the contrary, not only as a matter of justice to them, but, as I repeat for the third time, as a matter of greater justice to the Republic, they should be brought in because it is not good for any country to have within its borders nearly half a million citizens not participating in its government. I think there is not a Senator here, aye, or a spectator here, who has lived in a territory, who has stood without the gates of that city of civic Paradise called the American Republic and knocked for admission, who will not agree with me in the statement that it is an injustice longer to keep as large a number of people as that out of the Union.

So, on the one hand, it is clear we ought not to admit them as separate states, since that would be an injustice to the people of the remainder of the Republic; and, on the other hand, it is clear we ought to admit them as one state, because to do otherwise would be an injustice to the people of that state.

THIS BILL GIVES GREAT BENEFITS TO THE PEOPLE.

Mr. President, what is the next reason for bringing these two territories in as one state? First of all is the benefit to the people in the bill itself. This bill, during the progress of its development—for the bill is a development—has been perfected until it is one of the most generous measures of statesmanship ever proposed for any people. It proposes to give them $5,000,000 of school funds in cash. We are giving them four sections of land—poor land, it is true; but we endow the proposed state with an educational fund in keeping with the advancing educational ideas of the American people and in keeping with their generosity. That is one of the benefits to the people.

Under this bill the entire state debt, which is composed of the territorial debt of the two territories, can be funded, and the bonds can be bought by the board of education so that the debt of the state will be owned by the people of the state, and they will school their children out of the proceeds upon the interest of the debt which they themselves have purchased.

Mr. TELLER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Indiana yield to the Senator from Colorado?

Mr. BEVERIDGE. I do.

Mr. TELLER. While the Senator is discussing that point, I wish he would tell us why it is thought necessary to give these people the great bounty that was never given to any other State.

Mr. BEVERIDGE. I shall be very glad to do so. In the first place, Mr. President——

Mr. TELLER. Let me call the Senator's attention to the fact that no other state has ever been treated as the Senator says they propose to treat this state. I should like to know why this state is to have the benefit of provisions that have been denied to every other state that has been admitted.

Mr. BEVERIDGE. In the first place, the Indian Territory—don't interrupt me, please—I know that is not the one the Senator is talking about; he is talking about New Mexico——

Mr. TELLER. I am not talking about Oklahoma territory. I am talking about New Mexico and Arizona.

THE SCHOOL FUND PROVIDED BY THE BILL FOR THE NEW STATE.

Mr. BEVERIDGE. I understand that; but I am beginning with the other to answer the question fully. Indian Territory was without any school lands whatever. Oklahoma had been given a most generous school grant. Indian Territory was given $5,000,000 flat as an endowment to balance. When we came to examine the educational situation in New Mexico and Arizona, the quantity of land which was taken up for forest reserves, the quantity liable to withdrawal under the Reclamation Service, we found that even if we gave this new state as much land as was given to Utah, to wit, four sections, we would be giving it a very uncertain school equipment indeed, because no human being can say, with any approximation to the truth, what is the value of these four sections.

It is not as if we were creating a state that has not been settled for a long time. It is not as if we were creating a state where the lands were still open to settlement. As the facts show, valuable land has been taken by private land grants and that land which may be made valuable can be withdrawn under the irrigation act, which I think the Senator approves of, and other valuable land is in the forest reserves.

So, Mr. President, even giving four sections, as was given to Utah, we still endow this new state with a much more limited school fund than we endowed Utah with. So we made it up by making a cash appropriation, such as we made to the people of the Indian Territory. To have done anything else for those people would have been one of the greatest pieces of injustice we could have perpetrated upon them, because——

Mr. TELLER. May I interrupt the Senator?

REASONS FOR LARGE EDUCATIONAL GRANT.

Mr. BEVERIDGE. In just one moment. Because by and large the educational situation there is not only one of difficulty, but of very great importance. They can not depend upon the problematical value of acres and acres of sand, which some day may be valuable, but which to-day no human being could assess for taxation at anything like a fair approximation. That is why this money was given.

Mr. TELLER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Indiana yield to the Senator from Colorado?

Mr. BEVERIDGE. Certainly.

Mr. TELLER. The Senator from Indiana must know that since 1863 in Arizona there have been reserved the sixteenth and thirty-sixth sections. For fifty-five years there have been reserved in New Mexico the sixteenth and thirty-sixth sections. That is all that was ever reserved for any State heretofore. The Senator knows that fact.

He also knows the fact that the Reclamation Service does not withdrew the sixteenth and thirty-sixth sections from the territory when it becomes a state. He knows the Reclamation Service does not withdraw land and has no right to do it, and can not do it. The title is in the state or territory, for the territory takes just as well as the state to the sixteenth and thirty-sixth sections. Mr. President, the Senator has not yet told us—and I will venture to say he will not give us a satisfactory reason—why New Mexico gets 20,000,000 acres of land when other States when admitted to the Union got comparatively nothing.

Mr. BEVERIDGE. I am sorry that my reason is not satisfactory to the Senator. I have stated to the Senator the facts in the case, and the reason inheres in the facts.

Mr. TELLER. Mr. President, I should like to say that I think I know the reason, but the proprieties of this place prevent me from stating them.

AMERICAN POLICY OF EDUCATING AMERICAN CHILDREN.

Mr. BEVERIDGE. I do not know what the Senator means, Mr. President. I am stating the reasons that appealed to the committee. Every provision of this bill has been drawn with an eye single to the interests of the people of that territory and of the people of the United States, of which they are a part. One of the most beneficent provisions of the bill is that provision which endows them generously, I wish I might say richly, for the education of their children for all time to come.

I do not think the American people, the most generous in the world in educational matters, have been too generous. I call the attention of the Senator to the fact that from the very beginning of the history of this country as a Republic until now we have grown in our dealings with the question of education more generous every year. It has been the policy of increasing liberality. I think, perhaps, this is the first time that a voice has ever been raised in the American Congress against generously

providing for the education of the children of a proposed new state.

Mr. TELLER. Mr. President, I think I am entitled to say that I find no objection to a proper appropriation of the public lands for school purposes, but I believe the interests of the schools were not paramount when that policy was entered upon.

Mr. BEVERIDGE. Well, Mr. President, the Senator's reference is not understood or, if understood, it is not approved, to put it mildly. I trust the Senator will permit me to answer him courteously. You could not sell these lands immediately. If you sold the lands immediately you would sell them at a shameful loss, which would amount to a robbery of the people of that state. Nor can you lease these lands. They are mostly what are called "desert lands."

HOW COULD THE NEW STATE GET MONEY FOR ITS SCHOOLS EXCEPT AS PROVIDED IN THE BILL.

Where, then, Mr. President, I will ask the Senator, was this new state to have gotten its immediate cash available for the immediate necessities of its schools? They are not lands such as there were in Colorado and the Indian Territory, not lands such as there were in the state of the Senator from Ohio or my own, but they are lands which I have taken up a good deal of time in describing and in correctly describing, which can not be immediately sold without an injustice to the people, which amounts to robbery on the one hand, and which can not be leased on the other hand. Those are the reasons.

Mr. TELLER. Will the Senator allow me?

Mr. BEVERIDGE. Certainly I will.

Mr. TELLER. I will admit that these lands can not be sold now. Neither could the lands be sold in Colorado, Wyoming, Montana, or the Dakotas, and yet there were not such donations made to those states when they came in.

Mr. President, I deny that there is any necessity for any immediate donation of land to this state any more than to any other, because the territories of New Mexico and Arizona are able to maintain, and do maintain, schools suitable, proper, and necessary for the education of their children, just as all the western states have done in the very beginning of their existence as territories, not waiting for statehood for that purpose.

Mr. BEVERIDGE. Mr. President, as I have stated two or three times, the policy with reference to education in this country has been a policy of increasing generosity. It began originally with one section, then two sections. Utah got four sections of much more valuable land than this. The condition of Spanish land grants in New Mexico, to which the Senator from Ohio referred three or four years ago; the condition of the Reclamation Service, which is problematical, giving to these lands their full value—I say we are not dealing too generously. Speaking personally to the Senator, I will say that I believe in the most rigid economy. I think whenever a public representative is guilty of negligence on the question of economy, he is dealing dishonestly by his people. But believing as rigidly as I do in economy, I say, personally speaking, I would vote to give $5,000,000 to every new state that may be created. I do not think that you can too richly endow the educational equipment of a new member of the sisterhood of the American Republic.

GREAT STATE AND LOW TAXES; SMALL STATE AND HIGH TAXES.

Now, Mr. President, I want to go on to another reason, a substantial reason, for the creation of this new state. It has been said that it will be a large state. Well, Mr. President, it will. It must ultimately be either one state or two. All will concede that. We must take into consideration the welfare of the people themselves now and in the future as well as the views inspired by the interests of some ambitious men who live among them. *If you create a great new state, you have saved the people to-day and for all the future a large part of the expense of their state government.* You have reduced the burden of taxation which rests upon the people of the proposed new state if you make it a large state instead of a small one.

I have had prepared by the statistical department a list of the taxes, total and per capita state tax levied for 1902. I find a singular fact, that wherever a state has large numbers of people, and especially if it has a large area, its taxes, with one or two exceptions, are low. Wherever the reverse is true, its taxes are high. For example, Arizona per capita pays of territorial taxes $3.615; Minnesota pays 53 cents; New Mexico pays $3.57; New York pays 9.9 cents. Rhode Islands pays $1.454, and Pennsylvania pays 65.6. This last comparison shows that this great difference in taxation applies to old as well as new.

JOINT STATEHOOD MEANS ONLY HALF TAXATION.

*So if two states are made you double the taxes of the people.* If one state is made you divide the taxes of the people—you put upon their shoulders in the future *just one-half of the burden if you make these two territories one state that you put upon them if you divide it into two states, which the opponents of this bill wish to do.*

For example, Mr. President, the state of Texas has as its expenses for state government about $2,850,000. If Texas were divided into the five states, which it has a right to divide into, these expenses would be something like eight or ten million dollars. The people would have to pay per capita, as I have shown by this list—and I shall ask to include the whole list in my remarks—not one time, not two times, but three times, sometimes five times as much as they would have to pay if the state were as it is a consolidated Commonwealth.

The table is as follows:

*Per capita State tax levies for 1902.*

| State. | Estimated population, June 1, 1902. | State tax levy per capita. |
|---|---|---|
| Alabama | 1,831,757 | $0.827 / .861 |
| Arizona | [a] 122,931 | 3.615 |
| Arkansas | 1,348,242 | .375 |
| California | 1,181,641 | 4.171 |
| Colorado | 555,282 | 2.621 |
| Connecticut | 940,852 | .165 |
| Delaware [b] | | |
| District of Columbia | 288,384 | 10.487 |
| Florida | 556,966 | .875 / .925 |
| Georgia | 2,292,127 | .983 |
| Hawaii | [a] 154,001 | 7.550 |
| Idaho | 170,550 | 1.436 |
| Illinois | 5,020,550 | .896 |
| Indiana | 2,581,274 | 1.661 |
| Indian Territory [b] | | |
| Iowa | 2,295,845 | .955 |
| Kansas | 1,464,623 | 1.363 |
| Kentucky | 2,204,882 | 1.358 |
| Louisiana | 1,434,233 | 1.157 |
| Maine | 701,142 | 1.323 |
| Maryland | 1,217,174 | .899 |
| Massachusetts | 2,918,636 | .514 |
| Michigan | 2,475,448 | 1.079 |
| Minnesota | 1,813,814 | .530 |
| Mississippi | 1,603,604 | .908 |
| Missouri | 2,592,230 | .985 / 1.017 |
| Montana | 250,245 | 1.748 |
| Nebraska | 1,067,778 | 1.059 |
| Nevada | 42,335 | 5.541 |
| New Hampshire | 418,000 | 1.015 |
| New Jersey | 1,971,417 | .779 |
| New Mexico | 250,000 | 3.570 |
| New York | 7,525,042 | .099 |
| North Carolina | 1,948,982 | .373 |
| North Dakota | 337,930 | 2.434 |
| Ohio | 4,254,591 | 1.336 / .632 |
| Oklahoma | 401,134 | 1.413 |
| Oregon | 430,618 | 2.113 |
| Pennsylvania | 5,167,892 | .656 |
| Rhode Island | 445,166 | 1.454 |
| South Carolina | 1,366,718 | .704 |
| South Dakota | 396,871 | 1.344 |
| Tennessee | 2,071,226 | .552 |
| Texas | 3,210,312 | .517 / .494 |
| Utah | 290,307 | 3.172 |
| Vermont | 345,885 | .776 |
| Virginia | 1,893,824 | 1.171 |
| Washington | 548,081 | 3.618 |
| West Virginia | 998,002 | .791 |
| Wisconsin | 2,142,304 | 1.086 |
| Wyoming | 97,100 | 2.511 |

[a] Population in 1900. [b] No general state tax levy.

Mr. BEVERIDGE. This is the experience of the entire American Republic. So as a matter of economy it is wise for the people of those territories to be made into one state. Arizona the Great, and low taxes; Arizona and New Mexico separate states and high taxes.

Mr. McCUMBER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Indiana yield to the Senator from North Dakota?

Mr. BEVERIDGE. Certainly.

Mr. McCUMBER. Right upon that subject I should like to ask the Senator if the taxation—not per capita, but the taxation per dollar—is less in New York than it is in Maine or New Hampshire or Vermont?

Mr. BEVERIDGE. The taxation per dollar?

Mr. McCUMBER. Yes, sir; of property.

Mr. BEVERIDGE. Decidedly, Mr. President.

Mr. McCUMBER. Higher?

Mr. BEVERIDGE. The state taxes are decidedly higher where the population is small.

Mr. McCUMBER. I am not speaking of per capita, but upon the value of property.

Mr. BEVERIDGE. That is what I am speaking of.

Mr. McCUMBER. Are the state taxes less in the state of New York than in the state of New Hampshire?

Mr. BEVERIDGE. They are.

Mr. McCUMBER. How much less?

Mr. BEVERIDGE. I will give you the exact figures.

Mr. FORAKER. You mean per capita?

Mr. McCUMBER. No; I do not mean per capita; I mean on the dollar.

Mr. BEVERIDGE. Those are all the figures I have, but the same thing would undoubtedly be true.

Mr. McCUMBER. Oh, no; not necessarily.

Mr. BEVERIDGE. I think it would be true.

Mr. McCUMBER. Let me call the Senator's attention to the fact that in most of the Western states and in the mining sections, for instance, the value of property——

Mr. BEVERIDGE. I am going to come to that.

Mr. McCUMBER. Compared to the number of inhabitants is very much more; but what I want the Senator to state is whether the taxation that is paid upon property in New Hampshire and Maine and Vermont is greater than it is in the state of New York or any of the large states.

Mr. CLARK of Wyoming. Right in this connection, I should like to ask the Senator if it is not the universal rule to compute the taxation upon the assessed value instead of per capita?

ONE STATE HALF THE OFFICIALS AND HALF THE SALARIES; TWO STATES DOUBLE THE OFFICIALS AND SALARIES.

Mr. BEVERIDGE. No matter, this is a fair illustration. Note this further fact, which is the argument I am now making, that two state governments cost more than one. For example, there are in the state of Ohio about 500 state officers and employees, all told. For that matter offices are multiplying everywhere. The whole country is running to commissions. There is not a legislature that meets in a single state of this Union that does not create a lot of commissions, and all of them have salaries. These commissions are increasing every day. We are in an age where we have a craze for commissions. It is not a government any more by governors or legislatures; it is a government by commissions. All over the land there is a very great increase in the number of state officers and therefore in the expense of the state governments. *And if you divide Arizona the Great into two states you load upon the people* TWICE *as many officeholders and make the people pay* TWICE *as many salaries.*

II.

OBJECTIONS TO THE BILL CONSIDERED.

RACIAL DIFFERENCES.

Now, Mr. President, what are some of the reasons given against this bill? In the first place it is said that there is a difference in population. I have heard that more in the last two years than anything else. The cry which, perhaps, has had most influence has been, "It is unjust to load upon the Americans of Arizona the 'greasers' of New Mexico." "Greasers of New Mexico" is a title which is as offensive as it is unjust and untrue.

I propose to show by referring to the report of the governor of Arizona that the people of Arizona, though her people are excellent, are not "unmixed Americans" so called, but a percentage in Arizona are foreigners almost as large in proportion as the number of those in New Mexico who are of foreign birth or even of Spanish descent. In the first place the governor says on one page of his report:

Of the 92,903 white persons returned by the census of 1900, 38,137 were of foreign birth or of foreign parentage.

Now, mark that! There were 92,000 white people in the territory and of these 38,137 were of foreign birth or of foreign parentage—of these more than 14,000 are Mexican immigrants; more than 14,000 of the total of 92,000 were Mexican *immigrants.*

"MEXICANS" IN BOTH ARIZONA AND NEW MEXICO.

Not people of Mexican descent, Mr. President, of which also a large number of the people of Arizona consist, because when the division was made in 1863—the unnatural and, as I shall show later on, the inexcusable division—between New Mexico and Arizona the 6,500 of her people were practically all "Mexicans," and a fair percentage of the people of that territory are the descendants of people of Spanish blood.

So, in Arizona, according to Governor Kibbey's report, there are 14,172 Mexican immigrants. I hold in my hand here a notice, which was posted in Phoenix, and it is printed in the Spanish language. Any Senator may see it. There is in Phoenix a Spanish newspaper and there is in Tucson a Spanish newspaper. Here are four of the "great registers" of the voters of various counties in Arizona [exhibiting]; and I wish I had time—I wish it were not so late in the afternoon—for I should like to read to the Senate the register of the voters of these various counties in Arizona, showing what the names of the voters are—the Spanish names indicating their Spanish blood. In Arizona they are, while not as numerous as they are in New Mexico, very nearly so in some places, and I want to say for the American citizens of Spanish extraction in both New Mexico and Arizona, that they are as good, as true, and as loyal and make as good citizens as those of any other blood in our citizenship.

Here [exhibiting] are the "great registers" of the voters of the counties of Apache, Pima, Yuma, and Santa Cruz. If it were earlier in the day, I should read the names of the voters in these and various other counties, and names which occur in various letters, to show the truth of the governor's report that there is almost as large a percentage of Spanish population in Arizona as there is in New Mexico.

"SPANISH AMERICANS" NOT UNDESIRABLE CITIZENS.

I do not think that that is anything against Arizona; but it proves that it is not true, as has been said time and again in public speeches, in reported interviews, and in private conversations, that 95 per cent of the people of Arizona are "Americans" and that it is an outrage to force on them the "Mexicans" of New Mexico.

Mr. SPOONER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Indiana yield to the Senator from Wisconsin?

Mr. BEVERIDGE. Yes.

Mr. SPOONER. Is the statement of the total population of New Mexico and Arizona, which the Senator has read, true at this time?

Mr. BEVERIDGE. Yes, sir. I am quoting from the last report of the governor of Arizona and the last report of the governor of New Mexico.

Mr. SPOONER. It is from those reports the Senator takes his figures?

Mr. BEVERIDGE. Yes. Those figures are given in the last report, that of 1905. The governor says he thinks the number of people is greater. It is a very able report, from a man violently opposed to this bill. The governor of New Mexico estimates that there are in New Mexico, at a conservative estimate, 350,000 people. And that is too many; but still there has been an increase. The increase is due to immigration largely into the Pecos Valley. The governor says that 158,000 people came to New Mexico from other states and territories; probably 125,000 are of Spanish descent.

Mr. SPOONER. Will the Senator pardon me a moment?

Mr. BEVERIDGE. Certainly.

Mr. SPOONER. I did not understand the Senator's statement as to the present population of Arizona.

Mr. BEVERIDGE. I read that from the governor's report.

Mr. SPOONER. The last report?

ANALYSIS OF POPULATION OF ARIZONA AND NEW MEXICO.

Mr. BEVERIDGE. Yes. The population of Arizona by the last census, given in the governor's report—he uses the census tables; so it is the same thing—was 92,903 white people.

Mr. SPOONER. Can the Senator state the number of immigrants?

Mr. BEVERIDGE. According to the last census there were 38,000.

Mr. SPOONER. Does the Senator mean by the last census, the census of 1900?

Mr. BEVERIDGE. Yes. The governor says there is immigration, and the governor's report shows where some of the immigration came from.

Mr. FORAKER. Mr. President, will the Senator from Indiana allow me to interrupt him?

The VICE-PRESIDENT. Does the Senator from Indiana yield to the Senator from Ohio?

Mr. BEVERIDGE. Certainly.

Mr. FORAKER. I wish to inquire whether the statement which I shall now read in a pamphlet, which I have before me, is correct, as the Senator understands it? It is as follows:

The report of the governor of New Mexico to the Secretary of the Interior for 1902 (page 4) shows eight Spanish-Americans to five of all other races. A roster of the legislature of New Mexico also proves the predominance of Spanish-Americans in New Mexico, while Arizona, on the other hand, shows but one.

Mr. BEVERIDGE. I have no doubt that that statement was true at that time as to the legislatures of those respective territories—not otherwise.

Mr. FORAKER. I read this from a document which has just been printed.

Mr. BEVERIDGE. Well, I think I recognize the document which the Senator has in his hand. It is a document issued by

what is called the "Anti-Joint Statehood League of Arizona." While I admire the vigor and energy of those gentlemen, I do not rely upon the entire accuracy of their statement.

Mr. FORAKER. The inquiry I make is to ascertain whether the Senator can give us any information as to this statement, which shows that where there is one Spanish-American in Arizona there are eight in New Mexico, as I understand.

"MEXICANS" IN BOTH TERRITORIES.

Mr. BEVERIDGE. No; that must have been a mistake, undoubtedly. I answer no. I can only give the Senator my opinion; but I think if he will read it again he will find that the document states that where there is one Mexican in Arizona there are eight Mexicans in New Mexico; and their proportion to the entire population is given—and that is inaccurate. The question is as to the proportion. I think the Senator will find that there is only one Mexican in the legislature of Arizona, and that Mexican, I think, comes there from Tucson regularly.

Mr. FORAKER. That is true; there is but one Mexican in that legislature.

Mr. BEVERIDGE. Mr. President, I think there has been some immigration into both territories, not a great immigration, such as poured over Oklahoma and Indian Territory, but as many people as the water there will permit. It is a question of water, not of railway fare. People are not going to live, even under a model government, if they have not got water to drink or suitable land on which they can raise their food.

It is shown by the report of the governor of Arizona and by these "great registers" of the voters of Arizona counties, which are official, and which I hold in my hand, that there is a considerable percentage of Spanish-speaking people in Arizona itself. I call the Senator's attention to this distinction, that whereas the descendants of Spanish people—of people of Spanish blood—in New Mexico are the descendants of people who have lived there for generations, the 14,000 and more "Mexicans" to which the governor of Arizona in his report calls attention are *Mexican immigrants* who have come there within the last few years.

To these you must add Arizona's percentage of Spanish descendants as found in these registers. Here, for instance, is one for Apache County [exhibiting], one of the counties where Mexican immigrants do not go. Yet it shows a heavy proportion of Spanish names. And there are heavier proportions in other counties.

PEOPLE SIMILAR IN BOTH TERRITORIES.

So, Mr. President, we find that the people of Arizona and New Mexico are not unlike in racial characteristics. We find it is not true that you are loading upon a pure American strain of Arizona the Spanish stock of New Mexico.

Do not Senators know that if New Mexico had not been called "New Mexico" people would not have been imbued with the idea that all the people of New Mexico were Mexicans? Suppose for the last sixty years the territory had been called "Lincoln," or, as one Senator upon the other side suggested to me, that we should call it "Hamilton," no one would believe that the people there are "greasers," "Mexicans," any more than the people of Arizona are "greasers" and "Mexicans."

We know perfectly well that the word "greaser" and "Mexican" has largely adhered to the people of New Mexico because of the name of that territory, when something of the same condition is true in Arizona; but because it is called Arizona, and because the mistake has been made, and because the evidence is not inquired into, everybody takes it for granted that everyone in Arizona is an "American" and nearly everybody in New Mexico is a "Mexican," when, as a matter of fact, there are more Americans in New Mexico than there are Americans in Arizona.

Mr. PATTERSON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Indiana yield to the Senator from Colorado?

Mr. BEVERIDGE. Certainly.

Mr. PATTERSON. I have been absent from the Chamber for a short time, and did not quite understand what the statement of the Senator from Indiana was about the relative population of Americans, so called, and Mexicans in the Territory of Arizona.

Mr. BEVERIDGE. I have cited the last reports of the governor of Arizona and the governor of New Mexico. It is stated that 92,300 white people live in Arizona; but of those 24,233 are people of foreign birth; out of these, 14,172 are immigrants from Mexico. Now, if you add to these 14,172 immigrants from Mexico the percentage of people in Arizona who have descended from Spanish stock and whose names occur all through the "great registers," the voting registers, you have, in my judgment, a population of Spanish stock in Arizona which approaches, but does not equal, the amount of the same stock in New Mexico with this difference, that in New Mexico there are scarcely any Mexican immigrants.

DISTINCTION BETWEEN "MEXICANS" AND SPANISH AMERICANS.

Most of the people who are called "Mexicans" in New Mexico, and who are not Mexicans at all, by the way, are descendants of the purest strains of Castilian and Andalusian blood. There are perhaps 20,000 people who are "Mexicans." But the remainder of the 125,000, who are contemptuously called "greasers," are men and women who draw their blood for four hundred years from the very proudest Nation on this globe. That is the difference between Mexican immigrants and Spanish-Americans.

Mr. PATTERSON. I want to call the attention of the Senator to this report as to the population of Arizona, made two years ago, which states that Arizona has a population of 122,931, and that, of course, a considerable majority are American as distinguished from the native or Mexican population.

Mr. BEVERIDGE. I say that now.

Mr. PATTERSON. Then I should like to call the Senator's attention——

Mr. BEVERIDGE. The Senator must go further than that. That is three years ago, and the world moves if the Senator does not. [Laughter.]

Mr. PATTERSON. Yes; it is true that the world moves. I will call the attention of the Senator to a statement made by the House Committee on Territories three years ago, by a majority of the committee, which included the chairman and the Republican members of the committee.

Mr. BEVERIDGE. Of course it would be a majority if it was a Republican committee.

Mr. PATTERSON (reading):

*Population.*—By the national census of 1900 the population of Arizona is placed in round numbers at 125,000, but the census was confessedly badly taken.

Mr. BEVERIDGE. Do not read it all.

Mr. PATTERSON. I will only read a little—only enough to give the figures in it.

Mr. BEVERIDGE. Let us get to the point.

Mr. PATTERSON. I would have been through if the Senator had not interrupted me.

The wide range of territory over which the enumerators were compelled to go to take a proper census, and the low price paid for taking the census, prevented the possibility of accuracy. The population of Arizona, from the best obtainable statistics, school census, number of school children, etc., is 175,000. This population has a greater proportion of native-born inhabitants than probably any other subdivision of the United States. Arizona maintains a splendid common school system, as well as normal schools, and a splendid territorial university.

Then, one other sentence—

The inhabitants in the territory are as well educated, if not better, than in any other Congressional district in the United States.

Mr. BEVERIDGE. Now, will the Senator tell me, without going into these ancient tapestry details, when was that report made—three years ago?

Mr. PATTERSON. Yes, sir.

Mr. BEVERIDGE. That was a report made by the House committee four years ago, when they attempted to do what the Senate prevented by availing itself of the rules of the Senate at a time when we would have been glad to have had help from certain sources to have prevented the making of four states out of these four territories. Mr. President, that report of 1902 might just as well have been a Democratic report. It is quite as bad as that. [Laughter.]

I am giving my figures from the latest possible sources, and, what is more, I am going to the original sources. Here they are. [Exhibiting.] Any Senator who wishes may see them. It is a list of the voters in the various counties in the territory of Arizona.

NEVER A RACIAL DISTURBANCE IN NEW MEXICO OR ARIZONA.

Suppose there are what are called "Mexicans" there; suppose there are what are called "Americans" there. Nobody will doubt, since the governor of Arizona states it, that there are 14,000 Mexicans—immigrants—in Arizona. Nobody will doubt, since everybody knows it as an historical fact, that quite a percentage of its population is of Spanish descent. Nobody doubts, because we all assert it, that the majority are Americans. There are about 60,000 Americans, according to the governor's figures, in Arizona—a fewer number of people than there are in some of the wards of our cities—and these include the descendants of the old Spanish settlers.

But now, Mr. President, suppose that is true; has there been any difficulty in Arizona between men of Spanish blood and men of what we call American blood—not Anglo-Saxon blood, because American blood is not Anglo-Saxon blood? The basis of it is Teutonic blood, to be sure; but there is the Celtic and there is the Latin and there is every blood mingled in this great, splendid people that inhabit these United States. Burbank says

that, on account of the mingling of these bloods, we will produce the highest type of men and women the world has ever seen.

"MEXICANS" AND "AMERICANS" HARMONIZE.

But, Mr President, down in Arizona or down in New Mexico has anybody heard of anyone being burned at the stake? Down in New Mexico or in Arizona has anybody heard of any racial wars between the "Americans" and the "Mexicans?" Has anybody heard of any of the difficulties, of which so much has been said but of which no one instance has been produced, about the inability of the "Americans" and the "Mexicans," so called, to get along? Do not the "Mexicans" and the "Americans" of Arizona harmonize in all the walks of life? Is not the same thing true of New Mexico? Mr. President, if they got along well when they were together in the first place, why can not they get along well now?

*There has never been a disturbance of a racial kind in either Arizona or in New Mexico.* That being true, what becomes of the argument that these people can not live together in harmony? I shall be glad to have some Senator rise in his place and answer that. Since the argument has been put insiduously and incessantly through the press, by conversation, and in public speech that it was impossible for these people to get along because of their racial differences, I should like to have some Senator explain why, if that is so, there has not been a single instance of a racial war or of racial disharmony between what are called the "Americans" of New Mexico and the "Mexicans" of New Mexico and between what are called the "Americans" of Arizona and the "Mexicans" of Arizona.

AMERICAN AND SPANISH AMALGAMATION.

It is a peculiar fact that men of American blood and men of Spanish blood get along together better than men of any other blood. Americans, when we were regenerating Cuba under General Wood, got along better with the Cubans than the Cubans are getting along with themselves. The people of New Mexico get along together; the people of Arizona get along together. When California was made a State a large portion of its population were descendants of the Spaniards—not "Mexicans," but Spaniards. Their descendants and the descendants of the Forty-niners and the other American immigrants who have gone there have amalgamated into a stock that honors the state of California to-day. They have amalgamated also in Texas, as they have wherever they have mingled.

I want to point out a singular fact. I want to dwell somewhat upon this argument, because whatever excuse any Senator may give, the argument most insistently urged is that it is an "outrage" to mingle these racial elements, which are so absolutely antagonistic and dissimilar. It is said there are Americans in Arizona, and there are very excellent ones there, too. I will use this map, because it can be seen better, I think. They live here [indicating], from Phoenix, in the valley of the Salt River. It is said that we must not burden them by uniting them with the "Mexicans" just across the imaginary line which divides the two territories.

IF WRONG TO REUNITE ARIZONA AND NEW MEXICO EQUALLY WRONG TO KEEP PECOS VALLEY IN NEW MEXICO.

Very well! The total population of the valley of the Pecos River, in the eastern portion of New Mexico, are Americans. If, then, it is an outrage to unite the "Americans" who live in the valley of the Salt River with the "Mexicans" who live in the valley of the Rio Grande, why is it not also an outrage to keep united the "Americans" who live in the valley of the Pecos in the same territory with the "Mexicans" who live in the valley of the Rio Grande? If you are not going to unite these for the reason that it is an outrage to unite "Americans" who live in one river valley with "Mexicans" who live in another, *then why do you not introduce a bill to split off the valley of the Pecos River and add it to Texas?*

I call the attention of the Senate to the fact that all this country west of the Pecos River, which is shown upon the map and then east for hundreds of miles into Texas, is the same kind of country, populated by the same kind of people, an absolutely pure and unmixed American breed coming from the same source. If this bill is bad because it unites Americans who live in one river valley in Arizona with Mexicans who live in New Mexico, why is it not equally wrong to keep Americans who live in the Pecos Valley, in the Territory of New Mexico, united with Mexicans who live in the Territory of New Mexico?

AMERICANS OF NEW MEXICO SATISFIED WITH SPANISH ELEMENT.

Why do we not split them off and add them to Texas? If it is an outrage in one case, it is an outrage in the other case. I will tell you one reason why we do not. One reason why we do not is because *we have heard no complaint from the Americans who live in the Pecos Valley;* we have heard no complaint from Roswell, which is the equal of Phoenix, and more numerous in its population; we have heard no complaint from Carlsbad, or from any of the American cities or from any of the American population in New Mexico. Yet, although they are burdened with what is incorrectly and offensively called this "greaser government," there are in that part of New Mexico as happy, thrifty, and prosperous people as live beneath the Stars and Stripes. If you are wrong in one case, you are wrong in the other. If you are right in the case of Arizona, then why, I ask, shall we longer keep the people of the Pecos Valley in the territory of New Mexico, and why does not some Senator rise here and propose to join the Pecos Valley to Texas on the east, where the land and people are absolutely the same?

IF NEVER DIVIDED NEW MEXICO AND ARIZONA WOULD NOW RESIST DISMEMBERMENT.

To show how shallow, as well as untrue, this argument is, I may cite the fact, which every Senator will admit, that if this unnatural division of this territory had never taken place, and if they were the same people who now inhabit that great dominion, and if they should come knocking at the door for statehood and some person representing them were to propose that it should be divided into two lesser and comparatively insignificant commonwealths, that man would not be permitted to go home again. They would fight before they would permit division. So we see it is a question of temporary sentiment.

Suppose it is true; suppose all the absurd assertions of the opposition are true. What a splendid thing it is sometimes to puncture an assertion with a fact, Mr. President. I think that possibly nearly every Senator here in his heart thought that really this bill did propose to pour a flood of so-called "Mexicans" upon a lot of charming American gentlemen and ladies down in Arizona until he found the truth from their own reports. But, suppose it is true; suppose there had been racial antagonisms in New Mexico, where we hear that this condition exists; suppose that the two peoples are unlike in race, in ideals, and in laws, as one of the bombastic phrases in one of the untrue publications that I have seen states; suppose that is so; will not the proposed new state be able to deal with that condition?

"AMERICANS" GREATLY OUTNUMBER "MEXICANS" IN NEW STATE.

*The Americans would outvote the Mexicans two to one.* Upon the basis of population, there would be in the constitutional convention more than two Americans to every Mexican. Where, then, would the interests of this more numerous, as well as this dominant American majority suffer at the hands of a Mexican minority? I have never before heard of such an insult to American manhood as to suggest the possibility that twice as many Americans would be abused, outraged, and overridden by half the number of "Mexicans." I have always understood that, man for man, the American citizen was the equal of any human being who ever lived or ever will live. But the arguments of the Senators upon the other side is that *these more numerous Americans are absolutely going to be subdued by half their number of "greasers."* But to a desperate cause any argument is good.

If these things be true, where will the Mexicans hurt? Under the new state government will not the various counties of the new state elect their county officers? Will they not elect their local judges? Will they not send their members to the legislature? The New Mexican part of the new state can not elect the county officers of the Arizona part of the state, or the reverse. So the people will absolutely control their own destiny after all. Not only that, but Arizona has a Congressman in this new proposed state. So has New Mexico. Each will have one Senator. Each will have half of the state officers.

EACH HALF OF NEW STATE WILL HAVE HALF THE STATE AND FEDERAL OFFICERS.

The absurd argument has been advanced to me seriously—advanced to me, as I have no doubt it has been advanced to each Senator—that in this proposed new state New Mexico would take all the offices from Arizona. Mr. President, that is based upon the assumption that politics has ceased to be run on common sense and politicians have lost their cunning. Do you suppose the Republican party or the Democratic party in a close election would be willing to risk the loss of all the votes in Arizona by nominating all the state officers from the other portion of the state? Such a party or such politics would not endure very long. They would have in their own folly a cure for that condition.

Mr. President, if the two territories are made into one state, political parties are not going to quit business. The argument that New Mexico will take all the offices from Arizona is based upon the assumption that while all over this country you find parties with their candidates, with their platforms, appealing to the people for their votes, upon principles and policies, in this new state political parties are to be abolished—that

there is to be just one party consisting of Americans and "Mexicans" on one side of the line and another party made up of the people on the other side of the line; and that there will not be a Republican and Democratic party in the new state, but only an Arizona party and a New Mexico party. That is reductio ad absurdum. It is plain, old-fashioned buncombe. Political parties will continue in this new state and will continue to appeal to the people on the stump, and they will give half the nominees to each half of the state, in order not to offend the people of the other half.

Would it not be suicide for a political party to gather in convention and nominate its officers from one portion of any state because they had most of the votes? Would not the politicians know that they would lose to the other party all the votes of the other half of the state? The people would say: "This is not a square deal. We will show you. We will vote for the other party this time." Therefore, does not every Senator know, to use the mildest phraseology, that it is utter nonsense that the people of New Mexico can take all the offices away from Arizona? And yet that argument has been advanced repeatedly and seriously.

NO "MEXICAN" OR OTHER FOREIGN STATE IN THIS REPUBLIC.

Mr. President, I come to a far graver reason. I think that the gravest reason, assuming what has been said against this bill to be true, why it ought to become a law, a reason which in all that makes statesmanship, so far transcends every other reason that they are not to be mentioned is this: It is said there are a lot of "Mexicans" in New Mexico and some Americans in Arizona whom we ought not to join, but that we should finally bring them in as an "American" state and a "Mexican" state. This Nation can not tolerate the existence of that theory for a moment. We can not admit that ever there will be in this country a Mexican state or a German state or a Norwegian state or a French state or any other state except an American state; and if conditions exist where, either now or in the future, there is likely to be a state dominated by a foreign element, then we had better put aside all our rate bills and all our other measures of the day and look toward curing that profound and fatal defect.

THIS BILL AMERICANIZES THE WHOLE NEW STATE.

I have here [exhibiting] a map. The Mexicans who are referred to—they are not Mexicans, as I have told you; they are people of Spanish descent—live along the valley here. I have had this made scientifically. These portions [indicating] are where the so-called American element is. Of course they are not as thick in some portions as in others. But, generally speaking, they are in these portions [indicating]. Thus we see that if this new state be created, and if it be true that there are many people of Spanish descent down in this valley [indicating] (and there is where they all are, such as they are), you have them surrounded by this greater mass of Americans upon the east and the south and the west, who will shoot the filaments of their social activities, of their commercial and business activities backward and forward *until the whole Mexican mass, of which so much complaint has been made, is Americanized.* And when we have accomplished that we shall have done a thing of profound National benefit to the American Republic if the arguments of the opposition be true.

It can not be tolerated for a moment that there is such a thing as a racial division in this country, and I am amazed to hear the proposition advanced to an American Senator or by an American Senator that we shall make an eternal piece of legislation or defeat it, because there are racial considerations which defeating it will tend to continue, when if we enact the measure we will overcome them.

Mr. President, I think I have fully answered every point in this connection, and if I have not I shall be glad to have any Senator ask me, because I have been speaking in order to present facts to Senators, so that when they make up their minds on this matter they shall have as much information as I have. Doubtless some Senators have more, but such as I have I wish to give it.

So much for the racial difficulty and objection. We find, in the first place, it is not true; and we find, in the second place, that if this serious condition does exist, then the greatest duty we can perform to the American people is to eliminate it; and there is nothing that will be done in the next ten years which will be an act of statesmanship so far reaching as to wipe out, eradicate forever, the possibility of having a Mexican state, so called; and that is what this bill does.

NEW MEXICO AND ARIZONA NOT SEPARATED BY NATURE.

What are the other objections? It is said that these two territories are separated by nature. It was declared by the Senator from Georgia in a speech last year—I do not see him here at present—that the Continental Divide separated these territories. I had this map made and exploded that. It has been contended by some that these territories were naturally divided; that the hand of God had marked them as separate and independent territories; and yet we find the Continental Divide is way to the east of the boundary line [indicating]; and I presented a letter from the Director of the Geological Survey, who said that the dividing line—this arbitrary line—runs chiefly through a sandy plain.

But it is said that between the "settled portions" of Arizona and New Mexico there is a range of very difficult mountains. That is true—between some of the settled portions of New Mexico and Arizona there are some mountains. But I call the attention of the Senate to the fact that it is more difficult to get from the eastern counties of Arizona to Phoenix, its capital, than it is to go to Santa Fe, the capital of New Mexico. It is more difficult for the man who is grazing or mining in the western portion of Arizona to get to Phoenix, its capital, than it is for the people of the eastern portion to get to Santa Fe.

SETTLED PORTIONS OF ARIZONA NEARER SANTA FE THAN ARE PORTIONS OF NEW MEXICO.

It is as difficult for the people of the Pecos Valley, who live in the eastern part of New Mexico, to get to Santa Fe as it is for the people of Phoenix to get to Santa Fe. The people of the Pecos Valley here in eastern New Mexico, in order to get to the capital of their territory, must go around 900 miles through Colorado and come down or else go below 900 miles. The truth is that there are four ranges of mountains in these territories, two of them in New Mexico, two of them in Arizona. But the territories are quite as compact physically as most mountainous states. So far as concerns these territories being divided, it is more convenient to get from Arizona to New Mexico than it was until a late day to get from one portion of Colorado to the other.

I think I shall stop at this point upon the question of there being a dividing line, because I am going to show that these gentlemen, Mr. Poston and the other gentlemen who drew the line in 1863, did not draw it because of any question of nature. The natural line between New Mexico and Arizona is not a north and south line at all. *It is an east and west line.* It is a line that runs across the parallel that Jefferson Davis had in his bill when he first proposed a division of these two territories.

ORIGINAL AND NATURAL BOUNDARY LINE EAST AND WEST.

Here [exhibiting] is a map made in 1860. It is said by Sylvester Mowry, who signs his name here, to be the best map of that country ever drawn, and he knew more about this territory than any other man. This was for a proposed new state, and here [indicating] is New Mexico and down here Arizona, and that is a natural and scientific division, because the upper portion is a great plateau, with the temperature, the climate, and the products of the temperate zone; the southern portion is lower, nearer the level of the sea, and has the same physical configuration and the products of the climate of the semitropical zone. So that the natural, the scientific division, considering means of communication, is a line not north and south, where it is now arbitrarily, *but east and west.*

NATURAL OBSTACLES DIVIDE OTHER STATES.

Mr. President, these are the answers to the physical difficulties. You can go from Phoenix to Santa Fe much more easily than you can get from some of the eastern counties of Arizona to Phoenix. But is this the only state which is thus divided? I wish to call the attention of the Senate to Colorado. We have heard a good deal about a state being divided by a mountain range, about one portion being of one kind of land and one kind of country and another portion of another kind. Here is Colorado [indicating on map]. Here are the Rocky Mountains, constituting the Great Divide. There are mountains clear up here to the west [indicating]. But in the east, as the Senators from Colorado will tell you, there are no mountains. We have all been more or less over the eastern portion of Colorado, a splendid plain, rising up to the mountains almost without hills, a great grazing and agricultural country. And then it comes to this great mass of the Rocky Mountains.

COLORADO SPLIT IN THE MIDDLE.

Until recently, until within a very, very short time, a very few years, years so few that they are hardly worth mentioning, there was no pass in the Rocky Mountains by which the people could conveniently go from that portion of the state [indicating] to this portion [indicating]; but, as is the case in New Mexico and Arizona to-day, the people had to go to Pueblo. If they came down from this side east [indicating] or from this side west, still they went down to Pueblo. I believe that now the Moffatt road is digging a great tunnel through these mountains by which there will soon be direct means of communication. But until recent times it took longer to go from Routt County in this portion of Colorado [indicating] to

Denver than it now takes to go from Yuma, in the extreme southwestern part of Arizona, to Santa Fe, in New Mexico.

Mr. TELLER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Indiana yield to the Senator from Colorado?

Mr. BEVERIDGE. I do.

Mr. TELLER. I dislike to correct the Senator, but Routt County had two good wagon roads across the range (I have traveled them both on a great many occasions and know) at least thirty-five years ago. One of them was built in 1865.

Mr. BEVERIDGE. Will the Senator tell me how long it took by wagon road to go from Routt County to Denver?

Mr. TELLER. It took just as long as it takes now.

Mr. BEVERIDGE. How long does it take now? [Laughter.] How long does it take to go from Routt County to Denver?

Mr. TELLER. I want to say to the Senator there is no railroad running into Routt County now.

DISTANCES IN COLORADO.

Mr. BEVERIDGE. How long does it take by wagon road?

Mr. TELLER. A railroad has been built a hundred and ten miles from Denver within the last two years, which will probably enter Routt County some time next summer.

Mr. BEVERIDGE. Not next summer, but now. [Laughter.] How long has it taken, during all the history of the state, to go from Routt County to Denver?

Mr. TELLER. That would depend upon where in Routt County——

Mr. BEVERIDGE. I can enlighten the Senator on that. I am delighted to give the Senator a lesson in the geography of his own state. There [indicating on map] it is, in the northwestern corner of the Senator's state. How long has it taken, since the Senator has been here, to go from Routt County to Denver?

Mr. TELLER. If the Senator will give me a chance, I will answer the question. Routt County is a great big county. It is bigger than the state of Massachusetts.

Mr. BEVERIDGE. Then why not make it a state by itself?

Mr. TELLER. I know that for many years a stage line ran across into Routt County. I presume it ran there last summer, although I was not there and do not know. But it did for many years. Now, I suppose it would take the stage line to go from the western part of Routt County a couple of days, perhaps three, if it ran day and night.

Mr. BEVERIDGE. To go by stage from here [indicating on map] to Denver? I am asking about how long it takes to go from Routt County to the capital of the state.

Mr. TELLER. The top of the range is about 45 or 50 miles from Denver. There has been a road there, in fact, there have been two, 10 miles apart, and another road was built at least thirty-five years ago. There is no 25 miles of backbone of that Continental Divide which does not have a road, which you can go across in a wagon; and there has not been for thirty-five years. We built the roads across there before there was a railroad within 600 miles of the state.

Mr. BEVERIDGE. I am interested, of course, in this lecture on the geography of Colorado, but taking the railroads and the wagon roads and horseback and every other conveyance, how long would it take to go from Routt County to Denver?

Mr. TELLER. That would depend entirely. [Laughter.] I do not want the Senator to ask me any such conundrums. If a man rode a mule he would go 50 to 60 miles a day. If he drove a team, he would not drive quite so fast. If he went in a stage he would go a little faster. He can now leave Denver in the evening and the next day at 2 o'clock be to the western line of Colorado, 470 miles west of Denver.

Mr. BEVERIDGE. That is on the line of the railroad. But how about Routt County? I hope the Senator will not get away from Routt County. [Laughter.]

Mr. TELLER. I can not tell the Senator any better than to say——

Mr. BEVERIDGE. I think that is so. [Laughter.]

Mr. TELLER. That if a man took a team and drove, I think he would be probably two or three days going from Denver to Routt County.

But the Senator said we had not any passes across. That is a mistake. That is what I wanted to rectify. We have plenty of roads across the range.

ARIZONA AND NEW MEXICO AS ACCESSIBLE AS EASTERN AND WESTERN COLORADO.

Mr. BEVERIDGE. If that is so, why is Mr. Moffatt boring one of the most expensive tunnels in the world in order to pierce that range? If that is true, why, until the building of the Colorado Midland, was it that no passes existed except by way of Pueblo? If that is true, why is it that during the Senator's life, since there has been a railroad in Colorado, he has had to go from Denver to the western portion of the state by the southern route, around Pueblo?

Mr. TELLER. The Senator does not know anything about the geography of Colorado.

Mr. BEVERIDGE. I do not think the Senator knows much about it.

Mr. TELLER. I may not, but if any man has seen more acres of Colorado than I have I should like to hunt him up.

Mr. BEVERIDGE. Still there is Routt County. [Laughter.] Seriously, Mr. President, I will tell the Senator——

Mr. TELLER. I just want to say that there never has been any complaint that we could not get across the Continental Divide. It is unlike the divide between New Mexico and Arizona, where to-day there are not over three places where a man can drive across in the whole 350 miles.

Mr. BEVERIDGE. I will say to the Senator, and then I must go on, that to-day in this new state of Arizona—I say that because New Mexico and Arizona is a state which, I think, will ultimately be created—there are already three railroads right across that divide and one is extending. I call the attention of Senators to the fact that there is one here [indicating on map], one across there [indicating]; then there is the one here [indicating], and then there is the one building by the Santa Fe—I have forgotten the name of the town—over to Phoenix.

Mr. TELLER. By the side of each of those roads there is a wagon road, and unless they have built some in the last year they are all the wagon roads there were across that divide—375 miles long.

Mr. BEVERIDGE. I wish to take up one or two more illustrations, and then I propose to conclude my argument upon this point.

I will say to the Senator before going further that I do not think it makes very much difference how far Routt County is from Denver in point of time, or how impracticable it is to get to it, because in these modern days——

Mr. TELLER. If the Senator did not think it was worth the while, he need not have put the question.

NATURAL DIVISIONS UNIMPORTANT UNDER MODERN CONDITIONS.

Mr. BEVERIDGE. But the conclusion is worth while, because while the Senator seems to think, and rightly, that the question of getting from one portion of the state of Colorado to another, through mountain passes and over plains, is not a large matter, neither is it a great matter to-day to do the same thing in the proposed new state of Arizona. It takes a good while to go from Routt County to Denver and a good while to go from Yuma to Santa Fe, but neither in modern conditions amounts to anything.

I wish to use one or two illustrations to show that the argument that the territories are physically divided and that it is a matter of great inconvenience to go from one to another is not sound, as compared with other states. I have used Colorado, and I have done so probably to the satisfaction of the Senate and the Senators from Colorado themselves. Here [indicating Colorado on map] is a state that is more completely divided than is the new state of Arizona. Not only that, but the eastern half of it is agricultural and the western half of it is *mountainous and mining.*

NORTHERN MICHIGAN A NATURAL PART OF WISCONSIN.

Let us take the states of Michigan and Wisconsin. The state of Michigan is actually split in twain by one of the world's greatest lakes, and what is called "the Peninsula of Michigan," and what ought naturally to belong to Wisconsin, is now a part of Michigan. I cite this not to show that this is any very great matter of difficulty, but simply to show that this argument that states are divided by mountain ranges or by a great inland sea is, in these days of steamboats and rail transportation, of electricity, of the telephone, and the telegraph, a matter of no consequence at all. But I shall show in a moment that it is as difficult to get from Houghton, Mich., to Lansing, the capital of the state of Michigan, as it is to get from any portion of the territory of Arizona to Santa Fe.

Yet pages have been written and hours of talking and argument have been used to show the physical difficulties that were said to be insurmountable in the making of this new state. I do not know why it was that this peninsula was taken away from Wisconsin, to which geographically it belongs, and made a part of Michigan. To be sure, there are some copper mines up there. [Laughter.] That is the portion of the great northwestern country where copper mines exist, and I believe their existence was known away back there when the state was created.

NATURAL DIVISIONS IN MONTANA.

Mr. President, the next state I will use to illustrate this point is Montana. Montana is also split by one of the worst crests of the Rocky Mountains. I have some figures here which

show that it is as hard to go from one portion of Montana to the other and takes as long as it does in this proposed new state of Arizona about the physical difficulties of which we have heard until really some of us began to believe them.

It was stated last year that the waterflow was in the territory of Arizona toward the Pacific and in the territory of New Mexico toward the Gulf. As I pointed out a moment ago, in the state of Wisconsin I was on the watershed last summer, and a portion of its streams with their muscallonge flowed into Lake Superior and a portion of its streams with their bass flowed into the Mississippi. For that reason let us make two states of Wisconsin.

Mr. SPOONER. A muscallonge state and a bass state?

Mr. BEVERIDGE. Yes; a muscallonge state and a bass state. There would be just as much statesmanship in it, Mr. President as to say that we shall make two states of these territories, and that is what the defeat of this bill means. It means the making of two states of these two territories. In the state of Ohio a part of its waters flow into the Ohio and a part into the Lakes.

Mr. SPOONER. Will the Senator allow me to interrupt him?

Mr. BEVERIDGE. Certainly.

Mr. SPOONER. If the Senator from Indiana knew that if this bill were defeated there would be no application from either New Mexico or Arizona during the next ten years for admission to the Union, would he be in favor of combining the territories and admitting them now as one state?

WE CAN NOT BURDEN THE FUTURE WITH THE DUTY OF TO-DAY.

Mr. BEVERIDGE. Yes; with all my heart I would be in favor of this bill. Ten years! What is a decade in the life of a Nation? What are ten years as history runs? I have shown the Senator by scientific proof, the truth and accuracy of which can not be denied, that not in ten years nor in a hundred years will either of these territories be developed so much more than it is now that it will be entitled to separate statehood.

Ten years, says the Senator. Oh, no; I can not excuse my conscience and my duty to the American people by postponing to a later day the trouble which it is my duty to help settle now. Because I hold that a Senator is not an ambassador of a state, as we have recently heard; but he is a Senator *of* the United States, *from* a state, representing the whole American people.

There is another reason, Mr. President. I do not want to go into the intimate history of this bill and tell how it came about, how it grew up—there are Senators here who know—but after I accepted the idea of the joint statehood of New Mexico and Arizona I, with every member of the majority of the Committee on territories, became convinced, after careful study, that this measure ought to be passed on its own merits, and not to prevent some catastrophe which the Senator intimates is ten years off. If it is a catastrophe, it was pretty close to us three years ago, and I remember that this committee and the majority on this side, fighting day by day and week by week and month by month, tried to the extent of our own strength to defeat that catastrophe, if catastrophe there be. At that time we were praying and begging for aid from every source to prevent that catastrophe.

BILL RIGHT ON ITS MERITS.

Answering again, I say yes; I should be in favor of the bill with all my heart if the question of the admission of the two territories as separate states was not involved at all, because as a matter of statesmanship that is the thing to do. I have shown that these two territories as one state will never have more than a million people, so far as science with the most favorable forecast can tell, no matter how long in the future you project your imagination.

Mr. FLINT. Mr. President——

Mr. BEVERIDGE. Pardon me a minute. I have shown that there is a mass of Mexicans there, it is the larger question of statesmanship before the American people to surround them with Americans and Americanize the whole mass. That is the larger public question. Now, I will hear the Senator.

Mr. FLINT. The Senator from Indiana has shown that the lands, when irrigated, will support a population of 1,000,000 people, and that does not include the cattle industry and the mining industry of Arizona. Would it not be reasonable to suppose that if this land could be irrigated within a period of ten years and have a million of people, there would be at least another million engaged in the mining industry and the cattle business?

MINING NO BASIS FOR STATEHOOD.

Mr. BEVERIDGE. Mr. President, there again is one charming section of those beautiful rainbow dreams upon which during every year since I have been a member of this body certain Senators have been attempting to erect an immortal structure of statehood. No; I will say to the Senator. I was not honored by the Senator's presence when at considerable length I analyzed the irrigation possibilities of that country and showed also the inadequacy of mining as a basis of statehood, when I showed it from examples and called attention to Tombstone. Not many years ago Tombstone had a population of 20,000, and in the last census it had a population of 600. To-day they try to pump water out of it. It may be it has got a thousand. The former Senator from Nevada, Mr. Stewart, who for so long a time added luster to this body by his eloquence and industry, made a speech last year, I think, in which he said that Carson once had a population of 40,000, and to-day it has 3,000. Why? Because the surroundings of these towns were not as pleasant as before? No; but because the mines had given out.

I read, during the Senator's absence, from the report of the governor of Arizona, in which he stated the truth very lucidly, a statement made with almost scientific accuracy, that mining does not develop but exhausts the resources of a state. It is no measure upon which you can build statehood which is to stand when the mines shall have been exhausted.

Mr. SUTHERLAND. Mr. President——

The VICE-PRESIDENT. Does the Senator from Indiana yield to the Senator from Utah?

Mr. BEVERIDGE. Certainly.

Mr. SUTHERLAND. Does not the Senator from Indiana know that in every mining state of the West, although they have been operating mines for over forty years, the output to-day is greater than it ever was?

Mr. BEVERIDGE. Certainly I do.

Mr. SUTHERLAND. And while individual mines may end and while individual mining camps may be abandoned the great industry itself has gone on increasing year after year?

Mr. BEVERIDGE. Why, certainly. Who says otherwise?

Mr. SUTHERLAND. For instance, if the Senator will permit me, take Colorado, which is to-day producing over $30,000,000. Ten years ago Colorado was not producing half that sum. Does not the Senator know that all the indications are in those states that the mining industry is going to last not only for ten years or twenty-five years, but perhaps for the next hundred years?

Mr. BEVERIDGE. I hope it will last even longer, much longer, I will say to the Senator. I cheerfully agree to all that the Senator says. But what I am saying is that mining alone is not a basis for population. I will read to the Senator from the report of the governor of Arizona upon this very point. He says:

> I entertain no doubt that the mines of Arizona will, as they have heretofore done, go on increasing their production in even an accelerated ratio, but notwithstanding that *they will some time become exhausted*. It is to be hoped, and reasonably expected, that that time is many decades off. In the meantime, however, etc.

Then he goes into the question of taxation, schools, etc. I quite agree with what the Senator says. What I mean to say is——

Mr. SUTHERLAND. Does not the Senator think that an industry which will last for at least a hundred years is proper to be taken into consideration when we build a state?

Mr. BEVERIDGE. To be taken into consideration, most assuredly, but not as one of the corner stones of the state, for the reason I gave. For I expect that this Republic, of which a state is an indestructible member, will live not for a hundred years but for a thousand years.

OBJECTION OF GREAT DISTANCES IN NEW STATE ANSWERED.

Mr. President, it is stated that the next difficulty is the question of distance; that the distances are too great; that it would be inconvenient to get from the various portions of this new state to its capital. I do not know who will want to go to the capital except the members of the legislature—and their expenses are paid; and the people who are interested in legislation—the lobbyists—and they ought to pay their own expenses.

It has been stated with very great particularity that it took such and such a length of time and so much money to go from Yuma to Santa Fe. You would have thought the entire population of Yuma was going to Santa Fe during the period of the sitting of the legislature there.

I have, however, taken two lists of places here, first by the shortest line as the crow flies, and second by railroad lines.

| | Miles. |
|---|---|
| Prescott, Ariz., to Santa Fe, N. Mex | 420 |
| Phoenix, Ariz., to Santa Fe, N. Mex | 420 |
| Sacramento to San Diego, Cal | 540 |
| Boise, Idaho, to north line | 420 |
| Lincoln, Nebr., to west line | 420 |
| Helena, Mont., to east line | 420 |
| Austin, Tex., to El Paso | 580 |
| Austin, Tex., to north line | 540 |
| Tallahassee, Fla., to Key West | 480 |

| | Miles. |
|---|---|
| Lansing, Mich., to Houghton | 400 |
| Richmond, Va., to southwest corner | 380 |
| Santa Fe to west extremity of Arizona | 540 |
| Sacramento to south line | 620 |

Now, Mr. President, how is it by railroad? We have heard about these vast distances which are so serious an obstacle to this new state.

| | Miles. |
|---|---|
| Prescott, Ariz., to Santa Fe, N. Mex | 535 |
| Phoenix, Ariz., to Santa Fe, N. Mex | 651 |
| Sacramento, Cal., to San Diego, Cal. (via Southern Pacific, Los Angeles and San Diego Surf Line) | 580 |
| Boise, Idaho, to Sand Point, Idaho (via Oregon Short Line and Great Northern) | 580 |
| Lincoln, Nebr., to Kimball, Nebr. (via Union Pacific) | 430 |
| Helena, Mont., to Wibaux, Mont. (via Northern Pacific) | 495 |
| Austin, Tex., to El Paso, Tex. (via Southern Pacific and International and Great Northern) | 700 |
| Tallahassee, Fla., to Key West, Fla. (via Tampa and Gulf; Tampa to Key West, 224 miles) | 560 |
| Houghton, Mich., to Lansing, Mich. (via Pere Marquette, Chicago, Milwaukee and St. Paul, and Lake Michigan) | 525 |
| Richmond, Va., to Norton, Va. (via Norfolk and Western) | 385 |
| Width of Arizona and New Mexico combined | 630 |
| Length of Arizona and New Mexico combined | 325 |

So, Mr. President, if distances are an obstacle in this state, why are they not also an obstacle in California, where they are greater? Why was it not also an obstacle in Texas, where they are greater? Why was it not also an obstacle in Idaho and Montana, where they are so great?

Then we have heard a great deal about this enormous territory. But, Mr. President, we will have to add to it the state of Ohio to make it as big as the state of Texas.

IF WRONG TO REUNITE NEW MEXICO AND ARIZONA, ALSO WRONG TO KEEP TEXAS UNITED.

Texas is the justification for this bill—the answer to all arguments against it; for as a policy of statesmanship Texas demonstrates the wisdom of great states, the folly of small ones. What citizen of Texas does not glory in its magnificent dimensions? What citizen of the state of Houston does not hold his Texas citizenship second only to his American citizenship in his heart's pride?

Texas, born within the memory of men not yet old, is already fifth in numbers among all the states of the Union. In a quarter of a century Texas will be the first among the sisterhood of the Republic. Hardly sixty years have passed since Texas came to us, and yet to-day her sons and daughters number almost 4,000,000, although she has not a city within her borders of 75,000 souls. Within the next three decades the people of this mighty state will number 15,000,000. Her influence on the affairs of this Nation will be the highest of all the states, as her place will be first among her sisters.

In the conventions that name the Presidents of the Republic the voice of the single state of Texas, with her millions of electors, will be weightier than many smaller states, each with its handful of votes—weightier by far than would be the five comparatively petty commonwealths into which Texas has the right to be divided. It is a great thing to represent any state, large or small, in the American Congress; but it is a greater thing to represent a state whose mighty people and incalculable wealth give dignity and power to every word uttered in the name of that state and in behalf of that people.

I yield to no man in my admiration of the great men who founded this Republic and established its Constitution. But I should say that if there were men whose vision was even broader and hearts even more unselfish, they were the men who guided the destinies of Texas when it became a republic. Ten Senators might have come to this Chamber from Texas in 1840 instead of two; ten ambitious men might have crowned their lives with the glory of an American Senatorship; hundreds of politicians might have satisfied with state offices their lust for place. Because Texas then, as now, had the right to come in as five states or as one.

THE UNSELFISH WISDOM OF THE FOUNDERS OF TEXAS.

But the fathers of the Republic of Texas were great men indeed. They had a republic of their own; they loved American citizenship more than their separate glory. They had shed their blood to place the Lone Star flag among the banners of the nations, and the nations had welcomed it—every power on earth had recognized the Republic of Texas. And yet these great lion-hearted men, as unselfish as they were fearless and wise as they were brave, preferred absorption in the American Republic rather than the independent life of the republic which they had shed their blood to create. They preferred the Stars and Stripes rather than the flag they had shed their blood to raise and defend. And they chose to come in as one mighty, matchless, imperial state, with petty, personal, selfish ambitions of little men cast beneath their feet, than to come in as five comparatively insignificant communities with petty, personal, and selfish ambitions of little men soiling their glorious purpose and destroying their splendid destiny.

Divide the state of Texas? Ask any Texan what he thinks about that, Mr. President. The power to divide Texas into five states is reserved to the people of that commonwealth in the written law. And yet the men who most fiercely deny that that reserve power is valid are Texans. Let me quote the words of General Maxey, for they voice the sentiment of every Texan from the Rio Grande to Arkansas. General Maxey said that the power to divide Texas is not valid, and he plead for Texas the Great, for Texas one and indivisible, a Texas with two Senators and not a Texas with ten, Texas of and for the people and not Texas of and for the politicians.

A CONTRAST.

Contrast the attitude of Texas and her statesmen with the men who in Arizona and New Mexico are trying to prevent the reunion of a state which when reunited will be still smaller than Texas, though next to Texas in magnitude—the noble Commonwealth of Arizona the Great.

Are not Californians glad to-day that those who proposed to make six states out of this Pacific Commonwealth did not succeed? Are not Californians glad to-day that those who in the Senate of the United States proposed to divide California into two states, making one North California and the other South California, did not succeed? Is not every Californian glad to-day that the statesmanship of Stephen A. Douglas, Henry Clay, and William H. Seward saved the state of California and the Nation at large from such an error? Are not California Senators proud of every inch of the magnificent land they represent? Are California Senators willing to lose a single foot of its golden soil? And if a state more than a thousand miles in length is good for the people of California, why is not a state of lesser distances good for the people of Arizona and New Mexico? If Arizona and New Mexico ought not to be reunited and made one state, why ought not Texas be divided, as the law provides, and made five states? If the size and distances of Texas are good for the people of Texas and good for the Nation, why should not the size and distances of the greater Arizona of this bill be good for the people of that greater Arizona and good for the Nation?

GREAT STATES SOURCE OF PRIDE TO ENTIRE NATION.

I live in the very center of the Nation—in Indiana—within whose borders is the country's center of population. Yet I am as proud of California—that state from whose shores American destiny looks out upon the waters of the future—as if I had always lived within sight of the Golden Gate. Magnificent her present possibilities, glorious beyond the measurement of human speech her future. Humboldt, the prophet of science, foresaw the hour when the world's climax of civilization would be reached in that American wonderland that stretches between the Sierras and the sea. Surely God fashioned California for a career noble beyond precedent; equipped her for a place unique in the councils of the greatest nation that ever was or will be on this earth. Her mountains, matchless in majestic beauty, with their hearts of gold; her valleys shaming the fabled richness of the Nile; her great and ancient trees, older than the everlasting hills, the monarchs of all the forests of the globe; her far-flung coasts, equal in extent to the sea line of an empire—all the elements of California's being make her splendid among American Commonwealths.

What Californian, aye what American, would have California other than what she is? What American's heart does not thrill with pride when admiring lips name this golden-browed guardian of our western seas? What citizen of that vast Commonwealth that would not take up arms to prevent her dismemberment? Yet, only the wisdom and courage of Henry Clay prevented that catastrophe. If men exactly like those who to-day are resisting the reunion of New Mexico and Arizona could have had their way California would not now be standing among the proudest of her sisters in the American Union, but would have been two or more lesser and weaker commonwealths.

NO STATE TOO GREAT; NONE WILLING TO BE DISMEMBERED.

Thank God for California as she is. Thank God for the prophetic statesmanship of Henry Clay that made California what she is. Thank God that the little men who, for sectional reasons and personal ambitions, would have dismembered California and extinguished her glory even as its splendid flame was lit—thank God their plots and schemes were defeated and confounded. And just as no Californian to-day will admit that any ancestor of his tried to assassinate the destiny of California by preventing her from being one state, so fifty years from now no citizen of imperial Arizona will admit that any ancestor of his tried to assassinate the destiny of Arizona by preventing her from being one state. California on the west, Texas on

the east, present visible and immortal examples of what Arizona should be, aye! and will be. Laws and institutions similar and not antagonistic.

LAWS AND INSTITUTIONS ALMOST IDENTICAL.

Now, Mr. President, what is the next objection? We are told not only that they are different people in race, which I have shown is not true; not only that there is a physical division which is insuperable, which I have shown is not true; but that there is difference in laws and institutions.

The answer to that is that it is not the truth. The organic acts are the same—everybody knows that. All the national laws are the same for those territories as for every other territory. The law of negotiable instruments is the same, the law of real estate is the same, the law of marriage and divorce, and inheritance is practically the same, their code of practice is the same, their irrigation laws are identical. The irrigation laws of Arizona were taken bodily from the irrigation laws of New Mexico. It is said that the laws of Arizona are based upon the common law and the laws of New Mexico upon the civil law.

That sounds plausible if you do not examine into it, because you are assuming that there are nothing but Americans in one territory, and nothing but Mexicans, so called, in the other. But that is not true, except as to the irrigation law, and that is the same in both territories. There was no irrigation law in the common law. The common law came from England, which is the land of rains and frogs, of streams bank full, flowing with fertility. But the civil law came from Italy where irrigation was practiced, then into Mexico and then into California.

The laws of these two territories concerning negotiable instruments, irrigation, descent, real estate, and their criminal code, excepting in their punishment, are almost absolutely the same.

What, then, becomes of the statement that is presented to Senators and to the American people that we are attempting to coerce in an unnatural union two unlike peoples and welding together different laws and hostile institutions when the laws and institutions are almost identical?

THE PROBLEM OF TERRITORIAL DEBTS SOLVED BY THIS BILL.

It has been said that there is such a difference in the debts that they will be very difficult of adjustment. The bill provides that the new state shall assume the debts of the territories. The debt of Arizona is greater than the debt of New Mexico. If any person gets the worst of that bargain, it is New Mexico and not Arizona. All told, their debts will not be over three and a half million dollars—something like that. As I have pointed out, the school fund will take care of that. The debts of counties will have nothing to do with the state. The debts that exist against the counties will still exist against the counties. That is not assumed by the state. Therefore there is absolutely no difficulty at all in the handling of their debts.

THE ARGUMENT OF SECTIONALISM UNAMERICAN.

But, Mr. President, we were told that there must be more Senators west of the Mississippi River. Why? The interests of the people west of the Mississippi River are the same as the interests of the people north of the Ohio and Missouri; are the same as the interests of the people south of the Ohio and Missouri. The interests of California and Maine are one. The people from the heart of the Republic in the Mississippi Valley will work and vote and fight to secure the prosperity of the people on our Atlantic seaboard, or the Gulf, or the Great Lakes, or of the mighty Northwest where rolls the Oregon.

There are no sections in this Republic. This Nation is not split in twain by the Mississippi River, or the Ohio, or the Missouri, or the mountains of the East or the West. The people of this country are not divided into classes, their interests antagonistic, their destiny hostile. No; this country is one country without sections, this people one people without classes, this Nation one Nation with a single flag and a single destiny.

And yet it is claimed that Senators should be increased according to areas and not according to population. It is claimed by the advocates of sectionalism that the interests of the people of the West are hostile to those of the remainder of the Republic.

That is not true, Mr. President. The interests of the West are not at war with the interests of the East. It is not true that the interests of Alabama are at war with the interests of Minnesota. That assertion is a denial of the great truth of the community of interests of all Americans, upon which this Republic rests and which, when destroyed, will cause this Republic to crumble into ruin.

AMERICANS NOT DIVIDED INTO CLASSES OR SECTIONS.

The advocates of this twentieth century sectionalism declare that Congress ought not to represent numbers of people, but groups of industries. It is said that in one section of the country is located one group of industries, in another quarter of the country another group of industries, and that representation in Congress ought to be determined by the geography of these industries and not by the number of people employed in these industries. The mere statement of that proposition is its answer.

Every rational method of representation was discussed in the constitutional convention, but this bizarre scheme was never suggested. No; the true basis of representation is people and not square miles, citizens and not acres, men and women, not factories and mines, human beings and not property. It is men who make industries, not industries which make men. And the prosperity of every industry of the Republic is based upon the prosperity of every other industry in the Republic.

PROSPERITY OF ONE DEPENDS ON PROSPERITY OF ALL.

The American farmer can not prosper if the American manufacturer does not prosper. The fortune of the man in the mills rises or falls with the fortune of the man in the furrow. The destiny of Dakota and Georgia, of Oregon and Ohio are inextricably interwoven with the destiny of California and New York. The engineer on the locomotive, the brakeman on the cars behind it are involved with the cowboy on the plains or the ranchman who employs him in a common welfare or a common failure.

There is no peril before this Republic except one—the possibility that Americans will be divided into classes, hating each other, warring with each other, and, in their strife, destroying each other in common catastrophe. And the man who proclaims that one section is hostile to another section, one interest antagonistic to another interest, and that sections and not people, industries and not citizens, should be the basis of representation in the councils of the Nation, is weakening the foundations upon which the future safety, power, and glory of this Republic is building and must rest.

The theory of this bill is that this Republic is a Nation and not an assemblage of sections. The theory of this bill is that the American people are a people and not a group of communities.

THE SO-CALLED "PLEDGE" OF STATEHOOD.

Now I come to the subject which was first called to the attention of the Senate by the then Senator from California, Mr. Bard, last year. In the first place, I do not think any Senator will maintain for a moment that any language in that act repeals the Constitution of the United States. I do not suppose anybody will claim that the power given Congress over this question by the Constitution of the United States is in any wise limited by any act of Congress, no matter when, where, or how passed. So our power remains the same. Nor does it bind a subsequent Congress, which is merely stating the same legal question in different terms. We may make one law concerning territory to-day. We may repeal that law next year.

So, Mr. President, if the language of the act is at all violated by this bill, and if there is any "pledge" in the language of the act which can be violated, it is, if anything at all, a moral "pledge," and that alone, is it not? There were not two parties capable of making a contract to begin with. But if it is a moral "pledge," then we have a right to inquire into its origin.

THE LANGUAGE OF THE "PLEDGE" NEVER EXPLAINED EXCEPT BY POSTON.

I was interested in the colloquy this afternoon that went on here concerning the origin of the act. I heard much concerning the origin of the act, which excepting this language is like every other act, but not a word concerning the origin of this so-called "pledge," which is unlike any other act. Not one word did I hear concerning the origin of this language, and not one word can be found in explanation of this strange "pledge," except the one I am going to quote in a moment. We have the remarkable spectacle of *peculiar language being used, different from the language used in every other organic act since 1787, without one word in explanation being said about it, either in the House or the Senate, or without any word of it coming down to us.*

Mr. PATTERSON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Indiana yield to the Senator from Colorado?

Mr. BEVERIDGE. Certainly.

Mr. PATTERSON. The Senator from Indiana heard the statement that the language to which he refers was incorporated in the bill by the House Committee on Territories.

Mr. BEVERIDGE. Well, I know that.

Mr. PATTERSON. It was reported to the House and passed the House. It came over to the Senate, and it was satisfactory to the Senate Committee on Territories.

Mr. BEVERIDGE. Did the Senator find any debate upon it or any reason given for the language?

Mr. PATTERSON. Not a word——

Mr. BEVERIDGE. Not a word.

Mr. PATTERSON. Just one moment. Not a word with reference to that particular language——

Mr. BEVERIDGE. That is the language we are talking about.

Mr. PATTERSON. One moment. But there was a debate which showed very clearly that the unsettled condition of the territory, by reason of existing war and the contest over its possession by the southern army and the Federal Army——

Mr. BEVERIDGE. Yes; you stated all that; I remember that very well.

Mr. PATTERSON. Probably led to the introduction of that language.

Mr. BEVERIDGE. No, no; of course not! How would that language keep hostile troops away? The Senator will pardon me, but that explanation is puerile. Yet that is the best explanation the Senator can give. But I produce Mr. Poston's journal as to why that language was put in, and the Senator or anybody else can draw the conclusion that seems to them most satisfactory. One conclusion may be more satisfactory to the Senator. For example, the Senator may think that the reason that language got in there, *unlike any other language* ever used, was the reason he gives. He may think so, but I do not think he thinks so. No! The reason that the language went in there was the facts which Poston states. I will show the reason later on, without the remotest reflection upon any of the members of either committee when the bill was passed except one man whom Poston names.

WHY WAS ARIZONA "PLEDGED" STATEHOOD WHEN NO OTHER TERRITORY WAS EVER SO FAVORED.

Look at this, Mr. President! This act was passed—and I will call attention in a moment to what was going on when this act was passed—on February 24, 1863. One week later, March 3, 1863, the territory of Idaho was created; and just a little while before the territory of Dakota was created. Just a little bit later another territory was created. In all the organic acts from first to last, the one concerning Idaho being passed within a week of the one concerning Arizona, no such language was ever used. *Where it was unique, where it was peculiar*, and *where nobody ever heard of it before, is it not astounding* that *no one ever mentioned it in debate?* Is it not astounding that no person ever made a report from a committee concerning this one exception in all the organic acts that ever had been passed since the Constitution was adopted? *Why did they put this language in the Arizona act and not in any other territorial act?* I demand an answer to that question. That is a pertinent inquiry, because you admit that the only binding force it has is as a moral obligation. So if it is a moral obligation, we have a right to inquire into its origin. Let us see what this language is. Let us see what force it has.

*Provided further,* That said government shall be—

I want to call attention also to the fact that this was not drawn by a lawyer. This language was put in by an unskilled hand.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That all that part of the present territory of New Mexico situate west of a line running due south from the point where the southwest corner of the territory of Colorado joins the northern boundary of the territory of New Mexico to the southern boundary line of said territory of New Mexico be, and the same is hereby, erected into a temporary government by the name of the territory of Arizona.

Down to that point, down to that colon, down to the proviso, it is merely a copy of previous acts.

*Provided, further—*

This is the "temporary government," mind you, so named in the act, so nominated in the bond—

"PLEDGE" FULFILLED BY THIS BILL.

*Provided further, That said government shall be maintained and continued until such time as the people residing in said territory shall, with the consent of Congress, form a State government, republican in form, as prescribed in the Constitution of the United States, and apply for and obtain admission into the Union as a state, on an equal footing with the original states.*

That is the "pledge"—language never used in a territorial act before or since. Before I show its origin, before I show the fraud that produced it, let us see if this bill does not observe that pledge, no matter what its origin.

We propose to bring them into the Union upon an equality with the original states. That we add New Mexico to them can not change that. Does anybody deny that we have got a right to add one county of New Mexico to them? If we have a right to add one county, we have a right to add all of the territory, so far as right is concerned. The government will not be destroyed thereby. A new state government will be established and the "pledge" fulfilled.

FRAUDULENT ORIGIN OF THE "PLEDGE" OF STATEHOOD.

Why was it that this provision was put in? I suppose most of the Senators here are familiar with the history of this act; but because there are some new Senators, even at this late hour I shall read what Bancroft, in his History of the Pacific states, gives as an explanation of this act.

Senator Trumbull said, in debate, that the bill to split off Arizona looked to him like a scheme to create offices for somebody to fill, and it was; that it looked to him like a scheme to create salaries for somebody to draw, and it was. That is what the acute legal mind of Lyman Trumbull saw when this bill to split Arizona from New Mexico appeared. And this scheme was worked in the midst of war—for this bill was reported in 1862, soon after Shiloh had been fought, when the whole country was shocked and horrified and bathed in tears as well as blood and the minds and souls of men were stirred by mingled exultation and despair, by sorrow and rejoicing. Nobody was then thinking very much about a territorial act for a territory thousands of miles off, especially when, as Poston says, "*Nobody knew where Arizona was.*"

"PLEDGE" ENACTED AT CRISIS OF CIVIL WAR.

There are Senators here who know very well that in ordinary legislation we leave it to committees, and there are only four or five Senators who sit day by day watching. Just such things as that occurred at that time. What time did Senators who were here during the Spanish war have to pay attention to the details of each little act that came from some committee? Were you not instead considering the safety of American soldiers and sailors? Were not your whole souls engrossed with the great cause of liberty for which our Army and our Navy were fighting? If that was true during the Spanish war, what must have been the conditions when this bill was introduced in 1862 and when it finally passed in 1863? It was passed about the time of Chancellorsville; it was passed not far from the time of the great, historic, and horrible battle of Fredericksburg; it was passed not long after the *Merrimac* and the *Monitor* had met in terrible conflict.

The people were not thinking about Arizona then. The people were not thinking about the effect of any bill that came from the Committee on Territories. McDougall, of California, said he could not get the Senate to pay attention to anything. He said he did not know that anybody knew where Arizona was. Nobody thought anything about it. I have read from the history of this bill that nobody was very much interested in this territory. It was thousands of miles away from their homes and a million miles away from their thoughts. It is said that nobody is interested in the present act—and that is not far from true, except as to the mining companies, the railroads, and politicians, they are interested. Very well. If Senators are not interested in the present bill in time of peace; if railroad rate legislation takes the attention of Senators more than statehood does now, after an earnest agitation, at a time when there are 400,000 people down there, if we are not interested in this statehood bill now, do you suppose that at the very climax of history's bloodiest conflict, during one of the greatest wars that was ever fought, this Arizona territorial act received much of the attention of the Senate? That is how it was possible that what I am going to read came about.

Mr. PATTERSON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Indiana yield to the Senator from Colorado?

Mr. BEVERIDGE. I do.

Mr. PATTERSON. Is it the contention of the Senator from Indiana that by reason of the war and the battles and the victories——

Mr. BEVERIDGE. And all the rest—— [Laughter.]

Mr. PATTERSON. That the Senators who comprised the Committee on Territories and the Members of the House were so overcome and overwhelmed or benumbed or paralyzed——

Mr. BEVERIDGE. Or anything else—— [Laughter.]

Mr. PATTERSON. That they did not know what they were doing, or that they were easily imposed upon, and that some scheming outsiders, without their knowledge or consent, succeeded in having this provision introduced in the bill?

CLIMAX OF CIVIL WAR ABSORBED ALL ATTENTION.

Mr. BEVERIDGE. Without their knowledge or consent, either spoken or written. [Laughter.]

My answer to that is just this: That sounds very nice; but we are human beings, and I think nobody was paying very much attention to anything else, except the greatest war that was ever fought, at the moment of this Nation's greatest peril. Does not the Senator know that at that time it was a question as to whether the flag should continue to float in the heavens? Does he not

know that at that time it was a question whether Washington itself would not be captured? I do not think very many people were inclined to give that deliberation to the temporary territorial status of Arizona such as our committee has given to the everlasting question of statehood now in these placid times of peace. Anyhow, here is what occurred——

Mr. PATTERSON. I do know, Mr. President, that Senators discussed the bill with a great deal of particularity; that amendments were offered, that amendments were discussed, and that amendments were voted on, and that amendments were then reconsidered, showing that the Senate was giving a great deal of attention to every one of the details of that bill.

Mr. NELSON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Indiana yield to the Senator from Minnesota?

Mr. BEVERIDGE. I do.

Mr. NELSON. I am informed that it will take about three-quarters of an hour for the Senator from Indiana to finish his remarks. I ask unanimous consent that he may be permitted to finish his speech to-morrow immediately after the conclusion of the routine morning business.

Mr. TELLER. Mr. President, under the arrangement that has been made, I think the Senator should conclude this afternoon. There are some Senators who want to speak to-morrow under the ten-minute rule.

Mr. PATTERSON. Let me suggest this for the relief of the Senator from Indiana: Might we do in the morning as we did to-day—meet at 11 o'clock—and let the Senator from Indiana conclude his speech, say, by 12 o'clock.

Mr. BEVERIDGE. Mr. President, I have not made this request. It was suggested to me by several Senators. I am perfectly willing to go on now, or I will go on in the morning, just as will best suit the Senate.

Mr. FORAKER. I think it better that it should be determined by the Senator himself, if he has any preference about it. I think, under the circumstances, we can accommodate ourselves to suit his preference. I was about to suggest that, if he so desired, I should like to have the Senate meet at 11 o'clock to-morrow instead of 12.

Mr. BEVERIDGE. That is very kind and is appreciated, but my only objection to that is this: I would like very much to go on to-morrow, but not at 11 o'clock, for the reason that I have seen that done several times, and I have observed that we are human beings and we simply do not get here at 11 o'clock, it does not make any difference what the matter under discussion may be. We are to go on from 12 o'clock to-morrow under the ten-minute rule until 4. That is four hours. I would say that if the Senate meets at 12 o'clock and I could proceed with my remarks, I would be through considerably before 1 o'clock, which would give three hours' debate under the ten-minute rule.

Mr. FORAKER. The only objection to that is that we would have to change the unanimous-consent agreement, and that is something that has never been done while I have been a member of the body. I do not know, however, that that is a good reason why it should not be done.

Mr. BEVERIDGE. I should like it very much, but the only point about it is that we do not get here at 11 o'clock. I have seen that several times.

Mr. TELLER. I shall object to that. I will not object if the Senator chooses to occupy the time until 12 o'clock, but I will insist that at 12 o'clock the ten-minute rule shall go into operation.

Mr. BEVERIDGE. I think, on the whole, I had better go on now. Mr. President, here is what occurred. I read from Bancroft's History:

HOW CONSPIRATORS ORIGINATED THE "PLEDGE."

Senator Trumbull led the opposition, and McDougall, of California, was an earnest advocate of the bill.

* * * * * * *

Charles D. Poston, Reminiscences, gives the following account *of the preliminary wire pulling of 1862 at Washington:* "At the meeting of Congress in December, 1862, I returned to Washington, made friends with Lincoln, and proposed the organization of the territory of Arizona. Oury (who, I suppose, had been elected Delegate in 1862 to succeed McGowan) was in Richmond, cooling his heels in the antechambers of the Confederate Congress, without gaining admission as a Delegate from Arizona. Mowry was a prisoner in Yuma, cooling his head from the political fever which had afflicted it, and meditating on the decline and fall of a West Point graduate. There was no other person in Washington, save General Heintzelman, who took any interest in Arizona affairs."

I ask Senators to note that.

*"They had something else to occupy their attention"*—

I should think they had—

"DID NOT KNOW WHERE ARIZONA WAS."

*"and did not even know where Arizona was."*

That was the "careful attention" given to this matter. *"They had something else to occupy their attention, and did not even know where Arizona was."*

Mr. PATTERSON. To whom does the writer of that refer?

Mr. BEVERIDGE. If the Senator wants to ask me a question, very well; but in view of the lateness of the hour, I want him to omit details. I am reading from Charles D. Poston's Reminiscences, as quoted by Bancroft.

Mr. PATTERSON. But who does he say was so ignorant that he did not know where Arizona was?

Mr. BEVERIDGE. I will read it over again:

Mowry was a prisoner in Yuma, cooling his head from the political fever which had afflicted it and meditating on the decline and fall of a West Point graduate. *There was no other person in Washington, save General Heintzelman, who took any interest in Arizona affairs. They had something else to occupy their attention, and did not even know where Arizona was.*

Mr. PATTERSON. Does not that refer——

Mr. BEVERIDGE. I do not know to whom it refers, but the Senator has heard it. He says, then, there was nobody in Washington who knew anything about Arizona affairs but General Heintzelman. The reason he knew something about it was because he had a command at Fort Yuma. He says:

There was nobody else. They had something else to think about.

Mr. TELLER. I should like to know from what book the Senator is reading?

Mr. BEVERIDGE. Bancroft's History of Arizona.

Mr. FORAKER. Bancroft's History, but Charles D. Poston's Reminiscences.

Mr. BEVERIDGE. Charles D. Poston's Reminiscences.

Mr. SPOONER. Is the Senator able to enlighten us at all as to who Charles D. Poston was?

Mr. BEVERIDGE. Indeed I am.

Mr. SPOONER. Who was he?

Mr. BEVERIDGE. Charles D. Poston and Sylvester Mowry were men who had roving dispositions; who had been down in Arizona and nearly every place else. Charles D. Poston was an adventurer, explorer, politician, and permanent office seeker, who acquired the habit early in life and never lost it to the day of his death. [Laughter.] It was his desire for office, as his own Reminiscences show, that got this bill through Congress; and he got the office which he planned to get, and he kept on seeking office until a short time before his death, for last year I got a letter that he had written to Secretary Lamar, whom he knew, asking for another job—a good man and all that sort of thing, and I do not object to him at all because he was an office seeker.

Mr. PATTERSON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Indiana yield to the Senator from Colorado?

Mr. BEVERIDGE. I do, sir.

Mr. PATTERSON. I want to ask the Senator whether he knows anybody else who has ever maintained that the world rested upon his shoulders, and that whatever Congress did was done through his agency, whether it was the creation of a state or a territory?

Mr. BEVERIDGE. I do not know; but I have seen the Senator from Colorado very recently take a good deal on his shoulders that he could not carry. [Laughter.]

Mr. PATTERSON. And this Poston, or whatever his name may be, evidently assumed that he was "running" Congress. That is all that you can gather from his reminiscences.

Mr. BEVERIDGE. If the Senator has any other question that is designed to bring out any information of which I am in possession or can correct any faulty logic that I may engage in, I shall be glad to hear it, otherwise I would be obliged if the Senator would not bother me. Poston goes on in his account of how this Arizona "pledge" was made. He says:

There was no other person in Washington, save General Heintzelman, who took any interest in Arizona affairs. They had something else to occupy their attention, and did not even know where Arizona was. Old Ben Wade, chairman of the Senate Committee on Territories, took a lively and bold interest in the organization of the territory, and Ashley, chairman of the committee in the House, told me how to accomplish the object. *He said there were a number of Members of the expiring Congress who had been defeated in their own districts for the next term who wanted to go West and offer their political services to the "galoots," and if they could be grouped and a satisfactory slate made they would have influence enough to carry the bill through Congress.* Consequently an "oyster supper" was organized, to which the "lame ducks" were invited, and then and there the slate *was made and the territory was virtually organized.* So the slate was made and the bargain concluded, but toward the last it occurred to my obfuscated brain that my name did not appear on the slate, and, in the language of Daniel Webster, I exclaimed: "Gentlemen, what is to become of me?" Gurley politely replied, "Oh, we will make you Indian agent." *So the bill passed, * * * and the oyster supper was paid for, and we were all happy, and* ARIZONA WAS LAUNCHED UPON THE POLITICAL SEA.

That is how the act happened to be passed.

Now, Mr. President, do you begin to see some explanation for this unusual language of this act? This was in 1863. Trumbull saw that something was the matter; and is anything more natural than that these gentlemen, knowing what was the mat-

ter, knowing that, as Poston wrote in his journal, they were creating offices for themselves, a whole legislature, a full court, a governor, and a secretary of state over 6,500 Mexicans 3,000 miles away, that, as soon as the war was over and Senators discovered that, they would be apt to repeal it, and therefore the language was put into the act. Whether it is that or whether it is something else, that is the explanation that exists in the record of the men who participated in it. So, Mr. President, if there be a moral "pledge," what becomes of the source of that morality? Who ever heard of morality flowing from fraud?

AND THE AUTHORS OF THE ACT GOT THE OFFICES.

As pointed out a moment ago, this "pledge" is fulfilled by this bill, no matter what its origin. It originated in a fraud, of which Wade knew nothing, and in a fraud of which nobody but the conspirators knew anything. Members of Congress entered the conspiracy, and I call the attention of the Senate to the fact that every man who was a member of what Poston calls this scheme to create this new territory for the purpose of getting offices to fill and salaries to draw, not one of them ever came back to Congress, and *every man of them got the offices that were apportioned out at the "oyster supper."* If they foresaw, as most men foresaw at that time, that the war would soon end, would not men who had places in a body like that, would not men who wanted to provide themselves with jobs like that, want to protect themselves in those offices? and what better could be provided to maintain themselves in those offices than the exact language that we find in this act, being the first and last time it was used in the organic acts in the history of the Republic?

Mr. SPOONER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Indiana yield to the Senator from Wisconsin?

Mr. BEVERIDGE. Yes.

Mr. SPOONER. Will the Senator be kind enough to tell me the names of those ex-Members of Congress?

Mr. BEVERIDGE. Yes, sir; Mr. Gurley was one.

Mr. SPOONER. As given by Mr. Poston?

Mr. BEVERIDGE. Yes, sir. I have one or two names.

Mr. SPOONER. I will not trouble the Senator now.

Mr. BEVERIDGE. But I have them, I will say to the Senator.

Mr. NELSON. I would suggest that the Senator from Indiana answer the Senator from Wisconsin in the morning, so that he can go on and finish his remarks.

Mr. BEVERIDGE. Very good. The idea that there is a "pledge"—which can not be a legal pledge and if anything at all is only a moral pledge, if anything—has been shattered by the origin of the pledge. We know what the origin of the act was, but nobody has ever suggested why it was that this language was used. What public reason could there be why this language was used in this act only and never in any other act? Why was it not used in the Idaho act, which was passed only one week later?

ONLY EXPLANATION THE ONE GIVEN BY THE CONSPIRATOR.

If it were for the reason that it was in order to maintain government down there against the Confederate forces, that was a reason of national consequence, which would have certainly been mentioned by some Senator or Member of the House in the debate, and yet not a word is said in explanation. Is it not extraordinary, Mr. President, that in a whole series of acts here was a change antagonistic to the policy of Congress, *for which no explanation exists now or has ever been given, except the one of fraud*, which Poston gives? I saw that the Senator from Colorado handed the Senator from Wisconsin a book. Is an explanation given there?

Mr. SPOONER. That was a book which I had on my table, if I must explain it to the Senator, which contains the debate on this bill.

Mr. BEVERIDGE. Does it give a reason for this language? I will be very glad to hear it if there is one.

Mr. SPOONER. No, the bill was discussed in the Senate several days. The bill was pending a good while.

Mr. PATTERSON. Over a year.

Mr. SPOONER. Over a year.

Mr. BEVERIDGE. And the reason it was pending was, as Lyman Trumbull says in his speeches, because he put it off.

Mr. SPOONER. Mr. President, there were some men who took part in that discussion who did not derive their inspiration from the same source Mr. Poston derived his, and whose brains were not "obfusticated."

Senator Wade, of Ohio, participated in that debate. He referred to the amendments which had been offered to the bill in the Committee on Territories, of which he was chairman, and Senator Doolittle says this, if the Senator will permit me. The Senator asked me a question or I would not interrupt him. Senator Doolittle says this:

NO SENATOR GAVE A REASON FOR THE "PLEDGE."

Mr. President, there is another consideration which I confess presses pretty strongly upon my mind. It is well known that the traitors, the confederates, as they style themselves, have been trying to organize what they call the territorial government of Arizona. If we, who are under obligations to afford protection to these citizens, utterly abandon them practically to themselves, give them no government, no protection, and the confederates organize a territorial government for Arizona, and send their agents and officers into that neighborhood, the influence they will exert over that population and those persons who are citizens of the United States may be very deleterious to our cause. Although it costs us something to send officers to this territory, yet if we send officers there, it is to be presumed they will be friends to the Government of the United States, and they will exercise a strong influence in that territory and among that people in keeping them loyal to the Government of the United States. That, I confess, is one of the strongest arguments which operates on my mind. I shall support the bill, and shall vote against the motion to postpone it indefinitely.

Mr. BEVERIDGE. That was Doolittle's reason, that was Wade's reason, that was Lincoln's reason for the passage of the bill; but what was the reason *for this peculiar language of the bill never used in any other similar act?* What was the reason for this "*pledge*" and, above all, *why did nobody discuss it?*

Mr. SPOONER. I thought no one was attending to the bill?

Mr. BEVERIDGE. Nobody said that. Is it not strange that nobody who was attending to the bill gave any explanation of this "pledge"—this unheard of language, the most notable and important and novel in the whole act?

Mr. HEYBURN. I think I can tell the Senator, if he will permit me.

The VICE-PRESIDENT. Does the Senator from Indiana yield to the Senator from Idaho?

Mr. BEVERIDGE. Certainly.

Mr. HEYBURN. I suggest that the reason is found in article 9 of our treaty with Mexico. Would the Senator regard it as an encroachment upon his time if I read that article?

Mr. BEVERIDGE. No, I would not. I am going to conclude in the morning, anyway, as it is impossible for me to finish this evening.

Mr. HEYBURN. Article IX of our treaty with Mexico provided:

The Mexicans who, in the territories aforesaid—

That is the land which passed to us under the treaty—

shall not preserve the character of citizens of the Mexican Republic, conformably with what is stipulated in the preceding article, shall be incorporated into the Union of the United States and be admitted, at the proper time (to be judged of by the Congress of the United States)——

Mr. BEVERIDGE. I am familiar with that treaty.

Mr. HEYBURN (reading)—

to the enjoyment of all the rights of citizens of the United States according to the principles of the Constitution, and in the meantime shall be maintained and protected in the free enjoyment of their liberty and property, and secured in the free exercise of their religion without restriction.

That was the inspiration of the provision.

WHY WAS NOT THE "PLEDGE" ALSO MADE TO NEW MEXICO, COLORADO, UTAH, ETC.

Mr. BEVERIDGE. The Senator has not contributed to the enlightenment of this question, although at first blush I have no doubt he thought he did, because if that were the reason *it would have been put into the act which organized the territory of New Mexico also*, and Colorado and Nevada and Utah and all other territories carved out of the Mexican cession. Why was it put in the act organizing the territory of Arizona and omitted from the act organizing the territory of New Mexico——

Mr. HEYBURN. I will answer that.

Mr. BEVERIDGE. Wait a minute—which was passed immediately after the treaty?

Mr. HEYBURN. I will answer that; because part of the territory of New Mexico did not come with the Spanish treaty.

Mr. BEVERIDGE. But all of this did.

Mr. HEYBURN. Part of it came under the Louisiana purchase.

Mr. FORAKER. The Senator from Indiana says it is impossible for him to conclude this evening, and that he would be very much obliged if the Senate would now adjourn to convene at 11 o'clock to-morrow morning.

Mr. BEVERIDGE. I wish to make a statement to supplement that of the Senator from Ohio.

I expected to get started to-day at 2 o'clock. That was the agreement, as it appears of record, between the Senator from Colorado and myself. I did not get started until twenty minutes after 3. The reason why I do not like to go on at 11 and prefer to proceed at 12 is that at the latter hour the Senators are here, and at 11 o'clock they are not, and I am trying to say something on this subject, and I should like to have an audience.

Mr. FORAKER. That is the only way I know of to avoid conflicting with the unanimous-consent agreement we have

made and to overcome the objections of some Senators who are anxious to have the ten-minute rule effective from 12 o'clock.

Mr. TELLER. As most Senators know, I am opposed to this system of fixing a time for closing debate. I have consented to it because it has grown up to be a custom here. But an agreement having been made, I have never known it to be changed, and if you once begin to change them you might as well give up the custom. I am willing to come here at 11 and give the Senator from Indiana until 12 o'clock, because it was not anticipated that we would meet before 12 o'clock. But I am going to insist that after the close of the morning business the order shall be speeches of ten minutes.

Mr. DICK. Then do we understand the Senator from Colorado to object?

Mr. TELLER. I do object.

The VICE-PRESIDENT. The Senator from Colorado objects.

Mr. TELLER. I thought I made myself plain.

Mr. ALLISON. The Senator does not object to the Senate meeting at 11 o'clock.

Mr. TELLER. I do not object to adjourning until 11 o'clock, and to giving the Senator from Indiana from 11 to 12.

Mr. FORAKER. I move, then, that when the Senate adjourn to-day it be to meet at 11 o'clock to-morrow morning.

Mr. BACON. I understand the purpose is that we shall meet at 11 o'clock, and that the morning hour shall not begin until 12. I suggest that the Senator had better include that in his request.

Mr. FORAKER. I will modify the request to that extent.

Mr. ALLISON. Suppose we take a recess until 11 o'clock?

Mr. BACON. That would be better.

Mr. ALLISON. I suggest that we take a recess, and then this legislative day will continue until 12 o'clock to-morrow.

Mr. FORAKER. Then I withdraw the motion to adjourn.

Mr. DOLLIVER. Before the motion is acted upon I wish to submit some amendments, which I ask to have printed.

The VICE-PRESIDENT. The amendments will be printed and lie on the table.

Mr. FORAKER. I move that the Senate take a recess until to-morrow morning at 11 o'clock.

The motion was agreed to; and (at 5 o'clock and 50 minutes p. m.) the Senate took a recess until to-morrow, Friday, March 9, 1906, at 11 o'clock a. m.

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The Senate reassembled at 11 a. m., Friday, March 9, at the expiration of the recess.

## THE STATEHOOD BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12707) to enable the people of Oklahoma and of the Indian Territory to form a constitution and State government and be admitted into the Union on an equal footing with the original States, and to enable the people of New Mexico and of Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States.

Mr. BEVERIDGE. Mr. President, I have shown with at least a conclusiveness which did not challenge dispute, that the supposed and oft-repeated objection to size is not an obstacle in the way of the reunion of these two territories, and the claim that physical difficulties were in the way, that racial antagonisms existed which rendered it impossible, did not have a foundation either in fact or reason.

With reference to the "pledge," I showed yesterday before the recess was taken that, first, the language employed does not repeal the Constitution from which we get our power; that it does not bind a subsequent Congress, and that if it has any force at all it is a moral pledge which compels an inquiry into its origin. That inquiry I made on yesterday, establishing conclusively the reason for the passage of this act, and especially the reason for the peculiar language of the "pledge."

### SO-CALLED "PLEDGE" TO ARIZONA NEVER EXPLAINED.

Last year I challenged an explanation of the singular circumstance that in all the organic acts which have been passed by the American Congress since the adoption of the Constitution no such language as this has ever been used. I have asked Senators to tell the Senate and the country why it was that the 6,500 Mexicans living in the territory of Arizona should have been considered entitled to greater rights than the people who were living in Idaho when they were made into a territorial government within seven days thereafter, and I have not yet heard an answer; why it was that the 6,500 Mexicans living in Arizona when the territorial government was established should be entitled to special favor when it had never been given to people living in any territories before, and I was not answered.

Now, Mr. President, I have pointed out the further fact that Mr. Poston was the originator of this particular and peculiar measure; for the first bill to make Arizona and New Mexico separate territories was for an east and west division. Finally that it was passed in war times, passed at a time when the flames of the greatest conflict of history were lighting up the entire Republic.

### COMMITTEE ON TERRITORIES COULD GIVE LITTLE ATTENTION TO IT IN 1863.

Something was said yesterday about the high character of the Committee on Territories of the Congress which reported that bill favorably. They did not mention the fact that they were absorbed in weightier affairs. That did not deny the fact Mr. Poston stated, that "*nobody knew where Arizona was.*"

Let us see whether the members of the Committee on Territories in 1862 and 1863 could in the nature of things and in the nature and circumstances of the case have been giving attention to this business. I wish to repeat before I read the names of the men who were members of the Committee on Territories in 1862 and 1863, that in all of the debate upon this question, although this was the significant language employed in this act, *not one word of explanation was given of it by any Senator.* No person said why they were inserting into this act the peculiar provision which gives a right to these people never given before to any American citizens in a territory. Is not that an extraordinary circumstance? Time and time again I have asked Senators for an explanation of that, and no explanation has ever been forthcoming.

### THEY WERE ON COMMITTEES ON CONDUCT OF WAR.

Now, let us see what the Senators on this committee were doing that they overlooked this language. Mr. Wade was chairman of the Committee on Territories, but what else did Mr. Wade have on hand at that time? He was also a member of the District of Columbia Committee, which had not only, as the present District of Columbia Committee has, the government of this District, but also in a large measure was in charge of its defenses and provisions for the safety of the city itself. That is not all. Senator Wade was also a member of the House and Senate Joint Committee on—what? *On the Conduct of the War*, a committee which had, practically, charge of all military operations in the field and that was daily in consultation with President Lincoln. Do you think, therefore, it is extraordinary that Mr. Wade did not give any particular attention to this peculiar language?

Mr. Wilkinson, another Member, was a member of the Committee on Indian Affairs, and the Indians were then giving this country infinite trouble. Mr. Hale, of the same name as the present chairman of the *Committee on Naval Affairs*, was the chairman of the Committee on Naval Affairs, and the Navy at that time was in greater peril and was doing greater service for the Republic than ever before in history. The members of the Commitee on Naval Affairs during the Spanish war thought that they were busy then. What do they suppose these men were in the days when the greatest conflict in the history of the world was being carried on? It was these men who reported this measure, which Mr. Poston said was fixed up beforehand.

Does that give some explanation, Mr. President, why it was that peculiar language, which it is admitted does not legally bind, was not debated on this floor or even mentioned?

### INTERPRETERS IN NEW MEXICO.

Mr. President, I want to break into the current of my argument to say just a word or two concerning statements in the report about Spanish population, interpreters, etc., because I see one or two Senators here who have asked about that. I made very diligent inquiry from very authentic sources since yesterday, and I find, to put it briefly, because I must proceed with rapidity, since my time is limited, that California absorbed and assimilated her population of Spanish extraction; Texas did the same; Colorado did pretty nearly the same, and that in the State of Colorado to-day there are six counties that are called "Spanish counties," in which counties many of the citizens speak the Spanish language, and nothing else. They are the counties of Montezuma, La Plata, Archuleta, Conejos, Costilla, and Las Animas.

I read for the benefit of the Senate also a list of the cities of New Mexico that are altogether or very largely American. They are Roswell, Las Vegas, Raton, Silver City, Carlsbad, Gallup, Albuquerque, Deming, Springer, Clayton, Folsom, Elizabethtown, Socorro, Magdalena, Rincon, Aztec, and Lincoln, and there are several other towns and villages where the population is about equally divided between the two races.

### PROSPECT OF JOINT STATEHOOD ALREADY AMERICANIZING NEW MEXICO.

There are twenty-five counties in New Mexico. Of the twenty-five counties of New Mexico, at the present time inter-

preters are never seen or heard of in the courts of thirteen of those counties. In eight of those counties, where the Spanish population has kept its solidarity by reason of not having the very legislation we are providing in this bill, interpreters are used. In four counties they are sometimes used, and in all of them they are gradually disappearing.

Furthermore, Mr. President, I find that the report of the committee, which is now read with such approval by gentlemen who then resisted it, had very great effect upon the people of New Mexico. I find that since then no interpreter has been used in any territorial convention, and they were used before. I find that the law compelling English to be taught in the schools is now enforced all over the territory. I find, generally, that the prospect of joint statehood with Arizona is arousing those people from their hundred years of isolation and has made them in three years take on more American characteristics than they did in fifty years before.

EVEN IF SO-CALLED "PLEDGE" IS LEGAL IN EFFECT AND FREE FROM FRAUD IN ORIGIN, STILL NO ONE KNEW ABOUT IT.

Now, then, Mr. President, I return to my argument concerning this "pledge," and I wish the attention of every Senator upon whom this specious and unreal objection has made any impression. Suppose it did not have the origin that Poston, its author, said it had. Suppose it was not passed in war times. Suppose that Ben Wade and Hale and everybody else were not giving their time night and day and burning out their lives in taking care of the safety of the Republic. Suppose it was passed in a Congress such as we have now, with alert men, the keen debaters, intent upon the subject.

Suppose it was passed in that way. What then? Is a man to hold another man to a pledge about which he, *the pledgee himself, knew nothing at all?* Who has gone to the territory of Arizona because he read in the organic act that there were these peculiar words—this so-called "pledge?" Who has made any investments in the territory of Arizona because he had examined the organic acts of the territories of this country and then found that there was peculiar language in the Arizona act, and therefore there was a "pledge" and he would go down there and invest and live?

Is there a Senator here who will insult the intelligence of this body by insisting on that? Every one of us knows that the men who went to Arizona went there for human reasons. They went there because there were mines or other opportunities, or because there was a beautiful climate. They went there because of wealth, they went there because of adventure, and they went there moved by all those motives that inspire human beings everywhere with action; *but no man will dare to say that anybody went there or invested there because he had read about this so-called "pledge," and upon this pledge made up his mind to go and cast in his fortunes with this territory.*

SO-CALLED "PLEDGE" NEVER HEARD OF UNTIL 1905.

So, as a matter of fact, this Congress is not bound in any way by a "pledge" which, first, is not legal, which, second, was the result of fraud, and which, in the third place, the people in the territory never knew anything about. It has been a year since I asked a man to be produced who would tell me—not make an oath, but simply state to me that he had gone down to Arizona because of this pledge, or that he had even ever heard of it; and the pledge was never heard of until the former Senator from California, Mr. Bard, after a patient research of about two months, of which he told me, finally discovered it; and upon this discovery we have had built up a great moral obligation to people who absolutely knew nothing about it.

PROPOSITION OF SEPARATE VOTE: NOT SEPARATE PEOPLES—ALL AMERICANS.

Now, Mr. President, I come to the amendment of the Senator from Ohio [Mr. FORAKER], the amendment based upon the proposition that these people are separate people, with separate origin, separate institutions, and separate destiny, and that therefore they ought to vote not at one general, common American election like common fellow-American citizens, but, as I said in opening my remarks, to vote as though they were citizens of foreign nations.

That is based, I believe, upon the idea that a territory is an "entity;" that when it has a legislature and a governor and other territorial officers it becomes an "entity" which Congress can not interfere with except by the consent of the people of that territory, or its legislature, or in some way by its authority.

Of course, Mr. President, that is the introduction of a new and advanced corollary of the old extreme doctrine of states' rights. I believe that in the entire history of this country nobody has ever before suggested such a thing as territorial rights in the sense that the territories were entities like states having territorial rights which could not be interfered with. One brilliant Senator came near it once. One of the greatest intellects that ever graced American public life, fired by his ambition to be on the winning side, Stephen A. Douglas, announced the principle of squatter sovereignty; and that went down, Mr. President, not only in defeat before the ballots of the people, but in defeat upon the field of battle. That is the nearest that has ever been advanced to the idea that a territory is an entity and that it is beyond the power of Congress to interfere with it except with the consent of its people.

TERRITORIAL "ENTITY" A CONTRADICTION IN TERMS.

Now, Mr. President, if this be true, if it is an "entity," if that is the reason they should vote separately, and not some other reason that I will examine in a moment, I wish to ask Senators this question. New Mexico was organized as a territory before and included Arizona. It had a full complement of territorial officers; it had a full legislature; and if a territory is ever an entity it was an entity. Yet in 1863 Congress split off Arizona from New Mexico, without consulting her legislature, her people, her governor, or considering her in any way.

If a territory is an "entity" which Congress can not interfere with except by the consent of the people, then the act of 1863, establishing Arizona, is null and void, because that act destroyed an "entity." How absurd!

If a territory is an "entity," I wish to call the attention of the Senate to some significant facts. I asked the Senator from Colorado yesterday, and I will ask any other Senator the question, whether we have the power to take off one-third of New Mexico and add it to Arizona, and he said he did not question it; whether we have the power to cut off one-half of New Mexico and transfer it to Arizona, and he said he did not question it. If, then, we have the power to destroy two-thirds of an entity, why have we not authority to unite the two "entities?" If we have the power, without consulting the people, *to divide one entity into two entities*, as was done when New Mexico and Arizona were separated, why have we not the power to *reunite those two entities into one*, as this act proposes?

SIMILAR INSTANCES CITED.

Let me show what Congress has done. The territory of Utah was formed. It had its legislature; it was a full territory. So was the territory of Arizona formed. Utah had its full territorial government. Yet the Congress of the United States, without consulting the people of the territory, without consulting their legislature even, cut off an entire degree of longitude from the territory of Utah and added it to the state of Nevada.

They asked the consent of the people of Nevada. Why? Because Nevada is a state. They did not ask the consent of the people of Utah. Why? Because Utah was a territory in the United States. They asked the consent of one, because it was an entity. They did not ask the consent of the other, because it was not an entity. If the territory is not an entity, then what becomes of the theory that we must give the people living in separate territories separate rights of voting and not a common right of voting?

Here is an old map of the territory of Arizona soon after its organization. It was duly organized and it was divided into counties. There is Piute County [indicating] and there is Mohave County. Those two counties at that time were embraced in this portion of that territory [indicating]. Yet Congress, *without consulting the people of those counties or the people of the territory or anybody else*, also added those counties to Nevada. But they consulted the people of Nevada.

I could go on all over this map. For example, a portion of Idaho was taken off and a portion of Utah was taken off again and added to the territory of Wyoming. Congress has three times taken territory from Utah and added it to Wyoming or Nevada or Colorado without consulting the people either of Wyoming or of Utah or Colorado.

The Senator asked the other day whether or not an instance could be cited where two territories or portions of territories had been taken off without the consent of the people and united. Another Senator was debating, and I could not answer. But the history of our country is full of such instances, and this instance here is an example where territory was taken from two territories after a full organization and added to another without the consent of the territories from which the portions were taken or the consent of the territory to which it was added.

BOUNDARY LINES MOVED.

Mr. President, take the case of Idaho. Idaho when admitted to the Union had a large portion of land up there [indicating on the map]. Congress made up its mind that that was not a proper boundary line, and therefore Congress established the present boundary line. Did they submit it to the people of Idaho whether they would accept it? No. But the question was submitted to the people in the remaining portion of the territory of Idaho whether they would come in as a state, *and*

*the people who were left out were not consulted at all as to whether they would be left out.*

So, Mr. President, not only the legal aspect of the case, not only the reasonable aspect of the case, but the historical aspect of the case absolutely settles that question.

Let us take the boundary line in the organization of Utah at first. The boundary line was the line of the Rocky Mountains, to which I pointed yesterday and about which the senior Senator from Colorado [Mr. TELLER] had some difficulty. It was organized as a full territory. Later on the territory of Colorado was organized. Then, without asking the consent of the people of the territory of Utah, or the consent of the people or the legislature of the territory of Colorado, all that portion of Utah where the line now runs, making one-half of the present state of Colorado, was taken from one and added to the other without the consent of the people of either territory or of their legislatures.

And yet we are told that the language of the Constitution, that for territory or property belonging to the United States "Congress has power to make all needful rules and regulations," is obsolete.

Mr. SUTHERLAND. Mr. President——

The VICE-PRESIDENT. Does the Senator from Indiana yield to the Senator from Utah?

Mr. BEVERIDGE. Certainly.

Mr. SUTHERLAND. The Senator submits a number of cases where territory has been detached from a Territory and united to some other State or Territory. Has he discovered any case where the entire entity has been wiped out by legislation without the consent of the people of the Territory?

Mr. BEVERIDGE. Mr. President——

Mr. SUTHERLAND. Let me add that the Senator cites cases where territory has been taken away and not where the entire political entity has been destroyed, and it seems to me that it is very much like the difference between amputating a man's toe and putting a knife into his heart.

"TERRITORIAL ENTITY"—A NEW DOCTRINE.

Mr. BEVERIDGE. On the entity question I have asked Senators time and again if we did not have the right, if we could take one-third and two-thirds of Arizona, to take the entire territory. A new doctrine is proposed here, a doctrine that a territory is an "entity"— in other words, that it is like a state, with which the Congress of the United States can not interfere.

I say that in the making of the states, the Western states particularly, Congress has continually exercised this power. Take, for instance, the illustration of Oklahoma. Oklahoma, when it was first opened to settlement, was a very small tract of land. The next year Congress gave it a territorial government. Did that make it an entity? A year or two afterwards some more land was added. That made the bizarre boundary line of the present territory. Was the land it inclosed an entity? If so, by what authority was the original entity enlarged without the consent of the entity itself? How could it be diminished without the consent of the entity itself?

CAN FRAUD OR ACCIDENT DETERMINE STATEHOOD.

We have taken land from the territory without its consent and added it to another without its consent, but never from a state. That is a difference between states and territories. States are indestructible entities with whose existence Congress can not interfere. Territories are property "belonging to the United States" over which the Government has absolute authority, and an authority which we have exercised even when affecting the most fundamental and sacred rights of citizens.

Will Senators say, if it be true that Poston is correct and this boundary line was established by fraud, that an entity was created by fraud; that an entity which binds this Nation, which this Nation can not interfere with, was established by fraud? The entity of Oklahoma was established by accident, the accident of settlement and opening of lands for that purpose. Can it be said, therefore, that accident creates an entity which it is beyond the power of the Nation to interfere with; that a situation is created which binds this Nation for all time, which will help to govern this Nation for all time?

WHAT PEOPLE SHALL BE CONSULTED?

Now, that is the legal aspect of this case. What is one of the practical aspects of the case? It is this: Nobody questions the right of Congress to create states out of "territory belonging to the United States." Everybody concedes the right of Congress to do that without the consent of the people if it wishes. But the custom has grown up of consulting the people. What people, Mr. President? ALL *the people living within the boundaries of the proposed new state.* But here is a proposition, not that *all* the people living within the boundaries of the new state shall settle their destiny, but that a majority of a *small minority living in one portion* of the proposed new state shall control the destiny of all.

Mr. President, it looks remarkably fair, plausible, and even winning, to say, Let these people vote separately; and some emphasis is given to that by calling that method the "referendum," which is always an attractive phrase to every man who believes in progressive liberty. But this bill proposes the only true referendum. This bill submits the provisions of the bill itself to the people themselves—*to all the people.* It does not merely say, Here is one proposition in the bill, vote on that alone and vote separately; but it says, Here are all the propositions in the bill—all of you vote on them at the same election, and not separately.

SO CALLED "REFERENDUM."

Mr. President, if it is right that a minority of the people living in one portion of the proposed state should control all the people living in the whole new state, will Senators tell me why it is that the people living in one of the counties of either one of the territories should not themselves vote separately? If you make a so-called "referendum" for the territories separately, why do you not also do it for the counties separately? It is undeniable and undenied that certain counties of Arizona are in favor, and overwhelmingly in favor, of this joinder. If Arizona should vote alone, why should not a county vote alone? If the majority must control this political "entity," this county in Arizona, then why should not the majority of the whole new State control the minority in Arizona on the question of statehood, assuming that they were for it? Why do you make an "entity" in one instance and deny it in the other instance?

Mr. President, is it right for Congress to say to a people living in a proposed new state, Here are the conditions upon which we invite you into the Union, but you shall not vote on it at one general election? It is not right; and so this bill fixes it that a majority of all the people shall control, not that a minority of the people living in one portion of the proposed new state shall control the will and destinies of the great majority living in the remainder of the state.

NO FAIR ELECTION POSSIBLE IF TERRITORIES VOTE SEPARATELY.

I showed yesterday that there are 21,000 voters in Arizona. There are, perhaps, between three and four hundred thousand white people in both the territories. So if you get by any means a little more than 10,000 votes in Arizona you control the present condition and the entire future destiny of 400,000 people and their descendants. You propose to let 10,000 voters in one portion of this new state fix the relationship for all of the entire 400,000 to the remainder of the 80,000,000 people who live in this Republic. Does that look so fair as it looked when you said, "Don't coerce them. Let them vote separately?"

Mr. President, there are also some other reasons why either one of the amendments offered to permit the people living in the so-called "entities" to vote separately is ill advised. That applies to both amendments, both to the one which proposes that the election for constitutional delegates, as provided in the bill, and that all the provisions of the bill shall be laid before the people separately; and also the last amendment, which provides not that the constitution itself, or the provisions of the bill, or that Congress's proposal to these people shall be laid before them, but only that an abstract question, Will you be joined? shall be laid before them without reference to the conditions of joinder, and laid before them separately.

The objections that I am going to point out of a practical nature are objections to both. There will be opposing this measure when it comes to a vote before the people in any form certain elements, notably in Arizona. I do not know that they are to be blamed for it. Perhaps it is merely human nature. Some of the same elements bitterly assailed the first part of the bill, when the Committee on Territories introduced it into the Senate, uniting Oklahoma and Indian territories. The politicians of those territories were a unit in fierce opposition to the bill.

OFFICE SEEKERS AGAINST THE BILL.

Now, that is true in Arizona, though not so much in New Mexico—already joint statehood is making progress in New Mexico as it did in Oklahoma and Indian territories. There will be simply twice as many offices to fill; there will be twice as many Senators to send, but not twice as many Representatives, because one side of the state has not enough people for one Representative now. There would be twice as many state offices and twice as many commissions. If I had time, I have here a long list of state offices and commissions in various states that I should like to read to the Senate. Therefore there would be twice as many places for ambitious gentlemen to fill if this bill should be defeated as there would be if the bill were not defeated.

So, Mr. President, if these territories were to vote separately—if you do not get the combined vote of the whole people—if you segregate the people or put them more and more in the power and under the influence of men who have personal ambitions to serve. Senators may get indignant at that, but that is the simple truth of human nature.

CATTLE INTERESTS WILL OPPOSE BILL AND WHY.

In the second place, it has appeared that the whole cattle industry of those territories will be organized against this measure. It is useless to say that they do not have influence upon their employees and other people, because they do. They are against it for a very excellent business reason, one which no doubt appeals to them as a perfectly proper reason, to wit: That the grazing lands now feeding and fattening their herds and from which they derive their wealth will largely be taken up by the school grants made by the bill for the benefit of the children of the people of that territory.

TERRITORY RAILROADS WILL FIGHT BILL AND WHY.

Mr. President, in the next place, the railroads of the territory will be absolutely against the bill. If the so-called "referendum," the false referendum, is submitted to the people, all the influence of the railroads in the territory of Arizona or that run through it will be against the bill. Let me read to you a list of roads in Arizona that pay absolutely no taxes. They are, under territorial laws, totally exempt from taxation.

| Name of road. | Date of filing. | Years exempted. |
|---|---|---|
| Phoenix and Eastern | Sept. 14, 1897 | 15 |
| Arizona and California | Sept. 12, 1903 | 10 |
| Prescott and Eastern | Sept. 14, 1897 | 15 |
| Arizona and Utah | Apr. 20, 1899 | 10 |
| Arizona Southern | Sept. 14, 1891 | 20 |
| Santa Fe, Prescott and Phoenix | Mar. 30, 1893 | a 20 |
| Grand Canyon | Sept. 14, 1897 | 15 |
| Bradshaw Mountain | Aug. 16, 1901 | 10 |

a Exemption commencing with year 1891.

This is under the territorial law. Perhaps it ought to be so, but this one thing is pretty sure. If you examine carefully into the history of that territory you will find that they will be exempted just as long as the proprietors of those railroads ask that they shall be exempted.

I shall come in a moment, if time permits, to the report of Governor Kibbey upon the whole pitiful question of taxation in Arizona. I am not making statements outside of the record. I am making statements that are made with much greater vigor, with much greater positiveness, with much greater assurance by Governor Kibbey, of Arizona, himself.

MINING INTERESTS WILL TRY TO DEFEAT BILL, AND WHY.

In the third place, Mr. President, the mines of that territory and the whole mining industry of that territory (and we have heard it repeatedly said that it is the greatest interest in the whole territory) will be against the bill when it comes before the people, as they have been against the bill from the time it was proposed here two years and a half ago. I presented a statement yesterday to the Senate made before the House committee, from the manager of the Copper Queen Mine, showing that that mine alone employs 10,000 people, most of them in Arizona, and that *one-tenth of the entire population of Arizona is employed in that company's enterprises.*

Now, let us see what the mining situation is. I hold in my hand the Copper Handbook. It is a standard authority upon the subject of copper production and copper mines in the United States and, I believe, in the world. I will read from it concerning three or four mines. On page 794 it appears that the United Verde mines produce and refine of pounds of copper, and I run down here—this is the last year—43,995,932 pounds. The net value of dividends paid was $4,495,932, in 1900. Its capitalization upon those dividends at 5 per cent is $89,918,640, and yet it is *assessed for taxation at only $895,425*, including its plant and machinery, and its plant and machinery alone are said to be worth $2,000,000 or $3,000,000.

OUTPUT, VALUE, AND ASSESSMENTS OF ARIZONA COPPER MINES.

Now, Mr. President, let us go to the Copper Queen. I have the report for several years, but I will give the last year's production from the Copper Hand Book, page 884. Its production in 1904 was 58,605,000 pounds. The value at the current price of copper was $6,000,000. A capitalization of 5 per cent is $120,000,000. *Yet that mine is assessed for taxation at $56,513.50.*

The Calumet and Arizona Mining Company produced 31,634,895 pounds of copper. Its value at the current price is $3,000,000. Its capitalization at 5 per cent is $60,000,000. *It pays taxes on $67,719.*

I have here a long list of the last year where there is data (1904) and the assessed valuation for the last year—1905. Perhaps I had better put them in as a table. They are all authentic; they are not on rumor. They are taken from standard authority and from the records of taxation.

REAL VALUE AND ASSESSED VALUE OF ARIZONA MINING PROPERTIES.[a]

| Name. | Production (pounds refined copper). | Net value annual dividends. | Value if capitalized at 5 per cent of output. | Value as assessed for taxation. |
|---|---|---|---|---|
| United Verde Mines | 43,995,932 | $4,498,680 | $89,973,600 | $895,425.00 |
| Copper Queen Mining Co | 58,605,000 | 6,000,000 | 120,000,000 | 56,513.50 |
| Calumet and Arizona Copper Co | 31,634,895 | 3,000,000 | 60,000,000 | 67,719.00 |
| Imperial Copper Co | 3,030,632 | 300,000 | 6,000,000 | 75,000.00 |

a Stevens's Handbook on Copper.

Of course, Mr. President, these are not all even of the larger of the copper mines of Arizona. There are many others, but the above will do as illustration. As I have said, this does not include the gold mines, for which I have not been able to find any standard authority. But this undertaxation, or rather failure of taxation, *applies to all the mining interests of the territory.* In other words, while the mining companies are taking from Arizona its chief source of wealth they are not helping to bear their just share of the burdens of taxation.

I ought to repeat again that the above estimate of their value is merely a calculation based upon their actual annual products; and these estimates are much below what common report says the value of these mines is. For example, it is the universal belief, sustained by the opinion of well-informed men, that the United Verde mine is worth $150,000,000; yet, as I have shown, it pays taxes on less than $1,000,000; that the Copper Queen mine, with its associate properties, is worth $200,000,000, and so on.

GOLD MINES AND TOTAL MINING OUTPUT AND ASSESSMENTS.

It is also common report that the Congress gold mine is worth, at a low estimate, $5,000,000; but of course I can not give that authoritatively or even as an estimate, yet the Congress mine is assessed for taxation *at only about $112,000.* The Congress mine is a gold mine, and this proportion is true of other gold mines of the territory.

For several years last past the bullion production of Arizona has *almost equaled the entire tax return of the Territory.* Last year the bullion production of Arizona, including copper and other metals, amounted to about $43,000,000. That was almost as much as the entire tax returns, which was put at about forty-eight millions. In the entire tax returns of Arizona all the property in the whole territory was put in at about only $48,000,000.

Governor Kibbey, in desperation, endeavored to get the mines taxed at something like a reasonable figure and had to remove arbitrarily one of the members of the board of equalization in order to have that done. The board then raised the tax returns of the territory up to $57,000,000, the raise being almost entirely upon mining property, but the supreme court of the territory, to which the question was carried by the mine owners, reversed the action of the board of equalization and reduced the tax assessment of the territory back to forty-eight millions.

PROPERTY AND TAXATION IN TERRITORIES; PEOPLE OPPOSED, CORPORATIONS ESCAPE.

It is said on reliable authority that Arizona possesses, subjects of taxation, more than $400,000,000 worth of property, and yet returns less than fifty millions' worth on the tax list. The railroads are worth about $70,000,000 and are returned for less than seven millions. In New Mexico, at a moderate valuation, the property of the territory has been calculated to be of a value of $350,000,000, yet but forty millions are on the tax list. The railroads in New Mexico are valued by the Secretary of the Interior at $90,000,000, but are on the tax rolls at eight and one-half millions.

I can not tell what the gold mines are worth because I have not a gold-mine handbook. I do not know the value of the Tombstone mines and Congress mine, but this is true all over the country. That is the condition which Governor Kibbey attacks so bitterly, because the people themselves are beginning to complain of the conditions that exist there.

OUTPUT TAX ON MINE PRODUCTS, LIKE THAT OF MINING STATES, DEFEATED IN ARIZONA.

Mr. President, for years down there—and I speak again by the record—there has been an attempt to have an output tax on the product of the mines, but it has never succeeded. I have a letter here, which I find I am not going to have time to read, from a man of eminence and authority and reliability in that territory,

who tells me how it was defeated the last time in the legislature. Please remember that in these two territories the upper house consists of only twelve members, and seven are a majority.

Now, Mr. President, in the state of Montana, in the state of Nevada, in the state of Colorado, and nearly every mining state there is an output-tax law which does not oppress the mine owners.

Mr. CARTER. Mr. President——

Mr. BEVERIDGE. I would not oppress them any more than I would excuse them from paying their just share of the taxes. I will hear the Senator from Montana.

Mr. CARTER. The Senator is dealing with a very interesting question in all the world—that is, the question of taxation. To the end that he may advise the Senate as to the basis of mining operations, I wish to make a brief explanation. In the state of Colorado——

Mr. BEVERIDGE. If the Senator is to take a long time, I will ask unanimous consent that it be not taken out of my time, as I am limited now.

Mr. CARTER. I will take less than two minutes, if the Senator will yield.

Mr. BEVERIDGE. All right.

Mr. CARTER. In all the mining states the mines are assessed at the Government price of the land primarily—that is, $5 per acre is the valuation. The assessments upon the output are properly attached to the net, and not the gross. We have mines in the Rocky Mountain country yielding millions of dollars per annum and yet being run at a loss. Therefore I suggest to the Senator, in the course of his analyses, that he differentiate between the gross and the net income, because if the gross income of the mine should be assessed all the mining ventures of the country would be ruined by taxation.

Mr. BEVERIDGE. Nobody claims anything different, but does not the Senator think that the mining law upon the net output in his own state is a good law, that the one in California is, that the one in Colorado is, and those in other states are? Nobody insists upon anybody else paying more taxes than he ought, but everybody insists that he ought to pay as much as he should. I have not a bit of objection to wealth in any form; but I do not want it to escape its just burdens any more than I would ever consent that any unjust burdens should be laid upon it. I would fight as earnestly to defend any form of capital engaged in honest enterprise from unjust assaults upon it, which would make it pay more than its fair share of the public burdens, just as much as I would insist that it should pay its full share.

RAILROADS WOULD PAY MORE TAXES UNDER JOINT STATEHOOD.

Now, Mr. President, in the case of the Santa Fe road, we, of course, all know that there is a flat rate of $175 a mile. I have figures, which I intend to present, as to the mortgage indebtedness of that road, the basis upon which modern states make up their tax returns, which show that it ought to pay vastly more and that this $175 is little less than robbery of the people. If they paid their just taxes, all the roads of the territories would have to pay, perhaps, $2,000,000 a year, under a state government, more than they pay now.

The question will be put, If that is true under a territorial government, would it not be true under a state government? If they have influence upon their laborers under a territorial government, will they not have the same influence under a state government? Yes; if it is a single state. And so we see that the very men who three years ago were most earnestly urging the admission of Arizona as a separate state, are now resisting its admission as a joint state, and, in some instances, declaring that they do not want it to be a state at all. Some of the men who three years ago were insisting to me that Arizona ought to be made a state by itself have for the last three months been insisting to me that it ought not to be made a state at all.

JOINT STATEHOOD CORRECTS UNJUST TAXATION.

If, on the other hand, the question is put to me: Well, if that is true of the single state, how will it be remedied by making a double state? I answer, this is how it will be remedied: There is a great deal of difference between 400,000 people engaged in various industries, interwoven with each other, and scattered over a vast area of country, than when there are a few people congested in small towns and depending upon one industry. Where one industry dominates a community, it is easy for that industry to influence elections; but when you scatter 400,000 people over a territory where it is not easy to reach them, where some are grazers, where some are agriculturists, where some are miners, where some are lumbermen, where some are engaged in other industries, where they are not very accessible, as is the case in Texas, you find them less subject to the influence of any interest or industry. That is plain on the face of it. So it happens, Mr. President, that in the case of the state of Texas, it is perhaps the best governed state in this Union in respect to its control of its industrial affairs.

Therefore, it is not fair to submit this proposition to a vote of the people of each territory, because they would be subject to the earnest efforts of the most powerful interests in that territory, and among them are the most powerful interests in all this country. That is not what produces a fair election. *The mammoth mining interests in Arizona, taking hundreds of millions from the territory and paying little taxes; the mighty railroad interests paying scarcely any taxes; the cattle and lumber interests; the politicians, and every element that influences elections, will do all they can to influence the necessary 10,000 votes in Arizona against joint statehood.* And so no fair election could be had. Of course I am speaking always of proper influencing.

SEPARATE ELECTION ON ABSTRACT QUESTION NO ELECTION AT ALL.

But suppose that that were not true. The last amendment offered by the Senator from Ohio was not drawn by the Senator, as he said the other day. I know perfectly well by whom it was drawn. But no matter; the question is, What is the effect of that? It is not necessary to go into a question of what the purpose is; the question is, What is the effect of the amendment which the Senator last presented?

Last year this proposition was that when this constitution was submitted to the people, when they elected delegates to a constitutional convention—in other words, when the provisions of this bill, when the conditions upon which Congress made its invitation to them to come into the Union were presented to them—that they should vote separately. That was the proposition then. Now the proposition is, not that they shall do that, not that they shall vote for delegates to a constitutional convention, not that they shall consider the propositions of this bill, but that at a special election, held before the other elections, they shall vote upon the sole, abstract proposition, Shall we be joined? and that upon that they shall vote as if they are separate peoples.

How would such a plan get anybody to the polls, except those whom certain men wanted to get to the polls? It has no human elements to get people out to vote. Nearly every man in this Chamber, or all the men in this Chamber, have had practical experience in politics, and we know that it takes the machinery of the party; we know that it takes all the enthusiasm of candidates upon opposite tickets, contending for the mastery; we know that it takes literature and everything else to finally get votes to the polls, even in our most earnest state and Presidential elections. But where a mere abstract proposition is presented to the people, without any of the human elements that ordinarily accompany an election, how is it to be expected that people in the short space that will be given by this amendment will ever get to the polls? They will not. We know perfectly well they will not.

LET THE PEOPLE VOTE ON THE BILL ITSELF; DO NOT TRY TO KEEP THE CONDITIONS OF THE BILL FROM THE PEOPLE.

No such proposition was ever before submitted—and I have looked the matter up—since this Government was founded. When we were proposing to admit other territories as states the question never has been put to the people, Will you come in as a state? Always there was an enabling act passed, or the people passed *upon a constitution* which they themselves had drawn. Always they were considering, not only the abstract question as to whether they would come in as a state, but also the grounds, *the conditions, and the provisions under which they were to come in as a state.* Why is an exception now made? Why is a mere abstract proposition put to them while the benefits of the bill and its defects are not to be considered or presented to the people?

Now, how are those people to get to the polls? That is another thing of practical importance. This election is put so that it will surely fall just in the hot season. It appears by the testimony taken before the committee that at that time nearly half of the people of Arizona—all the people in prosperous circumstances—are away at the seashore over near Los Angeles or San Diego, or some place of that kind; and a great many of the people of New Mexico go away also. So that here are practical difficulties in the way of the proposed amendment.

No matter what the intention was—and the Senator's intention in introducing the amendment was of the highest and best; I say nothing about the intention of the men who drew it—Mr. Hurd and Mr. Goodrich—but the fact is undeniable that the news of this election would not get to half the people of those territories, and in New Mexico, in my judgment, not to a third of them.

THE PLAN WILL DEFEAT ANY REAL ELECTION.

We are presenting here a grave question which is to affect the whole American people, and yet it is not only proposed that

the people shall vote separately, as if they were "entitles"—something never heard of before in the whole history of the American Republic—but it is actually proposed that they shall vote upon an abstract proposition of which they will know nothing. How will they know it? There will be no political parties to present it to them; there will be no candidates to present it to them; there will be none of the usual machinery by which issues get to the people.

ARIZONA THE GREAT A FUTURE CERTAINTY.

Now, Mr. President, I have about concluded. Twice this measure has come to us from the House of Representatives, the direct agents of the American people. Your Committee on Territories are rejoiced to find that that portion of the bill reuniting Oklahoma and Indian territory which three years ago we reported amidst such a cannonade of disfavor has now won such general acceptance. We believed then, Mr. President, that it would win, and it did win, over politicians and interests—won the approval of the people and Congress and the Nation; and just as surely as we then believed joint statehood for these two territories would win, we now believe that immediately or ultimately there will come the triumph of that portion of the bill reuniting New Mexico and Arizona about which now the battle rages.

The thought has been planted in the minds of the people; the cause has been started, and no power on earth can ever permanently turn back the wheels of a cause. No, Mr. President, it may be defeated now; but if it should be, it will confront us again next year with greater power, like another Antæus, gathering additional strength with every fresh overthrow.

Finally, Mr. President, when the greater Arizona of this bill shall have had statehood conferred upon it, every Senator who by his vote helps to bring about that blessed and happy consummation will be prouder of that vote than of any act of his entire Senatorial life. Yes, Mr. President, statehood for Arizona and New Mexico reunited is inevitable, now or soon; and when finally this Arizona the Great shall take its place among the "seats of the mighty," with its grand resources, its splendid people, its glorious and ever brightening destiny, it will be forever one of the noblest of the American states.

THE PROGRESS OF A CAUSE.

As joint statehood for Oklahoma and Indian Territory won its way against interests and influences and machines, so, ultimately, joint statehood for Arizona and New Mexico will win its way in spite of like interests and influences. The committee of which I am chairman originated the idea of joint statehood for Oklahoma and Indian territory. Everybody says everybody is for that part of the bill now. Yes, Mr. President, I have observed that it is easy to be for a measure after it has won. But when the Senator from Minnesota [Mr. NELSON], on behalf of our committee, reported the bill to unite Oklahoma and Indian Territory three years ago nobody was for it. It was resisted with a fierceness that made men gasp—resisted by some who now say that "everybody is for it."

So, Mr. President, will it finally be with joint statehood for New Mexico and Arizona; so will it finally be with Arizona the Great. For remember, you who now resist, that the thought, the idea, has been planted in the minds of the people and you can not prevent its growth. You fight the very processes of nature, and in the end you can not win. You can not stifle an idea by preventing the people from voting on it. The interests in those Territories may succeed for a time, but the people will succeed in the final reckoning; and Arizona the Great will break her chains and rise in her majesty and strength to protect and bless her children.

ORIGIN OF ARIZONA THE GREAT.

The idea of Arizona the Great—of joint statehood for Arizona and New Mexico—like most great measures of statesmanship, did not originate with any one mind. No! Like most great measures of statesmanship, it was the composite result of the thought of many minds, and those the ablest minds in the legislative world—the oldest, wisest, most experienced men in legislative life. The Committee on Territories accepted it, and every hour of our almost constant study of this measure for the last two years has strengthened our belief and conviction in its wisdom and in its justice.

What more, Mr. President! This—it has come to us, not once but twice, from the House, which, I repeat, is the direct agent of the American people. Twice it has had the approval of the most popular President who has sat in the seat of Washington since Washington's day—the last time with the emphasis of a formal and emphatic recommendation in his message—and now it has grown into a great national policy, and that policy is just as sure of realization in the end as the progress of the Republic itself.

THE GOOD OF THE NATION.

For a long time the Committee on Territories has borne the battle, in the front of which circumstances have placed us. We have borne it with patience and fortitude and courage and an increasing pleasure, born of our faith in its wisdom and in its righteousness. Always in considering it we have thought of the nation and what was just to and best for it; we have thought of the whole American people and what was just to and best for them; aye, and we have thought of the people of the territories themselves and what was best and just for them. For, Mr. President, every member of the Committee on Territories is the earnest friend of the people of these territories and holds the people of these territories in his heart's affections as dear as the people of the states who send us here.

Ah, Mr. President, we heard much said about sectionalism, about rivers and mountains separating the American people into sections. The American spirit is not divided by mountains; it is not divided by rivers or divided by lakes; but that spirit of American brotherhood which bids every American, wherever he may be, to be the friend and brother of every other American, exists all through the Republic, and that is the spirit which inspires the Committee on Territories.

Mr. President, thinking of the nation and its good, we approve this bill; thinking of the nation and its good, we ask this Senate to ratify this measure as recommended by the most typical of American Presidents and as it came to us twice from the House of Representatives, that body which, in our scheme of government, is the direct and immediate representative of the people. [Applause in the galleries.]

The VICE-PRESIDENT. The Chair will state that applause is not permitted in the galleries under the rules of the Senate.

Mr. FORAKER. Mr. President, it is only two or three minutes till the Senate must adjourn, but I take the floor in order that when the debate under the ten-minute rule begins I may have an opportunity to address the Senate. I will make a motion to adjourn now, or a minute later, just as Senators may prefer.

Mr. BEVERIDGE. I wish to call the Senator's attention to the fact that debate under the ten-minute rule begins after the morning business, not at 12 o'clock.

Mr. FORAKER. I understand that it begins after the morning business, but I want to say a word, however, so that I may be started in the remarks which I desire to submit.

If there be anything unusual in the amendment I have offered and upon which the Senator from Indiana has been speaking, it is due to the fact that the proposition which the Senator advocates is itself unusual. Never before in the history of this Government, from the time our Constitution was adopted down until this moment, has there been a proposition made in the creation of a new State to join together two Territories without regard to whether they desired to be joined; and, Mr. President, never before in the history of this Government down until this moment has a proposition been presented in Congress to admit to statehood in this Union a Territory that had not first applied for admission.

Of those propositions I will speak when I again get the floor. It is time now for me to make the motion that has been suggested, and I move that the Senate adjourn.

The motion was agreed to; and the Senate adjourned until to-morrow, Friday, March 9, 1906, at 12 o'clock meridian.

## HOUSE OF REPRESENTATIVES.

THURSDAY, *March 8, 1906.*

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. HENRY D. COUDEN, D. D.

The Journal of the proceedings of yesterday was read and approved.

COLVILLE INDIAN RESERVATION.

Mr. HUMPHREY of Washington. Mr. Speaker, I ask unanimous consent for the immediate consideration of Senate concurrent resolution No. 14.

The SPEAKER. The gentleman from Washington asks for the present consideration of the Senate concurrent resolution No. 14, from the Speaker's table, which the Clerk will read.

The Clerk read as follows:

*Resolved by the Senate (the House of Representatives concurring)*, That the Secretary of the Senate be authorized in the enrollment of the bill (S. 4229) "to authorize the sale and disposition of surplus or unallotted lands of the diminished Colville Indian Reservation, in the State of Washington, and for other purposes," to change the words "section seven" to "section six" where they occur in line 40, page 3, of the enrolled bill.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The question is on agreeing to the concurrent resolution.

The resolution was agreed to.

CONSULATES IN THE ORIENT.

Mr. ADAMS of Pennsylvania. Mr. Speaker, I am instructed by the Committee on Foreign Affairs to report House resolution No. 348, with amendment, which the committee recommends be adopted as amended.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

*Resolved*, That the Secretary of State be, and is hereby, directed to send to the House of Representatives, for its information, reports made to the Department of State, or to the President of the United States, by Herbert H. D. Peirce, Third Assistant Secretary of State, as a result of his inspection of United States consulates in the Orient, and especially in Shanghai and in other Chinese cities.

The amendment recommended by the Committee on Foreign Affairs was read by the Clerk, as follows:

In line 2 strike out the word "directed" and insert the words "requested, if not incompatible with the public welfare."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question is on agreeing to the resolution as amended.

The resolution as amended was agreed to.

WESTERN JUDICIAL DISTRICT OF TEXAS.

The SPEAKER. The Chair lays before the House from the Speaker's table the bill H. R. 6977, with Senate amendment, of which the Clerk will read the title.

The Clerk read as follows:

An act to create a new division of the western judicial district of Texas and to provide for terms of court at Del Rio, Tex., and for a clerk for said court, and for other purposes.

The Senate amendments were also read.

Mr. HENRY of Texas. Mr. Speaker, I move that the House concur in the Senate amendments.

The question was taken, and the Senate amendments were agreed to.

SPECIAL EMPLOYEES.

Mr. HUGHES. Mr. Speaker, I move to reconsider the vote by which House resolution No. 145 was passed.

Mr. TALBOTT. Mr. Speaker, I move to lay that motion on the table.

The SPEAKER. The gentleman from West Virginia moves to reconsider the vote by which House resolution No. 145 was passed. The Clerk will report the resolution.

The resolution was read, as follows:

House resolution 145.

*Resolved*, That hereafter Arthur Lucas, L. W. Pulles, Robert Coates, and Albert Scott, "cloak-room men" in charge of the Republican and Democratic cloak rooms, House of Representatives, shall be classified as skilled laborers and their compensation shall be at the rate of $840 each per annum.

*Resolved*, That the Clerk of the House of Representatives is hereby authorized and directed to pay, out of the contingent fund of the House, to Arthur Lucas, L. W. Pulles, Robert Coates, and Albert Scott, respectively, the difference between their pay as "cloak-room men," at the rate of $60 per month, and the rate of $70 per month each as skilled laborers during the remainder of the present Congress, and the Committee on Appropriations is hereby authorized to provide, in one of the general appropriation bills, for said increase from and after the adjournment of the first session of the Fifty-ninth Congress.

The SPEAKER. The gentleman from West Virginia entered a motion to reconsider the vote by which the resolution was agreed to. He now calls up that motion, and the gentleman from Maryland moves to lay the motion to reconsider on the table.

The question was taken.

The SPEAKER. The Chair is in doubt; but it seems to the Chair that the noes have it.

Mr. TALBOTT. Division!

The affirmative vote was counted.

Mr. FULLER. Mr. Speaker, can we not have the question again stated?

The SPEAKER. Without objection, the Chair will again state the question. The gentleman from West Virginia entered a motion some days ago, under the rule, to reconsider the vote by which the resolution which was reported at the Clerk's desk was agreed to by the House. He calls up that motion to reconsider for disposition this morning, and the gentleman from Maryland moves to lay that motion upon the table.

Mr. FULLER. And the vote to lay it on the table approves the resolution as adopted?

The SPEAKER. It will stand as agreed to.

Mr. LACEY. Mr. Speaker, can not some arrangement be made by unanimous consent for ten minutes' debate to explain this resolution? I ask unanimous consent that there be ten minutes on a side given to explain the resolution.

The SPEAKER. The gentleman from Iowa asks unanimous consent that there be ten minutes' debate before the motion to lay on the table is submitted. Is there objection?

Mr. TALBOTT. Regular order, Mr. Speaker.

The SPEAKER. The gentleman from Maryland demands the regular order.

The negative vote was taken.

Mr. GAINES of Tennessee. Mr. Speaker, let me change my vote.

The SPEAKER. It is so close, the Chair will ask the House to divide again.

The House again divided; and there were—ayes 96, noes 41.

So the motion to lay the motion to reconsider on the table was agreed to.

ST. ELIZABETH'S INSANE ASYLUM.

Mr. GROSVENOR. Mr. Speaker, I ask unanimous consent for the present consideration of the following bill:

The Clerk read as follows:

A bill (H. R. 15643) to authorize the board of visitors of the Government Hospital for the Insane to summon and examine witnesses under oath, and making it a misdemeanor for any such witness to refuse to attend or testify or produce books and papers when summoned.

*Be it enacted, etc.*, That the board of visitors of the Government Hospital for the Insane shall, as a part of the supervision now required of them by law, have power to make such public investigations from time to time as shall, in their judgment, be necessary for the ascertainment and correction of abuses and for the general well-being of the patients and the efficient and economical administration of the hospital in all its branches; and to that end the board of visitors are hereby empowered to summon witnesses and examine them under oath, such oath to be administered by the secretary of the board or any member thereof; and any witness who shall knowingly and willfully swear falsely as to any matter involved in any such investigation shall be deemed guilty of perjury, as defined by section 5392 of the Revised Statutes of the United States, and on conviction thereof shall be punished as prescribed by said section; and any witness who shall refuse to attend any such investigation in obedience to a summons signed by the secretary of the board of visitors, or any member thereof, or who, being in attendance, shall refuse to testify or to produce any books or papers relating to any matter under investigation shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding $500 or by imprisonment for not more than sixty days, or by both; and the fees and allowances of such witnesses shall be the same as are allowed witnesses attending on the supreme court of the District of Columbia, and when certified to by the president or other member of the board shall be paid by the superintendent as part of the general expenses of the hospital and credited as such in his accounts at the Treasury.

SEC. 2. That whenever a witness summoned as aforesaid refuses to attend or testify or produce books or papers it shall be the duty of the board of visitors to certify such refusal to the district attorney for the District of Columbia, whose duty it shall be to bring the matter before the grand jury for their action, and if an indictment be found he shall prosecute the same with expedition.

The SPEAKER. Is there objection?

Mr. CLAYTON. Mr. Speaker, reserving the right to object——

Mr. GROSVENOR. If I can have order I will explain the bill. Mr. Speaker, the bill comes from the Committee on the Judiciary, with a unanimous report in its favor.

Mr. CLAYTON. Reserving the right to object, I desire to ask the gentleman some questions.

Mr. GROSVENOR. I will state first what the purpose of the bill is in a very few words, if the gentleman desires. Some days ago a very severe attack was made upon the management of the lunatic asylum over on the other side of the river, and a publication made in the newspapers, and made in the form of a pamphlet, which appears emanated from some medico society—I do not know what it was—and thereupon the board of visitors, which corresponds to our board of trustees of benevolent institutions generally, undertook to ascertain what there was is the charges that were published; and they requested these people to come forward and testify. They notified them, but they would not come; they utterly refused to come and bring the papers or anything of the kind. Thereupon the board of visitors procured the district attorney to draw up this bill, and the bill was brought here to introduce. I have no possible interest in it, and if the gentleman from Alabama is opposed to the bill, the bill can be withdrawn without a word. Some of the witnesses are disappearing and the evidence is being gotten rid of, and the board is anxious to proceed as rapidly as possible and try to ascertain whether there is anything wrong in that institution.

Mr. CLAYTON. The report of the committee has not yet been printed?

Mr. GROSVENOR. No.

Mr. CLAYTON. I think the report ought to be printed and before us so that the House may have some information. As the House knows, very infrequently a matter comes from a committee upon an ex parte representation, on an examination which was not full and complete; and in this case I am inclined

to the opinion that as a thorough investigation into the merits of this bill ought to be made, and at any rate the report ought to be printed, and therefore I object.

The SPEAKER. The gentleman from Alabama objects.

Mr. GROSVENOR. I withdraw the bill, and so far as I am concerned it will never come up again.

INDIAN APPROPRIATION BILL.

Mr. SHERMAN. I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the Indian appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 15331, the Indian appropriation bill, with Mr. CURRIER in the chair.

The CHAIRMAN. The Clerk will report the bill.

The Clerk (proceeding with the reading of the bill) read as follows:

That no part of the moneys herein appropriated for fulfilling treaty stipulations shall be available or expended unless expended without regard to the attendance of any beneficiary at any school other than a Government school.

Mr. STEPHENS of Texas. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Texas offers an amendment, which will be reported by the Clerk.

The Clerk read as follows:

Amend by adding at the end of line 17, page 2, the following:

"*Provided*, That in the administration and disbursement of funds held in trust for the Indian tribes by the United States that part of the act of June 7, 1897 (30 Stat., p. 79), which provides 'and it is hereby declared to be the settled policy of the Government to hereafter make no appropriation whatever for education in any sectarian school,' shall apply to any trust fund or interest thereon held by this Government for the benefit of any Indian tribes by the United States, and no such trust funds nor any moneys appropriated by Congress shall be expended or used for the education or support of Indian children in any sectarian or denominational school."

Mr. SHERMAN. Mr. Chairman, I raise the point of order against that amendment that it is clearly legislation.

The CHAIRMAN. The Chiar will hear the gentleman from Texas on the point of order.

Mr. STEPHENS of Texas. I desire to say that this is only a limitation on this appropriation and it construes existing law. The law in question is the act of Congress approved June 10, 1896, providing as follows:

And it is hereby declared to be the settled policy of the Government to hereafter make no appropriation whatever for education in any sectarian schools.

The reason of this amendment is that recently the Government, in violation of this law, in my judgment, has used $102,000 of trust funds belonging to the Indians, a fund in the Treasury of the United States to the credit of the Indians, and out of that $102,000 the sum of $98,000 went to the Catholic Church and $4,000 to the Lutheran Church. In my judgment this is a violation of the act that I have just read.

In the pending bill we find the provision which has just been read by the Clerk. It is as follows:

That no part of the moneys herein appropriated for fulfilling these stipulations shall be available or expended unless expended without regard to the attendance of any beneficiary at any school other than a Government school.

It is difficult to understand the exact meaning of this language, but I do know that under this language trust funds belonging to the Indians have been used; and this being so, the appropriations that we are now making should be limited and defined. We have a plain provision of law here reciting that since 1896 it has been the settled policy of this Government to make no appropriation whatever for education in any sectarian school. Now, these funds are used by the President, or through his direction, as I understand, for sectarian schools, and I desire to limit this bill so as to prevent the use of these trust funds, which in my judgment is unlawful. That is the object of offering this amendment.

Mr. Chairman, the amendment I offer is only declaratory of the law as it is now, and I believe that when the Secretary of the Interior pays out or permits these trust funds to be paid out to sectarian schools the act of Congress approved June 10, 1896, which provides as follows—

And it is hereby declared to be the settled policy of the Government to hereafter make no appropriation whatever for education in any sectarian school.

has been plainly violated, and my amendment would only carry out the policy of this law and prevent the use of these Indian trust funds to support sectarian schools. The following protests from missionaries to the Indians, the Indian Rights Association, and other well-known men fully set forth the reasons why these trust funds should not be used in sectarian schools. These protests are as follows, viz:

DECEMBER 9, 1905.

The undersigned, whose occupations are given after their names, hereby most earnestly and respectfully present their petition against the use of Indian tribal funds of any kind whatsoever, by contract or otherwise, for the purpose of conducting denominational schools:

First. Because petitions for contracts, purporting to be signed by Indians, are generally obtained by misunderstanding, if not by fraud. Everyone who resides in the Indian country knows this to be the fact.

Second. Because such action will engender struggle and strife in the Indian country between heathen Indians and Christian Indians and between different denominations of Christians.

Third. Because all the religious bodies in the country, with the exception of one or two, have formally expressed their disapprobation of such contracts, on the ground that such contracts were contrary to the spirit of our institutions and the mind of the American people. These religious bodies could not consistently ask for such contracts, and it would be contrary to the spirit of our Government to show favoritism to the one or two religious bodies who would be willing to seek such pecuniary favors.

William H. Hare, for over thirty-two years missionary bishop of the Episcopal Church among the Indians of South Dakota; Wm. J. Cleveland, for over thirty-two years a missionary of the Episcopal Church among the Indians of South Dakota; Isaac H. Turtle, an Indian, for twenty-two years a missionary of the Episcopal Church among the Indians; Joseph Marshall, an Indian, for ten years a missionary of the Episcopal Church among the Indians; Percy I. Phillips, an Indian, for six years a missionary of the Episcopal Church among the Indians; Aaron B. Clark, for sixteen years a missionary of the Episcopal Church among the Indians; Dallas Shaw, an Indian, for seven years a missionary of the Episcopal Church among the Indians; Amos Ross, an Indian clergyman, for twenty-seven years a missionary of the Episcopal Church among the Indians; John Robinson, for over thirty-three years a missionary of the Episcopal Church among the Indians; Victor Renville, an Indian, for ten years a missionary of the Episcopal Church among the Indians; John Flockhart, for three years a missionary of the Episcopal Church among the Indians; Joseph Goodteacher, an Indian, for seven years a missionary of the Episcopal Church among the Indians; B. P. Lambert, an Indian, for twelve years a missionary of the Episcopal Church among the Indians; William Holmes, an Indian, for twelve years a missionary of the Episcopal Church among the Indians.

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AGENCY OF THE INDIAN RIGHTS ASSOCIATION,
*Washington, D. C., February 27, 1906.*

Hon. JOHN H. STEPHENS,
*House of Representatives.*

SIR: The honorable Commissioner of Indian Affairs holds that—

"Indian trust funds consist of money belonging to the Indian tribes, derived from the purchase or sale of their lands and held in the Treasury of the United States as trustee, in which they have the vested right and on which interest accrues by operation of law."

Treaty funds may be denominated those funds the principal of which is not deposited in the Treasury and for which an annual appropriation is made. The annual report of the Commissioner of Indian Affairs (1904, p. 535) shows the aggregate of Indian trust funds held by the United States to be $35,690,878.46, the annual interest thereon amounting to $1,762,412.16.

In carrying out the authority granted by the President's letter of February 3, 1905, it was decided that the expenses incurred for maintaining Government schools should first be deducted from the aggregate of tribal funds applicable therefor and a pro rata division struck of the balance, such shares to be available for denominational schools if desired by individual Indians. Objection being made to this plan, it was finally determined to permit of such pro rata division of the whole fund, so that now whatever portion of the trust funds is used for support of the Government schools it will be taken out of the balance remaining of such trust funds after deducting the pro rata shares of the Indians who desire that their funds may be used for a certain denominational school. Since the schools provided by the Government for Indians can with propriety be likened to public schools, it will be seen that the present plan is antagonistic to the principle involved in our public school system, which requires that the whole population should contribute to the support of such schools.

The plan determined upon works a hardship upon those Indians entitled to share in the trust funds who are content to have their children educated in the Government schools, by reason of their bearing the full burden of expense deducted from the trust fund, which is thus borne by a portion of the tribe instead of the whole membership.

The burden of the Indians patronizing the Government schools is further increased from the fact that the children heretofore attending the denominational schools were supported wholly by the particular denomination controlling such schools, while now these schools will receive for this class of pupils a pro rata share of tribal funds.

As has been tersely stated by Rev. Lyman Abbott in the Outlook, this is "a policy which is un-American, which is in direct contravention of the constitutional provisions of many of our States, which violates the spirit of the Constitution of the United States, and introduces sectarian strife among the Indians by setting Protestant and Roman Catholic Indians signing antogonistic petitions."

Many of the Indians are objecting to the plan of deducting pro rata shares before the expenses for continuing the Government schools is taken out of the tribal funds.

Whether or not the same policy will be continued after the present fiscal year is uncertain. In the meantime Congress should take decisive action and settle the controversy.

Very truly,

S. M. BROSIUS,
*Agent Indian Rights Association.*

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At a meeting of the Committee on Indian Affairs, United States Senate, during the past year, S. M. Brosius, agent of the Indian Rights Association, said:

"A statement has been made to me by an honorable Senator, which

will be amplified before the Committee on Indian Affairs if requested, to the effect that a Mr. Scharf, a representative Catholic, submitted a table of twenty close Congressional districts, with the alleged Catholic vote in each, and a written proposal to deliver the necessary votes to carry those districts that might be selected by the Republicans if the appropriations for Catholic Indian schools to the amount of $200,000 were continued for two years longer. Even threats were made by this Mr. Scharf that the defeat of certain Congressmen would be brought about unless opposition to sectarian appropriations was withdrawn.

"I will state further that a Member of the House of Representatives, who was opposing legislation which provided for support of Indian contract schools from Government funds, was approached by the same Mr. Scharf, and threatened that if he did not withdraw his opposition to the legislation that he (Mr. Scharf) would see to it that the Catholic Church organization would defeat him at the next election. I am authorized to make this statement to this committee, and the Member referred to is Hon. JOHN H. STEPHENS, of Texas."

Hon. A. J. Bard, of California, thereupon said that he was the Senator to whom Professor Scharf made the statement, and he added:

"I believe, Mr. Chairman and gentlemen of the committee, that it is a very dangerous thing to let such a matter go by unnoticed, and I therefore feel that it is my duty to make this statement before this executive session of the committee. I made a memorandum soon afterwards, so that I refer to that now; I am not trusting my memory at all with reference to it. I have tabulated statements here showing some twenty districts in the United States, and the names of the Members representing such districts, the total Catholic population in each district, and the total Catholic vote.

"Mr. Scharf called on me and stated that he was authorized by his church authorities to offer a proposition to the Republican leaders in Congress to this effect: That he would guarantee these twenty weak Congressional districts to go Republican the next election provided Congress gave to the Roman Catholic schools an appropriation for two years, each of $200,000. These statements which I am referring to were handed to me by Mr. E. L. Scharf at the Hotel Normandie on the evening of March 20, 1902. But let me refer to a written memorandum referring to the matter which I made on the following day. Mr. Scharf at that time delivered to me a letter from Bishop Montgomery, dated March 5, 1902, relating to the appropriations for the Catholic Indian schools. The first tabulated statement was exhibited to me several weeks before by Mr. Scharf, he stating at that time that for a year or more he had been employed to go through the country and get together the statistics therein shown; that he was authorized to propose to the Republicans in Congress that if the appropriation for the Catholic Indian schools shall be continued for two years the church would guarantee that during that period the Congressional districts named would be carried by the Republicans.

"He assured me over and over again that the church was able to secure such results. In his interview on the evening of March 20 he again reiterated the statement that the Roman Catholics could always command a sufficient number of Catholic votes to carry any measure or elect any man when they were informed by the authorities of the church that such a result would be for the benefit of the church. He further stated that arrangements had already been arrived at by which the reelection of the Member of Congress from one of the districts in California would be assured, and that he had, in pursuance of his promises to this gentleman, written to the Roman Catholic clergymen in the various counties comprising that district.

"These papers were delivered to me by Mr. Scharf at my request for the purpose, as I explained at the time, of making copies thereof, the originals to be returned to Mr. Scharf at 1531 I street NW., Washington, D. C."

Following this exposure of Professor Scharf's activity along political lines came a prompt "denial" from Cardinal Gibbons, who, under date of February 1, 1905, declared that Professor Scharf "is not an agent of the Catholic Church or of the bureau of Catholic Indian missions, and has never been employed by the church or by the Catholic Indian bureau in any way whatever."

Yet in the report of the "director of the bureau of Catholic Indian missions for 1903–4" is the following paragraph at the close of that document:

"AN ACKNOWLEDGMENT.

"The bureau is indebted to Prof. E. L. Scharf, of Washington, D. C., for very valuable services which he rendered the cause of the Catholic Indian schools."

Evidently, if Professor Scharf was never "employed" by the bureau of Catholic Indian missions, he was no stranger to its officers.

Notwithstanding the repudiation by Cardinal Gibbons, Mr. Scharf contemplates a resumption of his activities. In the New York Evening Post of October 9, 1905, appeared a Washington dispatch—which, so far as we know, has not been contradicted—as follows:

"Prof. E. L. Scharf, the so-called Catholic lobbyist, whose activities last winter in connection with the diversion of Indian trust funds to sectarian schools attracted so much attention, is in town again to look to the interest of his church and the legislation that will be considered this winter. He was at the White House this forenoon. Afterwards he told some correspondents on the steps of the Executive Office that he had seen the President and that Mr. Roosevelt had not changed his attitude, and still favored the use of tribal funds for the support of Catholic schools on the reservations. Scharf talked with the utmost frankness.

"'You know,' he said, 'that last winter the Senate Committee on Indian Affairs inserted in the Indian appropriation bill an amendment providing that no portion of the Indian trust or tribal funds held by the United States for the benefit of any tribe should be expended for the support of any sectarian or denominational school. The bill passed the Senate in this form, but we knocked it out in conference, and the President's original order still holds. Though these moneys had been so used for several years, when the Democratic Administration came into power in 1892, though it had been elected by Catholic votes, the appropriation was knocked out.

"'The Catholics had been trying to get it restored by appealing to the fairness and justness about Congress, but they soon realized that if they wanted to get the appropriation again, they would have to talk votes, so I prepared the tabulations of the Catholic vote in twenty close Congressional districts that caused so much comment last winter, and showed it to Senator Bard and others. The A. P. A. sentiment was not dead in the country, and that organization was active in certain sections. I told members of the two Indian committees that if any Congressman was afraid to vote for the bill, it would be mighty easy to rally the Catholic votes in his district to him. I knew what the A. P. A. was doing because I have a relative who is a member of it, and he was telling me everything that was going on.

"'We expect the same fight this winter. Representative STEPHENS of Texas has prepared an amendment to the Indian bill to knock out the appropriation, and we shall probably have our work to do all over again.'

"'What will be the attitude of the Indian Commissioner?'

"'I do not know yet. You know he used to work for the New York Evening Post, and that is a sort of A. P. A. paper. Some of his recent decisions have been very cautious, and he has not defined his attitude, so we can not tell exactly where he stands. Some of the questions relating to the disposition of these funds are now before the Department of Justice, but you know even the decisions of the Department of Justice are sometimes influenced by politics.'"

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[Extract from the platform of the Twenty-third Lake Mohonk Conference of Friends of the Indian and other Dependent Peoples, held at Mohonk Lake, N. Y., October 18–20, 1905.]

6. This conference respectfully petitions Congress by legislation to pass upon the question whether any funds held in trust by the United States should be used for the support of any schools under denominational or ecclesiastical control. And the conference records its conviction that the decision repeatedly embodied in the legislation of Congress against the appropriation of any public funds for the support of such schools should also be by law enforced against the use of Indian tribal funds of which the United States Government is the trustee.

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[From the Outlook, New York, February 3, 1906.]

INDIAN CHURCH SCHOOLS—THE WAY OUT.

As our readers will remember, all Congressional appropriations for Indian schools under ecclesiastical control were discontinued by Congressional act, by a series of diminishing appropriations, and in accordance with a policy settled and announced some years ago. Notwithstanding this, the practice grew up in the Department of allowing, under restrictions, the appropriation of certain trust funds under the control of the Department to church schools upon the request of the Indians. After consideration, the President ordered this practice continued until it was negatived either by the courts or by act of Congress. His recognition of the fact that it might be negatived by the courts was tantamount to an acknowledgment that the legality of such an appropriation was doubted, and in point of fact this was the case. In his last report the Commissioner of Indian Affairs prescribed very careful regulations to prevent the perpetration of frauds upon the Indians in the endeavor of church representatives to secure the consent of Indians to the use of their moneys in church schools, these regulations being provided in compliance with the President's direction that "care must be taken, of course, to see that any petition by the Indians is genuine, and that the money appropriated for any given school represents only the pro rata proportion to which the Indians making a petition are entitled." It is our opinion that anyone reading these regulations would find an additional and weighty argument against the policy which the President is pursuing in this matter in the very fact that it is necessary to make such an elaborate provision to prevent fraud. We do not need here to repeat the more fundamental reasons which we have given to our readers from time to time against that policy; it is enough to say that the true way out is indicated by two bills now before Congress. The first is the Stephens bill, which explicitly provides that no trust funds shall be used for purposes of education in any sectarian or denominational schools. This bill is simply an extension of the principle that Congress has already adopted, and may almost be said to have been suggested by the President's phrase that the practice of giving such appropriations "will be continued unless the Congress should decree to the contrary." The other measure is the Lacey bill, which authorizes the President, in his discretion, from time to time to designate such Indian tribes as he may deem to be sufficiently advanced in civilization to be prepared to manage their own money, and shall thereupon cause the money held in trust for such tribes to be allotted in severalty to the members thereof. These two bills, supplementing each other, would take this troublesome question out of politics. There is very good reason why the United States Government should not, directly or indirectly, make, for the benefit of church schools, any appropriations out of any funds, however they may be held; but there is no reason why Indians who are sufficiently intelligent to determine how their money should be spent should not have their money given to them and be left to spend it in their own discretion. Strenuously as the Outlook is opposed to any connection between the Government and the church schools, it is inclined to advise Indians, where they can do so, to send children to schools of their own religious faith and to pay for the tuition out of their own funds.

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[From The Outlook, April 8, 1905.]

INDIANS AND SCHOOLS.

*To the Editors of The Outlook:*

I wish to commend you for the strong stand you are taking with respect to the Indian school question. Your articles in the issues of February 18 and 25 are thoroughly American in tone and conception. I believe that you are right in affirming that the action of the President "violates a vital and fundamental principle of the unwritten constitution of the American Commonwealth, a principle incorporated in the written constitution of many of the States and implied in the written Constitution of the United States."

I am an ardent admirer of the President. I admire his remarkable courage, his keen insight, and his celerity of judgment. I agree with you in your statement concerning him in The Outlook of last October that "the celerity of his judgments is due to the fact that he determines on certain well-considered principles of action, and by those principles determines particular questions before him." On this occasion Mr. Roosevelt does not seem to have acted on fundamental principle. In this his friends are surprised. They are surprised because he has trained them to expect that he will always act in accordance with "well-considered principles."

I consider the analogy legitimate which you allege between the Indian trust funds and the funds held by the Government for white citizens. Furthermore, I am glad to note that you still retain your judgment "that any allotment of moneys out of the trust funds by the United States Government, as a trustee for the Indians, for denominational schools is inconsistent with the fundamental principle that there should be no financial connection of any sort between the Government and ecclesiastical organizations." Such a judgment is worthy of Mr. Roosevelt himself, and is exactly such as his friends would expect him to give utterance to.

G. V. C.

Mr. SHERMAN. If the Chair desires to hear me——

The CHAIRMAN. The Chair is ready to rule. The amendment offered by the gentleman from Texas, while in the form of a limitation, is not confined to this particular appropriation, and it deals with funds which are not covered by the law to which the gentleman refers. The Chair sustains the point of order.

The Clerk read as follows:

That no purchase of supplies for which appropriations are herein made, exceeding in the aggregate $500 in value at any one time, shall be made without first giving at least three weeks' public notice by advertisement, except in case of exigency, when, in the discretion of the Secretary of the Interior, who shall make official record of the facts constituting the exigency, and shall report the same to Congress at its next session, he may direct that purchases may be made in open market in amount not exceeding $3,000 at any one purchase: *Provided*, That supplies may be purchased, contracts let, and labor employed for the construction of artesian wells, ditches, and other works for irrigation, in the discretion of the Secretary of the Interior, without advertising as hereinbefore provided: *Provided further*, That as far as practicable Indian labor shall be employed and purchase in the open market made from Indians, under the direction of the Secretary of the Interior.

Mr. CRUMPACKER. Mr. Chairman, I desire to reserve a point of order to each of the provisos, separately, contained in this paragraph, on the ground that it is new legislation, with a view to getting an explanation.

Mr. SHERMAN. Mr. Chairman, either it is a limitation upon the appropriation herein contained or else it is law, because this exact provision has been carried in every appropriation bill since I have been its chairman. If it is legislation, it is now enacted. If it is not legislation, it is simply a limitation upon the appropriation herein carried.

The CHAIRMAN. The Chair will hear the gentleman from Indiana.

Mr. CRUMPACKER. Mr. Chairman, I think it is clearly legislation. It is not a limitation upon the appropriation, and the fact that it may have been carried in a succession of appropriation bills under repeated decisions of the Chairman of the Committee of the Whole House does not give it the status of law.

Mr. SHERMAN. Mr. Chairman, will the gentleman permit a suggestion right there?

Mr. CRUMPACKER. Yes.

Mr. SHERMAN. It has been carried in other bills. If it is legislation it is now the law, and it is a matter of no consequence whether or not it be repeated.

Mr. CRUMPACKER. Carried in other appropriation bills?

Mr. SHERMAN. Yes; every bill for ten years; so that if it is legislation, it is already law now.

Mr. CRUMPACKER. The point I make is that each appropriation bill in so far as it contains such provisions as this constitutes the law for the fiscal year for which that appropriation obtains and no more.

Mr. SHERMAN. Then it is but a limitation.

Mr. CRUMPACKER. Well, that is a question. I understand the rule to be that the fact that a provision is contained in a succession of appropriation bills does not constitute law in the sense of the rules of the House.

The CHAIRMAN. The Chair would state to the gentleman from Indiana that that is the opinion of the Chair in ordinary cases, but legislation can be enacted in an appropriation bill, and the Chair thinks that if this provision was carried in the last appropriation bill it would not be necessary in this bill at all; that it is existing law; and the Chair overrules the point of order.

The Clerk read as follows:

That the Secretary of the Interior, under the direction of the President, may use any surplus that may remain in any of the said appropriations herein made for the purchase of subsistence for the several Indian tribes, to an amount not exceeding $25,000 in the aggregate, to supply any subsistence deficiency that may occur: *Provided*, That any diversions which shall be made under authority of this section shall be reported in detail, and the reason therefor, to Congress, at the session of Congress next succeeding such diversion: *Provided further*, That the Secretary of the Interior, under direction of the President, may use any sums appropriated in this act for subsistence, and not absolutely necessary for that purpose, for the purchase of stock cattle for the benefit of the tribe for which such appropriation is made, and shall report to Congress, at its next session thereafter, an account of his action under this provision: *Provided further*, That funds appropriated to fulfill treaty obligations shall not be used: *Provided further*, That in lieu of the milch cows, mares, and implements to be issued to Sioux allottees under the provisions of section 17 of the "Act to divide a portion of the reservation of the Sioux Nation of Indians in Dakota into separate reservations and to secure the relinquishment of the Indian title to the remainder, and for other purposes," approved March 2, 1889, the Secretary of the Interior may, in his discretion, issue to any allottee entitled to benefits under said section who shall petition therefor an equal value in good stock cattle.

Mr. CRUMPACKER. Mr. Chairman, I desire to reserve the point of order on that just to find out something.

Mr. SHERMAN. Mr. Chairman, I have an amendment which I would like to offer. I move that, in line 14, on page 3, the word "said" be stricken out.

The CHAIRMAN. Against what provision does the gentleman from Indiana reserve the point of order?

Mr. CRUMPACKER. Against the entire paragraph.

The CHAIRMAN. Does the gentleman desire to be heard? The Chair is ready to rule.

Mr. CRUMPACKER. Mr. Chairman, I desire to find out something about it.

The CHAIRMAN. The Chair would like the attention of the gentleman from New York for a moment. Was this provision in these identical words carried in the last appropriation bill.

Mr. SHERMAN. Not from line 4 to line 14, inclusive, on page 4. That is new, but I do not understand that the gentleman from Indiana [Mr. CRUMPACKER] is so much desirous of pressing his point of order as he is of obtaining some information.

The CHAIRMAN. The Chair will state, then, to the gentleman from Indiana, in answer to a parliamentary inquiry, that a provision in the appropriation bill of last year changing existing law, unless it applied to that appropriation only and did not extend beyond that year, is existing law to-day, and that same provision inserted in the identical words in this bill is a reenactment of existing law, against which a point of order can not lie.

Mr. CRUMPACKER. Well, Mr. Chairman, I beg to call the attention of the Chair to the fact that this paragraph is not the same as that contained in the former appropriation bill, because it has some provisos and conditions attached to it. The gentleman from New York admits that.

The CHAIRMAN. If the gentleman is correct in his assumption and will point that out to the Chair, the Chair will sustain the point of order.

Mr. SHERMAN. Mr. Chairman, I think the Chair does not understand the gentleman's object in raising the point of order and reserving it. I understand the gentleman from Indiana desires information and desires to reserve the point of order until he obtains the information in order that he may determine whether or not he shall press the point of order.

Mr. CRUMPACKER. The gentleman from New York has stated my purpose quite clearly and correctly.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. CRUMPACKER. Mr. Chairman, I thought it good policy to raise a point of order so if on explanation the paragraph be subject to a point of order it could be a good deal more easily and surely disposed of than on a motion to strike it out. Therefore I reserve the point of order in order that I might get an explanation from the gentleman from New York respecting this policy of the diversion of funds. I had understood it to be the general policy of Congress to prevent the diversion, to require funds to be appropriated for the purpose to which they are specifically applied in the bill. It seems to me as a general policy it is a bad one; it may be under some conditions that good administration would justify the vesting of a discretion of this character in an administrative officer, provided it is sufficiently limited and safeguarded, but I think almost all of the abuses in the use of appropriations—I know practically all of them—arise where unlimited discretion is conferred on a Department that has control of the disbursement. I rose simply to raise the question that I have presented, with a view of finding out the reason.

Mr. STEPHENS of Texas. Will the gentleman allow me a question?

Mr. CRUMPACKER. Certainly.

Mr. STEPHENS of Texas. I want to ask the gentleman what objection he has to the change of milch cows, farm implements, etc.?

Mr. SHERMAN. That is not the provision the gentleman is inquiring about.

Mr. STEPHENS of Texas. I ask the gentleman why he objects to the change?

Mr. SHERMAN. That is not the change the gentleman is objecting to.

Mr. CRUMPACKER. I am inquiring about this provision authorizing the diversion of appropriations from the purpose to which they are specifically intended.

Mr. SHERMAN. I agree with the gentleman from Indiana in his statement, but not as to the general policy. I am fully in sympathy with the provision which the Appropriation Committee has made in reference to diversion of funds; but this appropriation, this arm of the service, differs materially from any other service. This provision simply relates to the use of funds for the support of suffering Indians. This is different from the legislative bill, and it will not be possible to carry clerks or anything of that kind under this provision; it simply makes it pos-

sible where there is a fund left on hand which provided for the support of the indigent Indians. It provides that where one fund has been exhausted and another has not been exhausted the unexhausted fund may be used. Conditions vary from one section of the country to the other. A detailed report is required to be made of the diversion of the specific appropriation.

Mr. CRUMPACKER. I suppose I may ask about the succeeding paragraph, so that no explanation may be required later?

Mr. SHERMAN. Yes.

Mr. CRUMPACKER. In that paragraph the same power is given respecting the employment of labor, millers, blacksmiths, engineers, carpenters, physicians, and so on. Is it not possible to determine with practical certainty the amount of labor and clerical force that will be required at these various places?

Mr. SHERMAN. Yes; with reasonable certainty; and yet there are certain treaty provisions which provide for blacksmiths, which, under changed conditions, are not at all necessary. Changed conditions may make it advisable to use the funds for the employment of some other person, as, for instance, a farmer. Farmers are of great value, not only on reservations, but wherever Indians are congregated together.

Mr. CRUMPACKER. These provisions practically make the whole appropriation a lump-sum appropriation?

Mr. SHERMAN. So far as certain gratuities are concerned and certain specific treaty provisions are concerned; yes.

Mr. CRUMPACKER. Is it the judgment of the gentleman—and I suppose it is, or he would not have put the appropriation in the bill—that this provision is necessary to the successful and proper administration of this service?

Mr. SHERMAN. It has been deemed advisable to have these provisions by all of the administrative officers in the Department with whom I have come in contact, although it has happened that at no time has any considerable sum been diverted from specific appropriations.

Mr. CRUMPACKER. How long has it been the practice of Congress to confer this authority on the Secretary of the Interior?

Mr. SHERMAN. For a dozen years, I should say, if not longer.

Mr. CRUMPACKER. And these are substantially the same provisions as were contained in former bills?

Mr. SHERMAN. Absolutely, except the provision in lines 4 to 12.

Mr. CRUMPACKER. That is the last proviso of the paragraph under consideration.

Mr. SHERMAN. Yes.

Mr. CRUMPACKER. Mr. Chairman, I will withdraw the point of order.

Mr. SHERMAN. Mr. Chairman, in line 14, page 3, I move to strike out the word "said."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

In line 14, page 3, strike out the word "said."

The amendment was agreed to.

The Clerk read as follows:

That whenever after advertising for bids for supplies in accordance with sections 3 and 4 of this act those received for any article contain conditions detrimental to the interests of the Government, they may be rejected, and the articles specified in such bids purchased in open market, at prices not to exceed those of the lowest bidder, and not to exceed the market price of the same, until such time as satisfactory bids can be obtained, for which immediate advertisement shall be made: *Provided*, That so much of the appropriations herein made as may be required to pay for goods and supplies, for expenses incident to their purchase, and for transportation of the same, for the year ending June 30, 1907, shall be immediately available, but no such goods or supplies shall be distributed or delivered to any of said Indians prior to July 1, 1906.

Mr. SHERMAN. Mr. Chairman, on page 5, line 7, I move to strike out the words "sections 3 and 4" and insert in lieu thereof the words "the provisions."

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 5, line 7, strike out the words "sections 3 and 4" and insert in lieu thereof the words "the provisions."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

That the Commissioner of Indian Affairs, under the supervision of the Secretary of the Interior, is hereby authorized to investigate and report to Congress upon the desirability of establishing a sanitarium for the treatment of such Indians as are afflicted with tuberculosis, and to report upon a location and the cost thereof, and also upon the feasibility of utilizing some present Government institution therefor; said report to include, as far as possible, the extent of the prevalence of tuberculosis among Indians.

Mr. CRUMPACKER. Mr. Chairman, I desire to reserve the point of order against that paragraph.

The CHAIRMAN. The paragraph beginning line 21, on page 7?

Mr. CRUMPACKER. The paragraph just read, beginning with line 20, page 7.

The CHAIRMAN. The gentleman from Indiana reserves the point of order against the paragraph.

Mr. BURKE of South Dakota rose.

The CHAIRMAN. Does the gentleman from South Dakota desire to be heard on the point of order?

Mr. BURKE of South Dakota. No, sir; I do not.

Mr. CRUMPACKER. I reserve the point of order, so as to have an explanation.

The CHAIRMAN. The Chair will hear the gentleman from South Dakota.

Mr. BURKE of South Dakota. The gentleman in charge of the bill will probably explain it. I rose for another purpose, and I will wait.

Mr. STEPHENS of Texas. Will the gentleman permit a question?

Mr. SHERMAN. I am looking for the hearing of the Commissioner upon the subject.

Mr. STEPHENS of Texas. Will the gentleman from Indiana permit a question?

Mr. CRUMPACKER. Yes.

Mr. STEPHENS of Texas. I will state to the gentleman that this provision only requires investigation and a report, and it will not cost the Government one cent. It is well known that this disease has become widespread among the Indians, and some such institution has become a necessity. It has been urged by the Indian Department and recommended by various associations and individuals looking after the interests of the Indians of the United States. It does not cost the Government anything, but only authorizes the Commissioner of Indian Affairs to investigate and report to Congress the desirability of establishing a sanitarium for the treatment of such Indians as are affected with tuberculosis and to report upon a location and the cost thereof.

Mr. CRUMPACKER. Has not the Secretary of the Interior that power already?

Mr. STEPHENS of Texas. If he has, he has not exercised it, and we desire it to be exercised.

Mr. CRUMPACKER. Has not he probably all the information that is necessary, and can not he embody his recommendations in his annual report? The objection I see to the paragraph is this: It seems to me that it is in a sense a commitment of the Congress to the establishment of a tuberculosis sanitarium, and of course if one should be established, it will be a creditable institution, and ought to be. I have been hoping all the time, and I have been led to believe, that the policy of the Department of Indian Affairs looked toward the ultimate dissolution of the tribal status of the Indians and the ultimate withdrawal of Federal guardianship. I fear if we provide for the construction of a sanitarium for the Indians, with reform schools, insane asylums, and institutions of that kind, we will be constructing governmental machinery of such tenacity of life and tenure that its tendency and influence will be to indefinitely postpone the time for the withdrawal of guardianship over the Indian tribes. Are not there sanitariums open to Indian patients—tuberculosis sanitariums in the country?

Mr. SHERMAN. No; not unless the Government sends a patient there and pays for him. If the gentleman from Indiana was here yesterday he might have heard the gentleman from South Dakota make quite an extensive argument upon the subject of establishing a tubercular hospital.

Here is what the Commissioner says upon the subject:

Besides the danger of undermining the moral health of wholesome-minded children by introducing the unwholesome minded freely among them, it seems to me that we are making a mistake in not establishing somewhere—preferably in the Southwest—a school for children suffering from tuberculosis, the disease which is more generally disseminated than any other among the Indians. In their own homes these little ones can have no sort of sanitary surroundings, and only in rare instances proper medical care. The most stringent rules, moreover, which the Office of Indian Affairs can prescribe for the protection of healthy children from perilous contact with those who have been stricken are bound to be only partly effective; for, though we may weed every sign of the scourge out of the schools by excluding all children pronounced by the examining physician unsound, we are only segregating these in order to make them grow up—if they do grow up—in ignorance. The establishment of such a sanitarium as I have here suggested would insure to the unfortunates the special care and the chance for recuperation which is their due, as well as the schooling needed to fit them for the serious business of life, instead of being sent home to serve as centers of infection for both their own people and the whites of the neighborhood.

Then the Commissioner at another time said at a hearing on the bill H. R. 8986:

The prevalence of tuberculosis among the Indians is a matter of grave concern. While investigations made by this Office reveal an alarming situation, it is probably only in particular localities where

the scourge is worse among the Indians than among whites under similar conditions. A campaign of education has begun among our own people, and if it is necessary for them it is at least as important for our Indians. In their own camps and cabins they do not have the sanitary conveniences of a modern civilized home, and one consumptive may become, through ignorance, a source of infection to numberless other persons.

Then later on, in answer to my inquiry as to what extent tuberculosis does prevail among the Indians, he said:

In a recent report by Dr. Joseph R. Walker, agency physician at Pine Ridge Agency, S. Dak., a number of statistical tables were given, from which it appears that in 1905 the full-blood Indian population of the reservation was 4,875, among whom there were 561 cases of consumption during the year, of which 172 were new cases, 104 recoveries, and 109 deaths. The mixed-blood population was 1,822. Among these there were 54 cases of tuberculosis, of which 22 were new, 13 recoveries, and 6 deaths.

Mr. CRUMPACKER. Now, would it be feasible to admit members of the various Indian nations into one hospital for treatment?

Mr. SHERMAN. That is the theory, certainly.

Mr. CRUMPACKER. Only one hospital for all of them?

Mr. SHERMAN. That is the theory.

Mr. CRUMPACKER. Is it not true that the Secretary of the Interior could make this investigation now and recommend in his annual report the advisability of the construction or establishment of this hospital?

Mr. SHERMAN. Yes; he could; without specific instructions from Congress.

Mr. CRUMPACKER. So really this provision is not strictly necessary?

Mr. SHERMAN. The Secretary has the authority, and he has the machinery under which he may do just what the gentleman indicates, but it seemed to us, in view of the statement made by the Commissioner, and, I say it without disparagement, a gentleman who is more familiar with the Indians upon their reservations than is the Secretary, it was wise to order an investigation.

Mr. CRUMPACKER. This paragraph requires it, and seems, in a way, to commit Congress to the policy after the investigation may be made.

Mr. SHERMAN. It commits it to this extent: The expectation is—and I want to be perfectly frank with the gentleman, because he is always so with everybody—the expectation is that the report will disclose a condition which will not only warrant, but substantially impel us to set aside one of the schools. The theory is not, you know, to establish a new institution, but to take some one of the schools now existing and to take one in that portion of the country where the climate is supposed to be most beneficial to tubercular patients, and set aside that school for the care of these tubercular patients.

Mr. CRUMPACKER. I do not like to insist upon an objection to a provision in a bill of this character when gentlemen who have had charge of its preparation and who have been responsible for the investigation of conditions upon which it is made have recommended it.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SHERMAN. Mr. Chairman, I ask unanimous consent that the time of the gentleman from Indiana be extended five minutes.

The CHAIRMAN. The gentleman from New York [Mr. SHERMAN] asks unanimous consent that the time of the gentleman from Indiana [Mr. CRUMPACKER] be extended five minutes. Is there objection?

There was no objection.

Mr. CRUMPACKER. I say I feel greatly disinclined to insist upon an objection under the circumstances, as I am solicitous for the welfare of these wards of the Government, and upon the statement of the gentleman from New York [Mr. SHERMAN], I am disposed to withdraw the point of order if he thinks this provision is necessary.

Mr. SHERMAN. I think it is a very wise course to pursue.

Mr. CRUMPACKER. And while a wise thing, a prudent thing for the Government to do?

Mr. SHERMAN. I believe so.

Mr. CRUMPACKER. Mr. Chairman, I withdraw the point of order.

Mr. BURKE of South Dakota. Mr. Chairman, I move to strike out the last word.

I stated in my remarks yesterday that the subject of tuberculosis among the Indians was a subject of grave concern. I referred to an article contributed to the Review of Reviews, and published in the March number, by Dr. D. W. Robinson, of Pierre, S. Dak., who has made the subject of tuberculosis among the Indians considerable of a study for some years. I now ask unanimous consent that the article referred to be printed in the RECORD.

The CHAIRMAN. The gentleman from South Dakota asks unanimous consent that the article to which he has referred be printed in the RECORD. Is there objection?

There was no objection.

The article referred to is as follows:

TUBERCULOSIS AMONG THE SIOUX.

The great Sioux tribe, the most puissant of the American aborigines, is withering to extinction with tuberculosis at the agencies along the Missouri.

There are about 25,000 of these people, making fair progress in civilization, living in houses, wearing citizens' clothing, the children being educated, the families generally professing Christianity, the able-bodied engaged in some form of manual labor by which they earn the means of subsistence.

The alarming extent of this dread infection prevailing among them can not be overstated. Hardly a home but it has found victims, and hardly a home where it does not still exist in some form. The disease is usually quick in its deadly mission. A man, apparently healthy, leaves his work and goes to his trader and orders a suit of grave clothes. "I have the sickness," he says. He is measured for the suit and by the time it is finished the buyer is often ready to wear it through the long sleep. The mother and the grownup son or daughter are apt to share a similar fate.

Under such conditions and in such environment it will readily be understood that an atmosphere of gloom and depression abounds, paralyzing to ambition and further advancement.

In the old wild life the Sioux were a healthy people. They were probably not wholly free from tuberculosis in some form, but if the infection was present, it was not general.

From the beginning of the reservation system among the Sioux of the Missouri, in 1863, for a period of fifteen years, during which time the wild buffalo had been destroyed and all of the western Sioux had been brought under agency influences, the annual reports of the several agents were optimistic in relation to the health of their people, constantly affirming improved health conditions as the Indians came under civilized influences, lived in better houses, and accepted the attendance of the agency physicians.

The first mention of consumption in these reports is in 1878. In 1880 one agency reports that 5.26 per cent of the deaths resulted from tubercular troubles. In 1881 consumption is generally mentioned, and in 1884 it is said: "Consumption has a firm hold upon them."

In 1886 the Indian Commissioner began to publish tabulated medical reports. From the tabulation for that year we find that among the Dakota Sioux 341 cases of consumption were treated and 605 cases of "tubercular scrofula." It is probable the earlier reports were of the pulmonary type; the other forms of tubercular infection were not then recognized as such. The report of 1886 gives a larger proportion of tubercular diseases and the greater number as "tubercular scrofula" (glandular tuberculosis). Doubtless most of these were children, below the age of puberty, who, with the ever-increasing number of their own age, have since swelled the ranks in the pulmonary form of the disease. It is extremely unfortunate that the publication of these tabulated medical reports was not continued. Yearly since 1886 the agents' reports have more and more teemed with fearsome tales of the ravages of the scourge.

In 1880 there were in four of the leading bands 293 births and 208 deaths. Last year in the same bands the deaths equaled the births.

It is impossible to reduce the condition to tables of figures, though an experience of several years as State health officer and as physician to two Indian schools has convinced me that fully 60 per cent of the younger generation have some form of tubercular infection and that 50 per cent of those above the age of puberty die of some form of the disease. Other observers place the percentage much higher. Miss Mary Collins, for twenty-five years missionary at Standing Rock, testifies that 75 per cent of all deaths result from tuberculosis. Thomas Robertson, who has lived fifty years with the Sisseton, believes that 50 per cent of them die of the disease. Rev. Matthias Schmitt, missionary at Pine Ridge, says: "We buried from our congregation last year ten adults and eleven children, 80 per cent of whom died from tuberculosis. Whole families die of the terrible plague."

One of the striking instances in point is the destruction of the family of the noted and worthy chief, John Grass. In 1892 a white friend met him and his seven sons at a convocation of the tribe. These sons were stalwart fellows and apparently well. In 1902, ten years thereafter, the friend again met the aged chieftain, who at once recognized the white man. "You saw my boys," he said. "All gone. All died of 'the sickness.' I have no child left." This is but one among many families bereft of all children on account of this persistent and restless scourge. What wonder the Indian considers it the white man's blight upon him—the white man's imposed bequest to him.

The foregoing indicates the general condition at all of the agencies.

What has brought a strong and virile people to this condition? Almost every observer has a theory. Among these the more rational are: The radical change from the old life in the open, living in tents located where drainage was perfect and subject to almost daily removal, so that rarely was there an accumulation of filth, to permanent illy ventilated and illy kept houses where filth abounds; exposure in going upon winter trips, passing from overheated houses to sleep in the open tepees; bovine infection from eating tubercular meat and refuse from about the poison-breeding Government slaughterhouses; weakened constitutions from syphilitic diseases; contagion from the sputa of those previously affected; insufficient and badly prepared food, and in some instances the ignorant treatment of the Indian medicine men.

But it is a condition which exists, and it is only profitable to theorize about the cause that the cause may be removed and to that extent conditions improved.

The condition is strikingly pathetic and appeals most emphatically to the Government for its amelioration. Most justly do these poor wards deserve some measure of relief. The Indians are not alone interested. The health of the white community is seriously menaced by the plague spots which surround the agencies.

What is to be done; what course pursued? Advanced medical wisdom would no doubt suggest:

First. The establishment of sanitaria at convenient points to the reservations.

Second. Field nurses who have special experience in the management of tuberculosis patients to instruct the Indians at their homes and to work in conjunction with the sanitaria.

Third. Government supervision in building well-ventilated houses, and as rigid enforcement of proper sanitary conditions in their surroundings as possible.

Fourth. Careful inspection of their beef issues and the abandonment of the Government slaughterhouses at the agencies.

At a properly equipped and properly conducted sanitarium patients live quietly under conditions similar to those in which the Sioux lived in his native state. They may have the sun bath, the moon bath in the open, and invigorating air of the upland. To this is added plenty of good food, regular but quiet habits, and other health benefits under the necessarily rigid and constant care of a competent attendant. Then trained field nurses should be supplied to instruct the Indians in proper ventilation and other sanitary needs of his home; to teach him how to manage a consumptive member of his family, and the proper safeguards for those not yet afflicted. Such nurses should be competent to select those suitable for sanitaria treatment.

The breeding places of the plague upon the reservation should have the strong, regulating hand of the law. The average Sioux home is a log house 18 by 24 feet, provided with one-half window and a door. There are no partitions, and from five to twenty persons sleep nightly in this unventilated oven.

Their food is illy prepared and insufficient. In the wild life and in the earlier reservation days their food was almost entirely beef killed in the open and dressed out on the greensward of the prairie. Rarely if ever were two animals slaughtered upon the same spot, so that the sanitary conditions about the butchering were the best possible. To-day the beef is killed in the agency slaughterhouse, and in their frequently famishing condition the Indians are compelled to resort for food to the putrified offal scattered about these filthy butcheries.

The sanitary conditions about agencies are such as to demand the exercise of the police power of the Government to compel the Indians to observe the ordinary laws of health. Their very existence depends upon it. They must be, with patience but firmness, taught that only through cleanliness and the observance of the decencies of life can they hope to live in the new condition which has been thrust upon them. Where shall the sanitaria for the Sioux be located? The Commissioners of Indian Affairs suggests in his latest report that a great sanitarium for the object be provided in the far Southwest. When the extent of the contagion is considered, not only among the Sioux, but other tribes, where the same condition is said to obtain, the impracticability of a single national sanitarium at once appears.

Each tribe should be provided with its own retreat, at a point convenient to the agencies, where patients, while isolated, should not be wholly removed from home and kindred. Fortunately, where proper sanitary conditions are observed almost any portion of the West is found healthy and adapted to the sanitarium treatment of consumptives. Every sentiment of humanity demands that the patients shall be kept as near to their friends as the probable restoration of their health and the safety from contagion of their families and neighbors will permit.

The subject has been called forcibly to the attention of Congress by the recent report of the Indian Commissioner. Congressman BURKE, of South Dakota, has presented a bill for a sanitarium, to be located in the vicinity of their reservations at a point to be selected by the Indian Office.

The passage of a measure of this character is of the most pressing moment. Under its provisions it is not only possible to arrest the progress of the plague, but perhaps to wholly eradicate it.

DELORME W. ROBINSON,
*Superintendent and Ex Officio Secretary to South Dakota State Board of Health.*

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn.

There was no objection.

The Clerk read as follows:

The Commissioner of Indian Affairs, under the direction of the Secretary of the Interior, is hereby authorized and directed to select and designate some one of the schools or other institution herein specifically provided for as an "Indian Reform School," and to make all needful rules and regulations for its conduct, and the placing of Indian youth therein: *Provided*, That the appropriation for collection and transportation, etc., of pupils, and the specific appropriation for such school so selected shall be available for its support and maintenance: *Provided further*, That the consent of parents, guardians, or next of kin shall not be required to place Indian youth in said school.

Mr. FITZGERALD. Mr. Chairman, I desire to reserve the point of order against that.

The CHAIRMAN. Does the gentleman reserve the point of order against the entire paragraph?

Mr. STEPHENS of Texas. Mr. Chairman, I have an amendment to the section.

The CHAIRMAN. The amendment will be in order after the point of order has been disposed of. The Chair will hear the gentleman from New York.

Mr. FITZGERALD. I will ask the chairman of the committee if it is intended that Indian children generally shall be eligible for places in this reform school, or is it intended only to take children from the Indian schools?

Mr. SHERMAN. I did not hear the gentleman's inquiry.

Mr. FITZGERALD. Is it intended that Indian children shall be placed in this reform school only from Indian schools, or may they be taken from the reservation, not having attended any school?

Mr. SHERMAN. I presume they may be taken from the reservation under this provision.

Mr. FITZGERALD. I wish to call the attention of the Chairman to this fact: The school facilities are not sufficient to accommodate about 10,000 Indian children in schools. Under the law at present no child can be taken from an Indian reservation and placed in a school outside of the reservation without the consent of the parents or guardian. Under that provision of law, where the parent might refuse his consent that the child be sent to a nonreservation school, under this provision the Commissioner could take the child and place it in this reform school and then suggest that the child in a short time had improved so much that if the parent would consent the child would be placed in a nonreservation school.

Mr. SHERMAN. Surely the gentleman from New York would not argue that in order to confine a refractory child it must be essential to first obtain the consent of the parents. I presume that the gentleman from New York would not argue that for a red child any more than for a white one. If our children are refractory and disobey the laws of the land, they can be confined in institutions provided for that purpose; and certainly it requires no consent of the parents for that.

Mr. FITZGERALD. What I desire to ascertain is this: Whether it was intended, after investigation had been made, to supply the want for such a school that has been found on the reservations or to take care of refractory children found in the schools?

Mr. SHERMAN. No; the suggestion has been made to create this school because of conditions that have been found to exist in schools, not on the reservation. The gentleman knows the schools are the occasion for the Commissioner's making this recommendation, and not the reservation. It may be the condition of children in the reservation schools; but this thought was not especially prompted by the conditions outside of schools, either reservation or nonreservation.

Mr. FITZGERALD. I have very grave doubts as to the advisability of this school, but not having had an opportunity to investigate the matter thoroughly, I am inclined to withdraw the point of order and rely on the judgment of the gentleman from New York, the chairman of the committee.

Mr. SHERMAN. The Commissioner has given the subject considerable thought. He is not visionary about Indians. He has served for a number of years on the board of citizens serving without compensation. He has, without question, visited more reservations than any man in this House, and is familiar with the condition of the Indians throughout the country from actual observation and experience. He has strongly advocated this proposition. It is recommended in his annual report, which I assume the gentleman has seen, and which recommendation I think I will insert in the RECORD, but will not detain the committee to read it in full. It is on pages 13 and 14 of the annual report, and is as follows:

DEMAND FOR A REFORM SCHOOL.

The best provision which it has been possible to make for the care and instruction of children of normal disposition has left still unsupplied the needs of the class whom ordinary teachers find unmanageable. To group together the well-meaning and the vicious is not a wise practice if it can be avoided, because the tendency of such association is rather to lower than to raise the average moral level of a school. And yet the Government owes a duty even to the children of perverted instincts. There is hardly a large school in the service which does not contain its modicum of an element that requires the discipline of correction as much as of guidance. It would be an excellent plan to have one reform school, to which chronically refractory pupils may be sent. We are every year swelling the list of unnecessary and undesirable nonreservation schools. One of these superfluous institutions might be set apart as a reform school where should be gathered the children whose presence elsewhere is a moral menace, yet who have not passed the stage where bad impulses crystallize into the criminal habit. Here the young offender, instead of being herded with hardened evil doers and professional jail birds, would have a chance to change his ways and earn his restoration to a respectable place in life.

For example, during the year last past the entire plant of the Menominee boarding school, at Green Bay, Wis., was burned, as were also the school and assembly hall at Oneida, Wis., and the mess hall at Rice Station, Ariz. Fortunately the children were got out of the buildings in time and no lives were lost; but had the Menominee fire occurred later in the night the result would probably have been too horrible for thought. The Menominee and Rice Station fires, as has since been discovered, were the work of incendiaries among the older pupils. I have instructed the superintendents to confer with the United States attorneys about having the guilty parties regularly indicted and tried, as would be done in the case of young white persons, for incendiarism in the schools has become too frequent within the last few years to be passed over indulgently, and the only way to teach our Indian youth respect for the law under which they must live when they come into the full relations of citizenship is to let a few of them feel the pinch of its displeasure by way of a warning to the rest. The presence of such ill-disposed pupils in a school full of innocent children is a wrong to the latter; on the other hand, the penitentiary is scarcely the place in which to confine a young person who still retains a germ of self-respect. For such wayward pupils there should be a special provision, and I trust that Congress at its coming session may be persuaded to enact the legislation necessary.

AN INDIAN SANITARIUM.

Besides the danger of undermining the moral health of wholesome-minded children by introducing the unwholesome-minded freely among them, it seems to me that we are making a mistake in not establishing somewhere—preferably in the Southwest—a school for children suffering from tuberculosis, the disease which is more generally disseminated than any other among the Indians. In their own homes these little ones can have no sort of sanitary surroundings, and only in rare instances proper medical care. The most stringent rules, moreover, which the Office of Indian Affairs can prescribe for the protection of healthy children from perilous contact with those who have been stricken are bound to be only partly effective; for, though we may weed every sign of the scourage out of the schools by excluding all children pronounced by the examining physician unsound, we are only segregating these in

order to make them grow up—if they do grow up—in ignorance. The establishment of such a sanitarium as I have here suggested would insure to the unfortunates the special care and the chance of recuperation which is their due, as well as the schooling needed to fit them for the serious business of life, instead of being sent home to serve as centers of infection for both their own people and the whites of the neighborhood.

Mr. FITZGERALD. I will not press the point of order, because I do not wish to set my judgment, without opportunity to fully investigate, against that of the committee; but it seems to me this distinction ought to be borne in mind. When a white child is placed in a reform school, after it has made sufficient improvement the child can go back to the family and should not retrograde; but the Indian child will undoubtedly go back to a condition where there is not much opportunity for him to improve. I will, however, withdraw the point of order.

The CHAIRMAN. The point of order is withdrawn.

Mr. STEPHENS of Texas. I offer an amendment.

The Clerk read as follows:

Amend page 8, in line 15, by adding the following:
"*Provided further*, That no money appropriated by this act for said reform school shall be used for the education of any Indian pupil in said Indian school when the parent or parents of such pupil have become citizens of the State or Territory in which they resided."

Mr. SHERMAN. Well, Mr. Chairman, I want to say, in the first place, I am just a little surprised that the gentleman from Texas, a member of the committee, and the ranking member of the minority of the committee, presents amendment after amendment that he has never brought to the attention of the committee. It puts the chairman of the committee in an embarrassing position, because it is his duty, it seems to me, to attempt to maintain the bill that the committee authorized him to report in the exact form in which he has reported it, and it compels him to oppose amendments offered, no matter from what source. It seems to me that a member of the committee, at least, ought not to come on the floor, having voted to report the bill, and offer amendments which he at no time, either before or after the bill was reported, presented for consideration of the full committee. But aside from that, Mr. Chairman, our obligation to watch over the Indian does not expire when he becomes a citizen by allotment. We still have an obligation, and it may be that the very condition of citizenship will make it more probable that the Indian youth will become refractory. It may be that from that very cause he will be more likely to be a child who should be confined in the reform school; and we are attempting, with all the rapidity that safety will permit, to allot to all the Indians of the country and to make them all become citizens; and the gentleman's amendment would become more sweeping every single day, if it were adopted. I think under those circumstances that the amendment ought not to be adopted, and I trust it will be voted down.

Mr. STEPHENS of Texas. Will the gentleman yield for a question?

Mr. SHERMAN. Certainly.

Mr. STEPHENS of Texas. Does the gentleman not admit that under the act of 1887 the Indians, when their lands are allotted, become citizens of the United States?

Mr. SHERMAN. Certainly they do.

Mr. STEPHENS of Texas. Then suppose that one of these citizens of the United States sends his child to a school, and that child becomes refractory, and the Government attempts to send the refractory child to this reform school, which is a place of punishment. Does the gentleman think the United States ought to punish that child arbitrarily without any trial whatever?

Mr. SHERMAN. We have a supervisory guardianship over the Indians, both before and after they become citizens, and I think it is better, and I think the gentleman, on second thought, must conclude it is better, if we are to have a reformatory, to confine all Indians in a reformatory school where they will only come in contact with the members of their own race, with their fellows, and not to confine them in reformatory schools provided by the various States where they will come in contact with evil-doers of other races.

Mr. STEPHENS of Texas. Does the gentleman believe such a law as this would be constitutional, even if it were adopted?

Mr. SHERMAN. Why not?

Mr. STEPHENS of Texas. Do you believe the child of a citizen of the United States could be taken and without trial put into a reform school outside of his own State or Territory? Does not the fact that the parent becomes a citizen and is entitled to all the rights and privileges of a citizen of necessity carry with it the same right to this child to a trial by jury?

Mr. SHERMAN. Why, yes; but the parent's right to the child does not become a right to say that that child shall not be confined when it infracts the laws of the State or the nation.

Mr. STEPHENS of Texas. Then if you can take a child of Indian parentage and punish him differently to what you can the child of white people, where will you ever stop?

Mr. SHERMAN. The proposition is not to punish them differently, but to provide a special place of confinement. The theory is not to impose a more severe punishment or an unusual punishment. The theory is to provide a central reform school where their vicious habits and ideas may be done away with, and at the same time their intellectual growth proceed.

Mr. STEPHENS of Texas. As long as the Indian is the ward of the Government, we have a right to provide a separate punishment, and to provide different schools for him, but when the Indians are no longer the wards of the Government but become citizens of the United States, then they come from under our jurisdiction and pass under the jurisdiction of the State or Territory where they live, and we then should take our hand from them and permit them to be governed by their own State and educated by it. That is the reason I offer this amendment. The question is fundamental, and the punishment of the child of a citizen of any State without a trial is an outrage, and should be prevented by law.

Mr. SHERMAN. I trust the amendment will be voted down. I have nothing more to say about it.

The CHAIRMAN. The question is on the adoption of the amendment offered by the gentleman from Texas, and the Clerk will report it again for the information of the committee.

The amendment was again read.

The amendment was rejected.

The Clerk read as follows:

That so much of the section 3 of the act of August 15, 1876, as required the Commissioner of Indian Affairs to embody in his annual report a detailed and tabular statement of all bids and proposals received for any services, supplies, and annuity goods for the Indian Service, together with a detailed statement of all awards of contracts made for any such services, supplies, and annuity goods for which said bids or proposals were received, is hereby repealed, and hereafter he shall embody in his annual report only a detailed statement of the awards of contracts made for any services, supplies, and annuity goods for the Indian Service; and that so much of the acts of March 2, 1892, and April 21, 1904, which require the Commissioner to report annually the names of all employees in the Indian Service is hereby also repealed.

Mr. CRUMPACKER. Mr. Chairman, I reserve a point of order against that paragraph with a view of getting some information respecting the effect of the change proposed and its necessity.

Mr. SHERMAN. The proposed change is suggested purely for the sake of economy. Under the existing law it is essential to publish all the bids for all of the supplies, and it requires the services of several clerks for some months to prepare that table, and then there is the cost of the publication thereof. It seemed to the Commissioner and to the committee absolutely idle to publish the bids of these competitors, as I presume the most of them are never looked at by anybody; that all that is at all necessary is to publish the bid of the successfud bidder. Let me read what the Commissioner and the Secretary say on this subject. The Commissioner refers to his previous recommendation that the provision for printing bids be repealed, and says:

If they are omitted, several thousand dollars of expense for preparing and printing them will be saved annually and the office will be relieved of the necessity of burdening its reports with this cumbersome and almost useless matter.

With reference to the publication of names of employees, they are published every other year, together with all other employees of the Goevrnment, in the Blue Book, and it seems unnecessary to have this additional publication by the Bureau.

Mr. CRUMPACKER. You propose to require hereafter that the report shall contain a detailed statement of all contracts made for service, supplies, annuities, and goods for Indian Service; that is as far as you require the report to go. I wondered whether the provisions of the original law, while they may require paying for a detailed report—I wondered if they did not have a wholesome effect in securing a rigid administration of the law; if all bids were to be made public, even though the public as a rule paid little attention to them, the officer having charge of that branch of the service and of letting the contracts would be extremely careful to give the contract to the lowest responsible bidder.

Mr. SHERMAN. Let me say to the gentleman that these contracts are let not to the lowest bidder of necessity, they are let on samples—let to the person or concern whose bid seemingly offers the best return for the expenditure. For instance, a sample of clothing is submitted; a suit is offered for $6.10, and a sample suit presented; another suit is offered for $5.40, and so on. Attempt is made to get the best talent in that particular line of business to pass upon the question as to which one of these offers presents the most advantageous proposition for the Government; is there greater economy in buying this suit marked "A," at $6.30, or this one marked "B," for $5.50.

Mr. CRUMPACKER. So the published statement of bids would perhaps contain more confusion than information?

Mr. SHERMAN. It would not contain accurate information, because you could not publish the samples with the bids. I should say there were 3,000 bids submitted last year, and the gentleman can readily see that it requires an immense amount of work to tabulate those bids.

Mr. CRUMPACKER. Mr. Chairman, in view of the explanation made by the gentleman from New York, I withdraw the point of order.

The Clerk, proceeding with the reading of the bill, read as follows:

To enable the Commissioner of Indian Affairs, under the direction of the Secretary of the Interior, to take action to suppress the traffic of intoxicating liquors among Indians, $10,000.

For support of Indian day and industrial schools, and for other educational purposes not hereinafter provided for, $1,300,000.

For construction, purchase, lease, and repair of school buildings, and sewerage, water supply, and lighting plants, and purchase of school sites, and improvement of buildings and grounds, $415,000.

In all, $1,715,000.

Mr. CRUMPACKER. Mr. Chairman, I move to strike out the last word, for the purpose of saying that this paragraph flagrantly violates the well-established and generally approved policy of making appropriations, in that it contains no limitation upon the amount of money that can be expended for any single purpose mentioned in the paragraph. The Secretary of the Interior may expend the entire $415,000 in the construction of a single school building. Of course, I do not desire to reflect upon the business judgment or the integrity of a Department officer, but every limitation that is included in an appropriation bill may be said to carry an implied reflection—and not a reflection, but it must be construed to be a safeguard against careless and improvident use of the public money. Now, let me ask the gentleman if it is practicable to include in this paragraph an amendment limiting the appropriation for any one of the subjects named to a reasonable amount? I would not personally know anything about what limitations would be proper to impose.

Mr. SHERMAN. Mr. Chairman, I think the suggestion of the gentleman from Indiana is not practicable, for this reason. There are 260-odd school plants that are cared for under this provision. I can not say how many buildings there are, but certainly many hundreds. It is impossible to determine in advance just where the necessity requires the expenditure. Such a condition as this did arise last year. One entire school plant in Wisconsin was destroyed by fire. It required an expenditure last year in the neighborhood of $30,000 to replace those buildings. Probably next year it would not require $200 in that place. Three or four years ago a like catastrophe occurred in the State of Washington, which required $40,000 or thereabouts to replace the school plant. That condition is liable to arise in some part of the country almost every year, and hardly a year passes that something of that kind does not occur.

Mr. CRUMPACKER. Is this the only fund that is put in the hands of the Secretary of the Interior for the purpose mentioned in this paragraph?

Mr. SHERMAN. Oh, yes.

Mr. CRUMPACKER. So that he is required to apply this fund for the lease and repair and building and improvement of schools covering the entire service.

Mr. SHERMAN. Yes. There is a similar clause that relates to buildings at agencies and matters of that kind, the same sort of a provision relating to all other buildings at agencies.

Mr. CRUMPACKER. This appropriation applies to the school service only.

Mr. SHERMAN. Of course the gentleman understands that it does not apply to the schools for which we specifically appropriate, like Haskell and Carlisle and others.

Mr. CRUMPACKER. No; but this entire appropriation is limited to the school service.

Mr. SHERMAN. It is; yes, sir.

Mr. CRUMPACKER. Mr. Chairman, I withdraw my pro forma amendment.

The Clerk read as follows:

That all expenditure of money appropriated for school purposes in this act shall be at all times under the supervision and direction of the Commissioner of Indian Affairs, and in all respects in conformity with such conditions, rules, and regulations as to the conduct and methods of instruction and expenditure of money as may be from time to time prescribed by him, subject to the supervision of the Secretary of the Interior: *Provided*, That not more than $167 shall be expended for the annual support and education of any one pupil in any school herein specificially provided for, except when, by reason of epidemic, accident, or other sufficient cause, the attendance is so reduced or cost of maintenance so high that a larger expenditure is absolutely necessary for the efficient operation of the school affected, when the Commissioner of Indian Affairs, with the approval of the Secretary of the Interior, may allow a larger per capita expenditure, such expenditure to continue only so long as the said necessity therefor shall exist: *Provided further*, That the total amount appropriated for the support of such school shall not be exceeded: *Provided further*, That the number of pupils in any school entitled to the per capita allowance hereby provided for shall be determined by taking the average enrollment for the entire fiscal year and not any fractional part thereof.

Mr. STEPHENS of Texas. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amend page 11, at end of line 2, by adding the following:

*Provided*, That no money appropriated by this act for school purposes shall be used for the education of any Indian pupil in any Indian school where the parent or parents of such Indian pupil have, under act of Congress of February 8, 1887, become a citizen of any State or Territory.

Mr. STEPHENS of Texas. Mr. Chairman, I desire to explain that amendment. About two years ago the agents of some of the Indian schools in the United States come to El Paso, in my State, and found there children who were part Indians, but citizens of that State. They induced them to go and register in these Indian schools. It was ascertained very soon that they were dissatisfied with the schools, and they determined to leave them. They then raised the question that they were not Indians who were entitled to be educated there, but were mixed-blooded Mexican and Indian, and a controversy arose between the Secretary of the Interior and the parents of those children as to who had jurisdiction over the children. Therefore, it is necessary to perfect this bill by adopting this amendment, and it should be adopted. I would further state that if we adopt the policy of taking all persons who are Indian blood and educating their children forever after they become citizens of the United States, we will always have the Indians upon our hands, and will be educating them as long as we have Indians in the United States. We have to make a dividing line somewhere, and why should it not be whenever their parents become citizens of the United States? I desire to ask the gentleman from New York [Mr. SHERMAN] if he remembers the recent case of Heff against the United States, where an Indian bought whisky from Heff, I believe, in Kansas. The man was convicted of that offense, and he appealed. Finally the case was determined in the Supreme Court of the United States. It was held in that case that under the act of 1887 the Indian, being a citizen of the United States, lands having been allotted to him, as provided under the act of 1887, carried his citizenship into the State in which he lived, and that, therefore, it was no offense for a citizen of Kansas to sell to that man of Indian blood this intoxicating liquor. The same rule ought to apply with reference to the education of children. Whenever the parents of children become citizens of a State or Territory in which they live, then the public schools of that State or Territory should be open to those Indians, and in that way they would mix with the white children and would become part and parcel of the people of the State where they live.

Mr. BURKE of South Dakota. Mr. Chairman, I would like to ask the gentleman if it was ever considered that Indians who had taken allotments were citizens of the State wherein they resided and no longer subject to the jurisdiction of the United States up to the time the decision in the Heff case was rendered, to which the gentleman has referred? Was it ever considered that they were citizens?

Mr. STEPHENS of Texas. Not up to that time. But will not the gentleman concede that when they do become citizens of a State then the United States loses jurisdiction, and they no longer are wards of the Government?

Mr. BURKE of South Dakota. I would like to ask the gentleman another question.

Mr. STEPHENS of Texas. Let me proceed with this sentence. After the guardianship of the United States has been withdrawn from them they are no longer our wards; their citizenship then attaches to the State or Territory where they live, and why should the United States Government pay for educating thousands of Indian children in the State where the parents of those same children are voters and taxpayers and probably hold office?

Mr. BURKE of South Dakota. Mr. Chairman, I desire to ask the gentleman if it would not practically or at least to a very great extent end the education of the Indians if the amendment which the gentleman proposed should be adopted?

Mr. STEPHENS of Texas. I did not understand the question.

Mr. BURKE of South Dakota. I say would it not practically end the education of the Indian if your amendment were to be adopted?

Mr. STEPHENS of Texas. It certainly would at the expense of the United States. Do you propose to keep every child

of Indian blood forever in schools of the United States and compel the citizens of the United States to pay for educating these children?

Mr. BURKE of South Dakota. Most certainly not.

Mr. STEPHENS of Texas. Then where do you draw the line and when? Please answer that to this House.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. STEPHENS of Texas. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Texas asks unanimous consent for three minutes' additional time. Is there objection? [After a pause.] The Chair hears none.

Mr. STEPHENS of Texas. I desire to ask the gentleman from South Dakota why this Government should educate all children of Indian blood after they have become citizens by allotment of land and under the decision in the Heff case?

Mr. BURKE of South Dakota. When they have reached such a stage of advancement and civilization that will fit them to take their place in the world with white men, and I contend, and I think the gentleman will admit, that the allotment law which the Supreme Court construed in the Heff case which gave the Indian allottees citizenship, that Congress when it passed that law never contemplated that citizenship would follow until the fee simple patent had issued.

Mr. STEPHENS of Texas. Does the gentleman believe it is fair to the States which have no Indians to pay their pro rata part of the fund for educating citizens of other States, whether Indians, negroes, or any other foreign blood?

Mr. BURKE of South Dakota. Mr. Chairman, that interrogatory would practically apply to every appropriation that is made by Congress, that it would not be fair to make it because it was not equitably expended in every part of the United States.

Mr. STEPHENS of Texas. Why should not the General Government go into every State and take every citizen's child alike; why should they single out the red man and not the black man to bestow its bounties upon?

Mr. BURKE of South Dakota. Because it is the policy, and has been for many years, to educate the Indian, who occupies a different status from every other inhabitant in this country, being a ward of the nation.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Texas.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

MISCELLANEOUS.

Telegraphing, telephoning, and purchase of Indian supplies: To pay the expense of purchasing goods and supplies for the Indian service, including inspection and pay of necessary employees; advertising, at rates not exceeding regular commercial rates, and all other expenses connected therewith, and for telegraphing and telephoning, $60,000.

For transportation of Indian goods and supplies, including pay and expenses of transportation agents and rent of warehouses, $200,000.

For buildings and repairs of buildings at agencies and for rent of buildings for agency purposes, and for water supply at agencies, $75,000.

For pure vaccine matter and vaccination of Indians, $5,000.

That the provisions of section 3786 of the Revised Statutes of the United States shall not apply to such work of the Indian Department as can be executed at the several Indian schools.

Mr. CRUMPACKER. Mr. Chairman, I reserve the point of order on the paragraph, with a view of having an explanation from the gentleman from New York in regard to the last portion of it.

Mr. SHERMAN. Mr. Chairman, that provision is inserted so as to permit the Indian Office to utilize the printing plants that are now in certain of the industrial schools to do certain printing. The statute requires that all printing must be done at the Government Printing Office.

Mr. CRUMPACKER. Under that paragraph, if it shall be enacted into law, it will authorize the Secretary of the Interior to do printing where he pleases, of course. You say the service is equipped with printing offices?

Mr. SHERMAN. Oh, there are several schools where they have printing offices and where they are glad and anxious to do some printing that is necessary for the Bureau, and under the statute they are not permitted to utilize these little plants.

Mr. CRUMPACKER. It seems to me that it ought to be the policy of the Government to do all the printing in the Government Printing Office.

Mr. SHERMAN. They are small matters and it is purely in the interest of economy that the provision is inserted here, as it can be done at these schools without cost.

Mr. CRUMPACKER. You say it can be done without cost?

Mr. SHERMAN. Oh, yes; these are little plants that are maintained at some of the schools more for instruction than anything else.

Mr. CRUMPACKER. It is the intention of this paragraph to authorize the Secretary of the Interior to do only such printing as may be done at these schools which have printing presses?

Mr. SHERMAN. That is all. It really means to do what little printing the bureau, not the department, may need and which can be done at these little plants. It would save perhaps a few hundred dollars a year and would give a little added opportunity for the students to work in these small printing offices.

Mr. CRUMPACKER. It is broad enough to authorize all of the printing of the Indian Department to be done at any private printing establishment.

Mr. SHERMAN. As can be executed at the several Indian schools, but at no other printing office.

Mr. CRUMPACKER. Mr. Chairman, I withdraw the point of order.

The Clerk proceeded to read the next paragraph.

Mr. STEPHENS of Texas. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Texas will suspend until the Clerk finishes the reading of the paragraph. The last paragraph was in respect to the provisions of section 3786 of the Revised Statutes. To what line does the gentleman apply his amendment?

Mr. STEPHENS of Texas. The amendment will come at the end of line 21, page 11.

Mr. SHERMAN. Mr. Chairman, the Clerk had begun the reading of the succeeding paragraph.

The CHAIRMAN. Was the gentleman from Texas on his feet seeking recognition of the Chair?

Mr. STEPHENS of Texas. I will state to the gentleman that this amendment is a bill that has passed the committee and appropriates for Tony E. Proctor $2 a day for some work performed at Wagoner, Ind. T.

Mr. SHERMAN. It should come under Indian Territory, and it would not be germane at this point.

Mr. STEPHENS of Texas. All right.

The CHAIRMAN. Without objection the amendment will be withdrawn.

The Clerk read as follows:

BOARD OF INDIAN COMMISSIONERS.

For expenses of the commission of citizens, serving without compensation, appointed by the President under the provisions of the fourth section of the act of April 10, 1869, $4,000, of which amount not to exceed $300 may be used by the commission for office rent.

Mr. CRUMPACKER. Mr. Chairman, I reserve the point of order against the paragraph.

The CHAIRMAN. The gentleman from Indiana [Mr. CRUMPACKER] reserves a point of order against the paragraph.

Mr. CRUMPACKER. It clearly changes existing law.

Mr. SHERMAN. Oh, no; surely the gentleman is in error upon that, Mr. Chairman. This board was created in 1869 by general statute, and has continued ever since. There is no possibility of a point of order lying against the provision.

Mr. CRUMPACKER. I think that Congress in the enactment of the recent urgent deficiency bill repealed practically that original law, repealed it by implication, because in section 3 of the urgent deficiency bill it is provided——

Mr. SHERMAN. Of what year?

Mr. CRUMPACKER. This year, approved February 27—last month. The following provision is contained in section 3:

Nor shall any department or any officer of the Government accept voluntary service for the Government, or employ personal service in excess of that authorized by law except in cases of sudden emergency involving the loss of human life or the destruction of property.

Now, a number of years ago Congress enacted a law authorizing the appointment of this Commission, providing that it should serve without compensation, and the Commission was appointed under the authority of law. The urgent deficiency bill, approved on the 27th day of last month, by necessary implication, repealed the law, because it expressly provides that neither the Government nor any department thereof shall accept voluntary service for the Government or employ personal service in excess of that expressly authorized by law. The Government shall not accept voluntary service.

The paragraph in this bill is:

For expenses of the commission of citizens, serving without compensation, appointed by the President under the provisions of the fourth section of the act of April 10, 1869, etc.

Now, this undertakes to appropriate money for the expenses of a commission that is performing voluntary service for the Interior Department, and the recent law, that I have just read, says that no department shall accept voluntary service from anyone.

Mr. CURTIS. Mr. Chairman, may I ask the gentleman a question?

Mr. CRUMPACKER. Yes, indeed.

Mr. CURTIS. Does the gentleman hold that these gentlemen are working under the Department of the Interior?

Mr. SHERMAN. They are absolutely beholden to no one but the President.

Mr. CRUMPACKER. This law is broad enough: "Nor shall any department or any officer of the Government." The President must be an officer of the Government within the meaning of that law.

Mr. LACEY. There is a qualification there. Read further on.

Mr. CRUMPACKER (reading). "Accept service."

Mr. LACEY. Except as authorized by law.

Mr. CRUMPACKER (reading). "Accept service for the Government or employ personal service in excess of that authorized by law."

Mr. LACEY. This is not in excess of that authorized by law. They were authorized by law to perform all the work they wanted to, for nothing.

Mr. CRUMPACKER. The qualification upon the prohibition contained in this provision of the law applies only to the employment in excess of those authorized. It says that the Government shall not accept voluntary service at all and shall not employ service in excess of that authorized by law. It is quite clear to me that that is the interpretation that must be given the provision. Then, what is the good of this Commission? What service does it perform?

Mr. LACEY. These Commissioners are authorized by law.

Mr. CRUMPACKER. But this law provides that we shall not accept voluntary service.

The CHAIRMAN. The Chair would like to inquire whether the law of 1869 authorizes the payment of the expenses of the Commission?

Mr. SHERMAN. Oh, yes; and it has been done year after year; formerly $30,000 and $25,000 have been appropriated for the expenses of this Commission, and it did not drop to the $4,000 amount until 1893. The original act provided that these Commissioners should serve, and appropriated for their expenses. I think the gentleman is attempting to apply a provision that never was intended to be applied under conditions such as exist here. This Commission was specially authorized by law, and has continued to act, always has acted, and is now acting without compensation; and I want to say that the appropriation here, in accordance with the original act creating the Commission, is to pay their expenses—disbursements.

Mr. CRUMPACKER. It may be that it was not the intention of Congress to repeal the law creating this Commission; but it seems to me that it does in effect, because it does prohibit any officer of the Government from accepting voluntary service.

The CHAIRMAN. Will the gentleman from Indiana tell the Chair where that provision can be found in the urgent deficiency bill?

Mr. CRUMPACKER. It is section 3, the last section of the urgent deficiency bill, amending section 3679 of the Revised Statutes, and my interpretation of it is that the words—

Nor shall any Department or any officer of the Government accept voluntary service for the Government or employ personal service in excess of that authorized by law—

is positive prohibition. That prohibition applies to the employment of the services of this Commission, as the Government shall not accept voluntary services; and where it is authorized to employ, it shall not employ in excess of that expressly authorized by law.

Mr. SHERMAN. Here is a provision that is expressly provided for by law.

Mr. CRUMPACKER. Yes; but this is voluntary.

Mr. SHERMAN. Certainly. The law provided that it should be voluntary, and it is voluntary now; and this section does not propose to pay them any compensation whatever. It simply pays their expenses. The law formerly required these Commissioners to be present at every letting held within the United States, and provided that no bids should be accepted, no matter how large or small, without the O. K. of this Commission. That has been somewhat changed. But this Commission is empowered to be present at every letting, to inspect the goods, power to visit the reservations, make reports, and all that sort of thing. They never have had any compensation, save their secretary. The law provides that they may pay one of their number compensation to act as secretary to the board. Outside of that not one single cent is paid for compensation. This fund is used for paying their actual and necessary disbursements in coming to Washington when necessary to visit the Secretary, in going to the reservations, or in coming to New York or Chicago. This Commission is composed of very distinguished men from all over the United States. It is necessary for them to travel many miles. Bishop Walker, of Buffalo, is one member of the Commission; Mr. Philip Garrett, of Philadelphia, is another; Mr. Albert G. Smalley, of New York, is another; and this fund is intended to meet the legitimate traveling expenses of the members of this Commission in going from their homes to the various points at which the service for the Government, gratuitous service, is to be rendered.

Mr. CRUMPACKER. Does this Commission render service of any special benefit to the Government?

Mr. SHERMAN. I think it does. The members, particularly Mr. James, Mr. Garrett, and Mr. Lyon, attend all the lettings in New York. They are there day after day and perform services of value. The mere fact that these men, who stand high in the minds of all philanthropic people, are present looking after the interests of the Indians, satisfies the public mind that there is justice being done; and there is a feeling that no wrong can creep in. I think, if for no other reason, it is a wise expenditure to satisfy the public as to this branch of the service to which I have referred which relates to the supplies to the Indians. It is a wise expenditure simply to satisfy the public that that is conducted as it should be.

Mr. STEPHENS of Texas. I will say to the gentleman that these men have been acting on this board since 1869, being appointed, I believe, under President Grant's Administration; and they have been found to be very beneficial to the Indian Service. They collect a great many statistics of facts that could not very well be gotten otherwise.

Mr. SHERMAN. Mr. Albert K. Smiley, of this Commission, has, in his endeavors to promote the welfare of the Indian, spent more every year for the last twenty years, in my judgment, than Congress has appropriated for the entire expenses of this Commission.

Mr. STEPHENS of Texas. That has been my information in regard to it.

Mr. CURTIS. Mr. Chairman, for the information of the House, I should like to read the law which defines the authority of the Commission.

And hereafter the Commission shall only have power to visit and inspect agencies and other branches of the Indian Service, and to inspect goods purchased for said Service; and the Commissioner of Indian Affairs shall consult with the Commission in the purchase of supplies. The Commission shall report their doings to the Secretary of the Interior.

Mr. SHERMAN. They make an annual report every year, which is published.

Mr. CRUMPACKER. Mr. Chairman, I doubt if the Congress had in mind, in the enactment of the statute I referred to, the abolition of this particular Commission, even if the law operates to abolish it. It seems to me it might properly be so interpreted. But in view of the explanation made by the gentleman (and I appreciate the force of the reasons that have been stated for the continuation of the Commission), I will withdraw the point of order.

The CHAIRMAN. The point of order is withdrawn. The Clerk will read.

The Clerk read as follows:

MATRONS.

To enable the Secretary of the Interior to employ suitable persons as matrons to teach Indian girls in housekeeping and other household duties, at a rate not to exceed $70 per month, and for furnishing necessary equipments, and renting quarters where necessary, $25,000. *Provided*, That the amount paid said matrons shall not come within the limit for employees fixed by the act of June 7, 1897.

Mr. SHERMAN. Mr. Chairman, in line 4 I move to strike out "seventy" and insert "sixty."

The CHAIRMAN. The gentleman from New York offers an amendment, which will be reported by the Clerk.

The Clerk read as follows:

On page 14, in line 4, strike out "seventy" and insert "sixty."

The amendment was agreed to.

The Clerk read as follows:

For the construction of an irrigation system necessary for developing and furnishing a water supply for the irrigation of the lands of the Pima Indians in the vicinity of Sacaton, on the Gila River Indian Reservation, $250,000, to be expended out of the irrigation reclamation fund, under the direction of the Secretary of the Interior: *Provided, further*, That when said irrigation system is in successful operation, and the Indians have become self-supporting, the cost of operating the said system shall be equitably apportioned upon the lands irrigated, and to the annual charge shall be added an amount sufficient to pay back into the Treasury the cost of the work within thirty years, suitable deduction being made for the amounts received from disposal of lands which now form a part of said reservation ($490,000).

Mr. MONDELL. Mr. Chairman, I make the point of order against the words in this paragraph beginning with the word "to," in line 11, and ending with the word "Interior," in line 13.

The CHAIRMAN. The gentleman from Wyoming makes a point of order against the words in lines 11, 12, and 13 which he has indicated. Does the gentleman desire to be heard?

Mr. MONDELL. Mr. Chairman, the suggestion is made——

The CHAIRMAN. The Chair would suggest that he does not

need to hear from the gentleman from Wyoming until after he has heard from the gentleman from New York.

Mr. MONDELL. Mr. Chairman, I wish to amend my point of order.

The CHAIRMAN. Very well; the Chair will hear the gentleman.

Mr. MONDELL. Against all after and including the word "to," in line 11——

Mr. SHERMAN. The only words against which the gentleman desires to make the point of order, as I understand it, are the words "out of the irrigation reclamation fund."

Mr. MONDELL. Down to and including the word "fund," in line 12, the words to be stricken out being the following:

To be expended out of the irrigation reclamation fund.

Mr. SHERMAN. Oh, no; leave in the words—

to be expended—

So that it will read—

to be expended under the direction of the Secretary of the Interior.

Mr. CURTIS. I suggest to the gentleman that he simply raise the point of order against the words "out of the irrigation reclamation fund." That covers the question.

Mr. MONDELL. Mr. Chairman, that is satisfactory to me.

The CHAIRMAN. The Chair then understands that the gentleman from Wyoming makes the point of order against the words, in lines 11 and 12, "out of the irrigation reclamation fund."

Mr. MONDELL. I make the point of order that those words are a change of existing law.

The CHAIRMAN. Does the gentleman from New York [Mr. SHERMAN] desire to be heard?

Mr. SHERMAN. Mr. Chairman, the original act authorizing this work did not provide that the payment should be made out of the reclamation fund. That is all I can say.

The CHAIRMAN. The Chair sustains the point of order.

Mr. LITTLEFIELD. I move to strike out the last word, and in that connection I should like to inquire of the chairman of the committee whether this bill creates any new or additional offices; and if so, how many, and to what extent they make a charge on the Treasury?

Mr. SHERMAN. There are no new or additional offices created. In the change of the form we have in one place specifically provided for the support of a school which has heretofore been supported out of the general fund, and there we have appropriated for the superintendent of the school. We create no new or additional offices.

Mr. LITTLEFIELD. It is the same superintendent?

Mr. SHERMAN. The same superintendent; and we specifically appropriate for his salary, instead of paying it out of the general fund.

Mr. LITTLEFIELD. But it makes no additional charge on the Treasury?

Mr. SHERMAN. No.

Mr. LITTLEFIELD. Now, does the bill omit any officers? I notice by an analysis of the Indian appropriation bill for 1906——

Mr. SHERMAN. It omits the Shoshone Agency, and dispenses with that agent, whose salary is $1,800.

Mr. LITTLEFIELD. It relieves the Treasury of how much?

Mr. SHERMAN. Eighteen hundred dollars.

Mr. LITTLEFIELD. So that the bill, as a matter of fact, instead of adding to, decreases the charge on the Treasury so far as officers are concerned.

Mr. SHERMAN. No; that is not so, because it increases the compensation to be paid to the police.

Mr. LITTLEFIELD. So that the net result is an increase or decrease?

Mr. SHERMAN. The net result, so far as the payment of officers is concerned, is an increase, but the net result of the bill is a decrease of $550,000 below last year's appropriation, and an appropriation of $400,000 less than the estimates for this year.

Mr. LITTLEFIELD. What is the result, if the chairman can give the information, with references to the offices omitted?

Mr. SHERMAN. No change except the Shoshone agent, who was paid $1,800, is omitted.

Mr. LITTLEFIELD. That is offset by the salary or wages of the police department.

Mr. SHERMAN. Yes; very largely; an increase of $100,000 for Indian police.

Mr. LITTLEFIELD. Does not that increase the number?

Mr. SHERMAN. No; only the compensation.

Mr. LITTLEFIELD. What is the occasion for that?

Mr. SHERMAN. The occasion of the increased appropriation is that the Commissioner found he could not retain the services of the best men at the former compensation, which was $15 a month for a captain and $10 a month for a private. He recommended the increase so that he could pay $25 a month for a captain and $15 a month for a private.

Mr. LITTLEFIELD. And the aggregate result is $100,000?

Mr. SHERMAN. One hundred thousand dollars; but the gentleman must remember that these officers furnish their own horses. They are largely used to restrain the traffic in liquor.

Mr. LITTLEFIELD. Do they get anything in the way of compensation by the way of being found?

Mr. SHERMAN. No; they are not found.

Mr. LITTLEFIELD. They get their food and supplies at cost price?

Mr. SHERMAN. Yes.

The Clerk, proceeding with the reading of the bill, read as follows:

For the purpose of removing obstructions from the bed of the stream which drains into the Eel River in the Round Valley Reservation, Mendocino County, Cal., $8,000.

Mr. SHERMAN. Mr. Chairman, I ask unanimous consent to return to page 19, line 19, for the purpose of offering an amendment.

The CHAIRMAN. The gentleman from New York asks unanimous consent to return to page 19, line 19, for the purpose of offering an amendment. Is there objection?

There was no objection.

Mr. SHERMAN. I offer the amendment which I send to the desk.

The Clerk read as follows:

Page 19, line 19, before the word "dollars," add the words "and fifty."

The amendment was agreed to.

The Clerk read as follows:

For clerical work and labor connected with the sale and leasing of Creek and the leasing of Cherokee lands, $30,000.

Mr. STEPHENS of Texas. Mr. Chairman, I desire to offer an amendment, which I send to the desk.

The Clerk read as follows:

Page 23, after line 11, insert "that there is appropriated, out of any money in the United States Treasury not otherwise appropriated, the sum of $1,236 to pay Toney E. Proctor $2 per day in lieu of subsistence from August 13, 1899, to April 23, 1901, while serving as townsite appraiser of Wagner, Ind. T., Creek Nation.

Mr. SHERMAN. Let me ask the gentleman if this is the item for which the committee reported a separate bill?

Mr. STEPHENS of Texas. Yes; a few days ago.

Mr. SHERMAN. I have no objection to the amendment.

The amendment was agreed to.

The Clerk read as follows:

For the maintenance, strengthening, and enlarging of the tribal schools of the Cherokee, Creek, Choctaw, Chickasaw, and Seminole nations, and making provision for the attendance of children of noncitizens therein, and the establishment of new schools under the control of the Department of the Interior, the sum of $100,000, or so much thereof as may be necessary, to be placed in the hands of the Secretary of the Interior, and disbursed by him under such rules and regulations as he may prescribe.

Mr. STEPHENS of Texas. Mr. Chairman, I desire to make an inquiry with reference to lines 17 and 18, page 25. I see that these funds are placed in the hands of the Secretary of the Interior. I think it should be the Commissioner of Indian Affairs, because it applies to the five tribes of the Indian Territory, and all the other school matters are in the hands of the Commissioner of Indian Affairs.

Mr. SHERMAN. The gentleman knows that the affairs in the Indian Territory are in the hands of the Secretary rather than in the hands of the Commissioner.

Mr. STEPHENS of Texas. I think that the gentleman will find that school matters in the Indian Territory are in the hands of the Commissioner of Indian Affairs.

Mr. SHERMAN. Not in the Indian Territory. The administration of Indian Affairs in the Territory is all within the jurisdiction distinctly of the Secretary and not the Commissioner.

Mr. STEPHENS of Texas. I will look that up, and ask to return to it if necessary.

The CHAIRMAN. Without objection, the formal amendment is withdrawn and the Clerk will read.

The Clerk read as follows:

For permanent annuity for support of blacksmith, per sixth article of treaty of October 18, 1820, ninth article of treaty of January 20, 1825, and thirteenth article of treaty of June 22, 1855, $600.

Mr. STEPHENS of Texas. Mr. Chairman, I move to strike out the last word. I want to ask the chairman of the committee if he will not consent to return to line 19, page 25, for the purpose of offering an amendment. I desire to increase the sum from $100,000 to $150,000.

Mr. SHERMAN. I do not object to returning to the line and page mentioned.

Mr. STEPHENS of Texas. I move, Mr. Chairman, to amend by adding, after the word "hundred," in line 16, the words "and fifty;" so as to make it $150,000.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to return to page 25 for the purpose of offering an amendment. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the amendment.

The Clerk read as follows:

Page 25, line 16, after the word "hundred," insert the words "and fifty."

Mr. SHERMAN. Mr. Chairman, $150,000 is the amount appropriated last year, and only $98,000 was expended, and only $100,000 is asked for this year.

Mr. STEPHENS of Texas. I understand the reason of that is that the schools have not had time to be gotten in operation, and that this next year they can well expend $150,000, having organized the school communities and having the children so grouped that they can send them to school. In that country it takes some time to organize their schools and secure or build schoolhouses.

Mr. SHERMAN. But the gentleman knows that they receive certain fees from the recording officers, which adds very materially. It seems to me, if I remember correctly, it more than doubles the amount.

Mr. STEPHENS of Texas. If the gentleman will excuse me, I am informed that none of those fees have ever been paid to the school fund, that they are outstanding somewhere.

Mr. SHERMAN. But the law compels their payment into the school fund.

Mr. STEPHENS of Texas. But they have not been paid in. That is the information I have from the people who live there and understand the matter.

Mr. SHERMAN. I think that is an error.

Mr. CURTIS. Mr. Chairman, your informants must be mistaken, because the Secretary of the Interior when the bill was prepared to wind up the affairs of the Five Civilized Tribes referred to those fees and asked that the laws be reenacted, so there is no question about the surplus fees being used for the maintenance of schools in the Indian Territory.

Mr. STEPHENS of Texas. The law required that to be done. But I do not think the appropriation has been made, at least I do not think that it has become part of the fund at the present time.

Mr. CURTIS. There is no appropriation required. The money is paid to the Attorney-General, and he turns it over to the Secretary of the Interior.

Mr. STEPHENS of Texas. This fund, I will state to the gentleman, of $50,000 extra would be returned to the Treasury if it is not used. If the excess funds coming from the clerk fees are sufficient to carry on the schools then it would not be necessary to use this fund, but unless this additional $50,000 is put in this bill the schools will become very inefficient. I hope the amendment will be agreed to.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Texas.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

For support and education of 750 Indian pupils at the Indian school, Haskell Institute, Lawrence, Kans., and for transportation of pupils to and from said school, $125,250.
For pay of superintendent at said school, $2,500.
For general repairs and improvements, $8,000.
For dairy barn, $6,000, to be immediately available.
For draining and ditching, $4,500, to be immediately available.
In all, $146,250.

Mr. CURTIS. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

In line 7, page 30, after the word "barn," strike out the word "six" and insert in lieu thereof the word "ten."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to cancel the record of the patent issued to Charlotte Nay taw me ge zhick for the south half of the northeast quarter, section 29, township 51 north, range 33 west, on the L'Anse Reservation, in Michigan, and to issue a patent of like force and effect to Charles Beneche, a member of said tribe, for the above-described land.

Mr. SHERMAN. Mr. Chairman, I desire to offer an amendment to strike out this section, because by some mistake it is a duplicate of the one that follows.

The CHAIRMAN. The gentleman from New York moves to amend by striking out the paragraph contained within lines 17 to 24 on page 34. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

PIPESTONE SCHOOL.

For support and education of 200 Indian pupils at the Indian school, Pipestone, Minn., $33,400.

Mr. McCLEARY of Minnesota. Mr. Chairman, I offer the amendment which I send to the desk and ask to have read.

The Clerk read as follows:

Page 35, line 20, after the word "hundred," insert the words "and twenty-five," and in lines 21 and 22, after the word "Minnesota," strike out the words "thirty-three thousand four hundred" and insert in lieu thereof the words "thirty-seven thousand five hundred and seventy-five."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. SHERMAN. Mr. Chairman, I would like to have the gentleman from Minnesota give some explanation of his reason for offering this amendment.

Mr. McCLEARY of Minnesota. Mr. Chairman, the Pipestone Indian School now has in regular attendance 210 pupils. More would be in attendance if there were room for them. Room will be found for more pupils in the coming year by reason of the fact that two new buildings, one a home for the superintendent and the other a home for the employees, now housed in the existing buildings, will be erected. So that during the coming fiscal year there will be room at that school for thirty or forty pupils more. It seems only proper, therefore, that 225 pupils should be provided for under the circumstances, because pupils are seeking admission that now can not be admitted.

Mr. SHERMAN. I do not oppose the amendment.

Mr. STEPHENS of Texas. I desire to ask the gentleman whether or not this matter has been referred to the Secretary of the Interior or the Commissioner of Indian Affairs. Have they reported on the necessity for this increased amount?

Mr. McCLEARY of Minnesota. I can not answer that definitely.

Mr. STEPHENS of Texas. Did the gentleman appear before the committee and ask that the appropriation be enlarged?

Mr. McCLEARY of Minnesota. I did not, being occupied at the time with other duties.

Mr. STEPHENS of Texas. Then where does this demand come from?

Mr. McCLEARY of Minnesota. From my own personal knowledge.

Mr. STEPHENS of Texas. Have the professors in charge of the school out there and the superintendents made a demand upon the gentleman for this?

Mr. McCLEARY of Minnesota. Not exactly. When I was visiting the school I looked over the buildings and asked how many pupils could be accommodated and whether the authorities had to go out and search for pupils or whether the pupils were seeking admission to that particular school. My friend from Texas understands that that is a sort of Holy Land for the Indians. Included in that reservation is the Pipestone quarry, out of which the sacred peace pipes are made. The Indians have peculiar regard for that locality. Moreover, for other reasons it is a very desirable section to be in. It is a very well settled portion of the country, and young men when they get through the school can find employment there. Consequently there is great demand at that school for admission.

Mr. STEPHENS of Texas. What is the increased appropriation which you ask?

Mr. McCLEARY of Minnesota. To allow for twenty-five more pupils. As I explained, they can be taken care of in the existing buildings during the coming year, because there is now provided a home for the superintendent, who now lives in one of the buildings, and a building for the employees now quartered among the other buildings.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Minnesota.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

For improvement to water system, $2,000.

Mr. McCLEARY of Minnesota. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Minnesota offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 36, line 1, after the word "system," strike out the word "two" and insert in lieu thereof the word "five."

Mr. SHERMAN. Mr. Chairman, in the absence of informa-

tion other than I have before me I shall have to oppose this amendment. The superintendent in his report says this:

A very important improvement required at this time is the enlargement of the water-storage capacity. The present 500-barrel tank is practically no fire protection, as the forced water through a 2-inch hose is not sufficient to give any appreciable good result in extinguishing even a small fire where the distance the water is thrown amounts to more than 10 or 15 feet. The present water supply is somewhat limited also, both as to the source of supply and storage. Another well is said to be necessary. For the improvement of the water system $2,000 is recommended.

Now, the superintendent seemingly makes out a very clear case that something should be done, but he states that $2,000 is all that is necessary. If the gentleman from Minnesota from his personal observation and experience can demonstrate that $2,000 is not sufficient, why I have not anything further to say.

Mr. McCLEARY of Minnesota. Mr. Chairman, when I last visited the institution at Pipestone I went over this matter with the superintendent. From what I could learn I am of opinion that $2,000 is not sufficient.

The present water supply is furnished by a tank of 500 barrels capacity. This is not sufficient to supply the water for the daily needs of the school, let alone to make any provision in the case of fire.

Mr. SHERMAN. Permit me to ask you when was this visit made?

Mr. McCLEARY of Minnesota. I can not now remember the exact date.

Mr. SHERMAN. The point I wish to ascertain is whether the visit was made since about the 1st of September, when this report to which I refer was made.

Mr. McCLEARY of Minnesota. No, sir; it was not.

Mr. SHERMAN. It was made prior to that time?

Mr. McCLEARY of Minnesota. It was made prior to that time. If the superintendent in that report estimates $2,000 as sufficient, why his information is better than mine.

Mr. SHERMAN. I have read to the gentleman all that is said on the subject. I think the superintendent's report was made probably in September, possibly the 1st of October last, and he asked for $2,000 for the purpose, and the superintendent's statement as to conditions does not vary at all from what the gentleman from Minnesota has said.

Mr. McCLEARY of Minnesota. That is satisfactory to me, Mr. Chairman, and as the superintendent seems to think that $2,000 is sufficient, I withdraw the amendment.

The CHAIRMAN. Without objection, the amendment will be withdrawn.

There was no objection.

The Clerk read as follows:

To maintain at the city of St. Louis, Mo., in the discretion of the Secretary of the Interior, a warehouse for the receipt, storage, and shipping of goods for the Indian Service, $8,000.

Mr. BARTHOLDT. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Missouri offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 39, line 8, strike out the word "eight" and insert the word "ten;" so as to read "ten thousand dollars."

Mr. BARTHOLDT. Mr. Chairman, from the time this warehouse was originally established the appropriation was $10,000 annually. I can not account for the recommendation, which I understand has been made by the Interior Department, to cut that amount from $10,000 to $8,000. According to the figures which have been furnished me by the superintendent of that warehouse, the actual expenses to run it were eighty-two hundred and fifty and some odd dollars, and it seems to me it certainly can not be the intention of either the committee or the Department to cripple the warehouse, in view of the fact that the business of that institution is constantly increasing; and I therefore hope that the committee will accept this amendment.

Mr. SHERMAN. We provided the amount which the Commissioner asked us to provide. The gentleman from Missouri [Mr. BARTHOLDT] presents figures which show that last year it cost to maintain this warehouse more than that amount. But I assume that the Commissioner contemplates certain economies by which he can reduce the amount that was required last year during the coming fiscal year. We have provided here an appropriation in the amount which the Commissioner asks. It seems as though that ought to be sufficient.

Mr. BARTHOLDT. Mr. Chairman, as I understand, this expenditure of money has been made under the most economical management possible. The men employed in that warehouse are a superintendent, a clerk, and two laborers. They certainly can not get along with less than that, and the expenditures for rent and light, in addition, brought up the amount to $8,250 last year. I can not account for a reduction except upon the theory that it is an error on the part of some one, and I sincerely hope that the gentleman will accept the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri.

The question was taken, and the amendment was agreed to.

The Clerk read as folows:

To maintain at the city of Omaha, Nebr., in the discretion of the Secretary, a warehouse for the receipt, storage, and shipping of goods for the Indian Service, $8,000.

Mr. KENNEDY of Nebraska. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Nebraska offers an amendment, which the Clerk will report.

The Clerk read as follows:

Line 19, page 42, strike out the word "eight" and insert the word "ten;" so as to make the appropriation $10,000.

Mr. SHERMAN. Mr. Chairman, in view of the fact that the committee has seen fit to change the appropriation for the warehouse at St. Louis to $10,000, I do not think I shall oppose the changing of this to $10,000.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Nebraska [Mr. KENNEDY].

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to issue fee-simple patents to the following parties for the lands heretofore allotted them: Louis Dick and Ida C. Shott, Omaha allottees Nos. 962 and 916, respectively; David St. Cyr, Daniel Rice, Alexander St. Cyr, Charles Raymond, Louis Armell, Louis St. Cyr, Mrs. Elsie E. Paulson (née Perry), Mrs. Henrietta Lemmon, and Henry Lemmon, Winnebago allottees Nos. 248, 419, 139, 338, 237, 245, 509, 132, and 136, respectively; Mary Whiting, Ponca (Nebraska) allottee No. 11; Rosa Baker and Emma M. Post, Ponca (Nebraska) allottees Nos. 39 and 106, respectively; Josephine Amell, Winnebago allottee No. 235; Zally Rulo, Ponca (Nebraska) allottee No. 83; George W. Dupuis, Koyakewin, William Holmes, Mary Rockwood, Henry Ross, Frank H. Young, Samuel Baskin, John Hoffman, David Thomas, Joseph Coursoll, jr., Samuel Thomas, Cecilia Coursoll, Julia Rouillard, Frederick A. Dupuis, Alemia Jones, Eliza Rouillard, Edward Mackey, Andrew Jackson Felix, David Mazakute, Henry Felix, Wakinyangi or Samuel, Alfred Dupuis, Samuel Campbell, Mary Coursoll, Thomas Whipple, and Jannie Cox, Santee Sioux allottees Nos. 195, 32, 839, 179, 758, 99, 844, 359, 427, 53, 425, 76, 831, 71, 816, 830, 677, 710, 394, 709, 386, 194, 821, 74, 807, and 246, respectively; Fannie Baker, Rosebud Sioux allottee No. 1, Sioux ceded tract; James Garvie, Santee allottee No. 15; and the issuance of said patents shall operate as a removal of all restrictions as to the sale, incumbrance, or taxation of the lands so patented.

Mr. SHERMAN. Mr. Chairman, I desire to offer an amendment, which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will read.

The Clerk read as follows:

After the word "Shott," line 24, page 42, insert:
"Elsie Grace Pilcher, William H. Campbell, Henry Guitar, Harriet L. Pilcher, Me khu bae, or Anna Mary Walker."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New York.

The question was taken, and the amendment was agreed to.

Mr. SHERMAN. Also the following amendment:

After the word "16," in line 25, page 42, insert:
"492, 892, 420, 366, 369."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New York.

The question was taken, and the amendment was agreed to.

Mr. SHERMAN. Also the following amendment:

After the word "Post," line 10, page 43, insert:
"Mary Knudsen, Buffalo Chip, White Dog, Frank Sherman, Runs Bowing, or William Elk, William Bear, Mary Lesor."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New York.

The question was taken, and the amendment was agreed to.

Mr. SHERMAN. Also the following:

After the word "6," in line 12, page 43, insert:
"20, 2, 100, 88, 84, 95, 133."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New York.

The question was taken, and the amendment was agreed to.

Mr. SHERMAN. Also the following:

After the word "Cox," line 22, page 43, insert:
"Reuben H. Cahney, Sarah Sheridan, Tae hu tam be, or Harvey Warner, Ge u ka, or Charles Stabler, Peter Felix, jr., Hinhanskaden, or Thomas Whiteowl, Dennie Felix, James Hemans, Charles Wicanhpidutawin, Bushman Chapman, Wacanga, George Goodteacher, Asdohewin, John Halfiron, David Boy, Hupojanjanwin, Samuel Stone, Andrew Sherman, Wospimaniwin, Phillip Webster, Joseph Paypay, Sarah Jones, Cantanna, or Thomas Whipple, Wihaki, or Lina Whipple, Thomas Rouillard, Samuel Whipple, August Trudell, John Ross, Joseph Samuels."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New York.

The question was taken, and the amendment was agreed to.

Mr. SHERMAN. Also the following:

After the words "46," line 9, page 44, insert:
"314, 292, 508, 396, 708, 468, 714, 363, 375, 650, 15, 100, 344, 204, 788, 349, 311, 379, 50, 326, 472, 126, 809, 810, 828, 396, 548, 513, 826."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New York.

The question was taken, and the amendment was agreed to.

Mr. SHERMAN. Mr. Chairman, I move to strike out the last word simply for the purpose of saying that all of these amendments have been offered by instruction from the Committee on Indian Affairs, and that all of these provisions, the issuance of these patents, both those originally provided in the bill and all the amendments which I have offered, have been specifically reported on, each individual, by the Indian Bureau, whose officer, special agent, or inspector has examined into the conditions in each particular case and made a special report thereon.

Mr. CRUMPACKER. Is there not some provision in the Department of the Interior for the issuance of patents under proper circumstances?

Mr. SHERMAN. There is not. And last year, when reporting the Indian bill, we incorporated therein a general provision of that character, and it went out on a point of order.

Mr. STEPHENS of Texas. Does the gentleman think it would be advisable?

Mr. SHERMAN. I think it would be advisable to make a general provision to meet all such cases.

Mr. BURKE of South Dakota. Will the gentleman yield to me for a moment?

Mr. SHERMAN. Certainly.

Mr. BURKE of South Dakota. I wish, for the benefit of the committee, to say that the bill H. R. 11496, which has been favorably reported by the Committee on Indian Affairs, contains that provision, and I hope to call up the bill within a very few days, and hope it will pass.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn.

Mr. LACEY. I move to strike out the last word. I renew the pro forma amendment.

I would like to say, in this connection, that the proposition of having a general law is superior to the present method. Under a general law the Indian Department would release the Indian and give him a patent with full authority as provided by the law through these special acts. Now, by giving this privilege always through a special act and by naming the party in an appropriation bill there is much more danger that some name will slip in without being duly considered than there would be if the matter were handled by general law, because between the two Houses an amendment could be inserted on the floor of the House adding this name or that name, with little or no consideration. That could not occur if the matter were provided for by general law instead of in this special way.

Mr. CRUMPACKER. If the gentleman will allow this suggestion. If a provision were made by general law for the Commissioner of Indian Affairs to issue the patents under proper circumstances, he would then have the entire responsibility for the administration of that branch of the law and would doubtless be more careful in the examination of the several cases as they presented themselves. Under this system of Congress authorizing the issuing of patents, it must carry the final responsibility. It seems to me that this ought to lessen the feeling of responsibility on the part of the Commissioner of Indian Affairs. I think the general-law policy is a better one, too.

The Clerk read as follows:

That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to issue fee simple patents to the following parties for the lands heretofore allotted them: Victoria Ezell (née Bradley), Glen Bradley, Alexander B. Peltier, Lincoln Kennedy, John B. Bruno, Lucy A. Lourane, Zoe Rhood, Nellie Finley, Eliza J. Neiswender, Davis Hardin, Daniel Chilsom, Amanda Nadeau (née Toupin), and William Frapp, Citizen Pottawatomie allottees Nos. 180, 182, 113, 1351, 121, 210, 104, 563, 17, 41, 702, 98, and 738, respectively; Albert M. Glardy, John B. Bergeron, Catherine Peltier, and Anthony Bourbonnais, jr., Citizen Pottawatomie allottees in Oklahoma Nos. 1363, 37, and 34, respectively; Julia Lazelle and Philip Wickens, Citizen Pottawatomie allottees Nos. 117 and 583, respectively; and the issuance of said patents shall operate as a removal of all restrictions as to the sale, incumbrance, or taxation of the lands so patented.

Mr. SHERMAN. Mr. Chairman, on page 57, line 14, after the word "Toupin," insert the following.

The Clerk read as follows:

After the word "Toupin," page 57, line 14, insert the following: "R. W. Dike, Doshia E. Phillips, née Kennedy, Joseph Bertrand, Benjamin Bertrand, Dan. O'Brien, Philip Wickens."

The question was taken, and the amendment was agreed to.

Mr. SHERMAN. Mr. Chairman, following the word "thirty-eight," at the end of line 20, insert the following.

The Clerk read as follows:

After the word "thirty-eight," line 20, page 57, insert "371, 140, 772, 774, 109, 583."

The question was taken, and the amendment was agreed to.

Mr. SHERMAN. On page 58, after the word "respectively," in line 3, insert.

The Clerk read as follows:

After the word "respectively," line 3, page 58, insert "heir of Horace P. Jones, Kiowa allottee No. 2356."

The question was taken, and the amendment was agreed to.

Mr. SHERMAN. After the word "patented," in line 5, same page, insert the following amendment.

The Clerk read as follows:

After the word "patented," line 5, page 58, insert:
"That the Secretary of the Interior be, and he is hereby, authorized and directed to pay out of the funds of the Otoe and Missouri Indians of Oklahoma Territory the sum of $182.50 to the Choctaw, Oklahoma and Gulf Railroad Company for five tickets from Oklahoma City to Washington, D. C., furnished members of said tribe, the payment of which has been asked by the council of said tribe."

The question was taken; and the amendment was agreed to.

The Clerk read as follows:

For additional salary for superintendent in charge, $1,000.

Mr. CRUMPACKER. Reserving the point of order, I want to inquire what is the purpose of this appropriation, as it seems to me to be new legislation.

Mr. SHERMAN. Which paragraph?

Mr. CRUMPACKER. For additional salary for superintendent in charge of Carlisle school, $1,000.

Mr. SHERMAN. That is not new legislation. The Carlisle school has for twenty years been in charge of an Army officer, and in order to induce the Army officer, who has been desired to remain there under that assignment, it has been necessary to give some extra compensation. Captain Pratt was there for a great many years, and rendered service of the utmost value. Captain Mercer is now there; a man of extraordinary executive ability, exceptionally well qualified to act as the head of a great institution of that kind. There are more than 1,000 pupils there, and this provision gives this amount of compensation in addition to his Army salary.

Mr. CRUMPACKER. And the law already authorizes this appropriation, does it?

Mr. SHERMAN. Well, it is current. No; under the correct rulings of the Chairman here there is no law on the subject. It simply has been carried. It has been the custom from year to year to pay the Army officer who held the position this additional compensation.

Mr. CRUMPACKER. And this appropriation has been carried on the appropriation bill for a number of years, has it?

Mr. SHERMAN. Oh, yes; for ten years.

Mr. CRUMPACKER. I withdraw the point of order.

The Clerk read as follows:

CHAMBERLAIN SCHOOL.

For the support and education of 200 Indian pupils at the Indian school at Chamberlain, S. Dak., $33,400;
For pay of superintendent of said school, $1,600;
For general repairs and improvements, $2,500;
For fire house and equipment, for two reservoirs or water tanks, and changing sewer, $12,000;
In all, $49,500.

Mr. SHERMAN. Mr. Chairman, there was a misprint here, so that I move to strike out in lines 5 and 6 the words "two thousand five hundred dollars;" and in line 9, to reduce the total by $2,500; so that it will read:

For general repairs and improvements, and for fire house and equipment for two reservoirs or water tanks, and for changing sewer, $12,000.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

In lines 5 and 6 strike out "two thousand five hundred dollars" and insert "and."

In line 8, after "and," insert "for;" and in line 9 strike out "forty-nine thousand five hundred" and insert "forty-seven thousand."

Mr. STEPHENS of Texas. Does this increase the appropriation?

Mr. SHERMAN. It reduces it. The committee agreed on it in that form, but it is simply a mistake in printing.

The amendment was agreed to.

The Clerk read as follows:

For general repairs and improvements, and for cement veneer for old buildings, $6,000.

Mr. BURKE of South Dakota. I offer the following amendment.

The CHAIRMAN. The gentleman from South Dakota offers an amendment, which the Clerk will report.

The Clerk read as follows:

After the word "dollars," in line 18, on page 61, insert "two thousand five hundred dollars, to be immediately available."

The amendment was agreed to.

The Clerk read as follows:

That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to cancel the patents for the allotments made to Thomas Bull, Sarah Bull, and Lillie Bull, Yankton Sioux allottees Nos. 1136, 1137, and 1138, respectively, and to reallot the lands covered by said patents to members of the Yankton Sioux tribe who were entitled to allotment, but failed to receive lands when the Indians of said tribe were allotted lands in severalty; the patent issued December 31, 1901, in the name of James Longhat, Wichita allottee No. 582, and he is further authorized to cause the land covered thereby to be allotted to Gertrude Lamp, a member of the Wichita tribe of Indians who failed to receive an allotment, although legally entitled thereto.

That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to issue fee simple patents to the following parties for the lands heretofore allotted them: Frances Ree, Victoria McBride, and Peter Picotte, Yankton Sioux allottees Nos. 228, 462, and 162, respectively; Louis Cutschall (née Herman), Rosebud allottee No. 643; George W. Dripps, Yankton Sioux allottee No. 1435; Joseph Volin, Yankton allottee No. 1129; and the issuance of said patents shall operate as a removal of all restrictions as to the sale, incumbrance, or taxation of the lands so patented; heirs of Louis Dechon, Alexis V. Renville, William M. Weatherstone, Daisy Rice, Mary S. Weatherstone, James Weatherstone, Ada Cloutier, Ralph Weatherstone, and Joseph La Fromboise, Sisseton and Wahpeton allottees Nos. 215, 1070, 1300, 1307, 1296, 1301, 212, and 724 (two numbers), 1299, and 1337, respectively; and the issuance of said patents shall operate as a removal of all restrictions as to the sale, incumbrance, or taxation of the lands so patented.

Mr. SHERMAN. On page 66 I move to strike out the word "the," at the end of line 9, and also to strike out all of lines 10, 11, 12, 13, 14, and 15. The provision is duplicated on page 57.

The CHAIRMAN. The gentleman from New York offers the following amendment, which the Clerk will report.

The Clerk read as follows:

On page 66, beginning with the word "the," at the end of line 9, strike out the remainder of the paragraph.

The amendment was agreed to.

Mr. SHERMAN. On the same page, in line 19, I offer the amendment which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from New York offers an amendment, which will be reported by the Clerk.

The Clerk read as follows:

On page 66, in line 19, after the word "Picotte," insert:
"Louis Shunk, Frank La Rochelle, Louise Barbier Moran, Kate Marion Barbier, Peter La Grande, Lucy S. Patton, Joseph Dubray, Frederick Barbier, Marie Barbier."

The amendment was agreed to.

Mr. SHERMAN. On the same page, in line 22, after the word "two," I move to insert the numbers which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from New York offers the following amendment, which will be reported by the Clerk.

The Clerk read as follows:

In line 22, after the word "two," insert "1,038, 817, 1,416, 1,356, 776, 1,007, 1,040, 1,354, 779, 242, 780."

The amendment was agreed to.

Mr. SHERMAN. In the same line, after the word "Louis," add the letter "e," so that the spelling will be "Louise."

The CHAIRMAN. The gentleman from New York offers an amendment, which will be reported by the Clerk.

The Clerk read as follows:

On page 66, in line 22, change the spelling of "Louis" to "Louise."

The amendment was agreed to.

The Clerk read as follows:

For general incidental expenses of the Indian service in Utah, including traveling expenses of agents, $1,000.

Mr. HOWELL of Utah. I offer the amendment which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Utah offers an amendment, which will be reported by the Clerk.

The Clerk read as follows:

Insert, after line 6, page 68:
"For the construction of an irrigation system necessary for developing and furnishing a water supply for the irrigation of the lands of the Uinta and White River Utes in Uinta County, Utah, $125,000, to be expended under the direction of the Secretary of the Interior: *Provided*, That the total cost of the entire construction and installation of said irrigating system shall not exceed $600,000: *And provided further*, That all moneys expended on said irrigation system shall be reimbursed to the United States from the proceeds of the sale of lands of the Uinta Reservation."

Mr. SHERMAN. Mr. Chairman, I raise a point of order on that amendment, but I will reserve it if the gentleman from Utah desires to address the Chair.

[Mr. HOWELL of Utah addressed the committee. See Appendix.]

The CHAIRMAN. The Chair thinks the amendment is subject to a point of order, and will therefore sustain the point of order.

Mr. HOWELL of Utah. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Insert after line 6, page 68:
"A right of way for the construction and maintenance of canals and ditches for mining, irrigation, or manufacturing purposes through or across the grazing lands set apart for the Indians in the late Uintah Indian Reservation is hereby granted."

Mr. SHERMAN. Mr. Chairman, I reserve a point of order against that if the gentleman wishes to discuss it.

Mr. HOWELL of Utah. Mr. Chairman, I hope the gentleman from New York [Mr. SHERMAN] will not insist on his point of order against this amendment. In a former amendment I sought to provide for funds to enable the Secretary of the Interior to protect the rights of the Indians to sufficient water for their allotted lands; the wisdom and advisability have, I trust, been clearly set forth in my remarks on that amendment.

In support of the present amendment let me briefly explain the situation that confronts the settlers who have filed on homesteads in that section of the State known as the "Uintah Reservation." It appears that there have already been made on the lands in this reservation recently thrown open to settlement some 1,300 entries, aggregating over 200,000 acres; and this all happened within the brief time from the opening to the beginning of the inclement weather, and under the limitations imposed by the President's proclamation for the first sixty days. With the advent of spring—that is to say, as soon as the rigorous climate of that country will permit of ready access to it—and under the regulations of the homestead laws which now prevail there, settlers will be drawn to this Uintah country in large numbers to avail themselves of the opportunities there afforded for making homes.

This section of country is traversed by a number of beautiful mountain streams from which these newly opened lands can be watered. Without irrigation these lands are like those in many other portions of the West—desert and barren, and therefore of little value. With water, however, they contain boundless possibilities in the shape of crops of cereals, grasses, fruits, and vegetables. These mountain streams carry water sufficient not only for the agricultural lands allotted to the Indians, but also for thousands of the prosperous farm homes of the white settlers.

But this is the situation with respect to these white settlers who, with the sturdy characteristics of the western pioneer, have taken up lands in that comparatively remote section. It happens that the Secretary of the Interior in making the choice of grazing lands for the Indians, as provided for by law, selected these same lands along the margins of the streams. It also happens that, except by permission of the Interior Department, no right of way for ditches or canals can be obtained. It is therefore in the power of this same Department to completely nullify the efforts of the settlers who desire to develop and make fruitful this naturally favored portion of the State by refusing permission to construct the necessary irrigation canals across these Indian lands, so as to convey the water onto the fields of the settlers.

To all applications thus far made for the necessary rights of way the Secretary has given an absolute refusal. I will not say that he has not been actuated by a praiseworthy determination to guard the rights of the Indians. I merely state the facts in the matter.

As appears from the recent presentation of this subject to the House Committee on Indian Affairs, the Indian Commissioner strongly urges an appropriation that was deemed ample to secure an adequate water right for all the Indian allottees. I have earnestly advocated this policy as being as wise as it is necessary.

What should be said of a guardian under similar circumstances who would refuse or neglect to faithfully guard the interests of his ward? But is not this precisely the attitude of the Government with respect to these lands?

Without making any provisions for securing the necessary water rights for the Indians, it denies the right to white settlers there to convey water across the Indian lands and onto their own fields, and thus prevents these same settlers from making homes, with the effect that the further disposal of lands will be checked, to the ultimate injury of the Indians.

Now, Mr. Chairman, this dog-in-the-manger policy is an outrage on those settlers who, at great expense and in the full expectation of a "square deal" from the Government, have cast their lot there and intend to make this desert land fruitful and productive. The necessity for this provision which is incor-

porated in my amendment is urgent and ought to be adopted. I hope the gentleman from New York [Mr. SHERMAN] will withdraw his point of order and allow this provision to be inserted in the bill.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to issue fee-simple patents to the following parties for the lands heretofore allotted them: L. F. Laqua, a Yakima Indian, to his allotment, No. 780; Susan Stone (Swasey), a Yakima Indian, to her allotment, No. 286; Suis Sis Kin, or Loupe Loupe Charley, No. 4, Yakima, now Waterville, Wash.; Margaret Sar Sarp Kin, No. 6, Washington; and the issuance of said patents shall operate as a removal of all restrictions as to the sale, incumbrance, or taxation of the lands so patented.

Mr. SHERMAN. Mr. Chairman, on page 71, line 7, I wish to have inserted an amendment which I send to the desk.

The Clerk read as follows:

Page 71, line 7, after the word "Washington," insert "Charles Wammasy, Yakima allottee, No. 1618."

The amendment was agreed to.

The Clerk read as follows:

That the Secretary of the Interior be, and he is hereby, directed to cause an investigation to be made of the claims of the Potawatomi Indians of Wisconsin, as set forth in their memorial to Congress printed in Senate Document No. 185, Fifty-seventh Congress, second session, and to report thereon to Congress at the beginning of the next session thereof, showing, on the best information now obtainable, what number of said Indians continued to reside in the State of Wisconsin after the treaty of September 26, 1833, their proportionate shares of the annuities, trust funds, and other moneys paid to or expended for the tribe to which they belong, in which the claimant Indians have not shared, the amount of such moneys retained in the Treasury of the United States to the credit of the claimant Indians as directed by the provision of the act of Congress approved June 25, 1864; if none have been so retained the amount that should have been annually so retained under said law, showing also what disposition has been made of the annuities, trust funds, and other moneys of said tribe, with the amounts and the status of any now remaining to their credit in the Treasury or otherwise. He will also cause an enrollment to be made of said Potawatomi Indians.

Mr. CRUMPACKER. Mr. Chairman, I reserve a point of order with a veiw of asking the chairman of the committee what the necessity is for authorizing this investigation.

Mr. SHERMAN. I will ask the gentleman from Wisconsin [Mr. BROWN] to answer the gentleman. A separate bill has been reported and the gentleman from Wisconsin made the report and is very familiar with the facts.

Mr. BROWN. Mr. Chairman, I will say that at the time the Potawatomi Indians of Wisconsin and Michigan were transferred to Kansas a good many of them were compelled to go against their wishes. During the intervening years they have drifted back into Iowa, Wisconsin, and into Michigan. The reason for their leaving Kansas was the fact that they were located there on prairie land, and these Indians had always resided in a timber and lake country. They were not satisfied to remain in Kansas, and in consequence of that, 500 or 600 Indians have drifted back into southern Wisconsin, many into Michigan, and I think some have stopped in Iowa. It is desired to get an enrollment of these Indians for the reason that there are certain trust funds which have been distributed in part to the Kansas Indians, and other funds remaining in the Treasury which should be distributed to the Indians in Wisconsin and Michigan.

Mr. CRUMPACKER. These Indians in leaving Kansas did not relinquish their right to the trust fund?

Mr. CURTIS. If I may answer the gentleman, the Department has never held that the Potawatomi Indians abandoned their rights by going to Wisconsin. Within the last two years a census has been taken of the Potawatomi Indians in Wisconsin who belong to the Kansas tribe. Nearly every year members of the tribe who are in Wisconsin come to Kansas to draw their annuities. I do not see how any harm can come from this legislation, and, in fact, it will give the Department needed information.

Mr. BROWN. This provision is to get the information before the House, and it provides for a report to be made to the next Congress, so that if legislation is necessary Congress can take it up.

Mr. CRUMPACKER. I inferred from the character of the provision that it was its purpose to authorize an investigation of the condition that if the share of the trust funds that lawfully belonged to these Indians had been paid over to any of the other members of the tribe or nation, that perhaps there would be a claim against the Government for the fund that had been so diverted and paid over.

Mr. CURTIS. I think not. Under the rules of the Department payment of annuities is refused to the Indians who are away from the reservation, and many of the Potawatomies come back to Kansas to draw their annuities. There has been no general payment of funds to the Potawatomies in Kansas during the last few years.

Mr. CRUMPACKER. Suppose, now, that an investigation should show that these Indians—the Potawatomi in Wisconsin and other places who have gone from Kansas—are entitled to certain funds that have not been segregated, put up for them, how will they be benefited?

Mr. CURTIS. Mr. Chairman, I think under the rules of the Department they did not forfeit their rights in the general fund, but they would forfeit their rights to the annual payment of annuities. At least I am informed that the Department has so held.

Mr. CRUMPACKER. I was prompted to make this inquiry because I think the only Indian that lives in the district I have the honor to represent is John Madigan, who is a Potawatomi, and who has been half a dozen times to inquire about his rights up in Wisconsin.

Mr. CURTIS. A few years ago a bill was passed authorizing the payment of a certain amount of money to the Potawatomi in Indiana who did not follow their brothers to Wisconsin, Michigan, and Kansas.

Mr. CRUMPACKER. Well, this paragraph provides only for an investigation, so that I do not see that any harm could result. I withdraw the point of order.

The CHAIRMAN. The gentleman withdraws his point of order. The Clerk will read.

The Clerk read as follows:

That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to issue fee-simple patents to the following parties for the lands heretofore allotted to them: (Compson) Doxtater, William Cornelius, Ida Powless, Daniel H. Cooper, Charles Elm, Abram Elm, Catherine Nynhan, Joshua Cornelius, Lehi Wheelock, Dennison Wheelock, Rachel Peters Jones, Jerusha Peters, and Alice Cornelius, Oneida allottees Nos. 137, 57, 224, 769, 1272, 1271, 1398, 1514, 373, 21, 310, 1137, and 62, respectively; Jacob Doxtater, allottee No. 1099; Rachel Elm, allottee No. 879; Jerusha Powless, allottee No. 1483; Hendrix Skenandooh, allottee No. 804; Hannah Hayes, allottee No. 305; Dolly Ann Doxtater, allottee No. 174; Martin Williams, allottee No. 420; Moses Webster, allottee No. 1135; Adam King, allottee No. 121; Elizabeth Nynham, allottee No. 1075; Elijah John, allottee No. 506; Silas Webster, allottee No. 1350; Henry Cooper, allottee No. 338; David King, allottee No. 201; Job Silas, allottee No. 333; Joseph Skenandooh, allottee No. 573; James Silas, allottee No. 255; John Parkhurst, allottee No. 236, and David Adams, allottee No. 594, Oneida Indians; Isaiah Sycles, Schuyler Nynham, Archie Wheelock, Truman Doxtater, Sophia Webster, Mary Webster, Jane Parkhurst, Henry Wheelock, Eva Jourdan, William Archquette, Sarah Hill, Frank Button, Sylvester Button, Margaret Thomas, William Christjohn, Frank Cornelius, Alice Cornelius, Hannah Hill, Sarah Sycles, Adam P. Cornelius, Thomas John, Esther Christjohn, Joseph Metozen, and James Wheelock, Oneida allottees Nos. 677, 1399, 1061, 1079, 184, 1183, 1277, 344, 839, 720, 471, 376, 1268, 876, 1238, 717, 718, 148, 1486, 713, 733, 364, 142, and 16, respectively, and the issuance of said patents shall operate as a removal of all restrictions as to the sale, incumbrance, or taxation of the lands so patented.

Mr. SHERMAN. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Following line 18, on page 75, add the following:

"That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to issue a patent in fee to any Indian of the Oneida Reservation in Wisconsin for lands heretofore allotted him, and the issuance of such patent shall operate as a removal of all restrictions as to the sale, taxation, and alienation of the lands so patented."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

For support and education of 175 Indian pupils at the Indian school, Shoshone Reservation, Wyo., $29,225;
For pay of superintendent at said school, $1,800;
For general repairs and improvements, $5,000;
In all, $36,025.
For general incidental expenses of the Indian Service in Wyoming, including traveling expenses of agents, $1,000.

Mr. MONDELL. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 76, at end of line 10, insert:

"That the provisions of sections 18, 19, 20, and 21 of the act entitled 'An act to repeal timber-culture laws, and for other purposes,' approved March 3, 1891, relating to rights of way through the public lands and reservations of the United States, are hereby extended over the lands on the Wind River Reservation in Wyoming, ceded by the Shoshone and Arapahoe Indians in the treaty ratified by the act of March 3, 1905: *Provided*, That the grantees under the said sections on the said ceded lands shall pay to the Secretary of the Interior for the benefit of the said Indians the sum of $1.25 per acre for the lands covered by their rights of way."

Mr. SHERMAN. Mr. Chairman, I make the point of order against that provision that it is new legislation.

The CHAIRMAN. The Chair sustains the point of order.

Mr. MONDELL. Will the gentleman reserve his point of order?

Mr. SHERMAN. Certainly.

Mr. MONDELL. Mr. Chairman, I trust the gentleman will not insist on his point of order, because I think the matter quite important. On the 3d of March last a bill was passed ratifying the agreement with the Shoshone and Arapahoe Indians for the sale of certain lands on the Wind River Reservation. The bill provided in section 2 that the lands ceded to the United States under such agreement shall be disposed of under the provisions of the homestead, town site, coal, and mineral land laws of the United States, clearly limiting the laws under which these lands could be disposed of. It was my impression at the time and that of others who gave the matter some study that the general right-of-way act of March 31, 1901, just referred to, and which gives rights of way for irrigating ditches over the public lands and reservations, extended over these lands when ceded. But after further consideration I am inclined to think it is that the right-of-way act does not extend over these lands. Now, this reservation must be irrigated. Steps are now being taken looking to its irrigation. What is now desired is that the general right-of-way act, which applies to all public lands and reservations, shall apply to these lands which were ceded by the bill of last March. The right-of-way act grants right of way for irrigation ditches and canals, subject to approval of the Secretary of the Interior. It is very doubtful whether without this legislation the Secretary would be empowered to grant the rights of way that must be had in order to build irrigating ditches necessary for the reclamation of this land.

Mr. LACEY. If this cession had not been granted, there is no question but what the right of way could have been granted?

Mr. MONDELL. No question at all, if they had remained Indian lands.

Mr. LACEY. That is, the land we ceded becomes public land and then comes in under the public-land law. What is the interval between the two transactions where this land gets lost so as not to be subject to the law?

Mr. MONDELL. The question is whether the land does become public land. I think the gentleman will agree with me that this land is not to all intents and purposes public land. It is land to be disposed of for the benefit of the Indians and under certain specific provisions of law. Now, if the law ceding this land antedated the right-of-way act, then the right-of-way act would have covered it, but the legislation ceding these lands was passed subsequent to the right-of-way act and makes provision distinctly and explicitly for the disposal of this land only under a certain law, and the strong probability is that the right-of-way act does not apply, so that the builders of the necessary ditches could not secure the right of way that they must have. Now, in order that the Indians shall be fully protected in this matter, I add to my amendment a provision not contained in the right-of-way act to the effect that all the land included in rights of way shall be paid for at $1.25 an acre, which is the average price paid for the land to the Indians. The legislation is exceedingly important and it is necessary for the development of the reservation. It is necessary that it should be had in order that the Indians may dispose of their land and that the settlers who may come upon it may build their ditches; and we give the Indians under this amendment what we do not grant elsewhere, to wit, payment for the lands included in the right of way, so that the Indians can not in any way be injured, and they will be benefited by reason of the fact that settlers can get rights of way for their ditches and canals, and will therefore be encouraged to settle on the lands. I hope, therefore, that the chairman will not insist upon his point of order.

Mr. SHERMAN. Mr. Chairman, I must make the point of order that this is legislation.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk resumed and concluded the reading of the bill.

Mr. KAHN. Mr. Chairman, I ask unanimous consent to return to page 20 for the purpose of offering an amendment.

The CHAIRMAN. The gentleman from California asks unanimous consent to return to page 20 that he may offer an amendment. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the amendment.

The Clerk read as follows:

Strike out, in line 7, page 20, after the word "service," the word "eight" and insert "ten."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from California.

The question was taken; and the amendment was agreed to.

Mr. SHERMAN. Mr. Chairman, I move that the committee do now rise and report the bill to the House with the amendments with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. CURRIER, Chairman of the Committee of the Whole House on the State of the Union, reported that that committee had had under consideration the bill (H. R. 15331), the Indian appropriation bill, and had directed him to report the same with sundry amendments, with the recommendation that the amendments be agreed to, and the bill as amended do pass.

The SPEAKER. Is a separate vote demanded upon any amendment? If not, the amendments will be voted upon in gross.

The question was taken; and the amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time; was read the third time, and passed.

On motion of Mr. SHERMAN, a motion to reconsider the last vote was laid on the table.

### WITHDRAWAL OF PAPERS.

By unanimous consent, Mr. HUGHES was granted leave to withdraw from the files of the House, without leaving copies, the papers in the case of F. F. Morris, Fifty-seventh Congress, and papers in the case of John Morgan's heirs, Fifty-seventh Congress, no adverse report having been made thereon.

### ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 16305. An act authorizing the Secretary of War to sell certain coal in Alaska, and for other purposes; and

H. R. 8977. An act to create a new division of the western judicial district of Texas, and to provide for terms of court at Del Rio, Tex., and for a clerk of said court, and for other purposes.

### ENROLLED BILL PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bill:

H. R. 16305. An act authorizing the Secretary of War to sell certain coal in Alaska, and for other purposes.

### LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. BOUTELL, for one week, on account of important business.

To Mr. ROBERTS, for ten days, on account of important business.

### ORDER OF BUSINESS.

Mr. PRINCE rose.

The SPEAKER. For what purpose does the gentleman rise?

Mr. PRINCE. Mr. Speaker, I call for the regular order.

The SPEAKER. The gentleman from Illinois demands the regular order. The Clerk will call the committees.

Mr. SHERMAN. Mr. Speaker, I think the Committee on Indian Affairs is the first on the call. I think the House ordered the other day that that committee should be passed without prejudice.

The SPEAKER. If that is the case, the gentleman is correct.

### RECORDING DISTRICT, INDIAN TERRITORY.

Mr. SHERMAN (when the Committee on Indian Affairs was called). Mr. Speaker, I desire to call up bill S. 134 on the House Calendar.

The SPEAKER. The gentleman from New York calls up the bill S. 134, which the Clerk will report.

The Clerk read as follows:

*Be it enacted, etc.*, That, in addition to the places now provided by law for holding courts in the central judicial district of Indian Territory, terms of the district court of the central district shall hereafter be held at the town of Wilburton, and the United States judge of said central district is hereby authorized to establish by metes and bounds a recording district for said court.

SEC. 2. That all laws regulating the holding of courts in the Indian Territory shall be applicable to the court hereby created at the town of Wilburton.

Also the following committee amendments:

In line 4 strike out the words "central judicial district."

In line 5 strike out the words "of the central district."

In line 6, after the word "Wilburton," add the following: "in the central district; at the town of Bartlesville in the northern district, and at the towns of Weleetka and Checotah in the western district."

In line 7 strike out the words "of said central district."

After the word "for," in line 8, strike out the words "said court," and add the following: "each new court town hereby created in his district."

In line 11 strike out the words "the town of Wilburton," and add the following in lieu thereof: "each of the towns named in this act."

Amend the title so as to read: "An act establishing additional recording districts in the Indian Territory."

Mr. DE ARMOND. Mr. Speaker, I raise the question of consideration.

The SPEAKER. The gentleman from Missouri raises the question of consideration on this bill.

The question was taken; and the Speaker announced that the ayes seemed to have it.

On a division (demanded by Mr. DE ARMOND) there were—ayes 65, nays 23.

So the House determined to consider the bill.

Mr. SHERMAN. Mr. Speaker, I yield to the gentleman from Kansas [Mr. CURTIS], who reported the bill, and who will explain it.

Mr. CURTIS. Mr. Speaker, two bills passed the Senate and were referred to the Committee on Indian Affairs. One of these bills established a court at the town of Wilburton, in the Indian Territory, and the other at the town of Bartlesville. The chairman of the Committee [Mr. SHERMAN] is mistaken when he says I reported the bill. It was reported by Mr. REID, of Arkansas.

At the hearing before the subcommittee other towns were suggested, and the committee added the towns of Weleetka and Checotah to the bill (S. 134), also added the town of Bartlesville to the same bill, and recommended that the bill that passed the Senate, authorizing the establishment of a court at Bartlesville, be laid upon the table. The bill reported (S. 134) establishes new court towns, but does not define the bounds of the recording district. It leaves that matter to the presiding judge of the district. The committee thought the judge was better qualified to define the limits of the district than was the committee. I will state that we heard all of the parties who are interested in different towns, and the committee added the towns for which a proper showing had been made.

Mr. HENRY of Texas. Will the gentleman permit a question?

Mr. CURTIS. Certainly.

Mr. HENRY of Texas. I did not understand the names of the different towns at which these courts were established.

Mr. CURTIS. Wilburton, Bartlesville, Weleetka, and Checotah.

Mr. HENRY of Texas. Another question. Does the gentleman object to putting in the town of Duncan for one of those courts?

Mr. CURTIS. I should say not. I am only speaking for myself. Duncan was reported from the committee and passed the House, and, having been favorably reported and having passed the House, I do not see why any Member should object to its being included in this bill.

Mr. HENRY of Texas. I wanted to say that several of these bills have been before the Committee on the Judiciary, and I thought possibly Weleetka was one of them, and we thought it ought to be established, and I think Duncan also. I have no objection to it myself and I shall be glad to vote for it; but I would like Duncan to be included as an amendment.

Mr. CURTIS. I understand the gentleman from Texas [Mr. STEPHENS] intends to offer such an amendment.

Mr. STEPHENS of Texas. Will the gentleman yield a moment?

Mr. CURTIS. I yield to the gentleman from Texas.

Mr. STEPHENS of Texas. I desire to offer an amendment.

Mr. CURTIS. I simply yielded for the purpose of allowing the gentleman to offer an amendment. I reserve the balance of my time.

Mr. SHERMAN. The period has not arrived for that yet.

The SPEAKER pro tempore (Mr. CRUMPACKER in the chair). If the gentleman from Kansas [Mr. CURTIS] yields for the purpose of offering an amendment, he will lose the control of the floor. Does the gentleman from Kansas reserve the balance of his time?

Mr. CURTIS. I do.

Mr. STEPHENS of Texas. I seek the floor for the purpose of offering an amendment.

Mr. FLOYD. Mr. Speaker, I desire to ask the gentleman a question.

Mr. CURTIS. I would like to know how much time the gentleman from Texas [Mr. STEPHENS] desires.

Mr. STEPHENS of Texas. Only time enough to offer an amendment.

Mr. CURTIS. I yield the gentleman five minutes, or so much thereof as he may desire.

The SPEAKER pro tempore. During the argument the Chair understands that it is not in order to offer an amendment. The gentleman from Kansas [Mr. CURTIS], in yielding to another gentleman for the purpose of offering an amendment, will lose control of the floor.

Mr. CURTIS. He then loses control?

The SPEAKER pro tempore. He does. The Chair will read the decision on that.

A Member who yields the floor to offer an amendment loses his right to occupy it.

Mr. CURTIS. Then, Mr. Speaker, I yield to the gentleman five minutes for the purpose of having an amendment read and explaining it.

The SPEAKER pro tempore. It will be in order during the course of his remarks to have an amendment read as a part of his remarks, but not pending as an amendment.

Mr. CAMPBELL of Kansas. A parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state it.

Mr. CAMPBELL of Kansas. Will the bill be open to amendment in the time Members are able to get the floor?

The SPEAKER pro tempore. That will depend upon circumstances and the attitude of the gentleman from Kansas that there should be any time for debate. At the end of his hour the bill will be open for amendment.

Mr. CURTIS. I will say it is not the purpose to shut out amendments of any kind.

The SPEAKER pro tempore. The gentleman from Texas is recognized for five minutes.

Mr. STEPHENS of Texas. I desire to have read the amendment which I send to the Clerk's desk.

The Clerk read as follows:

In line 8, after the word "district," insert the words "and in the town of Duncan, in the southern district."

Mr. STEPHENS of Texas. Mr. Speaker, this bill creating a court at Duncan has passed this House as many as three times. It has passed this session, and the Senate bill now being considered by the House makes Bartlettsville and Weleetka in the Indian Territory, court towns, and by my amendment I desire to add to the bill the town of Duncan. I will state that the town of Duncan is on the Rock Island Railroad, on the west side of the Chickasaw Nation, and there are on that road only two court towns—the town of Chickasha is about 80 miles above the town of Ryan. Duncan is situated midway between them, some 38 or 40 miles from either court town. It is a town of about 3,000 inhabitants. It is quite a large town for that country, and is the largest town on that railroad in the Chickasaw Nation except Chickasha. I am told that about two-thirds of the court business done at Ryan comes from this town and vicinity, and that if there should be a court established at Duncan it will very greatly relieve the expenses of holding the courts at Ryan on that road in this, that the mileage paid to a great many of the witnesses who attend court from this town and vicinity would be saved. It does not create any additional expense to make this new court at Duncan, because the clerk's fees will pay the deputy clerk for attending to the clerk's office at this place and also for attending to his recording duties there. The judge of the district recommends Duncan as a proper place for holding this court, and has recommended it twice. The United States district attorney, I am informed, has also recommended it. There is no objection to this town having a court, so far as I know, except from rival towns in its immediate vicinity; and this town having been favorably reported from the Committee on the Judiciary of this House as a suitable court town and having passed the House, I think it is nothing but a proper and just amendment to this bill, and it should go into this bill as an amendment.

Mr. CURTIS. I will yield to the gentleman from Arkansas five minutes. He wants to have an amendment read for information.

Mr. FLOYD. Mr. Speaker, I desire to have an amendment read for information.

The Clerk read as follows:

Amend, by inserting in page 1, after the word "Weleetka," the words "Broken Arrow."

Mr. FLOYD. Mr. Speaker, I do not expect to take the five minutes the gentleman has yielded to me. I want to make a brief explanation of this amendment, as I understand the situation out there. The nearest court town to Broken Arrow is Wagoner, 26 miles distant. There is a river to cross—the Verdigris River—between there and Broken Arrow, and by rail the distance is 58 miles. It is from 27 to 42 miles to the other court towns that are created in that locality. Broken Arrow is a town of 2,500 inhabitants, located on the Missouri, Kansas and Texas Railroad, and is a growing town only three years old. It is situated in a locality where a court can be established without interfering in any way with any of the adjoining towns.

I think this is an important amendment and hope the House will adopt it.

Mr. CURTIS. I now yield to the gentleman from Missouri all the time he may desire less than an hour, so that I can retain control of the bill.

Mr. DE ARMOND. Mr. Speaker, I have two or three objections to this bill. In the first place, I have objection to the method and manner of its appearance here. The subject is one which belongs to the Committee on the Judiciary and not to the Committee on Indian Affairs. It is a subject over which the Committee on Indian Affairs has no jurisdiction whatever. The bill is one which ought never to have gone to the Committee on Indian Affairs; it is one which undoubtedly, under the rules, ought to have gone to the Committee on the Judiciary. It is a question of the establishment of courts——

Mr. CURTIS. May I suggest to the gentleman that the two bills that came over from the Senate had been considered by the Committee on Indian Affairs in the Senate, and I think perhaps that is why the bills were referred to the Committee on Indian Affairs of the House? I just wanted to make that explanation.

Mr. DE ARMOND. I am making no criticism of anybody about it, Mr. Speaker, but I wish to say that in my judgment a mistake was made in the reference. What the rules are in the Senate, and whether the measures ought to have gone to the Indian Committee there or to the Judiciary Committee, it is not necessary for me to inquire or talk about, but in this House, under the rules of this House, the measures should have gone to the Committee on the Judiciary. Similar measures have gone there; similar measures are now pending there; similar measures have been reported out of that committee. To refer part of these measures to one committee and part to another committee is to bring confusion and conflict and uncertainty. So much upon that branch of the subject.

Now, it is further evident from the condition of this bill, from the amendments suggested to it by the committee, and the amendments suggested from the floor, that the whole matter has been imperfectly considered and is imperfectly understood. There is no effort made to define the districts which are to be created. That is a confession that those dealing with the bills do not know how to define them. They do not know what the districts should be.

Mr. STEPHENS of Texas. The judge sets the bounds of the district.

Mr. DE ARMOND. I understand that is the suggestion, that the judge sets the bounds of the district. The judge has not been consulted to ascertain whether there ought to be districts or not. The judge is not behind the proposition to make these districts. There is no suggestion from the judge that they be made. There is lack of evidence as to whether the judge is in favor of or opposed to the making of them. Besides, the judge is not to determine the matter for us.

Mr. STEPHENS of Texas. At the town of Duncan that amendment has been recommended by both the judges.

Mr. DE ARMOND. That has not anything material to do with the subject that I have under discussion, but I am reliably informed that it is not recommended by either of them. It is a matter of dispute as to whether Duncan is recommended by either of the judges.

Mr. LACEY. I should like to ask a question and to make a suggestion. Has the gentleman considered the fact that there are two propositions involved in each of these locations? One is a clerk's office, a place where the court is held, a court town, and the other is a recording town for the recording of deeds. They are two separate and distinct propositions, one of which might go to the Committee on Territories or the Committee on Indian Affairs and the other to the Committee on the Judiciary; so that either committee might possibly have jurisdiction on a division of the question.

Mr. DE ARMOND. I do not look at it in that way. The recording district is a comparatively small thing when put side by side with or in opposition to the establishment of the court. The matter of jurisdiction I merely talk about incidentally. The bill is before the House now for its disposition, having been reported by the committee. As I was saying, that there is a lack of information upon the subject is perfectly evident from the fact that the committee does not undertake to make or define the districts. This whole scheme really may be traced to certain ambitious gentlemen, in the Territory or outside of the Territory, interested in various conflicting and rival town sites, coming to Congress and endeavoring, by getting courts located here and there, to forestall the people of the Territory when the Territory comes in as a State, in the selection and fixing of their own county seats, according to their own judgment. In that respect it is vicious legislation. It is legislation in the dark.

There is not one man in fifty in the House who knows at what particular town a new court ought to be established, or whether a court ought to be established at any one of these towns; and it is practically impossible for us to know. What we know about it is what the persons who are in favor of fixing the court at a particular town, to further their own town-site projects, say, on the one side, or what the persons who are opposed to it, in order, probably, to further the interests of another and rival town site, say, upon the other side. While there is legislation pending, as we all know, for the admission of the Indian Territory with Oklahoma as a State, when the people themselves, acting at home upon their own matters, could determine and would determine which ought to be their court towns, I do not think it wise legislation on our part to attempt to forestall them in reference to their own affairs.

Mr. CURTIS. I want to correct the gentleman's statement in reference to there being no recommendation. Three of the towns recommended by the committee were recommended by judges who preside over the district. They recommended Bartlettsville, Wilburton, and Weleetka. Both the judges and the prosecuting attorney recommended the town of Weleetka.

Mr. STEPHENS of Texas. And the town of Duncan was recommended by Mr. Gilbert.

Mr. DE ARMOND. Now, Mr. Speaker, legislation on this subject at this time, unless it be very well considered, unless there be an apparent necessity for, as well as an evident propriety in, the location of the court at particular towns, ought to be deferred, in view of the fact that there is reasonable ground for hoping that in a short time a State will be created down there.

The fact is that at every session of Congress there are delegations from the Indian Territory trying to further this court-town legislation, trying to oppose that court-town legislation, and nine out of ten of them have no better basis of opposition or support than a desire to further their own interest in some particular locality. It is a dangerous subject to legislate upon. Legislation upon it is very likely to result in harm instead of good. If there is to be legislation upon it, all these bills bearing upon the subject ought to go to one committee, a committee organized to deal with the particular subject-matter; and that committee, or any committee having all the bills and all the present stock of information before it, will have the greatest difficulty to determine what ought to be done and what ought not to be done, and in nine cases out of ten will err if it does anything.

In view of that, it seems to me that it would be anything but wise for the House, out of hand, to rush a bill of this kind through. This bill started in the Senate as a bill providing for a court at Wilburton; tacked on in the House committee are Bartlesville, Weleetka, and Checotah; and now come two more towns—Duncan and Broken Arrow. I have no doubt at all, without saying anything about the particular towns, that as to a majority of them there can be found in the same neighborhood better and fitter towns for the location of a court.

Mr. PALMER. Let me call the attention of the gentleman to the fact that the United States judge only recommends one town—Wilburton.

Mr. DE ARMOND. I do not know; the gentlemen here say they have other recommendations.

Mr. CLAYTON. The gentleman from Pennsylvania is in error about that. I had a statement from each one of the judges recommending the court at Weleetka, and I sent those telegrams to the Committee on Indian Affairs.

Mr. DE ARMOND. As to this particular town, Weleetka, of the entire bunch I think it is the least deserving, that there is the least reason for establishing a court there, and that there is the most reason, comparing it with the other towns, why a court should not be established there. There is behind it the work of a promoter. I am not finding any fault with him for being a promoter; but it is a town-site speculation, a town-site push. The House of Representatives, the Congress of the United States, ought not blindly lend itself to furthering that kind of a scheme. Why not wait until the people themselves can determine where they want the courts? I do not know where they want them; I do not care where they want them. Pick up a map and call some gentleman from any locality in the United States and I defy him to determine where the courts ought to be established. One man, perhaps, comparatively rare—a rara avis—will give you the facts on both sides relating to the merits of a particular town; he will give you all that can be urged against it. As I say, he is a rara avis rather than a man with a scheme, and he does not often appear before the committees of Congress. The most of them will have a scheme and will advance everything that can be said justly, and some things that can not be justly said, in favor of the place in which they are interested, discounting all that can be said on the other

side. This bill and these amendments offer us a chance in a guessing contest, to end, if the hopes of some gentlemen be realized, in the guessing of certain speculative schemes into the statutes as law.

Are we to invite every ambitious town in the Territory to send representatives here and have a general contest for the location of these embryo county sites? Are were to rush swift and fast to establish county seats, or court towns, at the places that are the most active and send the shrewdest and most persistent "push" here, or are we to leave it to the people themselves, there being no public necessity for the establishment of these court sites, to establish them? There is no crying need for them. There is no reasonable pretense that justice will go awry or miscarry if they be not established hastily or in the dark. Why not wait? Why not at least wait until we know—and we shall probably know pretty soon—whether legislation is to go through for the establishment of a new State down there? If so, why not wait until that new State comes in to do its own business in the fixing of county seats? If statehood is to be delayed indefinitely, why not then, upon some broad and general plan—some fair plan—having to do with more than the activity and energy of a promoter, investigate and ascertain in some broad and intelligent way, not where the most can be made in speculation or what band of speculators shall be best served, but where the court towns ought to be located, with reference to the geography of the country, the business of the country, the needs of the citizens, the convenience of judges, and all the things that are involved when you come to a matter of virtually locating county seats? Now, I have no interest in the matter at all, not a particle; it does not make the least difference to me whether you make a hundred county seats down there or whether you make none; whether you do it now or never do it; but this is a species of legislation that I regard as bad legislation.

I like, for my part, when I vote upon a proposition to have an opportunity of understanding something about its merits. I may be in error concerning them—of course, frequently I am—but we are voting in the dark upon these things, not because we have discovered that it is necessary for the proper administration of justice, that it is necessary for the convenience or the interests of the people of the Territory as a mass to scatter courts here and there, not that we know what territory should be gathered around a particular court town—there is no pretense of that here. But we are to leave it to the judge; let the judge make a county around the town; we merely fix for favor a particular spot which has a lot of advocates and promoters behind it, and let the judge group around it a county, a district, a territory, to be tributary to it. For one, I am opposed to that, not in the interest of any town, not in hostility to any town, but for the sake of good legislation. I believe this matter ought to be referred—the whole subject ought to be referred—to the Judiciary Committee, to which it belongs. Not merely because I happen to be a member of that committee. I care nothing about that. I believe it ought to be referred to that committee because unquestionably it is the committee to which jurisdiction of this subject-matter belongs. One committee ought to have it; not two or a dozen. Now, if the Judiciary Committee is to be set aside with reference to matters down there, if there is to be a general plunge in the dark to suit whatever may be put forward here in the way of promotion, let that committee be entirely relieved of all duty and consideration in reference to the matter, and let it all be turned over to another committee which you choose to select.

Gather it together and do not scatter it abroad. Have some degree of responsibility and system about it, and, above all things, it seems to me you should not be in haste to determine for the people unnecessarily, blindly, without proper information, in the majority of cases probably unjustly, where their future county seats shall be. Because these gentlemen down in the Indian Territory understand well enough what is to be gained by having particular towns selected. The court meets there, they get up something they call a court-house, and they have "claims." They will be in a better position after the Territory comes in as a State, if Congress will be partial to them now as well as unjust to others now, to have their particular town selected for the county seat. Others, more modest, not pushing with a delegation, not trying to get advantage through Congress instead of relying upon the judgment of the people at home, must suffer from such crude, partial legislation. We are sowing the seeds of discontent. Why not let well enough alone, and establish no courts except where there is public necessity for them? Should we not wait until we know why we establish a court at a particular place, and know also something about what the court territory is to be? If you don't know anything about what territory is to be or should be embraced within the jurisdiction of a proposed court town, how do you know there ought to be a court there at all?

Let us find out something about what we ought to do or let us do nothing. There is no harm caused from delay in such matters as this; no injustice to anybody; no hardship upon anybody. Delay in this sort of a case is in the interest of fair play; in the interest of proper adjustment in the end.

Mr. Speaker, I yield back the balance of my time to the gentleman from Kansas.

Mr. CURTIS. Mr. Speaker, I yield five minutes to the gentleman from Kansas [Mr. CAMPBELL].

Mr. CAMPBELL of Kansas. Mr. Speaker, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Insert "Tulsa" in line 8, following the word "Weleetka."

Mr. CAMPBELL of Kansas. Now, Mr. Speaker, much of what has been said by the gentleman from Missouri [Mr. DE ARMOND] does not apply to the town of Tulsa. I have not relied wholly upon the statements that have been made by the people interested from that place here in Washington. It so happens that the Indian Territory borders my district. I have an acquaintance with that country. The town of Tulsa has between ten and twelve thousand people; has six banks, with an aggregate capital of over $400,000; has five lines of railways, and is peopled by men from every State in the Union.

Mr. STAFFORD. How far distant is the place proposed in the gentleman's amendment from any of the other places suggested here to-day?

Mr. CAMPBELL of Kansas. Some of them are 15 or 20 miles from a town where there is a court of any kind.

Mr. STAFFORD. From all the places that have been suggested this afternoon?

Mr. CAMPBELL of Kansas. I do not know all that have been suggested this afternoon.

Mr. STAFFORD. Are you acquainted with the geographical conditions of the entire Territory, or only those surrounding this particular town?

Mr. CAMPBELL of Kansas. In a general way; yes.

Mr. STAFFORD. How many court sites, in your opinion as a lawyer, do you think are necessary for the needs of justice?

Mr. CAMPBELL of Kansas. Well, I should say there should be a court of some kind provided where there were ten or fifteen thousand people.

Mr. STAFFORD. Then, if I understand you, you would establish as many court places as there are 15,000 people of population?

Mr. CAMPBELL of Kansas. Oh, I would take the courts to the people rather than have the people go to the courts, in so far as such a general policy is at all feasible.

Mr. PALMER. Then you would not approve of this court?

Mr. STAFFORD. The gentleman asked me whether I approve of it. I can say that the standard as to population does not at all apply to the State that I have the honor in part to represent, where, with a population of over 2,000,000, there are but six places where United States courts are held.

Mr. PALMER. You would not approve, then, a court at Checotah, with a thousand people.

Mr. CAMPBELL of Kansas. I am not speaking against any court. I am addressing myself to the proposition that there ought to be a court at Tulsa, which has a population of between ten and twelve thousand people.

Mr. PALMER. What is the population of Bartlesville? They recommend one at Bartlesville, in the northern district.

Mr. CAMPBELL of Kansas. I should say eight to twelve thousand.

Mr. PALMER. This man says four. Which one is right?

Mr. CURTIS. I did not say four; I did not make that report.

Mr. PALMER. How many people are at Weleetka?

Mr. CAMPBELL of Kansas. I am not familiar with the population at Weleetka.

Mr. PALMER. How many at Checotah; how many at the places recommended by the amendment of the gentleman from Arkansas?

Mr. CAMPBELL of Kansas. I am not responsible for the recommendation made by the gentleman from Arkansas.

Mr. PALMER. You are aware of the fact that the Senate bill covered only one town, Wilburton, and that is the only town recommended by the judge.

Mr. CAMPBELL of Kansas. I have here a recommendation of a judge for Tulsa, although I do not believe a judge ought to fix a court town. I agree with the gentleman from Missouri on that.

Mr. PALMER. Are there any other towns in the Indian Territory that ought to be put in this bill?

Mr. CAMPBELL of Kansas. Well, that is a matter that ought to be taken into consideration by the committee.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. CURTIS. Mr. Speaker, I yield to the gentleman from Kansas two minutes more time.

Mr. CAMPBELL of Kansas. Mr. Speaker, my time has been taken up by other gentlemen. The town of Tulsa has not been built up by Government aid or by the location of any Government offices. It is the center of a productive agricultural country; in the midst of a country that is richly underlaid with oil and gas, and is destined to be one of the largest and wealthiest towns in the Indian Territory. It is in the center of one of the best agricultural countries, located in a valley which is richer than much of the country which support by agriculture alone large cities.

Mr. GARRETT. Will the gentleman yield?

Mr. CAMPBELL of Kansas. If I have time, I will gladly yield to the gentleman from Tennessee.

Mr. GARRETT. I am not sure I understood the remarks of the gentleman from Missouri, but as I caught them he stated there were no county lines about these various towns where it is proposed to establish the court. Is that correct?

Mr. CAMPBELL of Kansas. I will yield to my colleague from Kansas to answer that question.

Mr. CURTIS. Mr. Speaker, as I said in the opening statement, this bill was reported by the gentleman from Arkansas [Mr. REID]. There were two Senate bills presented to the Committee on Indian Affairs.

One of them establishing a court at Wilburton that did not describe the boundaries, the other establishing a court at Bartlesville which did define the boundaries. The committee when it took the two bills up for consideration heard the various parties representing different towns, and I may state that all of those who came before the committee asked to have the boundaries of their residing district defined by the committee. Other towns were sending in complaints and did not want their territory disturbed. There being no counties in the Territory, the committee thought it best to refer the matter to the district judges and let them define the boundaries. I desire to say in answer to the gentleman from Pennsylvania [Mr. PALMER] that the judges did recommend the court at Wilburton, at Bartlesville, and at Weleetka. I will not speak as to Checotah, because I do not know. Mr. REID has the papers in reference to Checotah, and whether the court was recommended there or not I do not know.

Mr. GARRETT. When the gentleman says, "Authorizing the judges to fix the boundaries of towns"——

Mr. CURTIS. Not the boundaries of the towns; the boundaries of the territory——

Mr. GARRETT. Over which——

Mr. CURTIS. Over which that court, held at that town, should have jurisdiction.

Mr. GARRETT. That is what I wanted to know. Is that usual and customary touching the establishment of those courts in the Indian Territory?

Mr. CURTIS. Yes; it has been done in some places. The court towns in Indian Territory have been established from time to time. Sometimes the territory was described in the bill, and sometimes it was left to the court.

Mr. STEPHENS of Texas. If the gentleman will permit, I will say that it is the recording district for the recording of deeds.

Mr. CURTIS. For the recording of deeds and other instruments in writing.

Mr. STEPHENS of Texas. I desire to ask permission now to offer my admendment.

Mr. CURTIS. I yield to the gentleman from Pennsylvania [Mr. MAHON] two minutes.

Mr. MAHON. Mr. Speaker, I agree with the gentleman from Missouri [Mr. DE ARMOND]. I have just listened to the gentleman from Kansas [Mr. CAMPBELL]. I would say that my State has nearly 7,000,000 people in it. We have six places where we hold United States courts. If we were entitled to a court site for every city of 10,000 and upward, we would have to create over seventy-four courts.

Mr. CURTIS. Will the gentleman permit me? In Pennsylvania no doubt you have justice courts, city courts, probate courts, police courts, and circuit courts, and so forth, while in the Indian Territory they have but the one court, namely, the United States court. They have no justices of the peace or anything of that kind.

Mr. SHACKLEFORD. May I ask a question?

Mr. CURTIS. I yielded to the gentleman from Pennsylvania [Mr. MAHON].

Mr. SHACKLEFORD. Will they not have those courts this time next year when they become a State?

Mr. CURTIS. I hope the two Territories will be one State by that time.

Mr. SHACKLEFORD. Does the gentleman hope so?

Mr. CURTIS. Yes, sir.

Mr. MAHON. Mr. Speaker, seriously I agree with the gentleman from Missouri [Mr. DE ARMOND]. I object to the establishment of these Federal courts without any information at all that this House ought to have. It involves clerks and offices, and if we keep on establishing courts throughout the country, a lawyer can throw his hat after a while from his office into a court-house. We are getting too many of them.

Mr. CURTIS. Mr. Speaker, I withdraw the bill. [Applause.]

CONTINUATION OF CALL OF COMMITTEES.

Mr. BROWN (when the Committee on Mines and Mining was called). Mr. Speaker, I ask unanimous consent that the Committee on Mines and Mining be passed without prejudice.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent that the Committee on Mines and Mining be passed without prejudice. Is there objection?

There was no objection.

Mr. CURRIER (when the Committee on Patents was called). Mr. Speaker, I ask unanimous consent that the Committee on Patents be passed without prejudice.

The SPEAKER. The gentleman from New Hampshire asks unanimous consent that the Committee on Patents be passed without prejudice. Is there objection?

There was no objection.

Mr. DE ARMOND (when the Committee on the Judiciary was called). Mr. Speaker, I ask that the Committee on the Judiciary be passed without prejudice and without losing its place on the call.

The SPEAKER. The gentleman from Missouri asks that the Committee on the Judiciary be passed without prejudice and without losing its place on the call. Is there objection?

There was no objection.

Mr. PAYNE (when the Committee on Banking and Currency was called). Mr. Speaker, I ask that the Committee on Banking and Currency be passed without prejudice.

There was no objection.

ABOLISHING THE OFFICE OF LIEUTENANT-GENERAL OF THE ARMY.

Mr. PRINCE (when the Committee on Military Affairs was called). Mr. Speaker, I desire to call up the bill H. R. 15744.

The Clerk read as follows:

A bill (H. R. 15744) to abolish the office of Lieutenant-General of the Army of the United States.

*Be it enacted, etc.*, That the office of Lieutenant-General of the Army of the United States be, and the same is hereby, abolished.

The amendment recommended by the committee was read, as follows:

Strike out all after the enacting clause and insert:

"That when the office of Lieutenant-General shall become vacant it shall not be hereafter filled, but said office shall cease and determine."

Mr. DALZELL. Mr. Speaker, I raise the question of consideration on that bill.

The SPEAKER. The gentleman from Pennsylvania raises the question of consideration. The question is, Will the House consider the bill?

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. DALZELL. Division, Mr. Speaker.

The House divided; and there were—ayes 88, noes 18.

Mr. DALZELL. I make the point of order that no quorum is present.

Mr. PRINCE. Upon that I call for a call of the House.

Mr. PAYNE. Well, Mr. Speaker——

Mr. PRINCE. I insist upon the call.

Mr. PAYNE. At 14 minutes to 5, I move that the House do now adjourn.

The SPEAKER. Pending the demand for the call, the gentleman from New York moves that the House do now adjourn.

The question was taken, and the Speaker announced that the noes seemed to have it.

Mr. PAYNE. Division, Mr. Speaker.

The House divided; and there were—ayes 13, noes 62.

So the House refused to adjourn.

The SPEAKER. The doors will be closed; the Sargeant-at-Arms will bring in absent Members; the vote will be taken on the question, and as many as are in favor of considering the

bill will, when their names are called, answer "yea," and as many as are opposed will answer "nay," and those present and not voting will answer "present." The Clerk will call the roll.

The question was taken; and there were—yeas 106, nays 38, answered "present" 13, not voting 226, as follows:

YEAS—106.

| | | | |
|---|---|---|---|
| Adams, Wis. | Gardner, Mich. | Lever | Shartel |
| Aiken | Garner | Livingston | Sims |
| Ames | Garrett | Lloyd | Small |
| Bartholdt | Gillespie | McCall | Smith, Cal. |
| Beall, Tex. | Graff | McGavin | Smith, Ky. |
| Broocks, Tex. | Hamilton | McKinley, Ill. | Smith, Md. |
| Burleson | Hayes | McKinney | Smith, Tex. |
| Butler, Pa. | Heflin | McNary | Snapp |
| Campbell, Ohio | Henry, Tex. | Macon | Stafford |
| Capron | Hermann | Madden | Stanley |
| Chaney | Hinshaw | Mahon | Stephens, Tex. |
| Chapman | Hogg | Meyer | Sullivan, Mass. |
| Clark, Fla. | Holliday | Miller | Sulloway |
| Clayton | Hopkins | Minor | Tawney |
| Cooper, Wis. | Houston | Mondell | Taylor, Ala. |
| Cousins | Howell, Utah | Norris | Thomas, N. C. |
| Crumpacker | Hubbard | Olcott | Tirrell |
| De Armond | Hunt | Padgett | Wadsworth |
| Dixon, Ind. | James | Palmer | Waldo |
| Dixon, Mont. | Johnson | Patterson, S. C. | Wallace |
| Edwards | Kahn | Pollard | Watkins |
| Ellerbe | Kennedy, Nebr. | Prince | Wharton |
| Finley | Kinkaid | Randell, Tex. | Wiley, Ala. |
| Fitzgerald | Klepper | Richardson, Ky. | Williams |
| Floyd | Kline | Rives | Wood, N. J. |
| Foster, Ind. | Knowland | Rucker | |
| Fulkerson | Lacey | Shackleford | |

NAYS—38.

| | | | |
|---|---|---|---|
| Barchfeld | Calderhead | Gaines, W. Va. | Payne |
| Bingham | Campbell, Kans. | Gillett, Cal. | Samuel |
| Birdsall | Cooper, Pa. | Hill, Conn. | Sibley |
| Bishop | Currier | Hoar | Smith, Iowa |
| Brooks, Colo. | Curtis | Huff | Smyser |
| Brown | Dale | Keifer | Southard |
| Burke, Pa. | Dalzell | Littauer | Southwick |
| Burke, S. Dak. | Dawes | McMorran | Sperry |
| Burton, Del. | Dunwell | Mouser | |
| Calder | Flack | Overstreet | |

ANSWERED "PRESENT"—13.

| | | | |
|---|---|---|---|
| Bartlett | Foss | Howell, N. J. | Wanger |
| Bradley | Gardner, N. J. | Patterson, Pa. | |
| Butler, Tenn. | Goldfogle | Sherley | |
| Clark, Mo. | Henry, Conn. | Sherman | |

NOT VOTING—226.

| | | | |
|---|---|---|---|
| Acheson | Fassett | Landis, Frederick | Rhodes |
| Adams, Pa. | Field | Law | Richardson, Ala. |
| Adamson | Fletcher | Lawrence | Rixey |
| Alexander | Flood | Lee | Roberts |
| Allen, Me. | Fordney | Le Fevre | Robertson, La. |
| Allen, N. J. | Foster, Vt. | Legare | Robinson, Ark. |
| Andrus | Fowler | Lester | Rodenberg |
| Babcock | French | Lewis | Ruppert |
| Bankhead | Fuller | Lilley, Conn. | Russell |
| Bannon | Gaines, Tenn. | Lilley, Pa. | Ryan |
| Bates | Garber | Lindsay | Schneebeli |
| Bede | Gardner, Mass. | Little | Scott |
| Beidler | Gilbert, Ind. | Littlefield | Scroggy |
| Bell, Ga. | Gilbert, Ky. | Longworth | Sheppard |
| Bennet, N. Y. | Gill | Lorimer | Slayden |
| Bennett, Ky. | Gillett, Mass. | Loud | Slemp |
| Blackburn | Glass | Loudenslager | Smith, Ill. |
| Bonynge | Goebel | Lovering | Smith, Samuel W. |
| Boutell | Goulden | McCarthy | Smith, Wm. Alden |
| Bowers | Graham | McCleary, Minn. | Smith, Pa. |
| Bowersock | Granger | McCreary, Pa. | Southall |
| Bowie | Greene | McDermott | Sparkman |
| Brantley | Gregg | McKinlay, Cal. | Spight |
| Brick | Griggs | McLachlan | Steenerson |
| Broussard | Gronna | McLain | Sterling |
| Brownlow | Grosvenor | Mann | Stevens, Minn. |
| Brundidge | Gudger | Marshall | Sullivan, N. Y. |
| Buckman | Hale | Martin | Sulzer |
| Burgess | Hardwick | Maynard | Talbott |
| Burleigh | Haskins | Michalek | Taylor, Ohio |
| Burnett | Haugen | Moon, Pa. | Thomas, Ohio |
| Burton, Ohio | Hay | Moon, Tenn. | Towne |
| Byrd | Hearst | Moore | Townsend |
| Candler | Hedge | Morrell | Trimble |
| Cassel | Hepburn | Mudd | Tyndall |
| Cockran | Higgins | Murdock | Underwood |
| Cocks | Hill, Miss. | Murphy | Van Duzer |
| Cole | Hitt | Needham | Van Winkle |
| Conner | Howard | Nevin | Volstead |
| Cromer | Hughes | Olmsted | Vreeland |
| Cushman | Hull | Otjen | Wachter |
| Darragh | Humphrey, Wash. | Page | Watson |
| Davey, La. | Humphreys, Miss. | Parker | Webb |
| Davidson | Jenkins | Parsons | Webber |
| Davis, Minn. | Jones, Va. | Patterson, N. C. | Weeks |
| Davis, W. Va. | Jones, Wash. | Patterson, Tenn. | Weems |
| Dawson | Kelliher | Pearre | Weisse |
| Deemer | Kennedy, Ohio | Perkins | Welborn |
| Denby | Ketcham | Pou | Wiley, N. J. |
| Dickson, Ill. | Kitchin, Claude | Powers | Williamson |
| Dovener | Kitchin, Wm. W. | Pujo | Wilson |
| Draper | Knapp | Rainey | Wood, Mo. |
| Dresser | Knopf | Ransdell, La. | Woodyard |
| Driscoll | Lafean | Reeder | Young |
| Dwight | Lamar | Reid | Zenor |
| Ellis | Lamb | Reynolds | |
| Esch | Landis, Chas. B. | Rhinock | |

No quorum voting.

Mr. CLARK of Missouri. I should like to inquire if the gentleman from Ohio [Mr. GROSVENOR] voted?

The SPEAKER. He did not.

Mr. CLARK of Missouri. I should like to withdraw my vote, and answer "present."

The Clerk announced the following pairs:

For the session:

Mr. WANGER with Mr. ADAMSON.

Mr. SHERMAN with Mr. RUPPERT.

Mr. BRADLEY with Mr. GOULDEN.

Mr. MORRELL with Mr. SULLIVAN of New York.

Mr. PATTERSON of Pennsylvania with Mr. PATTERSON of North Carolina.

For ten days:

Mr. BISHOP with Mr. BURGESS.

Until March 13:

Mr. DRISCOLL with Mr. HARDWICK.

Until further notice:

Mr. ALEXANDER with Mr. LAMAR.

Mr. MURDOCK with Mr. CLAUDE KITCHIN.

Mr. MANN with Mr. BARTLETT.

Mr. BURTON of Ohio with Mr. BUTLER of Tennessee.

Mr. DAVIDSON with Mr. HUMPHREYS of Mississippi.

Mr. RODENBERG with Mr. REID.

Mr. DWIGHT with Mr. LEE.

Mr. ANDRUS with Mr. SULZER.

Mr. POWERS with Mr. PUJO.

Mr. CROMER with Mr. ZENOR.

Mr. HITT with Mr. LITTLE.

Mr. WATSON with Mr. SHERLEY.

Mr. FREDERICK LANDIS with Mr. BRUNDIDGE.

Mr. DICKSON of Illinois with Mr. RAINEY.

Mr. JONES of Washington with Mr. RANSDELL of Louisiana.

Mr. GROSVENOR with Mr. CLARK of Missouri.

Mr. WILSON with Mr. LEGARE.

Until Monday, March 12:

Mr. WEEKS with Mr. SLAYDEN.

For this day:

Mr. DOVENER with Mr. BOWIE.

Mr. BENNET of New York with Mr. KELIHER.

Mr. WACHTER with Mr. LEWIS.

Mr. LE FEVRE with Mr. GRANGER.

Mr. LOVERING with Mr. BURNETT.

Mr. BROWNLOW with Mr. BRANTLEY.

Mr. BOUTELL with Mr. GRIGGS.

Mr. ADAMS of Pennsylvania with Mr. SPARKMAN.

Mr. FOSTER of Vermont with Mr. POU.

Mr. BANNON with Mr. LESTER.

Mr. WM. ALDEN SMITH with Mr. TALBOTT.

Mr. DEEMER with Mr. ROBERTSON of Louisiana.

Mr. LILLEY of Pennsylvania with Mr. GILBERT of Kentucky.

Mr. DAVIS of Minnesota with Mr. TRIMBLE.

Mr. CASSEL with Mr. BYRD.

Mr. BURLEIGH with Mr. BOWERS.

Mr. BUCKMAN with Mr. BELL of Georgia.

Mr. BABCOCK with Mr. BANKHEAD.

Mr. MCCREARY of Pennsylvania with Mr. LINDSAY.

Mr. LOUDENSLAGER with Mr. RICHARDSON of Alabama.

Mr. LONGWORTH with Mr. FLOOD.

Mr. LAWRENCE with Mr. DAVIS of West Virginia.

Mr. DRAPER with Mr. DAVEY of Louisiana.

Mr. DAWSON with Mr. COCKRAN.

Mr. FRENCH with Mr. RHINOCK.

Mr. STERLING with Mr. PAGE.

Mr. SAMUEL W. SMITH with Mr. MOORE.

Mr. SCOTT with Mr. MOON of Tennessee.

Mr. ROBERTS with Mr. MAYNARD.

Mr. OLMSTED with Mr. MCLAIN.

Mr. MUDD with Mr. MCDERMOTT.

Mr. KETCHAM with Mr. RUSSELL.

Mr. JENKINS with Mr. ROBINSON of Arkansas.

Mr. HIGGINS with Mr. RIXEY.

Mr. GREENE with Mr. FIELD.

Mr. HEPBURN with Mr. UNDERWOOD.

Mr. WILEY of New Jersey with Mr. VAN DUZER.

Mr. VREELAND with Mr. TOWNE.

Mr. THOMAS of Ohio with Mr. SPIGHT.

Mr. STEVENS of Minnesota with Mr. SOUTHALL.

Mr. LAW with Mr. SHEPPARD.

Mr. LAFEAN with Mr. RYAN.

Mr. KNAPP with Mr. HEARST.

Mr. SCROGGY with Mr. WOOD of Missouri.

Mr. PEARRE with Mr. WEISSE.

Mr. TAYLOR of Ohio with Mr. WEBB.

Mr. WOODYARD with Mr. LAMB.

Mr. VAN WINKLE with Mr. WILLIAM W. KITCHIN.
Mr. HULL with Mr. JONES of Virginia.
Mr. KENNEDY of Ohio with Mr. HILL of Mississippi.
Mr. HEDGE with Mr. GUDGER.
Mr. GRONNA with Mr. GREGG.
Mr. GILLETT of Massachusetts with Mr. HAY.
Mr. GARDNER of Massachusetts with Mr. GLASS.
Mr. NEVIN with Mr. GILL.
Mr. MOON of Pennsylvania with Mr. GARBER.
Mr. MCCLEARY of Minnesota with Mr. GAINES of Tennessee.
Mr. REYNOLDS with Mr. CANDLER.

The SPEAKER. On this question the ayes are 105, the noes 39, "present" 13. A quorum has not voted.

Mr. PAYNE. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. PAYNE. On the next call of committees will the call rest on the Committee on Military Affairs and will it be in order for that committee to call up this bill for consideration at that time?

The SPEAKER. The Committee on Military Affairs has been called. The call will rest there until that committee has had two days, or until the bill is disposed of.

Mr. PAYNE. Then I move that the House do now adjourn.

The SPEAKER. The gentleman from New York moves that the House do now adjourn. That will have to be seconded by a majority of the Members present.

Mr. WILLIAMS. To carry that motion will mean the defeat of the bill.

Mr. PAYNE. That will determine it sooner, then.

The SPEAKER. All gentlemen will be seated. Those in favor of seconding the motion to adjourn will rise and stand until they are counted. The Chair will count all gentlemen standing.

The question being taken, the Speaker announced 61 ayes, 61 noes; that the Speaker voted in the affirmative, making 62, and that the motion was seconded.

The SPEAKER. The question now is on agreeing to the motion to adjourn.

The question was taken.

The SPEAKER. The Chair will order tellers. As many as are in favor of the motion to adjourn will pass between the tellers, and the gentleman from New York [Mr. PAYNE] and the gentleman from Illinois [Mr. PRINCE] will take their places.

The House divided; and the tellers reported—ayes 65, noes 63.

So the House determined to adjourn.

Accordingly (at 5 o'clock and 28 minutes) the House adjourned until to-morrow at 12 o'clock noon.

## EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting a statement as to useless papers encumbering his Department—to the Joint Select Committee on Disposition of Useless Papers, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, submitting an estimate for an additional clerk in the office of the Auditor for the Navy Department—to the Committee on Appropriations, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the Secretary of War submitting an estimate of appropriation for a skilled laborer in the office of the Surgeon-General—to the Committee on Appropriations, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the Secretary of War submitting an estimate of appropriation for the purchase of land at the Military Academy—to the Committee on Appropriations, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the Secretary of War submitting an estimate of appropriation for facilities for fire protection at the powder depot at Dover, N. J.—to the Committee on Appropriations, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the Secretary of War submitting an estimate of appropriation for clerks in the office of the Paymaster-General of the Army—to the Committee on Appropriations, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the Secretary of War submitting an estimate of appropriation for a submarine cable between Key West, Fla., and Guantanamo, Cuba, and the Panama Canal Zone—to the Committee on Appropriations, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the Secretary of State submitting an estimate of appropriation for sending delegates to an international exhibition to be held at Christchurch, New Zealand—to the Committee on Foreign Affairs, and ordered to be printed.

A letter from the Secretary of the Interior, transmitting, with a copy of a letter from the Commissioner of the General Land Office, a draft of proposed legislation relating to the opening of the Shoshone or Wind River Indian Reservation, Wyoming—to the Committee on the Public Lands, and ordered to be printed.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. GILLETT of California, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 15643) to authorize the board of visitors of the Government Hospital for the Insane to summon and examine witnesses under oath, and making it a misdemeanor for any such witness to refuse to attend or testify or produce books and papers when summoned, reported the same without amendment, accompanied by a report (No. 2167); which said bill and report were referred to the House Calendar.

Mr. TAYLOR of Ohio, from the Committee on the District of Columbia, to which was referred the bill of the Senate (S. 51) to create a juvenile court in and for the District of Columbia, reported the same with amendment, accompanied by a report (No. 2169); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SIMS, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 16384, in lieu of H. R. 12310) regulating the speed of automobiles in the District of Columbia, and for other purposes, reported the same without amendment, accompanied by a report (No. 2170); which said bill and report were referred to the House Calendar.

## PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. LAMAR: A bill (H. R. 16379) to grant lands to the State of Florida to assist said State in the education of its children—to the Committee on the Public Lands.

By Mr. GOULDEN: A bill (H. R. 16380) to amend sections 18, 27, 28, and 29 of an act entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes"—to the Committee on Insular Affairs.

By Mr. BROOKS of Colorado: A bill (H. R. 16381) leasing and devising certain lands in La Plata County, Colo., to the P. F. U. Rubber Company—to the Committee on the Public Lands.

By Mr. MCKINLAY of California: A bill (H. R. 16382) to provide for the purchase of a site and the erection of a public building at Santa Rosa, Cal.—to the Committee on Public Buildings and Grounds.

By Mr. MCKINNEY: A bill (H. R. 16383) to provide for the erection of a public building at Moline, Ill.—to the Committee on Public Buildings and Grounds.

By Mr. SIMS, from the Committee on the District of Columbia: A bill (H. R. 16384, in lieu of H. R. 12310) regulating the speed of automobiles in the District of Columbia, and for other purposes—to the House Calendar.

By Mr. KAHN: A bill (H. R. 16385) to provide for filling in that portion of the naval station at Honolulu, Hawaii, known as the Reef—to the Committee on the Territories.

By Mr. DAVIS of West Virginia: A bill (H. R. 16386) to fix the time of holding the circuit and district courts for the northern district of West Virginia—to the Committee on the Judiciary.

By Mr. MAYNARD: A bill (H. R. 16387) to repeal section 3480, Revised Statutes of the United States—to the Committee on the Judiciary.

By Mr. SMITH of Maryland: A joint resolution (H. J. Res.

113) providing for a survey of Sinepuxent Bay, Maryland—to the Committee on Rivers and Harbors.

By Mr. GILLETT of California: A joint resolution (H. J. Res. 114) accepting the recession by the State of California of the Yosemite Valley grant and the Mariposa Big Tree Grove, and including the same, together with fractional sections 5 and 6, township 5 south, range 22 east, Mount Diablo meridian, California, within the metes and bounds of the Yosemite National Park, and changing the boundaries thereof—to the Committee on the Public Lands.

By Mr. SPERRY: A resolution (H. Res. 361) concerning allowance for clerk hire to the Committee on Alcoholic Liquor Traffic—to the Committee on Accounts.

By Mr. COCKRAN: A resolution (H. Res. 362) requesting of the Postmaster-General certain information concerning a paper known as Town Topics—to the Committee on the Post-Office and Post-Roads.

## PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. AMES: A bill (H. R. 16388) granting a pension to Thomas H. Bailey—to the Committee on Invalid Pensions.

By Mr. BRANTLEY: A bill (H. R. 16389) granting a pension to Jefferson Wilcox—to the Committee on Pensions.

By Mr. BANNON: A bill (H. R. 16390) granting a pension to Katharine Partridge—to the Committee on Invalid Pensions.

By Mr. BARTHOLDT: A bill (H. R. 16391) granting an increase of pension to William Jackson—to the Committee on Invalid Pensions.

By Mr. BENNETT of Kentucky: A bill (H. R. 16392) for the relief of Thomas K. Hill—to the Committee on War Claims.

Also, a bill (H. R. 16393) for the relief of James Cummins, alias Rhod Cummins—to the Committee on Military Affairs.

Also, a bill (H. R. 16394) granting a pension to Alexander Jackson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16395) granting a pension to Katherine Wheeler—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16396) granting a pension to Thomas B. Hutchinson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16397) granting an increase of pension to Allie Williams—to the Committee on Pensions.

Also, a bill (H. R. 16398) granting an increase of pension to David Ross—to the Committee on Pensions.

Also, a bill (H. R. 16399) granting an increase of pension to James H. Warford—to the Committee on Pensions.

Also, a bill (H. R. 16400) granting an increase of pension to James McCracken—to the Committee on Pensions.

Also, a bill (H. R. 16401) granting an increase of pension to John Dickinson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16402) granting an increase of pension to William H. C. Biggs—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16403) granting an increase of pension to Martin Spriggs—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16404) granting an increase of pension to William H. Dobbins—to the Committee on Invalid Pensions.

By Mr. BONYNGE: A bill (H. R. 16405) granting an increase of pension to William B. Bobbitt—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16406) granting an increase of pension to Jasper Ward—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16407) granting an increase of pension to Isaac W. Chatfield—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16408) granting an increase of pension to William Hendricks—to the Committee on Invalid Pensions.

By Mr. BOWERS: A bill (H. R. 16409) for the relief of Francisco Krebs—to the Committee on Private Land Claims.

By Mr. BURNETT: A bill (H. R. 16410) for the relief of the estate of Allen T. Estes, deceased—to the Committee on War Claims.

By Mr. BUTLER of Tennessee: A bill (H. R. 16411) granting an increase of pension to Newton Moore—to the Committee on Pensions.

By Mr. CAPRON: A bill (H. R. 16412) relating to the military record of Nathan Goff, jr.—to the Committee on Military Affairs.

By Mr. DAVEY of Louisiana: A bill (H. R. 16413) for the relief of the estate of Isabella Ann Fluker, deceased—to the Committee on War Claims.

By Mr. DIXON of Indiana: A bill (H. R. 16414) granting a pension to Minnie M. Bowles—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16415) granting an increase of pension to Ephriam K. Pond—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16416) granting an increase of pension to James D. Gatch—to the Committee on Invalid Pensions.

By Mr. EDWARDS: A bill (H. R. 16417) for the relief of Hugh Washam—to the Committee on Military Affairs.

Also, a bill (H. R. 16418) granting a pension to Thomas Burchett—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16419) granting a pension to Catherine Bunch—to the Committee on Pensions.

Also, a bill (H. R. 16420) granting a pension to Sarah F. Hatter—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16421) granting an increase of pension to Laban McGahan—to the Committee on Pensions.

Also, a bill (H. R. 16422) granting an increase of pension to Asa Goins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16423) granting an increase of pension to Andrew J. Roe—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16424) granting an increase of pension to Perry Weddle—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16425) granting an increase of pension to William T. Francis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16426) granting an increase of pension to James S. Searcy—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16427) granting an increase of pension to William W. Carter—to the Committee on Pensions.

Also, a bill (H. R. 16428) granting an increase of pension to Edwin Hicks—to the Committee on Pensions.

By Mr. FLETCHER: A bill (H. R. 16429) granting an increase of pension to Caroline M. Peirce—to the Committee on Invalid Pensions.

By Mr. FULKERSON: A bill (H. R. 16430) to remove the charge of desertion from the military record of Otis Van Fleet—to the Committee on Military Affairs.

By Mr. FULLER: A bill (H. R. 16431) granting a pension to Mary Jane Lansing—to the Committee on Pensions.

By Mr. HENRY of Texas: A bill (H. R. 16432) granting an increase of pension to Marvel Ford—to the Committee on Pensions.

By Mr. HOAR: A bill (H. R. 16433) granting an increase of pension to Marius S. Cooley—to the Committee on Invalid Pensions.

By Mr. HOPKINS: A bill (H. R. 16434) granting an increase of pension to Alfred Picklesimer—to the Committee on Invalid Pensions.

By Mr. HUGHES: A bill (H. R. 16435) granting an increase of pension to Maurice Hungerford—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16436) granting an increase of pension to Joseph H. Webb—to the Committee on Invalid Pensions.

By Mr. KLEPPER: A bill (H. R. 16437) granting an increase of pension to Samuel H. Frozier—to the Committee on Invalid Pensions.

By Mr. KLINE: A bill (H. R. 16438) granting an increase of pension to Edwin Rice—to the Committee on Invalid Pensions.

By Mr. KNOWLAND: A bill (H. R. 16439) granting an increase of pension to Patrick Bogan—to the Committee on Invalid Pensions.

By Mr. LAMAR: A bill (H. R. 16440) to relinquish the interests of the United States in a certain parcel of land in the city of Pensacola, State of Florida, to A. M. McMillan, C. W. Lamar, and J. R. Saunders—to the Committee on Private Land Claims.

By Mr. LEE: A bill (H. R. 16441) granting an increase of pension to Joseph J. Good—to the Committee on Invalid Pensions.

By Mr. LINDSAY: A bill (H. R. 16442) granting an increase of pension to John A. Powell—to the Committee on Invalid Pensions.

By Mr. LITTLEFIELD: A bill (H. R. 16443) to correct the military record of Frederick W. Weeks—to the Committee on Military Affairs.

By Mr. LORIMER: A bill (H. R. 16444) granting an increase of pension to John William Black—to the Committee on Invalid Pensions.

By Mr. MAHON: A bill (H. R. 16445) granting an increase of pension to Henry H. Sibley—to the Committee on Invalid Pensions.

By Mr. MOUSER: A bill (H. R. 16446) granting an increase of pension to George W. Rose—to the Committee on Invalid Pensions.

By Mr. PEARRE: A bill (H. R. 16447) granting a pension to John T. Walsh—to the Committee on Invalid Pensions.

By Mr. RHODES: A bill (H. R. 16448) granting a pension to William P. Gooch—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16449) granting a pension to Herman Sachse—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16450) granting a pension to Austin Shinn—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16451) granting a pension to James Ellis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16452) granting a pension to John Schwab, jr.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16453) granting a pension to Samuel S. Andrews—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16454) granting an increase of pension to Samuel E. Carlton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16455) granting an increase of pension to John Long—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16456) granting an increase of pension to Henry Politte—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16457) granting an increase of pension to Abram M. Casteel—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16458) granting an increase of pension to Daniel W. Gillam—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16459) to remove the charge of desertion from the military record of Joseph A. Greenlee—to the Committee on Military Affairs.

Also, a bill (H. R. 16460) to remove the charge of desertion from the military record of Peter Whisler—to the Committee on Military Affairs.

Also, a bill (H. R. 16461) to remove the charge of desertion from the military record of George Zahner—to the Committee on Military Affairs.

Also, a bill (H. R. 16462) to remove the charge of desertion from the military record of James Mundy—to the Committee on Military Affairs.

By Mr. RICHARDSON of Kentucky: A bill (H. R. 16463) granting a pension to Kate C. G. Ewing—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16464) granting a pension to Robert Appleby—to the Committee on Invalid Pensions.

By Mr. ROBINSON of Arkansas: A bill (H. R. 16465) for the relief of the estate of J. H. Moseby, deceased—to the Committee on War Claims.

Also, a bill (H. R. 16466) granting an increase of pension to Asenith Woodall—to the Committee on Invalid Pensions.

By Mr. TRIMBLE: A bill (H. R. 16467) granting a pension to Vinney Streets—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16468) granting a pension to Emma W. Coleman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16469) granting a pension to Eliza J. Ellis—to the Committee on Invalid Pensions.

By Mr. WEEKS: A bill (H. R. 16470) for the relief of Edmund M. Phelan—to the Committee on Claims.

By Mr. WILEY of Alabama: A bill (H. R. 16471) granting an increase of pension to North Ann Dorman—to the Committee on Invalid Pensions.

## CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 3968) granting a pension to Fannie Hay Maffitt, and it was referred to the Committee on Pensions.

## PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of organizations of railway employees, for the Bates-Penrose bill—to the Committee on the Judiciary.

Also, petition of Camden Grange, No. 354; Brotherhood of Painters, Decorators, and Paper Hangers of America; Local Union No. 467, of Kankakee, Ill., and Rev. J. M. Adams et al., of Albion, Ill., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of the Northwestern Cement Products Association, for Government continuance of experiments on cement—to the Committee on Appropriation.

Also, petition of Division No. 18, Ancient Order of Hibernians, of Rhode Island, for a statue for Commodore Barry—to the Committee on the Library.

Also, petition of the Manufacturers' Association of Seattle, for bill H. R. 1345—to the Committee on Foreign Affairs.

Also, petition of the Newport News Central Labor Union, for bill S. 529—to the Committee on the Merchant Marine and Fisheries.

Also, petition of J. B. Clinedinst, relative to subsidy for merchant marine—to the Committee on the Merchant Marine and Fisheries.

By Mr. ACHESON: Paper to accompany bill for relief of Corwin M. Holt (previously referred to the Committee on Invalid Pensions)—to the Committee on Military Affairs.

By Mr. ADAMS of Pennsylvania: Petition of Meridian Sun Council, No. 542, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. BELL of Georgia: Papers to accompany bill H. R. 16316—to the Committee on Claims.

Also, petition of the Association of Mexican War Veterans, for increase of pensions—to the Committee on Pensions.

By Mr. BENNETT of Kentucky: Petition of Elk Lick Grange, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. BINGHAM: Paper to accompany bill for relief of W. V. Feltwell (previously referred to the Committee on Invalid Pensions)—to the Committee on Pensions.

Also, paper to accompany bill for relief of Matilda Daly (previously referred to the Committee on Invalid Pensions)—to the Committee on Pensions.

Also, petiton of the Christian Endeavor Society of Dotterer Baptist Church, of Philadelphia, Pa., for the Hepburn-Dolliver bill—to the Committee on Alcoholic Liquor Traffic.

By Mr. BONYNGE: Petition of citizens of Colorado, against bill H. R. 10510—to the Committee on the District of Columbia.

By Mr. BROOKS of Colorado: Petition of many citizens of Colorado, against bill H. R. 10510—to the Committee on the District of Columbia.

By Mr. BRUNDIDGE: Petition of citizens of Arkansas, against a parcels post—to the Committee on the Post-Office and Post-Roads.

By Mr. BURTON of Delaware: Petition of State Council, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. BUTLER of Pennsylvania: Petition of the State Federation Pennsylvania Women, for a national forest reserve in the White Mountains and for the Morris law—to the Committee on Agriculture.

By Mr. CALDER: Petition of many citizens of New York and vicinity, for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

By Mr. CHAPMAN: Paper to accompany bill for relief of John Shuffelbarger—to the Committee on War Claims.

Also, petition of James Nichols et al., of Illinois, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. COCKRAN: Papers to accompany public resolution presented by Mr. COCKRAN—to the Committee on the Judiciary.

By Mr. COOPER of Wisconsin: Petition of business men of Clinton, Wis., against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. DALZELL: Petition of citizens of Pittsburg, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. DARRAGH: Petition of citizens of Mecosta County, Mich., against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. DAWSON: Petition of Company M, Fifty-third Infantry, Iowa National Guard, for increase of appropriation for the National Guard—to the Committee on Military Affairs.

By Mr. DENBY: Paper to accompany bill for relief of Marshall U. Gage—to the Committee on Invalid Pensions.

By Mr. DRAPER: Petition of the American Wine Growers' Association, for a pure-wine law—to the Committee on Interstate and Foreign Commerce.

By Mr. DRESSER: Petition of Dubois (Pa.) business men, for the Hepburn pure-food bill—to the Committee on Interstate and Foreign Commerce.

By Mr. DUNWELL: Petition of the Association of Mexican War Veterans, for increase of pensions—to the Committee on Pensions.

Also, petitions of the National Association of Audubon Societies, for bill S. 2966, and of the Linnæan Societies of New York, for bill S. 3602—to the Committee on Agriculture.

Also, petition of J. B. Clenedinst, for the ship-subsidy bill—to the Committee on the Merchant Marine and Fisheries.

By Mr. ELLIS: Paper to accompany bill for relief of Frederick Rice—to the Committee on Invalid Pensions.

By Mr. FITZGERALD: Petition of C. C. Carpenter et al., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of the Federated Union of New York, against the antipilotage bill—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the Linnæan Society of New York, for bill S. 2966—to the Committee on Agriculture.

By Mr. FLETCHER: Petition of District Lodge No. 48, International Mechanics' Association, for bills S. 2633 and H. R. 10069—to the Committee on Labor.

By Mr. FULLER: Paper to accompany bill for relief of Mary Jane Lansing—to the Committee on Pensions.

Also, petition of R. G. Cotton, for the pure-food bill—to the Committee on Interstate and Foreign Commerce.

By Mr. GILLETT of Massachusetts: Petition of West Brookfield Grange, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. GROSVENOR: Petition of ex-Union prisoners of the war of the rebellion, for bill H. R. 14609—to the Committee on War Claims.

Also, petition of Holdcraft Camp, No. 498, Sons of Veterans, against bill H. R. 8131—to the Committee on Military Affairs.

Also, petition of the Cleveland Chamber of Commerce, for bill S. 1345—to the Committee on Foreign Affairs.

By Mr. HAMILTON: Petition of Leonidas Grange, No. 266, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of citizens of Berlamont and Bloomingdale, Mich., against religious legislation—to the Committee on the District of Columbia.

Also, petition of the Commercial Record, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. HASKINS: Petitions of citizens of Orleans County, West Burke, and Waitsfield, Vt., against bill H. R. 10510—to the Committee on the District of Columbia.

Also, petition of citizens of Hartford and White River Junction, Vt., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. HAY: Paper to accompany bill for relief of Winfield S. Bruce (previously referred to the Committee on Invalid Pensions)—to the Committee on Pensions.

By Mr. HAYES: Petition of the Excelsior Homestead Progressive Association, against bill H. R. 12973—to the Committee on Foreign Affairs.

By Mr. HENRY of Texas: Paper to accompany bill for relief of Marvel Ford—to the Committee on Pensions.

By Mr. HEPBURN: Petition of citizens of Clarke County, Iowa, against bills H. R. 3022 and 10510—to the Committee on the District of Columbia.

By Mr. HITT: Petition of the Team Drivers' Union, against bill H. R. 12973—to the Committee on Foreign Affairs.

By Mr. HOAR: Petition of the Young People's Christian Union of Southbridge, Mass., against liquor in public buildings—to the Committee on Alcoholic Liquor Traffic.

Also, petition of the Young People's Christian Union of Southbridge, Mass., for prohibition for Oklahoma as a State—to the Committee on the Territories.

Also, petition of the Young People's Christian Union of Southbridge, Mass., for the Hepburn-Dolliver bill—to the Committee on Alcoholic Liquor Traffic.

Also, papers to accompany bill to grant an increase of pension to Marius S. Cooley—to the Committee on Invalid Pensions.

By Mr. HOPKINS: Paper to accompany bill for relief of James P. Hazelett—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Philip Hammon—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of John Hale—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Marcus L. Chism—to the Committee on Pensions.

Also, paper to accompany bill for relief of Oliver Salmons—to the Committee on Invalid Pensions.

By Mr. HOWELL of New Jersey: Petition of Daniel Webster Council, Junior Order United American Mechanics, of Newark, N. J., favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of the Berry-Guerin Company, against bills H. R. 9973, 9974, and 9975—to the Committee on Ways and Means.

By Mr. HOWELL of Utah: Petition of P. Peterson, of Mendon, Utah, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of many citizens of New York and vicinity, for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

By Mr. HUFF: Petition of the National Grange, Patrons of Industry, of Mount Chestnut, and Grange No. 133, of Pennsylvania, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. KELIHER: Petition of the Massachusetts State Federation of Woman's Clubs, for forest reservations—to the Committee on Agriculture.

Also, petition of Nelson H. Parker et al., relative to the People's United States Bank, of St. Louis—to the Committee on Rules.

Also, petition of the directors of the Boston Chamber of Commerce, relative to reform in the consular service—to the Committee on Foreign Affairs.

By Mr. KENNEDY: Petition of Hans Nelson et al., against religious legislation—to the Committee on the District of Columbia.

By Mr. KLINE: Petition of citizens of Pennsylvania, against bill H. R. 10510—to the Committee on the District of Columbia.

By Mr. KNAPP: Petition of Natural Bridge Grange, No. 497, for a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. LAW: Petition of the Homeopathic Medical Society of Kings County, for bill H. R. 88—to the Committee on Interstate and Foreign Commerce.

Also, petition of the New York Credit Men's Association, against bill H. R. 309—to the Committee on the Judiciary.

Also, petition of the Central Federal Union, against bill H. R. 5281—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the Linnæan Society of New York, for bill S. 2966—to the Committee on Agriculture.

By Mr. LAWRENCE: Petition of the Massachusetts State Federation of Women's Clubs, for the pure-food bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of Local Union No. 627, of Great Barrington, Mass., Painters, Decorators, and Paper Hangers of America, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of citizens of Williamstown, Mass., for a forest reservation in the White Mountains—to the Committee on Agriculture.

By Mr. LEVER: Petition of the City Federation of Trades of South Carolina, for the ship subsidy—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the Lancaster Bar Association, for two Federal judicial districts in South Carolina—to the Committee on the Judiciary.

By Mr. LITTLEFIELD: Petition of many citizens of New York and vicinity, for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

Also, petition of O. Gardner, master of the State Grange of Maine; Rufus Hitchcock, master of Noblesboro Grange, and F. E. Post and G. B. Young et al., of West Warren, Me., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of Oliver Otis, of Rockland, Me., against the tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of True Blue Council, No. 14; Regal Council, and Androscoggin Valley Council, No. 20, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of J. Alton Emery and Herman F. Noyes, for the Bates-Penrose bill—to the Committee on the Judiciary.

Also, petition of Frank Thompson, Frank A. Magune, Leon Murray, and S. H. Rogers, for an appropriation for a safe harbor at Delaware Breakwater—to the Committee on Rivers and Harbors.

By Mr. LORIMER: Petition of Christian Endeavor Society of Downers Grove, Ill., for preservation of Niagara Falls—to the Committee on Rivers and Harbors.

By Mr. LOUD: Petition of citizens of Michigan, for a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. LOUDENSLAGER: Petition of citizens of Swedenboro, N. J., against bill H. R. 10510—to the Committee on the District of Columbia.

By Mr. McMORRAN: Petition of the Pigeon Progress and the News, against the tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of the National Grange, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. MAHON: Petition of citizens of Huntingdon County,

Pa., against religious legislation—to the Committee on the District of Columbia.

Also, paper to accompany bill for relief of Henry H. Sibley—to the Committee on Invalid Pensions.

By Mr. MARSHALL: Petition of citizens of North Dakota, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. MILLER: Petition of Hurricane Grange, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. PAYNE: Petition of the National Grange, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of citizens of Ellenburg Center, N. Y., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. PEARRE: Petition of citizens of Maryland, against religious legislation—to the Committee on the District of Columbia.

Also, petition of the Christian Endeavor Society of St. Paul's Evangelical Lutheran Church, of Meyersville, Md., and the Christian Endeavor Society of Woodsboro, Md., against liquor selling in all Government buildings—to the Committee on Alcoholic Liquor Traffic.

Also, petition of citizens of Maryland, for the pure-food bill—to the Committee in Interstate and Foreign Commerce.

Also, petition of citizens of Maryland, for a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of Maryland, for retention of the tax on imitation butter—to the Committee on Agriculture.

Also, petition of citizens of Maryland, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of citizens of Maryland, for the good-roads bill—to the Committee on Agriculture.

By Mr. RHINOCK: Petition of William Butterson and O. C. Heafer, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. RICHARDSON of Alabama: Paper to accompany bill for relief of Emma Parham, heir of Nancy and William Whittle—to the Committee on War Claims.

By Mr. RYAN: Petition of C. C. Carpenter et al., of Ellenburg Center, N. Y., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. STANLEY: Petition of T. B. Young, jr., et al., for repeal of the tariff on hides—to the Committee on Ways and Means.

By Mr. TALBOTT: Petition of Charles J. Peltz et al., citizens of Carroll County, Md., for retention of the tax on imitation butter—to the Committee on Agriculture.

Also, petition of Charles J. Peltz et al., citizens of Carroll County, Md., for the Grange good-roads bill—to the Committee on Agriculture.

Also, petition of Charles J. Peltz et al., citizens of Carroll County, Md., for a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of Charles J. Peltz et al., citizens of Maryland, for bill H. R. 10099—to the Committee on Interstate and Foreign Commerce.

Also, petition of Charles J. Peltz et al., citizens of Carroll County, Md., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. VAN WINKLE: Petition of C. J. Baxter and Randall Spaulding, of Montclair, N. J., for reincorporation of the National Educational Association—to the Committee on Education.

Also, petition of the Berry-Guerin Company, of Newark, N. J., against bills H. R. 9973, 9974, and 9975—to the Committee on Ways and Means.

Also, paper to accompany bill for relief of Catharine Encke—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Mary L. Beardsley—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of George W. Spencer—to the Committee on Military Affairs.

Also, paper to accompany bill for relief of Joseph Murcher—to the Committee on Invalid Pensions.

By Mr. WANGER: Petition of Grange No. 451, Patrons of Husbandry, of Bucks County, Pa., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of Council No. 166, Order United American Mechanics, of Doylestown, Pa., favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. WEEKS: Petition of W. B. Bullard et al. and Zoa L. Bruce et al., of the National Grange of Pennsylvania, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

## SENATE.

FRIDAY, *March 9, 1906.*

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, or request of Mr. KEAN, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

### SHOSHONE OR WIND RIVER INDIAN RESERVATION.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting an explanatory letter from the Commissioner of the General Land Office, together with the draft of a proposed joint resolution extending the time fixed for the opening of the Shoshone or Wind River Indian Reservation, Wyo., as provided in the act of March 3, 1905, from June 15 to August 15, 1906; which, with the accompanying paper, was referred to the Committee on Public Lands, and ordered to be printed.

Mr. DUBOIS. I do not see the Senator from Wyoming [Mr. CLARK] in the Chamber, but I think that communication should be referred to the Committee on Indian Affairs, as that committee has had charge of the bill in relation to that matter and is familiar with it.

The VICE-PRESIDENT. The report accompanying the communication would seem to indicate that the land referred to had been thrown open to settlement. Does the Senator from Idaho wish to move the reference of the communication to the Committee on Indian Affairs?

Mr. DUBOIS. No; but I think it more properly belongs there. However, in the absence of the Senator from Wyoming, I will not make the motion.

The VICE-PRESIDENT. Then the communication will be referred to the Committee on Public Lands, unless the Senator from Wyoming shall desire a different reference; and if so, that motion can be made later.

### STATEMENT OF LAND ENTRIES.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, in response to a resolution of the 13th ultimo, a report of the Commissioner of the General Land Office with respect to the total number of entries of land under each of the respective public-land laws under suspension on December 31, 1905, by reason of the orders of suspension theretofore made by the Secretary of the Interior or under his direction, and also the aggregate acreage embraced in the filings and entries aforesaid; which, on motion of Mr. CARTER, was, with the accompanying paper, referred to the Committee on Public Lands, and ordered to be printed.

### FINDINGS OF COURT OF CLAIMS.

The VICE-PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of the rector, wardens, and vestry of St. John's Church, at Jacksonville, Fla., *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the concurrent resolution of the Senate authorizing in the enrollment of the bill (S. 4229) to authorize the sale and disposition of surplus or unallotted lands of the diminished Colville Indian Reservation, in the State of Washington, and for other purposes, to change the words "section seven" to "section six" where they occur in line 40, page 3, of the enrolled bill.

The message also announced that the House had agreed to the amendments of the Senate to the bill (H. R. 8977) to create a new division of the western judicial district of Texas and to provide for terms of court at Del Rio, Tex., and for a clerk for said court, and for other purposes.

The message further announced that the House had passed a bill (H. R. 15331) making appropriations for the current and contingent expenses of the Indian Department, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1907, in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to the amendments of the Senate to the bill (H. R. 13538) to incorporate the Carnegie Foundation for the Advancement of Teaching.

The message further announced that the House had agreed to the amendment of the Senate to the bill (H. R. 6385) granting an increase of pension to Henry Hastings.

The message also announced that the House had agreed to the amendment of the Senate to the bill (H. R. 9944) granting an increase of pension to Thomas J. Martin.

The message further announced that the House had passed the following bills:

S. 17. An act granting an increase of pension to Levi A. Tripp;

S. 19. An act granting an increase of pension to Alphonso B. Holland;

S. 22. An act granting an increase of pension to Andrew Smith;

S. 94. An act granting an increase of pension to Albert Wimes;

S. 162. An act granting an increase of pension to David D. Griffith;

S. 165. An act granting an increase of pension to Henry Russell;

S. 180. An act granting an increase of pension to Joseph W. Legro;

S. 187. An act granting an increase of pension to James H. Kane;

S. 200. An act granting an increase of pension to Fredrich Behrens;

S. 203. An act granting an increase of pension to Edward E. Needham;

S. 218. An act granting an increase of pension to James White;

S. 220. An act granting an increase of pension to Jonathan F. Gates;

S. 251. An act granting an increase of pension to Martin L. Adams;

S. 325. An act granting an increase of pension to Henry B. Burton;

S. 446. An act granting an increase of pension to Mary C. Duane;

S. 466. An act granting an increase of pension to James H. Lewis;

S. 482. An act granting an increase of pension to Amos M. Runkel;

S. 492. An act granting an increase of pension to Barney Whitney;

S. 527. An act granting an increase of pension to Alfred McPherran;

S. 548. An act granting an increase of pension to William Carr;

S. 555. An act granting an increase of pension to Henry H. Hill;

S. 589. An act granting a pension to Joseph L. Prentiss;

S. 597. An act granting an increase of pension to David M. Pearson;

S. 599. An act granting an increase of pension to Mary A. Megrue;

S. 623. An act granting an increase of pension to Bridget Evans;

S. 641. An act granting an increase of pension to James M. Conrad;

S. 655. An act granting an increase of pension to Charles E. Bishop;

S. 656. An act granting an increase of pension to Abraham Walters;

S. 671. An act granting an increase of pension to Charles Conine;

S. 672. An act granting an increase of pension to James F. Hubbard;

S. 675. An act granting a pension to Ulrika Bottcher;

S. 712. An act granting an increase of pension to Lizzie M. McLauchlan;

S. 716. An act granting an increase of pension to Theodore H. Hanson;

S. 721. An act granting an increase of pension to Orange S. Mason;

S. 725. An act granting an increase of pension to William M. Smith;

S. 772. An act granting a pension to Jerusha Hayward Brown;

S. 784. An act granting an increase of pension to George L. Cooley;

S. 790. An act granting an increase of pension to William Benkler;

S. 836. An act granting an increase of pension to Charles A. Fay;

S. 842. An act granting an increase of pension to William A. Eggleston;

S. 859. An act granting an increase of pension to Richard T. Fried;

S. 861. An act granting an increase of pension to Thomas O'Connor;

S. 969. An act granting an increase of pension to Howard Ellis;

S. 1011. An act granting an increase of pension to John E. Woodsum;

S. 1023. An act granting an increase of pension to Peter Shippman;

S. 1130. An act granting an increase of pension to Isaiah Mitchell;

S. 1138. An act granting an increase of pension to Albert S. Blake;

S. 1173. An act granting an increase of pension to James M. Fernald;

S. 1227. An act granting an increase of pension to Henry J. Patterson;

S. 1228. An act granting an increase of pension to Julia L. Plimpton;

S. 1230. An act granting an increase of pension to Eugene Gaskill;

S. 1246. An act granting an increase of pension to William F. Wilson;

S. 1251. An act granting an increase of pension to Peter Burns;

S. 1273. An act granting an increase of pension to Eleanora A. Keeler;

S. 1357. An act granting an increase of pension to Orlando C. Pinkham;

S. 1399. An act granting an increase of pension to Henry Jordan;

S. 1418. An act granting an increase of pension to Levi B. Cross;

S. 1420. An act granting an increase of pension to Sarah A. Tyler;

S. 1421. An act granting an increase of pension to Harvey C. Brown;

S. 1437. An act granting an increase of pension to William F. Davis;

S. 1527. An act granting an increase of pension to John M. Odenheimer;

S. 1555. An act granting an increase of pension to Mary C. Bishop;

S. 1624. An act granting an increase of pension to Peter Betz;

S. 1634. An act granting an increase of pension to Solomon R. Ruch;

S. 1645. An act granting an increase of pension to Jacob G. Orth;

S. 1665. An act granting an increase of pension to John C. Estes;

S. 1666. An act granting an increase of pension to George W. Beard;

S. 1834. An act granting an increase of pension to Frederick W. Partridge;

S. 1889. An act granting an increase of pension to Arthur Thompson;

S. 1905. An act granting an increase of pension to Edgar Tibbils;

S. 1908. An act granting an increase of pension to Frances Del Gindice;

S. 1911. An act granting an increase of pension to Gunnerus Ingebretson;

S. 1978. An act granting an increase of pension to Thomas Edsall;

S. 2044. An act granting a pension to Solomon F. Wehr;

S. 2080. An act granting a pension to Ruth F. Bennett;

S. 2090. An act granting an increase of pension to Sarah E. Adams;

S. 2091. An act granting an increase of pension to John P. Bambush;

S. 2096. An act granting an increase of pension to Nathaniel R. Kent;

S. 2103. An act granting an increase of pension to Lorin R. Bingham;

S. 2142. An act granting an increase of pension to Adelle D. Irwin;

S. 2153. An act granting an increase of pension to Helen B. Read;

S. 2168. An act granting an increase of pension to Isaac B. Hewitt;

S. 2182. An act granting an increase of pension to John J. Buffington;

S. 2216. An act granting an increase of pension to David W. Magee;

S. 2250. An act granting an increase of pension to John Rauch;
S. 2332. An act granting an increase of pension to Ashley A. Youmans;
S. 2346. An act granting an increase of pension to John W. Reed;
S. 2344. An act granting an increase of pension to Albert C. Andrews;
S. 2393. An act granting an increase of pension to John L. Clark;
S. 2406. An act granting an increase of pension to Thomas Milliman;
S. 2473. An act granting an increase of pension to Charles L. Noggle;
S. 2548. An act granting an increase of pension to Jesse M. Furman;
S. 2735. An act granting a pension to Marcelina S. Groff;
S. 2840. An ace granting an increase of pension to George L. Jaquith;
S. 2863. An act granting an increase of pension to Garrett Rourke;
S. 2868. An act granting an increase of pension to George W. Flick;
S. 2882. An act granting an increase of pension to Samuel E. Johnson;
S. 2950. An act granting an increase of pension to Joseph E. Stines;
S. 2968. An act granting a pension to George W. Hale;
S. 3029. An act granting an increase of pension to Delia A. Hooker;
S. 3031. An act granting an increase of pension to Frank Westervelt;
S. 3036. An act granting an increase of pension to John O. Thorn;
S. 3043. An act granting an increase of pension to Henry D. Hall;
S. 3121. An act granting an increase of pension to John G. Blessing;
S. 3125. An act granting a pension to Parthenia W. Baker;
S. 3132. An act granting an increase of pension to Georgia D. Brown;
S. 3187. An act granting a pension to John Harper;
S. 3189. An act granting an increase of pension to Elizabeth Rutherford;
S. 3199. An act granting an increase of pension to Andrew J. Coulton, alias Samuel Myers;
S. 3224. An act granting a pension to Nancy A. Teeters;
S. 3242. An act granting an increase of pension to Daniel Woolley;
S. 3310. An act granting an increase of pension to Richard M. Ogle;
S. 3312. An act granting a pension to Oscar F. Renick;
S. 3315. An act granting an increase of pension to Henry V. Hamenstaedt;
S. 3472. An act granting an increase of pension to Lena Sherman;
S. 3473. An act granting an increase of pension to La Forrest C. Darling;
S. 3474. An act granting an increase of pension to James B. Kellogg;
S. 3475. An act granting an increase of pension to Everett S. Fitch;
S. 3492. An act granting an increase of pension to Catharine Bechtol;
S. 3539. An act granting an increase of pension to Dominick Cavanaugh;
S. 3547. An act granting an increase of pension to Stephen M. Davis;
S. 3575. An act granting an increase of pension to Sargent R. Emerson;
S. 3588. An act granting an increase of pension to James Lebo;
S. 3626. An act granting a pension to Catherine Coyle;
S. 3640. An act granting an increase of pension to Oliver Brenton;
S. 3714. An act granting an increase of pension to James Rutle;
S. 3721. An act granting a pension to Mary C. Morgan;
S. 3751. An act granting an increase of pension to Daniel D. Nash;
S. 3800. An act granting an increase of pension to Albert D. Pordner;
S. 3866. An act granting an increase of pension to Samuel J. Barlock;
S. 3888. An act granting an increase of pension to Susan E. Israel;
S. 3903. An act granting an increase of pension to John McCoy;
S. 3905. An act granting an increase of pension to James M. Garritt;
S. 3932. An act granting an increase of pension to David Rankin;
S. 3933. An act granting an increase of pension to Sidney R. Smith;
S. 4000. An act granting an increase of pension to Crosby Pyle Woodward;
S. 4006. An act granting an increase of pension to Charles S. Parrish;
S. 4020. An act granting an increase of pension to Henry C. Johnson;
S. 4096. An act granting an increase of pension to Norman W. Lombard;
S. 4097. An act granting an increase of pension to Julius T. Williamson;
S. 4100. An act granting an increase of pension to Carlton A. Wheeler;
S. 4131. An act granting an increase of pension to John Connor;
S. 4159. An act granting an increase of pension to Mary P. Johannes;
S. 4181. An act granting an increase of pension to Margaret Hallett;
S. 4187. An act granting an increase of pension to Nathaniel E. Skelton;
S. 4188. An act granting an increase of pension to Frank D. Smith;
S. 4223. An act granting an increase of pension to Benjamin F. Peirce;
S. 4226. An act granting an increase of pension to James Cain;
S. 4227. An act granting a pension to John H. McKenzie;
S. 4280. An act granting a pension to Aurelia Cotton;
S. 4286. An act granting an increase of pension to Thomas J. Davies;
S. 4319. An act granting an increase of pension to Frederick C. Sturm;
S. 4337. An act granting an increase of pension to Barney McGirl;
S. 4362. An act granting an increase of pension to William Fluegel;
S. 4381. An act granting an increase of pension to John T. McGarraugh;
S. 4422. An act granting an increase of pension to Lindsay Kirby;
S. 4496. An act granting an increase of pension to Alphonso Brooks;
S. 4507. An act granting an increase of pension to Joseph Chandler, jr.;
S. 4595. An act granting an increase of pension to Amos McManus;
S. 4636. An act granting an increase of pension to Henry R. Pease; and
S. 4637. An act granting an increase of pension to Frederick Zimmerman.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice-President:

S. 3288. An act authorizing the Pennsylvania Railroad Company and the Pennsylvania and Newark Railroad Company, or their successors, to construct, maintain, and operate a bridge across the Delaware River;
S. 4128. An act permitting the building of a dam across the Red Lake River at or near the junction of Black River with said Red Lake River in Red Lake County, Minn.;
H. R. 6385. An act granting an increase of pension to Henry Hastings;
H. R. 8977. An act to create a new division of the western judicial district of Texas, and to provide for terms of court at Del Rio, Tex., and for a clerk of said court, and for other purposes;
H. R. 9944. An act granting an increase of pension to Thomas J. Martin; and
H. R. 13536. An act to incorporate The Carnegie Foundation for the Advancement of Teaching.

PETITIONS AND MEMORIALS.

Mr. LODGE. I present resolutions of the legislature of Massachusetts, relative to an amendment of the Federal Constitu-

tion enabling Congress to enact laws regulating the hours of labor. I ask that the resolutions be read, and referred to the Committee on the Judiciary.

There being no objection, the resolutions were read, and referred to the Committee on the Judiciary, as follows:

Commonwealth of Massachusetts. In the year 1906. Resolutions relative to an amendment to the Federal Constitution enabling Congress to enact laws regulating hours of labor.

*Resolved*, That in the opinion of the general court of Massachusetts it is desirable that the Constitution of the United States should be so amended as to put it clearly within the power of Congress to enact laws regulating the hours of labor in the several States according to some uniform system; and the Senators and Representatives of this Commonwealth in Congress are hereby requested to use their influence to secure the adoption of the pending resolution proposing such an amendment to the Constitution.

*Resolved*, That properly attested copies of these resolutions be forwarded by the secretary of the Commonwealth to the presiding officers of both branches of Congress, and also to the Senators and Representatives in Congress from this Commonwealth.

In the house of representatives, adopted February 23, 1906.

In senate, adopted in concurrence February 28, 1906.

A true copy. Attest.

WILLIAM M. OLIN,
*Secretary of the Commonwealth.*

Mr. LODGE presented a petition of the Associated Charities of Cambridge, Mass., praying for the enactment of legislation to restrict immigration by the illiteracy test; which was referred to the Committee on Immigration.

He also presented a petition of the congregation of the First Primitive Methodist Church of Lowell, Mass., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all Government buildings, grounds, and ships; which was referred to the Committee on Public Buildings and Grounds.

He also presented a petition of the Society of Master House Painters and Decorators of the State of Massachusetts, praying for the enactment of legislation to remove the duty on alcohol for use in the arts; which was referred to the Committee on Finance.

He also presented petitions of sundry citizens of Littleton, Everett, Stoneham, Leominster, Fayville, and Lynn, all in the State of Massachusetts, praying for an investigation of the existing conditions in the Kongo Free State; which were referred to the Committee on Foreign Relations.

He also presented a petition of the New York Historical Society, of New York City, N. Y., praying for the enactment of legislation to establish a United States historical commission; which was referred to the Committee on Education and Labor.

Mr. GALLINGER presented petitions of sundry citizens of Haverford and Philadelphia, in the State of Pennsylvania, praying for the enactment of legislation granting separate statehood to the Indian Territory; which was ordered to lie on the table.

He also presented a petition of sundry citizens of Tecumseh, Okla., praying for the adoption of the Gallinger amendment to the so-called "statehood bill" to prohibit the sale of intoxicating liquors in that Territory when admitted to statehood; which was ordered to lie on the table.

He also presented the petition of L. A. Coolidge, of Washington, D. C., praying for the enactment of legislation to change the name of Douglas street to Clifton street; which was referred to the Committee on the District of Columbia.

He also presented a petition of the Petworth Citizens' Association, of Washington, D. C., praying for the enactment of legislation empowering the Commissioners of the District of Columbia to regulate the street car railway schedules in that city; which was referred to the Committee on the District of Columbia.

He also presented a petition of the Columbia Heights Citizens' Association, of Washington, D. C., praying for the enactment of legislation providing compulsory education in the District of Columbia; which was ordered to lie on the table.

He also presented a petition of the North Washington Citizens' Association, of Washington, D. C., praying for the enactment of legislation to fix and regulate the salaries of teachers, school officers, and other employees of the board of education in the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. PENROSE presented a memorial of the Civic Club of Harrisburg, Pa., remonstrating against the repeal of the law for the protection of the forest reserves; which was referred to the Committee on Agriculture and Forestry.

Mr. DILLINGHAM presented a petition of Local Division No. 347, Brotherhood of Locomotive Engineers, of Rutland, Vt., praying for the passage of the so-called "anti-injunction bill;" which was referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Burlington, Vt., praying for the enactment of legislation to restrict immigration; which was referred to the Committee on Immigration.

He also presented a petition of Otter Creek Division, No. 347, Brotherhood of Locomotive Engineers, of Rutland, Vt., and a petition of representatives of the railroad employees of Vermont, praying for the passage of the so-called "employers' liability bill" and also the "anti-injunction bill;" which were referred to the Committee on Interstate Commerce.

Mr. NELSON presented a petition of the United Commercial Travelers' Association of Minnesota and the Dakotas, praying for the repeal of the present bankruptcy law; which was referred to the Committee on the Judiciary.

He also presented a petition of Minneapolis Lodge, No. 91, International Association of Machinists, of Minneapolis, Minn., and a petition of District No. 48, International Association of Machinists, of St. Paul, Minn., praying for the enactment of legislation providing for increased compensation for the mechanics in the Gun Factory of the Washington Navy-Yard; which were referred to the Committee on Naval Affairs.

Mr. GAMBLE presented a petition of the Grand Jurisdiction of Minnesota and the Dakotas, United Commercial Travelers of America, of St. Paul, Minn., praying for the repeal of the present bankruptcy law; which was referred to the Committee on the Judiciary.

He also presented the petition of Mrs. G. L. Gilman and 70 other citizens of Yankton, S. Dak., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which was referred to the Committee on Privileges and Elections.

He also presented the petition of Mrs. Etta Vosburg and 18 other citizens of Washington, D. C., praying for the enactment of legislation providing compulsory education in the District of Columbia; which was ordered to lie on the table.

He also presented a petition of the Union Ex-Prisoners of War Association, praying for the enactment of legislation to recognize the services of ex-prisoners who were confined in southern military prisons; which was referred to the Committee on Pensions.

Mr. PILES (for Mr. ANKENY) presented a memorial of the Spokane Jobbers' Association, of Spokane, Wash., remonstrating against the repeal of the present bankruptcy law; which was referred to the Committee on the Judiciary.

He also (for Mr. ANKENY) presented a memorial of sundry citizens of Sprague, Wash., remonstrating against the passage of the so-called "parcels-post bill;" which was referred to the Committee on Post-Offices and Post-Roads.

He also (for Mr. ANKENY) presented a petition of the Chamber of Commerce, of Everett, Wash., praying for the enactment of legislation providing for a loan in aid of the reclamation fund; which was referred to the Committee on Finance.

He also (for Mr. ANKENY) presented a petition of the faculty of the University of Washington, Seattle, Wash., praying for the adoption of a metric system of weights and measures; which was referred to the Committee on Standards, Weights, and Measures.

Mr. BULKELEY presented a memorial of the Central Labor Union of Hartford, Conn., remonstrating against the repeal of the present Chinese-exclusion law; which was referred to the Committee on Immigration.

He also presented a petition of the Lumber Dealers' Association of Connecticut, praying for the enactment of legislation for the protection of the White Mountain and Appalachian forest reserves; which was ordered to lie on the table.

He also presented petitions of the Federation of Women's Clubs of Thompsonville; the Connecticut Forestry Association; of Austin F. Hawes, State forester; Henry S. Graves, director of forestry school of Yale University, and sundry other citizens of Connecticut, praying for the enactment of legislation providing for the establishment of the national forest reservations in the southern Appalachian and White Mountains; which were referred to the Committee on Forest Reservations and the Protection of Game.

Mr. WETMORE presented a petition of Border Grange, No. 3, Patrons of Husbandry, of Woonsocket, R. I., praying that increased appropriations be made for the support of agricultural experiment stations; which was referred to the Committee on Agriculture and Forestry.

Mr. SPOONER presented a memorial of sundry citizens of Reedsburg, Wis., remonstrating against the consolidation of third and fourth class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. LA FOLLETTE presented a petition of sundry citizens of Wisconsin, praying for an investigation into the existing conditions in the Kongo Free State; which was referred to the Committee on Foreign Relations.

Mr. BACON presented a paper to accompany the bill (S. 4289) for the relief of Mary E. Forrester and Alexander B. Duncan; which was referred to the Committee on Claims.

Mr. CARTER presented a petition of the Business Men's Association of Hamilton, Mont., and a petition of the Rock Creek Farmers' Protective Association, of Clyde Park, Mont., praying for the passage of the so-called "Hepburn railroad rate bill;" which were ordered to lie on the table.

He also presented a memorial of the board of sheep commissioners of the State of Montana, remonstrating against the enactment of legislation providing for the leasing of public grazing lands; which was referred to the Committee on Public Lands.

He also presented a petition of the Stock Growers and Business Men's Association of Meagher County, Mont., and a petition of the North Montana Roundup Association, of Montana, praying for the enactment of legislation to increase the exporting business from the United States of live stock and the products thereof to foreign countries; which were referred to the Committee on Finance.

He also presented a petition of sundry citizens of Culbertson, Mont., praying for the enactment of legislation providing for the opening to settlement of the Fort Peck Indian Reservation, in that State; which was referred to the Committee on Indian Affairs.

He also presented a petition of sundry citizens of Dupuyer, Mont., praying for the enactment of legislation providing for the opening to settlement of the Blackfeet Indian Reservation, in that State; which was referred to the Committee on Indian Affairs.

He also presented a petition of sundry citizens of Big Timber, Mont., and a petition of the Methodist, Baptist, Congregational, and Presbyterian unions of Montana, praying for an investigation of the existing conditions in the Kongo Free State; which were referred to the Committee on Foreign Relations.

He also presented a memorial of the Montana Business Men's Association, of Billings, Mont., and a memorial of the Gallatin Valley Club, of Bozeman, Mont., remonstrating against the passage of the so-called "Philippine tariff bill;" which were referred to the Committee on the Philippines.

Mr. SPOONER presented the petition of C. A. Lebb, of Evansville, Wis., praying for the enactment of legislation to remove the duty on linotype and composing machines and the parts thereof; which was referred to the Committee on Finance.

He also presented memorials of sundry citizens of Watertown, Baldwin, Fort Atkinson, New London, Oakfield, Waterloo, Waupesha County, Neillsville, Pewaukee, Poynette, Green Lake County, Albany, Peshtogo, Coloma Station, and Kaukauma, all in the State of Wisconsin, remonstrating against the passage of the so-called "parcels-post bill;" which were referred to the Committee on Post-Offices and Post-Roads.

Mr. BEVERIDGE. Mr. President, I present a telegram, which I send to the desk and ask that it may be read.

The VICE-PRESIDENT. The Senator from Indiana presents a paper and asks that it may be read. In the absence of objection, it will be read by the Secretary.

The Secretary read as follows:

[Telegram.]

SANTA FE, N. MEX., *March 7, 1906.*

Hon. A. J. BEVERIDGE,
*United States Senate, Washington, D. C.:*

I firmly and unequivocally believe that the passage of the joint statehood bill without the Foraker amendment will be for the highest welfare of the people of New Mexico, and while I am very sure its passage will result in my soon stepping out of office, I am strongly and conscientiously in favor of it.

H. J. HAGERMAN,
*Governor of New Mexico.*

Mr. BEVERIDGE. I also present another telegram, which I ask may be read, not that the names be read, because there are too many of them. I call attention to the fact that this is from Arizona.

Mr. TELLER. Mr. President, we are to have speeches on the statehood bill under the ten-minute rule, and I suppose, as is the custom, the time is to be fairly divided between those in favor of the bill and those opposed to it. I shall insist that evidence of this kind ought to be presented, if presented at all, under the ten-minute rule.

Mr. BEVERIDGE. The Senator will permit me to say that I have the right to present the paper to the Senate under the order of memorials and petitions, for that is all they are, but will the Senator permit me to suggest this consideration: That I would have read these telegrams yesterday in the course of my own speech but for the fact, as stated in the RECORD, according to the statement made by the Senator from Minnesota [Mr. NELSON] as to what would be done on yesterday, that I would begin at 2 o'clock, and the Senate will remember that I was not permitted to begin until half past 3 o'clock.

Mr. FORAKER. Exactly at 3 o'clock.

Mr. BEVERIDGE. I think nearly a half hour after that.

Mr. FORAKER. And an hour this morning to make up for it.

The VICE-PRESIDENT. The Chair will state under the rule——

Mr. TELLER. The Senator can later take ten minutes to put in those telegrams and petitions, if he chooses to do so.

The VICE-PRESIDENT. Objection is made to reading the communication presented by the Senator from Indiana.

Mr. BEVERIDGE. In my own right, during the pendency of this order of petitions and memorials, without taking any time, I will say that I hold in my hand here telegrams, signed by scores of the best citizens of Arizona principally, and also by citizens of New Mexico, demanding the passage of the statehood bill. I merely asked that they may be read.

Mr. FORAKER. Mr. President, I want to say that I, too, have scores, even hundreds, of telegrams and letters, but I did not think of intruding them upon the Senate. Among those telegrams I have one saying that a gentleman, giving his name, but I have it not at hand now, is circulating a telegram in Arizona signed by the Senator from Indiana asking that they send 500 telegrams here in favor of joint statehood for use in connection with this bill.

Mr. BEVERIDGE. Mr. President, I know nothing about that.

The VICE-PRESIDENT. The Chair will state that this debate is out of order.

Mr. GALLINGER. Then I object to it, Mr. President.

Mr. BURROWS and others. Regular order, Mr. President.

Mr. NELSON. Mr. President, I rise to a point of order, or what is called in the other body "a parliamentary inquiry."

The VICE-PRESIDENT. The Senator from Minnesota will state his parliamentary inquiry.

Mr. NELSON. I think that when a petition is presented to this body the Senator presenting it has the right to have it read.

The VICE-PRESIDENT. The Chair will read, for the information of Senators, the following rule of the Senate:

RULE XI.

When the reading of a paper is called for, and objected to, it shall be determined by a vote of the Senate, without debate.

Mr. TELLER. Mr. President, I withdraw my objection to the reading of the telegrams presented by the Senator from Indiana.

The VICE-PRESIDENT. Objection to the reading of the telegrams is withdrawn.

Mr. GALLINGER. Then I renew the objection, Mr. President.

The VICE-PRESIDENT. Objection is made.

## REPORTS OF COMMITTEES.

Mr. NELSON, from the Committee on Commerce, to whom was referred the bill (S. 4726) permitting the building of a dam across the Mississippi River at or near Pike Rapids, in Morrison County, Minn., reported it without amendment, and submitted a report thereon.

Mr. PILES, from the Committee on Commerce, to whom was referred the bill (H. R. 15263) to authorize William Smith and associates to bridge the Tug Fork of the Big Sandy River, near Williamson, W. Va., where the same forms the boundary line between the States of West Virginia and Kentucky, reported it without amendment.

Mr. SMOOT, from the Committee on Forest Reservations and the Protection of Game, to whom was referred the bill (S. 2732) for the protection of wild animals in the Grand Canyon Forest Reserve, reported it without amendment, and submitted a report thereon.

Mr. BLACKBURN, from the Committee on Military Affairs, to whom was referred the bill (S. 3593) granting an honorable discharge to Joseph P. W. R. Ross, reported it without amendment.

Mr. PATTERSON, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 13348) granting an increase of pension to Nancy F. Shelton;

A bill (H. R. 13402) granting a pension to John Reynolds;

A bill (H. R. 8202) granting an increase of pension to Henry Guy;

A bill (H. R. 6507) granting an increase of pension to James M. Busby;

A bill (H. R. 8048) granting an increase of pension to William F. Bottoms;

A bill (H. R. 10632) granting an increase of pension to Samuel Preston;

A bill (H. R. 8376) granting an increase of pension to Mary J. McConnell;

A bill (H. R. 10914) granting an increase of pension to John Hamilton;

A bill (H. R. 7770) granting an increase of pension to Burgess Cole;

A bill (H. R. 11745) granting an increase of pension to James D. Billingsley;

A bill (H. R. 12289) granting an increase of pension to Joseph C. Grissom;

A bill (H. R. 12391) granting an increase of pension to J. Frederick Edgell;

A bill (H. R. 13611) granting an increase of pension to William Clough;

A bill (H. R. 13643) granting an increase of pension to Davis W. Hatch; and

A bill (H. R. 7396) granting an increase of pension to John E. Ball.

Mr. BULKELEY, from the Committee on Military Affairs, to whom was referred the joint resolution (S. R. 31) authorizing the Secretary of War to award the Congressional medal of honor to Peter B. Cupp, submitted an adverse report thereon; which was agreed to, and the joint resolution was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. 2174) authorizing the Secretary of War to procure medals for the members or the legal heirs of the deceased members of the Worth Infantry and York Rifles, who were the first fully armed and equipped soldiers to do active service in response to President Lincoln's call for 75,000 volunteers, and for other purposes, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

Mr. LA FOLLETTE, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 1977) granting a pension to Emma C. Anderson;

A bill (H. R. 1967) granting an increase of pension to Joseph Baker;

A bill (H. R. 1968) granting an increase of pension to John Monroe;

A bill (H. R. 3225) granting an increase of pension to William B. Philbrick;

A bill (H. R. 1440) granting an increase of pension to Matilda E. Lawton;

A bill (H. R. 1460) granting an increase of pension to Charles W. Renell; and

A bill (H. R. 10886) granting an increase of pension to Martha S. Campbell.

Mr. BRANDEGEE. I am directed by the Committee on Forest Reservations and the Protection of Game to submit a written report to accompany House joint resolution No. 83, for a report, etc., upon the preservation of Niagara Falls, heretofore reported by me.

The VICE-PRESIDENT. The report will be received and printed.

Mr. BRANDEGEE. I am directed by the Committee on Forest Reservations and the Protection of Game, to whom the subject was referred, to report an original bill.

The bill (S. 4953) for the purpose of acquiring national forest reserves in the Appalachian Mountains and White Mountains, to be known as the Appalachian Forest Reserve and the White Mountain Forest Reserve, respectively, was read twice by its title.

The VICE-PRESIDENT. The bill will be placed on the Calendar.

Mr. BRANDEGEE, from the Committee on Forest Reservations and the Protection of Game, to whom was referred the bill (S. 34) for the purchase of a national forest reserve in the White Mountains, to be known as the "National White Mountain Forest Reserve," reported adversely thereon, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. 408) for the purchase of a national forest reserve in the Southern Appalachian Mountains, to be known as the "National Appalachian Forest Reserve," reported adversely thereon, and the bill was postponed indefinitely.

Mr. FOSTER, from the Committee on Commerce, to whom was referred the amendment submitted by Mr. FULTON on the 13th ultimo, proposing to appropriate $400,000 for continuing the improvement at the mouth of Columbia River, intended to be proposed to the sundry civil appropriation bill, reported it with an amendment, and moved that it be printed, and, with the accompanying paper, referred to the Committee on Appropriations; which was agreed to.

Mr. MORGAN, from the Committee on Public Health and National Quarantine, to whom was referred the bill (S. 1830) making appropriation for the removal of the quarantine station at San Diego, Cal., and to acquire a new site, and for other purposes, reported it with amendments.

IMPROVEMENT OF MOUTH OF COLUMBIA RIVER.

Mr. FOSTER. I am directed by the Committee on Commerce, to whom the subject was referred, to report a bill (S. 4952) making an appropriation for the improvement of the mouth of the Columbia River; to which I call the attention of the Senator from Oregon [Mr. FULTON].

Mr. FULTON. Mr. President, as that bill carries an emergency appropriation, as the proposition is very strongly indorsed by the Engineering Department, and as the bill has been reported unanimously by the Committee on Commerce, I ask unanimous consent that it may be given immediate consideration.

The VICE-PRESIDENT. The Senator from Oregon asks unanimous consent for the present consideration of the bill just reported. Is there objection?

There being no objection, the bill was read the first time by its title, and the second time at length, as follows:

*Be it enacted, etc.*, That the sum of $400,000 be, and is hereby, appropriated, to be paid out of any money in the Treasury not otherwise appropriated, to be immediately available, and to be expended under the direction of the Secretary of War and the supervision of the Chief of Engineers, for continuing the improvement at the mouth of the Columbia River, Oregon and Washington, in accordance with the existing project.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. FRYE introduced a bill (S. 4954) authorizing Capt. Ejnar Mikkelsen to act as master of an American vessel; which was read twice by its title, and referred to the Committee on Commerce.

Mr. BLACKBURN introduced a bill (S. 4955) for the relief of N. C. Pettit; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 4956) to provide for the purchase of a site and the erection of a building thereon at Versailles, in the State of Kentucky; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. GALLINGER introduced a bill (S. 4957) to correct the military record of Alexander J. MacDonald; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. ALGER introduced a bill (S. 4958) granting an increase of pension to William W. Duffield; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PENROSE introduced a bill (S. 4959) to further the administration of justice; which was read twice by its title, and referred to the Committee on the Judiciary.

He also introduced a bill (S. 4960) to provide for the cancellation of certificates of naturalization fraudulently procured or improperly issued, and prescribing a penalty for the use of such canceled certificate or issuing a duplicate thereof; which was read twice by its title, and referred to the Committee on the Judiciary.

He also introduced a bill (S. 4961) granting an increase of pension to William Ickes; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 4962) to correct the military record of Jacob Rockwell; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 4963) to correct the military record of John Reighard; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 4964) for the relief of Thomas F. Walter; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 4965) authorizing the appointment of Harold L. Jackson, a captain on the retired list of the Army, as a major on the retired list of the Army; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 4966) providing for the promotion of assistant paymasters in the Navy; which was read twice by its title, and referred to the Committee on Naval Affairs.

He also introduced a bill (S. 4967) to establish additional aids to navigation in Delaware Bay and River; which was read twice by its title, and referred to the Committee on Commerce.

Mr. ELKINS introduced a bill (S. 4968) to fix the time of holding the circuit and district courts for the northern district of West Virginia; which was read twice by its title, and, with the accompanying paper, referred to the Committee on the Judiciary.

Mr. LODGE introduced a bill (S. 4969) granting permission to Rear-Admiral C. H. Davis, United States Navy, to accept a silver cup and salver and silver punch bowl and cups tendered to him by the British and Russian ambassadors, respectively, in the name of their Governments; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Foreign Relations.

He also introduced a bill (S. 4970) to amend section 3 of chapter 1140 of the United States Statutes at Large; which was read twice by its title, and referred to the Committee on the Judiciary.

He also (by request) introduced a bill (S. 4971) for the relief of certain claimants under the Geneva award; which was read twice by its title, and referred to the Committee on Finance.

Mr. PERKINS introduced a bill (S. 4972) granting an increase of pension to Sarah E. Hull; which was read twice by its title, and referred to the Committee on Pensions.

Mr. DICK. I introduce a bill for the senior Senator from Nebraska [Mr. MILLARD], who is detained in his committee room.

The bill (S. 4973) for the relief of Albert H. Raynolds was read twice by its title, and, with the accompanying papers, referred to the Committee on Indian Affairs.

Mr. CLAY introduced a bill (S. 4974) to execute the findings of the Court of Claims in the case of the estate of William M. Vaughan; which was read twice by its title, and referred to the Committee on Claims.

Mr. KEAN introduced a bill (S. 4975) giving the consent of Congress to an agreement or compact entered into between the State of New Jersey and the State of Delaware respecting the territorial limits and jurisdiction of said States; which was read twice by its title, and referred to the Committee on the Judiciary.

### AMENDMENTS TO BILLS.

Mr. SMOOT submitted an amendment proposing to appropriate $10,500 for the support and civilization of the Kaibab Indians in Utah, etc., intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. PENROSE submitted an amendment providing that officers of the Marine Corps with creditable records who served during the civil war and were retired prior to 1904, shall receive the full benefit of the act approved April 23, 1904, etc., intended to be proposed by him to the naval appropriation bill; which was referred to the Committee on Naval Affairs, and ordered to be printed.

Mr. ELKINS submitted eight amendments intended to be proposed by him to the bill (H. R. 12987) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission; which were ordered to lie on the table, and be printed.

Mr. PERKINS submitted an amendment proposing to appropriate $10,000 for the eradication of pear blight in the State of California, intended to be proposed by him to the agricultural appropriation bill; which was referred to the Committee on Agriculture and Forestry, and ordered to be printed.

He also submitted an amendment proposing to appropriate $5,000 for the investigation of the hop industry of the Pacific coast, with special reference to growing, airing, and handling crops, intended to be proposed by him to the agricultural appropriation bill; which was referred to the Committee on Agriculture and Forestry, and ordered to be printed.

He also submitted an amendment proposing to appropriate $5,000 for the erection of a permanent rostrum in the national cemetery at the Presidio of San Francisco, Cal., for the convenience of the members of the Grand Army of the Republic, etc., intended to be proposed by him to the Army appropriation bill; which was referred to the Committee on Military Affairs, and ordered to be printed.

He also submitted an amendment proposing to appropriate $25,000 for the improvement of the grounds within the Presidio and other military reservations on the bay of San Francisco, intended to be proposed to the Army appropriation bill; which was referred to the Committee on Military Affairs, and ordered to be printed.

### POSTAGE ON CERTAIN PERIODICAL PUBLICATIONS.

Mr. STONE. A few days ago I gave notice that on Wednesday, the 14th instant, after the routine morning business, I would ask permission of the Senate to call up the resolution instructing the Committee on Post-Offices and Post-Roads to ascertain and determine whether the construction of the Post-Office Department of the law as to postage on certain publications of alumni of colleges as second-class matter, etc., is correct, etc., for the purpose of submitting some remarks thereon. I now ask unanimous consent that the time be changed from Wednesday, the 14th, to Thursday, the 15th.

The VICE-PRESIDENT. Without objection, the request of the Senator from Missouri is granted.

### REGULATION OF RAILROAD RATES.

Mr. RAYNER. I desire to give notice that on Wednesday, the 14th instant, after the routine morning business, I shall ask leave to submit some remarks on the bill H. R. 12987, known as the "railroad rate bill."

### DELAWARE RIVER AND BAY.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States; which was read, and, on motion of Mr. KEAN, was, with the accompanying papers, referred to the Committee on the Judiciary, and ordered to be printed:

*To the Senate and House of Representatives:*

In compliance with the request of the governor of the State of New Jersey, I transmit herewith, for the action of the Congress thereon, a certified copy of an act of the legislature of the State of New Jersey, entitled "An act to ratify and confirm a compact or agreement between the States of New Jersey and Delaware respecting the Delaware River and Bay, and to authorize the execution thereof."

THEODORE ROOSEVELT.

THE WHITE HOUSE, *March 9, 1906.*

### HOUSE BILL REFERRED.

H. R. 15331. An act making appropriations for the current and contingent expenses of the Indian Department, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1907, was read twice by its title, and referred to the Committee on Indian Affairs.

### PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. B. F. BARNES, one of his secretaries, announced that the President had approved and signed the following acts:

On March 7, 1906:

S. 587. An act granting a pension to Mary J. Chenoweth;

S. 1736. An act granting a pension to Lena S. Fenn;

S. 2377. An act granting a pension to Clara T. Leathers;

S. 8. An act granting an increase of pension to William M. Hall;

S. 75. An act granting an increase of pension to Urial J. Streeter;

S. 77. An act granting an increase of pension to Granville P. Mason;

S. 78. An act granting an increase of pension to Mary R. Blethen;

S. 79. An act granting an increase of pension to James F. Tilton;

S. 121. An act granting an increase of pension to John Cook;

S. 124. An act granting an increase of pension to Curtis B. McIntosh;

S. 125. An act granting an increase of pension to John E. Hadsall;

S. 127. An act granting an increase of pension to Anthony H. Crawford;

S. 136. An act granting an increase of pension to Sabastian Laudner;

S. 139. An act granting an increase of pension to Frederick Le Hundra;

S. 176. An act granting an increase of pension to Benjamin F. Marsh;

S. 181. An act granting an increase of pension to Francis E. Stevens;

S. 186. An act granting an increase of pension to George P. Howe;

S. 201. An act granting an increase of pension to Lyman E. Farrand;

S. 207. An act granting an increase of pension to Marion F. Howe;

S. 213. An act granting an increase of pension to John M. Doorsch;

S. 476. An act granting an increase of pension to Emily Peterson;

S. 506. An act granting an increase of pension to James Wilson;

S. 533. An act granting an increase of pension to Francis M. Munson;

S. 566. An act granting an increase of pension to George Wiley;

S. 573. An act granting an increase of pension to Henry T. Braman;
S. 619. An act granting an increase of pension to James F. Prater;
S. 620. An act granting an increase of pension to Elizabeth S. Law;
S. 624. A act granting an increase of pension to Abbie C. Moore;
S. 639. An act granting an increase of pension to George M. Bradley;
S. 640. An act granting an increase of pension to Hugh P. Buffon;
S. 676. An act granting an increase of pension to Joshua W. Tolford;
S. 702. An act granting an increase of pension to Richard Dearborn;
S. 703. An act granting an increase of pension to Edmund T. Connelly, alias John Marks;
S. 717. An act granting an increase of pension to Charles H. Tuck;
S. 724. An act granting an increase of pension to George A. Parker;
S. 788. An act granting an increase of pension to Edward P. Metcalf;
S. 789. An act granting an increase of pension to Mary E. Wolf;
S. 853. An act granting an increase of pension to Charles Lander;
S. 894. An act granting an increase of pension to Florence A. Sewell;
S. 909. An act granting an increase of pension to Harvey M. D. Hopkins;
S. 968. An act granting an increase of pension to Edward Michaelis, alias Edward Michael;
S. 970. An act granting an increase of pension to William Crome;
S. 984. An act granting an increase of pension to William W. Benedict;
S. 992. An act granting an increase of pension to Albert E. Lyon;
S. 1010. An act granting an increase of pension to Joel M. Sawyer;
S. 1017. An act granting an increase of pension to Mary Ryan;
S. 1037. An act granting an increase of pension to Adolphus L. Oxton;
S. 1268. An act granting an increase of pension to William Lounsberry;
S. 1298. An act granting an increase of pension to Francis W. Usher;
S. 1414. An act granting an increase of pension to Sidney G. Smith;
S. 1417. An act granting an increase of pension to Henry A. Tilton;
S. 1433. An act granting an increase of pension to Joseph W. Willard;
S. 1463. An act granting an increase of pension to Anna Z. Potter;
S. 1518. An act granting an increase of pension to Phineas F. Lull;
S. 1536. An act granting an increase of pension to William H. Brown;
S. 1538. An act granting an increase of pension to Indiana A. Paul;
S. 1670. An act granting an increase of pension to William McNabb;
S. 1731. An act granting an increase of pension to William O. Colson;
S. 1744. An act granting an increase of pension to Joseph B. Papy;
S. 1753. An act granting an increase of pension to Waldo W. Paine;
S. 1798. An act granting an increase of pension to Robert K. Smith;
S. 1799. An act granting an increase of pension to Henry Logan;
S. 1821. An act granting an increase of pension to Samuel L. Andrews;
S. 1835. An act granting an increase of pension to James G. Doane;
S. 1840. An act granting an increase of pension to James Prettyman;
S. 1883. An act granting an increase of pension to Nellie Raymond;
S. 2089. An act granting an increase of pension to John P. Campbell, No. 2;
S. 2183. An act granting an increase of pension to George P. Trowbridge;
S. 2257. An act granting an increase of pension to Mary J. Campbell;
S. 2327. An act granting an increase of pension to Sidney F. Mullin;
S. 2328. An act granting an increase of pension to Benjamin Franklin Bigelow;
S. 2329. An act granting an increase of pension to Knute Torgeson;
S. 2337. An act granting an increase of pension to Ellen S. Larned;
S. 2405. An act granting an increase of pension to John P. Winget;
S. 2411. An act granting an increase of pension to Carrie B. Findley;
S. 2421. An act granting an increase of pension to Herrick Hodges;
S. 2459. An act granting an increase of pension to Alexander M. Scott;
S. 2482. An act granting an increase of pension to Cutler A. Chamberlin;
S. 2526. An act granting an increase of pension to Thomas Welch;
S. 2975. An act granting a pension to Mary L. Miller;
S. 3311. An act granting a pension to Bernhard Schaffner;
S. 3508. An act granting a pension to Mary J. Visscher;
S. 2556. An act granting an increase of pension to George B. Hunter;
S. 2557. An act granting an increase of pension to Charles F. Longfellow;
S. 2702. An act granting an increase of pension to George W. Dightman;
S. 2752. An act granting an increase of pension to Robert S. Moore;
S. 2778. An act granting an increase of pension to John W. Langford;
S. 2797. An act granting an increase of pension to James Buggie;
S. 2869. An act granting an increase of pension to Rachael A. Foulk;
S. 2871. An act granting an increase of pension to Joseph Brunell, sr.;
S. 3039. An act granting an increase of pension to Joseph Smith;
S. 3120. An act granting an increase of pension to Mary Driscoll;
S. 3123. An act granting an increase of pension to William H. Alban;
S. 3126. An act granting an increase of pension to Stephen B. Tarlton;
S. 3184. An act granting an increase of pension to Alfred T. Hawk;
S. 3240. An act granting an increase of pension to John T. Jones;
S. 3285. An act granting an increase of pension to Mary M. Hull;
S. 3291. An act granting an increase of pension to Matthew D. Raker, jr.;
S. 3309. An act granting an increase of pension to John C. Baber;
S. 3321. An act granting an increase of pension to Olney P. B. Wright;
S. 3402. An act granting an increase of pension to Jesse W. Elliott;
S. 3507. An act granting an increase of pension to Isaac Van Volkenburgh;
S. 3537. An act granting an increase of pension to Anthony W. Presley;
S. 3587. An act granting an increase of pension to Eliza Orr;
S. 3605. An act granting an increase of pension to Albert Smith;
S. 3630. An act granting an increase of pension to Martin L. Barber;
S. 3643. An act granting an increase of pension to Seth Raymond;
S. 3667. An act granting an increase of pension to Martha J. Brisco;
S. 4029. An act granting an increase of pension to Martha G. Archer; and
S. 1465. An act granting an increase of pension to Patrick Fallihee.

THE STATEHOOD BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12707) to enable the people of

Oklahoma and of the Indian Territory to form a constitution and State government and be admitted into the Union on an equal footing with the original States; and to enable the people of New Mexico and Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States.

Mr. FORAKER. Mr. President, recurring to what I was proceeding to say when the Senate adjourned, I wish to call attention, in the first place, to the constitutional provision with respect to the admission of States into the Union. The provision is:

New States may be admitted by the Congress into the Union.

I call attention to this in support of the suggestion I made in answer to the contention of the Senator from Indiana [Mr. BEVERIDGE] that if there be anything unusual about the amendment I have offered, it is because this whole proceeding is unusual.

It may be that we have the constitutional right to admit a Territory to statehood in the Union, or to join two Territories together and admit them as one State, as is here proposed, without regard to whether the Territory or the Territories in question desire to be admitted. But the language of the Constitution clearly contemplates that no such action shall be taken by the Congress until the Territory makes application therefor. And that idea of the Constitution is in harmony with the history of the admission of States into the Union. No State has been admitted into the Union since the beginning of the Government, except only upon its own application.

This proceeding is unusual therefore, in this, that instead of waiting for these two Territories to make application to be admitted into the Union, Congress is going out and, in a sense, taking them by the scruff of the neck and undertaking to compel them to come into the Union. Neither New Mexico nor Arizona is applying at this time for admission into the Union. Both are praying Congress simply to leave them alone as Territories until such time as the Congress may see fit to admit them as separate and independent States.

Assuming, however, that the Senator is right in his contention that the Congress has power to do as it may see fit with respect to the admission of a Territory to statehood into the Union, and that, therefore, it is a question upon which Congress may act without an application made—that it has the power to do that—the question remains whether or not it is good policy to do it. Is it good policy in this instance to do it? If so, it is unusual. It is unusual, Mr. President, because always heretofore, when we have undertaken to admit a Territory to statehood, we have not sought to join it with some other Territory, but we have created it, if it was not already a Territory in existence, separate and by itself as a Territory, by taking territory from some other Territory. That is the way Oklahoma was created a Territory. It was carved out of the Indian Territory. That is the way Vermont was made a State of the Union, by taking territory that was claimed by the State of New York and creating of it a separate State. Maine was carved out of Massachusetts. Ohio and Indiana and the others of the five States that originally constituted the territory lying northwest of the river Ohio, were made not by joining them together with other Territories, but by carving them out of existing territory.

This is the first time, therefore, since the beginning of the Government that we have undertaken to make a State by joining two Territories together; and what makes this case more unusual still is the fact, as the Senator from Indiana himself stated in his remarks yesterday afternoon, that this is the only instance where a Territory has been created and Congress, in the act creating the Territory, has written down a pledge that it is to remain a Territory until it shall be taken into the Union as a State. I believe in every other instance, without a single exception—certainly with very few exceptions, if any at all—Congress has, when creating a Territory, expressly provided in the organic act creating the Territory that it reserved the power to join the Territory so created for purposes of statehood with another Territory or a part of another Territory. But in this instance, for the first time, Congress did exactly the opposite. Instead of reserving the right to join Arizona for purposes of statehood with New Mexico, as is now proposed, or with any other Territory, Congress gave the solemn pledge that Arizona should continue a Territory until when, Mr. President? The language of the pledge is as follows:

That said government shall be maintained and continued until such time as the people residing in said Territory shall apply for and obtain admission as a State.

The Senator says that is not legally binding, and that is conceded, but this is the first time in the history of legislation in the American Congress of which I have any knowledge where a solemnly given pledge of the Government has been sought to be evaded on the ground that technically it is not legally binding. Everybody concedes it to be a pledge that is morally binding. It is not a pledge made simply to the five or six thousand people living in Arizona at that time, but it is a continuing pledge to every man who has become a citizen of Arizona from that day until this, given perhaps as an inducement to people to go into that Territory, become citizens, help to reclaim its lands, subject them to civilization, to cultivation, and build up what would in time become a State of this Union.

That was to continue, Mr. President, until the people of Arizona should apply for admission to statehood in the Union. Arizona is not here applying. This whole argument has proceeded on the part of those advocating this bill upon the theory that the question to be determined here is whether there shall be one State or two separate and independent States. That at one time was the proposition before the Senate. It came to us from the House. That was four years ago. The proposition now is, as it was in the last Congress, whether there shall be one State out of two Territories or whether there shall be a continuance of two Territories as Territories until such time as Congress may see fit to act with respect to them, either to give them separate statehood or to deal with them otherwise, as it may see fit.

Mr. President, I can not now make an argument. I can only call attention to the points that the Senator made, and to only very few of them. He contends, in opposition to this amendment, that certain interests are fighting in favor of it on account of advantages with respect to the matter of taxation; and he instances railroads and mines. I do not know anything about the laws of the Territory with respect to taxation of property there, except only as the Senator has stated what those laws are. But I do know that the complete answer is that which was anticipated by him, namely, that so long as they are Territories they not only must be governed by the laws created by the Territories, but also by the laws of the Congress of the United States with respect to the matter of taxation.

If in the Territories of Arizona and New Mexico the laws are unjust as to property interests and the citizens generally in the matter of taxation, the chairman of the Committee on Territories should have called attention to it, in order that we might legislate on the subject and correct any iniquity or injustice that may exist. It is true, as the Senator suggested, that now the tax laws of the Territory are made by the Territorial legislature. If the Territories be admitted to statehood, the laws will be made by the State legislature. If these interests are so powerful that they can control the legislature in one instance, they will be equally powerful, for aught that I can see, to control the legislature in the other, and more powerful to control if they are given statehood than if they continue as Territories, because if they continue as Territories these interests must control not only the legislatures of the Territories, but they must control also the Congress of the United States. It seems to me, therefore, that there is no justification for the contention the Senator makes with respect to the matter of taxation.

Now, another matter that the Senator has spoken about is the impossibility, as he terms it, of Arizona ever having a population large enough to qualify her for statehood in the Union. He tells us of the arid lands; how impossible it is to subject them to irrigation or to bring them under cultivation in any respect. And he has exhibited plats and diagrams to show us that Arizona can never in any contingency have a population to exceed about one million. Mr. President, this is not the first time in the history of this country that we have heard reports and speeches in Congress of the same general character with respect to Territories that were little known at the time when such remarks and such speeches were made.

Mr. Webster, as somebody said here the other day, had a profound knowledge of the Constitution, but seemed to be a very poor judge of real estate. He did not think there was anything in California, where to-day everything blooms and blossoms as the rose, which justified an expectation that it would ever be of any value.

The VICE-PRESIDENT. The Chair calls the attention of the Senator from Ohio to the fact that he has spoken ten minutes.

Mr. TELLER. I desire to offer an amendment to the pending bill. I do not wish to have it printed. Let it lie on the table.

The VICE-PRESIDENT. The amendment will lie on the table.

Mr. DUBOIS. I ask the Secretary to read the amendment which I have offered.

The VICE-PRESIDENT. The Senator from Idaho requests the reading of his proposed amendment. The Secretary will read as requested.

The SECRETARY. Following the amendment on page 33, after line 14, insert the following as I and II, respectively:

I. No person shall be permitted to vote, serve as a juror, or hold any civil office who is under guardianship, idiotic, or insane, or who has, at any place, been convicted of treason, felony, embezzlement of the public funds, bartering or selling or offering to barter or sell his vote, or purchasing or offering to purchase the vote of another, or other infamous crime, and who has not been restored to the rights of citizenship, or who, at the time of such election, is confined in prison on conviction of a criminal offense; or who is a bigamist or polygamist, or is living in what is known as patriarchal, plural, or celestial marriage, or in violation of any law of this State or the United States forbidding any such crime, or who in any manner teaches, advises, counsels, aids, or encourages any person to enter into bigamy, polygamy, or such patriarchal, plural, or celestial marriage, or to live in violation of any such law, or to commit any such crime; or who is a member of or contributes to the support, aid, or encouragement of any order, organization, association, corporation, or society which teaches, advises, counsels, encourages, or aids any person to enter into bigamy, polygamy, or such patriarchal or plural marriage, or who teaches or advises that the laws of this State prescribing rules of civil conduct are not the supreme law of the State.

II. The legislature may prescribe qualifications, limitations, and conditions for the right of suffrage, additional to those prescribed in this article, but shall never annul any of the provisions in this article contained.

Mr. DUBOIS. Mr. President, I offer that as an amendment to the contemplated Arizona State constitution. It is the Idaho test oath, which was adopted by the people of Idaho Territory almost unanimously, and is now a part of our constitution, and it is the bulwark and safety of Idaho to-day. It can not be gotten out of our constitution, because the American citizens of that State will not allow it to be taken out, and its provisions will be invoked again in Idaho unless the Mormon leaders cease exercising political control over their followers and cease living in the polygamous relation.

It is claimed that there are not a great many polygamists in Arizona or New Mexico; that there are but very few Mormons in either one of those Territories. I saw a list in the office of the Attorney-General of the United States of polygamists in Arizona, which list comprised from fifty to one hundred men and about three times as many women, and there was a large list also of polygamists in New Mexico. This has been ascertained by special agents of the Government, and, of course, did not include all, by any manner of means, who are living in this relation in those Territories. During the past year there have been a number of convictions of polygamists in Arizona and New Mexico. I do not know the number who have been convicted, but it is considerable.

Unless this legislation is put in the pending bill and if this State is admitted without this provision in the constitution, they will be as helpless there as they are in Utah to-day. Wherever there is Mormonism there is polygamy, and if you do not have restraints of this kind beyond those which the State can afterwards impose, the vote of this compact body of Mormons alone, no matter how small, will be the balance of power. They are neither Democrats nor Republicans, but vote only and always as their church leaders dictate, and the church leaders always dictate if any attempt is made to interfere with polygamy or the political power and control of the hierarchy.

In the last campaign in Idaho, we having removed the restriction against polygamy because of the manifesto of the church that they had quit the practice of polygamy, when one party declared that we would enact laws in Idaho for the punishment of those living in polygamy, every Mormon delegate in that State convention bolted the convention, and all the members of the Mormon Church voted with the other party.

You can not touch polygamy in Utah. The president of that church testified before your Committee on Privileges and Elections that he is living with five wives now, and several apostles of the church testified before the same committee that they were living in the polygamous relation, and in substance they asked us what we were going to do about it. Practically they said, "We are a sovereign State; we elect the officers of Utah; the people of Utah are in sympathy with polygamous living, and you have no right to interfere with our domestic affairs." And what have we done since that testimony was given? The leading Mormon of my State testified before this committee that he is living now in open polygamy with three wives. Yet up to date even in Idaho we have not the power to punish him, because of the tremendous political power of this organization, which prevents the enactment of efficient statutes.

I hope the Senator from Indiana will allow this provision to go into the bill, so that it will be a part of the constitution of the new State.

The constitutionality of this "test oath" has been affirmed by every court in Idaho and unanimously by the Supreme Court of the United States. I will call attention to a portion of the decision of the Supreme Court in the case of Davis *v.* Beason, 133 U. S. Reports, page 333 and following:

Davis *v.* Beason. Appeal from the third judicial district court of the Territory of Idaho. No. 1261. Argued December 9, 10, 1889; decided February 3, 1890.

The provision in section 501, Revised Statutes, Idaho, that "no person who is a bigamist or polygamist, or who teaches, advises, counsels, or encourages any person or persons to become bigamists or polygamists, or to commit any other crime defined by law, or to enter into what is known as plural or celestial marriage, or who is a member of any order, organization, or association which teaches, advises, counsels, or encourages its members or devotees or any other persons to commit the crime of bigamy or polygamy, or any other crime defined by law, either as a rite or ceremony of such order, organization, or association, or otherwise, is permitted to vote at any election, or to hold any position or office of honor, trust, or profit within this Territory," is an exercise of the legislative power conferred upon Territories by Revised Statutes, sections 1851, 1859, and is not open to any constitutional or legal objections.

Bigamy and polygamy are crimes by the laws of the United States, by the laws of Idaho, and by the laws of all civilized and Christian countries; and to call their advocacy a tenet of religion is to offend the common sense of mankind.

A crime is none the less so, nor less odious, because sanctioned by what any particular sect may designate as religion.

It was never intended that the first article of amendment to the Constitution, that "Congress shall make no law respecting the establishment of religion, or prohibiting the free exercise thereof," should be a protection against legislation for the punishment of acts inimical to the peace, good order, and morals of society.

The second subdivision of section 504, Rev. Stats., Idaho, requiring every person desiring to have his name registered as a voter to take an oath that he does not belong to an order that advises a disregard of the criminal law of the Territory, is not open to any valid legal objection.

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Mr. Jeremiah M. Wilson and Mr. Franklin S. Richards (with whom was Mr. Samuel Shellabarger on the brief) for appellant.

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The legislature of Idaho could not legally prescribe that a man who has never committed any crime should not have the right to register and vote, or hold office, because he belonged to a church organization that holds or teaches bigamy and polygamy as a doctrine of the church, membership in such organization not having been by law made a crime.

I. The statute disfranchising and disqualifying citizens from holding office for that reason is unconstitutional and void, because it prohibits "the free exercise of religion," and conflicts with the first amendment to the Constitution, that "Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof." (Reynolds *v.* United States, 98 U. S., 145, 162; Dred Scott *v.* Sandford, 19 How., 393, 450.)

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II. This Idaho statute violates the provision in the fourteenth article of amendment to the Constitution of the United States, that "No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws."

For the scope of this amendment see Sinking Fund Cases, 99 U. S., 700, 718; Cummings *v.* Missouri, 4 Wall., 277, 320; Strauder *v.* West Virginia, 100 U. S., 303, 307, 308; ex parte Virginia, 100 U. S., 339, 347; Yick Wo *v.* Hopkins, 118 U. S., 356, 369; United States *v.* Cruikshank, 1 Woods, 308; S. C., 92 U. S., 542, 555; Murphy *v.* Ramsey, 114 U. S., 15, 44.

III. This Idaho statute violates the provision in Article VI of the Constitution of the United States, that "No religious test shall ever be required as a qualification to any office or public trust under the United States."

That this statute requires a religious test is apparent upon its face.

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Mr. Justice Field, after stating the case, delivered the opinion of the court.

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Bigamy and polygamy are crimes by the laws of all civilized and Christian countries. They are crimes by the laws of the United States, and they are crimes by the laws of Idaho. They tend to destroy the parity of the marriage relation, to disturb the peace of families, to degrade woman, and to debase man. Few crimes are more pernicious to the best interests of society and receive more general or more deserved punishment. To extend exemption from punishment for such crimes would be to shock the moral judgment of the community. To call their advocacy a tenet of religion is to offend the common sense of mankind. If they are crimes, then to teach, advise, and counsel their practice is to aid in their commission, and such teachings and counseling are themselves criminal and proper subjects of punishment, as aiding and abetting crime are in all other cases.

The term "religion" has reference to one's views of his relations to his Creator and to the obligations they impose of reverence for His being and character and of obedience to His will. It is often confounded with the cultus or form of worship of a particular sect, but is distinguishable from the latter. The first amendment to the Constitution, in declaring that Congress shall make no law respecting the establishment of religion or forbidding the free exercise thereof, was intended to allow everyone under the jurisdiction of the United States to entertain such notions respecting his relation to his Maker and the duties they impose as may be approved by his judgment and conscience, and to exhibit his sentiments in such form of worship as he may think proper, not injurious to the equal rights of others, and to prohibit legislation for the support of any religious tenents or the modes of worship of any sect.

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It was never intended or supposed that the amendment could be invoked as a protection against legislation for the punishment of acts inimical to the peace, good order, and morals of society. With man's relations to his Maker and the obligations he may think they impose and the manner in which an expression shall be made by him of his

belief on those subjects, no interference can be permitted, provided always the laws of society, designed to secure its peace and prosperity and the morals of its people, are not interfered with. However free the exercise of religion may be, it must be subordinate to the criminal laws of the country, passed with reference to actions regarded by general consent as properly the subjects of punitive legislation. There have been sects which denied as a part of their religious tenets that there should be any marriage tie, and advocated promiscuous intercourse of the sexes as prompted by the passions of its members. And history discloses the fact that the necessity of human sacrifices, on special occasions, has been a tenet of many sects. Should a sect of either of these kinds ever find its way into this country swift punishment would follow the carrying into effect of its doctrines, and no heed would be given to the pretense that, as religious beliefs, their supporters could be protected in their exercise by the Constitution of the United States. Probably never before in the history of this country has it been seriously contended that the whole punitive power of the Government for acts, recognized by the general consent of the Christian world in modern times as proper matters for prohibitory legislation, must be suspended in order that the tenets of a religious sect encouraging crime may be carried out without hindrance.

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And in Murphy *v.* Ramsey (114 U. S., 15, 45), referring to the act of Congress excluding polygamists and bigamists from voting or holding office, the court, speaking by Mr. Justice Matthews, said:

"Certainly no legislation can be supposed more wholesome and necessary in the founding of a free, self-governing commonwealth, fit to take rank as one of the coordinate States of the Union, than that which seeks to establish it on the basis of the idea of the family, as consisting in and springing from the union for life of one man and one woman in the holy estate of matrimony, the sure foundation of all that is stable and noble in our civilization, the best guaranty of that reverent morality which is the source of all beneficent progress in social and political improvement. And to this end no means are more directly and immediately suitable than those provided by this act, which endeavors to withdraw all political influence from those who are practically hostile to its attainment.

It is assumed by counsel of petitioner that because no mode of worship can be established or religious tenets enforced in this country therefore any form of worship may be followed, and any tenets, however destructive of society, may be held and advocated if asserted to be a part of the religious doctrines of those advocating and practicing them; but nothing is further from the truth. While legislation for the establishment of a religion is forbidden, and its free exercise permitted, it does not follow that everything which may be so called can be tolerated. Crime is not the less odious because sanctioned by what any particular sect may designate as religion.

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The judgment of the court below is therefore affirmed.

NOTE.—The constitutions of several States in providing for religious freedom have declared expressly that such freedom shall not be construed to excuse acts of licentiousness or to justify practices inconsistent with the peace and safety of the State. Thus the constitution of New York of 1777 provided, as follows:

"The free exercise and enjoyment of religious profession and worship, without discrimination or preference, shall forever hereafter be allowed within this State to all mankind: *Provided*, That the liberty of conscience hereby granted shall not be so construed as to excuse acts of licentiousness or justify practices inconsistent with the peace or safety of this State." (Article XXXVIII, 2 Charters and Constitutions, 1338.) The same declaration is repeated in the constitution of 1821 (Article VII, section 3, id., 1347) and in that of 1846 (Article I, section 3, id., 1351), except that for the words "hereby granted" the words "hereby secured" are substituted.

The constitutions of California, Colorado, Connecticut, Florida, Georgia, Illinois, Maryland, Minnesota, Mississippi, Missouri, Nevada, and South Carolina contain a similar declaration.

The only way you can strike at this organization is by striking at their political power, which they use to maintain the tenet, the unalterable tenet, of their faith—polygamy. There ought not to be in the Senate any objection to the incorporation of this provision, which has been sustained by every court in Idaho, and unanimously by the Supreme Court of the land.

It was voted into the Idaho constitution by the unanimous vote of the people of that Territory, and under that provision for ten years not a Morman voted in Idaho. There was not a member of that organization who could take an oath that he did not belong to an organization which put the ecclesiastical above the civil law, and there is not a Mormon to-day anywhere on earth who can take an oath that he puts the civil above the ecclesiastical law of his organization.

The only reason why the people of Idaho repealed the statute making that constitution effective was on the solemn pledge of this organization, signed by Joseph F. Smith, the president of the church, and all the governing officers of the church, and ratified in open conference by the members of the church, that polygamous living should cease and political dictation in affairs should cease. Yet, notwithstanding that, not only Joseph F. Smith, the president, but many of the apostles who, with him, signed this solemn covenant with the Government, testified under oath that they are living in the polygamous relation now and intend to do so, when in doing that they were violating the laws of God and man.

The VICE-PRESIDENT. The Senator's ten minutes have expired.

Mr. SPOONER. Mr. President, I concede fully to the Senator from Indiana [Mr. BEVERIDGE] the power and beauty of the speech which he has delivered to the Senate in support of this bill; but I am constrained to say that if it were placed alongside of the report which that Senator made after a personal investigation in these Territories in 1902, the speech and the report would be like Kilkenny cats—they would eat each other up.

In that report it was shown that a majority of the citizens of New Mexico were Mexicans and spoke almost entirely the Spanish language. It was shown that the proceedings of courts, stated generally, were conducted in the Spanish language. Has that ceased to be true? Apparently so, from the speech of the Senator from Indiana. It was shown that the jurors were not able to understand the English language, and that the testimony, the arguments to the jury, the charge of the court, had to be interpreted to the jury by some one who understood both English and Spanish. That was true, according to this report four years ago. Is it false now? It was shown that at political conventions speeches had to be interpreted from English into Spanish. The witnesses' names were given. Has it substantially changed? The practice may have been discontinued with some reference to evidencing fitness for statehood, but is it conceivable that in four years such a change as that could come into New Mexico?

We were told, then, Mr. President, and one strong reason against the admission of New Mexico at that time was, that there were railroad corporations and adventurers who wanted admission as a State into the Union in order to take the Territory out from under the restrictive legislation of Congress as to the indebtedness to be incurred by her counties, and leave her under the laws of a State, which they could control to exhaust the credit of their counties by the issue of bonds for railway construction and other public improvements.

Mr. President, I can not go into that. The Senator has spoken about the pledge contained in the act which organized Arizona into a Territory. Has he found any obscurity in the language of that pledge? If it were written in letters as bright as the stars it could not be any plainer than it is:

That said government shall be maintained and continued until such time as the people residing in said Territory shall, with the consent of Congress, form a State government, republican in form, as prescribed in the Constitution of the United States, and apply for and obtain admission into the Union as a State on an equal footing with the original States.

When the people of Arizona come here and lay that pledge before Congress and call attention to the fact that it is unredeemed, it is said in reply it was unconstitutional; that it does not constitute an enforceable compact.

That is not the rule, Mr. President, by which men of honor test their pledges. It is not the rule by which governments of honor test their pledges. Is it a pledge made by the Congress of the United States back in 1863, when this Territory was erected? Yes. No man can deny it. Is there doubt as to its meaning? No; none. Has it ever been repealed or modified? No; like a covenant that runs with the land, it has remained upon our statute books a plain, living, unbroken obligation; a moral obligation of this Government from the day Abraham Lincoln put his hand to it until this day.

Why was it made? It was not made to be broken. The Senator from Indiana seeks to impeach it by imputing some vice or taint to its origin. He asks the people of the United States to disregard it, solemn as it is; enacted by the Congress of the United States, as it was; recommended in each House by the Committee on Territories, as strong then as now, Mr. President; discussed in the Senate for a day; pending in the Congress for a year. He asks that it be disregarded upon the ground that its sole origin was in the dizzy brains and schemings of revelers at a midnight supper. Mr. President, the pledge of a government is not to be set aside in that way.

The Senator says no one in Arizona in all the years since then has known of its existence and he nods now his acquiescence in reaffirmation of that statement. By what authority does the Senator from Indiana assume to say that? There were doubtless hundreds of thousands of negroes in the South who never had read Abraham Lincoln's emancipation proclamation, who had never heard of it perhaps, but they knew about it somehow. It was in the air, Mr. President, and whether they knew about it or not it was a living thing that broke the shackles of slavery from them and gave them liberty as fast as our flag advanced to float over them.

This pledge has stood. It has stood for the purpose for which it was made. Why was it made? It is an insult to the memory of the men who made it to ask the Congress of the United States to disregard it because, forsooth, a band of adventurers and office seekers assembled around a champagne table in 1863 planned to divide among themselves the offices in the Territory to be created.

Who participated in the discussion of that bill in this Chamber? Wade of Ohio, Grimes of Iowa, Fessenden of Maine, Lane of Kansas; Saulsbury, who moved to strike out the antislavery clause in the bill; Collamer, Trumbull, Nesmith, Doo-

little, Powell. Were not these men attending to their duties as Senators? Were they oblivious of the oath which they took and which we have taken?

They were giving their attention to the business in hand, and, Mr. President, it is no compliment to the memory of those men for fidelity or for intelligence to sweep away this plain promise as not expressing the will and promise of the Congress as being essentially the product of an "oyster supper."

Why was it made, Mr. President? Senator Doolittle, in his speech in favor of it, gave two reasons why it should be made. Let me say this language could not have been desired by men who wanted offices in Arizona. This pledge had nothing to do with that subject. This pledge was given on a higher ground than that. Mr. Doolittle stated—and they were the people they were looking after first—that there were 2,000 American white men and 6,000 Pueblo Indians there. I will finish at another time.

The VICE-PRESIDENT. The Senator's ten minutes have expired.

Mr. NELSON. Mr. President, three years ago, when the bill came over from the other body of the Legislature to create four States, we who were opposed to that bill at that time on the ground that Arizona and New Mexico were not fitted for independent statehood thought we were right. But we received little encouragement from those who are at this time urging that those States are not fit for statehood.

In connection with that bill, too, I might add that while the Committee on Territories may not be equal to some of the elder statesmen of this body, yet when we prepared that substitute, which is substantially the bill now pending, contemplating two States out of the four Territories, the Committee on Territories consulted the elder statesmen on the Republican side of this body, and we supposed in that effort we had their approval. If some of those elder statesmen to-day have seen fit to take a different tack it is not our fault.

The Senator from Wisconsin [Mr. SPOONER] speaks much about "honor" in this case. Let us look at it calmly from the standpoint of a lawyer, without getting into hysterics about it. It is conceded that there is no constitutional legal inhibition against our action in this promise. All that is urged is that there is a moral obligation. I insist that that moral obligation can not go further than if it were a legal obligation that could be enforced as such.

Now, what is the language of the statute? Let me call your attention to it. Here is the section of the act establishing the Territory of Arizona. The first proviso reads as follows:

*Provided*, That nothing contained in the provisions of this act shall be construed to prohibit the Congress of the United States from dividing said Territory or changing its boundaries in such manner and at such time as it may deem proper.

Taking that proviso as the basis of a moral obligation, it left Congress a free hand to divide or change its boundaries to any extent it saw fit. But here comes the next proviso:

*Provided further*, That said government shall be maintained and continued until such time as the people residing in said Territory shall, with the consent of Congress, form a State government, republican in form, as prescribed in the Constitution of the United States, and apply for and obtain admission into the Union as a State, on an equal footing with the original States.

Every lawyer knows that where provisions in an act appear to conflict it is the duty of every lawyer and every court to so construe the provisions that all parts of the statute may remain and be in force. It is possible, and it is a fair inference, to give this statute such a construction; and taking the two provisions together and reconciling them, a fair construction is that while Congress reserved the power to divide and change the Territories it bound itself to this effect, that the people of Arizona should not be deprived of a Territorial government until they became a State. In that way you give force and effect to both provisions. The one provision states that Congress shall have full and ample power to divide and change the boundaries. The other provision states that they shall continue to enjoy a Territorial government. Now, both of those ideas can coexist, and that will be the fair legal interpretation.

I insist, Mr. President, what in a court of justice would be the fair legal interpretation of this act can not be any different from the moral obligation. As I construe the moral obligation, it amounted to this: That Congress reserved the power to change the boundaries of that Territory or to divide it, but it did not reserve the power to deprive the people of Territorial government until in some form they got into statehood.

The Senator from Wisconsin again referred to the character of these people and what he termed the "inconsistency" of the Senator from Indiana. What is it we are attempting to do? Here is an area of 150,000 acres of land, and out of that vast area there are—as it were, a small oasis in the desert—15,000 acres of land in forest reserves and that are irrigated and capable of irrigation. Only 10 per cent of that vast area is fit for agricultural and grazing purposes.

Now look at the question from an ethnological standpoint. Taking all the Mexican and native population of those two Territories, yet the fact stands out that by combining the two Territories together out of that aggregate population over two-thirds of them are Americans; and the American population will entirely dominate the Mexican element, and because of their dominating force they will be enabled to more swiftly and more thoroughly Americanize the Mexican element. If you leave New Mexico alone to wrestle with that problem, the elements there being so nearly balanced, it will be slower and more difficult. If you unite them to Arizona, the American element will be so strong and overpowering that what has occurred in many of the Northwestern States will occur there, and that is within a short time they will become Americans, not only in obedience to the laws, but in spirit and in language. That, to my mind, is one of the most important considerations that appeal to me. It is one of the most important considerations that ought to appeal to the Congress of the United States. The sooner we can develop the Mexicans in those two Territories into full-fledged American citizenship, not only in spirit, not only in habits, not only in customs, but in language, so as to make them a homogeneous people, the better for the people in those Territories and the better for the United States of America as a nation.

Mr. TELLER. Mr. President, the chairman of the Committee on Territories has spent some time to show the unsatisfactory condition of taxation in the Territory of Arizona, and to cure the evil existing there he proposes a State government. Under present laws the Congress of the United States can repeal any law that Arizona has made touching taxation. It can enact any law that Congress may think proper for the government of that Territory. The Senator proposes to adopt a State government with all the influences existing, which he says are pernicious, and to take it entirely out of Congressional control. If there is a bad condition there to-day, there will be a bad condition when the State is admitted.

Yesterday I undertook to find some explanation for the most remarkable bill that has ever come before Congress touching the admission of States. I asked the chairman yesterday why it was that it was necessary to depart from the custom which has existed for many years, that only the sixteenth and thirty-sixth sections in a township should be given for school purposes, and in this bill there is a double amount of land given for that purpose. The Senator informed me that that was because of the anxiety to have schools.

Mr. President, in this bill the proposed new State will have a donation from the Government of the United States beyond what it has already had, for both the Territories have had the usual Territorial appropriations of land. It will have over 22,000,000 acres of land, more than any of the other States ever did have, and not for school purposes, but for all sorts of purposes, some for schools, some for penitentiaries, some for hospitals, some for schools of mines, amounting in the aggregate to more than 5,000,000 acres that do not pretend to be in the interest of schools. I allege that no three States that have ever been admitted into the Union received that amount of land before.

In addition to that, there are $5,000,000 in this bill for the new State of Arizona, which means the Territories of Arizona and the Territory of New Mexico combined. This bounty given to this proposed new State is given for some purpose and some object. I said yesterday that I thought perhaps the proprieties of the place would prevent me from expressing my honest opinion why that was put into the bill. I think it can be made apparent to anybody why it is in the bill, when it is remembered that this is an attempt not to admit Territories upon their application to be admitted as States, but to force a condition which, as the Senator from Ohio [Mr. FORAKER] has said, has never existed in this country, and which in all decency ought never to exist.

Mr. President, I have voted for the admission of seven sovereign States since I have been a member of this body, and never before has there been an attempt to say to any portion of the people that they should come in when they did not wish to do so.

The Senator from Indiana says, "Why not take the counties?" Mr. President, here are two political entities—a political entity recognized for Arizona and a political entity recognized for New Mexico in this bill. This bill gives to Arizona forty-four members of the constitutional convention, and gives to New Mexico sixty-six members of that convention. It has been industriously prepared so as to let New Mexico control not only the question of whether these two Territories shall be united

as a State, but the question of the disposition of all this property which we are proposing to turn over to them, worth in money to-day not less than $30,000,000. Ten million dollars are proposed to be donated by this bill that never were before put into any other bill for school purposes. You could not very well give $5,000,000 to Arizona and New Mexico, if you did not put in a like sum for Oklahoma. Does anybody here pretend that Oklahoma is either so ignorant or so poor that she needs a donation from us of $5,000,000?

Mr. President, if the people of Arizona and New Mexico were anxious to come in, as the Senator from Indiana says they are, and as I know they are not, and as he ought to know they are not, there would not be $5,000,000 put in the bill for either of those Territories.

When the Senator says here on this floor that he has had 400, or whatever number it may be, of telegrams, I will say that it is easy to get them if some man here will telegraph down there, "Send up your telegrams in support of joint statehood;" and that is what has occurred within the last few days.

Mr. President, I do not intend to be personal, and I do not intend to say who of the advocates of joint statehood sent the telegrams that went out from here. As to the reply that the Senator wants to read, if he will read all of them that have been received, I shall be glad to have him read them.

Mr. President, I have on my table here a message from a reputable mayor of a reputable city of Arizona, which came to me in the early hours of this morning, saying that the people there were unanimously opposed to joint statehood; that there had been no change in sentiment, as the Senator from Indiana represents. I defy anybody here to prove that the people of Arizona are not united against it; and the larger portion of the better people of New Mexico are equally opposed to it. If the Senator wants to accept that challenge, let the people of each Territory vote on the question, not simply as a whole, and thereby enable the great number of unlettered voters of one section to dominate the other.

The Senator said, "Why not let the counties vote?" Why, Mr. President, that is puerile; that is childish. Who ever expected counties to vote in such a case? Here is a political entity that is being destroyed and forced into union with a people dissimilar in their tastes and in their interests, who are divided from them by an almost impassable mountain range; and yet the Senator says, "Why not let the counties vote?" Mr. President, the entity does the voting; but you have taken that away from Arizona; you have said that Arizona shall have only 44 votes out of 100 in the constitutional convention, and that New Mexico shall have 66; and yet you tell us that that is treating American citizenship fairly; that it is doing the duty that is incumbent upon this Congress in the treatment of citizens who have as much interest in this country as have we or anybody else. A community full of intelligent, upright, virtuous people is to be governed by a community with which it can not affiliate; and yet the Senator says this will be the crowning glory of the men who vote for it. Mr. President, it will be the crowning disgrace, as it will be a disgrace to this Senate whenever it shall adopt the provisions of this bill as the Senator from Indiana has presented them to us.

Mr. HOPKINS. Mr. President, I am not presumptuous enough to believe that anything that I can say at this late stage of the debate will influence any Senator from his preconceived convictions as to his duty either upon the pending bill or upon the various amendments that have been presented to it. But some suggestions have fallen from the lips of the Senator from Wisconsin [Mr. SPOONER] and the Senator from Ohio [Mr. FORAKER] that I think should be at least in part answered.

The Senator from Wisconsin assumed that this bill should not be approved by the Senate and that Arizona and New Mexico should not be admitted into the Union as a separate State because in New Mexico they speak and read the Spanish language. Mr. President, to my mind that is an argument in favor of uniting the two Territories as one State. We know that in New Mexico there is a civilization that is more than 300 years old. We also know that for more than fifty years we have had a Territorial form of government there, and have exercised all the powers of the General Government to enlighten those people according to the principles of our constitutional form of government, to establish an English-speaking people within the limits of that Territory; and yet, after fifty years under that Territorial form of government, we find that there are more Spanish-speaking people within the Territory than there are English-speaking people, and that not only do they teach the Spanish language in the schools, but that they use it in the courts.

Mr. President, how are we to meet that condition of affairs and wipe it out of existence within the limits of that Territory? We can do it by uniting the people there with the American and English-speaking people within the limits of the Territory of Arizona. As was well said by my honored friend, the senior Senator from Minnesota [Mr. NELSON], the combination of the two Territories makes the American citizens preponderate by more than two-thirds majority. You unite the two Territories and you have an English-speaking people. They will pass laws by which courts will be administered in the English language. They can give us a school system such as we have in the older States, where it is compulsory that children shall be educated in the English language. If you keep these Territories out in the form they are now, New Mexico may go on for another fifty years with the Spanish element predominating within the limits of the Territory, and the conditions at the expiration of that period will be the same as now. But if you unite them as is proposed in this bill, within the next decade we will find English-speaking people exercising all of their legal rights in the courts there in the English language, as we find them doing to-day in the State of Wisconsin and in my own State of Illinois.

Mr. President, the Senator from Ohio has justified the amendment which he has offered here proposing that the two Territories shall have a separate vote as to whether they will be admitted as one State upon the ground that the conditions are exceptional, and that never in the history of this Government have we attempted before to unite two Territories. My answer to that is that this is the first time in the history of our country when Congress has undertaken to admit a new State into the Union where it has been found necessary, in order to do exact and equal justice to the people of all the country, that we should unite two Territories.

But I think, Mr. President, if this debate has shown anything, it has demonstrated beyond any question that the population and the condition of those Territories demand that, in justice to the people of the States of the Union, if they are to be admitted at all, they should be admitted as one State.

The Senator from Ohio in speaking of the sacredness of the Territorial boundary gives it the same character as he would to a State in the Union; but, Mr. President, the Constitution of the United States makes a marked difference between one of the sovereign States of the Republic and a Territory. Each of the sovereign States possesses rights and prerogatives that are not dreamed of within the limits of a Territory. The Territory, under the Constitution itself, is the property of the United States, and the people who live within the limits of the Territory are to be governed and controlled as Congress may dictate. In every instance where a Territory has been admitted into the Union Congress has exercised the right of determining the boundary limits of that Territory. There are few instances in the thirty or more odd States which have been admitted to this Union since the formation of our Federal Republic where we have not found it necessary to change the Territorial limits when that Territory became a State.

As I had occasion to say the other day, Mr. President, a marked example is found in the State of Illinois. The northern portion of that State belonged to the Territory of Wisconsin. That portion of Illinois that was added by amendment to the State of Illinois from the then Territory of Wisconsin has a larger population to-day than the portion of Illinois has which formed the original Territory of Illinois. It has to-day a larger population than has the present State of Wisconsin.

Now, Mr. President, did the men who were then in Congress deem it proper and just to permit the people living within the limits of the fourteen counties, that were taken from Wisconsin, to vote upon the question as to whether they should remain with Wisconsin or become a part of Illinois? Not at all. It was never dreamed of in those days. Upon the same principle, I contend that we should not permit these two Territories, which are proposed to be admitted as one State into the Union, to have two seperate elections, and the majority vote in either Territory defeat the action of Congress.

As has been well said in the debate here, if you are to provide for two elections, you might as well provide for twenty, or an election in each county of the two Territories. I trust that this amendment, which has been proposed by the Senator from Ohio, will be voted down. It possesses an element which disregards the rights of the forty-five States which to-day form the Federal Republic. It assumes that the only parties who are interested in the admission of a new State to the Union are the people living within the limits of the proposed new State; aye, not only that, but that a portion of the people within the limits of that proposed State can determine a great question which is to affect the interests of all the people of this Republic.

That is the viciousness, as I contend, of that amendment. If such a policy as that had been adopted in times past we never should have admitted any Territories as States into the Union

of States. You can not find in any action of any Territory that has ever been admitted a State into the Union where some people would not oppose the Territorial limits of the proposed new State or would not object to something that was contained in the provisions made by the Congress.

Under the policy that is to be adopted here if this amendment of the Senator from Ohio should prevail, we will permit the mining interests and the railroad interests of Arizona to determine the rights of 80,000,000 people of this country.

I want to know, Mr. President, have we come to the point where a few great corporations in Arizona are to determine whether we are to have one State or two States, whether the rights of the people of the entire country are to be ignored, and a few corporations are to determine whether Arizona shall become a part of New Mexico or remain a Territory of the United States? I trust the vote which will be given here to-day will show that the rights and interests of the people of the Republic will be conserved, and that that amendment will be voted down, as it ought to be.

Mr. HANSBROUGH. Mr. President, I take it that, whatever may happen upon what may be termed the joint statehood portion of this bill, all that part of the bill relating to Oklahoma will be retained. That being the case, Mr. President, I want to call the attention of the Senate briefly to the language of section 3, to which I have proposed two or three amendments. Subdivision 2 of section 3 reads as follows:

> Second. That the manufacture, sale, barter, giving away, or otherwise furnishing, except as hereinafter provided, of intoxicating liquors within those parts of said State now known as the Indian Territory and the Osage Indian Reservation and within any other Indian reservations existing in the Territory of Oklahoma on the 1st day of January, 1906, is prohibited for a period of twenty-one years from the date of the admission of said State into the Union.

Mr. LODGE. On what page of the bill is that?

Mr. HANSBROUGH. Page 7. The expression in line 4, "within any other Indian reservations existing in the Territory of Oklahoma," appears to me to be in language that is decidedly obscure, because I believe it is true that there are several reservations in what is to become the State of Oklahoma that are not mentioned specifically in this section. There is the Kaw Reservation, and, I believe, the reservation known as the "Big Pasture," and others. The lands in some of the reservations not mentioned in this section are now in process of allotment, and if this section is adopted as it came from the committee, and the lands in the reservations that are not mentioned in the section should be allotted prior to the adoption of the constitution, it would raise a question whether the Indians residing in those reservations would come under the operation of the twenty-one-year clause referred to in section 3. So, I think the language I propose in the amendment, which will be found in print, will greatly improve the section, and I request Senators to examine it between now and the time when we are to vote on proposed amendments.

Mr. GALLINGER. Will the Senator read the proposed amendments?

Mr. HANSBROUGH. The amendment which I propose to page 7, to come in after the word "other," in line 4, is as follows:

> Parts of said State which existed as Indian reservations or in which the United States maintained laws prohibiting the traffic in intoxicating liquors.

On page 8 I have proposed another amendment. After the word "States," in line 9, I propose to insert a semicolon and the following language:

> And for the sale of such liquors to any apothecary who shall have executed an approved bond in a sum not less than $1,000, conditioned that none of such liquors shall be used or disposed of for any purpose other than in the compounding of prescriptions or other medicines, the sale of which would not subject him to the payment of the special tax required of liquor dealers by the United States, and the payment of such special tax by any person within the parts of said State hereinabove defined shall constitute prima facie evidence of his intention to violate the provisions of this section.

Section 3 of this bill provides for the establishment of agencies with authority to sell liquor under certain conditions. An examination of the section, I think, will convince Senators that a man engaged in the business of a druggist can not buy of those agencies. My amendment provides that they shall be able to purchase from those agencies, and, at the same time, it puts upon them the restrictions that are now in force in those States where there are prohibition or local option laws with respect to what shall constitute presumptive evidence against them for violating those laws. That is the whole purpose of the amendment. I shall offer it at the proper time. Perhaps I should say, however, that the States where the provisions contained in this amendment relative to presumptive evidence are in force are Ohio, Maine, Vermont, Tennessee, Kansas, Alabama, Texas, Virginia, North Dakota, Minnesota, and Florida. These States have laws on this subject in line with the amendment which I propose.

Mr. GALLINGER. It will be remembered, Mr. President, that when this matter was before the Senate on a former occasion I offered an amendment providing for prohibition in the entire new State, and that amendment was inserted in the bill. It will also be remembered that that bill did not become a law. I have listened with interest to the amendments which the Senator from North Dakota [Mr. HANSBROUGH] proposes to offer, and I simply want to say that if those amendments shall be incorporated in the bill I will not offer an amendment, which I have had printed, proposing to extend prohibition over the entire new State. I think the amendments the Senator from North Dakota proposes will safeguard the interests of the Indians to the extent that we are under obligations to safeguard them in view of the treaty relations we have had and have now with those Indians.

Mr. President, I have been deluged during the past two months with letters from Arizona protesting against combining the two Territories into one State. In my committee room I have a mass of material which I might use during this debate, but which I do not think it well to either take the time of the Senate or to encumber the RECORD by introducing. But my attention has been called by the Senator from Ohio [Mr. FORAKER] to a letter which he received recently from a well-known minister of the Methodist Episcopal Church in Phoenix, Ariz., who discusses this question with so much care and in so convincing a way that, with the consent of the Senator from Ohio, I will put it in the RECORD. It shows, Mr. President, so conclusively the lack of foundation for the oft-repeated assertions made in this debate that the opposition to joining Arizona with New Mexico comes from the corporations of Arizona, from men who are engaged in mining, and from the railroads of that Territory, that I think it is well for us to look at the other side of the picture.

This gentleman, writing under date of December 27, 1905, to the senior Senator from Ohio, says:

PHOENIX, ARIZ., *December 27, 1905.*

Senator J. B. FORAKER.

DEAR SIR: I want to write you, and being a stranger, will first introduce myself. I am a minister in the Methodist Episcopal Church. I came to Colorado a young man about thirty-five years ago, and have given my whole life to the upbuilding of churches and schools in this western region.

Senator TELLER will tell you all about me if you will ask him; so will Bishop Cranston, of Washington City, or almost any of the other Methodist bishops if you happen to meet them.

I came to Arizona twenty-six years ago and organized the Arizona mission of our church and have been closely identified with the people of this Territory from one end of it to the other. I am sure I know our people more generally than any other man that can be found. I have traveled it continuously all these years. I know its resources and possibilities as intimately as its people. All the best years of my life have been given to it, and I feel very keenly the great injustice that is being attempted in the effort to force us into jointure with New Mexico as a single State. I want to be understood plainly as having no feeling of antagonism toward New Mexico. I know that our people have no animosity toward our sister Territory. If we could see her made a State, we would rejoice with her in the newly acquired dignity and honor, but Arizona and New Mexico have nothing whatever in common.

Her resources are entirely different from ours. Her people are different. Her customs are different. Her laws are different. Her language is different, and everything, in fact, is diverse from us from first to last. Her legislature is always three-fourths Spanish. Everything in business, churches, schools, commerce, tastes, habits, and proclivities are shaped in a Spanish mold. We have never been associated with New Mexico in anyway. Our affiliations have been closer with California than with New Mexico. It would be more natural and fitting to link us with California than with New Mexico, if it could be done. Our business relations have nearly always been with northern and eastern people. The character of our industries brings us into closer touch with those regions than any other. Our population is American and is rapidly growing in numbers by additions of people of this class. The Spanish people of Arizona cut no figure in our affairs. They never ask for a position in our legislature. Our officials, Federal, Territorial, county, and municipal, are never Spanish, but always American.

We can see a reason for the joining of Oklahoma and the Indian Territory into a single State. It would be putting the interests of an inferior people into the hands of an American population for their direction, control, and improvement. In our case the situation is exactly the reverse, for it would put an American people under the control and dominion of a foreign vote. This alone ought to prevent the proposed consolidation. Our people have come chiefly from the East and the North and have subdued the wilderness and made it habitable and desirable for the most intelligent and thrifty American population as it exists to-day, and is rapidly increasing. At least 1,000 of our people have lost their lives at the hands of the bloodthirsty Apache Indians. In the face of all this stubborn and dangerous condition, we have succeeded in building up one of the most bright and prosperous Territories that has ever been established within the domain of the United States.

We have a thousand million dollars' worth of minerals known to exist. We have ore now uncovered for fifty years to come, and our mineral resources are the marvel of the world.

Our grazing interests are unsurpassed.

Our agricultural possibilities have never been fully realized. We have several valleys equal to the Nile.

We have forests larger than the whole area of New England, which the ax of the woodman has never touched.

So we have before us, in every respect, a large domain of great wealth.

We have 113,000 square miles in area, and New Mexico has even more. The proposed union would make a State larger than all New England, New York, Pennsylvania, and Ohio combined. It would be wretchedly unwieldly on account of its dimensions alone. It would be unwieldly also beyond calculation, for great mountain chains divide us the one from the other. To ask us to transfer our public records and business to Santa Fe, N. Mex., would be like asking Indiana and Illinois to take their records and business to New York City and subjecting the people to the great inconvenience that would result.

Besides all this the proposition is utterly unreasonable from other points of view. Our people are practically a unit against the measure. It is riding us down because of our very helplessness. It would be forcing us against our will into a union that is perfectly odious to us and distasteful, I fully believe, to a majority of the people of New Mexico. We feel that it would be just as fair to force us into this union against our will at the point of the bayonet by an invading army as to do it by an arbitrary vote of the Congress of the United States. It has never been done in the history of the American people, and it is cruel injustice to do it now. It is opposed to the whole theory of Republicanism. I was in at the organization of the Republican party. I cast my first vote for Abraham Lincoln as President. I have always believed the Republican party to be the champion of the people in carrying out their expressed will in so far as their rights would permit. If this proposed action is Republicanism, I have been mistaken in it. It is not Republicanism, but imperialism of the worst type.

Our people are not anxious for statehood in any form. All we ask is to let us remain in our present relation to the United States. Let us continue as a Territory and work out the problem of our success indefinitely till we have shown ourselves of sufficient value to the nation to be desirable as a State to be added as another star in the field of blue.

We have the appliances ready to hand to do the work before us in the development and growth of our Territory. We have our insane asylum; we have our magnificent public school system, that is not excelled in Ohio, New York, or any other State in the Union; we have our two normal schools in fine condition, our Territorial university splendidly equipped and doing effective work; we have a fine capitol building, and, in fact, everything that is needed ready to hand for every purpose desired by an intelligent, industrious people, and all we need is to be permitted to remain in our Territorial condition indefinitely and we will be content until we are worthy of admission as a single State.

* * * * * * * *

I hope you and our other friends will succeed in defeating this infamous proposition to drive us unwillingly into the obnoxious relation that has been proposed in our case.

Pardon the length of this communication and its trespass upon your time. I hope some points I have urged against joint statehood may be of some little service to you in the splendid fight you are making on our account.

Yours, truly, G. H. ADAMS.

Mr. President, I have some further observations that I may later on take occasion to submit to the Senate on another phase of this question. But I think rather important to put in the RECORD this letter from this distinguished clergyman, who has, of course, only the best interests of his people at heart, and who writes feelingly on the subject we now have under consideration.

Mr. BEVERIDGE. Out of order I ask unanimous consent to introduce certain petitions, which I ask to have printed in the RECORD. They relate to the pending bill.

The VICE-PRESIDENT. The Senator from Indiana asks unanimous consent to present out of order sundry petitions, which he asks unanimous consent to have printed in the RECORD. Is there objection?

Mr. TELLER. I will not object to their being read, but I do object to their being printed in the RECORD.

The VICE-PRESIDENT. Objection is made.

Mr. TELLER. I am willing that they shall be read. I do not object to their being read.

The VICE-PRESIDENT. The request was that they should be printed in the RECORD.

Mr. HEYBURN. Mr. President, just before adjournment last evening I had occasion, in reply to an inquiry of the Senator from Indiana [Mr. BEVERIDGE], to call attention to a provision in the treaty with Mexico which has, and has had, much to do with the question of the contract that has been so strongly urged here as a justification for the insertion of the unusual clause in the Territorial act of Arizona. I desire this morning in my ten minutes to place the matter before the Senate a little more specifically.

In 1848 the treaty between the United States and Mexico, known as the "treaty of peace," the treaty of Guadalupe Hidalgo, was made. In that treaty was contained the provision, in Article IX, which I read last night, but which, for the purpose of identifying it with my remarks, I will read again:

ARTICLE IX.

The Mexicans who, in the Territories aforesaid, shall not preserve the character of citizens of the Mexican Republic, conformably with what is stipulated in the preceding article, shall be incorporated into the Union of the United States, and be admitted at the proper time (to be judged of by the Congress of the United States) to the enjoyment of all the rights of citizens of the United States, according to the principles of the Constitution; and in the meantime shall be maintained and protected in the free enjoyment of their liberty and property, and secured in the free exercise of their religion without restriction.

In the organic act this treaty provision is recognized in section 1 of the act.

The next inquiry naturally is what people are referred to. It says "the people;" why, the people mentioned in the preceding section. In the preceding section the limits of the Territory are prescribed, thus defining exactly what people were referred to as being the subjects of this guaranty.

The limits of Arizona as we know them now are clearly defined and stated in the first section of the statute so far as applies to Article IX of the treaty. Let me read it, so as to see what Congress had in mind at the time. They leave no doubt as to whom this special privilege was to be conferred upon. I read from the organic act of the Territory of Arizona. It is rather an unusual provision in its arrangement and in its language. It prescribes the boundaries of the Territories definitely, and then it says:

That said government—

That is, the government prescribed in the foregoing section—

That said government shall be maintained and continued until such time as the people residing in said Territory shall, with the consent of Congress, form a State government—

The people are to form the State government, not somebody to form it for them.

The people—

form a State government, republican in form, as prescribed in the Constitution of the United States, and apply for—

Mark you—

and apply for and obtain admission into the Union as a State, on an equal footing with the original States.

Such language is not common to other acts. There was a special concession, a special limitation defining the rights of these people and guaranteeing those rights to them pursuant to the ninth article of the treaty of peace with Mexico.

I was inquired of at the close of my remarks last evening how it was that this provision was not in the act creating New Mexico. A glance at the official map of the United States will answer it. We did not acquire what is now New Mexico under the treaty with Mexico. We acquired it by purchase from Texas.

Mr. BEVERIDGE. Only a part of it.

Mr. HEYBURN. I am going to call attention to the treaty. We acquired it pursuant to a treaty with Texas. Texas came into the Union not as conquered territory; it came into the Union under contract, under treaty, and it stands on a different footing, and thus affords no basis whatever of comparison between it and other States.

In 1850 we entered into a treaty practically with Texas, which is a part of the act organizing the Territory of New Mexico—the act of September 9, 1850. Now, bear in mind that was only two years after the treaty of peace with Mexico. Bear in mind, while the boundaries of New Mexico and the United States are mentioned and attempted to be described in that treaty, it was not until two years after the creation of the Territory of New Mexico that those lines were definitely fixed, because the treaty provided for a survey, and it was not until the Gadsden treaty that that survey had been completed and was accepted and recognized, and that was four years after the creation of the Territory of New Mexico.

Mr. BEVERIDGE. May I ask the Senator a question?

Mr. HEYBURN. Certainly.

Mr. BEVERIDGE. I do not want to take time. Does he think that if the original proposition to divide these two Territories into two States by an east and west line, thus making a north and a south State, had been perfected, that then this obligation would have applied, and to which one would it have applied, if either?

Mr. HEYBURN. I will answer the Senator. A great many ineffectual propositions are presented to this body and to the other and to Congress as a whole. The very fact that some person has proposed an illegal or impracticable scheme or adjustment to this body is no argument in favor of its wisdom, but rather to the contrary. It may be that on first consideration of public questions men may have failed to appreciate the limitations of their power—the things they might do. It would settle nothing to settle that question, so far as this argument is concerned.

Mr. BEVERIDGE. If the Senator says we got New Mexico from Texas, I have nothing more to say.

Mr. HEYBURN. I have. [Laughter.]

The act of 1850, which resulted in the creation of the Territory of New Mexico, was in effect a treaty with Texas. It provided that if Texas would accept certain boundaries we would pay it $10,000,000. Texas accepted; we paid the $10,000,000; and if you will look at the lines of old Texas and new on the official map of the United States, you will see just exactly how much land was included within the provisions of that combined treaty and act of Congress.

So the fact that the provision was not incorporated in the act creating the Territory of New Mexico has two answers.

First, the lines were not fixed, the survey was not completed, defining the territory we obtained from Mexico, and we did not know how much of this territory would fall within it, because it had not been surveyed and because at that time we recognized what is now New Mexico as a part of Texas. Those are the reasons.

Mr. President, I desire to expend the rest of my time upon another question. If I were in favor of this measure I would not support this bill with the school provision that is contained in it. New Mexico and Arizona, or the proposed new State, will have sections 13, 16, 33, and 36 set apart for school purposes. Those sections aggregate 15,626,577 acres. That is all they contain. But there is a prohibition against selecting any part of that in forest reserves or in any Government reserve, which includes the lands withdrawn and subject to withdrawal under the reclamation act.

Now, those who are in favor of this bill say that all the lands subject to or susceptible of home making in the proposed new State have been discovered, and they undertake to tell you how many acres there are of them, and that outside of that definite limitation there is nothing upon which prosperity or settlement or homes could rest. Then what becomes of this school fund? Where are you to found your hopes for the funds upon which the public school system of that country is to rest? Upon the $5,000,000? The school lands of every other State that has been admitted into the Union have represented a fund many times $5,000,000.

The VICE-PRESIDENT rapped with his gavel.

Mr. CLARK of Wyoming. Mr. President, some time ago I submitted an amendment, which I ask to have stated.

The VICE-PRESIDENT. The Secretary will state the amendment.

The SECRETARY. Strike out, in section 21, page 27, the following words where they appear in lines 11, 12, 13, 14, and 15:

And shall constitute the Osage Indian Reservation a separate county and designate the county seat thereof, and shall provide rules and regulations and define the manner of conducting the first election for officers in said county.

Mr. CLARK of Wyoming. Mr. President, I do not care to speak to any of the general features of this bill, although I have some views upon those general features, but shall content myself with recording them in my vote. There is one matter of detail to which I wish to invite the attention of the Senators present for a moment.

The first reading of the bill as it came from the House disclosed one feature in it which was somewhat peculiar. Whether or not the Committee on Territories of the House or of the Senate understood what the exact result of this feature would be, I am unable to state. But there is provided in the bill, on page 27, a Congressional delimitation of county boundaries. It says:

That the constitutional convention—

Which is to meet—

shall constitute the Osage Indian Reservation a separate county and designate the county seat thereof, and shall provide rules and regulations and define the manner of conducting the first election of officers in said county.

Upon the following page, page 28, section 22, it is provided:

That the constitutional convention provided for herein shall, by ordinance irrevocable, accept the terms and conditions of this act.

The result of that is to make the Osage Indian Reservation, as it now exists, for all time a county in the new State. The Osage Indian Reservation has been said to contain the richest people as a body on the face of the earth. It has an area of something like 2,500 square miles—a million and a half acres. Within that reservation are 1,800, or at the most 2,000, Osage Indians; nearly every Indian man, woman, and child having an ownership in common in that reservation of nearly a thousand acres, and, I am informed, having a further heritage in the Treasury of the United States, or funds elsewhere, of $5,000 per capita.

The Osage Indian Reservation lies upon the extreme east end of Oklahoma. Upon the eastern side of that reservation are now going on developments second to none that have ever occurred in this nation—the development of that great oil field, which is held under a great lease, covering hundreds of thousands of acres of land, by one leasing company, which in turn sublets to individual operators. I do not suppose there was anything intended by the way this bill was presented to the two committees, but when we consider these two sections of the bill, together with one which I shall presently mention, it would seem as though the most abundant opportunity that has ever occurred in this land is there for making private gain out of public acts.

As I have said, there are only from 1,800 to 2,000 Indians. That country is in the center of a populous district. It is rich in its oil-producing capacity. It is rich in its agricultural resources. I am informed that at the present time the whites outnumber the Indians two to one. Who would take control of the proposed new county? Certainly the white population, coming from political fields elsewhere——

Mr. BEVERIDGE. May I ask whether the proposition is to leave the making of that county to the legislature hereafter?

Mr. CLARK of Wyoming. The proposition is to strike that provision from the bill.

Mr. BEVERIDGE. Would that be its effect? I am asking for information. The Senator from Vermont [Mr. DILLINGHAM] knows more about it than I do.

Mr. CLARK of Wyoming. It might be done by the constitutional convention or, failing that, by the legislature of the State.

Mr. BEVERIDGE. I want to get the Senator's views.

Mr. CLARK of Wyoming. I do not believe that for the first time in its history the Congress should go on record as defining where county boundaries should run. So far as my information goes, it has never been done. I do not think it ought to be done at this time, especially in view of the fact that the provision in this bill as it came from the House puts in the hands of the inhabitants of the Osage Nation the balance of power in the constitutional convention of both of these Territories, because the bill, as it came from the House, provided for a constitutional convention of 112 members, 55 of whom should be selected from Oklahoma, 55 of whom should be selected from the Indian Territory, and 2 from the Osage Reservation, the balance of power falling in their hands to say what should or should not be done in the constitutional convention. The two delegates were to come from this very county which it is proposed shall be made a county forever in the new State.

The Senate committee very properly struck out that provision. It did wisely and well, and I trust that the Senator in charge of the bill will accept the amendment when he comes to consider what all this means; when he sees that it is a departure from every line of Congressional action ever taken; when he comes to consider that within a year or eighteen months or two years the 1,800 or 2,000 Indians in that Territory will be as helpless in the hands of a white political organization as a babe cast into the outer world, with all their vast property interests at stake, with their land, when it shall become allotted, paying all the taxes of that county. I think it would be not only a blunder, but a crime to pass this section of the bill as it has been reported from the committee.

Mr. DILLINGHAM. Mr. President, I wish to say just a word in reply to what has been said by the Senator from Wyoming [Mr. CLARK]. The clause of this bill to which he has referred is contained in section 21. It was contained in the bill as it came from the House, and it provides, as he says, for the establishment of that reservation as a county and for its continuance. That has been considered by the committee and by individual members of the committee to quite a large extent, and as one of the members of the committee I have become satisfied that the purpose for which it was offered was a good one.

That whole district was purchased by this tribe of Indians with their own money; they own and hold in common the entire area, and, of course, they are under the rules and regulations of the Interior Department, and do their business through an Indian agent. It has been proposed by various persons interested in this matter to divide the reservation, and it is proposed, when the constitutional convention is held, to divide it and throw it in three or four different directions and create counties, the center of which should be certain oil towns which now lie just outside of the border of this reservation, one at Tulsa, one at another place. If this is done, it is going to divide the interests of the Indians and send them in all directions to do their business.

I have been somewhat interested in this matter to know whether it was fair toward them or not, whether it would work well or not, and to that end I caused to be addressed to the Department of the Interior a letter asking for information upon the subject. I hold in my hand the reply which I have received. Before sending it to the desk to be read, I want to add that after a good deal of consideration and consultation with other gentlemen interested in this matter and who are desirous that justice shall be done to this tribe of Indians, it has been deemed best to offer an amendment to this section of the bill, providing that this county so established shall only continue until the lands in the Osage Indian Reservation are allotted in severalty. I have prepared an amendment to that effect, which I will send to the desk and ask to have read.

The VICE-PRESIDENT. The Secretary will state the proposd amendment.

The SECRETARY. After the words "separate county," in line 12, section 21, page 27, insert the following:

*And provided*, That it shall remain a separate county until the lands in the Osage Indian Reservation are allotted in severalty.

The VICE-PRESIDENT. The proposed amendment will lie on the table.

Mr. DILLINGHAM. I wish to say, in connection with it, that the request for this county is made by the council of the nation. It is also seconded by all of the white inhabitants of the reservation in the five townships which have been set out. A bill has already been introduced in Congress for the allotment in severalty of the lands. I understand from the leaders of this tribe that they are very anxious to bring about the allotment at the earliest possible time; and in view of that fact it has seemed to me to be a reasonable provision of this bill that they should be held together until such time as the allotment can be made and then leave the new State of Oklahoma to do what in its wisdom seems fit in respect to the division of this territory into different counties.

I now send to the desk to have read the communication from the Department of the Interior.

The VICE-PRESIDENT. Without objection, the Secretary will read as requested.

The Secretary read as follows:

DEPARTMENT OF THE INTERIOR,
*Washington, March 5, 1906.*

Hon. W. P. DILLINGHAM,
*United States Senate.*

SIR: I inclose herewith copy of a letter from the Commissioner of Indian Affairs dated the 1st instant, in reply to yours of the 26th ultimo, addressed to him, asking his views on the Oklahoma statehood bill as affecting the Osage Reservation, especially whether the reservation should constitute but one county or more.

I concur most thoroughly in the views of the Commissioner.

Very respectfully,

E. A. HITCHCOCK, *Secretary.*

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DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
*Washington, March 1, 1906.*

The SECRETARY OF THE INTERIOR.

SIR: I am in receipt of a letter from Senator DILLINGHAM, dated February 23, requesting an expression of my views on the Oklahoma statehood bill as affecting the Osage Reservation, especially whether the reservation shall constitute but one county or be divided into two or more counties. He refers to the previous correspondence on the subject and says that some time ago Senator BEVERIDGE addressed a note to the Department asking for its views on the proposition to include the whole of the reservation in one county; that a reply was received expressing the view that the reservation should not be divided; and that this correspondence has disappeared from the files of the committee, the supposition being that it was loaned to some member of the Committee on Indian Affairs, but inquiry having failed to discover its whereabouts.

Answering the Senator, I have the honor to say that, in my opinion, the reservation should not be divided at the present time, or until the tribal relations of the Indians are broken up. It is probable that the division of the reservation would result in much confusion in the minds of the Indians. They are familiar with the boundaries of the reservation and with Pawhuska as the seat of government. Should the reservation be divided, part of the Indians would find themselves in one jurisdiction and part in another. Experience in dealing with Indians of any large group has shown that the difficulties of administration are greatly increased by any division of civil authority, such as is contemplated by this project of cutting up the Osage Reservation. Of course, one day the Indians everywhere will have to be subject to the same changes in such respects as white citizens; and were the present plan a matter of necessity, or of vital moment to their welfare or to that of any other parties concerned, I should entertain no objection. I should feel differently about it, indeed, if the Indians themselves wished for the division.

But the Osages own their reservation. They paid for it out of their own funds and are as truly the owners of it as any white community who hold a fee simple title to a tract of land. They have considered this county question in their councils, and for two years in succession have made a strong plea that in the change of conditions which is overcoming the present Territory of Oklahoma their wish to preserve the integrity of the reservation as a single county be respected. And they have earned our additional regard for their preference by the commendable attitude they have assumed toward civilized ways, in overcoming the natural conservatism of their race, and voluntarily petitioning for the allotment of their lands in severalty.

The only interest which, as far as I can see, would be advanced by splitting their reservation into two or more counties would be the satisfaction of the local pride of a corresponding number of towns, which would thus be given a certain prestige by their erection into county seats, and of the ambitions of a corresponding number of groups of citizens who would be elected to the county offices. This pride and these ambitions may be entirely worthy in themselves, but their gratification would have to be bought at the cost of a very greatly increased expense for governmental machinery. Until the Indians become citizens and taxpayers, substantially the entire burden of the support of these political establishments would fall upon a handful of whites and very progressive Indians gathered in the towns recently opened and to be opened in the Osage Nation, and it seems to me that it would be a mistake to handicap the pending scheme of internal development by increasing this weight unnecessarily, in the absence of any counterbalancing advantages.

It is true that the argument has been raised, in favor of the proposed division, that the reservation is too large in area for a single county. But an examination of the map of 1898 will show that it is but little larger than Woods County, and not nearly so large as Woodward County; so I can not see the force of even such a plea as this, in the face of a protesting memorial like that presented by the Osages last fall, a copy of which was submitted to the Department on December 15, 1905.

In expressing this adverse opinion of the plan of division I would not be understood as hostile to the material interests of the embryo State. On the contrary, whatever it might be decided to do after the Osage Reservation had been allotted, its present owners endowed with citizenship, and its surplus lands opened to general settlement would be subject to quite another process of reasoning. Then the Indians would be in a position to cast their own votes according to their preference, and take their chances of the result in the same way that white citizens do in like situations. My argument, such as it is, concerns only the interests of the Indians, who are still helpless, except as those of us placed in charge of them may be able to influence public affairs in their behalf. In no other sense has this office any business to meddle in the matter of statehood. But, though carefully avoiding all uninvited intrusion by word or deed into this domain, I am glad to avail myself of the opportunity offered by Senator DILLINGHAM'S courteous inquiry to set forth these views, if you consider them worthy of transmittal to him.

Senator DILLINGHAM'S letter and a copy of this report are inclosed herewith.

Very respectfully, F. E. LEUPP, *Commissioner.*

Mr. PETTUS. I move to amend the amendment by adding the words "and until changed by the legislature of Oklahoma."

Mr. DILLINGHAM. There is no objection to that amendment.

The VICE-PRESIDENT. The amendment as modified will lie on the table.

Mr. CARTER. Mr. President, I do not expect to change votes by what I may say. Inasmuch, however, as the President of the United States and the other branch of Congress—one a Republican and the other a body dominated by a Republican majority—in the first instance recommended and in the second instance passed the bill under consideration, I feel strongly disinclined to take issue with both the President and the majority of my party in the other House. For a light reason I would not make such an issue; and I avail myself of the ten minutes allowed briefly to explain the reasons constraining me to cast the votes I intend to cast this afternoon.

In the first place, Mr. President, irrespective of Territorial limits, irrespective of natural resources, without regard to the pledge made by Congress in 1863, without reference to the extent of population, I can not bring myself to vote for this measure in its present condition, because I am eternally and unalterably opposed to any form of needless coercion of American citizens. From the foundations of our Government to this hour such an effort has never been seriously countenanced in any legislative body on this continent. The Constitution provides that new States may be admitted. It does not provide that new States may be organized and brought in, but that they may be admitted when they apply. The added words are clearly and undoubtedly necessary to a full and correct understanding of the true meaning of the Constitution.

Throughout the whole history of the Government, through good and through evil report, in time of war and in time of peace, our fathers adhered without deviation, variation, or sign of change to the doctrine that the people organizing States should organize them on their own motion and then apply to Congress for admission. In some instances they have organized such States without previous Territorial existence; in other cases Territories have been supplied with enabling acts; in other cases Territories have organized through constitutional conventions the framework of State government and have then come forward seeking admission.

But in this case, Mr. President, with neither New Mexico nor Arizona seeking admission, with neither the so-called "people of American birth nor the Mexicans of American birth" asking to be admitted, with both the Delegates here, I believe, protesting, certainly the Delegate from Arizona protesting against this combination of the people whose destinies we propose to arbitrarily control, it is proposed to combine them together and obliterate a political subdivision of our country that has existed for over forty-three years.

Mr. President, due regard for the future of the State we propose here to create should constrain us to be first satisfied that these people could dwell together in peace. We have in Arizona a community of people peaceful, happy, and contented, obedient to law, and satisfied to remain as they are. Then why, I pray, should they be ruthlessly torn up and their relations to their country disturbed? There is nothing violent about this. There is no despotism in it, but it involves the disposition of a people against their protest and without their consent. For such proceeding you can not find a precedent in the history of this country, but we might across the water. Never since the world began has a political entity nor a long-established geographical division embracing a home-loving population been destroyed either by legislation or force of arms without leaving lacerated and wounded parts to bleed and to suffer pain for years and years.

It may be, forsooth, that it was better for Poland to be in-

corporated with a great state. It might be better for New England to be put in one great State, like Texas. It might be better for Ohio and Indiana and New York to have the ideal conditions existing in Texas. But the people do not seem to think so, and the people living in the several subdivisions are the ones to be consulted under the Constitution, because they are in States.

If the principle entitled to recognition because the citizen is in a State is a wholesome and just principle, then we can only disregard it as to a citizen of a Territory by an unwarranted and harsh exercise of power simply because we have the power.

Take the case of Poland, of Hungary, and of Norway and Sweden. About 1814 Norway and Sweden were put together. Within the last twenty-four months they have gone apart. About the opening of the last century the people of Ireland were deprived of a separate and independent parliament, and they have struggled through all of the vicissitudes of their sad history from that day to this, and as we deliberate here the conscience of England seems to be upon the very verge of according to those people the rights they have struggled for so long.

No dire calamity will befall Arizona because of being united with New Mexico, but there are certain sentimental considerations connected with the government of our race which can not be ignored, and should not be ignored because we have the power to ignore them.

I believe, Mr. President, that the Congresses of the future will be true to their duty. It will not suffice to say that we must outrage the sentiments and feelings of the people of Arizona and New Mexico because, forsooth, we fear that some future Congress will be derelict in its duty and without proper justification admit these Territories separately as States.

Our whole theory of the bill in this respect providing for the admission of these Territories jointly against their will is based upon the theory that a future Congress and a future President will be derelict to sworn duty and the interests of the Republic.

Mr. President, I have unlimited confidence in all the people of all the future in this country, and I believe there will be as good a Senate in session when we are all dead and gone as we have here to-day. I believe there will be just as honest Representatives of the people to deal with this question at the other end of the Capitol when this century shall have passed away as we have there now. Let us trust the future to take care of itself. Let us discharge our duty in the present with due reference to the precedents set by the framers of the Constitution and the men who have piloted this Government through all time since the Constitution was framed. [Manifestations of applause in the galleries.]

Mr. NEWLANDS. Mr. President, I was much interested in the reference made by the Senator from Wisconsin [Mr. SPOONER] to that part of the report made by the Senator from Indiana [Mr. BEVERIDGE] in which he refers to the illiteracy of New Mexico as compared with Arizona, and to the fact that New Mexico has not a common language.

It appears that in New Mexico about one-third of the people are illiterate, and it also appears that the majority of the people of New Mexico speak the Spanish language and do not speak the English language, and that this necessitates the use of interpreters in the courts of justice, in the schoolhouses, in the legislature, in political conventions, and in political campaigns. So it seems that New Mexico lacks that common language which, according to the theories that have been asserted in our new propaganda in the Orient, lies at the very base of self-government.

Mr. President, why have we asserted sovereignty over the Philippine Islands? What do those who believe in that policy say? For military glory. No; there is no glory in conquering a weak and defenseless people. For profit? No; we already realize that there is no money in the Philippines, but, on the contrary, they will always be a drain upon the Republic.

Why, then, have we asserted sovereignty in the Philippines? According to the statement of those who believe with the Senator from Indiana [Mr. BEVERIDGE], simply because Providence has imposed upon us a great trust, a trust for civilization, a trust for the Filipino people themselves, and that trust, it is said, is to instruct them in a common language and in the principles of self-government so that they may be fitted for independence, either absolute or qualified. In executing that trust we have killed there over 100,000 people, we have expended over $300,000,000 in money, and to-day we are indulging there in an expenditure, military and naval, in those islands of $20,000,000 annually. Not content with that, but with a view to putting the islands upon a prosperous basis which will aid them in acquiring a common language and capacity for self-government, we have inaugurated measures looking to an annual subsidy to those islands, through the relaxation of our tariff, of from fourteen to thirty million dollars annually, involving a loss to the American Treasury within the next twenty years of from three hundred million to five hundred million dollars.

Now, if we can assert sovereignty over the Philippines in order to instruct them in a common language and in the principles of self-government—if we can expend hundreds of millions of dollars there in order to accomplish that sentimental purpose, I ask whether it would not be better before we give New Mexico self-government to spend some money in instructing the people there in a common language, which stands at the basis of self-government? Would it not be better for the Senator from Indiana to strike out all from the bill relating to the union of New Mexico and Arizona in joint statehood and leave remaining there simply the appropriation of $5,000,000 to the cause of education? Let that money be expended in training the Mexican children in English as well as industry, as it is proposed to do through agricultural and manual training schools in the Philippines, and an amazing progress will be made in five years.

Here we have a population over one-half Mexican, over one-half speaking the Spanish language, over one-third illiterate, and yet the Senator from Indiana, whilst denying the people of the Philippine Islands self-government because of their lack of a common language, proposes to force self-government upon the people of New Mexico, almost equally lacking in a common language, through this method of joint statehood.

In addition to that he submits the question to a vote, not of the Territory having the higher intelligence, but to the vote of the Territory having the lesser intelligence. The Territory that has the greater percentage of illiterates is, because of its greater population and larger vote, to control the decision.

Mr. President, the United States Government annually appropriates six or seven hundred million dollars for our schools of agriculture and the mechanic arts—about $40,000, I believe to each State and Territory. Forty thousand dollars per annum is the amount that we expend in New Mexico in instructing her people in a common language and the principles of self-government. Twenty million dollars per annum is the amount which we spend in the Philippine Islands, and we contemplate even larger sacrifices. Should not the infant peoples in New Mexico appeal to us as much as the infant people of the Philippines, 7,000 miles away? They are at our very threshold; nay, more, they are in our very home. New Mexico is a State in embryo, to be admitted into full statehood when her population, her wealth, her capacity for self-government, fit her for the burdens of statehood. And upon us devolves not simply a sentimental trust, involving the expenditure of vast sums of money in foreign countries, but the sacred duty to see to it that we train these people in our own country in a common language and in the science of self-government before we thrust upon them an undesired sovereignty, which couples together two peoples lacking in a common language and lacking in all that constitutes homogeneity and race sympathy.

Mr. McCUMBER. Mr. President, a man would be stone if his whole nature did not respond in sympathy with the most earnest and patriotic utterances made by the Senator from Wisconsin [Mr. SPOONER] in reference to national honor and in reference to the proposition that it is the duty of the nation to stand by its contracts as firmly and earnestly and as honestly as a man of the greatest integrity should be in honor bound to stand by his own agreements.

I wish to ask the Senator from Wisconsin, if that be a true proposition as applied to the Territories of New Mexico and Arizona, by what reason or philosophy can you deny application of the same principle to the Indian Territory. If we have entered into obligations which bind the national conscience and the national honor to carry out an agreement made with the Territory of Arizona, why have we not bound the nation by the same ties of integrity, by the same standard of honor to carry out an agreement made, iterated, and reiterated again in a dozen different agreements with the people of the Indian Territory? If we are compelled by a law of national honor to segregate the Territory of Arizona and make it a separate State, are we not by the same code of honor bound to separate the Indian Territory and make it also a separate State? Have we bound ourselves by any agreement with these people? Let me call attention to a few of the provisions of some of the treaties that have been made with the Indians of that Territory. While the agreements have been made with the Indians of the Territory, the assumption is true, the legal proposition is true, as also laid down by the Senator from Wisconsin, that it is presumed every white man who has entered that

Territory since these agreements were made came there with a knowledge that the Government in honor bound would carry out all those agreements.

There are but 24,000 full-blood Indians in the Indian Territory. There are about 90,000, I believe, part-blood Indians, mostly white. There are nearly 600,000 white settlers there. We have entered into an agreement with those white settlers and with every person within those Territorial boundaries that we would at some time in the future make a State, not out of Oklahoma and Indian Territory combined, but the whole trend of the ideas and the discussion between the Dawes Commission and the Indian tribes—which was afterwards entered in the statute books of the country—carries out the proposition that we were bound to admit them, if at all, as separate States.

The Choctaws, replying to the proposition of the Dawes Commission, on the 16th day of November, 1896, accepted the proposition with regard to the proposed Territorial government of the Indian Territory with a counter proposition. Here is the proposition which they make to us:

> Seventh proposition to be modified so that tribal government of the Choctaw Nation will continue in existence until after the lands are divided, citizens put in possession of their lands, agreement otherwise put into execution, and a reasonable time for the Choctaws to adjust themselves to the new lines and their changed condition, after which time the United States may create a State out of the Indian Territory.

That was the first settlement, the first agreement.

Mr. SPOONER. Will the Senator allow me to ask if that was not afterwards modified by various treaties?

Mr. McCUMBER. It was afterwards modified by various treaties; but every one of those treaties had in view the same thing, the admision of the people of this Territory as a single State.

Let us take it further. On the 18th of December, 1896, the United States Commission to the Five Civilized Tribes entered into another agreement. This was the agreement:

> This stipulation is made in the belief that the tribal governments so modified will prove so satisfactory that there will be no need or desire for change until the lands now occupied by the Five Civilized Tribes shall in the opinion of Congress be prepared for admission as a State of the Union.

Not that they should be "prepared" with some other State or some other Territory, because, following again in the convention, this proposition was laid down and accepted, and it is the eighth:

> Eighth. When the change of government takes place we will ask that the proposed agreement provides admission as a State of the Union, with constitutional provisions irrepealable, protecting the property rights and the political privileges of our people. The constitution to be made by our own people—

Not by some one else—

> with absolute prohibition of the liquor traffic.

On June 28, 1898, we have this further provision:

> This stipulation is made in the belief that the tribal governments so modified will prove so satisfactory that there will be no need for further change till the lands now occupied by the Five Civilized Tribes shall, in the opinion of Congress, be prepared for admission as a State of the Union.

That relates to the lands occupied by the Five Civilized Tribes, and by no one else.

Now, Mr. President, we come from that proposition right down to this. I can ask the Senator from the State of Indiana, do you believe that the State of Indiana is sufficient in territorial size, and has it the requisite number of square miles necessary——

Mr. BEVERIDGE. We want all the territory we can get, and everything else that is proper.

Mr. McCUMBER. That is understood; and there is no question but that you would like to get here more than I believe you will be able to get; but, Mr. President, I stand here and say that the State of Indiana has a sufficient number of acres and a sufficient number of square miles to make a good State, and it has made a good State. If that be true, then I want to know why the State of Sequoyah, the Indian Territory, containing almost the same number of square miles, and the Territory of Oklahoma, containing 3,000 square miles more than the State of Indiana, having the same character of soil, having prospects that are even brighter—I believe there is no man who has looked upon that Territory, with its wonderful prospects, who has looked at the number of rivers, which are more numerous than those in any other portion of the United States, unless he be one bunch of egotism, who would ever deny that that will make a greater State than the State of Indiana, and will make a greater State than many of the other States. If that is true, then tell me why and under what theory you advance the proposition that, because one borders on the Wabash and the other is trans-Mississippi, one law shall apply to one and another law shall apply to the other; that you shall have no standard except the standard of power; and you do because there are enough of the smaller States that have the power to say to the West, to say to that country beyond the Mississippi, "We are going to insist on your having bigger States than we have in the East, because, although you have got within territorial limits as small as ours resources to make a greater State than our States, notwithstanding that we will deny you the representation that you are entitled to."

Mr. FULTON obtained the floor.

Mr. BEVERIDGE. Mr. President, will the Senator allow me to ask him a question?

Mr. McCUMBER. Certainly.

The VICE-PRESIDENT. The Senator's time has expired and the Senator from Oregon [Mr. FULTON] is recognized.

Mr. FULTON. Mr. President, I am aware that the Committee on Territories has given to the pending measure most earnest and painstaking consideration. The members of the committee have been, I am well convinced, actuated by a sincere and patriotic purpose to adopt such policy and recommend such action as will best serve the interests of the people immediately concerned and the public at large. Actuated by such motives, a majority has recommended the admission of the two Territories as one State, regardless of the preferences, or, indeed, the wishes of the inhabitants of either Territory. Against such action the people of Arizona largely protest. I regret my inability to concur in the judgment of the majority of the committee in that respect. For me to refuse to support this amendment would be to do violence to my deliberate judgment and convictions. It seems to me that in this proposition is involved one of the vital and fundamental principles of our form of government, namely, that "governments derive their just powers from the consent of the governed."

It is true that over territory belonging to the United States, and not within an organized State, the power of Congress, subject to the limitations contained in the Federal Constitution, is supreme and plenary. Nevertheless, it is our duty to exercise that power wisely, justly, and in conformity to that great principle upon which popular government rests, the will of the people.

Arizona is, and since 1863 has been, an organized Territory of the United States. It is contended that when her Territorial boundaries were established and her Territorial government was organized by Congress, the promise was made her that when fitted for statehood she should be admitted to membership in the sisterhood of States, with her present boundaries preserved. Touching that contention, I am not disposed to enter upon a discussion. Just what the true interpretation of the language constituting the alleged promise is, and how far it is morally binding on a subsequent Congress, are questions concerning which much may be logically and plausibly urged on both sides. This much is, however, quite clear to my mind, that the general policy of Congress heretofore has been to consult the wishes of the inhabitants of organized Territories as largely as possible, touching the time and manner of admitting them to statehood. Guided by that policy, adopted and adhered to with practical uniformity in the past, the people of Arizona were justified in believing that when they should reach that state of development in population, morals, and industries which would justly entitle them to admission as a State, they would be admitted with their Territorial boundaries constituting the boundaries of their State, if they so desired, and certainly they were justified in believing that without their consent such boundaries would not be appreciably changed.

Believing this and relying on this, as justly they might, they entered upon the great work of State building. Under our system the Territorial government is the childhood, the youth of statehood. Out of Territory grows, develops, and finally emerges the full-fledged and completed State. They adopted laws suitable to their conditions, founded homes, erected schoolhouses, churches, and public buildings; laid out and constructed their highways, willingly assuming the obligations and burdens that such works necessarily entail, in order that they might qualify themselves to assume the proud position of membership in the great family of the States of the Union. I can well understand how bitter must be the disappointment, how grievously wronged they feel, when told that the statehood to which they have looked forward so longingly has come, but that it does not mean a continuation of growth and development along the lines they had chosen. That, in truth, it means the disarrangement of their boundaries; the supplanting of their laws and statutes by the laws of another community; the transfer of their seat of government to a point beyond the confines of their present territory, and the abandonment of their public buildings, grounds, and edifices, with all the associations and memories that cluster around them and endear them to their hearts. We all know how powerful is that sentiment

we call love of home and country. It is the most potent and enduring passion that dwells in the human heart. The first, the deepest, and the strongest affection of every patriotic American citizen is for his country. Second to that, and second only to that, is his love for his State. It is a worthy and commendable sentiment, and one that should be at all times respected and considered by those who are charged with the administration of government. These people who compose the citizenry of Arizona to-day associate her lofty mountains, her broad prairies and beautiful valleys with the many years of earnest toil and endeavor which they have devoted to building deep and strong the foundations for the future State that was to be their joy and their pride. Shall we, without consulting their wishes, commit the destiny of that community to other hands.

Mr. President, I can not consent, by my vote, to put that great wrong upon any people.

Mr. SMOOT. Mr. President, on February 28, 1906, I submitted a proposed amendment to the pending bill. As it is very short indeed, I will read it for the information of the Senate. It is as follows:

After the word "described," in line 16, page 28, insert the words "excepting all that portion of Arizona Territory lying north and west of the Colorado River, which shall be annexed to and form a part of the State of Utah, said State consenting thereto."

Mr. President, this is not the first time that this question has been before this body or before the Congress of the United States. I myself, when it was first discussed, felt a great deal like many of the Senators here may feel perhaps, that Utah was asking of Arizona a thing that was unjust, and that perhaps Utah was trying to secure from Arizona a part of the land that the people of that Territory had called home so long. I wish to disabuse the mind of every Senator here, if such an idea has ever entered into his mind, that Utah in this particular is not asking for an unjust thing nor for any financial advantage or for any commercial gain, but is asking that this part of the Territory of Arizona—a strip about 70 miles by 100, on an average—be annexed to the State of Utah, so that the people living within that strip and the people living in the southern part of Utah can protect themselves against lawlessness.

I wish to call attention here to the map, so that it can be seen just what territory is proposed to be taken from the Territory of Arizona. Commencing at the Colorado River at this point [indicating], the amendment proposes that all that part of Arizona Territory lying west here [indicating] of the Colorado River and north of the river along here [indicating] to the point of Nevada there [indicating] be annexed to the State of Utah. Up to 1866 the same degree of latitude constituting the southern boundary of the State of Utah constituted the southern boundary of the State of Nevada, but at that time these 11,643 acres of land [indicating], lying all north of the Colorado River, were annexed to Nevada. I see no good reason, Mr. President, why that same line, the Colorado River, should not be the southern boundary line of the State of Utah, the same as it is the natural boundary line of Nevada and also of the State of California.

During the month of August of this year I went all over the particular part of the Territory which the amendment proposes to annex to Utah, and I wish to impress upon Senators the fact that, so far as the land itself is concerned, it is absolutely worthless, and will be as long as time lasts, for there is not a stream of water in the whole strip but the little stream that comes from Kanab here [indicating], in the State of Utah, which waters the land for about thirty families at Fredonia. In that whole strip there are only about forty-seven people in Coconino County over the age of 21, and about twenty-nine in Mohave County over the age of 21. It is impossible for many more people than that number to live upon that strip.

I have heard it said that there are valuable mines there, and I know of one place at Coconino, midway in the Buckskin Mountains, running north and south, where some mining promoters erected a mill and found some blankets of low-grade copper ore in a sand formation and tried to work it to advantage and profit, but it was absolutely impossible to do so, and the mine is abandoned to-day.

The people living here close to the line [indicating] at Littleton and the people living at Fredonia all came from the State of Utah. Their interests are with the people of Utah; they receive their mail from Utah; they always read the Utah papers, and all their interests, financial and of every other nature, are connected with the State of Utah. I wish to call attention to the fact that I have here petitions from every person, with the exception of one, living within the strip asking that they be annexed to Utah. The people living there desire it; the people living in the southern part of Utah desire it, and I believe that it should be done. Therefore I have offered this amendment.

Of the people who live in these two little places [indicating] I doubt if half a dozen of them ever went to their county seat. Flagstaff, the county seat of Coconino County, is 227 miles from Fredonia, and the journey is over the roughest, sandiest, rockiest road that it is possible to imagine, and the people of Fredonia can not and will not go there, for they have to go up to Lees Ferry here [indicating] and then down to the southern part of the county. It is almost impossible for a poor man to make the journey on account of the expense. About the only man who goes from Arizona into the strip is the tax collector and assessor.

There is upon this strip of land what is called the "Kaibab Plateau," and outside of that plateau there is not enough agricultural land in the whole place to keep, I was going to say, a hundred people. It is true that the Buckskin Mountains or the Kaibab Plateau is a timbered region and is to-day within the limits of a forest reserve, and, so far as the people of Arizona are concerned, never will the time come when they can take that timber from that reservation and remove it to Arizona.

I feel that the only reason Arizona will have to complain, if she complains at all—and I doubt very much whether she will, and I can say none of the people living in this strip are complaining—will be inspired from pride alone.

I recognize the pride that a man has for his country; I recognize the pride a man has for his State; I recognize the pride he has for his county; but I wish to say to Senators here that in this particular case I can not see what Arizona will lose or what Utah will gain except that it will enable them to protect themselves against lawlessness, for that land may be designated truly a "No man's land."

The VICE-PRESIDENT. The Senator's time has expired.

Mr. TELLER. Mr. President, I want to give notice that when the proper time comes I will move to lay the amendment of the Senator from Utah on the table.

Mr. BURROWS. On page 28 of the bill I propose an amendment which I send to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. It is proposed to strike out all of the bill from section 23 to section 41, both inclusive.

The VICE-PRESIDENT. The amendment will lie on the table for the present.

Mr. BURROWS. The purpose of this amendment, Mr. President, is to eliminate from the pending proposition the only question about which there is any serious controversy. The remainder of the bill, providing for the admission of Oklahoma and the Indian Territory as one State, has no opponents that I am aware of in this Chamber. These two ought to be admitted as a single State. There can be no question about that.

As to the admission of Arizona and New Mexico, there is very serious opposition. I shall not myself repeat in any way the arguments which have been made against the admission of these two Territories, but I desire to read in support of what has been said as to the qualification of the people of these Territories for admission, an extract from a letter which I hold in my hand. It is dated, Taos, N. Mex., and is as follows:

As to statehood: Let me say that I am a Republican—a member of the Territorial Republican committee from this county for years; have lived here over sixteen years, and do not know of anybody outside of officeholders who think we need statehood. We (this county) have *3,500 registered voters and do not have 500 resident taxpayers.* All the records of the county and probate courts are *kept in Spanish,* and if an American comes in here to do any business with the courts of the county, he has to hire at his own expense an interpreter. All the justices of the peace are Mexicans. A large majority of them can not talk English *and don't care to learn.* Even the district attorney and district court have to use translators and interpreters.

We have been a part of the Union since 1847, and 90 per cent of our adult population can not talk English, can not write or read it, and do not want to understand it.

We could not be worse off in a *foreign country.*

But independent of this objection, which ought to be decisive, personally I have a very serious objection to these two Territories being admitted to statehood, because, and for the reason, as stated by the Senator from Idaho [Mr. DUBOIS], there exists in these two Territories to-day a criminal class, who, if the State was admitted into the Union, would, I am apprehensive, escape merited justice. Those Territories to-day are under the Government of the United States, and when they are admitted into the Union the United States Government is powerless to lay its hand upon an offender who transgresses the law of the State and shocks the civilization of the age.

Now, in what I have to say—and I shall be very brief—I beg not to be understood as making any suggestion in the remotest degree to any other matter which will possibly come before the Senate at an early day. I speak only of the pending bill.

The Senator framing this bill recognizes this when, on page 31, he puts in this clause:

First. That perfect toleration of religious sentiment shall be secured, and that no inhabitant of said State shall ever be molested in person or

property on account of his or her mode of religious worship; and that polygamous or plural marriages and the sale, barter, or giving of intoxicating liquors to Indians are forever prohibited.

The trouble with that provision is that it does not reach the disease. It prohibits plural marriages, but it does not forbid polygamous cohabitation. It does not reach the case where parties go to another and possibly a foreign jurisdiction and there consummate a plural marriage and then come back into the Territory and live in polygamous cohabitation. That is the monstrous offense which this bill does not prohibit and which the moment these Territories are admitted to statehood the National Government would be powerless to punish. That polygamous cohabitation exists in these two Territories is not open to question. I read from a page of testimony taken in another matter:

The CHAIRMAN. When you went through Arizona what places did you visit in Arizona?

Mr. WOLFE. St. Joseph, Woodruff, Snowflake, St. Johns, Thatcher, St. Davids.

The CHAIRMAN. State to the committee if you know of the existence of Mormon settlements at those places.

Mr. WOLFE. Those were all Mormon settlements.

The CHAIRMAN. What, if anything, do you know about the existence of polygamy or polygamous cohabitation at those places?

Mr. WOLFE. It was more open than it was in Utah—that is, I did not see any among the young people. The settlements there seemed to have been settled many years ago, and those who were living there were men who had taken plural wives in the early days of the church and were living with them openly.

In confirmation of this I wish to read an extract from a letter written by a gentleman whose name I am requested to withhold, but a gentleman of high standing and in the Army of the United States:

I have been greatly surprised from my investigation at the number of Mormons in Arizona and New Mexico and the difficulty one finds in getting non-Mormons who are acquainted with the facts to give any information, except on the promise of secrecy in regard to the source of information. I have been told by intelligent and well-educated men that they would be run out of the country by the Mormons if it became known they had given any information in regard to this matter.

A man of good education and intelligence, and for whom I can vouch, from Taos, Taos County, N. Mex., says the following facts can be very easily substantiated.

The following counties in northern New Mexico, Taos, Colfax, Rio Anita, and San Juan, are more or less Mormon, and in some localities they control everything. The town of Fruitland is entirely Mormon. There are also large numbers in the Blue Water Valley in McKinley and Valencia counties.

Many Mormons whom he personally knows are living in polygamy and he has offered to make a list of such, giving number of wives and children, if his report is treated as *strictly confidential*. This gentleman is very much opposed to statehood for New Mexico, largely on account of the number of Mormons, but he says he can give many other reasons why New Mexico should not be admitted as a State.

Now, in regard to Arizona, there seems to be no question that there are many more Mormons in Arizona than in New Mexico. One of the men who gave me the following facts is in business in Arizona and has to travel extensively. He recently gave enough facts to the grand jury and secured the conviction of a number of Mormons for living in polygamy.

The following towns are largely or entirely Mormon, and it is to be presumed that the country surrounding the settlements are largely the same. St. Johns, Snowflake, and Concho are Mormon towns. A few live at Solomonville and Duncan. In addition, Ramah, Springville, a town of 500; St. Joseph, a town of 100, and Pine Top are all Mormon. My informant tells me that there are quite a number living in polygamy, but he thinks they are largely the older ones who were doing so before the manifesto. However, there are some of the younger ones who practice polygamy, as some have recently been convicted of the offense. It is very hard to get any evidence against them, as a colony of Mormons will take up an entire district, and practically exclude all others. Strangers who come to their settlements are viewed with suspicion.

Mr. President, I hold in my hand a letter from the Attorney-General of the United States in response to an inquiry made by me as to the existence of this crime in New Mexico and Arizona, and what steps had been taken by the General Government to suppress it.

This is his reply in part——

The VICE-PRESIDENT rapped with his gavel.

Mr. BURROWS. If I may be indulged just a moment, I will read what the Attorney-General says.

The VICE-PRESIDENT. Is there objection?

Mr. BEVERIDGE. Is the Senator's time up?

The VICE-PRESIDENT. The Senator's time has expired.

Mr. BURROWS. The answer is brief, and it will take but a moment to read it.

Mr. BEVERIDGE. I call attention to the fact that I was not permitted, nor was any other Senator on this side permitted, an extra second.

Mr. BURROWS. If objection is made, I will request that it be printed in the RECORD.

Mr. FORAKER. Nobody on the opposing side has denied to the other side an extra second.

Mr. BURROWS. It will consume but a moment of time.

Mr. FORAKER. If there has been any enforcement of the agreement, it has been through the Chair.



The VICE-PRESIDENT. Does the Senator from Indiana object to the request of the Senator from Michigan?

Mr. BEVERIDGE. No; but in withholding objection I merely wish to call attention to the facts as I have stated them.

Mr. BURROWS. This letter is dated December 29, 1905:

The Department was advised by telegram, on December 27, 1905, that the prosecutions in Arizona have resulted in sixteen convictions and three acquittals under the Edmunds Act. Twelve convictions out of the sixteen were for unlawful cohabitation.

* * * * * * *

The Attorney-General closes by saying:

The district attorney advised the Department, on December 26, 1905, by telegram, that during the year 1905 fifteen persons have been convicted under the Edmunds Act and twelve cases dismissed.

That is in Arizona. Then the letter proceeds:

It will therefore be observed that the investigation conducted by the Department in the Territories of Arizona and New Mexico, since the matter was first called to the attention of the Department by you, has resulted in thirty-one convictions in these two Territories, in the majority of the cases upon the charge of unlawful cohabitation.

Very respectfully.

WILLIAM H. MOODY, *Attorney-General.*

I object, therefore, in the light of these facts, while these prosecutions are going on to suppress these crimes, to taking the hand of the National Government off from these violators of the law, but insist that they shall be kept in a Territorial condition until they are purged of this iniquity.

Mr. HANSBROUGH. Mr. President, I should like to have the letter I send to the desk, which I received from a gentleman of my acquaintance in Arizona, read for the information of the Senate.

The VICE-PRESIDENT. The Senator from North Dakota asks that the letter which he sends to the Secretary's desk be read. Is there objection?

Mr. BEVERIDGE. I do not know that I shall object, but I again call attention to what has occurred in this debate. A Senator who has occupied his ten minutes in debate now asks that a letter be read.

The VICE-PRESIDENT. Is there objection to the request of the Senator from North Dakota?

Mr. FORAKER. I am sure that no one who is in favor of the amendment I have offered wants to take one extra minute of time. The Senator from Indiana has now called attention twice to the fact that more than the allotted ten minutes has been taken by two Senators who have addressed the Senate. That certainly is no fault of ours. The Senator can take extra time if he so desires, and I presume the Senator from North Dakota offered the letter at this time because it appeared there was no one else ready at the moment to address the Senate. If there should be anyone else prepared to go on, I am sure there would be no objection to giving way and allowing him to be heard. But the Senator from North Dakota was recognized by the Chair, and I presume he is entitled to speak again under the rule——

Mr. LODGE. On another amendment.

Mr. FORAKER. If it be to another amendment.

The remarks I am making are only made in order that we may have an understanding about it. There is no disposition on our side to take any more time than we are entitled to—none whatever. If the Senator from Indiana wants additional time or has anyone ready to speak, or if anyone desires to speak, there is no objection to his being heard to the fullest extent that he wishes to be heard. The Senator from North Dakota was about to speak to an entirely different amendment from the one upon which he addressed the Senate a few moments ago. I was intending to speak briefly on another matter myself, if I am entitled to speak under the rule, which I presume I am if it is to be another amendment.

Mr. GALLINGER. Let the reading proceed.

The VICE-PRESIDENT. The Secretary will read, as requested.

The Secretary read as follows:

PHOENIX, ARIZ., *January 29, 1906.*

Hon. H. C. HANSBROUGH,
*Senate Chamber, Washington, D. C.*

MY DEAR SIR: The passage of the Hamilton bill by Congress has cast a gloom over Arizona, and our hope now lies in the belief that the members of the United States Senate, with their spirit of fairness and sense of justice, will at least so amend the bill as to eliminate Arizona and New Mexico entirely, or, if that can not be done, then to pass the Foraker amendment and allow Arizona to vote separately upon the question of jointure. We would like statehood if it could be obtained separate and alone, but if we are not allowed that, then we ask to be allowed to remain a Territory until such time as we can demonstrate our fitness to become one of the States of this great Union. I am not one of the passive or indifferent ones in this matter, but firmly and honestly believe that no calamity that could come to this progressive Territory of ours would have the disastrous effect upon our future well-being and development as would the uniting of this Territory with

New Mexico as one State. In protecting the rights of American citizenship and in the interests of fairness, save us if possible from this threatened alliance, so utterly obnoxious to our people, and give us a chance to vote upon the question so vital to us.

Very respectfully and courteously, yours,

P. P. PARKER.

Mr. BEVERIDGE. I ask that the two telegrams I send to the desk, one from Kingman, Ariz., and the other from Nogales and Phoenix, be read. I shall not ask that any more be read because I do not want to consume the time, although I have a great number of others.

The VICE-PRESIDENT. The Senator asks for the reading of the telegrams he sends to the desk. Is there objection? The Chair hears none. The Secretary will read as requested.

The Secretary read as follows:

KINGMAN, ARIZ., *March 7, 1906.*

Senator A. J. BEVERIDGE,
*Washington, D. C.:*

Confident jointure will be to Arizona's best interest. We beg the Senate pass House bill without amendment.

J. H. Riley, J. A. Carrow, Jerome Tracy, John E. Jamison, Thos. McMahon, Edgar H. Brennan, Allen E. Ware, J. W. Gerritt, Geo. Sullivan, H. Amos, J. H. Book, G. W. Brown, O. D. M. Gaddis, Frank O'Dea, J. W. Ward, E. M. Carson, F. E. Carrow, John Pemberthy, J. R. Russell, Tom Murphy, J. C. Noble, C. G. Krok, W. E. Sauls, M. Force, L. Ekstein, Col. Jno. F. Firch, C. E. Sherman, J. A. Tarr, Wm. O'Dea, W. H. Taggart.

NOGALES, ARIZ., *March 8, 1906.*

Hon. A. J. BEVERIDGE,
*United States Senate, Washington, D. C.:*

For the best interests of all industries in Arizona and to relieve the depressing effect upon business occasioned by Territorial conditions, we urge the passage of the joint-statehood bill without amendment. The Foraker amendment would imperil every interest by giving the floating and irresponsible voter as much voice as the heaviest taxpayer.

M. H. McCord, W. S. Wright, Con. O'Keefe, Earl L. Griswold, H. M. Chapman, Eben L. Crowell, C. P. Stewart, W. W. Carpenter, J. M. Miller, W. S. Scoville, A. L. Peck, R. D. George, L. Ephraim, Milton Bohall, E. Titcomb, Geo. P. Jones.

Mr. BEVERIDGE. I wish merely to say that these are samples, but not copies, of a vast number of other telegrams addressed to myself and other members of my committee from the Territory of Arizona.

Mr. FORAKER. If I may, under the rule, address the Senate again, I will occupy a few minutes of the Senate's time.

In the first place, I think I have as big a pile of telegrams from Arizona as the Senator from Indiana can possibly have. I do not know how gentlemen happened to telegraph me on the subject; I did not ask anybody to; but I do have some information as to how the telegrams referred to by the Senator from Indiana happened to have been sent to him.

Mr. BEVERIDGE. Then the Senator has more information than I have.

Mr. FORAKER. That may be true.

Mr. BEVERIDGE. It is true, on this subject.

Mr. FORAKER. Oh, certainly. I would not presume to have as much information as the Senator from Indiana has on any other subject.

Mr. BEVERIDGE. That is very courteous, Mr. President, and quite unexpected.

Mr. FORAKER. I will read the following telegram:

Hon. MARK A. SMITH,
*The Occidental, Washington, D. C.:*

Say to FORAKER, telegrams sent here to Tom Schultz to-day urging that telegrams be sent by anybody who will sign them to BEVERIDGE, urging joint statehood. We know of no one of standing favoring joint statehood.

BROWN, SMITH & BELCHER.

Mr. BEVERIDGE. Will the Senator permit me right here?

Mr. FORAKER. Yes; certainly, if it is not taken out of my time.

Mr. BEVERIDGE. I will not object to the Senator or any other Senator taking time. In the first place, I have no doubt that all the telegrams that have been pouring into both sides have been sent in the usual way by those who are interested. That is the first thing; and the second thing to which I wish to call the particular attention of the Senator from Ohio is that the telegram which he has just read is to his Democratic helper—the Democratic Delegate from Arizona in the House of Representatives.

Mr. FORAKER. If it does the Senator from Indiana any good to refer to Mr. SMITH as a Democratic helper of mine, let him have the benefit of it.

Mr. BEVERIDGE. I want it.

Mr. FORAKER. But why should the heathen rage? [Laughter.]

Mr. BEVERIDGE. And why should the wicked flee when no man pursueth? [Laughter.]

Mr. FORAKER. I will read another telegram addressed to my Democratic helper, so called:

TUCSON, ARIZ., ———, ——.

Hon. MARCUS A. SMITH,
*House of Representatives, Washington, D. C.*

John B. Wright on streets last evening declaring he had telegram from BEVERIDGE saying he intended making speech on Friday—

I will not read all there is here—

and saying 500 telegrams could be used to good effect.

Mr. BEVERIDGE. Mr. President, the Senator will permit me.

The VICE-PRESIDENT. Does the Senator from Ohio yield to the Senator from Indiana?

Mr. FORAKER. Certainly.

Mr. BEVERIDGE. I wish to say that that statement is just as correct as, no doubt, all the rest of the information is which comes from that source. No telegram has been sent by me to anyone in the Territories asking for anything. It is entirely false, as the Senator should know. I assume that the telegram read is a very fair sample of the accuracy of the information that is furnished to the Senator from that source.

Mr. FORAKER. The record will speak for itself.

Mr. BEVERIDGE. It will.

Mr. FORAKER. I am reading these telegrams to show how the telegrams happened to be sent here. I have a pile of telegrams on my desk——

Mr. BEVERIDGE. How were they received?

Mr. FORAKER. They are not from railroads; they are not from mines or mining interests. They are from all kinds and classes and conditions of people.

Mr. BEVERIDGE. So are these to me.

Mr. FORAKER. They speak with one voice. They are from boards of trade, chambers of commerce, from mayors, from city councils. They say with one voice that the people of Arizona are overwhelmingly opposed to being forced into joint statehood with New Mexico. The Senator from Indiana may have telegrams.

Mr. BEVERIDGE. Here they are. [Exhibiting.] [Laughter.]

Mr. FORAKER. I have never asked that I be telegraphed to. We are not going to settle this matter upon the number of telegrams received, whether asked for by the Senator from Indiana or asked for by somebody on our side or not. We are going to settle this matter upon the merits of the case.

Mr. BEVERIDGE. We ask nothing better than that.

Mr. FORAKER. Certainly; except a few votes thrown in. [Laughter.]

Mr. BEVERIDGE. The Senator then admits that we have the merits.

Mr. FORAKER. Mr. President——

Mr. BEVERIDGE. Where the merits are the votes will come in time—in the end.

Mr. FORAKER. Mr. President, the Senator had four hours in this debate——

Mr. BEVERIDGE. I will not interrupt the Senator again.

Mr. FORAKER. And I should like to proceed uninterruptedly for two or three minutes; that is all. I should like to put in about three or four hundred telegrams.

Mr. BEVERIDGE. I should like to put in a thousand. [Laughter.]

Mr. FORAKER. Well, put in a thousand. It will have a good effect in making you feel good, it may be, but not otherwise.

I wish to say just one other word that I was cut off from saying when the Chair announced this morning that my time had expired. I was about proceeding to call attention to the fact that what is predicted now with respect to Arizona for the future as a place to sustain population is not very reliable in view of past experience. Nearly every portion of new country that has been settled up in the far-distant sections has been reported on adversely in the beginning. I referred to the fact this morning that as to California it was thought to be not desirable. We all know that we frittered away the control of the mouth of the St. Lawrence because our commissioners had no proper appreciation of the value of that territory. We all know that we frittered away the northwestern section of our country for the same reason. But I did not know until this morning, when a gentleman called my attention to it, that we came very nearly losing the State of Michigan on the same account. I have before me an official report, made in 1815 by the surveyors of the Government, at the head of which was Edward Tiffin, afterwards governor of Ohio, and one of the most distinguished men of our State. They were sent up there to make a survey and report upon the character of land, with

a view to making provision there for the soldiers of the war of the Revolution and the war of 1812. It is a long report. The result of it is summed up in the last paragraph, as follows:

> On approaching the eastern part of the military lands toward the private claims on the strait and lake the country does not contain so many swamps and lakes, but the extreme sterility and barrenness of the soil continues the same—taking the country altogether, so far as has been explored, and to all appearances, together with the information received concerning the balance, it is as bad—there would not be more than one acre out of a hundred, if there would be one out of a thousand, that would in any case admit of cultivation.

So much for the State of Michigan in 1815, after a careful exploration by these surveyors. They were exploring the northern part of Michigan, and they said, according to all the reports they could get as to the remainder of Michigan, it was equally as bad, and there was not in all the State of Michigan more than one acre out of a hundred, perhaps not more than one acre out of a thousand, that would ever be subjected to cultivation. They were mistaken.

When you and I were in school—I will not say how many years ago, but I will say forty years ago—everyone who was in a school studying geography can remember that what is now the western part of the State of Kansas was put down as the Great American Desert. We were all taught that it was a desert like unto the Sahara and there would never be any residences there; that it never could be subjected to cultivation; that it could never be made to support a population. But to-day nobody can find where the American desert was located. It is all one fertile, rich, productive country.

So it may be with Arizona and New Mexico. There are many fertile valleys now. There is much arid land, as it is called, but by means of irrigation and otherwise these troublesome conditions of nature are being overcome. Population is increasing; wealth is multiplying. Nowhere in the country will you find more intelligent or capable people to overcome adverse conditions of nature than you will find in the Territory of Arizona.

The VICE-PRESIDENT. The Senator's time has expired.

Mr. DICK. Mr. President, it was my pleasure and honor to open this debate, and I have listened with a very great deal of interest to the arguments which have been made. The burden of the morning's discussion has been to the effect that the bill is a most unusual one. I call the attention of the Senate to the fact that the bill itself is not the only unusual matter concerning it. It has attached to it a most unusual amendment, and reference has been made repeatedly to a most unusual pledge, and we have received a lot of most unusual information.

Attention has been called to the fact that New Mexico came from Texas, and we are referred to the map of the United States to prove it. The inaccuracy of that statement is proven by the showing that the boundaries of Texas originally went through the very center of New Mexico.

Then we are impressed with the unusual information that to confer citizenship in a State to men who have enjoyed citizenship in a Territory is like unto the persecutions and the conditions that have obtained in Ireland and in Poland. I had never expected to hear in the Senate of the United States that the conferring of citizenship upon any man in this splendid Republic of ours was to be classed as an unusual and unmitigated outrage.

What this bill aims to do, we confess, is to grant the full benefits of citizenship to all the remaining inhabitants of this splendid country of ours.

Mr. President, I have been waiting with a great deal of concern and expectant interest for some explanation of the amendment which is before us, the purpose of which is to submit this proposition to the people of Arizona and New Mexico. In the debate a few days ago the Senator from Illinois [Mr. HOPKINS] called attention to it, and when attention was called thereto there was nobody on this floor who was ready to adopt it as his child, and the parent still goes unidentified.

Mr. President, an appeal lies upon the Clerk's desk, sent here by citizens of Arizona of the best class, representing all the avenues of business and occupation, wherein they say——

Mr. FLINT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Ohio yield to the Senator from California?

Mr. DICK. For a moment.

Mr. FLINT. I will ask the Senator if he was ever in Arizona, or has a personal acquaintance with the people who signed the telegram?

Mr. DICK. I know some of the people who signed the telegram, and I have passed through Arizona. I may not be as familiar with the country as the Senator from California, so far as personal observation is concerned, but I have gone into this subject with a great deal of care and study. I submitted in my remarks the other day my reasons for voting with the committee on this proposition. I made statements, every one of which is based upon official information, and none of which is the product of the imagination of an enthusiastic mind, nor one that would for a moment depreciate the quality of the citizens of those Territories nor the conditions which exist there.

But, Mr. President, it is shown in this memorial from these representative people that they desire to be fairly dealt with, and this amendment, they clearly show, does not deal with them fairly. They ask to have this question submitted at a general election, that they may have time for a campaign, time for an educational campaign, time to carry to the people the reasons for its adoption, time enough for a campaign of education such as would be granted any constituency that was to pass upon any great question.

Mr. President, it is not true that Arizona and New Mexico are here protesting against admission. More than fifty bills have been presented in previous Congresses for the admission of these Territories. Seventeen bills have passed one body or the other, and some of them both bodies, but failed in conference, to admit New Mexico as a State. Bills have been passed for the admission of Arizona and bills have been passed for the admission of New Mexico. This question in one form or another has been before the American Congress for forty years. We are not outraging anybody. The people of these Territories are much alike in character, in nationality, in industry and occupation, and if we pass the pending bill we grant to them the great blessing of full American citizenship.

Mr. CLARK of Montana. Mr. President, I have listened with interest and pleasure for two days to the able discussion of the statehood question, but I fail to discover in the arguments presented any evidence of an emergency that would warrant the extraordinary measures comprised in the pending bill, so far as they relate to joint statehood for Arizona and New Mexico. I do not find that the interests of the Government or the interests of those two Territories demand for their protection any such hasty and, in my opinion, ill-advised legislation.

An allusion has been made by the Senator from Indiana to insufficient and inadequate taxation of railroad and mining property. As to the railroads, I can not speak with accuracy, but I do know that the mining properties in which I am interested bear their full proportion of the burdens of taxation. While there is no law imposing a tax on the net proceeds of the products of the mines, as in Montana and some of the other Western States, yet there is an arbitrary assessment of the mines which does equalize the matter, as in the other States referred to the mines are not assessed at all except for the surface improvements. Even if the contention made were true, I fail to see how it would be remedied by a change from Territorial to State government. Whatever may have been said, the fact still remains that the people of Arizona do not want joint statehood with New Mexico, and to force it upon those people would be a flagrant act, which can not be justified by any rule or principle of equity or fairness.

We hear about the much-lauded "square deal," which is said to govern the acts of this Administration, but I am sure it will not apply to this proposition. It is a violation of the principle of home rule, which has always been contended for by the American people and has been hoped for by the people of Ireland in their long strugle against their alleged aggressors.

We may concede that Congress has the power to deal with any territory as it may see fit; but that power has never yet, in the history of this Government, been exercised in an arbitrary manner. I do not believe that a Senator on this floor can point to a single instance since the formation of this Government where Territories have been ruthlessly dragged into the Union of States. The rule has invariably been that the Territories first knocked at the door of Congress before any steps were taken to confer the privileges of statehood upon them. The usual procedure has been to call a constitutional convention in the Territory to frame a constitution, which was submitted to a vote of the people of the Territory for ratification, and then formal application was made to the Congress for admission. In other instances, at the request of the Territories, Congress has passed enabling acts and framed organic laws under which the Territorial government proceeded to create a constitution, which was submitted to the people of the Territory, as before, for ratification. In every instance the consent of the people, or a majority thereof, of the particular Territory concerned was essential as a condition precedent to being received into the Union. Each Territory has always, as far as I know, been treated as a distinct organization in this respect, to decide as to its own destiny. It did not require the consent of an adjacent and separate Territory; no interference of this kind has ever been permitted. In this instance, under the provisions of the bill, we have the extraordinary and astounding proposition pre-

sented to the people of Arizona by which this well and long established privilege is denied them, and they are not permitted an exercise of their wishes in determining this momentous question, but are to be placed at the mercy of a neighboring people, largely more numerous, who have the power, by reason of their predominance, to accept or reject statehood for them, as they might see fit to do, thus depriving the people of Arizona of their obviously sacred rights.

I confess, Mr. President, I can not conceive how any Senator on this floor with a proper regard for the rights of American citizenship, in the dawn of the twentieth century, can uphold such a monstrous doctrine. It is claimed sometimes that might makes right, but the Government of the United States, recognized throughout the world as the highest example of republican government, insuring the greatest blessings of liberty to its subjects, can not afford to inflict a cruel and moral wrong that will surely bring upon it the reproach of the civilized world. Mr. President, we are here attempting to do something in direct opposition to all theory and practice and precedent in dealing with Territorial organizations. Ever since the formation of this Government the practice has been invariably to divide instead of to consolidate and enlarge Territories. We have been carving new States out of old ones rather than joining old ones to form new and larger ones. We have never heard of this proposition before, and it is not in the line of progress and can not be justified by any system of reasoning.

Mr. President, I am in favor of the elimination of both Arizona and New Mexico from the bill and of allowing statehood to be conferred upon Oklahoma and the Indian Territory jointly, as it appears they so desire.

Doing this, I do not relinquish my convictions, which I advocated last session on the floor of this Chamber, when I contended for separate and independent statehood for all four of the Territories. I still believe they are all entitled to it by every reason of precedent and general policy, and the day is not far distant when this privilege and honor will be accorded to all of them, but now that it is to be denied to Arizona and New Mexico, except through an unholy alliance which I am obliged to condemn, I have no desire whatever to prevent Oklahoma and Indian Territory from being admitted into the Union of States; but I will never consent to the joint statehood of Arizona and New Mexico.

Mr. President, it is contended here that a majority of the people of Arizona are not opposed to this measure. I deny this with a full knowledge of the prevailing sentiment in that Territory. There are numerous politicians and some citizens who prefer joint statehood rather than to remain in a Territorial condition, but they are comparatively few in number. The conservative business interests of the Territory are against it. Numerous meetings of local and of general character have been held in which the strongest resolutions have been passed opposing this combination, and these assemblages comprised the leading and most prominent people of all the various avocations, professions, and industrial pursuits in the Territory.

The VICE-PRESIDENT. The Senator's time has expired.

Mr. BEVERIDGE obtained the floor.

Mr. CULBERSON. I desire to ask if amendments are in order at this time?

Mr. BEVERIDGE. I hope the Senator will not present an amendment now.

The VICE-PRESIDENT. The Senator from Indiana is recognized. Amendments are in order if the Senator from Indiana yields the floor.

Mr. BEVERIDGE. The Senator can offer his amendments after 4 o'clock.

Mr. CULBERSON. Very well.

Mr. BEVERIDGE. Mr. President, it is perhaps not altogether inappropriate that the last word on behalf of the opponents of this measure should be an explanation from me of certain conditions in Arizona. I have noted throughout this debate that every word that is an argument and every word that is not an argument has concerned a local matter. I have listened for one national note to be struck by the opponents of this measure, and I have listened in vain.

Mr. President, as we who support this measure began with a national note, so we shall close with a national note. From ocean to ocean let there henceforth be no more unrepresented American citizens beneath the flag. I have heard this evening what I anticipated when the amendment was offered—the cheap catchwords about coercion and the consent of the governed.

Mr. President, where in this measure is there any "coercion?" We propose to submit it to the people—to all of the people—who live within the boundaries of the proposed State, letting the majority of all the people who live there decide their destiny and their eternal relationship with the rest of the Republic, but not permitting a majority of a small minority living in one portion of the proposed new State to do that.

We have gone on here in the debate this afternoon to the logical conclusion of the position taken by Senators who were in favor of the amendment of the Senator from Ohio. We have heard, first, that these Territories are "entities," a proposition never advanced by any Senator or Representative in any debate in either House of Congress in the whole history of the Republic, a proposition which when applied to the States as the old states rights proposition the Senator from Ohio bravely fought against in the ranks forty-five years ago.

And now, in the address of the Senator from Montana, it is carried further. We have Arizona a territory and New Mexico a territory and other states and territories under this flag *compared to foreign and antagonistic peoples, to Poland on the one hand, to Russia on the other hand. Arizona is compared to Ireland on the one hand, New Mexico to England upon the other hand.*

Is not that proposition, Mr. President, enough to arouse every drop of patriotism in the blood that flows in the veins of every American citizen? Has it come to this in this debate that to sustain your position you must compare States in the American Union, territories beneath the Stars and Stripes, to foreign peoples and antagonistic nationalities?

Yet, Mr. President, to this conclusion the opponents of this measure have been driven. We repudiate it. We repudiate it in the name of every soldier who ever fought for a united nationality. We repudiate it in the name of every drop of blood that has been shed in defense of the principle that all the people beneath our flag are fellow-citizens and brothers.

Mr. President, we have heard a great deal said about a pledge being made to Arizona and about national honor. Ah, when an end is desired it is not hard to find an excuse; and I have always observed that when the excuse is found it is presented with the fervor of one who lacks confidence. A pledge, Mr. President! Where did the pledge come from? Who knew about it? The Senator asked me if I had heard anyone deny that it exists. I asked two Senators on this floor who pretend to be familiar with the conditions, if they had ever heard anybody who asserted that he had gone to Arizona under the faith of this pledge. I asked the Senator from Wisconsin this afternoon, and he has not answered me, whether he himself, able and alert lawyer that he is, ever heard about this language before it was presented by the industry of the then Senator from California, Mr. Bard, last year.

All other arguments that we heard in the beginning of this debate have been abandoned. We do not hear any more argument about physical difficulties. We do not hear any more argument about race antagonisms and race prejudices. We do not hear any more argument about differences in laws and institutions. Those arguments were based upon a misstatement of facts, known to be such by those who gave those arguments, and when the truth has been established they are abandoned.

The Senator from Ohio said something about the mistake Webster made concerning Washington and Oregon, or the mistake that was made concerning Kansas. At that time no surveys had been made. Now every foot has been surveyed. Arizona and New Mexico are as thoroughly known to science to-day as is Ohio. In the days when Webster spoke of Oregon it was not so.

So always in this debate, with the opponents of this bill, it has been a question about locality, or, as the Senator from Montana put it, about business interests. Well, I should like to hear something about the Nation.

After all, Mr. President, the Nation is the chief consideration. After all, the equal popular government under the flag is the supreme concern of this Congress. After all, the American people, as a people, not as a bundle of communities, is the noble plane upon which such vast business as this should be considered and determined. And upon this consideration we again earnestly and solemnly ask the Senate to approve this measure which has come to us from the House of Representatives, the immediate agents, directly coming from the American people.

Mr. President, we ask this—the Committee on Territories asks this—not in the name of a community, but in the name of the Republic; not in the name of an entity that never was suggested before, but in the name of the Republic; not in the name of a pledge that was illegal and born in fraud and of which nobody ever knew until now, but in the name of the Republic; not in the name of business "interests," but in the name of the whole American Republic, whose interests now and forever are involved in this bill. [Applause in the galleries.]

The VICE-PRESIDENT. The hour of 4 o'clock having arrived, the Senate will proceed to vote upon amendments under the unanimous-consent agreement.

Mr. NELSON. I ask that the committee amendments be considered first. The bill has already been read.

The VICE-PRESIDENT. The Senator from Minnesota asks that the amendments of the committee be first considered. Is there objection? The Chair hears none. The Secretary will state the first amendment reported by the Committee on Territories.

The first amendment of the Committee on Territories was, in section 2, page 2, line 16, after the word "and," to strike out "twelve" and insert "ten;" in line 18, after the word "Territory," to strike out "and two shall be elected by the electors residing in the Osage Indian Reservation, in the Territory of Oklahoma;" in line 23, before the word "districts," to strike out "fifty-six" and insert "fifty-five;" in line 24, after the word "be," to strike out "except that such" and insert "which;" in line 25, after the word "include," to strike out "as one district;" on page 3, line 1, after the word "and," to strike out "two Delegates" and insert "one Delegate;" in line 2, after the word "from," to strike out "said Osage district, in such manner as may be provided by the said governor, chief justice, and secretary of the Territory of Oklahoma" and insert "each of said districts;" in line 4, after the word "and," insert "the Commissioner to the Five Civilized Tribes;" in line 5, after the word "tribes," to strike out "the" and insert "and two;" in line 6, after the words "United States," to strike out "court of appeals" and insert "courts;" in line 7, after the word "Territory," to insert "to be designated by the President, who shall constitute a board, which;" in line 13, before the word "Indian," to strike out "court of appeals for the" and insert "courts in;" in line 14, after the word "proclamation," to strike out "in which such apportionment shall be fully specified and announced;" and in line 17, before the word "months," to strike out "four" and insert "six;" so as to read:

SEC. 2. That all male persons over the age of 21 years, who are citizens of the United States, or who are members of any Indian nation or tribe in said Indian Territory and Oklahoma, and who have resided within the limits of said proposed State for at least six months next preceding the election, are hereby authorized to vote for and choose delegates to form a constitutional convention for said proposed State; and all persons qualified to vote for said delegates shall be eligible to serve as delegates; and the delegates to form such convention shall be 110 in number, 55 of whom shall be elected by the people of the Territory of Oklahoma, and 55 by the people of Indian Territory; and the governor, the chief justice, and the secretary of the Territory of Oklahoma shall apportion the Territory of Oklahoma into fifty-five districts, as nearly equal in population as may be, which apportionment shall include the Osage Indian Reservation, and one delegate shall be elected from each of said districts; and the Commissioner to the Five Civilized Tribes, and two judges of the United States courts for the Indian Territory, to be designated by the President, who shall constitute a board, which shall apportion the said Indian Territory into fifty-five districts, as nearly equal in population as may be, and one delegate shall be elected from each of said districts; and the governor of said Oklahoma Territory, together with the judge senior in service of the United States courts in Indian Territory, shall, by proclamation, order an election of the delegates aforesaid in said proposed State at a time designated by them within six months after the approval of this act, which proclamation shall be issued at least sixty days prior to the time of holding said election of delegates.

The amendment was agreed to.

The next amendment was, in section 2, page 3, line 20, after the word "delegates," to strike out the following:

That the judges of the United States court of appeals for the Indian Territory shall, for the purpose of said election, establish and define the necessary election precincts and appoint three judges of election for each precinct, not more than two of whom shall be of the same political party, which judges may appoint the necessary clerk or clerks; that the said judges of election, so appointed, shall supervise the election in their respective precincts, and canvass and make due return of the vote cast to the judges of the United States court of appeals for the Indian Territory, who shall constitute the ultimate and final canvassing board of said election and whose certificates of election shall be prima facie evidence as to the election of delegates, and the election for delegates in the Territory of Oklahoma shall be conducted, the returns made, the result ascertained, and the certificates of all persons elected to such convention issued in the same manner as is prescribed by the laws of said Territory regulating elections for Delegates to Congress. That the election laws of the Territory of Oklahoma, as far as applicable and not in conflict with this act, including the penal laws of said Territory of Oklahoma relating to elections and illegal voting, are hereby extended over the Indian Territory for the purposes of the elections provided for in this act.

And insert:

The election for delegates in the Territory of Oklahoma and in said Indian Territory shall be conducted, the returns made, the result ascertained, and the certificates of all persons elected to such convention issued in the same manner as is prescribed by the laws of the Territory of Oklahoma regulating elections for Delegates to Congress. That the election laws of the Territory of Oklahoma now in force, as far as applicable and not in conflict with this act, including the penal laws of said Territory of Oklahoma relating to elections and illegal voting, are hereby extended to and put in force in said Indian Territory until the legislature of said proposed State shall otherwise provide, and until all persons offending against said laws in the election aforesaid shall have been dealt with in the manner therein provided. And the United States courts of said Indian Territory shall have the same power to enforce the laws of the Territory of Oklahoma, hereby extended to and put in force in said Territory, as have the courts of the Territory of Oklahoma: *Provided, however*, That said board to apportion districts in Indian Territory shall, for the purpose of said election, establish and define the necessary election precincts, and appoint three judges of election for each precinct, not more than two of whom shall be of the same political party, which judges may appoint the necessary clerk or clerks; that said judges of election, so appointed, shall supervise the election in their respective precincts, and canvass and make due return of the vote cast, to said board, which shall constitute the ultimate and final canvassing board of said election, and they shall issue certificates of election to all persons elected to such convention from the various districts of the Indian Territory, and their certificates of election shall be prima facie evidence as to the election of delegates.

The amendment was agreed to.

The next amendment was, on page 6, line 3, after the word "located," to insert "permanently;" so as to read:

Said capital may, after said year, be located permanently by the electors of said State at an election to be provided for by the legislature.

The amendment was agreed to.

The next amendment was, on page 9, section 3, line 3, after the word "person," to strike out "in" and insert "connected with;" and in line 4, after the word "sale," to insert "or other disposition;" so as to read:

And any person connected with any such agency who shall be convicted of making any sale or other disposition of liquor contrary to these provisions shall be punished by imprisonment for not less than one year and one day.

The amendment was agreed to.

The next amendment was, on page 11, section 5, line 25, after the word "hundred," to insert "and fifty;" so as to make the section read:

SEC. 5. That the sum of $150,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the defraying of the expenses of the elections provided for in this act, and said convention, and for the payment of the members thereof, under the same rules and regulations and at the same rates as are now provided by law for the payment of the Territorial legislature of the Territory of Oklahoma, and the disbursements of the money appropriated by this section shall be made by the secretary of the Territory of Oklahoma.

Mr. FORAKER. To that amendment, Mr. President, there is objection.

Mr. CARTER. I move that the Senate disagree to the proposed amendment.

Mr. PATTERSON. I ask for the yeas and nays on the amendment.

The VICE-PRESIDENT. The question is on agreeing to the amendment which has just been stated. Upon that question the yeas and nays are requested by the Senator from Colorado [Mr. PATTERSON].

The yeas and nays were ordered.

Mr. FORAKER. In what shape is the proposition presented to the Senate, Mr. President? For instance, what does a vote in the affirmative mean?

Mr. FRYE. There can only be one motion, and that is to agree.

The VICE-PRESIDENT. The question is on agreeing to the amendment reported by the committee. An affirmative vote is in favor of the reported amendment and a negative vote against it.

Mr. HOPKINS. This, as I understand, is an amendment proposed by the Committee on Territories to the bill, Mr. President?

The VICE-PRESIDENT. It is.

Mr. FORAKER. And those opposed to it will vote "nay?"

The VICE-PRESIDENT. Yes.

The Secretary proceeded to call the roll.

Mr. ELKINS (when his name was called). I am paired with the junior Senator from Texas [Mr. BAILEY] on all the amendments to this bill and therefore withhold my vote. I shall not make this announcement again to-day.

Mr. FRYE (when his name was called). On all amendments to this bill and the bill itself I am paired with the senior Senator from Maryland [Mr. GORMAN], who is detained from the Chamber by ill health. I shall not repeat this announcement.

Mr. KITTREDGE (when his name was called). I am paired on this and all votes on the bill with the Senator from New York [Mr. PLATT]. If I were at liberty to vote, I should vote with the committee on all amendments and for the bill. I ask that this announcement may extend to all the votes for the day.

Mr. MCENERY (when his name was called). I am paired with the Senator from New York [Mr. DEPEW]. If he were present, I should vote "nay."

Mr. NELSON (when his name was called). I have a general pair with the senior Senator from Arkansas [Mr. BERRY]. That pair has been transferred to the senior Senator from Rhode Island [Mr. ALDRICH], leaving those Senators paired on all amendments and on the bill itself. I shall not make a further announcement of this transfer of pairs to-day. I vote "yea."

Mr. MILLARD (when his name was called). My colleague

[Mr. BURKETT] is necessarily absent. He is paired with the junior Senator from Mississippi [Mr. MCLAURIN]. I shall not announce that fact again to-day.

Mr. OVERMAN (when his name was called). I am paired with the junior Senator from Arkansas [Mr. CLARKE]. I do not know how he would vote on this proposition if present, and therefore I withhold my vote.

Mr. WARREN (when his name was called). I have a general pair with the senior Senator from Mississippi [Mr. MONEY]. I do not know how he would vote on this amendment, if present, and I therefore withhold my vote.

The roll call was concluded.

Mr. SPOONER. I have a general pair with the senior Senator from Tennessee [Mr. CARMACK], who is absent; but I feel at liberty, from the advice I have received from his colleague and others, to vote. I vote "nay."

Mr. CULBERSON. I desire to say that my colleague [Mr. BAILEY] is absent on account of illness in his family. He has a general pair, as has been already stated, with the Senator from West Virginia [Mr. ELKINS]. If my colleague were present, he would vote "nay" on this proposition. This statement I hope will suffice for all the votes on amendments and on the bill.

The result was announced—yeas 31, nays 40, as follows:

YEAS—31.

| | | | |
|---|---|---|---|
| Allee | Crane | Hemenway | Nelson |
| Allison | Cullom | Hopkins | Penrose |
| Ankeny | Dick | Kean | Piles |
| Beveridge | Dillingham | Knox | Proctor |
| Brandegee | Dolliver | La Follette | Smoot |
| Bulkeley | Fulton | Lodge | Warner |
| Burnham | Gamble | Long | Wetmore |
| Clapp | Hale | Millard | |

NAYS—40.

| | | | |
|---|---|---|---|
| Alger | Dryden | Latimer | Pettus |
| Bacon | Dubois | McCreary | Rayner |
| Blackburn | Flint | McCumber | Scott |
| Burrows | Foraker | Mallory | Simmons |
| Carter | Foster | Martin | Spooner |
| Clark, Mont. | Frazier | Morgan | Stone |
| Clark, Wyo. | Gallinger | Newlands | Sutherland |
| Clay | Gearin | Nixon | Taliaferro |
| Culberson | Hansbrough | Patterson | Teller |
| Daniel | Heyburn | Perkins | Tillman |

NOT VOTING—18.

| | | | |
|---|---|---|---|
| Aldrich | Carmack | Gorman | Overman |
| Bailey | Clarke, Ark. | Kittredge | Platt |
| Berry | Depew | McEnery | Warren |
| Burkett | Elkins | McLaurin | |
| Burton | Frye | Money | |

So the committee amendment was rejected.

Mr. PETTUS. Mr. President, I hope the Presiding Officer will regulate these proceedings so that we can understand what we are doing. The reading at the desk is so rapid that we can not find the places in the bill where amendments are proposed until they are disposed of.

The next amendment was, on page 13, section 6, line 12, after the word "Representatives," to strike out "to the Sixtieth Congress;" so as to make the clause read:

And the said Representatives, together with the governor and other officers provided for in said constitution, shall be elected on the same day of the election for the ratification or rejection of the constitution; and until said officers are elected and qualified under the provisions of such constitution and the said State is admitted into the Union, the Territorial officers of Oklahoma Territory shall continue to discharge the duties of their respective offices in said Territory.

The amendment was agreed to.

The next amendment was, on page 15, section 7, line 5, after the word "be," to strike out "paid quarterly and;" so as to read:

Said appropriation of $5,000,000 shall be held and invested by said State, in trust, for the use and benefit of said schools, and the interest thereon shall be used exclusively in the support and maintenance of said schools.

The amendment was agreed to.

The next amendment was, on page 19, line 8, after the word "lands," to insert "exclusive of the appraised value of improvements;" so as to read:

*Provided*, That before any of the said lands shall be sold, as provided in sections 9 and 10 of this act, the said lands and the improvements thereon shall be appraised by three disinterested appraisers, who shall be nonresidents of the county wherein the land is situated, to be designated as the legislature of said State shall prescribe, and the said appraisers shall make a true appraisement of said lands at the actual cash value thereof, exclusive of improvements, and shall separately appraise all permanent improvements thereon at their fair and reasonable value, and in case the leaseholder does not become the purchaser, the purchaser at said sale shall, under such rules and regulations as the legislature may prescribe, pay to or for the leaseholder the appraised value of said improvements, and to the State the amount bid for the said lands, exclusive of the appraised value of improvements.

The amendment was agreed to.

The next amendment was, in section 13, page 20, line 23, after the word "Muscogee," to strike out "one term at Vinita."

Mr. WARNER. Mr. President, I hope that amendment will not be agreed to.

Mr. BEVERIDGE. What is the request of the Senator?

Mr. WARNER. That the bill as it stood coming from the other House, making one term of court at Vinita, shall remain.

Mr. BEVERIDGE. Mr. President——

Mr. GALLINGER. Debate is not in order.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the committee, which has been stated.

Mr. BEVERIDGE. Does the Senator from Missouri offer that as an amendment?

Mr. WARNER. I want the Senate to disagree to the committee amendment.

The VICE-PRESIDENT. The question is on agreeing to the amendment reported by the committee, which has been stated.

Mr. BEVERIDGE. Mr. President, the committee wish to withdraw that amendment at the request of the Senator from Missouri [Mr. WARNER].

The amendment was rejected.

The next amendment reported by the Committee on Territories was, in section 13, on page 21, after the word "Oklahoma," to insert "City and;" so as to read: "One term at Oklahoma City and one term at Enid."

The amendment was agreed to.

The next amendment was, in the same section, on page 21, line 2, after the word "Enid," to strike out "and one term at Lawton."

Mr. LONG. Mr. President, I hope that amendment will not be agreed to.

Mr. GALLINGER. Debate is not in order, Mr. President, and I object to it.

The VICE-PRESIDENT. The Chair will state that the only question before the Senate is——

Mr. LONG. I ask for a vote upon that amendment, Mr. President.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the committee, which has just been stated.

The amendment was rejected.

The next amendment of the Committee on Territories was, on page 21, line 12, after the word "January," to strike out "and at Vinita on the first Monday in March."

Mr. KEAN. Let that amendment be disagreed to.

Mr. WARNER. I also ask that that amendment be disagreed to.

The VICE-PRESIDENT. The question is on the amendment, which has just been stated.

The amendment was rejected.

The next amendment was, in section 13, on page 21, line 15, after the word "Oklahoma," to insert "City."

The amendment was agreed to.

The next amendment was, in section 13, on page 21, line 16, before the word "at," to insert the word "and;" and in the same line, after the word "June," to strike out "and at Lawton on the first Monday in October."

Mr. LONG. I ask that that amendment may be disagreed to.

The amendment was rejected.

The next amendment was, in section 13, page 22, line 8, after the word "in," to strike out "the Territory of Oklahoma," and insert "other districts of the United States;" and in line 9, after the words "that the," to strike out "statutes" and insert "laws."

The amendment was agreed to.

The next amendment was, in section 15, on page 23, line 20, after the word "within," to strike out "six" and insert "three."

The amendment was agreed to.

The next amendment was, in section 16, on page 24, line 20, after the word "transfer," to strike out "except as to time and parties."

The amendment was agreed to.

The next amendment was, in section 25, on page 31, line 9, after the words "race or color," to insert "except as to Indians not taxed."

The amendment was agreed to.

The next amendment was, in section 25, on page 33, line 18, before the word "location," to insert "permanent."

The amendment was agreed to.

The next amendment was, in section 36, one page 42, line 3, after the word "State," to insert "by the Commission provided for in section 35, under the direction of the Secretary of the Interior."

The amendment was agreed to.

The next amendment was, in section 41, on page 47, line 10,

before the word "thousand," to strike out "fifty" and insert "seventy-five;" so as to read:

That the sum of $175,000, or so much thereof as may be necessary, is hereby appropriated, etc.

Mr. FORAKER. I ask that that amendment may be disagreed to.

Mr. PATTERSON. I call for the yeas and nays on the amendment.

Several SENATORS. That is not necessary.

Mr. PATTERSON. Very well, then; I withdraw the call.

The VICE-PRESIDENT. The question is on the amendment of the committee.

The amendment was rejected.

The next amendment was, in section 41, on page 48, line 1, before the word "thousand," to strike out "fifty" and insert "seventy-five."

The amendment was rejected.

The VICE-PRESIDENT. That completes the committee amendments.

Mr. FORAKER. I offer the amendment which I send to the desk.

Mr. BEVERIDGE. The Senator from Wyoming [Mr. WARREN] has an amendment which he desires to offer to perfect the bill.

Mr. FORAKER. My amendment is to perfect the bill.

The VICE-PRESIDENT. The amendment of the Senator from Ohio will be stated.

The SECRETARY. On page 28 it is proposed to strike out section 23 of the bill and insert the following:

SEC. 23. That within thirty days after the approval of this act the governors of the Territories of New Mexico and Arizona, respectively, shall each by proclamation order a special election to be held on the twelfth Tuesday after the approval of this act. Said elections shall be conducted in all respects, including the qualifications and registration of voters, and the result ascertained and certified as near as practicable in accordance with the laws of said Territories, respectively, governing the election of a Delegate in Congress. The sole question to be submitted to the electors of each of said Territories at such special election shall be stated on the ballot in substance and form as follows:

"Shall Arizona and New Mexico be united to form one State?"

☐ Yes. ☐ No.

Electors desiring to answer in the affirmative shall place a cross mark in the square to the left of the word "Yes," and those desiring to answer in the negative shall place a cross mark in the square to the left of the word "No" in the form above prescribed. The governors of the respective Territories shall certify and transmit, as soon as may be practicable, the results of said election each to the other and likewise to the Secretary of the Interior, and if it appears from the returns thus certified that a majority of the electors in each of said Territories who voted at such special election voted in favor of the union of New Mexico and Arizona as one State, then, and not otherwise, the inhabitants of that part of the area of the United States now constituting the Territories of Arizona and New Mexico as at present described may become the State of Arizona as hereinafter provided; but if in either of said Territories a majority of the electors voting at such special election shall appear by such certified returns to have voted against the union of said Territories, then, and in that event, all succeeding sections of this act shall thereafter be null and void and of no effect.

The VICE-PRESIDENT. The question is on the amendment of the Senator from Ohio, which has just been reported.

Mr. FORAKER. I ask for the yeas and nays.

Mr. CARTER. I desire to offer an amendment to the amendment. I move to amend the amendment by inserting after the word "sections," in line 24 on page 2, the words "excepting section 41."

The VICE-PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. It is proposed to amend the amendment of Mr. FORAKER on page 2, line 24, after the word "sections," by inserting "excepting section 41."

Mr. FORAKER. I accept the amendment of the Senator from Montana to my amendment.

The amendment to the amendment was agreed to.

The VICE-PRESIDENT. The question now is on agreeing to the amendment of the Senator from Ohio as amended, on which the yeas and nays are demanded.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. MCENERY (when his name was called). I am paired with the junior Senator from New York [Mr. DEPEW]. If he were present, I should vote "yea."

Mr. OVERMAN (when his name was called). I am paired with the junior Senator from Arkansas [Mr. CLARKE]. If he were present, he would vote "nay" and I should vote "yea."

Mr. WARREN (when his name was called). I again announce my pair with the senior Senator from Mississippi [Mr. MONEY], who is detained at home through illness. If he were present, he would vote "yea" and I should vote "nay." I will say that I shall not again announce this pair, as the Senator from Mississippi and I will be paired upon every vote pertaining to this bill.

The roll call having been concluded, the result was announced—yeas 42, nays 29, as follows:

YEAS—42.

| | | | |
|---|---|---|---|
| Alger | Dryden | Latimer | Rayner |
| Bacon | Dubois | McCreary | Scott |
| Blackburn | Flint | McCumber | Simmons |
| Bulkeley | Foraker | Mallory | Spooner |
| Burrows | Foster | Martin | Stone |
| Carter | Frazier | Morgan | Sutherland |
| Clark, Mont. | Fulton | Newlands | Taliaferro |
| Clark, Wyo. | Gallinger | Nixon | Teller |
| Clay | Gearin | Patterson | Tillman |
| Culberson | Hansbrough | Perkins | |
| Daniel | Heyburn | Pettus | |

NAYS—29.

| | | | |
|---|---|---|---|
| Allee | Cullom | Kean | Piles |
| Allison | Dick | Knox | Proctor |
| Ankeny | Dillingham | La Follette | Smoot |
| Beveridge | Dolliver | Lodge | Warner |
| Brandegee | Gamble | Long | Wetmore |
| Burnham | Hale | Millard | |
| Clapp | Hemenway | Nelson | |
| Crane | Hopkins | Penrose | |

NOT VOTING—18.

| | | | |
|---|---|---|---|
| Aldrich | Carmack | Gorman | Overman |
| Bailey | Clarke, Ark. | Kittredge | Platt |
| Berry | Depew | McEnery | Warren |
| Burkett | Elkins | McLaurin | |
| Burton | Frye | Money | |

So Mr. FORAKER's amendment as amended was agreed to.

Mr. WARREN. I offer the amendment I send to the desk, which I think will be accepted by the committee.

The SECRETARY. On page 17, at the end of section 8, it is proposed to add the following:

Where any part of the specific sections of land granted by this act to the State of Oklahoma have been heretofore duly located and claimed, under the United States mining laws, by citizens of the United States or those who have declared their intention to become such, and where the lands so located are found to be valuable for minerals, such mineral claims may be perfected under the mining laws and the State may select an equal quantity of other land in lieu thereof, in accordance with the provisions of the act of Congress approved February 28, 1891, entitled "An act to amend sections 2275 and 2276 of the Revised Statutes of the United States providing for the selection of lands for educational purposes in lieu of those appropriated for other purposes."

Mr. BEVERIDGE. The committee will accept the amendment.

The VICE-PRESIDENT. Without objection, the amendment is agreed to.

Mr. PILES. I offer the amendments which I send to the desk.

The VICE-PRESIDENT. The amendments proposed by the Senator from Washington will be stated in their order.

The SECRETARY. On page 3, in line 1, after the word "reservation," insert:

And shall appoint an election commissioner for, establish voting precincts in, and appoint the judges for election in the Osage Reservation.

Mr. BEVERIDGE. The committee will accept the amendment.

The VICE-PRESIDENT. Without objection, the amendment is agreed to.

The SECRETARY. On page 5, line 12, it is proposed to amend the committee amendment already agreed to——

Mr. GALLINGER. That can not be done until the bill comes into the Senate.

The VICE-PRESIDENT. The proposed amendment is not now in order.

The SECRETARY. The next amendment also proposes to amend a committee amendment.

The VICE-PRESIDENT. It is likewise out of order at this stage of the bill.

The SECRETARY. On page 5, line 24, after the word "delegates," strike out the period and insert a colon and the following:

*Provided further*, That in said Indian Territory and Osage Indian Reservation nominations for delegate to said constitutional convention may be made by convention, by the Republican, Democratic, and People's Party, or by petition in the manner provided by the laws of the Territory of Oklahoma; and certificates and petitions of nomination in said Indian Territory shall be filed with the districting and canvassing board, who shall perform the duties of election commissioner under said laws, and shall prepare, print, and distribute all ballots, poll books, and election supplies necessary for the holding of said election under said laws.

The VICE-PRESIDENT. The Chair is of opinion that the proposed amendment is out of order, the committee amendment having been agreed to in Committee of the Whole. It will be in order when the bill is reported to the Senate.

Mr. BEVERIDGE. I wish to make a parliamentary inquiry. Is it not in order if the committee accepts it?

Mr. GALLINGER. No; the committee has no such right.

The VICE-PRESIDENT. The committee has no right to accept it at this time.

Mr. BEVERIDGE. Is it not in order if the committee accepts it?

The VICE-PRESIDENT. Not unless it is done by unanimous consent.

Mr. BEVERIDGE. Very well. Let it be offered in the Senate.

The SECRETARY. It is proposed to amend——

Mr. PILES. These amendments are simply to perfect the bill.

Mr. GALLINGER. Debate is out of order.

Mr. FORAKER. I should like to have the amendment read again.

The VICE-PRESIDENT. The amendment will be read at the request of the Senator from Ohio.

Mr. KEAN. If the amendment is not in order, it ought not to be read again.

The VICE-PRESIDENT. There is objection to the rereading of the proposed amendment.

Mr. TELLER. It is absolutely impossible to know what is going on, with the noise there is in the Chamber. I insist that the Secretary suspend until we can have order.

The VICE-PRESIDENT. The Secretary will withhold stating the amendments until the Senate is in order. [After a pause.] The next amendment proposed by the Senator from Washington will be stated.

The SECRETARY. On page 12, line 23, after the word "shall," insert the following words:

With the exception of that part of recording district No. 12 which is in the Cherokee and Creek nations.

Mr. BEVERIDGE. Accepted.

The VICE-PRESIDENT. Without objection, the amendment is agreed to.

The SECRETARY. On page 13, line 4, after the word "Nation," insert a comma, and the following:

That part of recording district No. 12 which is in the Cherokee and Creek nations; that part of recording district No. 25 which is in the Chickasaw Nation.

Mr. BEVERIDGE. Accepted.

The VICE-PRESIDENT. Without objection, the amendment is agreed to.

Mr. HANSBROUGH. I offer an amendment to come in after the word "other," in line 4, on page 7.

The SECRETARY. On page 7, line 4, after the word "other," it is proposed to strike out "Indian reservations existing in the Territory of Oklahoma" and to insert:

Parts of said State which existed as Indian reservations or in which the United States maintained laws prohibiting the traffic in intoxicating liquors.

Mr. GALLINGER. Let it be read as it will read if amended.

The Secretary read as follows:

Second. That the manufacture, sale, barter, giving away, or otherwise furnishing, except as hereinafter provided, of intoxicating liquors within those parts of said State now known as the Indian Territory and the Osage Indian Reservation and within any other parts of said State which existed as Indian reservations or in which the United States maintained laws prohibiting the traffic in intoxicating liquors, on the 1st day of January, 1906, is prohibited for a period of twenty-one years from the date of the admission of said State into the Union, and thereafter until the people of said State shall otherwise provide by amendment of said constitution and proper State legislation.

Mr. GALLINGER. That makes it right.

The VICE-PRESIDENT. Without objection, the amendment is agreed to.

Mr. HANSBROUGH. I have some more amendments to offer to this section. I suggest to the committee to strike out the colon at the end of line 23, on page 7, and insert a semicolon, and to strike out the words "*Provided*, That," at the beginning of line 24, and insert the word "and," so as to perfect it.

The SECRETARY. On page 7, line 23, at the end of the line, strike out the colon and insert a semicolon; and in line 24 strike out the words "*Provided*, That" and insert the conjunction "and."

The VICE-PRESIDENT. Without objection, the amendment is agreed to.

Mr. HANSBROUGH. I offer an amendment to come in after the words "United States" in line 9 of page 8.

The SECRETARY. On page 8, after line 9, strike out the period after the words "United States" and substitute a semicolon, and insert the following:

And for the sale of such liquors to any apothecary who shall have executed an approved bond, in a sum not less than $1,000, conditioned that none of such liquors shall be used or disposed of for any purpose other than in the compounding of prescriptions or other medicines, the sale of which would not subject him to the payment of the special tax required of liquor dealers by the United States; and the payment of such special tax by any person within the parts of said State hereinbefore defined shall constitute prima facie evidence of his intention to violate the provisions of this section.

The VICE-PRESIDENT. Without objection, the amendment is agreed to.

Mr. HANSBROUGH. I offer another amendment.

The SECRETARY. After the word "purposes," in line 13, page 8, insert the words:

Except sales to apothecaries as hereinabove provided.

The VICE-PRESIDENT. Without objection, the amendment proposed by the Senator from North Dakota is agreed to.

Mr. CARTER. I offer the amendment I send to the desk.

The SECRETARY. On page 29, line 6, amend by striking out the word "thirty," and in lieu thereof insert "one hundred and twenty;" so that it will read:

And such governors, respectively, shall, within one hundred and twenty days after the approval of this act by the President, etc.

The VICE-PRESIDENT. Without objection, the amendment is agreed to.

Mr. CARTER. I propose the amendment I send to the desk.

The SECRETARY. On page 29, line 11, strike out the words "approval of this act as" and insert "issue of proclamation."

The VICE-PRESIDENT. Without objection, the amendment is agreed to.

Mr. DOLLIVER. I desire to offer the amendment which I send to the desk.

The SECRETARY. On page 20, section 13, line 24, after the word "Vinita" insert "one term at Tulsa."

Mr. WARNER. Mr. President, I could not hear the amendment. I ask that it be again stated.

The Secretary again stated the amendment.

The VICE-PRESIDENT. Without objection, the amendment is agreed to.

Mr. DOLLIVER. I offer another amendment.

The VICE-PRESIDENT. The amendment proposed by the Senator from Iowa will be stated.

The SECRETARY. After the word "March," page 21, line 12, insert "and at Tulsa on the first Monday in April."

The VICE-PRESIDENT. Without objection, the amendment is agreed to.

Mr. CULBERSON. On behalf of my colleague, who is, as I have stated, unavoidably absent, I move to amend by inserting in line 24, page 20, after the words "South McAlester," the words "one term at Chickasha."

Mr. BEVERIDGE. Mr. President, there are now more amendments of this kind than the committee can agree to.

The VICE-PRESIDENT. The amendment proposed by the Senator from Texas will be stated.

Mr. CULBERSON. Mr. President, I understand that debate is not in order.

The VICE-PRESIDENT. It is not in order.

Mr. CULBERSON. Else I would be glad to answer the suggestion of the Senator from Indiana.

Mr. GALLINGER. Let the amendment be stated.

Mr. CULBERSON. The amendment I have proposed is to add——

The VICE-PRESIDENT. The Senator will please restate his amendment.

Mr. CULBERSON. On page 20, line 24, after the words "South McAlester," to insert "one term at Chickasha."

The VICE-PRESIDENT. The amendment proposed by the Senator from Texas will be stated.

The SECRETARY. On page 20, line 24, after the words "South McAlester," it is proposed to insert "one term at Chickasha."

The VICE-PRESIDENT. Without objection, the amendment is agreed to.

Mr. CULBERSON. On page 21, line 14, after the word "October," I move to insert:

And Chickasha on the first Monday in November.

The amendment was agreed to.

Mr. DUBOIS. On page 33, after line 14, I move to insert as VI and VII, respectively, what I send to the desk.

The VICE-PRESIDENT. The amendment proposed by the Senator from Idaho will be stated.

The SECRETARY. On page 33, after line 14, it is proposed to insert the following:

VI. No person shall be permitted to vote, serve as a juror, or hold any civil office who is under guardianship, idiotic, or insane, or who has, at any place, been convicted of treason, felony, embezzlement of the public funds, bartering or selling or offering to barter or sell his vote, or purchasing or offering to purchase the vote of another, or other infamous crime, and who has not been restored to the rights of citizenship, or who, at the time of such election, is confined in prison on conviction of a criminal offense; or who is a bigamist or polygamist, or is living in what is known as patriarchal, plural, or celestial marriage, or in violation of any law of this State or the United States forbidding any such crime, or who in any manner teaches, advises, counsels, aids, or encourages any person to enter into bigamy, polygamy, or such patriarchal, plural, or celestial marriage, or to live in violation of any such law, or to commit any such crime; or who is a member of or contributes to the support, aid, or encouragement of any order, organ-

ization, association, corporation, or society which teaches, advises, counsels, encourages, or aids any person to enter into bigamy, polygamy, or such patriarchal or plural marriage, or who teaches or advises that the laws of this State prescribing rules of civil conduct are not the supreme law of the State.

VII. The legislature may prescribe qualifications, limitations, and conditions for the right of suffrage additional to those prescribed in this article, but shall never annul any of the provisions in this article contained.

Mr. DUBOIS. On that amendment I ask for the yeas and nays.

Mr. NELSON. There is no objection to the amendment. There is no occasion to take a vote on it.

The VICE-PRESIDENT. Is there a second to the demand for the yeas and nays?

Mr. BURROWS. There is no objection to it.

Mr. LODGE. There is no objection to it. The amendment is agreed to.

The VICE-PRESIDENT. Without objection, the amendment is agreed to.

Mr. TELLER. Some days ago the junior Senator from Texas [Mr. BAILEY] offered an amendment. He is called away and requested me to offer it for him.

The VICE-PRESIDENT. The Senator from Colorado, on behalf of the Senator from Texas, proposes an amendment, which will be stated.

The SECRETARY. Beginning with the word "and," in the first line on page 6, it is proposed to strike out all down to and including the word "legislature," in line 4 on page 6, as follows:

And shall not be changed therefrom previous to A. D. 1915, but said capital may, after said year, be located permanently by the electors of said State at an election to be provided for by the legislature.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Colorado.

Mr. BEVERIDGE. Let it be read again.

The amendment was again read.

Mr. TELLER. I call for the yeas and nays on the amendment.

The VICE-PRESIDENT. Is there a second to the demand for the yeas and nays?

The yeas and nays were not ordered.

The VICE-PRESIDENT. The question is on agreeing to the amendment.

The amendment was rejected.

Mr. TELLER. I desire to offer another amendment. On page 6, line 2, I move to strike out "fifteen" and insert "ten;" so as to read:

Shall not be changed therefrom previous to A. D. 1910.

The amendment was rejected.

Mr. BURROWS. I offer the amendment which I send to the desk.

The VICE-PRESIDENT. The amendment submitted by the Senator from Michigan will be stated.

The SECRETARY. It is proposed to strike out all of the bill from and including section 23.

Mr. BACON. I suggest to the Senator that that will exclude the section the Senator from Montana [Mr. CARTER] previously indicated.

Mr. BURROWS. I will modify the amendment so as to except section 41.

Mr. CARTER. There is no need of that.

Mr. BURROWS. Section 41 is not needed now, I understand.

Mr. LODGE. None of it is needed.

The VICE-PRESIDENT. The Secretary will state the proposed amendment.

The SECRETARY. On page 21 of the bill strike out section 23 and all of the remainder of the bill.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Michigan.

Mr. BEVERIDGE. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. OVERMAN (when his name was called). I again announce my pair with the junior Senator from Arkansas [Mr. CLARKE]. If he were present, I should vote "yea."

The roll call having been concluded, the result was announced—yeas 35, nays 36, as follows:

YEAS—35.

| | | | |
|---|---|---|---|
| Alger | Daniel | Heyburn | Pettus |
| Bacon | Dubois | Latimer | Rayner |
| Blackburn | Flint | McCreary | Simmons |
| Bulkeley | Foraker | Mallory | Spooner |
| Burrows | Foster | Martin | Stone |
| Carter | Frazier | Morgan | Taliaferro |
| Clark, Mont. | Gallinger | Newlands | Teller |
| Clay | Gearin | Patterson | Tillman |
| Culberson | Hansbrough | Perkins | |

NAYS—36.

| | | | |
|---|---|---|---|
| Allee | Cullom | Hopkins | Nixon |
| Allison | Dick | Kean | Penrose |
| Ankeny | Dillingham | Knox | Piles |
| Beveridge | Dolliver | La Follette | Proctor |
| Brandegee | Dryden | Lodge | Scott |
| Burnham | Fulton | Long | Smoot |
| Clapp | Gamble | McCumber | Sutherland |
| Clark, Wyo. | Hale | Millard | Warner |
| Crane | Hemenway | Nelson | Wetmore |

NOT VOTING—18.

| | | | |
|---|---|---|---|
| Aldrich | Carmack | Gorman | Overman |
| Bailey | Clarke, Ark. | Kittredge | Platt |
| Berry | Depew | McEnery | Warren |
| Burkett | Elkins | McLaurin | |
| Burton | Frye | Money | |

So Mr. BURROWS's amendment was rejected.

Mr. CLARK of Wyoming. On page 27, line 11, after the word "Congress," I move to strike out the following words:

and shall constitute the Osage Indian Reservation a separate county and designate the county seat thereof, and shall provide rules and regulations and define the manner of conducting the first election for officers in said county.

Mr. DILLINGHAM. Mr. President, I rise to a parliamentary inquiry. I offered an hour ago an amendment to that portion of the section which it is now moved to strike out. I wish to know which takes precedence.

Mr. BLACKBURN. The Senator's amendment. He has a right to perfect the text.

The VICE-PRESIDENT. Was the amendment sent to the desk before 4 o'clock?

Mr. DILLINGHAM. It was.

The VICE-PRESIDENT. Then it could not have been offered. It was a proposed amendment, and it lies on the desk to be offered by the Senator.

Mr. GALLINGER (to Mr. DILLINGHAM). Offer it now.

Mr. DILLINGHAM. I will offer the amendment at the present time.

The VICE-PRESIDENT. It is now in order. The amendment proposed by the Senator from Vermont will be stated.

Mr. CLARK of Wyoming. I inquire the parliamentary status of the two amendments.

The VICE-PRESIDENT. The Chair understands that the part proposed to be amended by the amendment of the Senator from Vermont is proposed to be stricken out by the amendment of the Senator from Wyoming. In such a case the friends of a measure have a right to perfect the text proposed to be stricken out before the question is put on striking it out. The amendment proposed by the Senator from Vermont will be stated.

The SECRETARY. On page 27, line 12, after the words "separate counties," insert:

And provide that it shall remain a separate county until the lands in the Osage Indian Reservation are allotted in severalty and until changed by the legislature of Oklahoma.

The amendment was agreed to.

The VICE-PRESIDENT. The question now recurs on the motion of the Senator from Wyoming [Mr. CLARK] to strike out the clause as amended. The proposed amendment will be stated.

The SECRETARY. After the words "Representatives to Congress," in line 11, page 27, strike out as amended the following:

And shall constitute the Osage Indian Reservation a separate county and shall provide that it shall remain a separate county until the lands in the Osage Indian Reservation are allotted in severalty and until changed by the legislature of Oklahoma and designate the county seat thereof, and shall provide rules and regulations and define the manner of conducting the first election for officers in said county.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Wyoming.

The amendment was rejected.

Mr. CLARK of Wyoming. Mr. President, I rise to a parliamentary inquiry. By a reservation made at this time can a separate vote be taken on this amendment in the Senate?

The VICE-PRESIDENT. The amendment can be renewed in the Senate.

Mr. CLARK of Wyoming. I desire to make that reservation.

Mr. BURROWS. When the bill reaches the Senate, I desire a separate vote on the amendment I offered.

Mr. FRYE. There is no need of reserving that right before the bill is in the Senate. It is a right which inheres. A Senator can demand a separate vote on any amendment.

The VICE-PRESIDENT. The Chair so understands.

The bill was reported to the Senate as amended.

Mr. TELLER. I wish to renew the amendment in the Senate which I offered on behalf of the Senator from Texas [Mr. BAILEY], which is to strike out the first, second, third, and fourth lines on page 6.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 6 of the bill strike out lines 1, 2, 3, and 4, in the following words:

And shall not be changed therefrom previous to A. D. 1915, but said capital may, after said year, be located permanently by the electors of said State at an election to be provided for by the legislature.

So as to make the clause read:

The capital of said State shall temporarily be at the city of Guthrie, in the present Territory of Oklahoma.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Colorado. [Putting the question.] In the opinion of the Chair the ayes have it.

Mr. LONG. On that I demand the yeas and nays.

The yeas and nays were not ordered.

Mr. HANSBROUGH. I ask unanimous consent that the Senator from Colorado may explain the amendment. [Cries of "No!" "No!"]

Mr. GALLINGER. I object.

The VICE-PRESIDENT. There is objection. The Chair will again put the question.

Mr. HALE. Let us have the yeas and nays on it.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. SCOTT (when his name was called). Mr. President, there is so much confusion I plead ignorance. Is the vote on striking out the four top lines on page 6? Is that the amendment?

The VICE-PRESIDENT. That is the amendment.

Mr. SCOTT. I vote "yea."

The roll call having been concluded, the result was announced—yeas 39, nays 31, as follows:

YEAS—39.

| | | | |
|---|---|---|---|
| Bacon | Foster | Mallory | Rayner |
| Blackburn | Frazier | Martin | Scott |
| Carter | Fulton | Millard | Simmons |
| Clark, Mont. | Gearin | Morgan | Spooner |
| Clark, Wyo | Hale | Newlands | Stone |
| Clay | Hansbrough | Nixon | Sutherland |
| Culberson | La Follette | Overman | Taliaferro |
| Daniel | Latimer | Patterson | Teller |
| Dubois | McCreary | Perkins | Tillman |
| Foraker | McCumber | Pettus | |

NAYS—31.

| | | | |
|---|---|---|---|
| Alger | Clapp | Gamble | Nelson |
| Allee | Crane | Hemenway | Penrose |
| Allison | Cullom | Heyburn | Piles |
| Ankeny | Dick | Hopkins | Proctor |
| Beveridge | Dillingham | Kean | Smoot |
| Brandegee | Dolliver | Knox | Warner |
| Bulkeley | Dryden | Lodge | Wetmore |
| Burnham | Gallinger | Long | |

NOT VOTING—19.

| | | | |
|---|---|---|---|
| Aldrich | Burton | Flint | McLaurin |
| Bailey | Carmack | Frye | Money |
| Berry | Clarke, Ark. | Gorman | Platt |
| Burkett | Depew | Kittredge | Warren |
| Burrows | Elkins | McEnery | |

So Mr. TELLER'S amendment was agreed to.

Mr. BURROWS. Mr. President, I now ask for a vote on my amendment.

Mr. PILES. I renew my amendments to the committee amendment.

Mr. FORAKER. They have been agreed to, I understand; and if so, they do not have to be voted upon again.

Mr. PILES. Very well.

The VICE-PRESIDENT. The Senator from Washington has proposed certain amendments which will now be stated.

Mr. PILES. I did not understand that they were agreed to.

Mr. FORAKER. Were not those amendments agreed to, Mr. President?

The VICE-PRESIDENT. Some amendments proposed by the Senator from Washington [Mr. PILES] have been agreed to, but the amendments of the Senator to the committee amendments which had been agreed to were decided out of order by the Chair, but they are now in order, the bill being in the Senate. They will be stated.

The SECRETARY. It is proposed by Mr. PILES, on page 5, section 2, line 12, in the amendment of the committee, after the word "election," to insert:

Appoint an election commissioner for each district, who shall distribute all ballots and election supplies to the several precincts in his district, receive the election returns from the judges in the precincts, and deliver the same to the canvassing board therein named.

The VICE-PRESIDENT. The question is on the amendment proposed by the Senator from Washington.

The amendment was agreed to.

The VICE-PRESIDENT. The next amendment proposed by the Senator from Washington [Mr. PILES] will be stated.

The SECRETARY. On page 5, line 18, after the word "cast," it is proposed to insert "to the election commissioner for said district, who shall deliver said returns, poll books, and ballots."

The VICE-PRESIDENT. The question is on the amendment proposed by the Senator from Washington.

The amendment was agreed to.

The VICE-PRESIDENT. The next amendment proposed by the Senator from Washington [Mr. PILES] will be stated.

The SECRETARY. On page 5, line 24, after the word "delegates," it is proposed to strike out the period and insert a colon and the following words:

*Provided further*, That in said Indian Territory and Osage Indian Reservation, nominations for delegates to said constitutional convention may be made by convention by the Republican, Democratic, and People's Party, or by petition in the manner provided by the laws of the Territory of Oklahoma; and certificates and petitions of nomination in said Indian Territory shall be filed with the districting and canvassing board, who shall perform the duties of election commissioner under said laws, and shall prepare, print, and distribute all ballots, poll books, and election supplies necessary for the holding of said election under said laws.

The VICE-PRESIDENT. The question is on the amendment of the Senator from Washington [Mr. PILES], which has just been stated.

The amendment was agreed to.

Mr. STONE obtained the floor.

Mr. BURROWS. Mr. President, I now renew my amendment.

The VICE-PRESIDENT. The Senator from Missouri [Mr. STONE] has been recognized.

Mr. STONE. I offer the amendment which I send to the desk.

The VICE-PRESIDENT. The amendment proposed by the Senator from Missouri will be stated.

The SECRETARY. In section 2, on page 2, it is proposed to strike out the following words in lines 20, 21, and 22:

governor, the chief justice, and the secretary of the Territory of Oklahoma.

And in lieu thereof to insert:

President shall appoint an election board, to be composed of three citizens of the Territory of Oklahoma, not more than two of whom shall be of the same political party, who shall take an oath to support the Constitution of the United States and faithfully discharge their several duties as members of said board, and who shall meet at such time and place as the President shall designate and organize by electing from their membership a chairman and secretary of the board; and said board.

The VICE-PRESIDENT. Is there objection to the amendment?

Mr. GALLINGER. There is objection, Mr. President.

The VICE-PRESIDENT. The question, then, is on agreeing to the amendment, which has just been stated.

The amendment was rejected.

The VICE-PRESIDENT. The Senator from Missouri [Mr. STONE] has proposed further amendments, which will be stated.

Mr. STONE. If the amendment which has been read has been disagreed to, I will withdraw the remainder of the amendments.

The VICE-PRESIDENT. The amendments are withdrawn.

Mr. BURROWS. I now renew my amendment, Mr. President.

The VICE-PRESIDENT. The Senator from Michigan proposes an amendment, which will be stated.

The SECRETARY. It is proposed to strike out, beginning with section 23, on page 28, the remainder of the bill, as follows:

SEC. 23. That within thirty days after the approval of this act the governors of the Territories of New Mexico and Arizona, respectively, shall each by proclamation order a special election to be held on the twelfth Tuesday after the approval of this act. Said elections shall be conducted in all respects, including the qualifications and registration of voters, and the result ascertained and certified as near as practicable in accordance with the laws of said Territories, respectively, governing the election of a Delegate in Congress. The sole question to be submitted to the electors of each of said Territories at such special election shall be stated on the ballot in substance and form as follows:

"Shall Arizona and New Mexico be united to form one State?"

☐ Yes. ☐ No.

Electors desiring to answer in the affirmative shall place a cross mark in the square to the left of the word "Yes," and those desiring to answer in the negative shall place a cross mark in the square to the left of the word "No" in the form above prescribed. The governors of the respective Territories shall certify and transmit, as soon as may be practicable, the results of said election each to the other and likewise to the Secretary of the Interior, and if it appears from the returns thus certified that a majority of the electors in each of said Territories who voted at such special election voted in favor of the union of New Mexico and Arizona as one State, then, and not otherwise, the inhabitants of that part of the area of the United States now constituting the Territories of Arizona and New Mexico as at present described may become the State of Arizona as hereinafter provided; but if in either of said Territories a majority of the electors voting at such special election shall appear by such certified returns to have voted against the union of said Territories, then, and in that event, all succeeding sections, excepting section 41, of this act shall thereafter be null and void and of no effect.

SEC. 24. That all qualified electors of said Territories, respectively, as described in this act, are hereby authorized to vote for and choose delegates to form a convention for said Territories; such delegates shall possess the qualifications of such electors. The aforesaid conven-

tion shall consist of 110 delegates, 66 of which delegates shall be elected to said convention by the people of the Territory of New Mexico and 44 by the people of the Territory of Arizona; and the governors, chief justices, and secretaries of each of said Territories, respectively, shall apportion the delegates to be thus elected from their respective Territories, as nearly as may be, equitably among the several counties thereof in accordance with the population; and such governors, respectively, shall, within one hundred and twenty days after the approval of this act by the President of the United States, by proclamation, in which such apportionment shall be fully specified and announced, order an election of the delegates aforesaid in their respective Territories, to be held on the tenth Tuesday after the issue of the proclamation aforesaid; and the proper officials, as now provided by law in each of said Territories, respectively, shall immediately upon the issuance of such proclamations make, or cause to be made, as the case may be, in time for the election, a supplemental or general registration, as may be necessary, of the male citizens of the United States over the age of 21 years who shall have resided in said Territories, respectively, for six months, in the county for ninety days, and in the precinct, ward, or election district where they are to vote thirty days next preceding the date fixed for said election, whose names shall be placed upon or added to the great registers, or registration lists, as the case may be, exhibiting the names of the qualified voters of said Territories, respectively. And the persons so qualified shall be entitled to be so registered and to vote for delegates to the constitutional convention. Such election for delegates shall be conducted, the returns made, and the certificates of persons elected to such convention issued, as near as may be, in the same manner as is prescribed by the laws of said Territories, respectively, regulating elections therein of members of the legislature, save that not more than two judges of each of the election boards holding elections under this act shall be of the same political party: *Provided*, That the secretary, or other proper officer, of the Territory of Arizona, into whose hands the result of said election in the Territory of Arizona finally comes, shall immediately transmit and certify the same to the secretary of the Territory of New Mexico, at Santa Fe. Persons possessing the qualifications entitling them to vote for delegates to the constitutional convention under this act shall be entitled to vote on the ratification or rejection of the constitution submitted to the people of said Territories hereunder, and on the election of all officials whose election is taking place at the same time, under such rules or regulations as said convention may prescribe, not in conflict with this act: *Provided*, That said registration lists shall answer for both or all such elections.

SEC. 25. That the delegates to the convention thus elected shall meet in the hall of the house of representatives of the Territory of New Mexico, in the city of Santa Fe therein, on the fifth Monday after their election, but they shall not receive compensation for more than sixty days of service, and after organization shall declare on behalf of the people of said proposed State that they adopt the Constitution of the United States, whereupon the said convention shall be, and is hereby, authorized to form a constitution and State government for said proposed State. The constitution shall be republican in form, and make no distinction in civil or political rights on account of race or color, except as to Indians not taxed, and shall not be repugnant to the Constitution of the United States and the principles of the Declaration of Independence. And said convention shall provide, by ordinance irrevocable without the consent of the United States and the people of said State—

First. That perfect toleration of religious sentiment shall be secured, and that no inhabitant of said State shall ever be molested in person or property on account of his or her mode of religious worship; and that polygamous or plural marriages and the sale, barter, or giving of intoxicating liquors to Indians are forever prohibited.

Second. That the people inhabiting said proposed State do agree and declare that they forever disclaim all right and title to the unappropriated and ungranted public lands lying within the boundaries thereof and to all lands lying within said limits owned or held by any Indian or Indian tribes, except as hereinafter provided, and that until the title thereto shall have been extinguished by the United States the same shall be and remain subject to the disposition of the United States, and such Indian lands shall remain under the absolute jurisdiction and control of the Congress of the United States; that the lands and other property belonging to citizens of the United States residing without the said State shall never be taxed at a higher rate than the lands and other property belonging to residents thereof; that no taxes shall be imposed by the State on lands or property therein belonging to or which may hereafter be purchased by the United States or reserved for its use; but nothing herein, or in the ordinance herein provided for, shall preclude the said State from taxing, as other lands and other property are taxed, any lands and other property owned or held by any Indian who has severed his tribal relations and has obtained from the United States or from any person a title thereto by patent or other grant, save and except such lands as have been or may be granted to any Indian or Indians under any act of Congress containing a provision exempting the lands thus granted from taxation, but said ordinance shall provide that all such lands shall be exempt from taxation by said State so long and to such extent as such act of Congress may prescribe.

Third. That the debts and liabilities of said Territory of Arizona and of said Territory of New Mexico shall be assumed and paid by said State, and that said State shall be subrogated to all the rights of indemnity and reimbursement which either of said Territories now has.

Fourth. That provision shall be made for the establishment and maintenance of a system of public schools, which shall be open to all the children of said State and free from sectarian control; and that said schools shall always be conducted in English: *Provided*, That nothing in this act shall preclude the teaching of other languages in said public schools.

Fifth. That said State shall never enact any law restricting or abridging the right of suffrage on account of race, color, or previous condition of servitude, and that ability to read, write, and speak the English language sufficiently well to conduct the duties of the office without the aid of an interpreter shall be a necessary qualification for all State officers.

Sixth. No person shall be permitted to vote, serve as a juror, or hold any civil office who is under guardianship, idiotic, or insane, or who has, at any place, been convicted of treason, felony, embezzlement of the public funds, bartering or selling or offering to barter or sell his vote, or purchasing or offering to purchase the vote of another, or other infamous crime, and who has not been restored to the rights of citizenship, or who, at the time of such election, is confined in prison on conviction of a criminal offense; or who is a bigamist or polygamist, or is living in what is known as patriarchal, plural, or celestial marriage, or in violation of any law of this State or the United States forbidding any such crime, or who in any manner teaches, advises, counsels, aids, or encourages any person to enter into bigamy, polygamy, or such patriarchal, plural, or celestial marriage, or to live in violation of any such law, or to commit any such crime; or who is a member of or contributes to the support, aid, or encouragement of any order, organization, association, corporation, or society which teaches, advises, counsels, encourages, or aids any person to enter into bigamy, polygamy, or such patriarchal or plural marriage, or who teaches or advises that the laws of this State prescribing rules of civil conduct are not the supreme law of the State.

Seventh. The legislature may prescribe qualifications, limitations, and conditions for the right of suffrage additional to those prescribed in this article, but shall never annul any of the provisions in this article contained.

Sixth. That the capital of said State shall temporarily be at the city of Santa Fe, in the present Territory of New Mexico, and shall not be changed therefrom previous to A. D. 1915, but the permanent location of said capital may, after said year, be fixed by the electors of said State, voting at an election to be provided for by the legislature.

SEC. 26. That in case a constitution and State government shall be formed in compliance with the provisions of this act, the convention forming the same shall provide by ordinance for submitting said constitution to the people of said proposed State for its ratification or rejection at an election to be held at a time fixed in said ordinance, which shall not be less than sixty days nor more than six months from the adjournment of the convention, at which election the qualified voters of said proposed State shall vote directly for or against the proposed constitution and for or against any provisions thereof separately submitted. The returns of said election shall be made by the election officers direct to the secretary of the Territory of New Mexico at Santa Fe; who, with the governors and chief justices of said Territories, or any four of them, shall meet at said city of Santa Fe on the third Monday after said election and shall canvass the same; and if a majority of the legal votes cast on that question shall be for the constitution the said canvassing board shall certify the result to the President of the United States, together with the statement of the votes cast thereon, and upon separate articles or propositions, and a copy of said constitution, articles, propositions, and ordinances. And if the constitution and government of said proposed State are republican in form, and if the provisions in this act have been complied with in the formation thereof, it shall be the duty of the President of the United States, within twenty days from the receipt of the certificate of the result of said election and the statement of the votes cast thereon and a copy of said constitution, articles, propositions, and ordinances from said board, to issue his proclamation announcing the result of said election, and thereupon the proposed State shall be deemed admitted by Congress into the Union, under and by virtue of this act, under the name of Arizona, on an equal footing with the original States, from and after the date of said proclamation.

The original of said constitution, articles, propositions, and ordinances, and the election returns, and a copy of the statement of the votes cast at said election, shall be forwarded and turned over by the secretary of the Territory of New Mexico to the State authorities.

SEC. 27. That until the next general census, or until otherwise provided by law, said State shall be entitled to two Representatives in the House of Representatives of the United States, which Representatives, together with the governor and other officers provided for in said constitution, and also all other State and county officers, shall be elected on the same day of the election for the adoption of the constitution; and until said State officers are elected and qualified under the provisions of the constitution, and the State is admitted into the Union, the Territorial officers of said Territories, respectively, shall continue to discharge the duties of their respective offices in said Territories.

SEC. 28. That upon the admission of said State into the Union there is hereby granted unto it, including the sections thereof heretofore granted, four sections of public land in each township in the proposed State for the support of free public nonsectarian common schools, to wit: Sections Nos. 13, 16, 33, and 36, and where such sections or any parts thereof have been sold or otherwise disposed of by or under the authority of any act of Congress other lands equivalent thereto, in legal subdivisions of not less than one quarter section and as contiguous as may be to the section in lieu of which the same is taken; such indemnity lands to be selected within said respective portions of said State in the manner provided in this act: *Provided*, That the thirteenth, sixteenth, thirty-third, and thirty-sixth sections embraced in permanent reservations for national purposes shall not at any time be subject to the grants nor to the indemnity provisions of this act, but other lands equivalent thereto may be selected for such school purposes in lieu thereof; nor shall any lands embraced in Indian, military, or other reservations of any character be subject to the grants of this act, but such reservation lands shall be subject to the indemnity provision of this act: *Provided*, That nothing in this act contained shall repeal or affect any act of Congress relating to the Casa Grande Ruin as now defined or as may be hereafter defined or extended, or the power of the United States over it, or any other lands embraced in the State hereafter set aside by Congress as a national park, game preserve, or for the preservation of objects of archæological or ethnological interest; and nothing contained in this act shall interfere with the rights and ownership of the United States in any land hereafter set aside by Congress as national park, game preserve, or other reservation, or in the said Casa Grande Ruin as it now is or may be hereafter defined or extended by law, but exclusive legislation, in all cases whatsoever, shall be exercised by the United States, which shall have exclusive control and jurisdiction over the same; but nothing in this proviso contained shall be construed to prevent the service within said Casa Grande Ruin, or national parks, game preserves, and other reservations hereafter established by law, of civil and criminal processes lawfully issued by the authority of said State; and said lands shall not be subject at any time to the school grants of this act that may be embraced within the metes and bounds of the national park, game preserve, and other reservation, or the said Casa Grande Ruin, as now defined or may be hereafter defined; but other lands equivalent thereto may be selected for such school purposes hereinbefore provided in lieu thereof.

SEC. 29. That 300 sections of the unappropriated nonmineral public lands within said State, to be selected and located in legal subdivisions, as provided in this act, are hereby granted to said State for the purpose of erecting legislative, executive, and judicial public buildings in the same, and for the payment of the bonds heretofore or hereafter issued therefor.

SEC. 30. That the lands granted to the Territory of Arizona by the act of February 18, 1881, entitled "An act to grant lands to Dakota, Montana, Arizona, Idaho, and Wyoming for university purposes," are hereby vested in the proposed State to the extent of the full quantity

of 75 sections, and any portion of said lands that may not have been selected by said Territory of Arizona may be selected by the said State. In addition to the foregoing, and in addition to all lands heretofore granted for such purpose, there shall be, and hereby is, granted to said State, to take effect when the same is admitted to the Union, 300 sections of land, to be selected from the public domain within said State in the same manner as provided in this act, and the proceeds of all such lands shall constitute a permanent fund, to be safely invested and held by said State, and the income thereof be used exclusively for university purposes. The schools, colleges, and universities provided for in this act shall forever remain under the exclusive control of the said State, and no part of the proceeds arising from the sale or disposal of any lands herein granted for educational purposes shall be used for the support of any sectarian or denominational school, college, or university.

SEC. 31. That nothing in this act shall be so construed, except where the same is so specifically stated, as to repeal any grant of land heretofore made by any act of Congress to either of said Territories, but such grants are hereby ratified and confirmed in and to said State, and all of the land that may not, at the time of the admission of said State into the Union, have been selected and segregated from the public domain, may be so selected and segregated in the manner provided in this act.

SEC. 32. That 5 per cent of the proceeds of the sales of public lands lying within said States which shall be sold by the United States subsequent to the admission of said State into the Union, after deducting all the expenses incident to the same, shall be paid to the said State to be used as a permanent fund, the interest of which only shall be expended for the support of the common schools within said State. And there is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, the sum of $5,000,000 for the use and benefit of the common schools of said State. Said appropriation shall be paid by the Treasurer of the United States at such time and to such person or persons as may be authorized by said State to receive the same under laws to be enacted by said State, and until said State shall enact such laws said appropriation shall not be paid. Said appropriation of $5,000,000 shall be held inviolable and invested by said State, in trust, for the use and benefit of said schools.

SEC. 33. That all lands herein granted for educational purposes may be appraised and disposed of only at public sale, the proceeds to constitute a permanent school fund, the income from which only shall be expended in the support of said schools. But said lands may, under such regulations as the legislature shall prescribe, be leased for periods of not more than ten years, and such common school land shall not be subject to preemption, homestead entry, or any other entry under the land laws of the United States, whether surveyed or unsurveyed, but shall be reserved for school purposes only.

SEC. 34. That in lieu of the grant of land for purposes of internal improvement made to new States by the eighth section of the act of September 4, 1841, which section is hereby repealed as to the proposed State, and in lieu of any claim or demand by the said State under the act of September 28, 1850, and section 2479 of the Revised Statutes, making a grant of swamp and overflowed lands to certain States, which grant it is hereby declared is not extended to the said State, and in lieu of any grant of saline lands to said State, save as heretofore made, the following grants of land from public lands of the United States within said State are hereby made, to wit:

For the establishment and maintenance and support of insane asylums in the said State, 200,000 acres; for penitentiaries, 200,000 acres; for schools for the deaf, dumb, and the blind, 200,000 acres; for miners' hospitals for disabled miners, 100,000 acres; for normal schools, 200,000 acres; for State charitable, penal, and reformatory institutions, 200,000 acres; for agricultural and mechanical colleges, 300,000 acres: *Provided*, That the two national appropriations heretofore annually paid to the two agricultural and mechanical colleges of said Territories, respectively, shall, until the further order of Congress, continue to be paid to said State for the use of said respective institutions; for schools of mines, 200,000 acres; for military institutes, 200,000 acres.

SEC. 35. That all lands granted in quantity or as indemnity by this act shall be selected, under the direction of the Secretary of the Interior, from the unappropriated public lands of the United States within the limits of the said State, by a commission composed of the governor, surveyor-general, and attorney-general of said State; and no fees shall be charged for passing the title to the same or for the preliminary proceedings thereof.

SEC. 36. That all mineral lands shall be exempted from the grants made by this act; but if any portion thereof shall be found by the Department of the Interior to be mineral lands, said State, by the Commission provided for in section 35, under the direction of the Secretary of the Interior, is hereby authorized and empowered to select, in legal subdivisions, an equal quantity of other unappropriated lands in said State in lieu thereof.

SEC. 37. That the said State, when admitted as aforesaid, shall constitute two judicial districts, to be named, respectively, the eastern and western districts of Arizona, the boundaries of said districts to be the same as the boundaries of said Territories, respectively, and the circuit and district court of said districts shall be held, respectively, at Albuquerque and Phoenix for the time being, and the said districts shall, for judicial purposes, until otherwise provided, be attached to the ninth judicial circuit. There shall be appointed for each of said districts one district judge, one United States attorney, and one United States marshal. The judge of each of said districts shall receive a yearly salary the same as other similar judges of the United States, payable as provided for by law, and shall reside in the district to which he is appointed. There shall be appointed clerks of said courts, who shall keep their offices at said Albuquerque and Phoenix in said State. The regular terms of said courts shall be held in said districts, at the places aforesaid, on the first Monday in April and the first Monday in November of each year, and one grand jury shall be summoned in each year in each of said circuit and district courts. The circuit and district courts for said districts, and the judges thereof, respectively, shall possess the same powers and jurisdiction and perform the same duties required to be performed by the other circuit and district courts and judges of the United States, and shall be governed by the same laws and regulations. The marshal, district attorney, and clerks of the circuit and district courts of said districts, and all other officers and persons performing duties in the administration of justice therein, shall severally possess the powers and perform the duties lawfully possessed and required to be performed by similar officers in other districts of the United States, and shall, for the services they may perform, receive the fees and compensation now allowed by law to officers performing similar services for the United States in the Territories of Arizona and New Mexico, respectively.

SEC. 38. That all cases of appeal or writ of error heretofore prosecuted and now pending in the Supreme Court of the United States upon any record from the supreme court of either of said Territories, or that may hereafter lawfully be prosecuted upon any record from said courts, may be heard and determined by said Supreme Court of the United States. And the mandate of execution or of further proceedings shall be directed by the Supreme Court of the United States to the circuit or district courts, respectively, hereby established within the said State or to the supreme court of such State, as the nature of the case may require. And the circuit, district, and State courts herein named shall, respectively, be the successors of the supreme courts of the said Territories as to all such cases arising within the limits embraced within the jurisdiction of such courts, respectively, with full power to proceed with the same and award mesne or final process therein; and that from all judgments and decrees of the supreme courts of the said Territories mentioned in this act, in any case arising within the limits of the proposed State prior to admission, the parties to such judgment shall have the same right to prosecute appeals and writs of error to the Supreme Court of the United States or to the circuit court of appeals as they shall have had by law prior to the admission of said State into the Union.

SEC. 39. That in respect to all cases, proceedings, and matters now pending in the supreme or district courts of the said Territories at the time of the admission into the Union of the said State, and arising within the limits of such State, whereof the circuit or district courts by this act established might have had jurisdiction under the laws of the United States had such courts existed at the time of the commencement of such cases, the said circuit and district courts, respectively, shall be the successors of said supreme and district courts of said Territories, respectively; and in respect to all other cases, proceedings, and matters pending in the supreme or district courts of the said Territories at the time of the admission of such Territories into the Union, arising within the limits of said State, the courts established by such State shall, respectively, be the successors of said supreme and district Territorial courts; and all the files, records, indictments, and proceedings relating to any such cases shall be transferred to such circuit, district, and State courts, respectively, and the same shall be proceeded with therein in due course of law; but no writ, action, indictment, cause, or proceeding now pending, or that prior to the admission of the State shall be pending, in any Territorial court in said Territories shall abate by the admission of such State into the Union, but the same shall be transferred and proceeded with in the proper United States circuit, district, or State court, as the case may be: *Provided, however*, That in all civil actions, causes, and proceedings in which the United States is not a party transfers shall not be made to the circuit and district courts of the United States except upon cause shown by written request of one of the parties to such action or proceeding filed in the proper court; and in the absence of such request such cases shall be proceeded with in the proper State courts.

SEC. 40. That the constitutional convention shall by ordinance provide for the election of officers for a full State government, including members of the legislature and two Representatives in Congress, at the time for the election for the ratification or rejection of the constitution, one of which Representatives shall be chosen from a Congressional district comprised of the present Territory of Arizona, to be known as the First Congressional district, and the other from a Congressional district comprised of the remainder of said State, to be known as the Second Congressional district; but the said State government shall remain in abeyance until the State shall be admitted into the Union as proposed by this act. In case the constitution of said State shall be ratified by a majority of the legal voters of said Territories voting at the election held therefor as hereinbefore provided, but not otherwise, the legislature thereof may assemble at Santa Fe, organize, and elect two Senators of the United States in the manner now prescribed by the laws of the United States; and the governor and secretary of state of the proposed State shall certify the election of the Senators and Representatives in the manner prescribed by law, and when such State is admitted into the Union, as provided in this act, the Senators and Representatives shall be entitled to be admitted to seats in Congress and to all rights and privileges of Senators and Representatives of other States in the Congress of the United States; and the officers of the State government formed in pursuance of said constitution, as provided by the constitutional convention, shall proceed to exercise all the functions of State officers; and all laws of said Territories in force at the time of their admission into the Union shall be in force in the respective portions of said State until changed by the legislature of said State, except as modified or changed by this act or by the constitution of the State; and the laws of the United States shall have the same force and effect within the said States as elsewhere within the United States.

SEC. 41. That the sum of $150,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for defraying all and every kind and character of expense incident to the elections and conventions provided for in this act; that is, the payment of the expenses of registration and holding the election for members of the constitutional convention and the election for the ratification of the constitution, at the same rates that are paid for similar services under the Territorial laws, respectively, and for the payment of the mileage for and salaries of members of the constitutional convention at the same rates that are paid the said Territorial legislatures under national law, and for the payment of all proper and necessary expenses, officers, clerks, and messengers thereof, and printing and other expenses incident thereto: *Provided*, That any expense incurred in excess of said sum of $150,000 shall be paid by said State. The said money shall be expended under the direction of the Secretary of the Interior, and shall be forwarded, to be locally expended in the present Territory of Arizona and in the present Territory of New Mexico, through the respective secretaries of said Territories, as may be necessary and proper, in the discretion of the Secretary of the Interior, in order to carry out the full intent and meaning of this act.

Mr. BEVERIDGE. Is the bill still in Committee of the Whole, Mr. President, or is it in the Senate?

The VICE-PRESIDENT. The bill is in the Senate.

Mr. BEVERIDGE. I ask for the yeas and nays on the amendment proposed by the Senator from Michigan [Mr. BURROWS].

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. OVERMAN (when his name was called). I am paired

with the junior Senator from Arkansas [Mr. CLARKE], but I transfer that pair to the Senator from Tennessee [Mr. CARMACK], who is absent, and vote. I vote "yea."

The roll call having been concluded, the result was announced—yeas 37, nays 35, as follows:

YEAS—37.

| | | | |
|---|---|---|---|
| Alger | Dubois | McCreary | Scott |
| Bacon | Flint | Mallory | Simmons |
| Blackburn | Foraker | Martin | Spooner |
| Bulkeley | Foster | Morgan | Stone |
| Burrows | Frazier | Newlands | Taliaferro |
| Carter | Gallinger | Overman | Teller |
| Clark, Mont. | Gearin | Patterson | Tillman |
| Clay | Hansbrough | Perkins | |
| Culberson | Heyburn | Pettus | |
| Daniel | Latimer | Rayner | |

NAYS—35.

| | | | |
|---|---|---|---|
| Allee | Cullom | Hopkins | Nixon |
| Allison | Dick | Kean | Penrose |
| Ankeny | Dillingham | Knox | Piles |
| Beveridge | Dolliver | La Follette | Proctor |
| Brandegee | Dryden | Lodge | Smoot |
| Burnham | Fulton | Long | Sutherland |
| Clapp | Gamble | McCumber | Warner |
| Clark, Wyo. | Hale | Millard | Wetmore |
| Crane | Hemenway | Nelson | |

NOT VOTING—17.

| | | | |
|---|---|---|---|
| Aldrich | Carmack | Gorman | Platt |
| Bailey | Clarke, Ark. | Kittredge | Warren |
| Berry | Depew | McEnery | |
| Burkett | Elkins | McLaurin | |
| Burton | Frye | Money | |

So Mr. BURROWS's amendment was agreed to.

The VICE-PRESIDENT. If there be no further amendments, the question is on concurring in the amendments made as in Committee on the Whole and such amendments as have been amended in the Senate.

The amendments made as in Committee of the Whole were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill to enable the people of Oklahoma and of the Indian Territory to form a constitution and State government and be admitted into the Union on an equal footing with the original States."

REGULATION OF RAILROAD RATES.

Mr. TILLMAN. I move that the Senate proceed to the consideration of the bill (H. R. 12987) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission.

The motion was agreed to.

ADJOURNMENT TO MONDAY.

Mr. ALLISON. I ask the Senator from South Carolina if it is his purpose to take up the rate bill for consideration to-morrow? It is now the unfinished business.

Mr. TILLMAN. I should prefer not, because we have all been under a strain, and I am especially under a strain, and would like to get a little opportunity to do something else besides attend the sessions of the Senate.

Mr. ALLISON. I only desired to know the wishes of the Senator in that regard. In view of his statement, I move that when the Senate adjourn to-day, it be to meet on Monday next.

The motion was agreed to.

EXECUTIVE SESSION.

Mr. ALLISON. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 5 o'clock and 45 minutes p. m.) the Senate adjourned until Monday, March 12, 1906, at 12 o'clock meridian.

## NOMINATIONS.

*Executive nominations received by the Senate March 9, 1906.*

ASSOCIATE JUSTICE OF TERRITORIAL SUPREME COURT.

John L. Pancoast, of Oklahoma, to be associate justice of the supreme court of the Territory of Oklahoma. (A reappointment, his term expiring May 12, 1906.)

SURVEYOR-GENERAL.

Alpheus P. Hanson, of Wyoming, to be surveyor-general of Wyoming, his term having expired March 1. (Reappointment.)

REGISTERS OF LAND OFFICE.

George B. Robberts, of Oklahoma, to be register of the land office at Mangum, Okla., vice John A. Oliphant, removed.

Andrew J. Ross, of Oklahoma, to be register of the land office at Alva, Okla., vice Albert R. Museller, term expired.

RECEIVER OF PUBLIC MONEYS.

George D. Orner, of Oklahoma, to be receiver of public moneys at Alva, Okla., vice Willis H. Cofield, whose term will expire April 16.

PROMOTIONS IN THE ARMY.

Col. William Stanton, United States Army, retired, to be placed on the retired list of the Army with the rank of brigadier-general from March 7, 1906.

Lieut. Col. Alexander Rodgers, Fifteenth Cavalry, to be colonel from March 7, 1906, vice Stanton, Sixth Cavalry, retired from active service.

Maj. Francis H. Hardie, Thirteenth Cavalry, to be lieutenant-colonel from March 7, 1906, vice Rodgers, Fifteenth Cavalry, promoted.

Capt. Joseph T. Dickman, Eighth Cavalry, to be major from March 7, 1906, vice Hardie, Thirteenth Cavalry, promoted.

First Lieut. Reginald E. McNally, detailed in Signal Corps, to be captain of cavalry from March 7, 1906, vice Dickman, Eighth Cavalry, promoted.

APPOINTMENTS IN THE ARMY.

Col. John W. Bubb, Twelfth Infantry, to be brigadier-general, vice Miller, to be retired from active service.

Lieut. Col. Lorenzo W. Cooke, Twenty-sixth Infantry, to be brigadier-general from March 9, 1906, vice Carr, retired from active service.

Lieut. Col. Joseph M. Califf, Artillery Corps, to be brigadier-general, vice Cooke, to be retired from active service.

Lieut. Col. Henry S. Turrill, deputy surgeon-general, to be brigadier-general, vice Califf, to be retired from active service.

Lieut. Col. Crosby P. Miller, deputy quartermaster-general, to be brigadier-general, vice Turrill, to be retired from active service.

## CONFIRMATIONS.

*Executive nominations confirmed by the Senate March 9, 1906.*

PROMOTION IN THE REVENUE-CUTTER SERVICE.

Second Assistant Engineer Lorenzo Chase Farwell to be a first assistant engineer with the rank of second lieutenant in the Revenue-Cutter Service of the United States, to rank as such from February 21, 1906.

POSTMASTERS.

IOWA.

Arthur E. Curry to be postmaster at Shelby, in the county of Shelby and State of Iowa.

Lauren E. Hulse to be postmaster at Keota, in the county of Keokuk and State of Iowa.

Alfred E. Kincaid to be postmaster at Walnut, in the county of Pottawattamie and State of Iowa.

Ephraim G. Swift to be postmaster at State Center, in the county of Marshall and State of Iowa.

Cornelius Van Zandt to be postmaster at Wilton Junction, in the county of Muscatine and State of Iowa.

NEW YORK.

F. Bronner to be postmaster at Richfield Springs, in the county of Otsego and State of New York.

John Dwyer to be postmaster at Sandy Hill, in the county of Washington and State of New York.

NORTH CAROLINA.

John W. C. Long to be postmaster at Statesville, in the county of Iredell and State of North Carolina.

OHIO.

William S. Cappeller to be postmaster at Mansfield, in the county of Richland and State of Ohio.

Charles E. Hard to be postmaster at Portsmouth, in the county of Scioto and State of Ohio.

John B. Strobel, to be postmaster at Ironton, in the county of Lawrence and State of Ohio.

PENNSYLVANIA.

George D. Bonfoey to be postmaster at Sayre, in the county of Bradford and State of Pennsylvania.

Annie H. Leaf to be postmaster at Fort Washington, in the county of Montgomery and State of Pennsylvania.

## HOUSE OF REPRESENTATIVES.

FRIDAY, *March 9, 1906.*

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read, corrected, and approved.

ADJOURNMENT OVER.

Mr. PAYNE. Mr. Speaker, I move that when the House adjourn to-day it adjourn to meet on Monday next.

The motion was agreed to.

CARNEGIE FOUNDATION FOR THE ADVANCEMENT OF TEACHING.

The SPEAKER laid before the House the bill (H. R. 13538) entitled "An act to incorporate the Carnegie foundation for the advancement of teaching," with Senate amendments.

The Senate amendments were read.

Mr. McCLEARY of Minnesota. Mr. Speaker, I move that the House concur in the Senate amendments.

The motion was agreed to.

HENRY HASTINGS.

The SPEAKER also laid before the House the bill (H. R. 6385) "An act granting an increase of pension to Henry Hastings," with a Senate amendment.

The Senate amendment was read.

Mr. SULLOWAY. Mr. Speaker, I move that the House concur in the Senate amendment.

The motion was agreed to.

THOMAS J. MARTIN.

The SPEAKER also laid before the House the bill (H. R. 9944) "An act granting an increase of pension to Thomas J. Martin," with a Senate amendment.

The Senate amendment was read.

Mr. SULLOWAY. Mr. Speaker, I move that the House concur in the Senate amendment.

The motion was agreed to.

JAMES W. CALVERT.

The SPEAKER. The Chair lays before the House the following Senate bill passed by the House and returned to the House on the request of the House, of which the Clerk will report the title.

The Clerk read as follows:

An act (S. 143) granting an increase of pension to James W. Calvert.

Mr. SULLOWAY. Mr. Speaker, I move that the vote be reconsidered by which the House passed the Senate bill, and that the bill lie on the table.

The SPEAKER. The gentleman from New Hampshire moves that the vote whereby the House passed the Senate bill be reconsidered, and that the bill lie on the table.

The motion was agreed to.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. LITTAUER, by direction of the Committee on Appropriations, reported the bill (H. R. 16472) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1907; which was referred to the Committee of the Whole House on the state of the Union, and ordered to be printed.

Mr. FITZGERALD reserved all points of order.

Mr. LITTAUER. Mr. Speaker, I ask unanimous consent that twice the usual number of copies of this bill and the accompanying report be printed.

The SPEAKER. The gentleman from New York asks that twice the usual number of copies of the bill and report be printed.

Mr. WILLIAMS. Mr. Speaker——

Mr. LITTAUER. I am informed that there has been a large demand this morning, which will take up the usual number of copies from the document room.

Mr. WILLIAMS. I understand the gentleman reports the legislative bill to the House?

Mr. LITTAUER. Yes; that is the bill I am talking about.

Mr. WILLIAMS. To that I have no objection. What I wish to inquire is if anybody has reserved points of order?

Mr. LITTAUER. The gentleman from New York [Mr. FITZGERALD] has reserved points of order.

The SPEAKER. Is there objection to the request of the gentleman from New York? [After a pause.] The Chair hears none.

THE INDIAHOMA UNION SIGNAL.

Mr. OVERSTREET. Mr. Speaker, I submit the following privileged report, and ask for its adoption.

The Clerk read as follows:

House resolution No. 352.

*Resolved,* That the Postmaster-General be, and he is hereby, directed to furnish to the House the following information, if not incompatible with the public interest:

First. If a newspaper published at Shawnee, Okla., and known as "The Indiahoma Union Signal," has been at any time admitted to the mails as second-class matter; and if so, when and for what length of time the said publication was admitted to the mails as second-class matter.

Second. If said newspaper, The Indiahoma Union Signal, has been excluded and denied admission to the mails as second-class matter; if so, when said newspaper was so denied admission to the mails as second class, and the facts upon which it was decided to exclude said newspaper from the mails as second-class matter; and to furnish to the House the decision and order of the Post-Office Department excluding said newspaper, The Indiahoma Union Signal, from the mails as second-class matter, and also the record in the Post-Office Department upon which such decision is based.

Mr. OVERSTREET. Mr. Speaker, I think the report ought to be read.

The SPEAKER. It will be read in the time of the gentleman from Indiana.

The Clerk read as follows:

Report on House resolution No. 352.

The Committee on the Post-Office and Post-Roads has had under consideration House Resolution No. 352, seeking to direct the Postmaster-General to furnish the House of Representatives certain information with respect to the admission to the mail at second-class rates of the publication entitled, "The Indiahoma Union Signal," published at Shawnee, Okla.

The conditions upon which a publication shall be admitted to the second class under the act of March 3, 1879, and regulations of the Department in obedience to that statute, are as follows:

"First. It must regularly be issued at stated intervals, as frequently as four times a year, and bear a date of issue, and be numbered consecutively.

"Second. It must be issued from a known office of publication.

"Third. It must be formed of printed paper sheets, without board, cloth, leather, or other substantial binding, such as distinguish printed books for preservation from periodical publications.

"Fourth. It must be originated and published for the dissemination of information of a public character, or devoted to literature, the sciences, arts, or some special industry, and having a legitimate list of subscribers: *Provided, however,* That nothing herein contained shall be construed as to admit to the second-class rate regular publications designed primarily for advertising purposes, or for free circulation, or for circulation at nominal rates."

This statute, as well as the practice of the Department in passing upon the many problems relative to the admission of publications to the second-class privilege, has been construed and upheld by the courts.

To establish a precedent of calling upon the Postmaster-General to furnish the House with a report upon each individual case which grows out of the execution of this statute would very greatly enlarge the work of the Department and burden the records of Congress without serving any real advantage to the service. If the information were to be used by some committee of the House in connection with its consideration of some legislation affecting this general subject, or some flagrant abuse were known to have been committed, there would be some reason for requiring the information.

In the judgment of the committee neither one of these conditions exists in respect to the publication mentioned in the resolution, and the adoption of the resolution would only lend to the establishment of a precedent upon which might be predicated numerous other resolutions referring to numerous other instances, no one of which would have in itself sufficient merit to justify a departure from the usual practice in determining the case.

The committee recommends that the resolution lie on the table.

Mr. OVERSTREET. Mr. Speaker, I move that the resolution do lie on the table. I merely wish to add that this is a unanimous report from the committee.

The SPEAKER. The question is on the motion of the gentleman from Indiana, that the resolution do lie on the table.

The question was taken, and the motion was agreed to.

On motion of Mr. OVERSTREET, a motion to reconsider the last vote was laid on the table.

ALLOTMENT OF LANDS TO INDIANS.

Mr. BURKE of South Dakota. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 11946) to amend section 6 of an act approved February 8, 1887, entitled "An act to provide for the allotment of lands in severalty to Indians on the various reservations and to extend the protection of the laws of the United States and the Territories over the Indians, and for other purposes," which I send to the desk and ask to have read.

The Clerk read as follows:

*Be it enacted, etc.,* That section 6 of an act approved February 8, 1887, entitled "An act to provide for the allotment of lands in severalty to Indians on the various reservations, and to extend the protection of the laws of the United States and the Territories over the Indians, and for other purposes," be amended to read as follows:

"SEC. 6. That at the expiration of twenty-five years or thereafter, if the period has been extended by the President, and when the lands have been conveyed to the Indians by patent in fee, as provided in section 5 of this act, then each and every allottee shall have the benefit of and be subject to the laws, both civil and criminal, of the State or Terri-

tory in which they may reside; and no Territory shall pass or enforce any law denying any such Indian within its jurisdiction the equal protection of the law. And every Indian born within the territorial limits of the United States to whom allotments shall have been made and who has received a patent in fee simple under the provisions of this act, or under any law or treaty, and every Indian born within the territorial limits of the United States who has voluntarily taken up within said limits his residence, separate and apart from any tribe of Indians therein, and has adopted the habits of civilized life, is hereby declared to be a citizen of the United States, and is entitled to all the rights, privileges, and immunities of such citizens, whether said Indian has been or not, by birth or otherwise, a member of any tribe of Indians within the territorial limits of the United States without in any manner impairing or otherwise affecting the right of any such Indian to tribal or other property: *Provided*, That the Secretary of the Interior may, in his discretion, and he is hereby authorized, whenever he shall be satisfied that any Indian allottee is competent and capable of managing his or her affairs, at any time cause to be issued to such allottee a patent in fee simple, and thereafter all restrictions as to sale, incumbrance, or taxation of said land shall be removed."

With the following amendments:

Page 1, line 6, strike out "twenty-five years or."

Page 2, line 1, strike out "thereafter, if the period has been extended by the President."

Page 2, line 2, before the word "and" insert "the trust period."

At the end of the bill add: "*Provided further*, That until the issuance of fee simple patents all allottees to whom trust patents shall hereafter be issued shall be subject to the exclusive jurisdiction of the United States."

The SPEAKER. Is there objection?

Mr. FINLEY. Mr. Speaker, I reserve the right to object.

Mr. STEPHENS of Texas. Mr. Speaker, I desire to ask the gentleman from South Dakota if the Committee on Indian Affairs has reported this bill; and if not, what committee did it come from?

Mr. BURKE of South Dakota. Mr. Speaker, I desire to say that the Committee on Indian Affairs has made a unanimous report on this bill, and it has the favorable report of the Department. It provides, first, to change the present Indian allotment law, so that an Indian when he takes an allotment does not become a citizen until he gets a fee simple patent. It also provides that the Secretary of the Interior may grant a fee simple patent when, after investigation, he becomes satisfied that the Indian has reached such a state of advancement and civilization that he is capable of managing his own affairs, and the gentleman from Texas [Mr. STEPHENS] will recall that yesterday this matter was discussed in explanation of why there were so many of these individual cases in the Indian appropriation bill. The practice of the committee has been to put in such cases as might be recommended by the Department, and only such cases, and my recollection is that this provision was in one or more appropriation bills and passed the House at the last session, but that it went out in the Senate.

Mr. STEPHENS of Texas. Is the gentleman aware of the fact that the present Secretary of the Interior is holding up numerous applications for patents at the present time and is not issuing them, no demands having been made, and the allottees are entitled to them, and does he not think this might result in indefinitely preventing these people from becoming citizens of the State in which they live if the bill is passed?

Mr. BURKE of South Dakota. I think not, Mr. Speaker; and as I indicated to the gentleman yesterday, I think the original allotment law did not contemplate that citizenship would go with the mere allotment of land. Of course this bill will not affect the status of any Indian allottee who has taken an allotment prior to this time.

Mr. STEPHENS of Texas. The gentleman will admit it affects his citizenship. He can not become a citizen until the Secretary of the Interior will permit him to become a citizen by issuing to him a patent.

Mr. BURKE of South Dakota. It does not affect the status as to citizenship of Indians who have taken allotments previous to the time when this becomes a law.

Mr. STEPHENS of Texas. Then what reason have you that this should become a law?

Mr. BURKE of South Dakota. For this reason: Take it in my State, for instance, the Indians that have not yet received allotments and to whom allotments are now being made are the Indians in the remote portions and reservations that are commonly known as "blanket Indians," and they do not possess one single qualification entitling them to citizenship, and yet it is desirable that the lands be allotted to them. If citizenship goes with allotment, then I do not think there will be any allotment to any such Indians in the future.

Mr. FITZGERALD. I would like to make an inquiry. This bill, if I understand it correctly, makes two changes in the present law. First, it gives to the Secretary of the Interior power to issue patents, regardless of the twenty-five-year restriction, whenever he deems it proper.

Mr. BURKE of South Dakota. Yes, sir.

Mr. FITZGERALD. And, secondly, it changes the law so that the mere allotment of land to an Indian does not confer citizenship upon him.

Mr. BURKE of South Dakota. It leaves him subject only to the jurisdiction of the United States until he gets his fee simple patent.

Mr. FITZGERALD. Are those the only two changes?

Mr. BURKE of South Dakota. Those are the only changes.

Mr. CRUMPACKER. Under the law as it now stands the Secretary of the Interior does not have authority to issue fee simple patents to Indians whom he may conclude are entitled to them?

Mr. BURKE of South Dakota. That is true.

Mr. CRUMPACKER. And if this bill should become a law Congress would still have the power to issue patents in special cases notwithstanding the authority conferred upon the Secretary of the Interior.

Mr. BURKE of South Dakota. Congress would certainly have that power.

Mr. CRUMPACKER. I observed in the Indian appropriation bill that was up for consideration yesterday a number of pages of authority granted to the Secretary of the Interior to issue patents to numerous Indians. Those provisions occupied several pages in the bill, and it struck me that this kind of a law ought to be enacted in order to avoid the necessity of Congressional action in relation to these several cases. I suppose the recommendation of the Committee on Indian Affairs is guided almost entirely by the recommendations of the Interior Department?

Mr. BURKE of South Dakota. Entirely so; and all such provisions as appear in the Indian appropriation bill might go out on a point of order. Now I yield to the gentleman from Wyoming.

Mr. MONDELL. Mr. Speaker, I just came into the House and did not hear the discussion on the bill. As I understand it, at the present time all Indian patents are issued with a nonalienation clause, and that for the time within which the lands are not alienable the Indians, under this bill, would not become citizens.

Mr. BURKE of South Dakota. Not Indians who may take allotments after the passage of this act. It does not affect the status of any Indian who has taken an allotment when it has been approved by the Secretary of the Interior.

Mr. MONDELL. However, it will give the Secretary of the Interior power to withhold indefinitely final patents in fee simple and enable him to deprive them of citizenship.

Mr. BURKE of South Dakota. Not at all. Mr. Speaker, because of the absence of this change in the law they can not obtain a fee simple patent until the expiration of twenty-five years and unless Congress by special act grants them that privilege. The practice has been that in such cases we have granted the privilege on the recommendation of the Secretary of the Interior.

Mr. MONDELL. Under existing law, Mr. Speaker, the Indian becomes a citizen, as interpreted by the court, when he receives his allotment. I believe I am correct in that statement.

Mr. BURKE of South Dakota. That is the holding in the Supreme Court of the United States in the case of Heff.

Mr. MONDELL. Now, under this legislation the Indian remains the ward of the Government for twenty-five years after he takes his allotment, unless in the meantime the Secretary of the Interior sees fit to make him a citizen by granting him a patent in fee simple.

Mr. BURKE of South Dakota. Except that Congress may grant that privilege if it sees fit.

Mr. CURTIS. And, further, the agreement might provide that the title should become absolute or a fee simple title should pass, say, in ten years.

Mr. MONDELL. Yes; but——

Mr. CURTIS. The main advantage of this bill is that under existing law the Supreme Court has held that after a patent has issued (the court said the word "patent" was not happily chosen to express the thought which, it is clear, all parts of the section being considered, Congress intended to express), notwithstanding the Indian does not secure a title in fee for twenty-five years, he becomes a citizen of the United States, and that the State courts have full jurisdiction over him, but not over his property. They can not assess and tax the lands, nor can a State enact a law which will prevent the Government, at the time agreed, conveying the allottee the land in fee. Now, this bill, if enacted, will leave him under the control of the Government until he secures a patent conveying the fee, whether he gets it under an agreement or whether it is issued to him under the law by the Secretary of the Interior. The Supreme Court held that the Indians to whom allotments were made under the act of 1887 were still wards of the nation, in a condition of pupilage or dependency.

Mr. MONDELL. In other words, Mr. Speaker, this legislation retains the Indian in his condition as a ward of the nation without rights of citizenship for twenty-five years after he receives his allotment. Whereas under present conditions he becomes a citizen upon receiving his allotment. Is not that a fair statement of the situation?

Mr. CURTIS. That is true, unless, as I said a moment ago, the agreement provides that the fee should pass in a shorter time.

Mr. MONDELL. If there is some special provision in a particular piece of legislation. Generally this puts off for twenty-five years the time in which an Indian may become a citizen of the United States.

Mr. CURTIS. Yes, sir—that is, by the mere taking of an allotment.

Mr. MONDELL. I understand.

Mr. CURTIS. He may become a citizen of the United States any minute he desires by leaving the reservation and taking up a residence apart from any tribe of Indians and adopting the habits of civilized life.

Mr. MONDELL. Under this law, however, if he does accept an allotment—and of course every Indian residing on a reservation will take an allotment, or ought to do so—he can not become a citizen within twenty-five years unless the Secretary of the Interior in the meantime shall issue him a patent in fee simple.

Mr. BURKE of South Dakota. Mr. Speaker, let me say to the gentleman he does not become a citizen on taking an allotment until it is approved by the Secretary of the Interior. So the Secretary of the Interior now has it within his power to withhold citizenship; yet the Indian may take an allotment.

Mr. MONDELL. Mr. Speaker, is a point of order pending?

Mr. FINLEY. Mr. Speaker, I reserved the point of order against the bill.

Mr. BURKE of South Dakota. Mr. Speaker, I yield to the gentleman from Montana for a question.

Mr. DIXON of Montana. Mr. Speaker, I want to ask the gentleman from South Dakota [Mr. BURKE] if the purpose of the bill is not to prevent the blanket Indians by wholesale becoming citizens by allotment, and still allow the intelligent Indians on application to become citizens by allotment?

Mr. BURKE of South Dakota. That is the purpose of the law, and, further, to protect the Indians from the sale of liquor.

Mr. CURTIS. It is a very great improvement over existing law.

Mr. DIXON of Montana. I thoroughly concur.

Mr. BURKE of South Dakota. It is in accordance, in my opinion, with what the original allotment law contemplated, and what was considered to be the law until the decision of the Supreme Court last April held otherwise.

Mr. DIXON of Montana. I know a case where the reservation assumed to be open where, under the decision of the Supreme Court, there is no way on earth to prevent the wholesale sale of whisky to those allotted Indians. Under this bill it will stop the sale of it to the blanket Indians.

Mr. FINLEY. Where are the Indians located who will be affected by this bill?

Mr. BURKE of South Dakota. Mostly in the reservations of the country, if not entirely in the reservations.

Mr. FINLEY. Within all the States and Territories? What Indians?

Mr. BURKE of South Dakota. The South Dakota Indians probably more than any others. I understand the application of the present law has been held not to apply to Territories.

Mr. FINLEY. Will this bill apply to Indians in the Indian Territory?

Mr. BURKE of South Dakota. I think it would; yes, sir; though I am not sure that I am familiar with the general allotment law as to whether it applies to Indians within the Indian Territory or not.

Mr. FINLEY. In the Indian Territory?

Mr. BURKE of South Dakota. I have said I thought it would, but that I am uncertain.

Mr. FINLEY. Then to that extent it would affect the Indian Territory Indians, would it not?

Mr. BURKE of South Dakota. It would affect no Indian who had taken his allotment.

Mr. FINLEY. To what extent have the Indians in the Indian Territory not taken allotments?

Mr. BURKE of South Dakota. I will yield to the gentleman from Kansas, who is more familiar with that than I am.

Mr. CURTIS. So far as the Indian Territory is concerned, all the Indians have been made citizens of the United States, and they are citizens now. The allotments have all been made to the Seminoles; nearly all to the Creeks. They are being made to the Chickasaws, the Choctaws, and the Cherokees.

Mr. FINLEY. How many Indians in the Indian Territory have received their allotment?

Mr. CURTIS. That would be very hard to say. There are about 4,000 allotments yet to be made to the Choctaws and Chickasaws, but the patents have not been delivered to those who have been allotted in those two tribes; nearly 7,000 patents have been delivered to members of the Cherokee tribe; nearly all patents have been delivered to the members of the Creek tribe, and allotments are complete among the Seminole tribe.

Mr. FINLEY. Would not the passage of this bill have the effect of delaying it?

Mr. CURTIS. It would not have that effect in the Indian Territory, because they were not included in the act of 1887; and the Government has made special agreements with the five tribes in the Indian Territory, and this law would in no way affect them.

Mr. FINLEY. I understood the gentleman from South Dakota to say a moment ago that it would apply to the Indians in the Indian Territory.

Mr. BURKE of South Dakota. I stated I did not know, and I yielded to the gentleman from Kansas, who did.

Mr. CURTIS. This law never applied to the Indian Territory.

Mr. FINLEY. Then I understand it does not apply to the Indians in the Indian Territory?

Mr. BURKE of South Dakota. It seems not.

Mr. KEIFER. I wish to ask the gentleman a question or two.

Mr. BURKE of South Dakota. I yield to the gentleman.

Mr. KEIFER. I want to know what there is in the bill that he has prepared that excludes it from general operation upon the Indian tribes in the Indian Territory.

Mr. BURKE of South Dakota. The gentleman from Kansas has just explained, I thought, that particular point.

Mr. KEIFER. A general law is likely to apply generally. Is there any reservation in this bill?

Mr. CURTIS. Not in this bill; this is simply an amendment to section 6 of the act of 1887. The act of 1887 excludes the Indians of the Indian Territory. Now, there is nothing in this bill bringing them within its terms. Therefore the two acts would be construed together, and under the rules of law it would be held that the original act not applying to the Indians in the Indian Territory, this act amending it would not apply to them. Now we have special agreements with the five tribes, under which allotments are being made to them. We have a bill pending, which will go to conference within a day or two, providing for final settlement of all their affairs. We have special provisions in the various agreements in regard to the sale of intoxicating liquors which have not been put in other agreements with Indians in the United States, and they have always been dealt with separately and distinctly. The agreements provide the conditions under which the deeds or patents shall be issued, which shall be subject to alienation and when they may be alienated; that homesteads shall not be disposed of for certain periods. As this bill only affects Indians with whom agreements are hereafter to be made, it can not under any circumstances apply to the members of the Five Civilized Tribes.

Mr. MONDELL. I fail to find any feature in your bill, from a hasty examination of it, that limits its provisions——

Mr. BURKE of South Dakota. Read the first line of the bill——

Mr. MONDELL (continuing). To future agreements with Indians.

Mr. CURTIS. I have heard the bill read, and, as I understand it, it only applies to agreements hereafter to be made.

Mr. BURKE of South Dakota. It only amends section 6 of the act of 1887.

Mr. KEIFER. The gentleman from Kansas makes a clear statement as to the existing law as to how it would apply, but the general rule is——

Mr. ADAMS of Pennsylvania. Mr. Speaker, I make the point of order that we can not hear.

The SPEAKER. The House will be in order.

Mr. BURKE of South Dakota. I yield to the gentleman from Ohio.

Mr. KEIFER. Not for any particular time. I was going to say to the gentleman from Kansas that the general rule is that a general law will repeal or supersede another general law unless there is some reservation against it, and it looks to me as though now, to avoid confusion, you better put some reservation in this bill if there is none there now.

Mr. BURKE of South Dakota. Let me state to the gentleman from Ohio that we have this proviso on the bill:

*Provided further*, That until the issuance of fee-simple patents all allottees to whom trust patents shall hereafter be issued shall be subject to the exclusive jurisdiction of the United States.

Now, we certainly can not legislate to change the status of any citizen whose status has been fixed, and the Supreme Court in the Heff case state that we have not that right without the consent of the citizen to be affected and the consent of the State within which he resides.

Mr. KEIFER. I have no objecion to that statement, but it does not cover the objection. It applies only to conditions that are already fixed; but there are cases that are to come, of applications to be made, allotments to be made in the future, and this may embarrass conditions existing in the Indian Territory; and no matter whether there is a reservation in the act of 1887 or not, there is no reservation in this, and that is what I suggest—that the gentleman put in such a reservation. I am not opposing the bill.

Mr. CURTIS. A very few words would cover it, simply providing that the provisions of this act shall not extend to the Indians in the Indian Territory.

Mr. KEIFER. I suggest that had better be put in, so as to avoid any confusion.

Mr. FITZGERALD. I think the gentleman from Ohio entirely misunderstands this bill. The act of 1887—the general allotment act—which is known as the "Dawes Act," authorized the President to allot lands to Indians, excepting from the operations of the act the lands of the Five Civilized Tribes.

Mr. KEIFER. That has been stated over and over again; but this bill does not except from that, and that is the trouble. The gentleman comes in without having heard the discussion——

Mr. FITZGERALD. If the gentleman will wait a moment, he will find out that I not only have heard the discussion, but that I understand this, which he does not.

Mr. KEIFER. That is the gentleman's ipse dixit about it.

Mr. FITZGERALD. This bill which is now offered amends one section of the general allotment act. Does the gentleman contend that one section of that act, by being amended, repeals the reservation contained in the first part?

Mr. KEIFER. Certainly not. It does not affect that so far as it relates to the original act; but it does take the place, probably, of the act and gives a general application.

Mr. BURKE of South Dakota. I yield to the gentleman from Kansas [Mr. CURTIS] for the purpose of suggesting an amendment.

Mr. CURTIS. Mr. Speaker, I suggest the following amendment:

*Provided further*, That the provisions of this act shall not extend to the Five Civilized Tribes.

Mr. LACEY. In the Indian Territory.

Mr. CURTIS. In the Indian Territory.

The SPEAKER. Is there objection to the consideration of the bill?

Mr. FINLEY. One moment. I understood the gentleman from South Dakota to say as to these blanket Indians that parties could go in under the laws of the United States and sell them intoxicating liquors. Is that true?

Mr. BURKE of South Dakota. Under the decision in the Heff case, if liquor is sold to an Indian and the Indian happens to be an allottee, the person selling the liquor to him can not be prosecuted under the laws of the United States which prohibit the sale of liquor to the Indians.

Mr. FINLEY. To what extent will this bill cut off the present or prospective right of suffrage from the blanket Indians?

Mr. BURKE of South Dakota. I can only answer that question by guessing at the number of Indians who have not taken their allotments, and I have endeavored to get that information.

Mr. FINLEY. Will it cut off the right of suffrage from any of the blanket Indians?

Mr. BURKE of South Dakota. Yes; I think it will.

Mr. CURTIS. None who have it now.

Mr. BURKE of South Dakota. It will not affect any who now enjoy that privilege.

Mr. FINLEY. But it will prevent the extension of the privilege to blanket Indians in the future until such time as they receive their patents.

Mr. BURKE of South Dakota. Yes.

Mr. FINLEY. And the gentleman is of the opinion that the blanket Indians as a rule are unfit for the exercise of suffrage?

Mr. BURKE of South Dakota. I most certainly am of that opinion.

Mr. STEPHENS of Texas. In what respect will it prevent the sale of whisky on the reservations to these Indians?

Mr. BURKE of South Dakota. I do not know that it will have any particular effect, because if liquor is sold now on the reservations it is a violation of the law.

Mr. STEPHENS of Texas. I would like to ask the gentleman if he can not frame an amendment that would protect them from being sold whisky when they are at the Capitol. [Laughter.]

Mr. BURKE of South Dakota. I do not think they have any right to sell liquor here or anywhere else to the Indians. I will yield to the gentleman from Minnesota.

Mr. STEENERSON. I understand the object of this bill is to apply to those Indians who hereafter, after the passage of this proposed act, shall be allotted lands in severalty?

Mr. BURKE of South Dakota. Yes.

Mr. STEENERSON. That the mere allotment of lands to such Indians in severalty shall not operate to make them citizens within the meaning of the liquor law?

Mr. BURKE of South Dakota. That is right.

Mr. STEENERSON. It can not affect those who already enjoy the high privilege of purchasing liquor?

Mr. BURKE of South Dakota. Certainly not.

Mr. STEENERSON. I understand further that in the proviso to this bill it is provided for granting lands in fee without any restriction; that that provision is not limited. That applies to all Indians anywhere that have allotments?

Mr. BURKE of South Dakota. It does.

Mr. STEENERSON. And is operative whether allotment has already been made or will be made in the future?

Mr. BURKE of South Dakota. Yes. Now I will yield to the gentleman from Wyoming.

Mr. MONDELL. Mr. Speaker, I would like to ask the gentleman from South Dakota in what manner this bill affects the status of Indians to whom allotments have been made at this time and who have heretofore enjoyed the privileges of citizenship?

Mr. BURKE of South Dakota. I will answer the gentleman's question by stating that it does not affect such Indians any more than it affects the Members of this House so far as the question of citizenship is concerned.

Mr. MONDELL. Well, Mr. Speaker, that is a pretty strong statement. The Indian to whom allotment has been made has heretofore been held to be a citizen and granted the right to vote in certain localities. I do not understand that he has been allowed that privilege in all of the States. That privilege has not been exercised in the past by reason of any legislation clearly denominating him a citizen, as I understand it, but by interpretation. Now, we provide in this statute that during the trust period, which is twenty-five years, the Indian may not exercise the rights of citizenship and is not subject to the laws of the State or Territory in which he resides.

The gentleman from South Dakota is a lawyer, I believe, and I am not, but in my mind there is some question—and I want to know if that matter has been carefully considered—as to whether by any possibility this statute could affect the status of Indians who have heretofore been considered, by reason of being an allottee, entitled to the rights of citizenship.

Mr. BURKE of South Dakota. That question has been carefully considered. I think the gentleman is confused in his mind by the belief that because an Indian has the right to vote within a State that therefore he is a citizen; but a man may be a citizen of a State and not be a voter.

Mr. MONDELL. I am not confused on that point. It is true, however, that many Indians have been considered citizens, some of whom have exercised the right of franchise and some of whom have not. I simply want to be satisfied that this legislation would not affect the status of these men who have heretofore been exercising the rights of citizenship.

Mr. BURKE of South Dakota. I am positive, Mr. Speaker, that it does not.

Mr. CRUMPACKER. This bill does not affect the status of the voter. That is one of the rights of citizenship; that is fixed by the State itself. In Indiana we allow a man to vote who is not a citizen of the United States. An alien who has lived in the State one year, who has declared his intentions to become a citizen, can vote at all elections, but he will not be a citizen for five years; so the question of the voting status of Indians under the law as it exists can not be affected by this bill one way or the other.

Mr. MONDELL. I want to call attention to the fact that Indians have been allowed to vote on the theory that they were citizens and therefore entitled to vote.

Mr. CRUMPACKER. That is in your own State under the State law?

Mr. MONDELL. By reason of the fact of their being citizens of the United States.

Mr. CRUMPACKER. No Congress could take away a right to vote that is granted in your State by any kind of legislation that it could pass.

Mr. MONDELL. Mr. Speaker, upon the statement of the gentleman from South Dakota [Mr. BURKE] that in the opinion of the members of the committee the bill does not affect the status of Indians to whom allotments have heretofore been made, I have no objection to the legislation.

Mr. KEIFER. Mr. Speaker, the amendment offered by the gentleman from Kansas [Mr. CURTIS] I think has not been reported.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Add, at the end of the bill, the following: *"And provided further,* That the provisions of this act shall not extend to the Five Civilized Tribes."

The SPEAKER. The question is on agreeing to the amendments.

The question was taken, and the amendments were agreed to.

The SPEAKER. The question now is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time; read the third time, and passed.

On motion of Mr. BURKE of South Dakota, a motion to reconsider the last vote was laid on the table.

PUBLIC HEALTH AND MARINE-HOSPITAL SERVICE.

Mr. WANGER. Mr. Speaker, I am directed by the Committee on Interstate and Foreign Commerce to report a substitute for the bill (H. R. 14316) to further enlarge the powers and authority of the Public Health and Marine-Hospital Service, and to impose further duties thereon; and I ask unanimous consent that the minority may have until and including Thursday next to file their views.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent that the minority may have until and including Thursday next to file their views on the bill just reported by him. Is there objection?

There was no objection.

DAM ACROSS MISSISSIPPI RIVER.

Mr. STEVENS of Minnesota. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 15649) extending the time for the construction of a dam across the Mississippi River, authorized by the act of Congress approved March 12, 1904; which I send to the desk, and ask to have read.

The Clerk read as follows:

*Be it enacted, etc.,* That subject to all the other provisions contained in the act of Congress entitled "An act permitting the building of a dam across the Mississippi River between the counties of Wright and Sherburne, in the State of Minnesota," approved March 12, 1904, the time limitations for the construction and completion of the dam authorized by said act are hereby extended until December 31, 1908.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time; read the third time, and passed.

On motion of Mr. STEVENS of Minnesota, a motion to reconsider the last vote was laid on the table.

ORDER OF BUSINESS.

Mr. PRINCE. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. PRINCE. Is it in order now to call for the regular order?

The SPEAKER. It is.

Mr. PRINCE. I demand the regular order.

The SPEAKER. The gentleman from Illinois demands the regular order.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message, in writing, from the President of the United States was communicated to the House of Representatives by Mr. BARNES, one of his secretaries, who also announced that the President had approved and signed bills of the following titles:

On March 8, 1906:

H. R. 10697. An act providing for the issuance of patents for lands to Indians under the Moses agreement of July 7, 1883; and

H. R. 14344. An act for the relief of Col. Medad C. Martin.

On March 9, 1906:

H. R. 7961. An act for the relief of G. F. Tarbell.

COMPACT BETWEEN NEW JERSEY AND DELAWARE RESPECTING DELAWARE RIVER AND BAY.

The SPEAKER laid before the House the following message from the President of the United States, which was referred to the Committee on the Judiciary, and ordered printed:

*To the Senate and House of Representatives:*

In compliance with the request of the governor of the State of New Jersey I transmit herewith, for the action of the Congress thereon, a certified copy of an act of the legislature of the State of New Jersey, entitled "An act to ratify and confirm a compact or agreement between the States of New Jersey and Delaware respecting the Delaware River and Bay, and to authorize the execution thereof."

THEODORE ROOSEVELT.

THE WHITE HOUSE, *March 9, 1906.*

PENSION BILLS.

Mr. SULLOWAY. Mr. Speaker, I ask unanimous consent that the bills on the Private Calendar in order for to-day may be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from New Hampshire asks unanimous consent that bills under the order for to-day may be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

ALFRED W. MORLEY.

The next pension business was the bill (H. R. 15059) granting an increase of pension to Alfred W. Morley.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alfred W. Morley, late of Company F, Seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

HENRY C. CARR.

The next pension business was the bill (H. R. 14855) granting an increase of pension to Henry C. Carr.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry C. Carr, late musician, Third Regiment New York Volunteer Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, after the word "Volunteer," insert the word "Light."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM C. HEARNE.

The next pension business was the bill (H. R. 14874) granting an increase of pension to William C. Hearne.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William C. Hearne, late of Company E, Twenty-first Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ABRAM W. DAVENPORT.

The next pension business was the bill (H. R. 6110) granting an increase of pension to Abram W. Davenport.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Abram W. Davenport, late of Company H, Tenth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

FRANCIS M. SIMPSON.

The next pension business was the bill (H. R. 14131) granting an increase of pension to Francis M. Simpson.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Francis M. Simpson, late of Company G, Fourth Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, before the word "Volunteer," insert the words "State Militia."

In line 8 strike out the word "forty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM H. PITCHFORD.

The next pension business was the bill (H. R. 7951) granting an increase of pension to William H. Pitchford.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William H. Pitchford, late of Company H, Twelfth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $75 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "seventy-five" and insert in lieu thereof the word thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

NATHAN PARISH.

The next pension business was the bill (H. R. 9126) granting an increase of pension to Nathan Parish.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Nathan Parish, late of Company K, Seventy-sixth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MARION L. HOLVENSTOT.

The next pension business was the bill (H. R. 8137) granting an increase of pension to Nina Holvenstot.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Nina Holvenstot, dependent child of William E. Holvenstot, late of Company B, Third Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as follows:

In line 6 strike out the word "Nina" and insert in lieu thereof the words "Marion L."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Marion L. Holvenstot."

CARRIE A. CONLEY.

The next pension business was the bill (H. R. 9924) granting a pension to Carrie A. Conley.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Carrie A. Conley, widow of Isaiah Conley, late captain Company G, One hundred and first Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The amendments recommended by the committee were read, as follows:

In line 9 strike out the word "twenty" and insert in lieu thereof the word "twelve."

In same line, after the word "month," insert the words "in lieu of that she is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Carrie A. Conley."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Carrie A. Conley."

JOHN K. MILLER.

The next pension business was the bill (H. R. 8062) granting an increase of pension to John K. Miller.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John K. Miller, late of Company H, Fifth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

NATHANIEL H. RONE.

The next pension business was the bill (H. R. 14840) granting an increase of pension Nathaniel H. Rone.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Nathaniel H. Rone, late of Company I, Sixth Regiment Missouri State Militia Volunteers, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 strike out the word "Volunteers" and insert in lieu thereof the words "Volunteer Cavalry."

In line 8 strike out the word "forty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

HENRY H. FORMAN.

The next pension business was the bill (H. R. 13803) granting a pension to Henry H. Foreman.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry H. Foreman, late of Company E, First Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $30 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Foreman" and insert in lieu thereof the word "Forman."

In line 8, after the word "month," insert the words "in lieu of that he is now receiving."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Henry H. Forman."

MARTIN CALLAHAN.

The next pension business was the bill (H. R. 4209) granting an increase of pension to Martin Callahan.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Martin Callahan, late of Company A and captain of Company F, Ninth Regiment Maryland Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "of Company A and."

In same line, after the word "captain," strike out the word "of."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

HELEN H. HULBERT.

The next pension business was the bill (H. R. 2341) granting a pension to Helen H. Hulbert.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Helen H. Hulbert, widow of William Lawrence Hulbert, late captain, major, and lieutenant-colonel, One hundred and seventeenth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Lawrence" and insert in lieu thereof the letter "L."
In line 7 strike out the words "major, and lieutenant-colonel" and insert in lieu thereof the words "Company G."
In line 9 strike out the word "thirty" and insert in lieu thereof the word "twenty."
In same line, after the word "month," insert the words "in lieu of that she is now receiving."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Helen H. Hulbert."

MARY E. FIFIELD.

The next pension business was the bill (H. R. 2780) granting an increase of pension to Mary E. Fifield.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary E. Fifield, widow of Henry L. Fifield, late of Company B, Eleventh Regiment New Hampshire Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "twenty" and insert in lieu thereof the word "sixteen."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ELIAS CLAUNCH.

The next pension business was the bill (H. R. 6946) granting an increase of pension to Elias Claunch.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elias Claunch, late of Company A, Seventh Regiment Missouri State Militia Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN M. JONES.

The next pension business was the bill (H. R. 9053) granting an increase of pension to John M. Jones.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John M. Jones, late of Company I, Twentieth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

IRA GRABILL.

The next pension business was the bill (H. R. 8328) granting an increase of pension to Ira Grabill.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ira Grabill, late of Company F, Eighty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

FIRMAN F. KIRK.

The next pension business was the bill (H. R. 7515) granting an increase of pension to Firman F. Kirk.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Firman F. Kirk, late private Company C, First Rifles (Thirteenth Regiment) Pennsylvania Reserve Infantry (Forty-second Volunteers), and sergeant Company C, One hundred and ninetieth Regiment Pennsylvania Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "private" and insert in lieu thereof the word "of."
In same line and in line 7 strike out the words "First Rifles (Thirteenth Regiment)," and insert in lieu thereof the words "Thirteenth Regiment."
In line 7, before the word "Infantry," insert the word "Volunteer."
In same line and in line 8 strike out the words "(Forty-second Volunteers)."
In same line strike out the word "sergeant."
In line 9, before the word "Infantry," insert the word "Volunteer."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM SMITH.

The next pension business was the bill (H. R. 8316) granting an increase of pension to William Smith.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Smith, late of Company I, One hundred and sixty-second Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

HIRAM LONG.

The next pension business was the bill (H. R. 8665) granting an increase of pension to Hiram Long.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Hiram Long, late of Company A, One hundred and twenty-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

EDMUND CHAPMAN.

The next pension business was the bill (H. R. 10326) granting an increase of pension to Edmund Chapman.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edmund Chapman, late of Company A, Ninety-seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MARY L. DAVENPORT.

The next pension business was the bill (H. R. 12187) granting an increase of pension to Mary L. Davenport.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary L. Davenport, widow of Simeon J. Davenport, late first lieutenant Company E, Eighth Regiment Missouri Volunteer Cavalry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as follows:

In line 9 strike out the word "thirty" and insert in lieu thereof the word "sixteen."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

THOMAS PATTERSON.

The next pension business was the bill (H. R. 6128) granting an increase of pension to Thomas Patterson.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas Patterson, late of Company A, Tenth Iowa Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 6, before the word "Iowa," insert the word "Regiment."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM BLAIR.

The next pension business was the bill (H. R. 6407) granting an increase of pension to William Blair.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Blair, late of Company D, Eighth Regiment New Jersey Volunteers, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 strike out the word "Volunteers" and insert in lieu thereof the words "Volunteer Infantry."

In the same line strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

CARNER C. WELCH.

The next pension business was the bill (H. R. 8206) granting an increase of pension to Carner C. Welch.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Carner C. Welch, late of Company D, Seventy-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ISAAC PLACE.

The next pension business was the bill (H. R. 13866) granting an increase of pension to Isaac Place.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Isaac Place, late of Company E, Ninth Regiment Rhode Island Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "Company," strike out the word "of" and insert in lieu thereof the word "captain."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

SABINE VANCUREN.

The next pension business was the bill (H. R. 15029) granting an increase of pension to Sabine Van Curen.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sabine Van Curen, late of Company F, Ninety-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "Van Curen" and insert in lieu thereof the word "Vancuren."

In same line, before the word "Company," strike out the word "of" and insert in lieu thereof the words "first lieutenant."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Sabine Vancuren."

ANTHONY EMES.

The next pension business was the bill (H. R. 15028) granting an increase of pension to Anthony Emes.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Anthony Emes, late of Company K, One hundred and seventy-ninth Regiment Pennsylvania Drafted Militia, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

RUTH J. M'CANN.

The next pension business was the bill (H. R. 14834) granting an increase of pension to Ruth J. McCann.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ruth J. McCann, widow of Capt. Thomas K. McCann, who was assigned to duty as assistant quartermaster, the Third Brigade, Third Division, Department of West Virginia, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "captain."

Strike out all of lines 7 and 8 and insert in lieu thereof the words "late captain and assistant quartermaster, United States Volunteers."

In line 9 strike out the word "twenty-five" and insert in lieu thereof the word "twelve."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ISAAC N. SEAL.

The next pension business was the bill (H. R. 15249) granting an increase of pension to Isaac N. Seal.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Isaac N. Seal, late of Company F, Fifty-third Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 strike out the word "Cavalry" and insert in lieu thereof the word "Infantry."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

SUMNER P. WYMAN.

The next pension business was the bill (H. R. 14369) granting an increase of pension to Sumner P. Wyman.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sumner P. Wyman, late of Company B, First Regiment Massachusetts Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 7, before the word "Heavy," insert the word "Volunteer."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

GABRIEL Y. PALMER.

The next pension business was the bill (H. R. 14337) granting an increase of pension to Gabriel Y. Palmer.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Gabriel Y. Palmer, late of Company F, Thirty-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $72 dollars per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "seventy-two" and insert in lieu thereof the word "forty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ZACUR P. POTT.

The next pension business was the bill (H. R. 14143) granting an increase of pension to Zacur P. Pott.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Zacur P. Pott, late of Company M, First Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, after the word "Cavalry," insert the word "and captain Company C, One hundred and ninety-fourth Regiment Pennsylvania Volunteer Infantry."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

LUCINDA GAIN.

The next pension business was the bill (H. R. 12884) granting a pension to Lucinda Gain.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lucinda Gain, widow of Harrison Gain, late private Company E, Seventh Regiment West Virginia Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "private" and insert in lieu thereof the word "of."

In line 8 strike out the word "twenty" and insert in lieu thereof the word "sixteen."

In line 9, after the word "month," insert the words "in lieu of that she is now receiving."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Lucinda Gain."

JOSIAH F. ALLEN.

The next pension business was the bill (H. R. 13198) granting an increase of pension to Josiah F. Allen.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Josiah F. Allen, late of Company I, One hundred and twelfth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "twenty" and insert the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ABRAM J. BOZARTH.

The next pension business was the bill (H. R. 13597) granting an increase of pension to Abram J. Bozarth.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Abram J. Bozarth, late captain Company K, Twenty-seventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $72 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "seventy-two" and insert in lieu thereof the word "forty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

CHARLOTTE A. M'CORMICK.

The next penson business was the bill (H. R. 12099) granting a pension to Charlotte A. McCormick.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charlotte A. McCormick, widow of the late Maj. Gen. Charles C. McCormick, and pay her a pension at the rate of $80 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "the late Major-General."

In line 7, before the word "and," insert the words "late colonel Seventh Regiment Pennsylvania Volunteer Cavalry."

In line 8 strike out the word "eighty" and insert in lieu thereof the word "twenty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN HENDERSON.

The next pension business was the bill (H. R. 11563) granting an increase of pension to John Henderson.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to provisions and limitations of the pension laws, the name of John Henderson, late of Company E, Two hundred and sixth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "forty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

AUGUSTUS D. KING.

The next pension business was the bill (H. R. 13822) granting an increase of pension to Augustus D. King.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Augustus D. King, late of Company A, Twenty-first Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $100 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the words "one hundred" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN R. MABEE.

The next pension business was the bill (H. R. 13170) granting an increase of pension to John R. Mabee.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John R. Mabee, late of Company B, Twenty-eighth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty-six" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JAMES H. WARD.

The next pension business was the bill (H. R. 10622) granting an increase of pension to J. H. Ward.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of J. H. Ward, late of First Regiment Potomac Home Brigade Maryland Volunteer Infantry, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "J." and insert in lieu thereof the word "James."

In same line, before the word "First," insert the words "Company H."

In line 8 strike out the word "sixteen" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to James H. Ward."

BENJAMIN BOTNER.

The next pension business was the bill (H. R. 12509) granting an increase of pension to Benjamin Botner.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Benjamin Botner, late of Company A, Seventh Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

THOMAS H. WILSON.

The next pension business was the bill (H. R. 11484) granting an increase of pension to Thomas H. Wilson.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas H. Wilson, late of Company C, Fifth Regiment Pennsylvania Reserve Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Fifth" and insert in lieu thereof the word "Thirty-fourth."

In line 7 strike out the word "Reserve."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

SALLIE W. MASON.

The next pension business was the bill (H. R. 12182) granting a pension to Sallie W. Mason.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sallie W. Mason, widow of Daniel W. Mason, late of Company, Third Regiment Arkansas Volunteer Cavalry, and pay her a pension at the rate of $24 per month.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "late," strike out the word "of" and insert in lieu thereof the words "first lieutenant and adjutant."

In line 7 strike out the word "Company."

In line 8 strike out the word "twenty-four" and insert in lieu thereof the word "seventeen."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ROBERT R. MATTHEWS.

The next pension business was the bill (H. R. 11168) granting an increase of pension to Robert R. Mathews.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Robert R. Mathews, late of Company G, One hundred and thirtieth Regiment Pennsylvania Volunteer Infantry, and Company M, Twenty-second Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Mathews" and insert in lieu thereof the word "Matthews."

In lines 8 and 9 strike out the words "Twenty-second Regiment Pennsylvania Volunteer Cavalry" and insert in lieu thereof the words "Third Provisional Regiment Pennsylvania Volunteer Cavalry."

In line 9 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Robert R. Matthews."

MATILDA ROCKWELL.

The next pension business was the bill (H. R. 10923) granting an increase of pension to Matilda Rockwell.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Matilda Rockwell, widow of Henry S. Rockwell, late of Company E, Nineteenth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOSEPHINE HOORNBECK.

The next pension business was the bill (H. R. 11509) granting an increase of pension to Josephine Hoornbeck.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Josephine Hoornbeck, widow of Robert Hoornbeck, late of Company K, Fifty-sixth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "twelve" and insert in lieu thereof the word "sixteen."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

SARAH F. GALBRAITH.

The next pension business was the bill (H. R. 10293) granting an increase of pension to Sarah F. Galbraith.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sarah F. Galbraith, widow of Robert Galbraith, late colonel of the Fifth Regiment Tennessee Volunteer Cavalry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 strike out the words "colonel of the" and insert in lieu thereof the word "lieutenant-colonel."

In line 8 strike out the word "forty" and insert in lieu thereof the word "twenty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

LUCIUS A. WEST.

The next pension business was the bill (H. R. 10490) granting an increase of pension to Lucius A. West.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lucius A. West, late of Company M, First Regiment Ohio Volunteer Heavy Artillery, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOSIAH H. SEABOLD.

The next pension business was the bill (H. R. 11409) granting an increase of pension to Josiah H. Seabold.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Josiah H. Seabold, late of Company F, Fourth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

LEWIS LOWRY.

The next pension business was the bill (H. R. 11690) granting an increase of pension to Lewis Lowry.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lewis Lowry, late of Company K, First Regiment Nebraska Volunteer Infantry, and First Regiment Nebraska Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "Company," strike out the word "of" and insert in lieu thereof the word "captain."

In lines 7 and 8 strike out the words "Infantry, and First Regiment Nebraska Volunteer."

In line 9 strike out the word "thirty-six" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MINNIE IRWIN.

The next pension business was the bill (H. R. 12194) granting an increase of pension to Minnie Irwin.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Minnie Irwin, widow of Edward Irwin, late of Company D, Thirty-eighth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, before the word "and," insert the words "and Company A, Twenty-third Regiment Veteran Reserve Corps."

In line 8 strike out the word "twelve" and insert in lieu thereof the word "eight."

In same line and in line 9 strike out the words "in lieu of that she is now receiving."

Amend the title so as to read: "A bill granting a pension to Minnie Irwin."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

EMILIE SCHELDT.

The next pension business was the bill (H. R. 6058) granting an increase of pension to Emilie Scheldt.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Emilie Scheldt, widow of Julius Scheldt, late lieutenant of Company E, Thirty-seventh Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "lieutenant," insert the word "second."

In same line, after the word "lieutenant," strike out the word "of."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "fifteen."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN W. HANNAH.

The next pension business was the bill (H. R. 6888) granting an increase of pension to John W. Hannah.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John W. Hannah, late of Company A, One hundred and twenty-fourth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 6, before the word "Company," insert the words "Company E, Sixteenth Regiment, and captain."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM H. NORTRIP.

The next pension business was the bill (H. R. 552) granting an increase of pension to William H. Nortrip.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William H. Nortrip, late of Company I, Ninth Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "forty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

DAVID B. OTT.

The next pension business was the bill (H. R. 3456) granting an increase of pension to David B. Ott.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of David B. Ott, late of Company I, Thirty-first Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOSEPH RUPERT.

The next pension business was the bill (H. R. 2267) granting an increase of pension to Joseph Rupert.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph Rupert, late of Company H, Twelfth Regiment United States Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Twelfth" and insert in lieu thereof the word "Sixteenth."

In line 7 strike out the words "United States" and insert in lieu thereof the word "Illinois."

In the same line strike out the word "Infantry" and insert in lieu thereof the word "Cavalry."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WARREN B. TOMPKINS.

The next pension business was the bill (H. R. 11716) granting an increase of pension to Warren B. Tompkins.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Warren B. Tompkins, late of Company E, Seventy-fifth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

CHARLES H. FRIEND.

The next pension business was the bill (H. R. 1027) granting an increase of pension to Charles H. Friend.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles H. Friend, late of Company F, Second Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MORRIS B. DRAKE.

The next pension business was the bill (H. R. 1468) granting an increase of pension to Morris B. Drake.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Morris B. Drake, late of Company K, Twenty-third Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

CHARLES HULL.

The next pension business was the bill (H. R. 2396) granting an increase of pension to Charles Hull.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles Hull, late of Company G, Fourteenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $72 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "seventy-two" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN B. CRAIG.

The next pension business was the bill (H. R. 12578) granting an increase of pension to John B. Craig.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John B. Craig, late of Company H, Sixth Regiment Missouri State Militia, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 7, after the word "Militia," insert the words "Volunteer Cavalry."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

CHARLES F. RUNNELS.

The next pension business was the bill (H. R. 12498) granting an increase of pension to Charles F. Runnels.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles F. Runnels, late of Company, First Regiment Maine Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 6, after the word "Company," insert the letter "M."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

HENRY G. BOLLINGER.

The next pension business was the bill (H. R. 5917) granting an increase of pension to Henry G. Bollinger.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry G. Bollinger, late captain of Camden County, Mo., Militia Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "Camden," strike out the word "of."
In line 7, before the word "Militia," insert the word "Volunteer."
In same line strike out the words "Volunteer Infantry."
In line 8 strike out the word "forty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

THOMAS F. UNDERWOOD.

The next pension business was the bill (H. R. 3281) granting an increase of pension to Thomas F. Underwood.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas F. Underwood, late of Company D and Company L, Second Regiment Ohio Volunteer Heavy Artillery, and pay him a pension at the rate of $72 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "and," insert the words "second lieutenant."
In line 8 strike out the word "seventy-two" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN L. DECKER.

The next pension business was the bill (H. R. 14761) granting an increase of pension to John L. Decker.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John L. Decker, late of Company K, Third Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "K" and insert in lieu thereof the letter "A."
In same line strike out the word "Third" and insert in lieu thereof the word "Fifty-fourth."
In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

DAVID DAVIS.

The next pension business was the bill (H. R. 6142) granting an increase of pension to David Davis.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of David Davis, late of Company C, Thirtieth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $72 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Thirtieth" and insert in lieu thereof the word "Thirteenth."
In line 8 strike out the word "seventy-two" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

EDWARD V. MILES.

The next pension business was the bill (H. R. 12541) granting an increase of pension to Edward V. Miles.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edward V. Miles, late of Company F, Second Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

GEORGE L. JANNEY.

The next pension business was the bill (H. R. 4691) granting an increase of pension to George L. Janney.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George L. Janney, late of Company B, Thirty-sixth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MILO G. GIBSON.

The next pension business was the bill (H. R. 3197) granting an increase of pension to Milo G. Gibson.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Milo G. Gibson, late of Company C, One hundred and second Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "forty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM H. GILDERSLEEVE.

The next pension business was the bill (H. R. 2984) granting an increase of pension to William H. Gildersleeve.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William H. Gildersleeve, late captain Company E, Seventh Regiment Wisconsin Veteran Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 7 strike out the word "Veteran."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

DORA A. WEATHERSBY.

The next pension business was the bill (H. R. 3541) granting a pension to Dora Weathersby.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Dora Weathersby, widow of Howard Lee Weathersby, late of Company H, First Regiment Mississippi Volunteer Infantry, war with Spain, and pay her a pension at the rate of $20 per month.

The amendments recommended by the committee were read, as follows:

Insert the initial "A." after "Dora" in the claimant's Christian name in the title and the body of the bill.

In line 6 change the Christian name "Lee" to the initial "L.;" and in the same line, after "late," insert "musician."

In line 7 strike out "of Company H."

In line 8 strike out "twenty" and insert "twelve."

Add to the end of the bill "and $2 per month additional on account of each of the minor children of said Howard L. Weathersby until they reach the age of 16 years."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JAMES B. BARRY.

The next pension business was the bill (H. R. 4598) granting an increase of pension to James B. Barry.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James B. Barry, late of Capt. Eli Chandler's Company, First Regiment Texas Rangers, war with Mexico, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out "Capt. Eli Chandler's;" and in the same line, after "Company," insert "K."

In line 7 strike out "Rangers;" and in the same line, after "Texas," insert "Mounted Volunteers."

In line 8 strike out "fifty" and insert "twenty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN G. DAVIS.

The next pension business was the bill (H. R. 5725) granting an increase of pension to John G. Davis.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John G. Davis, late of Company C, Fourth Regiment United States Artillery, Mexican war, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 strike out "Mexican;" and in the same line, after "war," insert "with Mexico."

In line 8 strike out "thirty" and insert "twenty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

CATE E. COBB.

The next pension business was the bill (H. R. 5726) granting an increase of pension to Cate E. Cobb.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Cate E. Cobb, widow of Gaston D. Cobb, late surgeon of First North Carolina Regiment (Mexican war) Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving under certificate No. 2827.

The amendments recommended by the committee were read, as follows:

In line 6 strike out "of."

In line 7, after "First," insert "Regiment;" and in the same line strike out "Regiment (Mexican war)."

In line 8, after "Infantry," insert "war with Mexico."

In lines 9 and 10 strike out "under certificate No. 2827."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

BENJAMIN Q. WARD.

The next pension business was the bill (H. R. 8530) granting a pension to Benjamin Q. Ward.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Benjamin Q. Ward, late of Company —, ——— Regiment ——— Volunteer Infantry, war with Mexico, and pay him a pension at the rate of $50 per month.

The amendments recommended by the committee were read, as follows:

In lines 6 and 7 strike out "—, ——— Regiment ——— Volunteer Infantry" and insert "A, Light Artillery, Santa Fe Battalion, Missouri Mounted Volunteers."

In line 8 strike out "fifty" and insert "twenty."

Add to the end of the bill the words "in lieu of that he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Benjamin Q. Ward."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ELIZABETH D. HOPPIN.

The next pension business was the bill (H. R. 9296) granting an increase of pension to Elizabeth D. Hoppin.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth D. Hoppin, widow of Curtis B. Hoppin, late major, Fifteenth Regiment United States Cavalry, and pay her a pension at the rate of $75 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 8 strike out "seventy-five and insert "thirty-five."

Add to the end of the bill the words, "and $2 per month additional on account of each of the minor children of said Curtis B. Hoppin until they reach the age of 16 years."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

SILAS H. BALLARD.

The next pension business was the bill (H. R. 10450) granting an increase of pension to Silas H. Ballard.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Silas H. Ballard, late of Captain Curtis's company A, Raiford's battalion, Alabama Volunteers, war with Mexico, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out "A."

In line 8 strike out "thirty" and insert "twenty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third

reading; and being engrossed, it was accordingly read the third time, and passed.

ALPHENIS M. BEALL.

The next pension business was the bill (H. R. 10562) granting a pension to Alpheuis M. Beall.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alpheuis M. Beall, late of Company F, Florida Volunteer Infantry, Seminole Indian war, and pay him a pension at the rate of $30 per month.

The amendments recommended by the committee were read, as follows:

Amend the title so as to read: "A bill granting an increase of pension to Alphenis M. Beall."

In lines 6 and 7 strike out "Company F, Florida Volunteer Infantry, Seminole."

In line 6 change the claimant's Christian name to "Alphenis," and in the same line, after "late of," insert "Captain Snell's independent company, Florida Mounted Volunteers."

In line 7, before the word "Indian," insert "Florida."

In line 8 strike out "thirty" and insert "sixteen," and add to the end of the bill the words "in lieu of that he is now receiving."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

THOMAS J. CHAMBERS.

The next pension business was the bill (H. R. 10785) granting a pension to Thomas J. Chambers.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas J. Chambers, late of Company E, First Regiment Washington Territory Volunteers, Indian war of 1855, and to pay him a pension at the rate of $8 a month.

The amendments recommended by the committee were read, as follows:

In lines 7 and 8 strike out "of eighteen hundred and fifty-five."

In line 7, after "Territory," insert "Mounted;" and in the same line, after "Volunteers," insert "Oregon and Washington Territory."

In line 8 strike out "to."

In line 9 strike out "a" and insert "per."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

LEVI N. LUNSFORD.

The next pension business was the bill (H. R. 13526) granting an increase of pension to Levi N. Lunsford.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Levi N. Lunsford, late of Company H, Second Regiment North Carolina Volunteer Infantry, war with Spain, and pay him a pension at the rate of $20 per month.

The amendment recommended by the committee was read, as follows:

In line 8 strike out "twenty" and insert "twelve."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ELIZABETH B. BUSBEE.

The next pension business was the bill (H. R. 13537) granting an increase of pension to Elizabeth Busbee.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth B. Busbee, widow of Quentin Busbee, late purser of the ship Germantown, naval service of the United States, war with Mexico, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 strike out "of the," and after "Germantown" strike out "naval service of the United States" and insert "United States Navy."

In line 7, before the word "ship," insert "United States."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ISAAC N. PERRY.

The next pension business was the bill (H. R. 14113) granting an increase of pension to Isaac N. Perry.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Isaac N. Perry, late of Company E, First Regiment North Carolina Volunteer Infantry, war with Mexico, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MARQUIS M. DE BURGER.

The next pension business was the bill (H. R. 14437) granting an increase of pension to Marquis M. De Burger.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Marquis M. De Burger, late of Company I, First Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, after "Infantry," insert "war with Mexico."

In line 8 strike out "thirty," and insert "twenty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

SAMUEL P. NEWMAN.

The next pension business was the bill (H. R. 14824) granting an increase of pension to Samuel P. Newman.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel P. Newman, late of Company G, Sixth Regiment United States Infantry, war with Mexico, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out "Sixth" and insert "First."

In line 7 strike out "United States Infantry" and insert "South Carolina Volunteer Infantry."

In line 8 strike out "thirty" and insert "twenty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM WOODS.

The next pension business was the bill (H. R. 14823) granting an increase of pension to William Woods.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Woods, late of Company A, Florida Battalion Volunteer Infantry, war with Mexico, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In lines 6 and 7 strike out "Battalion Volunteer Infantry," and in the same line, after "Florida," insert "Volunteers."

In line 8 strike out "thirty" and insert "twenty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN W. CREAGER.

The next pension business was the bill (H. R. 14909) granting a pension to John W. Creager.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John W. Creager, late of Company K, First Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $20 per month.

The amendments recommended by the committee were read, as follows:

In line 7, after "Infantry," insert "war with Mexico."

In lines 7 and 8 strike out "pay him a pension at the rate of $20 per month."

Add after "and," in line 7, the words "Company G, Twenty-eighth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to John W. Creager."

ALEXANDER M. TAYLOR.

The next pension business was the bill (H. R. 15251) granting an increase of pension to Alexander M. Taylor.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alexander M. Taylor, late of Company K, First Regiment United States Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out "K" and insert "E."
In line 7 strike out "Volunteer Infantry," and in the same line, after "United States," insert "Voltigeurs, war with Mexico."
In line 8 strike out "thirty" and insert "twenty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

SAMUEL ALLBRIGHT.

The next pension business was the bill (H. R. 15252) granting an increase of pension to Samuel Allbright.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel Allbright, late of Company K, Eleventh Regiment United States Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 strike out "Volunteer;" and in the same line, after "Infantry," insert "war with Mexico."
In line 8 strike out "thirty" and insert "twenty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

BALOS C. DEWEES.

The next pension business was the bill (H. R. 15253) granting an increase of pension to Balos C. Dewees.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Balos C. Dewees, late of Company E, Eleventh Regiment United States Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 strike out "Volunteer;" and in the same line, after "Infantry," insert "war with Mexico."
In line 8 strike out "thirty" and insert "twenty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

IRWIN O'BRYAN.

The next pension business was the bill (H. R. 15304) granting an increase of pension to Irwin O'Bryan.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Irwin O'Bryan late of Company C, Col. W. C. Young's regiment, Texas Mounted Volunteers, war with Mexico, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In lines 6 and 7 strike out "C, Col. W. C. Young's regiment."
In line 6, after "late of," insert "Captain Montague's."
In line 7, before the word "Texas," insert "Third Regiment."
In line 8 strike out "thirty" and insert "twenty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM LUCAS.

The next pension business was the bill (H. R. 15385) granting an increase of pension to William Lucas.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Lucas, late of Company F, Eleventh Regiment United States Infantry, war with Mexico, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out "thirty" and insert "twenty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

NANCY N. ALLEN.

The next pension business was the bill (H. R. 15393) granting an increase of pension to Nancy N. Allen.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Nancy N. Allen, widow of Abraham Allen, late of Troops F, H, and I, United States Dragoons, and pay her a pension at the rate of $16 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 change "Troops" to "Troop."
In line 7 strike out "F, H, and," and in the same line, after "Dragoons," insert "Texas and New Mexico Indian war."
In line 8 strike out "sixteen" and insert "ten."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

HENRY H. TILLSON.

The next pension business was the bill (H. R. 15536) granting an increase of pension to Henry H. Tillson.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry H. Tillson, late of Company A, First Regiment Virginia Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 7, after "Infantry," insert "war with Mexico."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

SUSAN H. ISOM.

The next pension business was the bill (H. R. 15553) granting an increase of pension to Susan H. Isom.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Susan H. Isom, widow of Lucas D. Isom, late of Company A, Third Regiment Tennessee Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after "late," insert "first lieutenant."
In line 7, after "Infantry," insert "war with Mexico."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM VAN KEUREN.

The next pension business was the bill (H. R. 13823) granting an increase of pension to William Van Keuren.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Van Keuren, late of Company D, New York Regiment Mounted Rifles, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "D" and insert in lieu thereof the words "M, First Regiment."
In line 7 strike out the word "Regiment" and insert in lieu thereof the word "Volunteer."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

HELEN AUGUSTA MASON BOYNTON.

The next pension business was the bill (H. R. 13884) granting a pension to Helen Augusta Mason Boynton.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Helen Augusta Mason Boynton, widow of Henry V. Boynton, late brigadier-general, United States Volunteers, and pay her a pension at the rate of $50 per month.

The amendments recommended by the committee were read, as follows:

In line 6, after the letter "V," insert the letter "N."
In line 7, after the word "late," insert the words "lieutenant-colonel, Thirty-fifth Regiment Ohio Volunteer Infantry, and."
In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

CATHERINE SUMMERS.

The next pension business was the bill (H. R. 14078) granting a pension to Nathaniel Sumners.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Nathaniel Sumners, idiotic son of Nathaniel Sumners, late of Company K, Ninth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $12 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "Nathaniel Sumners" and insert in lieu thereof the words "Catherine Summers."
In same line strike out the words "idiotic son" and insert in lieu thereof the word "widow."
In same line, before the word "late," strike out the word "Sumners" and insert in lieu thereof the word "Summers."
In line 8 strike out the word "him" and insert in lieu thereof the word "her."
In same line strike out the word "twelve" and insert in lieu thereof the word "twenty-four."
In line 9, after the word "month," insert the following: "in lieu of that she is now receiving: *Provided*, That in the event of the death of Nathaniel Summers, helpless and dependent child of said Nathaniel Summers, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Catherine Summers the name of said Nathaniel Summers shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month from and after the date of death of said Catherine Summers.

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Catherine Summers."

WILLIAM A. BLOSSOM.

The next pension business was the bill (H. R. 14454) granting an increase of pension to William A. Blossom.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William A. Blossom, late of Bissell's engineer regiment of the West, Missouri Volunteers, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "Bissel's engineer regiment" and insert in lieu thereof the words "Company F, Engineers."
In line 7 place parentheses about the words "Missouri Volunteers."
In line 8 strike out the word "thirty-six" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

CHARLES RATTRAY.

The next pension business was the bill (H. R. 14878) granting an increase of pension to Charles Rattray.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles Rattray, late of Company I, Fifty-seventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "late," strike out the words "of Company I" and insert in lieu thereof the word "major."
In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-five."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ESTHER M. LOWE.

The next pension business was the bill (H. R. 14442) granting an increase of pension to Ester M. Lowe.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ester M. Lowe, widow of Frank E. Lowe, late of Company D, One hundred and twenty-first Regiment New York Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Ester" and insert in lieu thereof the word "Esther."
In line 7 strike out the letter "D" and insert in lieu thereof the words "H, Thirty-second Regiment, and first lieutenant Company A, and adjutant."
In line 8 strike out the word "thirty" and insert in lieu thereof the word "sixteen."
Amend the title so as to read: "A bill granting an increase of pension to Esther M. Lowe."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ROBERT C. PATE.

The next pension business was the bill (H. R. 13341) granting an increase of pension to Robert C. Pate.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Robert C. Pate, late captain Company C, Thirty-seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ARGYLE Z. BUCK.

The next pension business was the bill (H. R. 15622) granting an increase of pension to Argyle Z. Buck.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Argyle Z. Buck, late of Company F, One hundred and tenth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty-six" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN W. WISE.

The next pension business was the bill (H. R. 15392) granting an increase of pension to John W. Wise.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John W. Wise, late of Company H, Eighth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN L. BLINN.

The next pension business was the bill (H. R. 15414) granting an increase of pension to John L. Blinn.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John L. Blinn, late of Company A, Ninety-third Regiment United States Colored Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "Company," strike out the word "of" and insert in lieu thereof the words "first lieutenant."
In line 7, before the word "Infantry," insert the word "Volunteer."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN S. MILES.

The next pension business was the bill (H. R. 14258) granting an increase of pension to John S. Miles

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John S. Miles, late of Company H, Forty-second Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

PETER C. KRIEGER.

The next pension business was the bill (H. R. 14489) granting an increase of pension to Peter Krieger.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Peter Krieger, late of Company D, Forty-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "Peter," insert the letter "C."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

Amend the title so as to read: "A bill granting an increase of pension to Peter C. Krieger."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN WILLIAMS.

The next pension business was the bill (H. R. 14235) granting an increase of pension to John Williams.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Williams, late of Company H, Fifteenth Regiment United States Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "H" and insert in lieu thereof the words "C, First Battalion."

In line 7, after the word "Infantry," insert the words "and Company H, One hundred and seventy-ninth Regiment Ohio Volunteer Infantry."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN MOULES.

The next pension business was the bill (H. R. 10404) granting an increase of pension to John Moules.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Moules, late of Company F, Fifteenth Regiment New York Heavy Artillery, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, before the word "Heavy," insert the word "Volunteer."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

LORENZO D. MASON.

The next pension business was the bill (H. R. 12880) granting an increase of pension to Lorenzo D. Mason.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lorenzo D. Mason, late of Company M, Second Regiment New Jersey Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN UNDERWOOD.

The next pension business was the bill (H. R. 13723) granting an increase of pension to John Underwood.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Underwood, late of Company A, Second Regiment Volunteer Reserve Corps, and Company I, Eighth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Second" and insert in lieu thereof the word "Twenty-second."

In line 7 strike out the word "Volunteer" and insert in lieu thereof the word "Veteran."

In same line and line 8 strike out the words "and Company I, Eighth Regiment Wisconsin Volunteer Infantry."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ROBERT G. SHUEY.

The next pension business was the bill (H. R. 12122) granting an increase of pension to Robert G. Shuey.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Robert G. Shuey, late of Company H, Twenty-second Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MARION W. STARK.

The next pension business was the bill (H. R. 11076) granting a pension to Marion W. Starks.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Marion W. Starks, widow of Daniel S. Starks, late a pilot on United States steamboat W. H. Brown, United States Navy, and pay her a pension at the rate of $12 per month.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "widow," strike out the word "Starks" and insert in lieu thereof the word "Stark."

In same line, before the word "late," strike out the word "Starks" and insert in lieu thereof the word "Stark."

In same line strike out the word "a."

In line 7 strike out the words "on United States steamboat" and insert in lieu thereof the words "U. S. S. Alps and."

In line 8 strike out the word "twelve" and insert in lieu thereof the word "eight."

Amend the title so as to read: "A bill granting a pension to Marion W. Stark."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

SAMUEL HORN.

The next pension business was the bill (H. R. 13336) granting an increase of pension to Samuel Horn.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel Horn, late of Company B, Tenth Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "twenty-four" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

LUCY A. PENDER.

The next pension business was the bill (H. R. 11702) granting an increase of pension to Lucy A. Pender.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lucy A. Pender, widow of Charles H. Pender, late of Company F, First Regiment Connecticut Volunteer Cavalry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "sixteen."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

LEVI B. NOULTON.

The next pension business was the bill (H. R. 11143) granting an increase of pension to Levi B. Noulton.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Levi B. Noulton, late of Company K, Fifth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; being engrossed, it was accordingly read the third time, and passed.

GEORGE HOLDEN.

The next pension business was the bill (H. R. 12205) granting an increase of pension to George Holden.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George Holden, late of Company D, Forty-ninth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Forty-ninth" and insert in lieu thereof the word "Forty-seventh."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN WILHELM.

The next pension business was the bill (H. R. 11206) granting an increase of pension to John Wilhelm.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Wilhelm, late of Company I, Forty-first Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

HENRY G. KLINK.

The next pension business was the bill (H. R. 12992) granting an increase of pension to Henry G. Klink.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry G. Klink, late of Company L, Sixth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of ——— dollars per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8, before the word "dollars," insert the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN T. COOK.

The next pension business was the bill (H. R. 15199) granting an increase of pension to John T. Cook.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John T. Cook, late of Company A, One hundred and forty-third Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 6 strike out the words "Company A" and insert in lieu thereof the words "Captain Coyugham's company."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

GEORGE W. HAYTER.

The next pension business was the bill (H. R. 15552) granting an increase of pension to George W. Hayter.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George W. Hayter, late second-class fireman, United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 6 strike out the words "second-class fireman" and insert in lieu thereof the words "of the U. S. S. Princeton and Wachusetts."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

THOMAS E. MYERS.

The next pension business was the bill (H. R. 10879) granting an increase of pension to Thomas E. Myres.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas E. Myres, late of Company I, Twenty-second Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Myres" and insert in lieu thereof the word "Myers."

In same line strike out the word "Twenty-second" and insert in lieu thereof the word "Second."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

Amend the title so as to read: "A bill granting an increase of pension to Thomas E Myers."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM CUMMINGS.

The next pension business was the bill (H. R. 12192) granting an increase of pension to William Cummings.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Cummings, late of the United States Navy, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "United," insert the words "U. S. S. Petrel."

In line 7 strike out the word "forty" and insert in lieu thereof the word "twenty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOSHUA BARNES.

The next pension business was the bill (H. R. 13217) granting a pension to Joshua Barnes.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joshua Barnes, late of Engineer Corps, Seventy-first Regiment New York State Militia Volunteers, and pay him a pension at the rate of $30 per month.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "Corps," insert the word "Company."

In line 7 strike out the word "Volunteers" and insert in lieu thereof the word "Infantry."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twelve."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

GEORGE M. APGAR.

The next pension business was the bill (H. R. 11597) granting a pension to George M. Apgar.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George M. Apgar, late of Company D, Eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $25 per month.

The amendments recommended by the committee were read, as follows:

In line 7, before the word "and," insert the words "and Company L, Ninth Regiment Ohio Volunteer Cavalry."

In line 8 strike out the word "twenty-five" and insert in lieu thereof the word "twenty-four."

In same line, after the word "month," insert the words "in lieu of that he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to George M. Apgar."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ELIZABETH E. BARBER.

The next pension business was the bill (H. R. 12241) granting an increase of pension to Elizabeth E. Barber.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth E. Barber, widow of Benjamin P. Barber, late of Company D, First Regiment Wisconsin Volunteer Cavalry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "twenty-four" and insert in lieu thereof the word "twelve."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOSEPH J. VINCENT.

The next pension business was the bill (H. R. 10252) granting a pension to Joseph J. Vincent.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph J. Vincent, late hospital steward, Twelfth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $30 per month.

The amendments recommended by the committee were read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

In same line, after the word "month," insert the words "in lieu of that he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Joseph J. Vincent."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

FRANKLIN G. MATTERN.

The next pension business was the bill (H. R. 8578) granting an increase of pension to Franklin G. Mattern.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Franklin G. Mattern, late of Company D, One hundred and forty-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $35 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty-five" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN D. ATWATERS.

The next pension business was the bill (H. R. 7807) granting an increase of pension to John D. Atwater.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John D. Atwater, late of Company E, Ninety-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Atwater" and insert in lieu thereof the word "Atwaters."

Amend the title so as to read: "A bill granting an increase of pension to John D. Atwaters."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ANDREW LA FORGE.

The next pension business was the bill (H. R. 8565) granting an increase of pension to Andrew La Forge.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Andrew La Forge, late captain Company I, Fifteenth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment recommended by the committe was read, as follows:

In line 6, before the word "captain," insert the words "of Company B and."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MARQUIS L. JOHNSON.

The next pension business was the bill (H. R. 8942) granting an increase of pension to Marquis L. Johnson.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Marquis L. Johnson, late of Company I, Fifty-first Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 6, before the word "Company," strike out the word "of" and insert in lieu thereof the word "captain."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ABIGAIL TOWNSEND.

The next pension business was the bill (H. R. 9888) granting a pension to Abigail Townsend.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Abigail Townsend, widow of James Townsend, late of the United States Navy, and pay her a pension at the rate of $12 per month.

The amendment recommended by the committee was read, as follows:

In line 7, before the word "United," insert the words "U. S. S. Vermont."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

FARRIE M. ALLIS.

The next pension business was the bill (H. R. 9093) granting an increase of pension to Farrie M. Allis.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Farrie M. Allis, widow of Jerrie P. Allis, late of Company G, One hundred and fourteenth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "of Company" and insert in lieu thereof the words "first lieutenant Companies."

In line 7, after the letter "G," insert the words "and F."

In lines 8 and 9 strike out the word "twenty-five" and insert in lieu thereof the word "twelve."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

HARIET P. SANDERS.

The next pension business was the bill (H. R. 9813) granting a pension to Harriet P. Sanders.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to

the provisions and limitations of the pension laws, the name of Harriet P. Sanders, widow of Wilbur F. Sanders, late first lieutenant in the Sixty-fourth Ohio Volunteer Infantry, and acting assistant adjutant-general of the staff of Gen. James W. Forsyth, and pay her a pension at the rate of $50 per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Harriet" and insert in lieu thereof the word "Hariet."
In line 7 strike out the words "in the" and insert in lieu thereof the words "and adjutant."
In same line, before the word "Ohio," insert the word "Regiment."
In same line strike out the word "and" and all of line 8.
In line 9 strike out the words "W. Forsyth."
In same line strike out the word "fifty" and insert in lieu thereof the word "thirty."
Amend the title so as to read: "A bill granting a pension to Hariet P. Sanders."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JONATHAN SHOOK.

The next pension business was the bill (H. R. 10019) granting an increase of pension to Jonathan Shook.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jonathan Shook, late of Company C, Seventh Regiment, and Company A, Fifteenth Regiment, Michigan Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

CHARLES W. HENDERSON.

The next pension business was the bill (H. R. 7609) granting an increase of pension to Charles Henderson.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles Henderson, late of Company H, Fifteenth Regiment New York Engineers, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "Henderson," insert the letter "W."
In the same line, before the word "Company," strike out the word "of" and insert in lieu thereof the words "first lieutenant."
In line 7, before the word "Engineers," insert the word "Volunteer."
Amend the title so as to read: "A bill granting an increase of pension to Charles W. Henderson."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

BOTTOL LARSEN.

The next pension business was the bill (H. R. 8042) granting an increase of pension to Bottol Larsen.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Bottol Larsen, late of Company D, Tenth Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

GEORGE C. SACKETT.

The next pension business was the bill (H. R. 10300) granting an increase of pension to George C. Sackett.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George C. Sackett, late of Company C, First Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

SAMUEL GREENLEE.

The next pension business was the bill (H. R. 3978) granting an increase of pension to Samuel Greenlee.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel Greenlee, late of Company A, One hundred and thirty-ninth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 7, after the word "Infantry," insert the words "and Company I, Sixth Regiment Veteran Reserve Corps."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

THOMAS WOLCOTT.

The next pension business was the bill (H. R. 4352) granting an increase of pension to Thomas Wolcott.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas Wolcott, late of Company D, Sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN LINES.

The next pension business was the bill (H. R. 5403) granting an increase of pension to John Lines.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Lines, late of Company E, Third Regiment New York Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MARSHALL U. GAGE.

The next pension business was the bill (H. R. 4717) granting a pension to Marshall U. Gage.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Marshall U. Gage, late of Company D, Tenth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of —— dollars per month.

The amendments recommended by the committee were read, as follows:

In line 8, before the word "dollars," insert the word "thirty."
In same line, after the word "month," insert the words "in lieu of that he is now receiving."
Amend the title so as to read: "A bill granting an increase of pension to Marshall U. Gage."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN DEARDOURFF.

The next pension business was the bill (H. R. 4766) granting an increase of pension to John Deardourff.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Deardourff, late of Company C, Fiftieth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

AUGUSTUS JOYEUX.

The next pension business was the bill (H. R. 6465) granting an increase of pension to Augustus Joyeux.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Augustus Joyeux, late of Company E, Seventh Regiment Rhode Island Volunteer Infantry, and pay him a pension at the rate of $25 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "twenty-five" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

A. LOUISA S. M'WHINNIE.

The next pension business was the bill (H. R. 4261) granting an increase of pension to Louise S. McWhinnie.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Louise S. McWhinnie, widow of James McWhinnie, late of Company H, Twentieth Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of —— dollars per month.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Louise" and insert in lieu thereof the words "A. Louisa."

In line 8, before the word "dollars," insert the word "twelve."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read "A bill granting a pension to A. Louisa S. McWhinnie."

WILLIAM A. LINCOLN.

The next pension business was the bill (H. R. 6775) granting an increase of pension to William A. Lincoln.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William A. Lincoln, late of Company F, First Regiment Connecticut Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 6, before the word "Company," strike out the word "of" and insert in lieu thereof the words "first lieutenant Company D, and captain."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

THOMAS G. M'LAUGHLIN.

The next pension business was the bill (H. R. 3223) granting an increase of pension to Thomas G. McLaughlin.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas G. McLaughlin, late of Company B, Thirty-seventh Regiment Wisconsin Volunteer Infantry, and pay him a pension of $40 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "forty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

DECATUR HARMON.

The next pension business was the bill (H. R. 2640) granting a pension to Decatur Harmon.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Decatur Harmon, late of Company K, Eighty-first Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month.

The amendment recommended by the committee was read, as follows:

In line 8, after the word "month," insert the words "in lieu of that he is now receiving."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Decatur Harmon."

HANNAH A. SAWYER.

The next pension business was the bill (H. R. 2195) granting a pension to Hannah A. Sawyer.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Hannah A. Sawyer, widow of Horace A. Sawyer, late of Company H, First Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Hannah A. Sawyer."

JOHN G. WALLACE.

The next pension buisness was the bill (H. R. 1241) granting an increase of pension to John G. Wallace.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John G. Wallace, late of Company C, Sixth Regiment, and of Company E, Twenty-seventh Regiment, and other commands of the Indiana Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "Company C, Sixth Regiment."

In line 7 strike out the words "and of."

In same line strike out the words "and other."

In line 8 strike out the words "commands of the."

In line 9 strike out the word "fifty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

FRANKLIN G. HAWKINS.

The next pension business was the bill (H. R. 523) granting an increase of pension to Frank G. Hawkins.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Frank G. Hawkins, late of Company G, One hundred and eighty-seventh Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Frank" and insert in lieu thereof the word "Franklin."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Franklin G. Hawkins."

SUMNER F. HUNNEWELL.

The next pension business was the bill (H. R. 533) granting an increase of pension to Sumner F. Hunnewell.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sumner F. Hunnewell, late of Company I, Twenty-fifth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

HENRY A. WHEELER.

The next pension business was the bill (H. R. 1655) granting an increase of pension to Henry A. Wheeler.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry A. Wheeler, late of Company I, Twelfth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

GEORGE BUDDEN.

The next pension business was the bill (H. R. 13153) granting an increase of pension to George Budden.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George Budden, late of Company A, Twentieth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

CHARLES C. BRIANT.

The next pension business was the bill (H. R. 8823) granting an increase of pension to Charles C. Briant.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles C. Briant, late captain Company K, Sixth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

LYDIA M. EDWARDS.

The next pension business was the bill (H. R. 14241) granting an increase of pension to Lydia M. Edwards.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lydia M. Edwards, widow of Robert H. Edwards, late of Company C, One hundred and tenth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "twenty-four" and insert in lieu thereof the word "sixteen."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

FRANKLIN SIMPSON.

The next pension business was the bill (H. R. 14918) granting an increase of pension to Franklin Simpson.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Franklin Simpson, late of Company H, Ninety-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "forty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JAMES BUCKLEY.

The next pension business was the bill (H. R. 15491) granting an increase of pension to James Buckley.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James Buckley, late of Company H, Third Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

AMELIA NICHOLS.

The next pension business was the bill (H. R. 14327) granting an increase of pension to Amelia Nichols.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Amelia Nichols, widow of Franklin P. Nichols, late second lieutenant Company A, Seventh Regiment Michigan Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as follows:

In line 9 strike out the word "twenty" and insert in lieu thereof the word "fifteen."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

SARAH J. MERRILL.

The next pension business was the bill (H. R. 14639) granting an increase of pension to Sarah J. Merrill.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sarah J. Merrill, widow of Capt. George S. Merrill, late of Company B, Fourth Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of —— dollars per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Captain."
In same line, after the word "late," insert the word "captain."
In line 7 strike out the word "of."
In same line strike out the word "Volunteer," and insert in lieu thereof the word "Militia."
In line 8, before the word "dollars," insert the word "twelve."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

CHARLES M. PUMPELLY.

The next pension business was the bill (H. R. 14497) granting an increase of pension to Charles M. Pumpelly.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles M. Pumpelly, late of Company A, Sixteenth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ELIZABETH WESTON.

The next pension business was the bill (H. R. 14560) granting an increase of pension to Elizabeth Weston.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth Weston, dependent mother of Clark W. Weston, late of Company I, Ninth Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

EDMOND R. HAYWOOD.

The next pension business was the bill (H. R. 14375) granting an increase of pension to Edmond R. Haywood.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edmond R. Haywood, late of Company D, First Battalion Arkansas Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

HENRY WEST.

The next pension business was the bill (H. R. 14559) granting an increase of pension to Henry West.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry West, late of Company G, Twenty-third Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "forty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

RHODA KENNEDY.

The next pension business was the bill (H. R. 15449) granting a pension to Rhoda Kennedy.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Rhoda

Kennedy, mother of Charles Kennedy, late of Company M, First Regiment United States Colored Artillery, and pay her a pension at the rate of $12 per month.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "mother," insert the word "dependent."
In line 7, before the word "Artillery," insert the words "Volunteer Heavy."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JERRY W. TALLMAN.

The next pension business was the bill (H. R. 15691) granting an increase of pension to Jerry W. Tallman.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jerry W. Tallman, late of Company E, Forty-eighth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 6, after the word "late," strike out the word "of" and insert in lieu thereof the words "first lieutenant."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JAMES M. MOOMAW.

The next pension business was the bill (H. R. 13110) granting an increase of pension to James M. Mooman.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James M. Mooman, late of Company B, Seventieth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Mooman" and insert in lieu thereof the word "Moomaw."
In line 8 strike out the word "thirty-six" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to James M. Moomaw."

MARTHA A. REMINGTON.

The next pension business was the bill (H. R. 11622) granting a pension to Martha A. Remington.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Martha A. Remington, widow of Thomas J. L. Remington, late major Seventy-fourth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $24 per month.

The amendments recommended by the committee were read, as follows:

In line 7, after the word "late," insert the words "captain Company A, and."
In line 8 strike out the word "twenty-four" and insert in lieu thereof the word "twelve."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN HORNBEAK.

The next pension business was the bill (H. R. 11926) granting an increase of pension to John Hornbeak.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Hornbeak, late of Company, Sixth Provisional Regiment Enrolled Missouri Militia Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "of Company" and insert in lieu thereof the word "major."
In line 7 strike out the words "Volunteer Infantry."
In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOSEPH B. FONNER, ALIAS JOHN HAVENS.

The next pension business was the bill (H. R. 11873) granting a pension to Joseph B. Fonner.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph B. Fonner, late of Company L, Nineteenth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $24 per month.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "late," insert the words "alias John Havens."
In line 8 strike out the word "twenty-four" and insert in lieu thereof the word "twelve."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting a pension to Joseph B. Fonner, alias John Havens."

ZADICK CARTER.

The next pension business was the bill (H. R. 12533) granting an increase of pension to Zadick Carter.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Zadick Carter, late of Company A, First Regiment Eastern Shore Virginia Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "Eastern," insert the word "Loyal."
In line 7 strike out the word "Shore."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

AUGUST BAUER.

The next pension business was the bill (H. R. 10816) granting an increase of pension to August Bauer.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of August Bauer, late of Company F, One hundred and fortieth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $35 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty-five" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOSEPH DOUGAL.

The next pension business was the bill (H. R. 11868) granting an increase of pension to Joseph Dougal.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph Dougal, late of Company E, Fifteenth Regiment, and Company K, Tenth Regiment, Illinois Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

LUKE M'LONEY.

The next pension business was the bill (H. R. 11856) granting an increase of pension to Luke McLoney.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Luke McLoney, late of Company H, One hundred and seventy-seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "forty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

DAVID H. ALLEN.

The next pension business was the bill (H. R. 11866) granting an increase of pension to David A. Allen.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of David A. Allen, late of Company I, Second Regiment California Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "A." and insert in lieu thereof the letter "H."

Amend the title so as to read: "A bill granting an increase of pension to David H. Allen."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

GEORGE E. KING.

The next business business was the bill (H. R. 11667) granting an increase of pension to George E. King.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George E. King, late of Company B, Third Regiment Delaware Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN N. BOYD.

The next pension business was the bill (H. R. 10907) granting an increase of pension to John N. Boyd.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John N. Boyd, late of Company K, Seventh Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JACOB KELLER.

The next pension business was the bill (H. R. 10753) granting an increase of pension to Jacob Kellar.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jacob Kellar, late of Company K, One hundred and sixty-ninth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 6 strike out the word "Kellar" and insert in lieu thereof the word "Keller."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Jacob Keller."

CLARK A. WINANS.

The next pension business was the bill (H. R. 10230) granting an increase of pension to Clark A. Winans.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Clark A. Winans, late of Company C, One hundred and fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JESSE SILER.

The next pension business was the bill (H. R. 9839) granting an increase of pension to Jesse Siler.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jesse Siler, late of Company A, Eighth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

HENRY HARES.

The next pension business was the bill (H. R. 15007) granting an increase of pension to Henry Hares.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry Hares, late of Company B, Seventy-fifth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 6 strike out the word "Company" and insert in lieu thereof the words "Companies I and."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JAMES H. POSEY.

The next pension business was the bill (H. R. 14890) granting an increase of pension to James H. Posey.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James H. Posey, late of Company D, Sixteenth Regiment West Virginia Volunteer Infantry, and of Company D, District of Columbia Union Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "of" and insert in lieu thereof the word "captain."

In lines 7 and 8 strike out the words "and of Company D, District of Columbia Union Volunteer Infantry."

In line 9 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

HENRY PORTER.

The next pension business was the bill (H. R. 7331) granting a pension to Henry Porter.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry Porter, late of Company B, Twenty-sixth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $24 per month.

The amendment recommended by the committee was read, as follows:

In line 8, after the word "month," insert the words "in lieu of that he is now receiving."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Henry Porter."

MARGARETT CARROLL.

The next pension business was the bill (H. R. 5486) granting a pension to Maggie Carroll.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Maggie Carroll, widow of Henry L. Carroll, lieutenant Company B, First Battalion Georgia Volunteer Infantry, at the rate of $8 per month, to commence on the date of soldier's death, August 13, A. D. 1904, who died of disease contracted while in the service of the United States.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Maggie" and insert in lieu thereof the word "Margarett."

In same line, before the word "lieutenant," insert the words "late first."

In line 7, after the word "Infantry," insert the words "and pay her a pension."

In line 8 strike out the word "eight" and insert in lieu thereof the word "twelve."

In same line strike out the words "to commence on the date" and all of lines 9, 10, and 11.

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting a pension to Margarett Carroll."

JAMES M. MILLER.

The next pension business was the bill (H. R. 7681) granting an increase of pension to James M. Miller.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James M. Miller, late of Company —, Twenty-second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 6, after the word "Company," insert the letter "B."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

FRANKLIN J. KECK.

The next pension business was the bill (H. R. 7738) granting an increase of pension to Franklin J. Keck.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Franklin J. Keck, late of Company I, First Regiment Volunteer Infantry, and late of Company G, One hundred and twenty-eighth Regiment Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In lines 6 and 7 strike out the words "of Company I, First Regiment Volunteer Infantry, and late."

In line 8, before the word "Volunteer," insert the word "Pennsylvania."

In line 9 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MARTIN V. CANNEDY.

The next pension business was the bill (H. R. 8315) granting an increase of pension to Martin V. Cannedy.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Martin V. Cannedy, late of Company H, One hundred and forty-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $75 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "seventy-five" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ARTHUR M. LEE.

The next pension business was the bill (H. R. 8722) granting an increase of pension to Arthur M. Lee.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Arthur M. Lee, late of Company —, Eighteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the words "of Company" and insert in lieu thereof the words "first lieutenant."

In line 8 strike out the word "fifty" and insert in lieu thereof the word "forty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

MOSES B. DAVIS.

The next pension business was the bill (H. R. 8725) granting an increase of pension to Moses B. Davis.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Moses B. Davis, late of Company E, Fifteenth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JULIUS BEIER.

The next pension business was the bill (H. R. 7876) granting an increase of pension to Julius Beier.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Julius Beier, late of Company C, Twenty-ninth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 6 strike out the letter "C" and insert in lieu thereof the letter "E."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JAMES H. HILL.

The next pension business was the bill (H. R. 3660) granting an increase of pension to James H. Hill.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James H. Hill, late of Company E, Second Regiment Tennessee Volunteer Mounted Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MARY O. ARNOLD.

The next pension business was the bill (H. R. 7225) granting an increase of pension to Mary O. Arnold.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary O. Arnold, widow of Marion Arnold, late of Battery H, First Regiment Ohio Light Artillery, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Battery" and insert in lieu thereof the word "Company."

In line 7, after the word "Ohio," insert the word "Volunteer."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

FRANK OSTERBERG.

The next pension business was the bill (H. R. 6488) granting an increase of pension to Frank Osterberg.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Frank Osterberg, late of the United States Navy, and pay him a pension at the rate of $30 per month.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "late," insert the words "alias William McKay."

In same line, before the word "United," insert the words "U. S. S. Dacotah, Alleghany, and Cyane."

In line 7, after the word "month," insert the words "in lieu of that he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Frank Osterberg, alias William McKay."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third

reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM H. LEWIS.

The next pension business was the bill (H. R. 4946) granting an increase of pension to William H. Lewis.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William H. Lewis, late of Company E, Thirteenth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "forty" and insert in lieu thereof the word "thirty-six."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM MOORE.

The next pension business was the bill (H. R. 4888) granting an increase of pension to William Moore.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Moore, late of Company C, Seventh Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "Company," strike out the word "of" and insert in lieu thereof the words "second lieutenant."

In line 8 strike out the word "forty" and insert in lieu thereof the word "thirty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

FANNIE E. MORROW.

The next pension business was the bill (H. R. 4633) granting an increase of pension to Fannie E. Morrow.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Fannie E. Morrow, widow of Dr. S. Morrow, late assistant surgeon Company A, One hundred and thirty-first Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "S" and insert in lieu thereof the letter "F."

In line 7 strike out the words "Company A."

In line 9 strike out the word "thirty" and insert in lieu thereof the word "twelve."

Mr. SULLOWAY. Mr. Speaker, since that bill was reported evidence has come before the committee which warrants me in moving to amend the committee amendment by striking out "twelve" and inserting "sixteen."

The amendment was agreed to.

The committee amendments as amended were agreed to.

The bill as amended was ordered to be engrossed and read a third time; was read a third time, and passed.

ANDREW J. BENSON.

The next pension business was the bill (H. R. 2765) granting an increase of pension to Andrew J. Benson.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Andrew J. Benson, late of Company D, First Regiment New Hampshire Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

THOMAS CARDER.

The next pension business was the bill (H. R. 3007) granting an increase of pension to Thomas Carder.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas Carder, late of Company A, Sixth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the letter "A" and insert in lieu thereof the letter "G."

In same line strike out the word "Sixth" and insert in lieu thereof the word "Second."

In line 7 strike out the word "Infantry" and insert in lieu thereof the word "Cavalry."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN A. MALONE.

The next pension business was the bill (H. R. 10396) granting an increase of pension to John A. Malone.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John A. Malone, late of Company I, Twenty-second Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

FRANCIS W. PRESTON.

The next pension business was the bill (H. R. 9406) granting an increase of pension to Francis W. Preston.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Francis W. Preston, late of Company I, Thirteenth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHANNA WALGWIST.

The next pension business was the bill (H. R. 7806) granting an increase of pension to Johanna Walquist.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Johanna Walquist, widow of John S. Walquist, late of Company K, Ninety-third Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Anna C. Walquist, helpless and dependent daughter of said John S. Walquist, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Johanna Walquist the name of Anna C. Walquist shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month from and after the date of the death of said Johanna Walquist.

The amendments recommended by the committee were read, as follows:

In line 6, after the word "Johanna," strike out the word "Walquist" and insert in lieu thereof the word "Walgwist."

In same line, before the word "late," strike out the word "Walquist" and insert in lieu thereof the words "alias Jonas Walgwist."

In line 8 strike out the word "twenty" and insert the word "twenty-four."

In line 10 strike out the word "Walquist" and insert in lieu thereof the word "Walgwist."

In line 11, before the word "the," strike out the word "Walquist" and insert in lieu thereof the words "alias Jonas Walgwist."

In line 13 strike out the word "Walquist" and insert in lieu thereof the word "Walgwist."

In line 14 strike out the word "Walquist" and insert in lieu thereof the word "Walgwist."

In line 17 strike out the word "Walquist" and insert in lieu thereof the word "Walgwist."

Amend title so as to read: "A bill granting an increase of pension to Johanna Walgwist."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ANNIE E. PETERS.

The next pension business was the bill (H. R. 7823) granting an increase of pension to Annie E. Peters, widow of John A. Peters.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Annie E. Peters, widow of John A. Peters, late landsman, United States steamers North Carolina, Potomac, and Metacomet, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In lines 6 and 7 strike out the words "landsman, United States steamers" and insert in lieu thereof the words "of U. S. S."

In line 8, before the word "and," insert the words "United States Navy."

In same line strike out the word "twenty" and insert in lieu thereof the word "sixteen."

Amend title so as to read: "A bill granting an increase of pension to Annie E. Peters."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MARGARET BECKER.

The next pension business was the bill (H. R. 8930) granting an increase of pension to Margaret Becker.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Margaret Becker, widow of John P. Becker, late captain Company K, Second Regiment Louisiana Volunteer Infantry, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "twenty-five" and insert in lieu thereof the word "twenty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

EDSON J. HARRISON.

The next pension business was the bill (H. R. 3484) granting an increase of pension to Edson J. Harrison.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edson J. Harrison, late of Company B, Thirty-fourth Massachusetts Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

LUCIUS R. SIMONS.

The next pension business was the bill (H. R. 3233) granting an increase of pension to Lucius R. Simons.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lucius R. Simons, late of Troop L, Tenth Regiment of Illinois Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the word "Troop" and insert in lieu thereof the word "Company."

In same line, after the word "Regiment," strike out the word "of."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM R. DUNCAN.

The next pension business was the bill (H. R. 1897) granting an increase of pension to William R. Duncan.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William R. Duncan, late of Company G, Third Regiment Tennessee Volunteer Infantry, and pay him a pension at the rate of $60 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "sixty" and insert in lieu thereof the word "thirty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

SIOTHA BENNETT.

The next pension business was the bill (H. R. 2082) granting an increase of pension to Siotha Bennett.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Siotha Bennett, widow of Clarence E. Bennett, late lieutenant-colonel First Regiment California Volunteer Cavalry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ZACHARIAH GEORGE.

The next pension business was the bill (H. R. 12532) granting an increase of pension to Zachariah George.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Zachariah George, late of Company D, Tenth Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

KATHERINE F. WAINWRIGHT.

The next pension business was the bill (H. R. 1322) granting an increase of pension to Katherine F. Wainwright.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Katherine F. Wainwright, widow of George A. Wainwright, late major of the First Regiment New Hampshire Heavy Artillery, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, before the word "major," insert the words "first lieutenant Company A, and."

In same line strike out the words "of the."

In line 7, after the word "New Hampshire," insert the word "Volunteer."

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-five."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ELLEN M. BRANT.

The next pension business was the bill (H. R. 2090) granting an increase of pension to Ellen M. Brant.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ellen M. Brant, widow of Uriah Brant, late captain Company H, Seventh Regiment Illinois Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as follows:

In line 6, after the word "late," insert the words "first lieutenant and."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

HENRY SANBORN.

The next pension business was the bill (H. R. 3344) granting an increase of pension to Henry Sanborn.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry Sanborn, late of Second Regiment United States Sharpshooters, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, before the word "Second," insert the words "Company F."

In same line, after the word "States," insert the word "Volunteer."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

CORA F. MITCHELL.

The next pension business was the bill (H. R. 2034) granting a pension to Cora F. Mitchell.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Cora F. Mitchell, dependent daughter of Seth W. Mitchell, late of Company C,

Thirty-eighth Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment recommended by the committee was read, as follows:

In line 6, before the word "dependent," insert the words "helpless and."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

CHARLES H. CONLEY.

The next pension business was the bill (H. R. 1913) granting an increase of pension to Charles H. Conley.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles H. Conley, late of Company B, Twenty-eighth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

LEVI A. TRIPP.

The next pension business was the bill (S. 17) granting an increase of pension to Levi A. Tripp.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Levi A. Tripp, late of Company C, Thirtieth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; was accordingly read the third time, and passed.

ALPHONSO B. HOLLAND.

The next pension business was the bill (S. 19) granting an increase of pension to Alphonso B. Holland.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alphonso B. Holland, late of Company G, Second Regiment District of Columbia Volunteer Infantry, and Companies H and K, Twenty-ninth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; was accordingly read the third time, and passed.

ANDREW SMITH.

The next pension business was the bill (S. 22) granting an increase of pension to Andrew Smith.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Andrew Smith, late of Company G, Thirty-third Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

ALBERT WINES.

The next pension business was the bill (S. 94) granting an increase of pension to Albert Wines.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Albert Wines, late of Company I, First Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

DAVID D. GRIFFITH.

The next pension business was the bill (S. 162) granting an increase of pension to David D. Griffith.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of David D. Griffith, late of Company H, Twenty-first Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

HENRY RUSSELL.

The next pension business was the bill (S. 165) granting an increase of pension to Henry Russell.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry Russell, late of Company M, Eleventh Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JOSEPH W. LEGRO.

The next pension business was the bill (S. 180) granting an increase of pension to Joseph W. Legro.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph W. Legro, late of Company D, Twenty-second Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JAMES H. KANE.

The next pension business was the bill (S. 187) granting an increase of pension to James H. Kane.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James H. Kane, late first lieutenant Company I, First Regiment Connecticut Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

FREDRICH BEHRENS.

The next pension business was the bill (S. 200) granting an increase of pension to Fredrich Behrens.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Fredrich Behrens, late of Company B, Twenty-first Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

EDWARD E. NEEDHAM.

The next pension business was the bill (S. 203) granting an increase of pension to Edward E. Needham.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edward E. Needham, late of Company E, Thirty-second Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JAMES WHITE.

The next pension business was the bill (S. 218) granting an increase of pension to James White.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James White, late of Battery H, Fourth Regiment United States Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JONATHAN F. GATES.

The next pension business was the bill (S. 220) granting an increase of pension to Jonathan F. Gates.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jonathan F. Gates, late of Company C, Twenty-seventh Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

MARTIN L. ADAMS.

The next pension business was the bill (S. 251) granting an increase of pension to Martin L. Adams.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Martin L. Adams, late of Company C, Twenty-sixth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

HENRY B. BURTON.

The next pension business was the bill (S. 325) granting an increase of pension to Henry B. Burton.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry B. Burton, late of Company B, One hundred and second Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

MARY C. DUANE.

The next pension business was the bill (S. 446) granting an increase of pension to Mary C. Duane.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary C. Duane, widow of Daniel J. Duane, late first lieutenant Company A, Third Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Frank Duane, imbecile and dependent child of said Daniel J. Duane, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Mary C. Duane, the name of the said Frank Duane shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month from and after the date of death of said Mary C. Duane.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JAMES H. LEWIS.

The next pension business was the bill (S. 466) granting an increase of pension to James H. Lewis.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James H. Lewis, late of Company A, Second Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

AMOS M. RUNKEL.

The next pension business was the bill (S. 482) granting an increase of pension to Amos M. Runkel.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Amos M. Runkel, late of Company K, Ninety-third Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

BARNEY WHITNEY.

The next pension business was the bill (S. 492) granting an increase of pension to Barney Whitney.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Barney Whitney, late of Company F, Seventy-ninth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

ALFRED M'PHERRAN.

The next pension business was the bill (S. 527) granting an increase of pension to Alfred McPherran.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alfred McPherran, late of Company C, One hundred and twenty-fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

WILLIAM CARR.

The next pension business was the bill (S. 548) granting an increase of pension to William Carr.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Carr, late of Company D, First Regiment Nebraska Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

HENRY H. HILL.

The next pension business was the bill (S. 555) granting an increase of pension to Henry H. Hill.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry H. Hill, late sergeant-major, and second lieutenant Company B, Fourteenth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JOSEPH L. PRENTISS.

The next pension business was the bill (S. 589) granting a pension to Joseph L. Prentiss.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph L. Prentiss, late acting medical cadet and acting assistant surgeon, United States Army, and pay him a pension at the rate of $24 per month.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

DAVID M. PEARSON.

The next pension business was the bill (S. 597) granting an increase of pension to David M. Pearson.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of David M. Pearson, late of the First Independent Battery Kansas Volunteer Light Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

MARY A. MEGRUE.

The next pension business was the bill (S. 599) granting an increase of pension to Mary A. Megrue.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary A. Megrue, widow of Ambrose R. Megrue, late captain Company M, Fourth Regiment Ohio Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

BRIDGET EVANS.

The next pension business was the bill (S. 623) granting an increase of pension to Bridget Evans.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Bridget Evans, widow of James Evans, late of Company D, Tenth Regiment Tennessee Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JAMES M. CONRAD.

The next pension business was the bill (S. 641) granting an increase of pension to James M. Conrad.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James M. Conrad, late of Company H, Forty-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

CHARLES E. BISHOP.

The next pension business was the bill (S. 655) granting an increase of pension to Charles E. Bishop.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles

E. Bishop, late of Company B, First Regiment District of Columbia Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

ABRAHAM WALTERS.

The next pension business was the bill (S. 656) granting an increase of pension to Abraham Walters.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Abraham Walters, late of Company E, Ninety-eighth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

CHARLES CONINE.

The next pension business was the bill (S. 671) granting an increase of pension to Charles Conine.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles Conine, late of Company E, Nineteenth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JAMES F. HUBBARD.

The next pension business was the bill (S. 672) granting an increase of pension to James F. Hubbard.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James F. Hubbard, late of Company K, Second Regiment Wisconsin Volunteer Cavalry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

ULRIKA BOTTCHER.

The next pension business was the bill (S. 675) granting a pension to Ulrika Bottcher.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ulrika Bottcher, widow of John Bottcher, late of Company B, Forty-fourth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $8 per month.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

LIZZIE M. M'LAUCHLAN.

The next pension business was the bill (S. 712) granting an increase of pension to Lizzie M. McLauchlan.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lizzie M. McLauchlan, widow of George H. McLauchlan, late of U. S. S. Ohio, San Jacinto, and Sassacus, United States Navy, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

THEODORE H. HANSON.

The next pension business was the bill (S. 716) granting an increase of pension to Theodore H. Hanson.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Theodore H. Hanson, late of Company K, Twenty-fifth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

ORANGE S. MASON.

The next pension business was the bill (S. 721) granting an increase of pension to Orange S. Mason.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Orange S. Mason, late of Company H, Eleventh Regiment, and Company B, Eighth Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

WILLIAM M. SMITH.

The next pension business was the bill (S. 725) granting an increase of pension to William M. Smith.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William M. Smith, late of Company B, Twenty-second Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JERUSHA HAYWARD BROWN.

The next pension business was the bill (S. 772) granting an increase of pension to Jerusha Hayward Brown.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jerusha Hayward Brown, widow of Edward M. Brown, late lieutenant-colonel Eighth Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $30 per month, such pension to be in lieu of that she is now receiving under special act of Congress approved June 9, 1896.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

GEORGE L. COOLEY.

The next pension business was the bill (S. 784) granting an increase of pension to George L. Cooley.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George L. Cooley, late of Company F, Tenth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

WILLIAM BENKLER.

The next pension business was the bill (S. 790) granting an increase of pension to William Benkler.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Benkler, late of Company C, Third Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

CHARLES A. FAY.

The next pension business was the bill (S. 836) granting an increase of pension to Charles A. Fay.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles A. Fay, late of Company H, Fifth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

WILLIAM A. EGGLESTON.

The next pension business was the bill (S. 842) granting an increase of pension to William A. Eggleston.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William A. Eggleston, late of Company E, Fifteenth Regiment Vermont Volunteer Infantry, and Company A, First Regiment Vermont Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

RICHARD T. FRIED.

The next pension business was the bill (S. 859) granting an increase of pension to Richard T. Fried.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, anthorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Richard T. Fried, late of Company A, Forty-sixth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

THOMAS O'CONNOR.

The next pension business was the bill (S. 861) granting an increase of pension to Thomas O'Connor.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas O'Connor, late of Company D, Second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

HOWARD ELLIS.

The next pension business was the bill (S. 969) granting an increase of pension to Howard Ellis.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Howard Ellis, late of Company H, Second Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JOHN E. WOODSUM.

The next pension business was the bill (S. 1011) granting an increase of pension to John E. Woodsum.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John E. Woodsum, late of Company K, Eighth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

PETER SHIPPMAN.

The next pension business was the bill (S. 1023) granting an increase of pension to Peter Shippman.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Peter Shippman, late of Company I, Third Regiment Minnesota Volunteer Infantry, and captain Company I, One hundred and thirteenth Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

ISAIAH MITCHELL.

The next pension business was the bill (S. 1130) granting an increase of pension to Isaiah Mitchell.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Isaiah Mitchell, late of Company G, One hundred and fifteenth Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

ALBERT S. BLAKE.

The next pension business was the bill (S. 1138) granting an increase of pension to Albert S. Blake.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Albert S. Blake, late captain Company M, Second Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JAMES M. FERNALD.

The next pension business was the bill (S. 1173) granting an increase of pension to James M. Fernald.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James M. Fernald, late of Company H, Fifth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

HENRY J. PATTERSON.

The next pension business was the bill (S. 1227) granting an increase of pension to Henry J. Patterson.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry J. Patterson, late of Company G, Third Regiment, and Company F, Fifth Regiment, Michigan Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JULIA L. PLIMPTON.

The next pension business was the bill (S. 1228) granting an increase of pension to Julia L. Plimpton.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Julia L. Plimpton, widow of Emory M. Plimpton, late captain Company M, Fourth Regiment Michigan Volunteer Cavalry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

EUGENE GASKILL.

The next pension business was the bill (S. 1230) granting an increase of pension to Eugene Gaskill.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Eugene Gaskill, late of Company L, Eighth Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

WILLIAM F. WILSON.

The next pension business was the bill (S. 1246) granting an increase of pension to William F. Wilson.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William F. Wilson, late of Company H, Fifth Regiment Pennsylvania Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

PETER BURNS.

The next pension business was the bill (S. 1251) granting an increase of pension to Peter Burns.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Peter Burns, late of Company H, Second Regiment Pennsylvania Reserves Volunteer Infantry, and United States ships Wabash, Saratoga, and Vermont, United States Navy, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

ORLANDO C. PINKHAM.

The next pension business was the bill (S. 1357) granting an increase of pension to Orlando C. Pinkham.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Orlando C. Pinkham, late of Eighth Unattached Company, Massachusetts Volunteer Heavy Artillery, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

HENRY JORDAN.

The next pension business was the bill (S. 1399) granting an increase of pension to Henry Jordan.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry Jordan, late lieutenant-colonel Seventeenth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

LEVI E. CROSS.

The next pension business was the bill (S. 1418) granting an increase of pension to Levi E. Cross.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Levi E.

Cross, late of Company A, Eighth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

SARAH A. TYLER.

The next pension business was the bill (S. 1420) granting an increase of pension to Sarah A. Tyler.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sarah A. Tyler, widow of William H. H. Tyler, late of Company G, Third Regiment New Hampshire Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

HARVEY C. BROWN.

The next pension business was the bill (S. 1421) granting an increase of pension to Harvey C. Brown.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Harvey C. Brown, late of Company D, Fifth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

WILLIAM F. DAVIS.

The next pension business was the bill (S. 1437) granting an increase of pension to William F. Davis.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William F. Davis, late of Company G, Second Regiment Maryland Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JOHN M. ODENHEIMER.

The next pension business was the bill (S. 1527) granting an increase of pension to John M. Odenheimer.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John M. Odenheimer, late first lieutenant Company L, Sixth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

MARY C. BISHOP.

The next pension business was the bill (S. 1555) granting an increase of pension to Mary C. Bishop.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary C. Bishop, widow of John Bishop, jr., late second lieutenant Company G, and first lieutenant Company E, Twenty-ninth Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

PETER BETZ.

The next pension business was the bill (S. 1624) granting an increase of pension to Peter Betz.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Peter Betz, late of Company H, One hundred and twenty-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

SOLOMON R. RUCH.

The next pension business was the bill (S. 1634) granting an increase of pension to Solomon R. Ruch.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Solomon R. Ruch, late of Company A, Fourteenth Regiment United States Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JACOB G. ORTH.

The next pension business was the bill (S. 1645) granting an increase of pension to Jacob G. Orth.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jacob G. Orth, late of Company D, Twenty-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JOHN C. ESTES.

The next pension business was the bill (S. 1665) granting an increase of pension to John C. Estes.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John C. Estes, late of Company L, Fourth Regiment Massachusetts Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

GEORGE W. BEARD.

The next pension business was the bill (S. 1666) granting an increase of pension to George W. Beard.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George W. Beard, late acting third assistant engineer, United States Navy, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

FREDERICK W. PARTRIDGE.

The next pension business was the bill (S. 1834) granting an increase of pension to Frederick W. Partridge.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Frederick W. Partridge, late acting master, United States Navy, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

EDGAR TIBBILS.

The next pension business was the bill (S. 1905) granting an increase of pension to Edgar Tibbils.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edgar Tibbils, late of Company F, Second Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

FRANCESCO DEL GINDICE.

The next pension business was the bill (S. 1908) granting an increase of pension to Francesco Del Gindice.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Francesco Del Gindice, late musician, band, Tenth Regiment United States Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

GUNNERUS INGEBRETSON.

The next pension business was the bill (S. 1911) granting an increase of pension to Gunnerus Ingebretson.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Gunnerus Ingebretson, late of Company E, Eighteenth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

THOMAS EDSALL.

The next pension business was the bill (S. 1978) granting an increase of pension to Thomas Edsall.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas Edsall, late of Company E, Ninth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

SOLOMON F. WEHR.

The next pension business was the bill (S. 2044) granting a pension to Solomon F. Wehr.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Solomon F. Wehr, late acting assistant surgeon, United States Army, and pay him a pension at the rate of $12 per month.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

RUTH F. BENNETT.

The next pension business was the bill (S. 2080) granting a pension to Ruth F. Bennett.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ruth F. Bennett, widow of Thomas Bennett, late of Company D, Tenth Regiment New Jersey Volunteer Infantry, and Company E, Twenty-second Regiment Veteran Reserve Corps, and pay her a pension at the rate of $8 per month.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

SARAH E. ADAMS.

The next pension business was the bill (S. 2090) granting an increase of pension to Sarah E. Adams.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sarah E. Adams, widow of George H. Adams, late of Company A, Eleventh Regiment Rhode Island Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JOHN P. BAMBUSH.

The next pension business was the bill (S. 2091) granting an increase of pension to John P. Bambush.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John P. Bambush, late of Company K, Thirty-fourth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

LORIN R. BINGHAM.

The next pension business was the bill (S. 2103) granting an increase of pension to Lorin R. Bingham.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lorin R. Bingham, late of Company D, Second Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

HELEN B. READ.

The next pension business was the bill (S. 2153) granting an increase of pension to Helen B. Read.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Helen B. Read, widow of Ira B. Read, late first lieutenant Company D and captain Company E, One hundred and first Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $17 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

ISAAC B. HEWITT.

The next pension business was the bill (S. 2168) granting an increase of pension to Isaac B. Hewitt.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Isaac B. Hewitt, late acting first assistant engineer, United States Navy, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JOHN J. BUFFINGTON.

The next pension business was the bill (S. 2182) granting an increase of pension to John J. Buffington.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John J. Buffington, late of Company E, First Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

DAVID W. MAGEE.

The next pension business was the bill (S. 2216) granting an increase of pension to David W. Magee.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of David W. Magee, late of Company F, First Regiment Indiana Volunteers, war with Mexico, and lieutenant-colonel Eighty-sixth Regiment Illinois Volunteer Infantry, and colonel Forty-seventh Regiment Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JOHN RAUCH.

The next pension business was the bill (S. 2250) granting an increase the pension of John Rauch.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Rauch, late of Company E, One hundred and second Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

ASHLEY A. YOUMANS.

The next pension business was the bill (S. 2332) granting an increase of pension to Ashley A. Youmans.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pensions laws, the name of Ashley A. Youmans, late of Company G, Ninth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

ALBERT C. ANDREWS.

The next pension business was the bill (S. 2344) granting an increase of pension to Albert C. Andrews.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Albert C. Andrews, late of Company H, Thirty-second Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $55 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JOHN W. REED.

The next pension business was the bill (S. 2346) granting an increase of pension to John W. Reed.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John W. Reed, late of Company G, One hundred and thirty-seventh Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JOHN L. CLARK.

The next pension business was the bill (S. 2393) granting an increase of pension to John L. Clark.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John L. Clark, late of Battery C, First Regiment Illinois Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

THOMAS MILLIMAN.

The next pension business was the bill (S. 2406) granting an increase of pension to Thomas Milliman.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas Milliman, late of Company E, Seventh Regiment Ohio Volunteer Infantry, and Company B, One hundred and sixty-sixth Regiment Ohio National Guard Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

CHARLES L. NOGGLE.

The next pension business was the bill (S. 2473) granting an increase of pension to Charles L. Noggle.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles L. Noggle, late of Twelfth Independent Battery Wisconsin Light Artillery, and first lieutenant, Second Regiment United States Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JESSE M. FURMAN.

The next pension business was the bill (S. 2548) granting an increase of pension to Jesse M. Furman.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jesse M. Furman, late of United States gunboat Essex, United States Navy, and Company B, First Regiment Vermont Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

GEORGE L. JAQUITH.

The next pension business was the bill (S. 2840) granting an increase of pension to George L. Jaquith.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George L. Jaquith, late of Company G, Twenty-first Regiment Massachusetts Volunteer Infantry, and Company G, Forty-seventh Regiment Massachusetts Volunteer Militia Infantry, and pay him a pension at the rate of $25 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

GARRETT ROURKE.

The next pension business was the bill (S. 2863) granting an increase of pension to Garrett Rourke.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Garrett Rourke, late of Company E, Twenty-fourth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

GEORGE W. FLICK.

The next pension business was the bill (S. 2868) granting an increase of pension to George W. Flick.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George W. Flick, late of Company H, Ninety-third Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

SAMUEL E. JOHNSON.

The next pension business was the bill (S. 2882) granting an increase of pension to Samuel E. Johnson.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel E. Johnson, late of Company D, Thirteenth Regiment Iowa Volunteer Infantry, and first lieutenant and adjutant, Sixty-sixth Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JOSEPH E. STINES.

The next pension business was the bill (S. 2950) granting an increase of pension to Joseph E. Stines.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph E. Stines, late of Company C, Second Regiment North Carolina Volunteer Mounted Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

FRANK WESTERVELT.

The next pension business was the bill (S. 3031) granting an increase of pension to Frank Westervelt.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Frank Westervelt, late of Company B and hospital steward Fifth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

HENRY D. HALL.

The next pension business was the bill (S. 3043) granting an increase of pension to Henry D. Hall.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry D. Hall, late of Company A, First Regiment Maine Volunteer Infantry, and first lieutenant and captain, United States Revenue Marine Service, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JOHN O. THORN.

The next pension business was the bill (S. 3036) granting an increase of pension to John O. Thorn.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John O. Thorn, late of Company F, Thirtieth Regiment Maine Volunteer Infantry, and One hundred and fourteenth Company, Second Battalion Veteran Reserve Corps, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JOHN G. BLESSING.

The next pension business was the bill (S. 3121) granting an increase of pension to John G. Blessing.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John G. Blessing, late of Company A, Sixty-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

PARTHENIA W. BAKER.

The next pension business was the bill (S. 3125) granting an increase of pension to Parthenia W. Baker.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Parthenia W. Baker, widow of Alpheus W. Baker, late second lieutenant Company H, Twenty-third Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $15 per month.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

GEORGIA D. BROWN.

The next pension business was the bill (S. 3132) granting an increase of pension to Georgia D. Brown.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Georgia D. Brown, widow of George M. Brown, late captain Company M, and major First Regiment Maine Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JOHN HARPER.

The next pension business was the bill (S. 3187) granting a pension to John Harper.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Harper, late unassigned, One hundred and forty-ninth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

ELIZABETH RUTHERFORD.

The next pension business was the bill (S. 3189) granting an increase of pension to Elizabeth Rutherford.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth Rutherford, widow of Hugh Rutherford, late of Company I, Eighty-eighth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

ANDREW J. COULTON, ALIAS SAMUEL MYERS.

The next pension business was the bill (S. 3199) granting an increase of pension to Andrew J. Coulton, alias Samuel Myers.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Andrew J. Coulton, alias Samuel Myers, late of Company G, Third Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

NANCY A. TEETERS.

The next pension business was the bill (S. 3224) granting a pension to Nancy A. Teeters.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Nancy A. Teeters, widow of John Teeters, late of Company A, Eighty-fourth Regiment, and Company F, Eighty-seventh Regiment, Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $8 per month.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

DANIEL WOOLLEY.

The next pension business was the bill (S. 3242) granting an increase of pension to Daniel Woolley.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Daniel Woolley, late of Company C, Eighty-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

RICHARD M. OGLE.

The next pension business was the bill (S. 3310) granting an increase of pension to Richard M. Ogle.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Richard M. Ogle, late of Company F, Twenty-third Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

OSCAR F. RENICK.

The next pension business was the bill (S. 3312) granting a pension to Oscar F. Renick.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Oscar F. Renick, acting assistant surgeon, United States Army, and pay him a pension at the rate of $12 per month.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

HENRY V. HAMENSTAEDT.

The next pension business was the bill (S. 3315) granting an increase of pension to Henry V. Hamenstaedt.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry V. Hamenstaedt, late of Company A, Second Regiment Missouri Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

LENA SHERMAN.

The next pension business was the bill (S. 3472) granting an increase of pension to Lena Sherman.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lena Sherman, widow of Buren R. Sherman, late second lieutenant and captain Company E, Thirteenth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

LA FORREST C. DARLING.

The next pension business was the bill (S. 3473) granting an increase of pension to La Forrest C. Darling.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of La Forrest C. Darling, late of Company I, Twelfth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JAMES B. KELLOGG.

The next pension business was the bill (S. 3474) granting an increase of pension to James B. Kellogg.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James B. Kellogg, late of U. S. S. Ohio, Princeton, and Mohican, United States Navy, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

EVERETT S. FITCH.

The next pension business was the bill (S. 3475) granting an increase of pension to Everett S. Fitch.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Everett S. Fitch, late first lieutenant Company C, Fifth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

CATHARINE BECHTOL.

The next pension business was the bill (S. 3492) granting an increase of pension to Catharine Bechtol.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Catharine Bechtol, widow of John W. Bechtol, late of Company D, Twentieth Regiment Pennsylvania Volunteer Cavalry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

DOMINICK CAVANAUGH.

The next pension business was the bill (S. 3539) granting an increase of pension to Dominick Cavanaugh.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Dominick Cavanaugh, late of Company E, First Regiment Oregon Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

STEPHEN M. DAVIS.

The next pension business was the bill (S. 3547) granting an increase of pension to Stephen M. Davis.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Stephen

M. Davis, late of Company A, Second Regiment North Carolina Volunteer Mounted Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

SARGENT R. EMERSON.

The next pension business was the bill (S. 3575) granting an increase of pension to Sargent R. Emerson.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sargent R. Emerson, late of Company C, Thirteenth Regiment, and Company E, Seventeenth Regiment, Vermont Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JAMES LEBO.

The next pension business was the bill (S. 3588) granting an increase of pension to James Lebo.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James Lebo, late of Company C, Ninth Regiment Kansas Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

CATHERINE COYLE.

The next pension business was the bill (S. 3626) granting a pension to Catherine Coyle.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Catherine Coyle, widow of Andrew Coyle, late of Company D, Twelfth Regiment Indiana Volunteer Cavalry, and pay her a pension at the rate of $8 per month.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

OLIVER BRENTON.

The next pension business was the bill (S. 3640) granting an increase of pension to Oliver Brenton.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Oliver Brenton, late of Company F, Third Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JAMES RUTH.

The next pension business was the bill (S. 3714) granting an increase of pension to James Ruth.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James Ruth, late captain Company F, Sixth Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

MARY C. MORGAN.

The next pension business was the bill (S. 3721) granting a pension to Mary C. Morgan.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary C. Morgan, widow of William J. Morgan, late captain Company C, One hundred and sixteenth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

DANIEL D. NASH.

The next pension business was the bill (S. 3751) granting an increase of pension to Daniel D. Nash.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Daniel D. Nash, late major, One hundredth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.



ALBERT D. CORDNER.

The next pension business was the bill (S. 3800) granting an increase of pension to Albert D. Cordner.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Albert D. Cordner, late of Battery G, First Regiment Rhode Island Volunteer Light Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

SAMUEL J. BURLOCK.

The next pension business was the bill (S. 3866) granting an increase of pension to Samuel J. Burlock.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel J. Burlock, late of Company F, Eighth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JOHN M'COY.

The next pension business was the bill (S. 3903) granting an increase of pension to John McCoy.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John McCoy, late of Battery H, Second Regiment United States Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JAMES M. GARRITT.

The next pension business was the bill (S. 3905) granting an increase of pension to James M. Garritt.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James M. Garritt, late of Company B, Sixth Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

DAVID RANKIN.

The next pension business was the bill (S. 3932) granting an increase of pension to David Rankin.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of David Rankin, late first lieutenant Company H, Sixty-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

SIDNEY R. SMITH.

The next pension business was the bill (S. 3933) granting an increase of pension to Sidney R. Smith.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sidney R. Smith, late of Company L, Eleventh Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

CROSBY PYLE WOODWARD.

The next pension business was the bill (S. 4000) granting an increase of pension to Crosby Pyle Woodward.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Crosby Pyle Woodward, late of Company E, One hundred and twenty-fourth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

CHARLES S. PARRISH.

The next pension business was the bill (S. 4006) granting an increase of pension to Charles S. Parrish.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles S. Parrish, late major Eighth Regiment and colonel One hundred and thirtieth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

HENRY C. JOHNSON.

The next pension business was the bill (S. 4020) granting an increase of pension to Henry C. Johnson.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry C. Johnson, late captain Company K, Thirty-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

NORMAN W. LOMBARD.

The next pension business was the bill (S. 4096) granting an increase of pension to Norman W. Lombard.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Norman W. Lombard, late of Company C, Fourth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $72 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JULIUS T. WILLIAMSON.

The next pension business was the bill (S. 4097) granting an increase of pension to Julius T. Williamson.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Julius T. Williamson, late of Companies B and A, Fifth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

CARLTON A. WHEELER.

The next pension business was the bill (S. 4100) granting an increase of pension to Carlton A. Wheeler.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Carlton A. Wheeler, late of Company D, Third Battalion Rifles, Massachusetts Militia Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JOHN CONNOR.

The next pension business was the bill (S. 4131) granting an increase of pension to John Connor.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Connor, late of Company K, First Regiment United States Artillery, and hospital steward, United States Army, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

MARY P. JOHANNES.

The next pension business was the bill (S. 4159) granting an increase of pension to Mary P. Johannes.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary P. Johannes, widow of John G. Johannes, late lieutenant-colonel Eighth Regiment and colonel Eleventh Regiment Maryland Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

MARGARET HALLETT.

The next pension business was the bill (S. 4181) granting an increase of pension to Margaret Hallett.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Margaret Hallett, widow of William P. Hallett, late captain Company I, Thirteenth Regiment New York Volunteer Cavalry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

NATHANIEL E. SKELTON.

The next pension business was the bill (S. 4187) granting an increase of pension to Nathaniel E. Skelton.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Nathaniel E. Skelton, late of Company A, Twenty-third Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

FRANK D. SMITH.

The next pension business was the bill (S. 4188) granting an increase of pension to Frank D. Smith.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Frank D. Smith, late of Company D, Second Regiment Wisconsin Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

BENJAMIN F. PEIRCE.

The next pension business was the bill (S. 4223) granting an increase of pension to Benjamin F. Peirce.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Benjamin F. Peirce, late of Company C, Forty-ninth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JAMES CAIN.

The next pension business was the bill (S. 4226) granting an increase of pension to James Cain.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James Cain, late of Company L, Seventh Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

AURELIA COTTEN.

The next pension business was the bill (S. 4280) granting a pension to Aurelia Cotten.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Aurelia Cotten, dependent mother of Theodore L. Cotten, late of Company B, Seventh Regiment, and Company C, Fourteenth Regiment, Iowa Volunteer Infantry; Isaac S. Cotten, late of Company A, Twenty-seventh Regiment, and Company K, Twelfth Regiment, Iowa Volunteer Infantry; Gaylord M. Cotten, late of Company I, Third Regiment Iowa Volunteer Infantry, and Charles M. Cotten, late of Company I, Third Regiment, and Company F, Second Regiment, Iowa Volunteer Infantry, and pay her a pension at the rate of $24 per month.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

THOMAS J. DAVIES.

The next pension business was the bill (S. 4286) granting an increase of pension to Thomas J. Davies.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas J. Davies, late of Company D, Second Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

FREDERICK C. STURM.

The next pension business was the bill (S. 4319) granting an increase of pension to Frederick C. Sturm.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Fred-

erick C. Sturm, late captain Twenty-fifth Independent Battery Indiana Volunteer Light Artillery, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

BARNEY M'GIRL.

The next pension business was the bill (S. 4337) granting an increase of pension to Barney McGirl.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Barney McGirl, late of Company I, Second Regiment Kansas Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

WILLIAM FLUEGEL.

The next pension business was the bill (S. 4362) granting an increase of pension to William Fluegel.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Fluegel, late of Company E, First Battalion Minnesota Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JOHN T. M'GARRAUGH.

The next pension business was the bill (S. 4381) granting an increase of pension to John T. McGarraugh.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John T. McGarraugh, late of Company E, Fourteenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

LINDSAY KIRBY.

The next pension business was the bill (S. 4422) granting an increase of pension to Lindsay Kirby.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lindsay Kirby, late of Company E, One hundred and thirty-ninth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

ALPHONSO BROOKS.

The next pension business was the bill (S. 4496) granting an increase of pension to Alphonso Brooks.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alphonso Brooks, late of Third Independent Battery, Iowa Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JOSEPH CHANDLER, JR.

The next pension business was the bill (S. 4507) granting an increase of pension to Joseph Chandler, jr.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph Chandler, jr., late of Company G, Eleventh Regiment New Hampshire Volunteer Infantry, and Company F, Third Regiment Veteran Reserve Corps, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

HENRY R. PEASE.

The next pension business was the bill (S. 4636) granting an increase of pension to Henry R. Pease.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry R. Pease, late of Company F, Twenty-fifth Regiment Connecticut Volunteer Infantry, and captain Company A, Eighty-fourth Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

FREDERICK ZIMMERMAN.

The next pension business was the bill (S. 4637) granting an increase of pension to Frederick Zimmerman.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Frederick Zimmerman, late of Company D, Sixth Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

ARTHUR THOMPSON.

The next pension business was the bill (S. 1889) granting an increase of pension to Arthur Thompson.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Arthur Thompson, late of Company D, Eleventh Regiment New Hampshire Volunteer Infantry, and captain and assistant quartermaster, United States Volunteers, war with Spain, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

H. EDWARD GOETZ.

The next pension business was the bill (H. R. 1895) granting a pension to H. Edward Goetz.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of H. Edward Goetz, late captain Company C, Third Regiment Tennessee Volunteer Infantry, war with Spain, and pay him a pension at the rate of $30 per month.

The amendment recommended by the committee was read, as follows:

In lines 7 and 8 strike out "and pay him a pension at the rate of $30 per month."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ELLEN HARRIMAN.

The next pension business was the bill (H. R. 2202) granting a pension to Ellen Harriman.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ellen Harriman, widow of Dustin R. Harriman, late chief quartermaster, in the United States Navy, and pay her a pension at the rate of —— dollars per month.

The amendments recommended by the committee were read, as follows:

In line 6, after "Dustin R. Harriman," insert "alias Edward Harriman."

In line 7 strike out "in the."

In line 8, after "rate of," insert "twelve."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

RUFUS G. CHILDRESS.

The next pension business was the bill (H. R. 2697) granting an increase of pension to R. G. Childress.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of R. G. Childress, late of J. S. Bagger's company, Mounted Texas Volunteers, commanded by Capt. Pat Calhoun, United States Army, Indian war of 1854–55, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 change the claimant's initial "R." to "Rufus," and in the same line, after "late of," insert "Captain;" also in line 6 change "Bagger's" to "Bogges's," and in the same line, after "Mounted," insert "Battalion."

In lines 7 and 8 strike out "commanded by Captain Pat Calhoun, United States Army," and insert in lieu thereof "Texas and New Mexico."

In lines 8 and 9 strike out "of eighteen hundred and fifty-four and eighteen hundred and fifty-five."

In line 10 strike out "twenty-four" and insert "sixteen."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third

reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Rufus G. Childress."

WILLIAM C. SHORT.

The next pension business was the bill (H. R. 4593) granting a pension to William C. Short.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension rolls, the name of William C. Short, late of Captain Long's company, Colonel Hays's regiment, war with Mexico, and pay him a pension at the rate of $30 per month.

The amendments recommended by the committee were read, as follows:

In lines 6 and 7 strike out "Colonel Hay's regiment" and insert "First Regiment Texas Mounted Volunteers."
In line 8 strike out "thirty" and insert "twelve."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

THOMAS HOWARD.

The next pension business was the bill (H. R. 5252) granting an increase of pension to Thomas Howard.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas Howard, late of Company A, Second Regiment Indiana Volunteer Infantry, war with Mexico, and pay him a pension at the rate of $25 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 change "twenty-five" to "twenty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

HORACE D. MANN.

The next pension business was the bill (H. R. 5485) granting a pension to Horace D. Mann.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Horace D. Mann, late of Company M, Third United States Infantry, Spanish-American war, at the rate of $12 per month, to commence on the 4th day of May, A. D. 1903.

The amendments recommended by the committee were read, as follows:

In line 6, after "Third," insert "Regiment."
In line 7, before "Infantry," insert "Volunteer." In same line strike out "Spanish-American;" and in the same line, after "war," insert "with Spain, and pay him a pension."
In lines 8 and 9 strike out "to commence on the 4th day of May, A. D. 1903."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

CAROLINE NEILSON.

The next pension business was the bill (H. R. 5936) granting an increase of pension to Caroline Neilson.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Caroline Neilson, widow of Thomas N. Neilson, late sergeant and captain in Stuart's Maryland Militia, war of 1812, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 strike out the initial "N."
In line 7, after "geant," insert "of Capt. J. H. Stewart's company, Maryland Militia Volunteers;" and in the same line strike out "and captain in Stuart's Maryland Militia."
In line 9 strike out "fifty" and insert "twenty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

SUSIE M. GERTH.

The next pension business was the bill (H. R. 7495) granting a pension to Susie M. Gerth.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Susie M. Gerth, widow of Reinbold Gerth, late of Company B, Fifth Regiment United States Cavalry, war with Spain, and pay her a pension at the rate of $12 per month.

The amendment recommended by the committee was read, as follows:

In line 6 change "Reinbold" to "Reinhold."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

THOMAS F. DOWLING.

The next pension business was the bill (H. R. 7588) granting an increase of pension to Thomas Dowling.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas Dowling, late of Company E, Third Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of ——— dollars per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after "Thomas," insert the initial "F."
In line 7, after "Infantry," insert "war with Spain," and strike out all in the bill after said words.

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill granting a pension to Thomas F. Dowling.

CHARLES R. HILL.

The next pension business was the bill (H. R. 9661) granting a pension to Charles R. Hill.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles R. Hill, late of Company G, Sixth Regiment Ohio Volunteer Infantry, war with Spain, and pay him a pension at the rate of $24 per month.

The amendment recommended by the committee was read, as follows:

In line 8 strike out "twenty-four" and insert "ten."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

GEORGE M. FRAZER.

The next pension business was the bill (H. R. 10448) granting an increase of pension to George M. Fraser.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George M. Frazer, late of Captain Baylor's company, Lane's battalion of the Texas Cavalry, war with Mexico, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 strike out "of the;" and in the same line, after "Texas," insert "Volunteer."
In line 8 strike out "thirty" and insert "twenty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ARTHUR R. DREPPARD.

The next pension business was the bill (H. R. 10900) granting an increase of pension to Arthur R. Dreppard.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Arthur R. Dreppard, late of Company M, Ninth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7, after "Infantry," insert "war with Spain."
In line 8 strike out "thirty" and insert "eighteen."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN CLARK.

The next pension business was the bill (H. R. 11691) granting an increase of pension to John Clark.

The bill was read, as follows:

*Be it enacted, etc,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Clark, late of Company K, Fourteenth Regiment United States Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out "thirty" and insert "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

LOUIS GROSSMAN.

The next pension business was the bill (H. R. 12651) granting a pension to Louis Grossman.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Louis Grossman, late of Company D, Fifteenth Regiment United States Infantry, and pay him a pension at the rate of $12 per month.

The amendment recommended by the committee was read, as follows:

In line 8 strike out "twelve" and insert "eight."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JAMES H. GRIFFIN.

The next pension business was the bill (H. R. 13079) granting an increase of pension to James H. Griffin.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James H. Griffin, late of Company A, First Regiment North Carolina Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 7 strike out the word "Volunteer" and insert the word "Volunteers."

In the same line, after the word "Volunteers," insert the words "war with Mexico," and in the same line strike out the word "Infantry."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM J. HAYS.

The next pension business was the bill (H. R. 13255) granting an increase of pension to W. J. Hayes.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of W. J. Hayes, late of Capt. A. D. Johnson's company, Florida Seminole Indian war, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

Change the initial "W." where it appears in the title and body of the bill to "William."

Change the claimant's surname where it appears in the title and body of the bill to "Hays."

In line 6 strike out "A. D. Johnson's" and insert after "Captain" the words "Johnston's," and before the word "company" insert "independent."

In line 7 insert after "Florida" the words "Mounted Volunteers, Florida Indian war," and in the same line strike out "Seminole Indian War."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

THOMAS CHEEK.

The next pension business was the bill (H. R. 14472) granting a pension to Thomas Cheek.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas Cheek, late of United States Navy, war with Spain, and pay him a pension at the rate of $30 per month.

The amendments recommended by the committee were read, as follows:

In line 6, after "late," strike out "of" and insert "second-class boy, ship Iroquois;" and in the same line strike out "war with Spain."

In line 7 strike out "thirty" and insert "six."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

AUGUSTA N. MANSON.

The next pension business was the bill (H. R. 14532) granting a pension to Augusta N. Manson.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Augusta N. Manson, widow of George W. Manson, late of Company D, Tenth Regiment United States Infantry, and grant her a pension at the rate of $12 per month.

The amendments recommended by the committee were read, as follows:

Amend the title so as to read: "A bill granting an increase of pension to Augusta N. Manson."

In line 7, after "Infantry," insert "war with Mexico."

In line 8 strike out the word "grant" and insert "pay," and add to the end of the bill the words "in lieu of that she is now receiving."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

THOMAS CHAPMAN.

The next pension business was the bill (H. R. 14547) granting an increase of pension to Thomas Chapman.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas Chapman, late of Company L, Palmetto Regiment, war with Mexico, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after "Company L," insert "First Regiment South Carolina Volunteers," and in the same line strike out "Palmetto Regiment."

In line 8 strike out "thirty" and insert "twenty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

HENRY GILHAM.

The next pension business was the bill (H. R. 14655) granting a pension to Henry Gilham.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry Gilham, late of Company D, Second Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $20 per month.

The amendments recommended by the committee were read, as follows:

Amend the title so as to read: "A bill granting an increase of pension to Henry Gilham."

In line 6 strike out "D" and insert "H."

In line 7, after "Infantry," insert "war with Mexico."

In lines 7 and 8 strike out "pay him a pension at the rate of $20 per month."

After the word "and," in line 7, insert "Company E, Fifty-first Regiment Indiana Volunteer Infantry, and captain Company G, One hundred and twentieth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOSEPH A. JONES.

The next pension business was the bill (H. R. 14718) granting an increase of pension to Joseph A. Jones.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph A. Jones, late of Company D, Palmetto Regiment, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after "Regiment," insert "South Carolina Volunteer Infantry, war with Mexico."

In line 7 strike out "thirty" and insert "twenty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MARY A. WITT.

The next pension business was the bill (H. R. 14875) granting an increase of pension to Mary A. Witt.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary A. Witt, widow of William E. Witt, late of Company F, Third Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendments recommended by the committee ware read, as follows:

In line 7, after "Infantry," insert "war with Mexico."
In line 8 strike out "twenty" and insert "twelve."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JAMES NUNAN.

The next pension business was the bill (H. R. 14951) granting an increase of pension to James Nunan.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of James Nunan, a soldier of the Mexican war, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

After the word "roll," in line 4, insert "subject to the provisions and limitations of the pension laws."
In line 5, after the word "Nunan," insert "late of Company H, Third Regiment Kentucky Volunteers, war with Mexico."
In line 5 strike out "a soldier of the Mexican war."
In line 6 strike out "forty" and insert "twenty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN GREEN.

The next pension business was the bill (H. R. 15110) granting an increase of pension to John Green.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Green, late of Company E, First Regiment Massachusetts Volunteer Infantry, war with Mexico, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out "fifty" and insert "twenty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN J. MERIDETH.

The next pension business was the bill (H. R. 15192) granting a pension to John J. Meredith.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John J. Meredith, late of Second Independent Company Illinois Volunteers, war with Mexico, and pay him a pension at the rate of $30 per month.

The amendments recommended by the committee were read, as follows:

Change the claimant's surname where it appears in the title and body of the bill to "Merideth."
In line 6, after "late of," insert "the."
In line 7, after "Illinois," insert "Mounted."
In line 8 strike out "thirty" and insert "twenty."
Add to the end of the bill the words "in lieu of that he is now receiving."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ELIZABETH J. MARTIN.

The next pension business was the bill (H. R. 15198) granting an increase of pension to Elizabeth J. Martin.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth J. Martin, widow of Isaac A. Martin, late of Company C, First Regiment North Carolina Volunteer Infantry, war with Mexico, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendment recommended by the committee was read, as follows:

In line 7 strike out "Volunteer Infantry" and insert "Volunteers."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

WESLEY SMITH.

The next pension business was the bill (H. R. 15276) granting an increase of pension to Wesley Smith.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Wesley Smith, late of Company D, First Regiment Kentucky Mounted Volunteer Infantry, war with Mexico, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 7 strike out the words "Volunteer Infantry" and insert the word "Volunteers."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JOHN M. LOVE.

The next pension business was the bill (H. R. 15347) granting an increase of pension to John M. Love.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John M. Love, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6, after "Love," insert "late of Company K, First Regiment Tennessee Volunteer Cavalry, war with Mexico."
In line 7 strike out "thirty" and insert "twenty."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MARY C. MOORE.

The next pension business was the bill (H. R. 15382) granting an increase of pension to Mary C. Moore.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary C. Moore, widow of W. H. Moore, late of Company A, North Carolina Militia, in the Indian war of 1837, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The amendments recommended by the committee were read, as follows:

In line 6 change the initial "W." to "William;" and in the same line after "late of," insert "Captain Killian's."
In line 7 strike out "A." and after "Militia" insert "Volunteers, Cherokee Indian disturbances."
In lines 7 and 8 strike out "in the Indian war of 1837."
In line 9 strike out "thirty" and insert "twelve."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MARY PALMER.

The next pension business was the bill (H. R. 15870) granting a pension to Mary Palmer.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary Palmer, widow of Stephen Palmer, late of Captain Morgan's company of Iowa Mounted Volunteers, war with Mexico, and pay her a pension at the rate of $20 per month.

The amendments recommended by the committee were read, as follows:

In line 6, after "Stehpen," insert the initial "J.;" and in line 7, after "Morgan's," insert "independent;" and in the same line strike out "of" and "Mounted."
In line 8 strike out "twenty" and insert "eight."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

VOLNEY P. LUDLOW.

The next pension business was the bill (H. R. 15893) granting an increase of pension to Volney P. Ludlow.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Volney P. Ludlow, late of Company C, Fifth Regiment Indiana Volunteer Infantry, war with Mexico, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 8 strike out "thirty" and insert "twenty."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

JAMES M. CARLEY.

The next pension business was the bill (H. R. 15940) granting a pension to James M. Carley.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James M. Carley, late of Company B, Fifth Regiment Indiana Volunteer Infantry, war with Mexico, and pay him a pension at the rate of $24 per month.

The amendments recommended by the committee were read, as follows:

Amend the title so as to read: "Granting an increase of pension to James M. Carley."

In line 8 change "twenty-four" to "twenty," and add to the end of the bill the words "in lieu of that he is now receiving."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

LYDIA A. KELLER.

The next pension business was the bill (H. R. 15941) granting a pension to Lydia A. Keller.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lydia A. Keller, widow of William Keller, late of Company C, One hundred and ninety-seventh Regiment Pennsylvania Volunteer Infantry; Company A, Seventy-seventh Regiment Pennsylvania Volunteer Infantry; Fourth Regiment United States Infantry; and Company I, Sixteenth Regiment United States Infantry, and pay her a pension at the rate of $12 per month.

The amendment recommended by the committee was read, as follows:

In lines 6, 7, 8, 9, 10, and 11 strike out "late of Company C, One hundred and ninety-seventh Regiment Pennsylvania Volunteer Infantry; Company A, Seventy-seventh Regiment Pennsylvania Volunteer Infantry; Fourth Regiment United States Infantry, and Company I, Sixteenth Regiment United States Infantry," and insert in lieu thereof "late ordnance sergeant, United States Army."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

ELEANORA A. KEELER.

The next pension business was the bill (S. 1273) granting an increase of pension to Eleanora A. Keeler.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Eleanora A. Keeler, widow of George W. Keeler, late lieutenant Captain O'Neil's Company E, Second Regiment Oregon Mounted Volunteers, Oregon and Washington Territory Indian war, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time and passed.

NATHANIEL R. KENT.

The next pension business was the bill (S. 2096) granting an increase of pension to Nathaniel R. Kent.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Nathaniel R. Kent, late of Company E, First Regiment District of Columbia Volunteer Infantry, war with Spain, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

ADELLE D. IRWIN.

The next pension business was the bill (S. 2142) granting an increase of pension to Adelle D. Irwin.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Adelle D. Irwin, widow of David A. Irwin, late first lieutenant, Fourth Regiment United States Cavalry, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

MARCELINA S. GROFF.

The next pension business was the bill (S. 2735) granting a pension to Marcelina S. Groff.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Marcelina S. Groff, widow of J. J. Groff, late scout and guide, United States Army, and pay her a pension at the rate of $12 per month and $2 per month additional on account of the minor child of said J. J. Groff until he reaches the age of sixteen years.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

GEORGE W. HALE.

The next pension business was the bill (S. 2968) granting a pension to George W. Hale.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George W. Hale, late of Company B, First Regiment United States Infantry, war with Mexico, and pay him a pension at the rate of $12 per month.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

DELIA A. HOOKER.

The next pension business was the bill (S. 3029) granting an increase of pension to Delia A. Hooker.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Delia A. Hooker, widow of Ambrose E. Hooker, late captain, Ninth Regiment United States Cavalry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

SUSAN E. ISRAEL.

The next pension business was the bill (S. 3888) granting an increase of pension to Susan E. Israel.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Susan E. Israel, widow of Jeptha M. Israel, late first lieutenant Company K, First Regiment North Carolina Volunteers, war with Mexico, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

JOHN H. M'KENZIE.

The next pension business was the bill (S. 4227) granting a pension to John H. McKenzie.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John H. McKenzie, late scout and guide, United States Army, and pay him a pension at the rate of $12 per month.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

AMOS M'MANUS.

The next pension business was the bill (S. 4595) granting an increase of pension to Amos McManus.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Amos McManus, late of Company C, Palmetto Regiment South Carolina Volunteers, war with Mexico, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. SULLOWAY, a motion to reconsider the vote by which the several bills were passed was laid on the table.

WITHDRAWAL OF PAPERS.

By unanimous consent, Mr. RYAN was granted leave to withdraw from the files of the House, without leaving copies, the papers in the case of Dean Wilson, Fifty-ninth Congress, no adverse report having been made thereon.

BUREAU OF IMMIGRATION AND NATURALIZATION, ETC.

Mr. BONYNGE. Mr. Speaker, pursuant to an order of the House made on March 5, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 15442) to establish a Bureau of Immigration and Naturalization and to provide for a uniform rule for the naturalization of aliens throughout the United States.

Mr. PRINCE. Mr. Speaker, I call for the regular order.

Mr. BONYNGE. Mr. Speaker, I submit this is the regular order.

The SPEAKER pro tempore (Mr. CAPRON). The Chair will state the bill presented by the gentleman from Colorado has been made privileged, and the motion to take up this bill would come in before the regular order.

Mr. PRINCE. Mr. Speaker, the bill I desire to call up is practically unfinished business. A roll call is in progress.

The SPEAKER pro tempore. Will the gentleman state for the information of the Chair the particular bill to which he refers?

Mr. PRINCE. Yes, sir. H. R. 15744—to abolish the office of Lieutenant-General of the Army of the United States.

The SPEAKER pro tempore. The Chair will state that is unfinished business, the Chair is informed, under the call of committees; and the Chair will state that the call of committees would be in order at this time were it not for the privileged motion which has been presented by the gentleman from Colorado. The gentleman from Colorado moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 15442, the title of which the Clerk will read.

The Clerk read as follows:

A bill to establish a Bureau of Immigration and Naturalization and to provide for a uniform rule for the naturalization of aliens throughout the United States.

The SPEAKER pro tempore. The question is upon the motion of the gentleman from Colorado, that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill the title of which the Clerk has read.

The question was taken; and the motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 15442) to establish a Bureau of Immigration and Naturalization and to provide for a uniform rule for the naturalization of aliens throughout the United States, Mr. LAWRENCE in the chair.

The CHAIRMAN. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill to establish a Bureau of Immigration and Naturalization and to provide for a uniform rule for the naturalization of aliens throughout the United States.

Mr. BONYNGE. Mr. Chairman, I ask unanimous consent that the first reading of the bill may be dispensed with.

The CHAIRMAN. The gentleman from Colorado asks unanimous consent that the first reading of the bill be dispensed with. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. BONYNGE. Mr. Chairman, in presenting this bill to the committee I do not believe that it will be necessary for me to dwell upon the importance of the subject. I think, perhaps, all members of the committee are fully convinced that the naturalization laws need revision and amendment. We have at the present time, with only a few slight amendments, naturalization laws as they were written by James Madison in 1795. Under the Constitution Congress is authorized to establish a uniform rule of naturalization. The naturalization laws at the present time do not prescribe a uniform system of naturalization nor establish any code of procedure in such cases. The evils and the abuses, the crimes and the frauds that have been committed against the naturalization laws of the country constitute, I think, the strongest argument that could possibly be advanced for an entire revision of those laws. The bill which we present to-day does not change the fundamental law in reference to naturalization except in two particulars, to which I will address myself a little later, but it does provide for a general and a uniform sysem of naturalization to be enforced throughout the United States. I might say, Mr. Chairman, that the naturalization frauds have in the past two years attracted more attention than heretofore. A special prosecuting attorney was appointed by the Department of Justice to investigate naturalization frauds. In the short period of two years he filed criminal complaints in 791 cases, and secured convictions in 685 of those cases. During the same period of time he brought civil proceedings to cancel some fraudulent certificates of naturalization, and in that time he succeeded in having 1,916 fraudulent certificates of naturalization canceled.

The bill that is presented to-day undertakes to correct the abuses that have grown up under our lax and careless system of naturalization, or perhaps I ought to say that have grown up because we have no system of naturalization which is uniform throughout the country. The bill comes before the committee with the unanimous report in its favor from the Committee on Immigration and Naturalization. There were a number of bills on the general subject of naturalization presented to that committee by different Members of the House.

Last year the President, by an Executive order, appointed a Commission to examine the naturalization laws of the country and to make report to the House of the changes that were deemed advisable to be made in those laws. That committee consisted of Mr. M. D. Purdy, on behalf of the Department of Justice; Mr. Gaillard Hunt, on behalf of the Department of State, and Mr. Richard K. Campbell, on behalf of the Department of Commerce and Labor.

That Commission made an exhaustive report, which was transmitted to Congress by the President on the 1st of March, 1905. In that report is contained two drafts of proposed bills upon this subject. The report of this Commission and the draft of the bills submitted by the Commission have had the careful consideration of the Committee on Immigration and Naturalization, and this bill is in a large measure based upon the drafts of the bill prepared by that Commission. After we had considered the bills submitted by the Commission and the other bills introduced by the different Members of the House, the Committee on Immigration and Naturalization appointed a subcommittee consisting of five of its members to take all of these various bills, together with the report of the Commission, and out of those bills draft such a bill as would meet with the approval of the Committee on Immigration and Naturalization. The bill presented to-day is the bill that that subcommittee prepared, submitted to the full Committee on Immigration and Naturalization, and received its unanimous support.

Perhaps I can not do better than to give a general outline of the provisions of the bill. As I said a few moments ago, it does not seek to change the fundamental principles that have governed in naturalization cases from the foundation of the Government, except in two particulars. Those two particulars, Mr. Chairman, are, first, that before an alien can become naturalized, if this bill shall be enacted into a law, it will be necessary that he shall satisfy the court that he is able to write either in his own language or in the English language, and able to read, speak, and understand the English language. That is the new qualification required of the alien for naturalization. You understand, Mr. Chairman and members of the committee, that this bill deals solely with naturalization. It does not touch the subject of immigration. That question is now being considered by the committee and it is hoped and expected that it will be able to report a bill at this session of Congress upon that subject.

Mr. McNARY rose.

The CHAIRMAN. Does the gentleman from Colorado [Mr. BONYNGE] yield to the gentleman from Massachusetts [Mr. McNARY]?

Mr. BONYNGE. I do.

Mr. McNARY. Mr. Chairman, as I understand it, the gentleman says a man must be able to read either in his own language or in the English language.

Mr. BONYNGE. No; he must be able to write either in his own language or in the English language, and read, speak, and understand the English language.

Mr. McNARY. I know that the law in the State of Massachusetts is that a man, in order to vote, must be able to read and write in the English language. It works very well. I would like to ask the gentleman if he knows any other State in the Union in which that requirement—being able to read and write the English language—is a prerequisite for voting?

Mr. HAYES. I want to state that my own State of California has exactly the same requirement in its constitution. A man must be able to read and write the English language.

Mr. McNARY. I would like to ask any gentleman here how many other States there are that have it? I wish to get information on that subject, and the reason I am asking the question seems to be pertinent. We find that Massachusetts has the requirement and we find that California has. I am informed, and I believe—and if I am not correct I would like to have the gentleman correct me—that very few States have that requirement.

Mr. BONYNGE. Compartively few of them. I believe that there are more than the two that have been named.

Mr. CRUMPACKER. Washington and Wyoming have it. There are several Western States that have that same qualification.

Mr. McNARY. The point I want to make is, does the gentleman think it right to require of a man who wants naturalization a superior knowledge and education to that required of an American citizen in order to have the right to vote? In other words, three or four States in the American Union have this provision. Now, does he think it fair to ask of a foreigner a superior knowledge and superior education to that which they

ask of American citizens in forty four or five out of the forty-eight States in order that they may have the right to vote?

Mr. BONYNGE. I can best answer that question by saying that the question as to who shall be entitled to vote in any specific State is not within the jurisdiction of this Congress to determine. It is a question to be decided by the States. We are dealing with the question of naturalization. We have authority over that subject, and it is the view of the Committee on Immigration and Naturalization that before a man should be naturalized as an American citizen he should have these qualifications. We admit him, Mr. Chairman, to our shores, and we give him all the privileges and advantages that this country affords him. We let him live here for a period of five years. During the course of that time we believe that if he thinks well enough of citizenship in the American Republic, he can qualify himself to meet those requirements; and we believe that if he does not do so, he ought not to be admitted as a citizen of the United States.

Mr. SULLIVAN of Massachusetts. Will the gentleman allow me to ask him this question right in that connection? Suppose an alien comes here and is excluded from the privilege of becoming a citizen by this law, because he can not write the English language. Now, he remains here five years. Suppose at the end of that time he is able to write, and read, and speak the English language. Will he then have the right to become a citizen?

Mr. BONYNGE. He can become a citizen right away.

Mr. SULLIVAN of Massachusetts. At once?

Mr. BONYNGE. Certainly, at the end of five years' residence.

Mr. SULLIVAN of Massachusetts. On a single application?

Mr. BONYNGE. If he has previously declared his intention two years before the expiration of the five years.

Mr. SULLIVAN. Is he permitted to make that declaration if he can not read and write and speak the English language at that time?

Mr. BONYNGE. Yes, sir.

Mr. HINSHAW. Then, after making his declaration of intention, which he can do after thirty days' living in this country, he becomes a voter?

Mr. BONYNGE. Under the laws of nine States of the Union.

Mr. HINSHAW. But he can not become a full-fledged citizen, notwithstanding the fact that he is able to vote, until after he is able to read and write and has been here five years?

Mr. BONYNGE. After five years' residence.

Mr. HINSHAW. Then wherein does the naturalization under your bill make him any better citizen after all this time that he has been allowed to vote?

Mr. BONYNGE. That is a matter for the various States to regulate for themselves. We can only regulate the subject of naturalization. So it resolves itself into this one question, Mr. Chairman—whether or not that qualification is deemed a requisite by the Members of this House for citizenship in the American Republic. That is a question that has to be determined by this House. And when we reach the section of the bill it will of course be open to discussion and amendment. Let me say this to the gentleman, that I do not think we ought to have a discussion of the various sections of the bill in detail at this time. When we read the bill section by section all these sections will be open for amendment. There will be no attempt to cut off the right of amendment. I want, as far as I can, to give a general outline of the provisions of the bill, and welcome any questions that will help to make clear what the bill provides for, but I do not want to go into a general discussion of the details of the measure at the present time.

Mr. McNARY. I want to ask the gentleman a question or two about a matter in which I am a little rusty myself, and possibly the gentleman or perhaps other gentlemen may be able to answer them for me. I will ask the gentleman two questions. First, as to whether or not this can be done in nine States, as I understood——

Mr. BONYNGE. I understand that is the number.

Mr. McNARY. I understand that when these men have declared their intention to become citizens of the United States they have the right to vote for municipal officers and city officers, and also have the right to vote for Members of Congress and in the election of a President of the United States.

Mr. BONYNGE. I think so.

Mr. McNARY. They have that right?

Mr. BONYNGE. I believe so, in those States which make that provision.

Mr. McNARY. They have the same right that each and very full-fledged American citizen has in that respect?

Mr. BONYNGE. Yes, sir.

Mr. McNARY. May I ask the gentleman if he can name those nine States?

Mr. BONYNGE. I do not think that I can state them all. I think Wisconsin is one, Arkansas is another, and Indiana, and Nebraska. Maybe some other members of the committee can answer for their own States. The statement was made to the committee that there were nine. I did not charge my mind with the nine so as to be able to name them specifically.

Mr. McNARY. Does the gentleman consider it fair to require a man in States like Massachusetts, New York, Connecticut, Pennsylvania, or other States to spend five years and become a citizen, be able to read and write the English language, speaking or reading fluently before he can vote, while in other States men are allowed to vote even for President of the United States without becoming citizens at all? In the course of my political experience I have met men who have lived in Minnesota or in the Dakotas, who had to be naturalized in Massachusetts after having voted for Members of Congress and for the election of President of the United States in those States. Does your committee think it fair to impose rules in regard to naturalization of that character, which will cause men in certain sections of the country to wait a long time before they can vote for any office, while men in other sections are allowed to vote for Members of Congress and President of the United States without being citizens at all?

Mr. BONYNGE. I can only answer that by saying to the gentleman that I think his argument might well have been addressed with force to those who provided that the States should have the regulation of the suffrage question, and if the subject had been delegated to Congress to prescribe the qualifications of voters in the different States, then it would be a question for us to consider; but I do not consider that it is now for us to determine that question at all, nor does the argument address itself to us upon the subject of naturalization.

Mr. McNARY. Except as to the weight of the argument, suggesting a great discrimination.

Mr. BONYNGE. We make no discrimination. The Constitution allows the State to prescribe the qualifications of their own voters; but to Congress has been delegated the duty of establishing a rule of naturalization.

Mr. McNARY. That I clearly understand.

Mr. BONYNGE. So it is for us to determine whether or not——

Mr. McNARY. I ask the gentleman whether he admits that in nine States of the American Union there is practically no need of final naturalization at all and no compliance with the terms of the Constitution in that respect, and that practically men do not need to be naturalized, and yet can vote municipal, State, and national tickets without becoming naturalized?

Mr. BONYNGE. Practically so.

Mr. McNARY. And this law practically will not run in those States at all.

Mr. BONYNGE. It will run in those States. They can not become naturalized. Under the laws of those States they will be able to vote. If I were in one of those States I would seek to change the law, but as a member of this committee and as a Member of this House I can not do it.

Mr. McNARY. The law practically will not run in those States as regards voting.

Mr. BONYNGE. It will run, as far as naturalization is concerned.

Mr. McNARY. Practically it will not run.

Mr. BONYNGE. It will run as far as we can make it run. We exhaust our power on the subject.

Mr. STEENERSON. I desire to correct the gentleman from Massachusetts in regard to the qualifications of voters in the State of Minnesota. No one can vote in the State of Minnesota unless he is a citizen of the United States.

Mr. McNARY. How long has that provision been in force?

Mr. STEENERSON. That has been a provision of the constitution for some years—ten or twelve years.

Mr. BONYNGE. I believe the nine States are mentioned in the report.

Mr. McNARY. A man who was a native of Canada told me that he had voted, I think, in Minnesota or Dakota; my recollection is that he said Minnesota. That was more than ten or twelve years ago, and I think the gentleman will find that up until a comparatively short time they allowed men to vote in Minnesota for all these offices without naturalization.

Mr. HINSHAW. Does the gentleman mean that a man can not vote in Minnesota until he has been five years in the United States and has taken out his final papers?

Mr. STEENERSON. I mean that; yes.

Mr. BONYNGE. That is the law in most of the States.

Mr. SMITH of Iowa. I want to ask the gentleman, if it be true, as it certainly is, that States have absolutely fixed the qualifications for voters and can authorize aliens to vote, if

the importance of this national legislation has not been unduly magnified?

Mr. BONYNGE. It is not alone the right to vote that gives to the question its importance. There are many ways in which the subject of naturalization assumes importance. We have been called upon in many instances to protect those who have had certificates of naturalization that were forgeries when issued. It has great importance in our international relations. The right of citizenship confers other privileges than the mere right of voting.

Mr. SMITH of Iowa. Of course I realize that it confers other high privileges besides that of voting, but it seemed to me that those who were the most ardent for this legislation—and I do not mean that they are misguided—magnify its importance, believing that it would have a controlling influence upon those entitled to vote, whereas it can have no influence at all except as States may see fit to adopt it.

Mr. BONYNGE. Except as we may establish a standard which States will adopt as their own, and that is for them to determine. I think the gentleman from Iowa must admit that it will correct abuses in many States.

Mr. SMITH of Iowa. I have no question about that.

Mr. DAVIS of Minnesota rose.

The SPEAKER pro tempore. Will the gentleman from Colorado yield to the gentleman from Minnesota?

Mr. BONYNGE. Certainly.

Mr. DAVIS of Minnesota. I will state to the gentleman that until within the last seven or eight years a resident of Minnesota could vote upon having declared his intention to become a citizen and taken out what is known as his "first papers." That was prior to seven or eight years ago. Subsequent to that time a man must not only declare his intention and remain there five years, but take out the final papers before he can vote. Such is the law at the present time.

Mr. McNARY. Was that change made in 1896?

Mr. DAVIS of Minnesota. That was changed in 1896.

Mr. McNARY. Then my information, Mr. Chairman, was right.

Mr. DAVIS of Minnesota. My information on the subject is quite positive, because I had to do with the matter as attorney and clerk of the city for the last ten years.

Mr. BONYNGE. In answer to the question in what States aliens are permitted to vote, my colleague on the committee, Mr. HAYES, has called my attention to a report made by the Commission, in which the names of those States are given. They are Arkansas, Indiana, Kansas, Michigan, Missouri, Nebraska, Texas, Oregon, and Wisconsin.

Mr. YOUNG. If the gentleman will allow me a statement, I wish to say that that statement as to Michigan is an entire mistake. In 1896 we changed the constitution, and since that time we require that every voter shall be a full citizen of the United States.

Mr. BONYNGE. What the gentleman from Michigan says only goes to show that if we change these limitations, the various States will change their qualifications for voters. In my own State up to a few years ago an alien was permitted to vote after he had taken out his first papers. We have changed that, and now we have heard that Minnesota and Michigan have also changed their laws in that respect. I presume it will not be long before other States in the category will adopt the rule prevailing in most of the States.

Mr. HINSHAW. If the gentleman will allow me.

Mr. BONYNGE. Certainly.

Mr. HINSHAW. The bill as proposed by the gentleman here might change the State law. The State of Minnesota requires simply that a man shall live there five years and take out his final papers; but this bill will require that he shall be able to read and write the English language.

Mr. BONYNGE. Yes; to become naturalized.

Mr. HINSHAW. Therefore he could not become naturalized in Minnesota until he had complied with this law, and therefore he could not vote until he could read and write.

Mr. BONYNGE. The object of the bill is to have uniform rules in regard to naturalization.

Mr. HINSHAW. And therefore it would change the law in Minnesota.

Mr. BONYNGE. Not at all; the law deals with different subjects. In this bill we are dealing with naturalization, and the law the gentleman is speaking of in Minnesota is dealing with the voting qualifications.

Mr. HINSHAW. The gentleman does not quite apprehend my point. Since in Minnesota a man can not vote until he has had his final papers, and under this proposed law of yours he can not have his final papers until he can read and write, therefore he must in the State of Minnesota, under this administration of the law, be able to read and write before he can get his final papers and be able to read and write before he can vote.

Mr. BONYNGE. But this bill does not change the law. It says that he shall read and write before he procures his final papers. We can not deal with his qualifications as a voter. This bill does not affect that law at all.

Mr. HINSHAW. I am not objecting to the bill. I think it is a good one.

Mr. ROBERTS. Mr. Chairman, I would like to ask the gentleman a question.

The CHAIRMAN. Does the gentleman yield?

Mr. BONYNGE. Certainly.

Mr. ROBERTS. I would like to ask a question or two in regard to section 5.

Mr. BONYNGE. We are not taking it up in that order at the present time. I was trying to give a general outline of the provisions of the bill.

Mr. ROBERTS. It is for that very purpose that I desire to ask the question, to ascertain whether there is any change made in existing law with regard to the procedure of a young man under 18 years of age who is seeking to become naturalized?

Mr. BONYNGE. No, sir.

Mr. ROBERTS. If he comes under 18, he can then be naturalized——

Mr. BONYNGE. By the naturalization of his father; but we have made some provisions which will correct many of the abuses that have occurred in naturalization of those who acquire their naturalization through the naturalization of their parents, to which I shall call attention a little later.

Mr. ROBERTS. As I read that section it seemed to me, under its wording, if the young man were under 18 years he must when he becomes 18 make his original declaration, and then later take out his final papers. Is that the correct interpretation?

Mr. BONYNGE. No; he would not be required to do that if he is under 18 years of age.

Mr. ROBERTS. Whereabouts in the bill is that provision for those cases?

Mr. BONYNGE. My colleague says that I am in error in that respect, that he will be required, after reaching 18 years of age, to make his declaration of intention.

Mr. ROBERTS. That is a change of existing law.

Mr. BONYNGE. Yes; to that extent.

Mr. ROBERTS. So that under this bill all aliens, whether they come to this country under or over 18, must file the original declaration and then supplement that by what is called "the second papers."

Mr. BONYNGE. No; I think my colleague is in error in reference to that. If he is under 18 years of age, he will become naturalized by the naturalization of his parents.

Mr. ROBERTS. But suppose he has no parents?

Mr. BONYNGE. Oh, then he would have to, certainly.

Mr. ROBERTS. Am I in error in stating that at present the alien under 18 is naturalized by taking out simply the one set of papers?

Mr. BONYNGE. If he comes without his parents?

Mr. ROBERTS. Yes; but if he is under 18?

Mr. BONYNGE. He takes out only the one set of papers, I believe.

Mr. ROBERTS. And this changes that in that respect?

Mr. BONYNGE. Yes; he would have to file his declaration and proceed.

Mr. ROBERTS. He is under the same requirement if he comes without his parents under 18 years of age as though he were over 18 years of age?

Mr. BONYNGE. Yes. I did not understand the gentleman in the first instance.

Mr. STEENERSON. Mr. Chairman, I would like to ask the gentleman from Colorado [Mr. BONYNGE] if he does not think this bill, if it becomes a law, will operate unfairly? I have in mind, for instance, immigrants in my section of Minnesota from Canada.

We have many immigrants, say, over 40 years of age, who come from Ontario, Canada, who all speak the English language. We have just as good citizens coming from the Province of Quebec, also in Canada, only a few miles from where the first immigrants started, who do not speak the English language, and they may be of such mature age, say 40 or 45, with a family, that they can not acquire the English language sufficiently to become naturalized. Will not the operation of this law be this—that the man who happens to come from Ontario, where the English language is prevalent, will be able to become naturalized and a voter; whereas his neighbor, only a few miles away, born almost in the same neighborhood, having been brought up under

the laws of Canada, comes to the United States, settles in Minnesota or any other State, but is unable to acquire the English language in the five years prescribed, will labor under the disadvantage of not being able to become naturalized, although in every respect as to morality, industry, intelligence, and education he may be the equal of the other? Does it not seem as though it might operate a little unfairly in cases of that kind?

Mr. BONYNGE. Mr. Chairman, I have no doubt that there will be some desirable immigrants who can not comply with the provisions of this act and who will be excluded from naturalization, but who would make good citizens; however, on the whole, considering the welfare of all the people of the United States, we believe the educational qualification to be required of all the immigrants. I think I have stated enough in reference to that qualification to have the committee understand that that is the new qualification provided for by the bill, and when we reach the section of the bill that includes this provision it will then be open for discussion upon its merits.

I now desire to proceed to outline the other provisions of the bill. The other additional qualification that is required from the alien is that he shall in his petition for naturalization declare that it is his intention to reside permanently in the United States. We have made that requirement for this reason: A great many cases have been called to our attention where immigrants have remained here simply long enough to get their certificates of naturalization and then have returned to a foreign country, intending to reside permanently in their own country, but to claim the protection of the United States. We think before we should naturalize an alien in this country it ought to be his intention to reside permanently with us. Those are the two additional qualifications for naturalization that we have in this bill. The rest of the bill, Mr. Chairman, is in effect either administrative or provides a code of procedure, stating the method which an alien shall adopt to become naturalized. We provide that the Bureau of Immigration shall be converted into the Bureau of Immigration and Naturalization. The purpose of doing that, Mr. Chairman, is that there shall be one central body, having the records of all the immigrants who land upon our shores and general supervision of the subject of naturalization. This particular provision has been recommended to Congress by several of our Presidents—by President Arthur, President Cleveland, and, I think also, by President Roosevelt. Some have recommended that the Bureau should be under the Department of State, but after considering the matter fully, the committee thought it would be best that it should be under the Department of Commerce and Labor, where the Bureau of Immigration now is. The reasons that controlled us in making that selection are, first, that immigration and naturalization are very closely connected, and all of the records and the statistics relating to immigration being in the Bureau of Immigration, under the Department of Commerce and Labor, it would be more available for the new Bureau of Naturalization if those two were connected.

In addition to that we save the expense of establishing a new bureau by consolidating this work which is so intimately connected under the one Bureau of Immigration and Naturalization. Now, in reference to the courts that shall have jurisdiction of the naturalization of aliens. Under the present law the courts in the different States, many of them of very limited jurisdiction, exercise jurisdiction in naturalization cases. I believe that naturalization should be a grave judicial proceeding; that the immigrant should be impressed with the importance of the procedure, and we have provided by this bill that jurisdiction in naturalization cases should be confined to the Federal courts and to the courts in the different States having a seal, a clerk, and jurisdiction in actions at law when the amount in controversy is unlimited. In general, it may be said that that means the highest nisi prius courts in the different States and courts that have unlimited jurisdiction in actions at law. The commission recommended that naturalization should be confined to Federal courts. The committee did not adopt that suggestion for this reason, that it would in some States require the immigrant to travel many hundred miles to go to the place where the Federal court is held. It would concentrate the business so much in the Federal courts that it would practically block naturalization of aliens, so we felt if we gave to the various State courts having unlimited jurisdiction and to the Federal courts that there would be enough courts in the different States to handle this business and at the same time it would be handled by courts of greater dignity and of more importance.

Mr. SULLIVAN of Massachusetts rose.

The CHAIRMAN. Does the gentleman from Colorado yield to the gentleman from Massachusetts?

Mr. BONYNGE. Certainly.

Mr. SULLIVAN of Massachusetts. This provision of the bill would exclude a class of courts in the State of Massachusetts, which courts have a clerk and a seal, but the jurisdiction of which is limited to one and two thousand dollars, respectively. These courts are called "district" and "police" courts in the State outside the city of Boston, and called "municipal courts" in the city of Boston. In the city of Boston they discharge the bulk of the legal business transacted in that city, although the superior court and the supreme court sit there regularly. Now——

Mr. BONYNGE. Let me say, if the gentleman will pardon me, if they transact the bulk of the legal business in that city their time must be pretty well occupied, and it must relieve your other courts, so your other courts could give better attention to naturalization cases than if these lower courts were to have jurisdiction in such cases.

Mr. SULLIVAN of Massachusetts. That ought to be so, and that is a plausible answer, but the fact is both the nisi prius courts and the courts of the grade of which I speak are extremely busy; but we are able to get the courts of the grade I speak of—that is, the grade next below the nisi prius court—to sit in the evening for the purpose of naturalizing aliens, and I am certain that——

Mr. BONYNGE. Is not that usually done just before election?

Mr. SULLIVAN of Massachusetts. Yes.

Mr. BONYNGE. We want to correct that very practice, I will say to the gentleman.

Mr. SULLIVAN of Massachusetts. I do not know how the gentleman will be able to correct it. That is the time when the people become active and when the desire to get men naturalized arises, and I do not know of any way that you can compel men to become naturalized at other seasons of the year.

Mr. BONYNGE. I will call the gentleman's attention to one of the provisions of the bill that I think will correct it. We provide in this bill that no courts shall naturalize aliens within thirty days of any general election held in the State.

Mr. SULLIVAN of Massachusetts. I think there is a question of policy involved in that, but it will be time enough to discuss that when we reach it. What I wanted to point out to the gentleman is this: That the superior courts in the State of Massachusetts, in my judgment, will never sit in the evening for the purpose of naturalizing aliens.

Mr. BONYNGE. I hope they will sit during the regular business hours of the day.

Mr. SULLIVAN of Massachusetts. And the result will be that you will erect by national law another bar to the becoming of citizens by aliens, which, in my judgment, is not desirable.

Mr. BONYNGE. It is not sought to make any bar against the naturalization of aliens, but only to protect and guard the procedure and have it open and before the public.

Mr. SULLIVAN of Massachusetts. But this is the condition: I have seen, for example, in the United States district courts 2,000 prospective citizens huddled together, waiting to have their papers passed upon. I have heard the judge declare that he would hear 50 or 100 cases, after which all the rest would be dismissed. Perhaps 1,500 men, who each had lost a half day's pay, would be obliged to go home discouraged with the result of that day's work, and would not come again. Now, if these men were honestly entitled to naturalization, it seems to me in that instance justice was not done, because it ought to be the policy in this country to enlarge the number who will become good citizens.

Mr. BONYNGE. Yes, sir; and that policy will still be preserved. I do not think you will have a rush of 2,000 after this bill goes into effect, at one particular time. They will not have the inducement to apply for naturalization at any specific time after this bill goes into effect, if it does, but that naturalization will take place at different times throughout the year.

Mr. SULLIVAN of Massachusetts. Oh, no. The gentleman will find, and I would be willing to predict it, that if he prevents naturalization for a period of thirty days prior to election that the great bulk of the naturalization will be done in the thirty-five or thirty-four or thirty-one days prior. In other words, the men will wait until the last minute, and you will have just the same crowding and confusion.

Mr. BONYNGE. They have such a law as that in several States. In New Jersey, my colleague says, that law is in effect, and I think there is a similar provision in the State of New York.

Mr. PAYNE. In New York it is ninety days. And that has worked well in my part of the State, and there is no rush like there used to be for naturalization just before election. There is no rush period of ninety days before election. But I do not know how it is in other States, but in my own State the provision has worked well as a corrective of that evil.

Mr. CRUMPACKER. I would like to ask if these abuses of the naturalization laws have not occurred when men go by hundreds and thousands at the same time to be naturalized?

Mr. BONYNGE. Certainly.

Mr. CRUMPACKER. And under circumstances where no court can give proper investigation to the rights of applicants for citizenship as to their identity. And has not that practice created more criticism, and more just criticism, against our naturalization system than any other single thing?

Mr. BONYNGE. The gentleman is exactly correct, and it is to correct that evil we have made this provision.

Mr. CRUMPACKER. Then, the purpose of this is to correct the very evil the gentleman from Massachusetts is defending?

Mr. McNARY. Now, on this matter of identification, let me ask the gentleman here whether the identification of the alien can not be fixed and determined in the local court, where a man is known, and where the witnesses are known, better than in the United States court, or a court of larger jurisdiction, where it would be utterly impossible for the judge to have knowledge of the man or of his witnesses?

Mr. BONYNGE. Undoubtedly that is true, and accordingly the bill contains this provision that the naturalization jurisdiction of all courts herein specified, both State and Federal, shall relate only to the respective jurisdictions of said court.

Mr. McNARY. To carry out the point made by my colleague, if you take a district like Suffolk County, which has 600,000 population, now how would the judge have any knowledge of the men and witnesses in any such situation as that?

Mr. BONYNGE. They will under other provisions of the bill, I think; because, without going into all these details at this time, let me say to the gentleman from Massachusetts that it will be necessary, if this bill be enacted into law, that the alien shall produce first the certificate of registry from the Bureau of Immigration, which will contain his identification, a description of the man. A certificate is given to him when he lands in this country, and he must produce that with his petition for naturalization and attach it to his petition. The man will also have a declaration of intention, which will likewise contain a description of the man. He must produce his two witnesses in open court, and I think under the provisions of this bill we have guarded as safely as it is possible for us to do by legislation against one man entering under another man's name, or frauds of that character.

Mr. McNARY. Let me ask, what are the costs?

Mr. BONYNGE. Eleven dollars for naturalization.

Mr. McNARY. How much for the certificate from the Immigration Bureau?

Mr. BONYNGE. Nothing.

Mr. McNARY. How much for his first declaration?

Mr. BONYNGE. One dollar.

Mr. McNARY. For the final?

Mr. BONYNGE. He pays $5 when he files his petition, and when he gets his certificate $5 more; $11 in all.

Mr. McNARY. Now, the ordinary rates in the courts in Massachusetts would be $1 for the first declaration, $2 for the final, and if the clerk makes out the papers and the man does not get a friend to make out the papers, then he would pay the clerk $2 more, which makes it $5. Now, you have increased the cost by this bill from $6 to $8. Now, one point I want to make is that it seems to me that this bill, so far as I have been able to get it now, is somewhat like the Chinese-restriction act in its character of its certificates.

Mr. BONYNGE. Not at all.

Mr. McNARY. Well, perhaps that might not be the purpose; but it looks so.

Mr. BONYNGE. I will say to the gentleman, if he will permit me here, that the fees provided for by this bill for naturalization in the United States are less than those charged by any other important nation on the face of the globe. In England they pay $30 for naturalization.

Mr. McNARY. I would like to ask the gentleman whether there is any other country that naturalizes anything like the great number that this country does?

Mr. BONYNGE. There is no country; none but this.

Mr. McNARY. Certainly no European country does. Does the gentleman know what are the naturalization laws in the Argentine Republic or Chile, which correspond more nearly to the general character of development and civilization of this country?

Mr. BONYNGE. No; I can not answer that question.

Mr. McNARY. That is a fair comparison. No European country can be used as a fair comparison.

Mr. BONYNGE. The reason for these fees is that there will be much more work required of the clerk, and we have got to provide for paying those fees. That is a matter of detail which hardly affects the general outline of the bill that I am attempting to give to the committee.

Mr. McNARY. Now, let me ask the gentleman this question: Does the clerk get the fees or do they go to the Government?

Mr. BONYNGE. The fee goes to pay the additional expense. The clerk gets one half and the other half goes to the Government.

Mr. McNARY. Now, we have wiped out the fees in most cases to United States clerks.

Mr. BONYNGE. I think not.

Mr. McNARY. I think so in Massachusetts.

Mr. BONYNGE. That may be done in Massachusetts.

Mr. McNARY. We have wiped out the clerk's fees in the district and circuit courts of the United States in Massachusetts.

Mr. BONYNGE. I do not dispute the gentleman's statement, so far as Massachusetts is concerned.

Mr. PAYNE. Now, with us, in the United States courts, the clerk is covering in the fees now.

Mr. BONYNGE. That is true.

Mr. WALDO. He is covering in all over $3,000.

Mr. BONYNGE. Now, Mr. Chairman, I want very briefly to state the procedure that all aliens will have to adopt if this bill is enacted into law in order to become naturalized citizens.

I have mentioned the fact that the Bureau of Immigration and Naturalization will have general control of the entire subject. I have named the courts that will have jurisdiction in such cases. Now I wish to state what will be required of the aliens.

In answer to some questions that have been addressed to me I have also mentioned the fact that the immigrant will be given a certificate when he lands upon our shores, which will contain his description, the vessel, if he came by a vessel, that brought him to our shores, and other facts to identify him. At any time he may make his declaration of intention to become a citizen of the United States. That declaration he can make before the clerk of any of the courts authorized to exercise jurisdiction in naturalization cases.

Mr. DAVIS of Minnesota. I should like to ask the gentleman if there is any provision in the bill whereby an alien who arrived here thirty or forty years ago can become naturalized when he has no such certificate?

Mr. BONYNGE. Oh, yes; certainly.

Mr. DAVIS of Minnesota. There is such a provision?

Mr. BONYNGE. Yes. The provision that he shall produce that certificate only applies since 1900, since which time the Bureau of Immigration has been issuing such certificates. If he landed upon our shores prior to 1900, it is not required of him that he produce a certificate, because no such certificate was given to him, and it would therefore be unreasonable to ask it of the people who came before that time.

Mr. DAVIS of Minnesota. Does the gentleman not think that in many instances an immigrant may have lost his certificate?

Mr. BONYNGE. Certainly, but he can procure a certified copy from the records.

Mr. PATTERSON of Pennsylvania. Is this certificate equivalent to a declaration of his intention?

Mr. BONYNGE. No; that certificate is given to him when he lands upon our shores for purposes of identification.

Mr. PATTERSON of Pennsylvania. It establishes a date.

Mr. BONYNGE. Yes; it establishes the date, the identity of the person, the vessel upon which he came, if he came by a vessel. At any time thereafter he may make his declaration of intention to become a citizen, and that he can do on oath before the clerk of any court authorized by this act to naturalize aliens, or before the deputy clerk. When he makes that declaration he also declares that it is his bona fide intention to become a citizen of the United States and to renounce allegiance to all foreign potentates or powers. In that declaration shall be contained the name, the age, the occupation, the personal description, the place of birth, the last foreign residence and allegiance, the date of arrival, the name of the vessel, if any, in which he came to the United States, and his present place of residence in the United States, all of which is required of him for identification purposes, and is, I think, a good provision.

After having made his declaration of intention to become a citizen, at any time within five years thereafter he may file his petition in writing in any of the courts authorized by this act to exercise jurisdiction in such cases to become a citizen of the United States. That petition must be in duplicate. It is required that he shall set forth in that petition all of the facts which would qualify him for naturalization.

The bill provides for certain specific forms for all these proceedings. These forms are furnished by the Bureau of Naturalization to the different courts of the country, and are in blank

form, so that the alien or the clerk can fill out the answers to the questions.

Mr. McNARY. What do these blanks cost the alien?

Mr. BONYNGE. Nothing. They are furnished by the Bureau of Naturalization to the courts, and by the clerk are furnished to the alien.

That petition must be filed under the provisions of this bill at least ninety days before it is acted upon by the court. The object of requiring ninety days to elapse between the filing of the petition and the consideration of the petition by the court is to enable the clerk of the court to comply with other provisions of this act, which require him to furnish to the Bureau of Naturalization at Washington a statement of the petitions on file in his court for naturalization, setting forth the names and such information as the Bureau may ask for.

Mr. BURNETT. The gentleman stated, as I understood, that at any time within five years he may file the petition. The gentleman, I think, is in error. It is any time not less than two years nor more than five years.

Mr. BONYNGE. That is true; not less than two nor more than five years; because prior thereto he would not have been in the country for the required time prescribed in the present statute, which provision is not changed in this bill. There must be five years' residence.

Mr. McNARY. Except in the case of the eighteen-year provision. In that case he must stay longer—at least seven years.

Mr. BARTHOLDT. Will my friend allow an interruption?

Mr. BONYNGE. Certainly.

Mr. BARTHOLDT. Has the time been extended that is now required for residence in the country—five years?

Mr. BONYNGE. No; five years.

Mr. BARTHOLDT. Is there a provision in this bill like the present law which would enable a minor coming to this country to get naturalized?

Mr. BONYNGE. With his parents?

Mr. BARTHOLDT. With or without his parents, to secure second papers, to secure his full citizenship without obtaining the first papers?

Mr. BONYNGE. He would have to make a declaration of intention after he arrived at the age of 18 years, if he came here without his parents. If he came here with his parents, the naturalization of his parents would naturalize him.

Mr. BARTHOLDT. And the old provision of the law has been done away with?

Mr. BONYNGE. In that respect it has.

Mr. HINSHAW. May I interrupt the gentleman?

Mr. BONYNGE. Yes.

Mr. HINSHAW. What is the minimum time that must elapse between a declaration of intention and the procuring of the final papers?

Mr. BONYNGE. Two years.

Mr. ROBERTS. I would like to ask the gentleman a question.

Mr. BONYNGE. I will yield to the gentleman.

Mr. ROBERTS. I would like to ask the gentleman in regard to two features of the bill.

Mr. BONYNGE. Probably I will reach them in the regular order.

Mr. ROBERTS. I want to know if there had been any change of the existing law as proposed in this bill in regard to the penalty for fraud in procuring naturalization.

Mr. BONYNGE. We have made elaborate provisions in regard to that matter.

Mr. ROBERTS. Have you changed existing law in regard to the penalties?

Mr. BONYNGE. In what particular case? We have five or six sections in this bill dealing with crimes and frauds against naturalization.

Mr. ROBERTS. I see that section 25 prescribes the penalty for all frauds——

Mr. BONYNGE. No; there are several sections prescribing different penalties for different offenses, whether it is the fraud of the clerk of the court or the fraud of the immigrant or the fraud of other officers.

Mr. ROBERTS. I am speaking of the frauds of those who had assisted in procuring naturalization. Section 25 provides that any person who procures——

Mr. BONYNGE. Mr. Chairman, I do not like to refuse to answer the gentleman from Massachusetts, but I do not see how an answer to that question, or going into these details of the matter, can in any way assist this committee in getting a general idea of the provisions of the bill. It will be very pertinent when we reach the section for discussion.

Mr. ROBERTS. The gentleman will pardon me, but I understood the gentleman to say that he wanted to give a comprehensive idea of the bill.

Mr. BONYNGE. A general summary of its provisions.

Mr. ROBERTS. It seems to me, then, that in doing that the gentleman might point out where it changed existing law.

Mr. BONYNGE. I probably will soon reach that section of the bill to which the gentleman refers. I am now on the subject of what the alien shall do to become naturalized.

Mr. ROBERTS. I beg the gentleman's pardon; I supposed the gentleman had left that subject.

Mr. SPERRY. May I ask the gentleman a question?

Mr. BONYNGE. Certainly.

Mr. SPERRY. Will this cut out the court of common pleas in any State?

Mr. BONYNGE. That depends upon what the jurisdiction of the court of common pleas may be. What is the jurisdiction of a court of common pleas that the gentleman has in mind? Is it a court of unlimited jurisdiction in actions at law?

Mr. SPERRY. I think it is.

Mr. BONYNGE. Then it will not cut it out.

Mr. SPERRY. If it is limited, then it will cut it out?

Mr. BONYNGE. Yes. I think that answers the gentleman. The bill also provides, Mr. Chairman, that the United States, through its attorneys, shall have an opportunity, if cause exists therefor, to oppose the naturalization of an alien. After the clerk of the court where the petition has been filed notifies the Bureau of Naturalization at Washington of the filing of the petition, if that Bureau finds any good, substantial reason from the records it has on file to oppose the naturalization of a particular alien, either because he is not the person he represents himself to be or that he did not arrive in the country at the time he says in his petition that he did arrive, or for any other reason or cause that he is not entitled to naturalization, the Bureau may call on the United States district attorney for the district where the court is located and in which the petition is filed to oppose the naturalization of that alien. Appeals are provided for from the decision of the court either by the alien or by the United States Government.

Mr. CRUMPACKER. Will the gentleman allow me a question on the subject of appeals?

Mr. BONYNGE. Certainly.

Mr. CRUMPACKER. I do not know of any case in our entire system of government where appeals are required or provided by law from the State courts to the Federal courts from ordinary proceedings. I suppose there is no question about the right to provide for an appeal from a nisi prius court directly to a Federal court where the decision involves the right under the Federal statute, as it does in naturalization.

Mr. BONYNGE. Yes.

Mr. CRUMPACKER. And the committee has worked that out.

Mr. BONYNGE. I think the provision is perfectly legal, and I believe it can be sustained.

Mr. CRUMPACKER. Mr. Chairman, I understand the bill provides for an appeal directly from the State courts to the Federal courts on the granting or the withholding of citizenship.

Mr. BONYNGE. Yes; it arises under a Federal statute.

Mr. CRUMPACKER. I think that is a competent exercise of power, although I do not know of its ever having been exercised in the history of this country before.

Mr. GOLDFOGLE. Mr. Chairman, I did not read the provisions of the bill to which the gentleman from Colorado [Mr. BONYNGE] refers, and therefore I would ask him whether in the bill he has made provision for the manner of appeal?

Mr. BONYNGE. We have limited the time within which it may be taken, that is all. It will be governed by the general provisions for appeals.

Mr. GOLDFOGLE. Is it not stated to what court the appeal is to be taken?

Mr. BONYNGE. Oh, yes; "to have the right of appeal to the United States circuit court of appeals of the proper circuit and in such case as is described by section 5 of the judiciary act of March 3, 1891," which provides certain cases where the question arises under a treaty or involves a constitutional question.

Mr. GOLDFOGLE. Suppose that the proceedings be initiated in the State courts, as, for instance, in the State of New York, in the supreme court, that court having jurisdiction of naturalization matters under the provisions of this act, and appeal be taken, there is nothing in the bill now before us which provides expressly that the appeal shall be taken from the State court to the Federal court, I take it.

Mr. BONYNGE. In this bill?

Mr. GOLDFOGLE. The gentleman says an appeal shall be taken to the circuit court.

Mr. BONYNGE. Yes.

Mr. GOLDFOGLE. Does not that make it rather vague?

Mr. BONYNGE. That in any naturalization proceeding in any court exercising jurisdiction under this act either party shall have the right of appeal to the United States circuit court of appeals.

The CHAIRMAN. The time of the gentleman has expired.

Mr. PAYNE. Mr. Chairman, I ask unanimous consent that the time of the gentleman be extended so that he may be permitted to conclude his remarks.

The CHAIRMAN. The gentleman from New York asks unanimous consent that the time of the gentleman from Colorado may be extended in order that he may be permitted to conclude his remarks. Is there objection?

There was no objection.

Mr. BONYNGE. Mr. Chairman, it is required by the provisions of this bill that the hearing in naturalization cases be in open court; that the applicant shall appear in person before the court and produce his two witnesses in open court. We do that for the purpose of preventing the frauds that have so often been perpetrated in these cases and to impress the alien also with the importance of the proceeding to which he is a party. The oath of allegiance must be taken by the alien in open court. We have elaborate provisions in the bill for keeping all records in such proceedings, requiring the clerks to keep a duplicate of the declaration of intention, and also a stub of the certificate of naturalization, so that there shall be a complete record in every court of all aliens naturalized by that court, and in the Bureau of Naturalization, at Washington, there shall be a complete record of the naturalization of all aliens who may became naturalized under the provisions of this bill after it goes into effect. We have also provided in reference to the certificate of naturalization that it shall be upon safety paper furnished by the Bureau of Naturalization and that those certificates shall be consecutively numbered. These provisions are all intended to prevent the sale of these certificates to people who are not entitled to them. It came to the attention of the committee, and it has been stated many times in the press, that certificates of naturalization have been sold not only in the United States, but sold in foreign countries to people who have never been upon our shores, and that immigrants have landed upon our shores carrying with them fraudulent, counterfeit, and false certificates of naturalization that were sold to them upon the other side of the globe. These matters that we have provided for the keeping of record and the care of the certificates are to prevent such cases as those.

Mr. McNARY. Mr. Chairman, I have read that statement a number of times, that certificates of naturalization have been sold to people, and I have seen it in the newspapers. This committee has heard gentlemen on this whole subject. Can they give any definite statements as to such a practice or whether or not such certificates have been sold or who sold them and to what people?

Mr. BONYNGE. I can give the gentleman a few cases, if he will pardon me for a moment until I refer to the report of the Assistant Attorney-General, who had some people convicted for doing that very thing. Joel Marx made a report to the United States Attorney-General. Mr. Marx was the special assistant United States attorney appointed to prosecute frauds against the naturalization laws. He mentioned some of these cases:

These cases are included in the inclosed tabulated statement, the particulars of which are as follows: Robert Bunoro and Joseph Capparelli were engaged in making and uttering forged certificates of citizenship, which found ready sale in Italy, to enable immigrants to gain admission into the United States, which, upon investigation, were found to be forgeries. The entire certificate, including the copy of the seal of the district court of the United States for the southern district of New York, had been forged.

Mr. McNARY. What happened to those men?

Mr. BONYNGE. I think they are among those that were convicted by the prosecution.

Mr. McNARY. And sentenced?

Mr. BONYNGE. Yes; sentenced. I believe he states what the sentence is. I will read a little further:

In April, 1903, Bunoro and Capparelli were arrested and the entire outfit for the printing of these certificates, including the forged seal of the United States district court, were captured. They were indicted on June 26, 1903, and upon conviction were sentenced to serve a term of eighteen months in the State prison at Sing Sing, N. Y.

Mr. McNARY. Is not there existing law sufficient to deal with those cases?

Mr. BONYNGE. Sufficient to punish after the crime has been committed, but not sufficient to prevent the perpetration of the wrong. It is far more important, I will say to the gentleman from Massachusetts, that we should prevent the commission of a crime than that we should catch the criminal after he has committed it and put him in jail, and in order to prevent the commission of crime we have provided these safeguards in the issuing of certificates of naturalization, and I can not conceive what possible objection anybody can have to saying that the certificates of naturalization that are issued should be given to the people who are entitled to them and that they shall not be used for fraudulent purposes. That is all we have sought to do by this bill and by these provisions to which I have just called to your attention.

Mr. McNARY. Let me call the gentleman's attention to the fact that nobody is objecting to it, but the gentleman misses the point of my request. I asked him whether the law is not sufficient now and he admits it is sufficient.

Mr. BONYNGE. To punish the criminal.

Mr. McNARY. To apprehend and punish. There is no law sufficient to do any more in this or any other country and the gentleman can not quote one. If it is possible for people to forge naturalization certificates now it is just as possible to forge the certificates of which the gentleman speaks. Why not? You can duplicate the seal, can you not?

Mr. BONYNGE. We are trying to provide similar safeguards to those that are in force in regard to the issuance of our money. Of course, counterfeit money is sometimes circulated, but we have minimized the amount of danger just as far as we possibly could.

Mr. McNARY. Does the gentleman think, from his observations on that committee, there were any large number of such cases as he has indicated?

Mr. BONYNGE. I think there were a large number of cases.

Mr. McNARY. Where?

Mr. BONYNGE. There were 1,916 fraudulent certificates canceled in two years that came to the attention of this special United States attorney. I think everyone who has examined the question carefully could not fail to be convinced there were a great many other cases which were not detected. These provisions not only minimize the possibility of the commission of such crime, but they help the detection of the crime after it had been committed.

Mr. McNARY. Were any such cases shown outside of New York City?

Mr. BONYNGE. Yes.

Mr. McNARY. Where?

Mr. BONYNGE. There were some in different sections of the country.

Mr. McNARY. But you do not recall where.

Mr. BONYNGE. No; I do not recall each of these specific cases to mind. It would be impossible to carry those 1,916 cases in my mind.

Mr. McNARY. Well, I asked that question because I have heard of no such accusation made anywhere except against New York City, and what I want to get at was, if no such practice prevails anywhere else we are practically reorganizing the whole law on the subject because in New York City cases arise that ought to be met by the officers of the Government there.

Mr. ADAMS of Pennsylvania. Will the gentleman permit?

Mr. BONYNGE. Certainly.

Mr. ADAMS of Pennsylvania. We have had just such cases in the city of Philadelphia, where they have been brought into court and convicted.

Mr. McNARY. Did the gentleman get convictions of the fraudulent registration of thousands upon thousands of votes in the city of Philadelphia?

Mr. ADAMS of Pennsylvania. I answered the gentleman in good faith, and when I have been able to overturn his statement then he gets off the question.

Mr. McNARY. No; the point I wanted to add is this: That a few cases of fraudulent naturalization is not by any means as bad an offense against American citizenship as sixty or a hundred thousand fraudulent registrations done by American citizens in one city.

Mr. ADAMS of Pennsylvania. The gentleman may consider it legitimate debate when he makes a statement on one question and it is knocked out to try to drag up something else, and when we are discussing a bill we are supposed to discuss it in good faith.

Now, I wish to state further, in answer to the gentleman's question, that in New York City it is necessary for a street vender to be a naturalized citizen, and it was testified before our committee that hundreds of forged naturalization papers were sold almost openly to these venders in order that they could get their license.

Mr. McNARY. I would like to ask the gentleman whether or not—I simply and solely hurt his vanity a little bit by talking of Philadelphia—whether or not, to state it frankly before the people of this body, he believes the crime of naturaiization

is at all comparable with the 60,000 or 100,000 fraudulent registrations discovered by the mayor of Philadelphia?

Mr. ADAMS of Pennsylvania. I will answer the gentleman. He picks out Philadelphia, I suppose, as a Democrat, as a Republican city. I will take New York as a Democratic city, and I will tell him the difference between Philadelphia and New York. When there was a change we accepted the votes of the people and abided by the result, but in New York they did not dare to open the ballot boxes nor count the votes. [Applause.]

Mr. BONYNGE. Mr. Chairman, I decline to yield for a discussion of questions that have absolutely no reference to the bill before the committee. The question as to whether we punish people who commit election frauds is a separate and distinct question. The gentleman from Massachusetts [Mr. McNARY] ought not to expect that in a naturalization bill we are going to correct all the crimes and all the evils that may exist anywhere throughout the United States. It is not very practical to say that one crime is worse than another, and that because one crime may happen to be a little worse than another we ought not attempt to prevent the commission of the crime of lesser degree. We are dealing with the crimes against the naturalization laws. We are seeking to prevent them. We are seeking, in case they are committed, to provide for their detection and their punishment. I think it is a purpose that ought to meet with the unanimous support and the approval of all members of the committee. [Applause.]

Mr. JAMES rose.

The CHAIRMAN. Does the gentleman from Colorado yield to the gentleman from Kentucky?

Mr. BONYNGE. I do.

Mr. JAMES. What is the amount that the clerk now receives for certifying these papers of naturalization?

Mr. BONYNGE. At the present time?

Mr. JAMES. Yes, sir.

Mr. BONYNGE. Oh, that varies in every State of the Union. There are hardly two States alike.

Mr. JAMES. The amount that he will receive under this bill if it becomes a law is $8, is it not?

Mr. BONYNGE. The clerk?

Mr. JAMES. Yes.

Mr. BONYNGE. No; he gets $5 in each case. Eleven dollars is the cost to the alien, and $5 of that amount goes to the clerk for his additional service and $5 to the Treasury of the United States.

Mr. JAMES. Does not the gentleman think that is an unusually large amount to pay to the clerk for that sort of service?

Mr. BONYNGE. It is the cheapest anywhere in any government on earth.

Mr. JAMES. That may be true. How long does it take a clerk to make out these papers? They are furnished him by the Government?

Mr. BONYNGE. He has to keep a record, and he has to keep the records bound. There will be considerable clerical work involved.

Mr. JAMES. He does not have to pay for the binding of the records, does he?

Mr. BONYNGE. He makes a return to the Bureau of Naturalization when these petitions are filed. He will be in correspondence with that Bureau to a very considerable extent.

Mr. JAMES. Can he not certify all of these papers in two minutes?

Mr. BONYNGE. I do not think so; not at all. The average of naturalizations in the United States is 100,000 a year.

Mr. JAMES. I understand that, but could he not attend to all the work necessary to naturalize one man in an hour?

Mr. BONYNGE. To naturalize one man in an hour?

Mr. JAMES. Yes; and certify all the papers.

Mr. BONYNGE. He does not do it all at one time.

Mr. JAMES. I understand; but put all of his work together, and could not he naturalize two in an hour?

Mr. BONYNGE. I do not think he could.

Mr. JAMES. He could do one in an hour, anyhow?

Mr. BONYNGE. I do not know how long it would take, but what it requires of him is attending to first the declaration of intention. Suppose he fills out that blank and explains it to the alien. Then in two years or three years afterwards, when that alien comes back, he makes out his petition for him.

Mr. JAMES. That is all furnished by the Government.

Mr. BONYNGE. Yes; but the blanks have to be filled out.

Mr. JAMES. I understand.

Mr. BONYNGE. He may be called upon to issue subpœnas; he has to enter an order of the court in each of these cases. After a declaration of intention has been made and after the petition has been filed, he is required to send a statement to the Bureau at Washington.

Mr. JAMES. Now, the point I was making is, that it appears to me that it is an exorbitant charge that you allow the clerk to make.

Mr. BONYNGE. Now, if the gentleman thinks so, when that provision of the bill is reached, I have no doubt he will offer an amendment to cut it down, and we will discuss the amendment whether it shall be adopted or whether the opinion of the committee shall prevail.

Mr. JAMES. If a man in good faith wants to become a citizen of this country, it ought to be possible for him to do so without the clerk collecting from him an exorbitant fee in order to obtain the right to become an American citizen.

Mr. BONYNGE. We do not desire that he should collect an exorbitant fee. All we want the clerk to have is a sufficient compensation for the work he performs. If in the opinion of the majority of the committee the amount we have named is more than he should have, it is for them to correct it by an amendment. We think it is not. We think when you come to consider the entire provisions of the bill and know what is required to be done by the clerk that you will agree with us that the amount asked the alien is not unreasonable. He is not required to pay it all at one time. The first dollar is paid when he makes the declaration of intention. He is not required to make any additional expense until he files his petition, which he may do not less than two years nor more than five years after the declaration of intention. Then he will pay $5. When he gets his certificate of naturalization—and only in case he gets a certificate—he will pay the additional $5.

Mr. STAFFORD. Will the gentleman explain what additional expense the clerk will be put to in issuing these certificates for which he is to receive compensation?

Mr. BONYNGE. There is no petition now required to be filed in the court at all. The clerk is not required to keep a duplicate of the declaration of intention. He is not required to make a special order and enter the order upon the records of the court. He is not required now to send any statement of the business done in naturalization to any bureau in Washington.

Mr. STAFFORD. That is not the point. That is additional labor rather than additional expense. My question was, What additional expense is the clerk put to for which he will receive $5?

Mr. BONYNGE. Oh, I did not understand the gentleman's question. The additional expense is not given to the clerk. He does not get $5 for each certificate. The clerk gets one-half of the $10. He gets $5 for all the services from the time the alien makes his declaration of intention until the certificate itself is issued.

Mr. STAFFORD. What additional expense will the clerk have by reason of the work required in this bill?

Mr. BONYNGE. We believe that the clerk will be required, especially in many of the large cities in the country, to have additional clerical force to transact that business, and that additional clerical force he is required to pay out of these fees that we allow to him.

Mr. STAFFORD. As the officers and clerks of the courts are now constituted, is there not provision made by law for the payment of salaries of assistants to the clerks in the performance of the labor connected with the duties of their respective offices?

Mr. BONYNGE. Certainly.

Mr. STAFFORD. And will not that work be done in these cases and no additional expense whatever incurred by the clerks of court.

Mr. BONYNGE. I think not. I think that in many cases he will require additional clerical force. So far as the State courts are concerned we can not compel the State courts to exercise jurisdiction in naturalization. They may or they may not, just as they see fit. But if they do, they must do it in accordance with the provisions of our law. But we have no control over the State courts, so that we could not compel them to exercise jurisdiction in these cases; and if we put on the clerks additional labor in our State courts, and additional expenses, we must provide for that additional expense.

Mr. GAINES of Tennessee. I understood the gentleman to say that from the time the alien filed his petition to be naturalized until his certificate was issued the clerk received $5.

Mr. BONYNGE. No; the alien pays $5 when he files his petition for naturalization, and then when he gets his certificate he pays the other five.

Mr. GAINES of Tennessee. I understood you to say that the fee that went to the clerk was for his services, because he is clerk; to wit, $5, and that the excess over and above that was to pay for the extra labor that would be occasioned.

Mr. BONYNGE. He gets one-half of all fees that are paid into his court.

Mr. GAINES of Tennessee. Where does the other half go?

Mr. BONYNGE. To the Treasury of the United States, to maintain this Bureau of Immigration and Naturalization and provide for the clerks, assistants, and help necessary at Washington, and the agents that that Bureau will employ.

Mr. JAMES. How many aliens were naturalized in New York City last year?

Mr. BONYNGE. I have heard the number stated, but I can not give it from memory. The total in the United States was approximately 100,000.

Mr. JAMES. How many, would you say, in New York City?

Mr. BONYNGE. I will ask my colleague [Mr. HAYES] whether he remembers what number were naturalized in New York City last year. The statement was made before our committee, but I am unable to say from memory.

Mr. HAYES. The gentleman from the southern district of New York, who appeared before our committee, stated that in the neighborhood of 5,000 were naturalized in the southern district of New York.

Mr. BONYNGE. That is the southern judicial district.

Mr. JAMES. Does that include Brooklyn?

Mr. HAYES. I suppose it would.

Mr. BONYNGE. No; I think not.

Mr. JAMES. Say 10,000 in New York City.

Mr. BONYNGE. I suppose the gentleman is endeavoring to arrive at how much the clerk can get. Let me call attention to the fact that there is a limit of $3,000 beyond which he can not go.

Mr. JAMES. What is the limit?

Mr. BONYNGE. Three thousand dollars.

Mr. JAMES. Then you limit him to $3,000 in a place like New York.

Mr. BONYNGE. He can not go beyond that, unless the Secretary of Commerce and Labor, upon the petition of the clerk, finds that it is necessary that he should have additional compensation for an increased force beyond that which the $3,000 would provide for.

Mr. JAMES. What becomes of the rest of the fees received? Where do they go?

Mr. BONYNGE. To the Government.

Mr. JAMES. When he has already received as much as $3,000 for this naturalization of aliens, then the balance over and beyond that goes to the Government?

Mr. BONYNGE. Goes to the Government of the United States.

Mr. JAMES. But you then leave it within the power of the Secretary of Commerce and Labor to pay him an additional amount?

Mr. BONYNGE. Provided the clerk can satisfy the Secretary of Commerce and Labor that the business of his office requires an additional force which can not be compensated for with the $3,000.

Let me state the object of that. It was made upon the earnest solicitation of the member of the committee from New York City, and I suppose, to a certain extent, the same would also be true of Boston and Chicago and other large cities, that the additional work that would be required by the provisions of this bill would make necessary the employment of a number of clerks. We do not seek to prevent naturalization in any case where the alien is entitled to it. We have not sought to throw bars or obstacles in the way of naturalization. We want to provide the machinery by which those entitled to naturalization shall have the opportunity to be naturalized and not to delay them in their naturalization.

Mr. JAMES. There is no limit fixed upon what the Secretary of Commerce and Labor may allow for these services?

Mr. BONYNGE. No.

Mr. JAMES. It is possible for him to allow an additional amount of $40,000, where there are 10,000 aliens naturalized, is it not?

Mr. BONYNGE. I suppose it is possible that he might steal all the money that came into his hands.

Mr. JAMES. Oh, no; but I am saying he could take the gentleman's speech as a basis, as to the extraordinary labor he had to perform, and show that to the Secretary of Commerce and Labor, and upon that he could say, "I have naturalized 10,000 or 12,000 people, and this additional amount ought to be allowed." Could he not take the gentleman's own speech as a basis for such a request as that?

Mr. BONYNGE. I should like to ask the gentleman from Kentucky whether he thinks, if he were making an application as clerk of a court for an additional allowance, that he would base his application upon the statement made in debate that additional labor would be required, a statement which is true, without also showing to the Secretary of Commerce and Labor what labor was required of him and what clerks he had, or do you not believe that it would be necessary to show within the requirements of this bill that there was an increase of labor that would justify the Secretary of Commerce and Labor in making an additional appropriation to that clerk?

Mr. JAMES. I might rely upon a speech of a Member of Congress, if he had the reputation that my friend from Colorado has and had given the matter the study and attention that he seeems to have given it—I might rely on that to a great extent. But we have seen where judges of the United States courts have certified that they expended $10 where they did not expend but two——

Mr. BONYNGE. We have heard a good deal of talk about that.

Mr. JAMES. And this committee ought to have guarded this by providing a maximum amount above which the Secretary of Commerce and Labor could not go.

Mr. BONYNGE. We think that we have guarded it sufficiently, but if the gentleman from Kentucky thinks that it is not guarded sufficiently, I have no doubt with the eminent ability that the gentleman from Kentucky possesses he will be able, when that section of the bill is reached, to offer an amendment which will absolutely prevent the dire consequences that are disturbing the gentleman's mind.

Mr. JAMES. I will accept that as a retort courteous to my inquiry.

Mr. HINSHAW. Will the gentleman permit me?

Mr. BONYNGE. Certainly.

Mr. HINSHAW. In section 2, on page 4, it says "not less than two years nor more than five after he has made such declaration of intention, he shall make and file in duplicate a petition in writing." Thus, if a man, after he has taken out his first papers, allows more than five years to pass before applying for the second, he must begin again and take out his first papers.

Mr. BONYNGE. Yes; the declaration of intention has served its purpose and no longer is of value to the alien.

Mr. HINSHAW. If he must go back and take out new first papers then he must allow two more years to pass.

Mr. BONYNGE. Yes; but he has had five years' time since he made the first declaration to apply for his final papers. He was entitled to them two years after he made the declaration of intention. We extended the time three years. Now, if he does not think enough of American citizenship within five years after he made the declaration to take out his final papers, we do not think that we require anything in the nature of hardship if he has to begin over again.

Mr. HINSHAW. There is nothing to bar him from beginning again and taking out his first papers?

Mr. BONYNGE. No; he can begin over again and take out his first papers.

Now, Mr. Chairman, I believe I have generally given an outline of the bill. There are sections in the bill defining crimes against naturalization and prescribing penalties therefor. There are also sections prescribing the forms to be used in all naturalization proceedings. I believe I have in this way given a general outline and a summary of the provisions of the bill. If there is any member of the subcommittee or of the Committee on Naturalization and Immigration that desires to add anything to what I have said, I would be glad to yield to him.

Mr. BARTHOLDT. I would like to ask the gentleman a question.

Mr. BONYNGE. Certainly.

Mr. BARTHOLDT. I would like to ask my friend about the provision in section 9:

SEC. 9. That no alien shall hereafter be naturalized or admitted as a citizen of the United States who can not write in his own language or in the English language, and who can not read, speak, and understand the English language.

This section provides an educational test.

Mr. BONYNGE. That was discussed before the gentleman came on the floor, and it will be reached for general discussion when the sections in the bill are read for amendment. I have explained to the committee that this bill did prescribe an educational qualification for naturalization.

Mr. BARTHOLDT. I do not particularly object to this paragraph, but you say "who can not read and understand the English language." This is construed by a great many newspapers printed in German and other languages as a discrimination in favor of the inhabitants of Great Britain who come here, against the people coming from Germany, France, Scandinavia, and other countries. In other words, you find in this country a great many communities of German-speaking people, or of people who speak Swedish, Scandinavian——

Mr. WM. ALDEN SMITH. And Dutch.

Mr. BARTHOLDT. And Dutch, Italian, and Hungarian, and while in theory it is eminently desirable for them to acquire

the English language, and we should do everything possible to hasten the moment when they shall have acquired that language, as a matter of fact they are living together and do not come in contact with people speaking the English language, so that they are unable to acquire a knowledge of that language. They read the newspapers printed in their own language, they are in every sense of the word good Americans, they conduct themselves as loyal citizens of the country, and the only difference between them and us is a difference in tongue. That is, it is not the difference of mind or of heart or of brain, but a difference of a twist of the tongue; that is all.

Now, I say that this discrimination is possibly unjust, and it will work a hardship to a great many.

Mr. BONYNGE. I will say to the gentleman this: He has stated, as I recall his language, that it is well for us to do everything in our power to hasten the day when they will learn to speak the English language.

Mr. BARTHOLDT. Yes.

Mr. BONYNGE. So that they can read our laws and understand them in the language in which our laws are written. Does not the gentleman believe that such a provision as this in a naturalization bill will hasten the day when they will learn to speak and understand the English language? They will come to this country and will want to become citizens. We will want those people to become citizens of the United States, and we will give them the five years, and they will receive notice that if they want to enjoy all the privileges of our citizenship they must in those five years' time learn enough of our language to be able to speak and understand it.

Mr. BARTHOLDT. In theory this is right, but let me state the practice to the gentleman. An immigrant is usually a man who is past the school age—that is, he is in most cases a person of, say, from 15 to 30 or 35 and 40. When he sets foot upon the soil of this country he will have to hustle, to use a usual term, for a living. He has to work from morning until night. If he happens to live in a large city he will have the benefit of evening schools and can acquire the English language there. but if he happens to live in country districts where such schools do not exist and where he is obliged to work from morning to night and where he merely associates with his own people—that is, the people who speak his language, it will be almost impossible for him to acquire a knowledge of the English language which is required here, and what would be the actual and practical effect of that? It is that we keep from citizenship, we prevent from being identified with our institutions men who are entirely willing to become American citizens, men who are fit and competent to become American citizens but for that lack of knowledge of the English language.

Mr. BONYNGE. Does the gentleman believe that immigrants assimilate with us better if they understand the English language than if they do not?

Mr. BARTHOLDT. That is a question. I would say to the gentleman this, that you take, for instance, a good American newspaper printed in the German language. That paper educates its readers in every possible way in American ideas and up to American ideals. It teaches them what the law is in this country, what our institutions are, and what it is to become a good American citizens, so that if a man reads a German paper and not an English paper at all, it is just possible that he may become just as good an American citizen, is it not?

Mr. BONYNGE. Certainly. I do not intend to be understood as saying that because he does not speak the English language he will not become a good American citizen; but I think if he understands the English language, whether he understood it when he came to this country or not, if he acquires a knowledge of the English language he will more readily assimilate with us than if he retained his own language and lived wholly with his own people.

Mr. BARTHOLDT. I agree with that. I would much prefer him to know the English language.

Mr. GOLDFOGLE. Does not the present bill prevent the naturalization of an alien who can not read, speak, and understand the English language? That is the language of the bill.

Mr. BONYNGE. Yes. The gentleman means if this bill should become enacted into law that a person could not be naturalized unless he could read, speak, and understand the English language?

Mr. GOLDFOGLE. Yes. Who shall determine whether he can speak and understand the English language?

Mr. BONYNGE. The court. He has to appear in court. We have to leave it to the discretion of the court.

Mr. GOLDFOGLE. Does not the gentleman from Colorado realize the fact that there are at present a large number of excellent American citizens, thoroughly American in spirit, comprehending the purpose of our institutions and voting intelligently at the polls, who do not write the English language and who do not as fully understand the English language as many of those who are brought up and educated in the public schools of this country?

Mr. BONYNGE. I have no doubt there are a great many of them.

Mr. GOLDFOGLE. That being so, why should not such persons, being aliens otherwise entitled to naturalization under the provisions of this bill, be allowed to come in and be enrolled into citizenship of this country?

Mr. BONYNGE. I have no doubt, I will say to the gentleman from New York, as I believe I did in answer to some other gentleman who asked practically the same question, that there may be some who will be excluded under the provisions of this bill who would otherwise make good citizens, but on the whole I believe that it is better for our citizenship that those who acquire it should have an understanding of the English language, which is the language of the country, and we do not think it is any hardship because the opportunity will be afforded to all of them during the five years to acquire that knowledge. We do not require that they shall learn to write in our language during the five years. I think that would be unreasonable, but we do require that the alien must either write in his own language or in the English language. That is in the alternative so far as writing is concerned. He must speak, read, and understand the English. I think the gentleman will agree with me, as did the gentleman from Missouri [Mr. BARTHOLDT], that a man who speaks, reads, and understands the English language is more apt to be in sympathy with our institutions and to assimilate better than one who does not.

Mr. GOLDFOGLE. But would you shut the door to the thousands upon thousands of aliens who are fully in accord with our institutions and with everything that pertains to good citizenship, but who unfortunately have not been able to acquire the use of the English language so as to understand it and so as to speak it and read it?

Mr. BONYNGE. I will say to the gentleman from New York I do not believe that anybody who sincerely desires to acquire that knowledge within five years, living in this country, could not qualify himself under the provisions of this bill for naturalization. It is true that in the past they have not, because the inducement to them has not existed. If we hold out to them this inducement and say to them, "Before you are entitled to citizenship in the United States you must acquire this knowledge," I believe there will be very few of them at the end of five years who sincerely and earnestly want to fit themselves for American citizenship who will not be entitled to have it.

Mr. GOLDFOGLE. Now, you take the large number of foreign publications, or, rather, as my friend from Missouri said, the American papers printed in foreign languages. Take the German, Scandinavian, Norwegian papers, and hundreds of other papers published throughout this country in foreign languages. Persons of the character I have mentioned read these papers. They inform themselves of what is going on in the community. They read the editorials in those papers, as well written as you find editorials in many of the papers printed in English and——

Mr. BONYNGE. I have no doubt of that at all, but let me say to the gentleman, do you not believe the tendency would be to have more papers printed in the English language among the people you have described if we had this provision in our bill instead of having those papers printed in the language of those people?

Mr. GOLDFOGLE. I think not. On the other hand, I think that instead of holding out an inducement to these thousands upon thousands of people otherwise qualified, holding out to them an opportunity to come in and assimilate with us and become good citizens, you simply shut the door upon them. Many of them are workmen, they are laboring people toiling from morn until night, and some late into the hours of night for a living. To get the instruction necessary to qualify for citizenship under the pending bill is very hard under present conditions, and they do not have the same opportunity as the young people—as, for instance, the boys and the girls—to acquire a knowledge of the English language, so as to speak and understand it as this measure evidently contemplates. The result is that these toiling masses, perfectly willing to enter into the spirit of American citizenship, who love this country, who adore the flag, will be kept out because you have shut upon them the door of opportunity. Is not that so?

Mr. BONYNGE. We do not feel it is so. We feel every one who did desire could in the course of five years qualify himself for citizenship.

Mr. COCKRAN. I would like to ask the gentleman from Colorado if there be an educational test on the right to exercise suffrage in the State of Colorado?

Mr. BONYNGE. No, sir.

Mr. COCKRAN. Under this bill a more severe test is placed on admission to citizenship than on the exercise of its highest right.

Mr. BONYNGE. Yes, sir; because we can not deal with the subject of the qualification of voters in the respective States through Congressional action. That subject is relegated to the different States, as the gentleman from New York well understands.

Mr. COCKRAN. Certainly. Now, I would like to ask the gentleman from Colorado, because I have not heard his explanation of the bill, what evil affecting the security of the Government or the prosperity of the nation does he expect to remedy by this measure imposing a severer test on mere admission to citizenship than his own State and the other States of the Union, with one or two exceptions, have found it necessary to impose on the right of suffrage?

Mr. BONYNGE. If the provisions of this bill should be enacted into law, those who apply for naturalization without having this qualification will not be able to vote even in my own State, because they must have their final papers, and they could not receive their final papers without meeting the requirements of this bill.

Mr. COCKRAN. But in some States——

Mr. BONYNGE. In some States they would.

Mr. COCKRAN. So we would have this spectacle under the operation of this measure, that men whom this law, in effect, denounces as unfit for citizenship and who could not become citizens would be helping control the governments of States.

Mr. BONYNGE. That is true now in some States. A man is allowed to vote on his first papers, and in other States it is required that he shall have his final papers. We can not make a uniform rule, unfortunately, regarding the qualifications of voters.

Mr. COCKRAN. That is quite true; but the gentleman realizes the fact that under existing law there could not be a condition in which a man is excluded even from admission to citizenship and at the same time be exercising the sovereign power of citizenship by voting for Members of this House or any other officers that are chosen by suffrage?

Mr. BONYNGE. That is a matter that the State has entire control of. It is for each State to determine whether they shall permit them to do so or not. We are here, as I think I said before the gentleman was on the floor, dealing with the subject of naturalization. In the end, upon this proposition it must be determined by a solution of this question, namely, Is this requirement beneficial; is it necessary; does it raise the standard of our citizenship? We can not determine whether or not this qualification should be required for all naturalization, by deciding whether or not a State will permit a person without that qualification to vote, but we must meet it as an independent question. There is an argument to be made upon both sides of the proposition. I realize that. The argument should be confined to the subject of naturalization, for this is the subject we are dealing with, whether or not this qualification is a good qualification and required of an applicant for naturalization.

Now, when that section of the bill is before the committee I can well understand that there will be strong arguments made against it, and, I think, very strong arguments in its favor. We listened to the arguments on both sides. We believed, as a committee, that the stronger argument was in favor of requiring this qualification. The Committee of the Whole House may differ with us. We hope to be able to convince them that the conclusion we arrived at was right.

Mr. COCKRAN. It is to get the conclusions of the committee and the reasons which led to them before the Committee of the Whole that I propound these questions.

Mr. BONYNGE. The gentleman was not present, I think, when I stated that my object this afternoon was not to discuss or go into an argument in detail in regard to the different provisions of the bill, but, in opening the question, to put before the Committee of the Whole in a general way the provisions of the bill—to summarize it—so that they will have a general understanding of its provisions, and then when we take up the bill section by section to argue and discuss these provisions.

Mr. COCKRAN. With that statement, of course, Mr. Chairman, further questioning on that head would be inopportune and premature. But I might ask this question: I see that the alien is required to write some language?

Mr. BONYNGE. Yes.

Mr. COCKRAN. And then to read, speak, and understand the English language?

Mr. BONYNGE. Yes, sir.

Mr. COCKRAN. Well, of course a man who can write any language and can read, speak, and understand the English language would be able to write the English language.

Mr. BONYNGE. Not necessarily.

Mr. COCKRAN. I confess I am not able to discover the distinction.

Mr. BONYNGE. I think a German might be able to write in his German characters and not be able to write the English language, and yet be able to read and speak the English language.

Mr. COCKRAN. That may be a possibility. If the gentleman's mind can grasp that a German able to write his own language could read and understand——

Mr. BONYNGE. I have mentioned only one, but I think there are others.

Mr. COCKRAN. I will not pause to discuss that, but does the bill provide any machinery by which examination into a man's knowledge of the English language can be conducted?

Mr. BONYNGE. No, sir; it leaves it to the court. He must satisfy the court. That is what is required of the alien—that he must satisfy the court.

Mr. COCKRAN. Does it prescribe how well he must speak it?

Mr. BONYNGE. No, sir.

Mr. COCKRAN. Must he speak it grammatically?

Mr. BONYNGE. No, sir.

Mr. COCKRAN. Does not the gentleman think that he ought to make provisions against encouraging assaults on the national tongue by untrained minds?

Mr. BONYNGE. I think not.

Mr. COCKRAN. One word more. The general purpose of this measure, as I understand it, is to modify the naturalization laws in three respects——

Mr. BONYNGE. Oh, no; it is to provide a uniform system of naturalization, and adds two essential qualifications to the right of naturalization.

Mr. COCKRAN. Yes; I understand.

Mr. BONYNGE. And add two new qualifications for the right of naturalization.

Mr. COCKRAN. One is to do away with the right of a person who comes here under 18 years of age to take out final papers without a prior declaration of intentions.

Mr. BONYNGE. That is not one of the qualifications. I am sorry that the gentleman did not do me the honor to be present when I endeavored to explain the bill.

Mr. COCKRAN. Which was a loss of which I am keenly sensible, due entirely to the fact that I supposed the House was engaged in pension bills, and was not aware that this bill was being considered. Now I am endeavoring to recover the loss.

Mr. BONYNGE. I will be very glad to answer any questions the gentleman desires to ask, so far as it is possible for me to do so.

Mr. COCKRAN. This bill does aim to take away the right of a person coming under 18 years of age to be naturalized without a prior declaration of intentions?

Mr. BONYNGE. The bill does this: When an alien comes here under 18 years, without his parents, he will be required to make his declaration of intention after he reaches the age of 18 years.

Mr. COCKRAN. And it imposes an educational qualification.

Mr. BONYNGE. Yes; to the extent of these sections that I have referred to.

Mr. COCKRAN. And it raises the cost of naturalization from $3——

Mr. BONYNGE. There is no uniform cost.

Mr. COCKRAN. From $3 to $11?

Mr. BONYNGE. In some States, I believe, it runs as high as $10 at the present time.

Mr. COCKRAN. It fixes another amount than the one usually exacted?

Mr. BONYNGE. It fixes a uniform rate that will be enforced all over the United States, instead of having, as now is the case, a few dollars in one State and up to $10 in others.

Mr. COCKRAN. These are the three modifications or changes of the naturalization law?

Mr. BONYNGE. Not at all, I will state to the gentleman. It is necessary to repeat, of course, in order to answer the question the gentleman has propounded. It establishes what courts shall have jurisdiction.

Mr. COCKRAN. Yes.

Mr. BONYNGE. It also provides a uniform procedure from the inception of the application for naturalization until it is consummated in the final issuance of the certificate. It attempts to guard against frauds and crimes that have been committed against our naturalization laws, and prescribes penal-

ties for the commission of such crimes. It establishes a Bureau of Naturalization in Washington, which will be required to keep an accurate record of the naturalization certificates issued throughout the United States, and it authorizes the United States Government, through the United States attorneys, in cases where cause may exist, to oppose a petition for naturalization. It provides a procedure for the cancellation of certificates of naturalization that may be obtained through fraud of any kind. It provides that the alien should live at least one year in the State in which he makes the application for naturalization. It provides that the examination of the alien shall be made in open court, and provides for two witnesses to be examined before the court. Now, that is it, in a general way; I suppose I have omitted some other provisions, and while I did not, perhaps, mention the one, two, three, or four to which the gentleman from New York has referred, it includes those and some others that I have heretofore mentioned.

Mr. COCKRAN. The gentleman has misapprehended my question. I did not ask what all the features of the bill were, but how far they modified the requirements and conditions of naturalization—not the procedure of naturalization.

Mr. BONYNGE. The procedure can be put under one head as one feature of the bill. I think that is a very, very important feature; that we should exercise the authority given to us by the Constitution of the United States to establish—to use the exact language of the Constitution—"to establish an uniform rule of naturalization." That this bill does; and I think it is very important.

Mr. COCKRAN. Nobody disputes that. I merely wanted to know what particular modifications were proposed in the conditions to naturalization, not the procedure.

Mr. BONYNGE. Those I have mentioned, and the educational qualification; and one that may not seem very important at first, but we think it will correct some of the evils—that the applicant shall declare that it is his intention to remain permanently a citizen of the United States.

Mr. COCKRAN. Let me ask the gentleman this question: If he has stated it before I came in, of course I shall not ask him to repeat it, for I can read it in the RECORD. Has the gentleman informed the committee of the reasons that have impelled such an important change as this? Has he shown any damage that has resulted to the country, any peril to its institutions, any danger to its Government from the lack of these provisions?

Mr. BONYNGE. I have attempted to call attention to some of them, and in the discussion of the bill, when its various provisions are considered during the reading of the bill by sections, probably will refer to others.

Mr. WM. ALDEN SMITH. I should like to ask the gentleman a question.

The SPEAKER pro tempore. Does the gentleman from Colorado yield to the gentleman from Michigan?

Mr. BONYNGE. Yes.

Mr. WM. ALDEN SMITH. The gentleman has stated what purpose he desires to accomplish by this bill. Is it the idea of the gentleman from Colorado that he is to establish through the influence of this enactment uniformity in citizenship and franchise laws of the country?

Mr. BONYNGE. We did not take that into consideration, although I have no doubt it will have that tendency.

Mr. WM. ALDEN SMITH. If you did not have that in your mind as a desirable end, lack of uniformity may lead to confusion.

Mr. BONYNGE. I do not know how any State can legislate upon that subject at all.

Mr. WM. ALDEN SMITH. Why, certainly.

Mr. BONYNGE. The entire power and control over naturalization is confined to Congress.

Mr. WM. ALDEN SMITH. The gentleman does not understand me. Your State, for instance, requires a man to take out his second papers before he can vote.

Mr. BONYNGE. That is a different subject.

Mr. WM. ALDEN SMITH. I am talking about section 9 now. We will assume for the sake of argument that the State of Indiana allows a man to vote on his first papers, and some of the other States do. Would not confusion result, just as the gentleman from New York states—that one State would permit a man to vote for every officer to be chosen, while another deprived him of that right?

Mr. BONYNGE. My answer is, there would be no greater confusion than there is now. In some States a person is permitted to vote upon his first papers, as the gentleman has stated, but in others they require final papers. In some States women are permitted to vote; in others they are not. That subject is left entirely to our State governments. The question for us to determine here is whether we shall have a uniform system of naturalization. We can not undertake to regulate the right of suffrage in the different States in the Union.

Mr. WM. ALDEN SMITH. No; that is very true; but I want to emphasize this. In my Congressional district, for instance, there are thousands of Hollanders, who speak, read, and write the Dutch language. There are no better citizens in this country than the Dutch. They know what good government is and what the blessings of liberty mean. Their ancestors fought and struggled for liberty. They are patriotic people. They are among the best citizens of our State. They are frugal, enterprising, and prosperous. They are Christian people. I would not, for anything, have these people discriminated against.

Mr. BONYNGE. Let me ask the gentleman, Does he not think that those people can, in the course of five years, qualify themselves to meet the provisions of this bill?

Mr. WM. ALDEN SMITH. If they were people of leisure; but they are not. Having resided among them for many years, I am unable to speak their language, and they are unable to speak my language; and yet those splendid people have their own vehicles of public thought. Their own newspapers and magazines, printed in their native tongue, furnish to them the daily news and keep them in touch with the best public thought. I say that any attempt to impose an educational qualification upon citizenship is an abridgment of patriotism [applause] and an unfair discrimination against unfortunate people, whose hearts may be alive to every national responsibility.

Mr. HOGG. May I ask the gentleman a question?

Mr. WM. ALDEN SMITH. Certainly.

Mr. HOGG. Is any injury to come to American citizenship from being intelligent?

Mr. WM. ALDEN SMITH. I hope not. This is the most intelligent citizenship in the world.

Mr. HOGG. Is there any reason why the American people should not preserve the rights they guarantee to every citizen, that the people who exercise this right should be Americans?

Mr. WM. ALDEN SMITH. The gentleman presupposes that we inherited this Government.

Mr. HOGG. Well, we did.

Mr. WM. ALDEN SMITH. We did not inherit it. It was taken away from our oppressors; and I say to the gentleman that many of the battles of this nation have been fought by men who did not understand our language.

Mr. BONYNGE. Oh, not altogether. I would not detract from them any of the credit to which they are entitled, but, while they undoubtedly contributed to our success, it is not true that many of our battles have been fought by men who did not understand our language.

Mr. WM. ALDEN SMITH. Over and over again.

Mr. BONYNGE. If the gentleman will permit me, nobody will dispute the fact that those who can speak our language and understand it will, as the gentleman from Missouri said, more readily assimilate with us and our institutions.

Mr. WM. ALDEN SMITH. I am not so sure of that.

Mr. BONYNGE. The gentleman is sure about it?

Mr. WM. ALDEN SMITH. I am not so sure about it.

Mr. BONYNGE. Does the gentleman contend that men more readily assimilate with our institutions if gathered together in local communities where they use the tongue of their native land rather than the tongue that is in use throughout the United States?

Mr. WM. ALDEN SMITH. Good citizenship, as the gentleman from Colorado knows——

Mr. BONYNGE. I did not say good citizenship.

Mr. WM. ALDEN SMITH. But I am talking about good citizenship. I am talking about citizenship that stands for your country's ideals. I am talking about citizenship that educates its children to be patriotic and country loving, that breeds no vice or disasters, that harbors no unworthy influences. I am talking about citizenship that lives in the heart of the American patriot as well as the head. I am not talking about fortunate citizenship segregated and set apart by early education. I have known many men to fill with credit high public station whole situation in early life barred them from even common schools.

Mr. BONYNGE. I have no question about it.

Mr. WM. ALDEN SMITH. I have known many a man in high public place that could not parse a sentence, and I say that one of the best evidences of the greatness of your country, of its stability, of its permanency, of its right to lead, is the fact that men come from every quarter of the globe, and, shaking off their environment, link their fortunes with ours, lead in the battle of good citizenship that uplifts the entire country; and I say further that any mere book learning that circumscribes their rights or keeps them from participating in our Gov-

ernment when they are otherwise well qualified is an act of absolute injustice. [Applause.]

Mr. BONYNGE. The provisions of this bill do not prevent anybody from coming to our shores. We are not dealing with the immigration question. We simply say to them, "Come here and enjoy the blessings of this Government if you wish to. We open our schools to you; we give you every possible facility to fit yourself for naturalization and become a part of our citizenship. All we ask of you is that during the five years that you are living here qualifying yourself for citizenship you shall acquire a sufficient knowledge of our language to satisfy the court to which you make application for naturalization that you make yourself able to understand our language."

Mr. WM. ALDEN SMITH. But you fix no standard.

Mr. BONYNGE. No; because I think it would be impossible to fix a standard that would apply in all cases. If I was sitting on the bench as a judge, I certainly should not regard the grammar of a man as a qualification.

Mr. WM. ALDEN SMITH. But some other judge might.

Mr. BONYNGE. All a man would be required to do under the provisions of this bill would be to satisfy the court that he could read and understand the language, regardless of whether he used it grammatically or not. If he could understand our language so that he could familiarize himself with our laws and take part in the discussions and listen to the discussion of questions affecting the welfare of the nation, that would be sufficient.

Mr. COCKRAN. Will the gentleman allow me?

Mr. BONYNGE. Yes.

Mr. COCKRAN. Does not the gentleman realize that if the language is as valuable as he says it is, taking liberties with its grammar must be almost a crime? [Laughter.]

Mr. BONYNGE. No; and the gentleman from New York does not so regard it, nor do I think the gentleman's remark adds anything at all to the discussion of this question.

Mr. COCKRAN. If the gentleman puts a knowledge of the English tongue at such a high valuation as to make it a qualification for citizenship, can he afford to treat as of slight consequence that which goes to the very vitals of the efficiency and value of the language?

Mr. BONYNGE. The gentleman from Colorado has no difficulty in satisfying his own mind—I do not know whether he can satisfy the gentleman from New York or not—but there is a vast difference between trying to establish a standard of knowledge of the language and saying that a man shall be able to write and understand a language; that he is better fitted for citizenship by that knowledge I have no doubt, whether he uses the language grammatically or not.

I have no question that the gentleman in his practice as an attorney has examined many witnesses who could not use the English language grammatically, but who were even able to understand the intricate, difficult, and complex questions that the gentleman from New York propounded to them.

Mr. COCKRAN. But surely the gentleman does not pretend that knowledge of the language was ever made a qualification for admitting a man to the witness chair?

Mr. BONYNGE. It has often been made the qualification as to whether or not he should have the aid of an interpreter, and it was not required before he should speak in our language that he should speak it grammatically. If he could speak and understand it he was denied the assistance of an interpreter; so that the gentleman will readily see that it is possible for the court to determine whether or not a person can read and understand the language, whether he uses it grammatically or not.

Mr. COCKRAN. Would the gentleman consider that a person who spoke two languages badly, ungrammatically, was more intelligent than a person who spoke one language well.

Mr. BONYNGE. It would altogether depend upon the individual.

Mr. COCKRAN. But under this bill a man who could speak two languages badly would be eligible, while a man who spoke one grammatically might be ineligible for citizenship.

Mr. HOGG. Mr. Chairman, I think we can all well understand that there are many men from other portions of the country who speak the language quite well who are not entirely intelligible. [Laughter.]

Mr. COCKRAN. Mr. Chairman, the gentleman has just proved it. [Renewed laughter.]

Mr. HOGG. And if the gentleman is in doubt about it, I shall apply it specifically. Many a man can parse and not be fit for citizenship. Many a man may come from Ireland, as we have, and still not understand the genius of our Government.

Mr. COCKRAN. That proposition, Mr. Chairman, I challenge. [Laughter.]

Mr. HOGG. I will admit this much to the gentleman from New York, that a gentleman who comes from New York or from Ireland always understands everything. [Laughter.]

Mr. COCKRAN. There is at least one exception, and this time the gentleman from New York proves it. [Laughter.]

Mr. HOGG. It is one of the inherent things that belongs to the race, that they understand everything. Now, I desire to ask the gentleman from Colorado one question with reference to what the gentleman from Michigan [Mr. WM. ALDEN SMITH] said.

Mr. BONYNGE. If the gentleman will confine himself to the bill, I shall be glad to answer it. I have already occupied the floor for two hours.

Mr. HOGG. The purpose of the bill is to make our citizenship more intelligent.

Mr. BONYNGE. With reference to this particular provision, the educational qualifications, that would be true, but that is not the sole purpose of the bill.

Mr. HOGG. Why should it not be?

Mr. BONYNGE. Because we want to guard against these frauds and abuses, to which I also called attention, and have a uniform system of naturalization throughout the country.

Mr. SULLIVAN of Massachusetts. And also because there is no power in the Federal Government to reach the illiterate natives of the States. The only illiterate the Federal Government can reach is the alien.

Mr. GAINES of Tennessee. Mr. Chairman, the gentleman from Michigan [Mr. WM. ALDEN SMITH] has given us a very beautiful definition of liberty. I desire to ask the gentleman from Colorado [Mr. BONYNGE] if he thinks if all the Members of the House present here this afternoon had been Dutchmen they could have understood the argument he has made and the argument the gentleman from Michigan made?

Mr. BONYNGE. No; and I am afraid some who speak the English language may not have understood it [laughter], but the difficulty has been with those gentlemen who have not understood it and not with the expression of the gentleman from Colorado.

Mr. MCNARY. Mr. Chairman, I have looked through the bill rather hurriedly, trying to listen to the gentleman's remarks, and one point I have not been able to make clear in my mind, and that is, as to whether or not the naturalization of an alien naturalizes his children?

Mr. BONYNGE. Yes; it does.

Mr. MCNARY. Where is that in the bill?

Mr. BONYNGE. We have not changed existing law in that respect. We have not repealed it. We have repealed certain specific statutes. We have a repealing section in this statute, but have not repealed that feature of it.

Mr. MCNARY. I understand.

Mr. JAMES. Mr. Chairman, the gentleman from Colorado [Mr. BONYNGE] argues that an educational qualification here in regard to obtaining the right of naturalization to become an American citizen would elevate the standard of American citizenship. I want to know whether or not in his opinion an educational qualification for voters throughout the States would elevate the standard of citizenship.

Mr. BONYNGE. If the gentleman asks for my individual opinion, I would say yes.

Mr. VOLSTEAD. I would like to ask the gentleman this question: Does not this discriminate in favor of that class of immigration coming over here——

Mr. BONYNGE. No; it does not deal with the immigration question at all.

Mr. VOLSTEAD. Is it not a fact it is going to have this effect, that it is going to permit people coming from Great Britain to take public land while it is going in a very large measure to prevent those coming from other countries——

Mr. BONYNGE. No; because on a declaration of intent to become a citizen——

Mr. VOLSTEAD. He must be a citizen before he proves the homestead.

Mr. CHANEY. I would like to ask the gentleman if in the study of the language the bill does not restrict the immigrant to any particular school? It enables him to learn the language in any school?

Mr. BONYNGE. Yes; whether he learns it in school or by contact with the people. It makes no difference.

Mr. SMITH of California. It seems to me the theory of the bill and its discussion to-day as well have been on the matter of voting almost entirely.

Mr. BONYNGE. That is what I endeavored to make clear, that the discussion of that did not really relate to this bill.

Mr. SMITH of California. That is what I think. Now, then, putting the matter of citizenship entirely aside, what evils have ever been apparent in this country growing out of the naturaliza-

tion of foreigners who come into this country? As I interpre the bill from a hasty examination it endeavors to make naturalization quite difficult.

Mr. BONYNGE. No, sir; it endeavors to guard against the commission of fraud in naturalization, but in doing so there are some provisions which will make naturalization not as easy as it has been heretofore, and that must necessarily be so.

Mr. SMITH of California. Have there ever been any considerable number of frauds committed in the matter of citizenship except in connection with the elective franchise?

Mr. BONYNGE. Oh, yes; thousands of them.

Mr. SMITH of California. What is the difference between the foreigner and the naturalized citizen outside of the matter of the elective franchise?

Mr. BONYNGE. You asked whether there were other frauds except election frauds committed against our naturalization laws. Here are the certificates to which I called attention early in the day.

Mr. SMITH of California. What were they used for?

Mr. BONYNGE. Used for the purpose of gaining admission to the country, used for the purpose of claiming the protection of the United States Government by an alien living permanently abroad and holding in his pocket a certificate of naturalization in the United States.

Mr. WILLIAMS. And several hundred were sold by United States consuls in China recently.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. HASKINS having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed bills of the following titles; in which the concurrence of the House of Representatives was requested:

S. 3506. An act for the relief of Henry E. Rhoades, assistant engineer, United States Navy, retired; and

S. 4952. An act making an appropriation for the improvement of the mouth of the Columbia River.

BUREAU OF IMMIGRATION AND NATURALIZATION, ETC.

The committee resumed its session.

Mr. BONYNGE. I yield to my colleague on the committee, who has asked for a few minutes' time.

Mr. HAYES rose.

Mr. STEENERSON. Mr. Chairman, before the gentleman sits down——

The CHAIRMAN. The gentleman from Colorado was given permission to conclude his own remarks. The Chair does not understand that he can yield time to another. Now, the gentleman from Colorado having concluded his remarks, the Chair will ask if there is a member of the committee who desires to be recognized in opposition to the bill.

Mr. STEENERSON. Before that is done, I would like to ask the gentleman from Colorado——

Mr. SULLIVAN of Massachusetts. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. SULLIVAN of Massachusetts. I would like to ask, as this comes with a unanimous report from the committee and as there is no agreement for a division of time, I would like to inquire whether some arrangement could not be made so that the opponents of the bill could have time if they chose?

Mr. BONYNGE. Very well; I shall be very glad to do anything reasonable in that respect.

Mr. SULLIVAN of Massachusetts. I shall request some time.

Mr. BONYNGE. When we get into the House some arrangement of that kind can be made.

The CHAIRMAN. Let the Chair state the parliamentary situation. The gentleman from Colorado, in charge of the bill, having been heard, now it is in order under the rule for any member of the Committee on Immigration and Naturalization to ask to be recognized in opposition to the bill, and the Chair will ask if there is any such member of the Committee on Immigration and Naturalization?

Mr. BURNETT. I am a member of the committee, and I desire to be recognized in opposition to section 9—just a suggestion or two on that proposition and that alone.

The CHAIRMAN. The Chair first will ask if there is anyone on the Committee on Immigration and Naturalization who desires to be recognized in opposition to the bill as a whole? If not, he will then recognize any Member of the House.

Mr. GOLDFOGLE. Mr. Chairman, a parliamentary inquiry?

The CHAIRMAN. The gentleman will state it.

Mr. GOLDFOGLE. If my colleague from New York who is on the committee were here, I am certain that he would yield to me. So certain am I, that on an occasion heretofore he said that I might be recognized in his time. He is not present. May I therefore ask to be recognized in his time? I ask unanimous consent that I may be recognized.

The CHAIRMAN. The Chair will again ask if there is anyone on the Committee on Immigration and Naturalization who desires to be recognized in opposition to the bill as a whole?

Mr. BURNETT. The entire bill?

The CHAIRMAN. Yes.

Mr. BURNETT. I do not.

The CHAIRMAN. The gentleman from New York [Mr. GOLDFOGLE] is recognized for one hour.

Mr. STEENERSON. I will ask the gentleman from New York [Mr. GOLDFOGLE] to yield to me, so that I may ask a question.

The CHAIRMAN. Will the gentleman from New York [Mr. GOLDFOGLE] yield so that the gentleman from Minnesota may ask a question?

Mr. GOLDFOGLE. Five minutes.

Mr. STEENERSON. I would like to ask the gentleman from Colorado [Mr. BONYNGE] if he answered the question put by my colleague from Minnesota, as to what effect the adoption of this bill and its becoming a law would have upon the operation of the homestead law? The gentleman is well aware that no one can prove up a homestead until he is a full citizen of the United States.

Now, the result would be, it seems to me—and I will ask if it is not true—that all of those immigrants who can learn the English language in five years will be able to make final proof, but those who are unable to acquire that tongue, although they may be as well educated as any gentleman present or anywhere else in the world, would be deprived of the right to prove up their homestead?

Mr. BONYNGE. He can file on the land without having his final papers.

Mr. STEENERSON. Yes; but he can not prove up; he can not get the patent. If he does not prove up in seven years, it is forfeited to the United States.

Mr. BONYNGE. That is a matter for discussion—that is, what effect that will have on this requirement.

Mr. HAYES. Will the gentleman from New York [Mr. GOLDFOGLE] yield to me for half a minute until I can correct a misapprehension?

Mr. GOLDFOGLE. Certainly.

Mr. HAYES. I want to state that I have satisfied myself that the southern district of New York, which was referred to in the discussion, embraces the whole city of New York, and the clerk of that court was before us and stated that on an average there were 5,000 naturalized in his district in one year. That includes the whole city of New York.

Mr. COCKRAN. If the gentleman will permit me to interpolate a statement here, I would inform him that it does not include Brooklyn, which is a separate district. The city of New York includes Brooklyn, Flushing, and a large part of what was Queens County. What the gentleman undoubtedly means is that the Borough of Manhattan—the old city of New York—is in the southern district.

Mr. HAYES. The gentleman is right. I thank him for the correction.

ENROLLED BILL SIGNED.

The committee informally rose; and Mr. MCCLEARY of Minnesota having taken the chair as Speaker pro tempore, Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title; when the Speaker signed the same:

H. R. 13538. An act to incorporate The Carnegie Foundation for the Advancement of Teaching.

BUREAU OF IMMIGRATION AND NATURALIZATION, ETC.

The committee resumed its session.

[Mr. GOLDFOGLE addressed the committee. See Appendix.]

Mr. GOLDFOGLE. Mr. Chairman, I reserve the balance of my time, and ask leave to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from New York asks leave to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. BONYNGE. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. LAWRENCE, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 15442) to establish a Bureau of Immigration and Naturalization to pro-

vide for a uniform rule for the naturalization of aliens throughout the United States, and had come to no resolution thereon.

CHANGES OF REFERENCE.

By unanimous consent the Committee on War Claims was discharged from the further consideration of the bill (S. 4348) for the relief of Augustus Trabing, and the same was referred to the Committee on Claims.

Mr. COCKRAN. Mr. Speaker, I ask unanimous consent to change the reference of some papers from the Committee on the Judiciary, to which they were sent by inadvertence, to the Committee on the Post-Office and Post-Roads. They were papers put in the basket to accompany a resolution introduced by me yesterday, which resolution was referred to the Committee on the Post-Office and Post-Roads.

The SPEAKER. Touching what subject?

Mr. COCKRAN. Touching the admission of a certain publication to the use of the mails. The papers in question were official transcripts of judicial proceedings in the State of New York, to which reference was made in the resolution.

The SPEAKER. That is sufficient to identify them. Is there objection to the request of the gentleman from New York? [After a pause.] The Chair hears none, and it is so ordered.

COMMITTEE ON EDUCATION.

Mr. SOUTHWICK. Mr. Speaker, I ask unanimous consent that the Committee on Education be considered to have been passed without prejudice in the call of committees at the last call and that it shall be called at the next call of committees.

The SPEAKER. Is there objection to the request of the gentleman from New York? [After a pause.] The Chair hears none, and it is so ordered.

ENROLLED BILLS SIGNED.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 3288. An act to authorize the Pennsylvania Railroad Company and the Pennsylvania and Newark Railroad Company, or their successors, to construct, maintain, and operate a bridge across the Delaware River; and

S. 4128. An act permitting the building of a dam across the Red Lake River at or near the junction of Black River with said Red Lake River in Red Lake County, Minn.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 4952. An act making an appropriation for the improvement of the mouth of the Columbia River—to the Committee on Rivers and Harbors.

THE ZEBULON MONTGOMERY PIKE MONUMENT ASSOCIATION.

Mr. BROOKS of Colorado. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 13783) to provide souvenir medallions for The Zebulon Montgomery Pike Monument Association, which I send to the desk and ask to have read.

The Clerk read as follows:

*Be it enacted, etc.*, That for the purpose of aiding in securing a proper and adequate celebration of the one hundredth anniversary of the southwest expedition of Lieut. Zebulon Montgomery Pike and of the exploring of the territory of the upper Arkansas Valley, including portions of the States of Kansas and Colorado and of the Territory of New Mexico, said celebration to be held at some proper place in the immediate vicinity of Pikes Peak, Colorado, in the year 1906, the Secretary of the Treasury is hereby authorized to have prepared, in the United States mint at Philadelphia, two dies for medallions, of such design and size as may be designated by The Zebulon Montgomery Pike Monument Association, a corporation organized under the laws of the State of Colorado, and approved by him; and he shall have made and struck, at some one of the mints of the United States, from these dies such number of medallions of silver and bronze, not to exceed 100,000, as may be requested by the said monument association, the net proceeds from the sale of the said proposed medallions to be applied exclusively to the fund to defray the expenses of construction and erection of a monument to said Pike and of the exercises in dedication thereof under the auspices of the said monument association.

SEC. 2. That the material from which said proposed medallions are to be made shall be furnished by the Director of the Mint of the United States to the superintendent of the mint at which the same shall be struck, on or before the 15th day of April, 1906, in such amounts and in such proportions as the president of the said The Zebulon Montgomery Pike Monument Association may request, within the limits of cost provided by this bill, and the said superintendent of said mint shall deliver said medallions, when made, to the said president of said The Zebulon Montgomery Pike Monument Association; and there is hereby appropriated for the purposes of this act the sum of $5,000, or so much thereof as may be necessary, out of any funds of the United States not otherwise appropriated.

Mr. SOUTHARD. Mr. Speaker, I offer the following amendments, which I send to the desk.

The Clerk read as follows:

In place of section 2 insert the following:

"SEC. 2. That material from which said proposed medallions are to be made shall be furnished by the Secretary of the Treasury on or before the 1st day of May, 1906, in such amounts and in such proportions as the president of such The Zebulon Montgomery Pike Monument Association may, in writing, request, and the Secretary of the Treasury shall deliver said medallions, when made, to the president of such The Zebulon Montgomery Pike Monument Association upon the payment to the Secretary of the Treasury of an amount not less than the cost thereof."

Amend section 1, page 2, line 9, so that the same shall read: "Silver or bronze not to exceed in the aggregate 100,000 and in such quantities as."

The SPEAKER. Is there objection to the present consideration of the bill just reported with the amendments offered by the gentleman from Ohio?

Mr. PAYNE. Mr. Speaker, I do not object to the consideration of the bill if it be considered as amended.

The SPEAKER. Is there objection to the consideration of the bill as amended? [After a pause.] The Chair hears none.

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. BROOKS of Colorado, a motion to reconsider the last vote was laid on the table.

DAVID A. JONES.

Mr. LONGWORTH. Mr. Speaker, I ask unanimous consent for the present consideration of the following resolution.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

*Resolved, etc.*, That the President be requested to return to the House of Representatives the bill (H. R. 8494) granting an increase of pension to David A. Jones.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The question was taken, and the resolution was agreed to.

Mr. BONYNGE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 6 minutes p. m.) the House, under its previous order, adjourned until Monday next, at 12 o'clock.

## EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination of Pawtuxet Cove, Rhode Island—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the Secretary of the Interior submitting an estimate of appropriation for additional clerks in the Office of Commissioner of Indian Affairs—to the Committee on Appropriations, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the Secretary of Commerce and Labor submitting an estimate of appropriation for the Coast and Geodetic Survey—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Interior, transmitting, with a favorable recommendation, a draft of proposed legislation relative to leasing lands of minor Indian allottees—to the Committee on Indian Affairs, and ordered to be printed.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. VOLSTEAD, from the Committee on the Public Lands, to which was referred the bill of the Senate (S. 2296) restoring to the public domain certain lands in the State of Minnesota, reported the same without amendment, accompanied by a report (No. 2173); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. WANGER, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 14316) to further enlarge the powers and authority of the Public Health and Marine-Hospital Service and to impose further duties thereon, reported the same with amendment, accompanied by a report (No. 2174); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MARTIN, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 15328) to approve certain final proofs in the Chamberlain land district,

South Dakota, reported the same with amendment, accompanied by a report (No. 2175); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill of the House (H. R. 8278) authorizing the Secretary of the Interior to issue patent to Keystone Camp, No. 2879, of the Modern Woodmen of America, to certain lands for cemetery purposes, reported the same without amendment, accompanied by a report (No. 2176); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. DAVEY of Louisiana, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 15259) to authorize the North Mississippi Traction Company to construct dams and power stations on the Bear River, on the northeast quarter of section 31, township 5, range 11, in Tishomingo County, Miss., reported the same with amendment, accompanied by a report (No. 2177); which said bill and report were referred to the House Calendar.

Mr. DAWSON, from the Committee on Naval Affairs, to which was referred the bill of the Senate (S. 1649) providing for the retirement of petty officers and enlisted men of the Navy, reported the same without amendment, accompanied by a report (No. 2178); which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 1804) providing for the use of certified checks to secure compliance with proposals and contracts for naval supplies, reported the same without amendment, accompanied by a report (No. 2179); which said bill and report were referred to the House Calendar.

Mr. JENKINS, from the Committee on the Judiciary, to which was referred the House resolution (H. Res. 350) requesting information from the Secretary of the Treasury relative to extra compensation received by the United States district attorney for the southern district of New York, reported the same with amendment, accompanied by a report (No. 2180); which said resolution and report were referred to the House Calendar.

Mr. COUSINS, from the Committee on Naval Affairs, to which was referred the bill of the House (H. R. 13851) authorizing the appointment of dental surgeons in the Navy, reported the same without amendment, accompanied by a report (No. 2181); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CAMPBELL of Kansas, from the Committee on the District of Columbia, to which was referred the bills of the House H. R. 117 and H. R. 1232, reported in lieu thereof a bill (H. R. 16484) to amend section 1 of an act entitled "An act relative to the Metropolitan police of the District of Columbia," approved February 28, 1901, accompanied by a report (No. 2182); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. ROBERTS, from the Committee on Naval Affairs, to which was referred the bill of the House (H. R. 283) to provide suitable medals for officers and men of the Navy and Marine Corps who participated in certain engagements of the civil war, reported the same with amendment, accompanied by a report (No. 2183); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

## REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. MEYER, from the Committee on Naval Affairs, to which was referred the bill of the House (H. R. 13895) to correct the naval record of Michael Sheehan, reported the same without amendment, accompanied by a report (No. 2184); which said bill and report were referred to the Private Calendar.

## PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. LITTAUER, from the Committee on Appropriations: A bill (H. R. 16472) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1907, and for other purposes—to the Union Calendar.

By Mr. SHERMAN: A bill (H. R. 16473) to amend section 2826 of the Revised Statutes—to the Committee on Ways and Means.

By Mr. HOWELL of New Jersey: A bill (H. R. 16474) authorizing the Secretary of the Treasury to appoint commissioners to estimate damages done to planted oysters and oyster beds in Raritan Bay and adjoining waters in New York and New Jersey, and to make compensation therefor—to the Committee on Claims.

By Mr. BABCOCK: A bill (H. R. 16475) to incorporate The Washington Auditorium Company—to the Committee on the District of Columbia.

By Mr. KALANIANAOLE: A bill (H. R. 16476) to provide for the purchase of a site for a public building at Honolulu, Hawaii—to the Committee on Public Buildings and Grounds.

By Mr. DAVIS of West Virginia: A bill (H. R. 16477) to authorize the erection of a monument at Fort Seybert, W. Va., to commemorate the capture and massacre of Captain Seybert and a number of men and women at that point and in the South Fork and South Branch valleys of the Potomac by the noted Indian chief Kill Buck and his band of Indian warriors in the year 1758—to the Committee on the Library.

By Mr. SMITH of California: A bill (H. R. 16478) providing a means for acquiring title to private holdings in the Sequoia and General Grant national parks, in the State of California, in which are big trees and other natural curiosities and wonders—to the Committee on the Public Lands.

By Mr. BRANTLEY: A bill (H. R. 16479) to make spirituous, malt, vinous, and intoxicating liquors of all kinds in interstate commerce a special class in such commerce, and to regulate in certain cases the transportation and sale thereof—to the Committee on the Judiciary.

By Mr. TAWNEY: A bill (H. R. 16480) to levy a tax upon the issuance of coupons, prize tickets, and other devices, and on the redemption, payment, purchase, or exchange of coupons, prize tickets, tags, bands, or other articles, things, or parts of articles or things that shall have been attached to, packed in or with or formed a part of, or encircling any manufactured tobacco, cigar or cigars, cigarette or cigarettes, or snuff, or any stamped package or receptacle thereof—to the Committee on Ways and Means.

By Mr. SOUTHARD: A bill (H. R. 16481) appropriating $10,000 to enlarge the public building at Toledo, Ohio, to meet the necessities of public business—to the Committee on Public Buildings and Grounds.

By Mr. GILLESPIE: A bill (H. R. 16482) to enlarge the powers of the Interstate Commerce Commission under Senate joint resolution No. 32, passed by the present Congress, and to make an appropriation for carrying out the purpose of said resolution—to the Committee on Interstate and Foreign Commerce.

By Mr. WADSWORTH: A bill (H. R. 16483) requiring certain places of business in the District of Columbia to be closed on Sunday—to the Committee on the District of Columbia.

By Mr. CAMPBELL of Kansas, from the Committee on the District of Columbia: A bill (H. R. 16484) to amend section 1 of an act entitled "An act relating to the Metropolitan police of the District of Columbia," approved February 28, 1901—to the Union Calendar.

By Mr. TOWNSEND: A joint resolution (H. J. Res. 115) amending joint resolution instructing the Interstate Commerce Commission to make examinations into the subject of railroad discriminations and monopolies, and report on the same from time to time, approved March 7, 1906—to the Committee on Interstate and Foreign Commerce.

By Mr. GILLETT of California: A joint resolution (H. J. Res. 116) accepting the recession by the State of California of the Yosemite Valley grant and the Mariposa Big Tree Grove, and including the same, together with fractional sections 5 and 6, township 5 south, range 22 east, Mount Diablo meridian, California, within the metes and bounds of the Yosemite National Park, and changing the boundaries thereof—to the Committee on the Public Lands.

By Mr. HAYES: A concurrent resolution (H. C. Res. 23) calling for a survey and estimate for removing certain rocks in San Francisco Harbor—to the Committee on Rivers and Harbors.

By Mr. SULLOWAY: A resolution (H. Res. 363) classifying employees of the House cloakrooms as skilled laborers and fixing their compensation as such—to the Committee on Accounts.

By Mr. CAPRON: A resolution (H. Res. 364) authorizing the employment of a machinist in the heating and ventilating department of the House in lieu of a fireman—to the Committee on Accounts.

## PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ANDRUS: A bill (H. R. 16485) for the relief of the estate of John T. McCord, deceased—to the Committee on War Claims.

By Mr. BOWIE: A bill (H. R. 16486) granting an increase of pension to Thomas Bosworth—to the Committee on Invalid Pensions.

By Mr. BUTLER of Tennessee: A bill (H. R. 16487) granting an increase of pension to Mrs. Martha Lavender—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16488) granting an increase of pension to Charles Hopkins—to the Committee on Pensions.

By Mr. CHAPMAN: A bill (H. R. 16489) granting a pension to Minnie Strange—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16490) granting an increase of pension to Peter Anderson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16491) granting an increase of pension to Lewis Denson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16492) granting an increase of pension to John M. Logan—to the Committee on Invalid Pensions.

By Mr. CLARK of Missouri: A bill (H. R. 16493) granting an increase of pension to W. T. Sallee—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16494) granting an increase of pension to Thomas Clark—to the Committee on Invalid Pensions.

By Mr. CONNER: A bill (H. R. 16495) granting a pension to M. L. Bennett—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16496) granting an increase of pension to Thomas Daily—to the Committee on Invalid Pensions.

By Mr. DAVIS of West Virgina: A bill (H. R. 16497) for the relief of John Edwards, alias John D. Edwards—to the Committee on Military Affairs.

Also, a bill (H. R. 16498) for the relief of the estate of James Watson, deceased—to the Committee on War Claims.

Also, a bill (H. R. 16499) granting a pension to George W. Johnson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16500) granting an increase of pension to Robert A. A. Collins—to the Committee on Invalid Pensions.

By Mr. GREGG: A bill (H. R. 16501) for the relief of Edward Haines, John Haugland, Wallace L. Reed, W. D. Davis, Martin Monson, Johann Bottjer, and the legal representatives of J. P. Ferweda, deceased—to the Committee on Claims.

By Mr. GROSVENOR: A bill (H. R. 16502) for the relief of John H. McKenna—to the Committee on Military Affairs.

By Mr. HAYES: A bill (H. R. 16503) granting an increase of pension to Wesley C. Sawyer—to the Committee on Invalid Pensions.

By Mr. HILL of Connecticut: A bill (H. R. 16504) granting an increase of pension to Thomas W. Barnum—to the Committee on Pensions.

By Mr. HILL of Mississippi: A bill (H. R. 16505) granting an increase of pension to Narcissa G. Short—to the Committee on Pensions.

By Mr. HOWELL of New Jersey: A bill (H. R. 16506) granting an increase of pension to Kate S. T. Church—to the Committee on Invalid Pensions.

By Mr. HUBBARD: A bill (H. R. 16507) to remove the charge of desertion from the military record of John Schmitz—to the Committee on Military Affairs.

Also, a bill (H. R. 16508) to remove the charge of desertion from the military record of Jacob L. Lynn—to the Committee on Military Affairs.

Also, a bill (H. R. 16509) to remove the charge of desertion from the military record of Charles F. Chamberlain—to the Committee on Military Affairs.

Also, a bill (H. R. 16510) to remove the charge of desertion from the military record of William M. Carroll—to the Committee on Military Affairs.

By Mr. JONES of Virginia: A bill (H. R. 16511) for the relief of Joseph O. Smith—to the Committee on Claims.

By Mr. KLINE: A bill (H. R. 16512) granting a pension to Ebzena Rambo—to the Committee on Invalid Pensions.

By Mr. LONGWORTH: A bill (H. R. 16513) granting a pension to Bridget M. Duffy—to the Committee on Invalid Pensions.

By Mr. LOUDENSLAGER: A bill (H. R. 16514) granting an increase of pension to John W. Barton—to the Committee on Pensions.

By Mr. McCARTHY: A bill (H. R. 16515) for the relief of Robert Gray—to the Committee on War Claims.

By Mr. McGAVIN: A bill (H. R. 16516) granting an increase of pension to James B. Fairchild—to the Committee on Invalid Pensions.

By Mr. MANN: A bill (H. R. 16517) granting an increase of pension to S. W. Tanner—to the Committee on Invalid Pensions.

By Mr. MADDEN: A bill (H. R. 16518) for the relief of George F. Dewey—to the Committee on Military Affairs.

By Mr. MARTIN: A bill (H. R. 16519) granting an increase of pension to Erwin G. Dudley—to the Committee on Invalid Pensions.

By Mr. MONDELL: A bill (H. R. 16520) granting an increase of pension to Edward C. Farrell—to the Committee on Pensions.

Also, a bill (H. R. 16521) directing the Secretary of the Interior to convey a certain parcel of land to Johnson County, Wyo.—to the Committee on the Public Lands.

By Mr. OTJEN: A bill (H. R. 16522) granting an increase of pension to Charles Meyer—to the Committee on Invalid Pensions.

By Mr. PADGETT: A bill (H. R. 16523) granting an increase of pension to Charles P. Hopkins—to the Committee on Invalid Pensions.

By Mr. PAGE: A bill (H. R. 16524) granting an increase of pension to Samuel S. Hunter—to the Committee on Invalid Pensions.

By Mr. PATTERSON of North Carolina: A bill (H. R. 16525) granting an increase of pension to M. A. Nash—to the Committee on Pensions.

Also, a bill (H. R. 16526) granting an increase of pension to James R. Hilliard—to the Committee on Pensions.

Also, a bill (H. R. 16527) granting an increase of pension to William Martin—to the Committee on Pensions.

Also, a bill (H. R. 16528) granting an increase of pension to Catherine Price—to the Committee on Pensions.

Also, a bill (H. R. 16529) granting an increase of pension to James M. Sykes—to the Committee on Pensions.

Also, a bill (H. R. 16530) granting an increase of pension to William H. Gautier—to the Committee on Pensions.

By Mr. PATTERSON of South Carolina: A bill (H. R. 16531) for the relief of the trustees of Columbia Baptist Church—to the Committee on War Claims.

By Mr. PAYNE: A bill (H. R. 16532) granting an increase of pension to William Barber—to the Committee on Invalid Pensions.

By Mr. POWERS: A bill (H. R. 16533) granting an increase of pension to Otis L. Keith—to the Committee on Invalid Pensions.

By Mr. SMITH of Illinois: A bill (H. R. 16534) for the relief of the heirs of William A. Redman, deceased—to the Committee on War Claims.

By Mr. SMYSER: A bill (H. R. 16535) granting an increase of pension to Jonathan I. Wright—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16536) granting an increase of pension to Cyrus S. Case—to the Committee on Invalid Pensions.

By Mr. VAN WINKLE: A bill (H. R. 16537) granting an increase of pension to Mary L. Beardsley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16538) granting an increase of pension to Catharine Eucke—to the Committee on Invalid Pensions.

By Mr. WEBB: A bill (H. R. 16539) granting a pension to Mary A. Hampton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16540) granting an increase of pension to Sarah M. Evans—to the Committee on Pensions.

Also, a bill (H. R. 16541) granting an increase of pension to Ambrose Y. Teague—to the Committee on Pensions.

Also, a bill (H. R. 16542) granting an increase of pension to Samuel J. Kent—to the Committee on Pensions.

Also, a bill (H. R. 16543) to complete the military record of Reuben K. Deaver—to the Committee on Military Affairs.

By Mr. WOODYARD: A bill (H. R. 16544) for the relief of the heirs of James H. Cooper—to the Committee on War Claims.

By Mr. CHANEY: A bill (H. R. 16545) to correct the military record of George W. Dunning—to the Committee on Military Affairs.

By Mr. WACHTER: A bill (H. R. 16546) granting an increase of pension to Louis F. Beeler—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16547) granting an increase of pension to John Rutter—to the Committee on Invalid Pensions.

## PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of Albert Godchaux, for quaran-

tine in charge of the National Government—to the Committee on Interstate and Foreign Commerce.

By Mr. ADAMS of Pennsylvania: Petition of the Illinois Manufacturers' Association, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of the Woman's Foreign Missionary Society of the Fifth Baptist Church of Philadelphia, relative to affairs in the Kongo Free State—to the Committee on Foreign Affairs.

By Mr. ANDRUS: Petition of the Dayspring Presbyterian Church, against bill H. R. 7043—to the Committee on Military Affairs.

By Mr. BARTHOLDT: Petition of Fred Swaine, protesting against the parcels-post bill—to the Committee on the Post-Office and Post-Roads.

By Mr. BEALL of Texas: Petition of the Iron Molders' Union of Dallas, Tex., favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of members of the F. E. and C. U. A., Local No. 1760, for a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. BOWERSOCK: Petition of citizens of Blue Mound, Kans., against bills H. R. 3022 and 10510—to the Committee on the District of Columbia.

Also, petition of the Manufacturers' Association of Chicago, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. BROWN: Petition of citizens of Wood County, Wis., protesting against passage of bill H. R. 3022—to the Committee on the District of Columbia.

By Mr. BUTLER of Tennessee: Paper to accompany bill for relief of Martha Lavender—to the Committee on Invalid Pensions.

By Mr. CASSEL: Petition of Bureau Brothers, of Philadelphia, relative to free entry of bronze sculptures—to the Committee on Ways and Means.

Also, petition of residents of Lancaster County, Pa., relative to the People's United States Bank—to the Committee on Rules.

Also, petition of the National Bank of Manheim, Pa., for bill H. R. 8973—to the Committee on Banking and Currency.

Also, petition of residents of Lancaster County, Pa., against religious legislation—to the Committee on the District of Columbia.

Also, petition of the German-American Alliance, relative to the franking privilege—to the Committee on the Post-Office and Post-Roads.

Also, petition of Division No. 104, Brotherhood of Locomotive Engineers, for the Bates-Penrose bill—to the Committee on the Judiciary.

Also, petition of residents of Pennsylvania, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of the Delaware Valley Naturalists' Union, for preservation of Niagara Falls—to the Committee on Rivers and Harbors.

By Mr. CONNER: Petition of 300 persons of Fort Dodge, Iowa, for an amendment to the Constitution to suppress polygamy—to the Committee on the Judiciary.

By Mr. CURRIER: Petition of Pilot Grange, of Percy, N. H., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. DAVIS of West Virginia: Petition of the Tucker (W. Va.) Democrat and Times, for removal of the tax on linotype machines—to the Committee on Ways and Means.

Also, petition of citizens of West Virginia, in favor of bill H. R. 180, the good-roads bill—to the Committee on Agriculture.

Also, resolution of Ridgedale Council, Junior Order United American Mechanics, for the further restriction of immigration—to the Committee on Immigration and Naturalization.

Also, papers to accompany bill for the relief of George W. Johnson—to the Committee on Invalid Pensions.

By Mr. DAWES: Petition of citizens of Ohio, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of citizens of Ohio, against intoxicating beverages on Army transports—to the Committee on Military Affairs.

Also, joint resolution of the Ohio assembly, for bill H. R. 7046—to the Committee on Military Affairs.

Also, petition of citizens of Ohio, relative to restoration of the old National Road as a historic landmark—to the Committee on Appropriations.

By Mr. DRAPER: Petition of the Illinois Manufacturers' Association, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. DUNWELL: Petition of C. C. Carpenter et al., of Ellenburg Center, N. Y., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of Charities and the Commons (a journal), relative to charities in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of the Illinois Manufacturers' Association, of Chicago, Ill., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. FITZGERALD: Petition of citizens of New York, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. FLACK: Petition of George W. Harper, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. FULLER: Petition of American members of the Educational Association of China, relative to admission of Chinese students—to the Committee on Immigration and Naturalization.

By Mr. GILLETT of Massachusetts: Petition of 164 residents of Athol, Mass., against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of trustees of the Boston Athenæum, protesting against the proposed amendment to the copyright law—to the Committee on the Library.

By Mr. GRONNA: Petition of C. A. Benninghause, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. GROSVENOR: Paper to accompany bill for relief of John H. McKenna—to the Committee on Military Affairs.

By Mr. HASKINS: Petition of Vernon (Vt.) Grange, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. HAYES: Paper to accompany bill for relief of Wesley C. Sawyer—to the Committee on Invalid Pensions.

Also, petition of banks of San Francisco, against bill H. R. 48—to the Committee on Banking and Currency.

By Mr. HERMANN: Petition of the Theatrical Stage Employees' Union, of Portland, Oreg., against bill S. 27—to the Committee on the Merchant Marine and Fisheries.

Also, petition of citizens of Oregon, against bill H. R. 10510—to the Committee on the District of Columbia.

By Mr. HILL of Connecticut: Paper to accompany bill for relief of Thomas W. Barnum—to the Committee on Pensions.

Also, petition of Franklin Bartlett Camp, No. 11, Sons of Veterans, against bill H. R. 8131—to the Committee on Military Affairs.

Also, petition of Painters' Union No. 481, of Hartford, Conn., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of Herbert E. Smythe et al., of Bridgeport, Conn., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. HITT: Petition of citizens of Warren, Ill., against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. HOWELL of New Jersey: Petition of J. B. Day, of Red Bank, N. J., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of Randall Spaulding, of Montclair, N. J., favoring the National Educational Association—to the Committee on Education.

Also, petition of the Wednesday Morning Club, of Cranford, N. J., for the pure-food bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of C. J. Baxter, for reincorporation of the National Educational Association—to the Committee on Education.

By Mr. HUBBARD: Petition of citizens of Sioux City, Iowa, against religious legislation—to the Committee on the District of Columbia.

By Mr. HUFF: Petition of Loyal Freeman Hall, of Butler, Pa., for reincorporation of the National Teachers' Association—to the Committee on Education.

By Mr. JENKINS: Petition of citizens of Wisconsin, against bills H. R. 3022 and 10510—to the Committee on the District of Columbia.

By Mr. KENNEDY of Nebraska: Petition of citizens of Nebraska, against bill H. R. 10510—to the Committee on the District of Columbia.

By Mr. KINKAID: Petition of citizens of Nebraska, against repeal of the oleomargarine law—to the Committee on Agriculture.

By Mr. LAMB: Petition of citizens of Richmond, Va., against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. LEE: Paper to accompany bill for relief of Joseph J. Good—to the Committee on Invalid Pensions.

By Mr. LINDSAY: Petition of the American Wine Growers' Association, for a pure-wine law—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Illinois Manufacturers' Association, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. LITTLEFIELD: Petition of citizens of Maine, relative to reform in the Kongo Free State—to the Committee on Foreign Affairs.

By Mr. LIVINGSTON: Petition of citizens of Georgia, against bill H. R. 10510—to the Committee on the District of Columbia.

By Mr. LLOYD: Petition of citizens of Missouri, against religious legislation—to the Committee on the District of Columbia.

By Mr. LORIMER: Petition of citizens of Chicago, Ill., against the Hepburn-Dolliver bill—to the Committee on Interstate and Foreign Commerce.

By Mr. McCALL: Petition of manufacturers of Boston, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. McGAVIN: Petition of the Illinois Manufacturers' Association, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of many citizens of New York and vicinity, for relief of heirs of victims of *General Slocum* disaster—to the Committee on Claims.

Also, petition of the Lake Seamen's Union, relative to the merchant marine of the Great Lakes—to the Committee on the Merchant Marine and Fisheries.

By Mr. MOON of Tennessee: Paper to accompany bill for relief of estate of Austin Hackworth—to the Committee on War Claims.

Also, paper to accompany bill for relief of Jasper Hackworth—to the Committee on War Claims.

Also, paper to accompany bill for relief of estate of John A. Easterly—to the Committee on War Claims.

Also, paper to accompany bill for relief of heirs of John A. Pickett—to the Committee on War Claims.

Also, paper to accompany bill for relief of heirs of Burrell L. Bennett—to the Committee on War Claims.

Also, paper to accompany bill for relief of D. J. Rodgers—to the Committee on War Claims.

Also, paper to accompany bill for relief of heirs of Margaret Sivley—to the Committee on War Claims.

Also, paper to accompany bill for relief of Mrs. M. J. Roberts—to the Committee on War Claims.

Also, paper to accompany bill for relief of Edward D. Pickett—to the Committee on War Claims.

By Mr. MOUSER: Petition of many citizens of New York and vicinity, for relief of heirs of victims of *General Slocum* disaster—to the Committee on Claims.

By Mr. OTJEN: Petition of Burdick Allen et al., of Milwaukee, Wis., against the anti-injunction bill—to the Committee on the Judiciary.

Also, petition of the Daily Kuryer Polski, of Milwaukee, Wis., for removal of the tax on linotype machines—to the Committee on Ways and Means.

By Mr. OVERSTREET: Petition of the Illinois Manufacturers' Association, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. PADGETT: Paper to accompany bill for relief of Charles P. Hopkins—to the Committee on Invalid Pensions.

By Mr. PAGE: Paper to accompany bill for relief of S. S. Hunter—to the Committee on Invalid Pensions.

By Mr. PATTERSON of South Carolina: Paper to accompany bill for relief of trustees of Columbia Baptist Church—to the Committee on War Claims.

By Mr. ROBERTS: Petition of Charles Wellington, professor of chemistry of the Massachusetts Agricultural College, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. RYAN: Resolution of the Illinois Manufacturers' Association, favoring free alcohol in the arts—to the Committee on Ways and Means.

By Mr. SHACKLEFORD: Petition of the Association of Mexican War Veterans, for increase of pension—to the Committee on Pensions.

By Mr. SHARTEL: Petition of citizens of Missouri, against bill H. R. 10510—to the Committee on the District of Columbia.

By Mr. SMITH of Texas: Petition of citizens of Texas, for a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. SOUTHARD: Petition of the faculty of the University of Washington, for the metric system—to the Committee on Coinage, Weights, and Measures.

By Mr. STERLING: Petition of citizens of Bloomington, Ill., against bill H. R. 3022—to the Committee on the District of Columbia.

By Mr. THOMAS of Ohio: Petition of the National Grange, Patrons of Husbandry, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of the Illinois Manufacturers' Association, of Chicago, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of the Illinois Manufacturers' Association, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of citizens of Ohio, against bills H. R. 3022 and 10510—to the Committee on the District of Columbia.

Also, petition of citizens of Ohio, for a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of the National Grange and H. S. Gargett, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Mr. TIRRELL: Petition of many citizens of New York and vicinity for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

By Mr. VOLSTEAD: Petition of John Zobrist, of Billingham, Minn., for the pure-food bill—to the Committee on Interstate and Foreign Commerce.

By Mr. WACHTER: Paper to accompany bill for relief of Louis F. Beeler—to the Committee on Pensions.

Also, paper to accompany bill for relief of John Rutter—to the Committee on Pensions.

By Mr. WEBB: Petition of the Hibernian Benevolent Society of Wilmington, N. C., for a statue of Commodore John Barry—to the Committee on the Library.

## SENATE.

### MONDAY, *March 12, 1906.*

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Secretary proceeded to read the Journal of the proceedings of Friday last, when, on request of Mr. KEAN, and by unanimous consent, the further reading was dispensed with.

#### CHOCTAW INDIAN FUND.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of the Interior submitting a draft of an item for incorporation in the Indian appropriation bill for the fiscal year 1907, for the appropriation and disposition of certain moneys due the Choctaw tribe of Indians under treaty stipulations and agreements with the Choctaw and Chickasaw Indians aggregating $600,657.92; which, with the accompanying papers, was referred to the Committee on Indian Affairs, and ordered to be printed.

#### JOHN HUDGINS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of the 5th instant, a report and statement made by the Auditor for the Post-Office Department relative to a balance of $246.57 found due John Hudgins, of Grand River, Mo., for carrying the mail from July 1, 1858, to November 5, 1861, etc.; which, with the accompanying paper, was referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

#### INDIAN LANDS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting the draft of a bill to afford relief in cases where the United States holds land in trust for a minor Indian allottee or minor heir of a deceased allottee; which, with the accompanying paper, was referred to the Committee on Indian Affairs, and ordered to be printed.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed a concurrent resolution requesting the President of the United States to return to the House the bill (H. R. 8494) granting an increase of pension to David A. Jones; in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 523. An act granting an increase of pension to Franklin G. Hawkins;

H. R. 533. An act granting an increase of pension to Sumner F. Hunnewell;

H. R. 552. An act granting an increase of pension to William H. Nortrip;
H. R. 1027. An act granting an increase of pension to Charles H. Friend;
H. R. 1241. An act granting an increase of pension to John G. Wallace;
H. R. 1322. An act granting an increase of pension to Katherine F. Wainwright;
H. R. 1468. An act granting an increase of pension to Morris B. Drake;
H. R. 1655. An act granting an increase of pension to Henry A. Wheeler;
H. R. 1895. An act granting a pension to H. Edward Goetz;
H. R. 1897. An act granting an increase of pension to William R. Duncan;
H. R. 1913. An act granting an increase of pension to Charles H. Conley;
H. R. 2034. An act granting a pension to Cora F. Mitchell;
H. R. 2082. An act granting an increase of pension to Siotha Bennett;
H. R. 2090. An act granting an increase of pension to Ellen M. Brant;
H. R. 2195. An act granting an increase of pension to Hannah A. Sawyer;
H. R. 2202. An act granting a pension to Ellen Harriman;
H. R. 2267. An act granting an increase of pension to Joseph Rupert;
H. R. 2341. An act granting an increase of pension to Helen H. Hulbert;
H. R. 2396. An act granting an increase of pension to Charles Hull;
H. R. 2640. An act granting an increase of pension to Decatur Harmon;
H. R. 2697. An act granting an increase of pension to Rufus G. Childress;
H. R. 2765. An act granting an increase of pension to Andrew J. Benson;
H. R. 2780. An act granting an increase of pension to Mary E. Fifield;
H. R. 2984. An act granting an increase of pension to William H. Gildersleeve;
H. R. 3007. An act granting an increase of pension to Thomas Carder;
H. R. 3197. An act granting an increase of pension to Milo G. Gibson;
H. R. 3223. An act granting an increase of pension to Thomas G. McLaughlin;
H. R. 3233. An act granting an increase of pension to Lucius R. Simons;
H. R. 3281. An act granting an increase of pension to Thomas F. Underwood;
H. R. 3344. An act granting an increase of pension to Henry Sanborn;
H. R. 3456. An act granting an increase of pension to David B. Ott;
H. R. 3484. An act granting an increase of pension to Edson J. Harrison;
H. R. 3541. An act granting a pension to Dora A. Weathersby;
H. R. 3660. An act granting an increase of pension to James H. Hill;
H. R. 3978. An act granting an increase of pension to Samuel Greenlee;
H. R. 4209. An act granting an increase of pension to Martin Callahan;
H. R. 4261. An act granting a pension to A. Louisa S. McWhinnie;
H. R. 4352. An act granting an increase of pension to Thomas Wolcott;
H. R. 4593. An act granting a pension to William C. Short;
H. R. 4598. An act granting an increase of pension to James B. Barry;
H. R. 4633. An act granting an increase of pension to Fannie E. Morrow;
H. R. 4691. An act granting an increase of pension to George L. Janney;
H. R. 4717. An act granting a pension to Marshall U. Gage;
H. R. 4766. An act granting an increase of pension to John Deardourff;
H. R. 4888. An act granting an increase of pension to William Moore;
H. R. 4946. An act granting an increase of pension to William H. Lewis;
H. R. 5252. An act granting an increase of pension to Thomas Howard;
H. R. 5403. An act granting an increase of pension to John Lines;
H. R. 5485. An act granting a pension to Horace D. Mann;
H. R. 5486. An act granting a pension to Margarett Carroll;
H. R. 5725. An act granting an increase of pension to John G. Davis;
H. R. 5726. An act granting an increase of pension to Cate E. Cobb;
H. R. 5917. An act granting an increase of pension to Henry G. Bollinger;
H. R. 5936. An act granting an increase of pension to Caroline Neilson;
H. R. 6058. An act granting an increase of pension to Emilie Scheldt;
H. R. 6110. An act granting an increase of pension to Abram W. Davenport;
H. R. 6128. An act granting an increase of pension to Thomas Patterson;
H. R. 6142. An act granting an increase of pension to David Davis;
H. R. 6407. An act granting an increase of pension to William Blair;
H. R. 6465. An act granting an increase of pension to Augustus Joyeux;
H. R. 6488. An act granting an increase of pension to Frank Osterberg, alias William McKay;
H. R. 6775. An act granting an increase of pension to William A. Lincoln;
H. R. 6888. An act granting an increase of pension to John W. Hannah;
H. R. 6946. An act granting an increase of pension to Elias Claunch;
H. R. 7225. An act granting an increase of pension to Mary O. Arnold;
H. R. 7331. An act granting an increase of pension to Henry Porter;
H. R. 7495. An act granting a pension to Susie M. Gerth;
H. R. 7515. An act granting an increase of pension to Firman F. Kirk;
H. R. 7588. An act granting an increase of pension to Thomas F. Dowling;
H. R. 7609. An act granting an increase of pension to Charles W. Henderson;
H. R. 7681. An act granting an increase of pension to James M. Miller;
H. R. 7738. An act granting an increase of pension to Franklin J. Keck;
H. R. 7806. An act granting an increase of pension to Johanna Walgwist;
H. R. 7807. An act granting an increase of pension to John D. Atwater;
H. R. 7823. An act granting an increase of pension to Annie E. Peters;
H. R. 7876. An act granting an increase of pension to Julius Beier;
H. R. 7951. An act granting an increase of pension to William H. Pitchford;
H. R. 8042. An act granting an increase of pension to Bottol Larsen;
H. R. 8062. An act granting an increase of pension to John K. Miller;
H. R. 8137. An act granting an increase of pension to Marion L. Holvenstot;
H. R. 8206. An act granting an increase of pension to Carner C. Welch;
H. R. 8315. An act granting an increase of pension to Martin V. Cannedy;
H. R. 8316. An act granting an increase of pension to William Smith;
H. R. 8328. An act granting an increase of pension to Ira Grabill;
H. R. 8530. An act granting a pension to Benjamin Q. Ward;
H. R. 8565. An act granting an increase of pension to Andrew La Forge;
H. R. 8578. An act granting an increase of pension to Franklin G. Mattern;
H. R. 8665. An act granting an increase of pension to Hiram Long;
H. R. 8722. An act granting an increase of pension to Arthur M. Lee;
H. R. 8725. An act granting an increase of pension to Moses B. Davis;
H. R. 8823. An act granting an increase of pension to Charles C. Briant;

H. R. 8930. An act granting an increase of pension to Margaret Becker;
H. R. 8942. An act granting an increase of pension to Marquis L. Johnson;
H. R. 9053. An act granting an increase of pension to John M. Jones;
H. R. 9093. An act granting an increase of pension to Farrie M. Allis;
H. R. 9126. An act granting an increase of pension to Nathan Parish;
H. R. 9296. An act granting an increase of pension to Elizabeth D. Hoppin;
H. R. 9406. An act granting an increase of pension to Francis W. Preston;
H. R. 9661. An act granting a pension to Charles R. Hill;
H. R. 9813. An act granting a pension to Harriet P. Sanders;
H. R. 9839. An act granting an increase of pension to Jesse Siler;
H. R. 9888. An act granting a pension to Abigail Townsend;
H. R. 9924. An act granting an increase of pension to Carrie A. Conley;
H. R. 10019. An act granting an increase of pension to Jonathan Shook;
H. R. 10230. An act granting an increase of pension to Clark A. Winans;
H. R. 10252. An act granting an increase of pension to Joseph J. Vincent;
H. R. 10293. An act granting an increase of pension to Sarah F. Galbraith;
H. R. 10300. An act granting an increase of pension to George C. Sackett;
H. R. 10326. An act granting an increase of pension to Edmund Chapman;
H. R. 10396. An act granting an increase of pension to John A. Malone;
H. R. 10404. An act granting an increase of pension to John Moules;
H. R. 10448. An act granting an increase of pension to George M. Frazer;
H. R. 10450. An act granting an increase of pension to Silas H. Ballard;
H. R. 10490. An act granting an increase of pension to Lucius A. West;
H. R. 10562. An act granting an increase of pension to Alphenis M. Beall;
H. R. 10622. An act granting an increase of pension to James H. Ward;
H. R. 10753. An act granting an increase of pension to Jacob Keller;
H. R. 10785. An act granting a pension to Thomas J. Chambers;
H. R. 10816. An act granting an increase of pension to August Bauer;
H. R. 10879. An act granting an increase of pension to Thomas E. Myers;
H. R. 10900. An act granting an increase of pension to Arthur R. Dreppard;
H. R. 10907. An act granting an increase of pension to John N. Boyd;
H. R. 10923. An act granting an increase of pension to Matilda Rockwell;
H. R. 11076. An act granting a pension to Marion W. Stark;
H. R. 11143. An act granting an increase of pension to Levi B. Noulton;
H. R. 11168. An act granting an increase of pension to Robert R. Matthews;
H. R. 11206. An act granting an increase of pension to John Wilhelm;
H. R. 11409. An act granting an increase of pension to Josiah H. Seabold;
H. R. 11484. An act granting an increase of pension to Thomas H. Wilson;
H. R. 11509. An act granting an increase of pension to Josephine Hoornbeck;
H. R. 11563. An act granting an increase of pension to John Henderson;
H. R. 11597. An act granting an increase of pension to George M. Apgar;
H. R. 11622. An act granting a pension to Martha A. Remington;
H. R. 11667. An act granting an increase of pension to George E. King;
H. R. 11690. An act granting an increase of pension to Lewis Lowry;
H. R. 11691. An act granting an increase of pension to John Clark;
H. R. 11702. An act granting an increase of pension to Lucy A. Pender;
H. R. 11716. An act granting an increase of pension to Warren B. Tompkins;
H. R. 11856. An act granting an increase of pension to Luke McLoney;
H. R. 11866. An act granting an increase of pension to David H. Allen;
H. R. 11868. An act granting an increase of pension to Joseph Dougal;
H. R. 11873. An act granting a pension to Joseph B. Fonner, alias John Havens;
H. R. 11926. An act granting an increase of pension to John Hornbeak;
H. R. 11946. An act to amend section 6 of an act approved February 8, 1887, entitled "An act to provide for the allotment of lands in severalty to Indians on the various reservations and to extend the protection of the laws of the United States and the Territories over the Indians, and for other purposes;"
H. R. 12099. An act granting a pension to Charlotte A. McCormick;
H. R. 12122. An act granting an increase of pension to Robert G. Shuey;
H. R. 12182. An act granting a pension to Sallie W. Mason;
H. R. 12187. An act granting an increase of pension to Mary L. Davenport;
H. R. 12192. An act granting an increase of pension to William Cummings;
H. R. 12194. An act granting a pension to Minnie Irwin;
H. R. 12205. An act granting an increase of pension to George Holden;
H. R. 12241. An act granting an increase of pension to Elizabeth E. Barber;
H. R. 12498. An act granting an increase of pension to Charles F. Runnels;
H. R. 12509. An act granting an increase of pension to Benjamin Botner;
H. R. 12532. An act granting an increase of pension to Zachariah George;
H. R. 12533. An act granting an increase of pension to Zadick Carter;
H. R. 12541. An act granting an increase of pension to Edward V. Miles;
H. R. 12578. An act granting an increase of pension to John B. Craig;
H. R. 12651. An act granting a pension to Louis Grossman;
H. R. 12880. An act granting an increase of pension to Lorenzo D. Mason;
H. R. 12884. An act granting an increase of pension to Lucinda Gain;
H. R. 12992. An act granting an increase of pension to Henry G. Klink;
H. R. 13079. An act granting an increase of pension to James H. Griffin;
H. R. 13110. An act granting an increase of pension to James M. Moomaw;
H. R. 13153. An act granting an increase of pension to George Budden;
H. R. 13170. An act granting an increase of pension to John R. Mabee;
H. R. 13198. An act granting an increase of pension to Josiah F. Allen;
H. R. 13217. An act granting a pension to Joshua Barnes;
H. R. 13255. An act granting an increase of pension to William J. Hays;
H. R. 13336. An act granting an increase of pension to Samuel Horn;
H. R. 13341. An act granting an increase of pension to Robert C. Pate;
H. R. 13526. An act granting a pension to Levi N. Lunsford;
H. R. 13537. An act granting an increase of pension to Elizabeth B. Busbee;
H. R. 13597. An act granting an increase of pension to Abram J. Bozarth;
H. R. 13723. An act granting an increase of pension to John Underwood;
H. R. 13783. An act to provide souvenir medallions for The Zebulon Montgomery Pike Monument Association;
H. R. 13803. An act granting a pension to Henry H. Forman;
H. R. 13822. An act granting an increase of pension to Augustus D. King;
H. R. 13823. An act granting an increase of pension to William Van Keuren;

H. R. 13866. An act granting an increase of pension to Isaac Place;
H. R. 13884. An act granting an increase of pension to Helen Augusta Mason Boynton;
H. R. 14078. An act granting an increase of pension to Catherine Summers;
H. R. 14113. An act granting an increase of pension to Isaac N. Perry;
H. R. 14131. An act granting an increase of pension to Francis M. Simpson;
H. R. 14143. An act granting an increase of pension to Zacur P. Pott;
H. R. 14235. An act granting an increase of pension to John Williams;
H. R. 14241. An act granting an increase of pension to Lydia M. Edwards;
H. R. 14258. An act granting an increase of pension to John S. Miles;
H. R. 14327. An act granting an increase of pension to Amelia Nichols;
H. R. 14337. An act granting an increase of pension to Gabriel Y. Palmer;
H. R. 14369. An act granting an increase of pension to Sumner P. Wyman;
H. R. 14375. An act granting an increase of pension to Edmond R. Haywood;
H. R. 14437. An act granting an increase of pension to Marquis M. De Burger;
H. R. 14442. An act granting an increase of pension to Ester M. Lowe;
H. R. 14454. An act granting an increase of pension to William A. Blossom;
H. R. 14472. An act granting a pension to Thomas Cheek;
H. R. 14489. An act granting an increase of pension to Peter Krieger;
H. R. 14497. An act granting an increase of pension to Charles M. Pumpelly;
H. R. 14532. An act granting an increase of pension to Augusta N. Manson;
H. R. 14547. An act granting an increase of pension to Thomas Chapman;
H. R. 14559. An act granting an increase of pension to Henry West;
H. R. 14560. An act granting an increase of pension to Elizabeth Weston;
H. R. 14639. An act granting an increase of pension to Sarah J. Merrill;
H. R. 14655. An act granting an increase of pension to Henry Gilham;
H. R. 14718. An act granting an increase of pension to Joseph A. Jones;
H. R. 14761. An act granting an increase of pension to John L. Decker;
H. R. 14823. An act granting an increase of pension to William Woods;
H. R. 14824. An act granting an increase of pension to Samuel P. Newman;
H. R. 14834. An act granting an increase of pension to Ruth J. McCann;
H. R. 14840. An act granting an increase of pension to Nathaniel H. Rone;
H. R. 14855. An act granting an increase of pension to Henry C. Carr;
H. R. 14874. An act granting an increase of pension to William C. Hearne;
H. R. 14875. An act granting an increase of pension to Mary A. Witt;
H. R. 14878. An act granting an increase of pension to Charles Rattray;
H. R. 14890. An act granting an increase of pension to James H. Posey;
H. R. 14909. An act granting an increase of pension to John W. Creager;
H. R. 14918. An act granting an increase of pension to Franklin Simpson;
H. R. 14951. An act granting an increase of pension to James Nunan;
H. R. 15007. An act granting an increase of pension to Henry Hares;
H. R. 15028. An act granting an increase of pension to Anthony Emes;
H. R. 15029. An act granting an increase of pension to Sabine Vancuren;
H. R. 15059. An act granting an increase of pension to Alfred W. Morley;
H. R. 15110. An act granting an increase of pension to John Green;
H. R. 15192. An act granting a pension to John J. Meredith;
H. R. 15198. An act granting an increase of pension to Elizabeth J. Martin;
H. R. 15199. An act granting an increase of pension to John T. Cook;
H. R. 15249. An act granting an increase of pension to Isaac N. Seal;
H. R. 15251. An act granting an increase of pension to Alexander M. Taylor;
H. R. 15252. An act granting an increase of pension to Samuel Allbright;
H. R. 15253. An act granting an increase of pension to Balos C. Dewees;
H. R. 15276. An act granting an increase of pension to Wesley Smith;
H. R. 15304. An act granting an increase of pension to Irwin O'Bryan;
H. R. 15347. An act granting an increase of pension to John M. Love;
H. R. 15382. An act granting an increase of pension to Mary C. Moore;
H. R. 15385. An act granting an increase of pension to William Lucas;
H. R. 15392. An act granting an increase of pension to John W. Wise;
H. R. 15393. An act granting an increase of pension to Nancy N. Allen;
H. R. 15414. An act granting an increase of pension to John L. Blinn;
H. R. 15449. An act granting a pension to Rhoda Kennedy;
H. R. 15491. An act granting an increase of pension to James Buckley;
H. R. 15536. An act granting an increase of pension to Henry H. Tillson;
H. R. 15552. An act granting an increase of pension to George W. Hayter;
H. R. 15553. An act granting an increase of pension to Susan H. Isom;
H. R. 15622. An act granting an increase of pension to Argyle Z. Buck;
H. R. 15649. An act extending the time for the construction of a dam across the Mississippi River, authorized by the act of Congress approved March 12, 1904;
H. R. 15691. An act granting an increase of pension to Jerry W. Tallman;
H. R. 15870. An act granting a pension to Mary Palmer;
H. R. 15893. An act granting an increase of pension to Volney P. Ludlow;
H. R. 15940. An act granting an increase of pension to James M. Carley; and
H. R. 15941. An act granting a pension to Lydia A. Keller.

Subsequently the foregoing pension bills were severally read twice by their titles, and referred to the Committee on Pensions.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of the Medaryville Bank, of Medaryville, Ind., praying for the enactment of legislation respecting bills of lading, etc.; which was referred to the Committee on Commerce.

He also presented a resolution adopted by Charles Broadway Rouss Camp, No. 1191, United Confederate Veterans, of the District of Columbia, tendering to the Congress of the United States its thanks for the enactment of a law providing for the care and marking of the graves of the soldiers and sailors of the Confederate army and navy who died in northern prisons, etc.; which was ordered to lie on the table.

He also presented a petition of the Woman's Christian Temperance Union of Johnsonburg, Pa., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

Mr. PLATT presented the petition of W. J. Kirkpatrick, of Rochester Junction; of Rev. H. C. Whitney, of Great Neck, and of Local Council No. 117, Junior Order of United American Mechanics, of Tonawanda, all in the State of New York, praying for the enactment of legislation to restrict immigration; which were referred to the Committee on Immigration.

He also presented a memorial of the Central Labor Council, American Federation of Labor, of Jamestown, N. Y., and a memorial of the Democratic electors of Gouverneur, N. Y., remonstrating against the repeal of the present Chinese-exclusion law; which were referred to the Committee on Immigration.

He also presented a petition of the congregations of the Baptist, Free Methodist, and Methodist Episcopal churches, of

Rushford, N. Y., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which was referred to the Committee on Privileges and Elections.

He also presented a memorial of Tappen Camp, No. 1, Sons of Veterans, of Kingston, N. Y., remonstrating against the enactment of legislation to prohibit the wearing of the uniform of the Army, Navy, Marine Corps, or Revenue-Cutter Service; which was referred to the Committee on Military Affairs.

He also presented petitions of sundry citizens of Bela Poste, Syracuse, Sidney, Lagrangeville, Saugerties, Colton, Ellenburg Center, and of Local Grange No. 713, Patrons of Husbandry, of West Eaton, all in the State of New York, praying for the enactment of legislation to remove the duty on denaturized alcohol; which were referred to the Committee on Finance.

Mr. GALLINGER presented a petition of the John Burroughs Society, of Portland, Oreg., praying for the enactment of legislation to prohibit the killing of wild birds and animals in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of sundry citizens of Claremont, N. H., praying for an investigation of the existing conditions in the Kongo Free State; which was referred to the Committee on Foreign Relations.

He also presented a petition of the Colored High School Alumni Association of the District of Columbia, praying for the enactment of legislation to increase the salaries of public school teachers in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of the Business Men's Association of Washington, D. C., praying for the enactment of legislation providing for the temporary maintenance of the Long Bridge over the Potomac River; which was referred to the Committee on the District of Columbia.

He also presented a petition of sundry citizens of Washington, D. C., praying for the enactment of legislation providing for the extension and correction of Fourth, Sixth Seventh, and Franklin streets NE.; which was referred to the Committee on the District of Columbia.

Mr. KEAN presented a petition of sundry citizens of Bergen County, N. J., praying for the passage of the so-called "Hepburn bill," to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on Interstate Commerce.

He also presented a petition of Local Union No. 62, American Federation of Musicians, of Trenton, N. J., praying for the enactment of legislation to prohibit Government musicians from competing with civilian musicians; which was referred to the Committee on Naval Affairs.

He also presented a petition of Hohokus Lodge, No. 299, Brotherhood of Railroad Trainmen, of Paterson, N. J., praying for the passage of the so-called "employers' liability bill," and also the anti-injunction bill; which was referred to the Committee on Interstate Commerce.

He also presented the petitions of E. R. Johnson, of Vineland; Randall Spaulding, of Montclair; Thomas Colby, of Garfield; William Wetzel, of Trenton, and C. J. Baxter, of Trenton, all in the State of New Jersey, praying for the enactment of legislation covering the reincorporation of the National Education Association; which were referred to the Committee on Education and Labor.

Mr. DRYDEN presented a petition of the Woman's Reading Club of Rutherford, N. J., praying for the enactment of legislation providing for the purchase of the two Calaveras groves of big trees in the State of California, etc.; which was referred to the Committee on Forest Reservations and the Protection of Game.

He also presented the petition of Charles P. Deyoe, of Ramsey, N. J., praying for the enactment of legislation to establish a laboratory for the study of the criminal, pauper, and defective classes; which was referred to the Committee on the Judiciary.

He also presented the memorial of Rev. W. E. Cornwell, of Jacobstown, N. J., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which was referred to the Committee on Privileges and Elections.

He also presented the memorial of Peter Henderson & Co., of New York City, N. Y., remonstrating against any appropriation being made for the free distribution of seeds for the coming year; which was referred to the Committee on Agriculture and Forestry.

He also presented a memorial of the Essex Trades Council, American Federation of Labor, of Newark, N. J., remonstrating any reduction of the duty on harness and saddlery; which was referred to the Committee on Finance.

He also presented a memorial of Major William McKinley Camp, No. 9, Sons of Veterans, of Pleasantville, N. J., remonstrating against the enactment of legislation to prohibit the wearing of the uniform of the Army, Navy, Marine Corps, or Revenue Service; which was referred to the Committee on Military Affairs.

He also presented petitions of the Montclair public schools, of Montclair; of the board of education of Garfield; of William A. Wetzel, of Trenton; of the New Jersey Training School, of Vineland, and of the department of public instruction of Trenton, all in the State of New Jersey, praying for the enactment of legislation to reincorporate the National Educational Association under the name of the National Education Association of the United States; which were referred to the Committee on Education and Labor.

He also presented a petition of the Woman's Club of Orange N. J., praying for the enactment of legislation to establish a children's bureau in the Department of the Interior; which was referred to the Committee on Education and Labor.

He also presented petitions of Hoboken Lodge, No. 299, Brotherhood of Railroad Trainmen, of Paterson; of Jersey City Division, No. 53, Brotherhood of Locomotive Engineers, of Jersey City; of Weehawken Lodge, No. 491, Brotherhood of Railroad Trainmen, of Union Hill; of Riley Van Fae Division, No. 387, Brotherhood of Locomotive Engineers, of Camden; of Liberty Island Lodge, No. 99, Brotherhood of Railroad Trainmen, of Jersey City, and of Atlantic City Division, No. 446, Order of Railway Conductors, of Hammondton, all in the State of New Jersey, praying for the passage of the so-called "employers' liability bill" and also the "anti-injunction bill;" which were referred to the Committee on Interstate Commerce.

He also presented a petition of Local Union No. 248, American Federation of Musicians, of Paterson, N. J., and a petition of Local Union No. 62, American Federation of Musicians, of Trenton, N. J., praying for the enactment of legislation to prohibit Government musicians from competing with civilian musicians; which were referred to the Committee on Naval Affairs.

Mr. PROCTOR presented a memorial of Colonel J. B. Mead Camp, No. 37, Vermont Division Sons of Veterans, of Randolph, Vt., remonstrating against the enactment of legislation to prohibit the wearing of the uniform of the Army, Navy, Marine Corps, or Revenue Service; which was referred to the Committee on Military Affairs.

He also presented petitions of F. G. Butterfield & Co. and J. B. Goodhue, of Derby Line, Vt., praying for the adoption of the so-called "Grosscup" plan for railway rate legislation; which were referred to the Committee on Interstate Commerce.

Mr. CLAPP presented a petition of the Minnesota Editorial Association, praying for the removal of the tariff on composing and linotype machines and the parts thereof; which was referred to the Committee on Finance.

He also presented a petition of District Lodge, No. 48, International Association of Machinists, of St. Paul, Minn., praying for the enactment of legislation providing for increased compensation for the mechanics employed in the gun factory of the Washington Navy-Yard; which was referred to the Committee on Naval Affairs.

Mr. SCOTT presented a petition of Local Division No. 690, Brotherhood of Locomotive Engineers, of Weston, W. Va., praying for the passage of the so-called "employers' liability bill" and also the "anti-injunction bill;" which was referred to the Committee on Interstate Commerce.

Mr. DICK. I present a petition of the legislature of the State of Ohio, praying for the enactment of legislation conferring power upon some competent administrative body to prescribe railroad rates subject to review by the courts. I ask that the petition lie on the table, and that it be printed in the RECORD.

There being no objection, the petition was ordered to lie on the table and be printed in the RECORD, as follows:

Joint resolution (No. 8) relative to railroad rates.

*Be it resolved by the general assembly of Ohio*, That the members of the general assembly of Ohio believe that President Roosevelt was right when he recommended to Congress that a law be passed "conferring upon some competent administrative body the power to decide upon the case being brought before it whether a given rate prescribed by a railroad is reasonable and just, and if it is found unreasonable and unjust, then, after full investigation of the complaint, to prescribe the limit of rate beyond which it shall not be lawful to go, the 'maximum reasonable rate,' as it is commonly called, this decision to go into effect in a reasonable time and to obtain from thence onward, subject to review by the courts."

SEC. 2. That we commend the wisdom of such legislation by the Congress of the United States, and request the Senators and Members of the House of Representatives from Ohio, in Congress, to vote for the passage of a law containing such provisions.

SEC. 3. That copies of this resolution be sent to the Senators and Representatives of Ohio, in Congress, by the secretary of state.

C. A. THOMPSON,
*Speaker of the House of Representatives.*
JAMES M. WILLIAMS,
*President pro tempore of the Senate.*

Adopted February 23, 1906.

UNITED STATES OF AMERICA, OHIO,
*Office of the Secretary of State:*

I, Lewis C. Laylin, secretary of state of the State of Ohio, do hereby certify that the foregoing is an exemplified copy, carefully compared by me with the original rolls now on file in this office and in my official custody as secretary of state, as required by the laws of the State of Ohio, of a joint resolution adopted by the general assembly of the State of Ohio on the 23d day of February, 1906.

In testimony whereof I have hereunto subscribed my name and affixed my official seal at Columbus, the 24th day of February, A. D. 1906.

[SEAL.] LEWIS C. LAYLIN,
*Secretary of State.*

Mr. DICK. I present a petition of the legislature of the State of Ohio, praying for the adoption of an amendment to House bill No. 7046, to except the Vicksburg National Military Park Commission from its operations. I ask that the petition be printed in the RECORD, and that it be referred to the Committee on Military Affairs.

There being no objection, the petition was referred to the Committee on Military Affairs, and ordered to be printed in the RECORD, as follows:

Joint resolution (No. 22) requesting our Representatives in Congress to use their influence to have H. R. 7046 so amended as to except Vicksburg National Military Park Commission from its operations.

Whereas a bill has been introduced (H. R. 7046) in the House of Representatives of the Congress of the United States for the termination of the four national military park commissions and the creation of a national military park commission of five members to have charge of all the military parks; and

Whereas the Chickamauga Park Commission, appointed September 1, 1890; the Gettysburg Park Commission, appointed May 25, 1893; and the Shiloh Park Commission, appointed January 15, 1895, have each been given sufficient time in which to practically complete the work committed to them; and

Whereas the Vicksburg National Military Park Commission was appointed March 1, 1899, and should not be terminated until the work which has been planned and which is now being executed under said Commission is completed; and

Whereas Ohio furnished thirty-nine organizations to the Vicksburg campaign and siege, the largest number of any State except Illinois: Therefore, be it

*Resolved by the general assembly of the State of Ohio,* That we request the Senators and Representatives in Congress from Ohio to use their influence to have said House bill No. 7046 so amended as to except the Vicksburg National Military Park Commission from its operations until June 30, 1910, thereby permitting that Commission to finish its work.

FREEMAN T. EAGLESON,
*Speaker pro tempore of the House of Representatives.*
JAMES M. WILLIAMS,
*President pro tempore of the Senate.*

Adopted February 23, 1906.

UNITED STATES OF AMERICA, OHIO,
*Office of the Secretary of State:*

I, Lewis C. Laylin, secretary of state of the State of Ohio, do hereby certify that the foregoing is an exemplified copy, carefully compared by me with the original rolls now on file in this office and in my official custody as secretary of state, as required by the laws of the State of Ohio, of a joint resolution adopted by the general assembly of the State of Ohio on the 23d day of February, 1906.

In testimony whereof I have hereunto subscribed my name and affixed my official seal at Columbus the 24th day of February, A. D. 1906.

[SEAL.] LEWIS C. LAYLIN, *Secretary of State.*

Mr. CULLOM presented petitions of sundry citizens of Chicago and Oak Park, in the State of Illinois, praying for the enactment of legislation to remove the duty on linotype and composing machines and the parts thereof; which were referred to the Committee on Finance.

He also presented a petition of the State Grange of Illinois, Patrons of Husbandry, of Dunlap, Ill., praying for the enactment of legislation to remove the duty on denaturized alcohol; which was referred to the Committee on Finance.

He also presented a petition of the State Grange of Illinois, Patrons of Husbandry, of Dunlap, Ill., praying for the enactment of legislation to establish a postal savings-bank system; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the State Grange of Illinois, Patrons of Husbandry, of Dunlap, Ill., praying for the passage of the so-called "Hepburn railroad rate bill;" which was ordered to lie on the table.

He also presented a memorial of the State Grange of Illinois, Patrons of Husbandry, of Dunlap, Ill., remonstrating against any appropriation being made for the free distribution of seed; which was referred to the Committee on Agriculture and Forestry.

He also presented petitions of sundry citizens of Galesburg, Kankakee, Decatur, Chicago, East St. Louis, Freeport, Blue Island, Roodhouse, Joliet, Elgin, Mattoon, Rock Island, Clinton, Aurora, all in the State of Illinois, praying for the passage of the so-called "employers' liability bill;" which were referred to the Committee on Interstate Commerce.

He also presented sundry memorials of citizens of Chicago, Ill., and a memorial of Local Union No. 41, Cigar Makers' International Union of America, of Aurora, Ill., remonstrating against the passage of the so-called "Philippine tariff bill;" which were referred to the Committee on the Philippines.

He also presented a petition of the State Grange of Illinois, Patrons of Husbandry, of Dunlap, Ill., praying for the enactment of legislation providing for the election of United States Senators by a direct vote of the people; which was referred to the Committee on Privileges and Elections.

He also presented a petition of the Retail Merchants' Association of Peoria, Ill., praying for the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which was ordered to lie on the table.

He also presented a memorial of the Woman's Christian Temperance Union of Olney, Ill., remonstrating against the repeal of the present anticanteen law; which was referred to the Committee on Military Affairs.

He also presented a petition of sundry citizens of Herrick, Ill., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which was referred to the Committee on Privileges and Elections.

He also presented a petition of Arsenal Lodge, No. 81, International Association of Machinists, of Davenport, Ill., praying for the enactment of legislation to regulate the compensation of skilled mechanics at the Naval Gun Factory, in the navy-yard at Washington, D. C.; which was referred to the Committee on Naval Affairs.

He also presented a petition of the Chicago Federation of Labor, of Illinois, praying for the enactment of legislation relating to the complement of crews of vessels; which was referred to the Committee on Commerce.

He also presented a petition of the State Grange of Illinois, Patrons of Husbandry, of Dunlap, Ill., and a petition of the Manufacturers' Association of Chicago, Ill., praying for the enactment of legislation providing for the construction of a deep waterway between the Great Lakes and the Gulf of Mexico; which were referred to the Committee on Commerce.

He also presented petitions of Local Division No. 83, Order of Railway Conductors, of Galesburg; of Local Division No. 474, Brotherhood of Railroad Trainmen, of Joliet; of the Union Furniture Company, of Rockford; of Local Division No. 293, Order of Railway Conductors, of Chicago, and of George W. Tilton Division, No. 375, Order of Railroad Trainmen, of Chicago, all in the State of Illinois, praying for the passage of the so-called "employers' liability bill" and also the "anti-injunction bill;" which were referred to the Committee on Interstate Commerce.

He also presented petitions of sundry citizens of Albion, Wadsworth, and Roberts, and of Meadow Mound Grange, Patrons of Husbandry, of Lyman, all in the State of Illinois, praying for the enactment of legislation to remove the duty on denaturized alcohol; which were referred to the Committee on Finance.

Mr. FULTON presented a petition of sundry citizens of Monmouth, Oreg., praying for the passage of the so-called "Hepburn bill," to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on Interstate Commerce.

He also presented a petition of sundry citizens of Monmouth, Oreg., praying for the passage of the so-called "parcels-post bill;" which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of sundry citizens of Monmouth, Oreg., praying for the removal of the tax on denaturized alcohol; which was referred to the Committee on Finance.

He also presented a memorial of sundry citizens of Monmouth, Oreg., remonstrating against the repeal of the present oleomargarine law; which was referred to the Committee on Agriculture and Forestry.

Mr. ANKENY presented a memorial of sundry citizens of Ritzville, Wash., remonstrating against the passage of the so-called "parcels-post bill;" which was referred to the Committee on Post-Offices and Post-Roads.

Mr. SPOONER presented memorials of sundry citizens of Green Bay, Taylor, Ripon, Waldo, Hustisford, Clintonville, Seymour, Fall Creek, Richland Center, Sawyer, Viola, Stoughton, Kendall, Deerfield, Brooklyn, Dorchester, Antigo, Shullsburg, and Amery, all in the State of Wisconsin, remonstrating against the passage of the so-called "parcels-post bill;" which were referred to the Committee on Post-Offices and Post-Roads.

Mr. WARREN presented a petition of the Wyoming State Federation of Women's Clubs, praying for the enactment of legislation to restrict immigration; which was referred to the Committee on Immigration.

Mr. HOPKINS presented the memorial of Carson, Pirie, Scott & Co., of Chicago, Ill., remonstrating against the passage of the so-called "anti-injunction bill;" which was referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Evanston, Chicago, and Springfield, all in the State of Illinois, praying for an investigation of the existing conditions in the Kongo Free State; which were referred to the Committee on Foreign Relations.

He also presented a memorial of sundry citizens of New Athens, Ill., remonstrating against the proposed change for the consolidation of third and fourth class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented memorials of sundry citizens of Davenport, Rock Island, and Moline, all in the State of Illinois, remonstrating against the enactment of legislation providing for the consolidation and reorganization of customs collection districts; which were referred to the Committee on Commerce.

Mr. GAMBLE presented the petition of J. L. Plowman and sundry other citizens of Oldham, S. Dak., praying for the passage of the so-called "pure-food bill;" which was ordered to lie on the table.

He also presented petitions of A. W. Hyde, of Brookings, and of sundry other citizens of South Dakota, praying for the enactment of legislation to repeal the revenue tax on denaturized alcohol; which were referred to the Committee on Finance.

Mr. BRANDEGEE presented petitions of Local Union No. 234, American Federation of Musicians, of New Haven; of Local Union No. 55, American Federation of Musicians, of Meriden; of Local Union No. 403, American Federation of Musicians, of Willimantic, all in the State of Connecticut, praying for the enactment of legislation to prohibit Government musicians from competing with civilian musicians; which were referred to the Committee on Naval Affairs.

Mr. ELKINS presented sundry papers to accompany the bill (S. 1491) granting an increase of pension to A. L. Hoult; which were referred to the Committee on Pensions.

Mr. PENROSE presented a petition of 23 citizens of Souderton, Pa., praying for the enactment of legislation to amend an act entitled "An act to regulate commerce," approved February 4, 1887; which was ordered to lie on the table.

He also presented petitions of 18 citizens of Pennsylvania, and of sundry charity organizations of Easton, Pa., praying for the enactment of legislation to restrict immigration; which were referred to the Committee on Immigration.

He also presented a petition of Progress Grange, No. 96, Patrons of Husbandry, of Center Hall, Pa., praying for the removal of the tax on denaturized alcohol; which was referred to the Committee on Finance.

He also presented memorials of the Central Labor Union of Columbia, of the Trades Assembly of Bradford, and of the American Federation of Trades Unions, of York, all in the State of Pennsylvania, remonstrating against the repeal of the present Chinese-exclusion law; which were referred to the Committee on Immigration.

He also presented a memorial of the congregation of the Reformed Presbyterian Church of Pittsburg, Pa., remonstrating against the repeal of the present anti-canteen law; which were referred to the Committee on Military Affairs.

He also presented a petition of the Lawrenceville Board of Trade, of Pittsburg, Pa., praying for the enactment of legislation providing additional accommodations at the post-office, Pittsburg, Pa; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of the Delaware Valley Naturalists' Union, of Philadelphia; of the Civic Club of Harrisburg, and of the Woman's Club of Conshohocken, all in the State of Pennsylvania, praying for the enactment of legislation to prevent the destruction of Niagara Falls on the American side by the diversion of the waters for manufacturing purposes; which were ordered to lie on the table.

### REPORTS OF COMMITTEES.

Mr. SCOTT, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 4817) granting an increase of pension to Delight R. Allen; and

A bill (S. 1435) granting an increase of pension to L. T. Davis.

Mr. SCOTT, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 4551) granting an increase of pension to John F. White;

A bill (S. 3811) granting an increase of pension to Ephraim Winters;

A bill (S. 1203) granting a pension to Albert B. Lawrence;

A bill (S. 2638) granting an increase of pension to Thomas B. Whaley;

A bill (S. 4386) granting a pension to George Thomas;

A bill (S. 306) granting a pension to Cassy Cottrill; and

A bill (S. 1434) granting an increase of pension to Samuel Derry.

Mr. SCOTT, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 8275) granting an increase of pension to Robert Aucock;

A bill (H. R. 8826) granting a pension to Elizabeth A. Mason;

A bill (H. R. 7827) granting an increase of pension to William H. Uhler;

A bill (H. R. 7883) granting an increase of pension to Daniel Dilts;

A bill (H. R. 6148) granting a pension to Henry P. Will;

A bill (H. R. 5383) granting an increase of pension to John W. Davis;

A bill (H. R. 4989) granting an increase of pension to Dominick Arnold;

A bill (H. R. 11259) granting an increase of pension to Barnes B. Smith;

A bill (H. R. 10047) granting an increase of pension to George W. Ellicott;

A bill (H. R. 10920) granting a pension to Mary Edna Cammeron;

A bill (H. R. 11071) granting an increase of pension to Allen E. Williams;

A bill (H. R. 11408) granting an increase of pension to George W. Reed; and

A bill (H. R. 11625) granting a pension to William C. Robison.

Mr. PILES, from the Committee on Pensions, to whom was referred the bill (S. 4541) granting an increase of pension to Benson H. Bowman, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 97) granting an increase of pension to Thomas F. Carey, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 8642) granting an increase of pension to Henry Crandell;

A bill (H. R. 9127) granting an increase of pension to Isaac L. Rerick;

A bill (H. R. 7547) granting an increase of pension to George W. Allison;

A bill (H. R. 6508) granting an increase of pension to John P. Moore;

A bill (H. R. 6177) granting an increase of pension to John Haack;

A bill (H. R. 10827) granting an increase of pension to Frank Crittenden;

A bill (H. R. 10894) granting an increase of pension to William J. Riley;

A bill (H. R. 10897) granting an increase of pension to Isaac Deems;

A bill (H. R. 1803) granting a pension to George S. Taylor; and

A bill (H. R. 14719) granting an increase of pension to Hannah A. Preston.

Mr. BURNHAM, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 3035) granting an increase of pension to Charles W. Shedd;

A bill (S. 4124) granting an increase of pension to Alden Fuller;

A bill (S. 2209) granting a pension to Milford W. Oxley;

A bill (H. R. 8739) granting an increase of pension to Frank N. Gray;

A bill (H. R. 8836) granting an increase of pension to Elizabeth C. Howell;

A bill (H. R. 4257) granting an increase of pension to Alice M. Durney;

A bill (H. R. 4823) granting an increase of pension to John G. C. Macfarlane;

A bill (H. R. 9887) granting a pension to George Saxe;

A bill (H. R. 10322) granting an increase of pension to Edgar W. Calhoun;

A bill (H. R. 11196) granting an increase of pension to William H. Joslyn; and

A bill (H. R. 11557) granting an increase of pension to Clinton A. Chapman.

Mr. BURNHAM, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 3254) granting an increase of pension to Anna Frances Hall;

A bill (S. 4301) granting an increase of pension to Louisa Arnold; and

A bill (S. 2077) granting an increase of pension to Alice A. Arms.

Mr. BURNHAM, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 1354) granting a pension to Lydia Jones;

A bill (S. 1012) granting an increase of pension to Samuel H. Foster; and

A bill (H. R. 6216) granting an increase of pension to Stephen D. Hopkins.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 4228) granting an increase of pension to Joel S. Weiser;

A bill (S. 3484) granting an increase of pension to Jacob A. Field;

A bill (S. 1415) granting an increase of pension to Alexander Esler;

A bill (S. 3532) granting an increase of pension to Anna K. Carpenter;

A bill (S. 1910) granting an increase of pension to Theodore McClellan; and

A bill (H. R. 6158) granting an increase of pension to Henry Rittenhouse.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 3524) granting a pension to John N. Henry;

A bill (S. 3987) granting an increase of pension to Samuel H. Hancock;

A bill (S. 2033) granting an increase of pension to David Trimble; and

A bill (S. 4691) granting an increase of pension to A. J. Burget.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 4877) granting an increase of pension to Amanda O. Webber;

A bill (S. 3296) granting an increase of pension to Patrick Burk;

A bill (S. 3297) granting an increase of pension to George Conklin;

A bill (S. 3835) granting an increase of pension to Luther M. Royal;

A bill (S. 3257) granting an increase of pension to Walter Green;

A bill (S. 2102) granting an increase of pension to George W. Lucas;

A bill (H. R. 8063) granting an increase of pension to Mary Coburn;

A bill (H. R. 9235) granting an increase of pension to Kate H. Kavanaugh;

A bill (H. R. 7631) granting an increase of pension to Joseph W. Foster;

A bill (H. R. 6918) granting an increase of pension to Heinrick Krumdick;

A bill (H. R. 6921) granting a pension to Eliza B. Wilson;

A bill (H. R. 5026) granting an increase of pension to Asa Tout;

A bill (H. R. 6453) granting an increase of pension to William H. Marsden;

A bill (H. R. 1742) granting an increase of pension to Jonathan Daughenbaugh;

A bill (H. R. 4832) granting an increase of pension to Henry W. Yates;

A bill (H. R. 9860) granting an increase of pension to Joseph H. Hirst;

A bill (H. R. 10217) granting an increase of pension to William A. Barnes;

A bill (H. R. 10478) granting an increase of pension to William McGowan; and

A bill (H. R. 11849) granting an increase of pension to Robert M. Young.

Mr. SMOOT, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 2970) granting an increase of pension to Thomas E. Keith; and

A bill (H. R. 9216) granting an increase of pension to Catherine R. Mitchell.

Mr. SMOOT, from the Committee on Pensions, to whom was referred the bill (S. 2725) granting an increase of pension to John Mather, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 8207) granting an increase of pension to Daniel A. Proctor;

A bill (H. R. 8208) granting an increase of pension to Eli Brainard;

A bill (H. R. 8917) granting an increase of pension to James Hines;

A bill (H. R. 8161) granting an increase of pension to Alonzo Douglas;

A bill (H. R. 6066) granting an increase of pension to Albert H. Lewis;

A bill (H. R. 5215) granting an increase of pension to Jennie Little;

A bill (H. R. 11052) granting an increase of pension to John P. Vance;

A bill (H. R. 11065) granting an increase of pension to Joseph Pollard;

A bill (H. R. 11078) granting a pension to Rosa Zurrin;

A bill (H. R. 11107) granting an increase of pension to William E. Fritts;

A bill (H. R. 12229) granting an increase of pension to Reuben I. Turkheim, alias Joseph Adler; and

A bill (H. R. 12351) granting an increase of pension to John Foltz.

Mr. OVERMAN, from the Committee on Pensions, to whom was referred the bill (S. 4606) granting an increase of pension to Kate Gilmore, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 3222) granting an increase of pension to Henry Golder; and

A bill (S. 520) granting an increase of pension to William D. Johnson.

Mr. OVERMAN, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 8607) granting an increase of pension to Arthur Haire;

A bill (H. R. 7208) granting an increase of pension to Thomas G. Massey;

A bill (H. R. 5615) granting an increase of pension to John Coleman, jr.;

A bill (H. R. 5616) granting an increase of pension to Edgar Schroeders;

A bill (H. R. 5724) granting an increase of pension to William O. Gillespie;

A bill (H. R. 5727) granting an increase of pension to William T. Harris;

A bill (H. R. 10723) granting an increase of pension to Benjamin French;

A bill (H. R. 10724) granting an increase of pension to David Bruce;

A bill (H. R. 9955) granting a pension to James W. Baker; and

A bill (H. R. 12396) granting an increase of pension to James Hutchinson.

Mr. KNOX, from the Committee on the Judiciary, to whom was referred the bill (S. 2948) to amend section 1 of the act approved March 3, 1905, providing for an additional associate justice of the supreme court of Arizona, and for other purposes, reported it with an amendment, and submitted a report thereon.

Mr. HOPKINS, from the Committee on Fisheries, to whom was referred the bill (S. 4236) to establish a fish-cultural station at Neligh, Nebr., reported it with amendments, and submitted a report thereon.

Mr. GAMBLE (for Mr. CLAPP), from the Committee on Indian Affairs, to whom was referred the bill (H. R. 12845) to consolidate the city of South McAlester and the town of McAlester, in the Indian Territory, reported it with an amendment, and submitted a report thereon.

Mr. SUTHERLAND, from the Committee on Indian Affairs, to whom was referred the bill (S. 4684) authorizing the Secretary of the Interior to sell 160 acres of land occupied by the Shebit Indians in Washington County, Utah, to the Utah and Eastern Copper Company, reported it without amendment, and submitted a report thereon.

CONTRACTS BY ISTHMIAN CANAL COMMISSION.

Mr. PLATT, from the Committee on Printing, to whom the subject was referred, reported the following resolution, and it was considered by unanimous consent, and agreed to.

*Resolved*, That there be printed for the use of the Senate the statement herewith presented, it being a "List of contracts aggregating $1,000 or more entered into by the Isthmian Canal Commission as result of advertising for proposals, February 1, 1905, to October 31, 1905, inclusive."

STATISTICS RELATING TO COAL.

Mr. PLATT, from the Committee on Printing, to whom the subject was referred, reported the following concurrent resolution, and it was considered by unanimous consent, and agreed to:

*Resolved by the Senate (the House of Representatives concurring)*, That there be printed the following documents:

First. Reports of the efficiency of various coals used by the United States ships from 1896 to 1898, inclusive, made by the Bureau of Equipment of the Navy in 1899.

Second. Pages 47 to 71, inclusive, of the Report of the Bureau of Equipment of the Navy for 1902, under the heading of "Equipment expenses abroad."

Third. Pages 55 to 67 of the report of said Bureau for 1903, under the same heading.

Fourth. Letter from the Secretary of the Navy to John T. Morgan, with accompanying statements, dated March 6, 1906.

Said papers to be bound together in cloth, as one document, of which the usual number shall be printed and bound for the use of the Senate, and 500 copies for the Navy Department.

SURG. W. C. BRAISTED'S REPORT ON RUSSO-JAPANESE WAR.

Mr. PLATT, from the Committee on Printing, to whom was referred the resolution submitted by Mr. PENROSE on the 5th instant, reported it without amendment, and it was considered by unanimous consent, and agreed to, as follows:

*Resolved*, That there be printed 2,250 copies of the "Report on the Japanese naval medical and sanitary features of the Russo-Japanese war to the Surgeon-General, United States Navy, by Surg. William C. Braisted, United States Navy," of which 1,250 copies shall be for the use of the Senate and 1,000 copies for the use of the Bureau of Medicine and Surgery of the Navy Department.

BILLS INTRODUCED.

Mr. NELSON introduced a bill (S. 4976) to grant certain land to the State of Minnesota, to be used as a site for the construction of a sanitarium for the treatment of consumptives; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. BLACKBURN introduced a bill (S. 4977) to provide additional land for the Jackson School, in the District of Columbia; which was read twice by its title, and, with the accompanying paper, referred to the Committee on the District of Columbia.

Mr. TELLER introduced a bill (S. 4878) for the relief of Thomas Smith; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 4979) granting an increase of pension to Don C. Smith; which was read twice by its title, and referred to the Committee on Pensions.

Mr. TALIAFERRO introduced a bill (S. 4980) for the relief of the Roman Catholic Church of Jacksonville, Fla.; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. TILLMAN introduced a bill (S. 4981) for the relief of Edward P. M. Robinson; which was read twice by its title, and referred to the Committee on Claims.

Mr. GALLINGER introduced a bill (S. 4982) relating to the sale of poultry in the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also introduced a bill (S. 4983) granting an increase of pension to John M. Farquhar; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. PROCTOR introduced a bill (S. 4984) to amend section 5200, Revised Statutes of the United States, relating to national banks; which was read twice by its title, and referred to the Committee on Finance.

He also introduced a bill (S. 4985) to provide for the erection of a post-office and custom-house at Richford, Vt.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

He also introduced a bill (S. 4986) granting an increase of pension to Alfred Beham; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CULLOM introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Claims:

A bill (S. 4987) for the relief of the estate of Charles A. Folson; and

A bill (S. 4988) for the relief of the estate of Isaac D. Yocum, deceased.

Mr. CULLOM introduced the following bills, which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 4989) granting a pension to Mary Frances Smith (with an accompanying paper);

A bill (S. 4990) granting an increase of pension to Gabriel M. Funk (with an accompanying paper);

A bill (S. 4991) granting a pension to Lycurgus D. Riggs (with accompanying papers);

A bill (S. 4992) granting an increase of pension to William F. Cox (with an accompanying paper);

A bill (S. 4993) granting an increase of pension to Aaron M. Elliott (with accompanying papers);

A bill (S. 4994) granting a pension to Margaret Collinsworth (with an accompanying paper);

A bill (S. 4995) granting a pension to Martha J. Kellogg;

A bill (S. 4996) granting a pension to Nathan Bighan;

A bill (S. 4997) granting a pension to Sue Webb Cooke (with an accompanying paper);

A bill (S. 4998) granting an increase of pension to W. W. Shields (with an accompanying paper);

A bill (S. 4999) granting a pension to Jacob Kuntz (with an accompanying paper);

A bill (S. 5000) granting a pension to George W. Stewart (with accompanying papers);

A bill (S. 5001) granting an increase of pension to Louis A. Baird;

A bill (S. 5002) granting an increase of pension to Pascal J. Elsworth (with an accompanying paper);

A bill (S. 5003) granting an increase of pension to Alfred W. Gilkinson (with an accompanying paper);

A bill (S. 5004) granting an increase of pension to George W. Chrysup;

A bill (S. 5005) granting an increase of pension to Alexander C. Boner (with accompanying papers);

A bill (S. 5006) granting an increase of pension to Levi Dodson (with accompanying papers);

A bill (S. 5007) granting an increase of pension to John McArthur (with accompanying papers);

A bill (S. 5008) granting an increase of pension to Johnson Gammel (with accompanying papers);

A bill (S. 5009) granting a pension to Mary L. Miller (with accompanying papers);

A bill (S. 5010) granting a pension to Francis M. Walker (with accompanying papers);

A bill (S. 5011) granting an increase of pension to Clark A. Winans;

A bill (S. 5012) granting an increase of pension to William Donegan (with accompanying papers); and

A bill (S. 5013) granting an increase of pension to Frederick Miehe (with accompanying papers).

Mr. LODGE introduced a bill (S. 5014) to amend the military record of William H. Dunbrack; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. FRYE introduced a bill (S. 5015) making an appropriation to aid in building a bridge across the St. John River between Van Buren, Me., and St. Leonards, New Brunswick; which was read twice by its title, and referred to the Committee on Commerce.

Mr. DRYDEN introduced a bill (S. 5016) granting an increase of pension to Charles G. Polk; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BURROWS introduced a bill (S. 5017) granting a pension to Elizabeth Akorn; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 5018) granting an increase of pension to William L. Thornton; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. HOPKINS introduced a bill (S. 5019) granting a pension to Rosetta R. Fuller; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 5020) granting a pension to Edna Burnett; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. WETMORE introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 5021) granting an increase of pension to Margaret Kearney;

A bill (S. 5022) granting an increase of pension to Henry S. Olney (with an accompanying paper); and

A bill (S. 5023) granting an increase of pension to Ruth E. Olney (with an accompanying paper).

Mr. BURNHAM introduced a bill (S. 5024) granting a pension to Fannie J. Sargent; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. HEMENWAY introduced a bill (S. 5025) granting an increase of pension to Jacob Sappenfield; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PILES introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Commerce:

A bill (S. 5026) providing for the construction and equipment of a first-class life-saving ocean-going tug, also a launch tender to be used in connection therewith, for service on the North Pacific coast of the United States; and

A bill (S. 5027) providing for the establishment of three life-saving stations on the coast of Washington between Cape Flattery and Grays Harbor.

Mr. PILES introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Military Affairs:

A bill (S. 5028) to remove the charge of desertion from the military record of Thomas F. Callan, alias Thomas Cowan; and

A bill (S. 5029) to remove the charge of desertion from the military record of James H. Nowlin, alias James H. Hendley.

Mr. WARNER introduced a bill (S. 5030) to prevent the desecration of the American flag; which was read twice by its title, and referred to the Committee on the Judiciary.

He also (by request) introduced a bill (S. 5031) for the relief of Mrs. George C. Maynard, widow of George C. Maynard; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

He also introduced a bill (S. 5032) granting a pension to Daisy Crowninshield Stuyvesant; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. NEWLANDS introduced a bill (S. 5033) authorizing the extension of W and Adams streets NW.; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. CLAY introduced a bill (S. 5034) for the relief of the estate of James Hosford, deceased; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. ELKINS introduced a bill (S. 5035) authorizing a survey of the Ohio River at Cincinnati, Ohio, for the purpose of establishing an ice harbor; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 5036) granting an increase of pension to C. C. Aills;

A bill (S. 5037) granting an increase of pension to Travilla A. Russell;

A bill (S. 5038) granting an increase of pension to James Richards; and

A bill (S. 5039) granting a pension to J. H. Micheal.

Mr. ELKINS introduced a bill (S. 5040) for the relief of D. B. Barbour and A. P. Gladden, copartners doing business under the firm name of Brown, Barbour & Gladden; which was read twice by its title, and referred to the Committee on Claims.

Mr. BRANDEGEE introduced a bill (S. 5041) granting an increase of pension to George A. Tucker; which was read twice by its title, and referred to the Committee on Pensions.

Mr. SPOONER introduced a bill (S. 5042) granting an increase of pension to Josephine S. Jones; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. PENROSE introduced a bill (S. 5043) to determine the quantity of the so-called hammer blow, centrifugal lift, and tangential throw of the counterbalance in locomotive driving wheels; which was read twice by its title, and referred to the Committee on Interstate Commerce.

He also introduced a bill (S. 5044) granting an increase of pension to Henry G. Chritzman; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. McCREARY introduced a bill (S. 5045) for the relief of the estate of William Points, deceased; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 5046) granting a pension to George Amerine;

A bill (S. 5047) granting a pension to Amanda Jane Harris (with accompanying papers); and

A bill (S. 5048) granting a pension to Sarah J. Ballard (with an accompanying paper).

Mr. MILLARD introduced a bill (S. 5049) to provide a site for an armory in the District of Columbia and a commission to report plans and estimates to the Congress; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. FORAKER introduced a bill (S. 5050) granting an increase of pension to Evan E. Edwards; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 5051) to restore to its former position on the list of captains of artillery the name of William F. Hancock; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 5052) to validate a certain certificate of soldiers' additional homestead right; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. CRANE introduced a joint resolution (S. R. 41) authorizing the Secretary of War, in his discretion, to cause to be sold or leased the Alaskan telegraph system of the United States; which was read twice by its title, and referred to the Committee on Military Affairs.

### AMENDMENTS TO BILLS.

Mr. PROCTOR submitted an amendment authorizing the appointment of Maj. Gen. Oliver O. Howard, United States Army, retired, to the grade of Lieutenant-General on the retired list, intended to be proposed by him to the Army appropriation bill; which was referred to the Committee on Military Affairs and ordered to be printed.

Mr. KITTREDGE submitted an amendment authorizing Anpaodutawin, Yankton Sioux allottee, to sell and convey not exceeding 40 acres of her allotment, etc., intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs and ordered to be printed.

Mr. PILES submitted an amendment relative to extensions and betterments of the Washington-Alaska military cable and telegraph system, intended to be proposed by him to the Army appropriation bill; which was referred to the Committee on Military Affairs, and ordered to be printed.

Mr. FULTON submitted an amendment proposing to appropriate $537,007.20 for the purpose of carrying into effect the agreement entered into on June 17, 1901, by and between James McLaughlin, United States Indian inspector, on the part of the United States, and the Klamath and Modoc tribes and the Yahooskin band of Snake Indians, belonging to the Klamath Agency in the State of Oregon, etc., intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. GAMBLE submitted the following amendments, intended to be proposed by him to the Indian appropriation bill; which were referred to the Committee on Indian Affairs, and ordered to be printed:

An amendment authorizing the issuance of a patent in fee to Daniel Dowan, of the Sisseton and Wahpeton band of Sioux Indians, etc.;

An amendment authorizing the issuance of a patent in fee to Samuel Quinn, of the Sisseton and Wahpeton band of Sioux Indians, etc.; and

An amendment authorizing the issuance of a patent in fee to Henry Red Earth, of the Sisseton and Wahpeton band of Sioux Indians, etc.

Mr. DICK submitted an amendment relative to the retirement with increased rank of officers with civil-war records below the grade of brigadier-general who have heretofore been retired for disability contracted in line of duty, etc., intended to be proposed by him to the Army appropriation bill; which was referred to the Committee on Military Affairs, and ordered to be printed.

He also submitted an amendment proposing to appropriate

$2,290.49 to pay Albert H. Reynolds on account of two United States Indian vouchers issued on March 26, 1877, and afterwards refused payment, etc., intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

PANAMA CANAL.

Mr. MORGAN. I move that Senate Document No. 357, Fifty-seventh Congress, first session, relating to the interoceanic canal, and also Senate Document No. 393, Fifty-seventh Congress, first session, relative to the earthquake at Panama in 1882, be reprinted as one document, and that it be referred to the Committee on Interoceanic Canals.

The motion was agreed to.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. B. F. BARNES, one of his secretaries, announced that the President had approved and signed the following act on March 9:

S. 1234. An act to provide for the appropriate marking of the graves of the soldiers and sailors of the Confederate army and navy who died in northern prisons and were buried near the prisons where they died, and for other purposes.

DAVID A. JONES.

The VICE-PRESIDENT laid before the Senate the following concurrent resolution of the House of Representatives; and it was considered by unanimous consent, and agreed to:

*Resolved by the House of Representatives (the Senate concurring),* That the President be requested to return to the House of Representatives the bill (H. R. 8494) granting an increase of pension to David A. Jones.

HOUSE BILLS REFERRED.

H. R. 11946. An act to amend section 6 of an act approved February 8, 1887, entitled "An act to provide for the allotment of lands in severalty to Indians on the various reservations and to extend the protection of the laws of the United States and the Territories over the Indians, and for other purposes," was read twice by its title, and referred to the Committee on Indian Affairs.

H. R. 13783. An act to provide souvenir medallions for The Zebulon Montgomery Pike Monument Association was read twice by its title, and referred to the Committee on the Library.

H. R. 15649. An act extending the time for the construction of a dam across the Mississippi River, authorized by the act of Congress approved March 12, 1904, was read twice by its title, and referred to the Committee on Commerce.

SAMOAN CLAIMS.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Foreign Relations, and ordered to be printed:

*To the Senate and House of Representatives:*

I transmit herewith a report by the Secretary of State concerning this Government's obligation to pay to that of France the sum of $3,391.13, under the convention between the United States, Germany, and Great Britain, for the settlement of Samoan claims, signed at Washington on November 7, 1899.

Prompt action should be taken to discharge this obligation.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *March 12, 1906.*

TRAFFIC IN OPIUM.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on the Philippines, and ordered to be printed:

*To the Senate and House of Representatives:*

I transmit herewith, for the information of the Congress, the report of the committee appointed by the Philippine Commission to investigate the use of opium and the traffic therein, and the rules, ordinances, and laws regulating such use and traffic in Japan, Formosa, Shanghai, Hongkong, Saigon, Singapore, Burmah, Java, and the Philippine Islands.

I also inclose a letter from the Secretary of War submitting the report for transmission.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *March 12, 1906.*

RAILROAD DISCRIMINATIONS AND MONOPOLIES.

Mr. TILLMAN. Mr. President, some days ago I gave notice that at the first opportunity I would ask the Senate to give me permission to discuss briefly the message of the President sent to the Senate on the 7th of March. I now ask unanimous consent to submit a few remarks on it.

The VICE-PRESIDENT. Is there objection to the request of the Senator from South Carolina? The Chair hears none.

Mr. TILLMAN. In order that the Senate may refresh its memory in regard to the message, I ask that it be read. It is not very long.

The VICE-PRESIDENT. The Secretary will read the message.

The Secretary read as follows:

*To the Senate and House of Representatives:*

I have signed the joint resolution "instructing the Interstate Commerce Commission to make examinations into the subject of railroad discriminations and monopolies in coal and oil, and report on the same from time to time." I have signed it with hesitation, because in the form in which it was passed it achieves very little and may achieve nothing; and it is highly undesirable that a resolution of this kind shall become law in such form as to give the impression of insincerity—that is, of pretending to do something which really is not done. But after much hesitation I concluded to sign the resolution because its defects can be remedied by legislation which I hereby ask for; and it must be understood that unless this subsequent legislation is granted the present resolution must be mainly, and may be entirely, inoperative.

Before specifying what this legislation is I wish to call attention to one or two preliminary facts. In the first place, a part of the investigation requested by the House of Representatives in the resolution adopted February 15, 1905, relating to the oil industry, and a further part having to do with the anthracite-coal industry, has been for some time under investigation by the Department of Commerce and Labor. These investigations, I am informed, are approaching completion, and before Congress adjourns I shall submit to you the preliminary reports of these investigations. Until these reports are completed the Interstate Commerce Commission could not endeavor to carry out so much of the resolution of Congress as refers to the ground thus already covered without running the risk of seeing the two investigations conflict, and therefore render each other more or less nugatory. In the second place, I call your attention to the fact that if an investigation of the nature proposed in this joint resolution is thoroughly and effectively conducted, it will result in giving immunity from criminal prosecution to all persons who are called, sworn, and constrained by compulsory process of law to testify as witnesses, though of course such immunity from prosecution is not given to those from whom statements or information merely, in contradistinction to sworn testimony, is obtained.

This is not at all to say that such investigations should not be undertaken. Publicity can by itself often accomplish extraordinary results for good, and the court of public judgment may secure such results where the courts of law are powerless. There are many cases where an investigation securing complete publicity about abuses and giving Congress the material on which to proceed in the enactment of laws is more useful than a criminal prosecution can possibly be, but it should not be provided for by law without a clear understanding that it may be an alternative instead of an additional remedy—that is, that to carry on the investigation may serve as a bar to the successful prosecution of the offenses disclosed. The official body directed by Congress to make the investigation must of course carry out its direction, and therefore the direction should not be given without full appreciation of what it means.

But the direction contained in the joint resolution which I have signed will remain almost inoperative unless money is provided to carry out the investigations in question, and unless the Commission in carrying them out is authorized to administer oaths and compel the attendance of witnesses. As the resolution now is the Commission, which is very busy with its legitimate work and which has no extra money at its disposal, would be able to make the investigation only in the most partial and unsatisfactory manner; and, moreover, it is questionable whether it could, under this resolution, administer oaths at all or compel the attendance of witnesses. If this power were disputed by the parties investigated, the investigation would be help up for a year or two until the courts passed upon it, in which case, during the period of waiting, the Commission could only investigate to the extent and in the manner already provided under its organic law; so that the passage of the resolution would have achieved no good result whatever.

I accordingly recommend to Congress the serious consideration of just what they wish the Commission to do and how far they wish it to go, having in view the possible incompatibility of conducting an investigation like this and of also proceeding criminally in a court of law; and furthermore, that a sufficient sum, say $50,000, be at once added to the current appropriation for the Commission, so as to enable them to do the work indicated in a thorough and complete manner, while at the same time the power is explicitly conferred upon them to administer oaths and compel the attendance of witnesses in making the investigation in question, which covers work quite apart from their usual duties. It seems unwise to require an investigation by a commission and then not to furnish either the full legal power or the money, both of which are necessary to render the investigation effective.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *March 7, 1906.*

Mr. TILLMAN. Mr. President, I desire to premise what I shall say briefly—for I do not intend to talk long—by stating, with the greatest possible emphasis, that I deprecate and regret the necessity of commenting upon and criticising this extraordinary paper. Fate has recently enlisted me as an ally in the work of securing an adequate railroad rate regulation bill with the President; and as my whole heart and soul are dedicated to that work, and was so long before this year or last year, I do not want to appear to criticise the President or to do anything that will occasion any disruption of the amicable relations that now exist, or apparently exist. [Laughter.] But there are some things that, as a man and as a Senator, I can not put up with patiently. I wish to say, first, that I had the honor of introducing this resolution which has excited the Executive contempt and criticism. I introduced it in the committee, and it was reported from the committee unanimously. Therefore, while I wrote or copied it from the House resolution of Mr. GILLESPIE, with some additions which I thought were necessary, it is still my work. It first passed the Senate, and probably if it had not first passed the Senate it would never have passed the other branch of Congress. Therefore, I feel some personal responsibility for it. The committee adopted it and reported it unanimously, and therefore the committee is responsible for it; the Senate adopted it unanimously, and therefore the Senate is responsible for it. Therefore, as a Senator, I de-

sire to call attention to some things in connection with this document.

In the first place, if I understand the English language at all, the President charges the Senate with pretending to do something with insincerity—if there is any great distinction—and, thirdly, with being ignorant of what it was trying to do. That is going a very great way in a very little while, and it is a large contract which the President has taken upon himself to justify these sweeping accusations.

If there is any point in the message at all, it lies in the fact, if it be a fact, that the resolution which we passed here—mind you, it was a joint resolution, and therefore a law, with all the force of any act of Congress—I say if there is any point in the criticism of the President, it is that that joint resolution does not go directly at a given purpose and define that purpose so clearly that it can not be misunderstood, and that there is inadequate power in it to accomplish the result had in view. Therefore, I will read those parts of the resolution which bear on this question. After the resolving words, instructing the Interstate Commerce Commission, and so forth, the resolution says:

First. Whether any common carriers by railroad, subject to the interstate-commerce act, or either of them, own or have any interest in, by means of stock ownership in other corporations or otherwise, any of the coal or oil which they, or either of them, directly or through other companies which they control or in which they have an interest, carry over their or any of their lines as common carriers, or in any manner own, control, or have any interest in coal lands or properties or oil lands or properties.

Second. Whether the officers of any of the carrier companies aforesaid, or any of them, or any person or persons charged with the duty of distributing cars or furnishing facilities to shippers are interested, either directly or indirectly, by means of stock ownership or otherwise in corporations or companies owning, operating, leasing, or otherwise interested in any coal mines, coal properties, or coal traffic, oil, oil properties, or oil traffic over the railroads with which they or any of them are connected or by which they or any of them are employed.

Third. Whether there is any contract, combination in the form of trust, or otherwise, or conspiracy in restraint of trade or commerce among the several States, in which any common carrier engaged in the transportation of coal or oil is interested, or to which it is a party; and whether any such common carrier monopolizes or attempts to monopolize, or combines or conspires with any other carrier, company or companies, person or persons to monopolize any part of the trade or commerce in coal or oil, or traffic therein among the several States or with foreign nations, and whether or not, and if so, to what extent, such carriers, or any of them, limit or control, directly or indirectly, the output of coal mines or the price of coal and oil fields or the price of oil.

That is the way it passed, and that is the law.

Now, Mr. President, this resolution deals altogether with common carriers in their relation to the production, transportation, and marketing of coal and oil. Let us see whether or not this is not in effect and in actuality an amendment to the interstate-commerce law. It certainly has all the force of that law; and if that act, as originally passed and subsequently amended, embraces a provision which confers power upon the Interstate Commerce Commission to do the things and everything which this resolution authorizes, I want to know where the President gets a foundation for asserting that we have not already provided for the powers which he asks us to give him or for Congress to enact later, which is the subject of the message.

I now read from section 12 of the act of 1887 as amended——

Mr. HANSBROUGH. Mr. President——

The VICE-PRESIDENT. Does the Senator from South Carolina yield to the Senator from North Dakota?

Mr. TILLMAN. Certainly.

Mr. HANSBROUGH. As I read the President's message, it seems to me that the principal point he makes is that Congress failed to provide a sum of money——

Mr. TILLMAN. I will get to that presently.

Mr. HANSBROUGH. A sum of money necessary to conduct the investigation provided for by the joint resolution introduced by the Senator, and that there is no authority in the resolution, under which such an investigation can be successfully conducted. It seems to me that is the point.

Mr. TILLMAN. If the Senator will possess his soul in patience, I will say that while I have not yet reached those points, I am trying to get to them just as fast as I know how.

Mr. HANSBROUGH. I have no doubt the Senator will come to them, but I merely wanted to call his attention to the fact that I think those are the principal points in the President's message.

Mr. TILLMAN. There are two points; one that there is no money, and the other that there is no power to administer oaths and send for persons and papers; and if there were not, there might be some danger of some of these rascals getting scot-free and not going to the penitentiary, or something like that. Those are the points the President is trying to make.

I was trying to read from the act of 1887, amended by the act of March 2, 1889, and amended by the act of February 10, 1891. Mind, you, I have already said that in effect this joint resolution is an amendment to the act to regulate commerce, because it relates to public carriers and authorizes the Commission, which has control of public carriers under the law, to do certain things by way of investigation.

Now, let us see what the original act says:

SEC. 12. That the Commission hereby created shall have authority to inquire into the management of the business of all common carriers subject to the provisions of this act, and shall keep itself informed as to the manner and method in which the same is conducted—

Here is the broad and sweeping provision of the original law covering this entire field, which we have authorized or ordered the Commission to investigate, and there is already law enough for the Commission to proceed under its original power to investigate along every line that we have laid down in this last resolution—

and shall have the right to obtain from such common carriers full and complete information necessary to enable the Commission to perform the duties and carry out the objects for which it was created.

Further on in the same section this language occurs:

And for the purposes of this act the Commission shall have power to require, by subpœna, the attendance and testimony of witnesses and the production of all books, papers, tariffs, contracts, agreements, and documents relating to any matter under investigation.

There is the power already in the law to send for persons and papers and administer oaths; but that is not all. Further on section 20 of the act states:

SEC. 20. That the Commission is hereby authorized to require annual reports from all common carriers subject to the provisions of this act, to fix the time and prescribe the manner in which such reports shall be made, and to require from such carriers specific answers to all questions upon which the Commission may need information.

Is not that broad enough to cover the earth almost, as far as allowing the Commission to go into the business of these people and investigate all along any line relating to the public welfare in relation to the common carriers? But that is not all yet. For some reason—I do not know why—there was trouble about witnesses, and therefore Congress, on February 11, 1893, enacted the following specific provision:

That no person shall be excused from attending and testifying or from producing books, papers, tariffs, contracts, agreements, and documents before the Interstate Commerce Commission, or in obedience to the subpœna of the Commission, whether such subpœna be signed or issued by one or more Commissioners, or in any cause or proceeding, criminal or otherwise, based upon or growing out of any alleged violation of the act of Congress, entitled "An act to regulate commerce," approved February 4, 1887, or of any amendment thereof on the ground or for the reason that the testimony or evidence, documentary or otherwise, required of him, may tend to criminate him or subject him to a penalty or forfeiture. But no person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing, concerning which he may testify or produce evidence, documentary or otherwise, before said Commission, or in obediennce to its subpœna, or the subpœna of either of them, or in any such case or proceeding: *Provided*, That no person so testifying shall be exempt from prosecution and punishment for perjury committed in so testifying.

Any person who shall neglect or refuse to attend and testify, or to answer any lawful inquiry, or to produce books, papers, tariffs, contracts, agreements, and documents, if in his power to do so, in obedience to the subpœna or lawful requirement of the Commission shall be guilty of an offense, and upon conviction thereof by a court of competent jurisdiction shall be punished by fine not less than $100 nor more than $5,000, or by imprisonment for not more than one year, or by both such fine and imprisonment.

Here is a supplemental power.

Mr. BACON. On what page is that?

Mr. TILLMAN. Page 22 of the act to regulate commerce, as published by the Interstate Commerce Commission.

Here is the sweeping, drastic provision passed after there had been some trouble with the original proposition or the original grant of power, in which the Commission is granted the most complete remedy in regard to witnesses in administering oaths and sending for persons and papers in pursuance of its duty to investigate and obtain information in relation to these public carriers and any act of theirs in restraint of trade by conspiracy or otherwise.

Therefore—I may be mistaken, but it seems to me that it can not be disputed—the Interstate Commerce Commission now has the fullest possible power, as much as we could give it if we passed an act here every day for the next twelve months, to investigate any and every thing which it is ordered to investigate under this last resolution, because this resolution refers to matters that are unlawful, that are in restraint of trade, which relate to rebates, which relate to conspiracies, to combinations, and all that kind of thing.

To my mind, it is an insult for the President to send a message here telling us we did not know what we were trying to do, and that we were exercising or using insincerity in dealing with a great and important question like this. But let us see how much further the President goes. He says:

In the first place, a part of the investigation requested by the House of Representatives in the resolution adopted February 15, 1905, relating to the oil industry, and a further part having to do with the anthracite-coal industry, has been for some time under investigation by the Department of Commerce and Labor.

Well, here is the resolution of February 15, 1906, which I will read. It was passed by the House of Representatives. This is not a joint resolution:

*Resolved*, That the Secretary of Commerce and Labor be, and he is hereby, requested to investigate the cause or causes of the low price of crude oil or petroleum in the United States, and especially in the Kansas field, and the unusually large margins between the price of crude oil or petroleum and the selling price of refined oil and its by-products, and whether the said conditions have resulted in whole or in part from any contract, combination, in the form of a trust, or otherwise, or conspiracy in restraint of trade and commerce among the several States and Territories, or with foreign countries; also whether the said prices have been controlled, in whole or in part, by any corporation, joint stock company, or corporate combination engaged in commerce among the several States and Territories, or with foreign nations, also whether such corporation, joint stock company, or corporate combination, in purchasing crude oil or petroleum, by any order or practice of discrimination, boycotts, blacklists, or in any manner discriminates against any particular oil field; also to investigate the organization, capitalization, profits, conduct, and management of the business of such corporation or corporations, company or companies, and corporate combinations, if any, and to make early report of its findings, according to law, to the end that such information may be used by Congress as a basis for legislation, or by the Department of Justice as a basis for legal proceedings.

There is not a solitary word in this House resolution about coal. It has no force of law, as it simply requests, although in the House that is the usual form. It uses the word "requested."

The Secretary of Commerce and Labor be, and he is hereby, requested.

We usually direct the heads of Departments at this end of the Capitol. But the President speaks of the investigation by the Department of Commerce and Labor as already under way, and says he will send us the results of that investigation soon. He mentions that that investigation includes coal, when the resolution does not ask it to include coal, and when we—the Senate and the House of Representatives—in pursuance of our constitutional rights, having passed an act or a joint resolution, which has the force of an act, instructing the Interstate Commerce Commission to do certain things, we are scolded, and in a manner insulted, by being charged with insincerity, pretense, and ignorance. I can only say that the President must have been misinformed and miserably advised by somebody who ought to have seen to the matter. Of course, I know the President personally may not be able to take the time to investigate, but he has innumerable helpers in the Department of Justice, as well, also, in the Executive Mansion, and he should have had somebody to advise him. I am not a lawyer; I am only a farmer, but I know enough to understand—and I have not had anybody to help me work up this case—but anybody with common sense could have discovered that there was no real foundation or reason for the President sending us any such message as that.

Let us look a little into the money question. How do any of the Departments of the Government regularly constituted, like the Interstate Commerce Commission, get their money, their appropriations? Here is the only authorized and lawful way for them to get any money. The act of July 7, 1884 (24 Stats., p. 284), in the last part of the paragraph, provides:

And hereafter all estimates of appropriations and estimates of deficiencies in appropriations intended for the consideration and seeking the action of any of the committees of Congress shall be transmitted to Congress through the Secretary of the Treasury, and in no other manner; and the said Secretary shall first cause the same to be properly classified, compiled, indexed, and printed, under the supervision of the chief of division of warrants, estimates, and appropriations of his Department.

When the estimates go to the Committee on Appropriations the amount asked for is investigated by that committee, and if they approve it the item goes into some appropriation bill—usually the sundry civil bill in such a case as this, I believe—and any deficiency that might be in existence or impending in the Interstate Commerce Commission would, of course, be amply provided for in the regular appropriation bill whenever we passed it. It is therefore child's play, if I may use such a term, to talk to us about having been insincere and making a pretense of an investigation because we did not appropriate money directly in the joint resolution which directs a Department of the Government, already in existence and acting under the laws which control it, to investigate along this specific line; and, as I have heretofore said, it already had full authority under the original act to have investigated every solitary thing which we have ordered them to investigate in this resolution. Therefore the Commission has the power of sending for persons and papers already vested in it, and it would have been absurd to have placed in this resolution a provision specifically authorizing the Commission to send for persons and papers, to administer oaths, and so forth.

But there is still something else. This investigation, which was ordered by this Congress under this resolution, deals with public carriers and their relation to trade and to producers. Now, let us see how far the Department of Commerce and Labor has any right to touch that question at all. The President says that it is already investigating under a resolution of the House. Let us see what the law says. Section 6 of the act of February 14, 1903, provides that—

The said Commissioner—

That is, the Commissioner of Labor—

The said Commissioner shall have power and authority to make, under the direction and control of the Secretary of Commerce and Labor, diligent investigation into the organization, conduct, and management of the business of any corporation, joint stock company, or corporate combination engaged in commerce among the several States and with foreign nations, *excepting common carriers subject to "An act to regulate commerce," approved February 4, 1887.*

Mr. Garfield, if he is investigating the common carriers in relation to the transportation of coal and oil or anything else, is absolutely outside of his jurisdiction, and is meddling with something with which he has no concern.

I have here certain opinions of the Supreme Court as to the power and jurisdiction and duty of the Interstate Commerce Commission. I will not take the trouble to read them, because they are merely amplifications and interpretations of the language, so broad and sweeping that they merely fortify the position I have taken in regard to the power of that Department of the Government. But I will print them as a part of my remarks unless there is objection.

The opinions referred to are as follows:

Mr. Justice Brewer, in the Maximum Freight Rate decision (167 U. S., 479), said:

It [the Commission] is charged with the general duty of inquiring as to the management of the business of railroad companies and to keep itself informed as to the manner in which the same is conducted, and has the right to compel complete and full information as to the manner in which such carriers are transacting their business. * * * It must also see that publicity, which is required by section 6, is observed by the railroad companies.

Mr. Justice Harlan, in 168 United States, 144, said:

The Commission was established to protect the public against improper practices of transportation companies engaged in commerce among the several States.

Mr. Justice Day, in the recently decided Baird case (194 U. S., 25), makes the following observation:

The inquiry of a board of the character of the Interstate Commerce Commission should not be too narrowly constrained by technical rules as to the admissibility of proof. Its function is largely one of investigation, and it should not be hampered in making inquiry pertaining to interstate commerce by those narrow rules which prevail in trials at common law, where a strict correspondence is required between allegation and proof. * * *

To unreasonably hamper the Commission by narrowing its field of inquiry beyond the requirements of the due protection of rights of citizens will be to seriously impair its usefulness and prevent a realization of the salutary purposes for which it was established by Congress.

Circuit Judge Taft, in 99 Federal Reports, 52, said:

It has been suggested that traffic managers are much better able, by reason of their knowledge and experience, to fix rates, and to decide what discriminations are justified by the circumstances, than courts. This can not be conceded, so far as it relates to the Interstate Commerce Commission, which by reason of the experience of its members in this kind of controversy and their great opportunity for full information is, in a sense, an expert tribunal.

Judge Shiras, in the Social Circle case (162 U. S., 184), said:

The purposes of the act call for a full inquiry by the Commission into all the circumstances and conditions pertinent to the questions involved.

Mr. TILLMAN. There is little more I care to say at present; but I feel that it is a misfortune that the President should have been so rash and lacking in discretion, if I may use the word, in dealing with the Senate. It is not the first time he has presumed to lecture us. I recall two or three messages in which he has spoken in terms of criticism and complaint. Once, I recollect, a couple of years ago I think it was, in regard to some bills relating to the Navy, the Naval Committee had received his message or his letter. We had considered it, and the legislation that he requested had passed the bodies and had gone to him; but there was so much carelessness around the Executive Office that he did not know that, and he sent a message here in which he scolded us for not attending to his wishes.

Now, as I said, I pardon a great deal to the immense burden that is on the man; I pardon his impetuosity; but there are limits to human patience; and the President ought to recollect that the Senate has some rights and privileges, and he ought not, at least lightly and flippantly, to insult us.

Mr. LODGE. Mr. President, I have often observed that those who are most ready and most severe in criticism are the most sensitive when they are themselves criticised. I do not myself see how the President of the United States could have treated this resolution, for which I voted, otherwise than he has done unless he had vetoed it. This resolution belongs to a common class, and everyone who has been in Congress for any length of time must have observed a great many like it. Some subject is fashionable and occupying the public mind. It is

desired to show that our sentiments are right on this subject, and then comes a resolution. The subjects vary from winter to winter. I remember one year it was considered very desirable that we should have ardent resolutions passed about the Armenians and denouncing the oppressions that were suffered by that unfortunate people. So we had a number of excellent resolutions of varying degrees of violence which showed the warmth of our hearts, effected nothing, and did no harm. There was another period in the Senate, I recollect, when we passed a number of admirable resolutions in favor of peace and arbitration, but when we got down to the practical question of arbitration treaties the treaties did not pass.

Yet I do not think we were insincere. It does not follow that because we have assented to certain loose and general propositions we are therefore committed to every kind of practical legislation which may be offered. A resolution which thunders in the index and shows that we are properly aroused to the dangers arising from corporations generally and from railroads in particular, and which does not commit us to any specific legislation, is one very easy to vote for. There does not seem to be much object in defeating it or in arguing about it, and so it goes through loosely drawn and without careful consideration.

Now, this joint resolution ought not to have any existence whatever if what the Senator from South Carolina [Mr. TILLMAN] says about the existing law is true. If the Interstate Commerce Commission have full power to do all that this resolution requires, then Congress has placed itself in the somewhat foolish attitude of reenacting existing law.

Mr. TILLMAN. Will the Senator from Massachusetts pardon me?

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from South Carolina?

Mr. LODGE. I do.

Mr. TILLMAN. What is known as the "Elkins law" is largely, if not wholly, in so far as its enforcement goes, under the jurisdiction of the Department of Justice. The Interstate Commerce Commission probably felt that it would be invading the jurisdiction of the Department of Justice if it undertook to go into this specific line of investigation, and it was unwilling to undertake it without authority or instruction. The joint resolution is a little broader than the usual jurisdiction of the Interstate Commerce Commission, inasmuch as it deals with the question of the ownership of coal lands by railroad companies and the control of the coal market by reason of such ownership and monopoly. For these reasons the joint resolution was passed.

I will say, that so far from having any insincere purpose, or pretending about it, I was very anxious and solicitous to get some direct and positive information bearing on all those questions in regard to the monopoly of coal lands and the refusal of railroads to make connections with spur lines. I therefore earnestly desired the specific investigation, and wanted it at once, in order that we might have the facts sworn to instead of memorials and letters such as that of the governor of West Virginia and the letter of the Red Rock Fuel Company, relating to abuses in the coal trade. I earnestly desired that we should have this specific investigation, in order that Congress might have the facts, and before the session ends, probably, be able to put into the law which is under contemplation to be enacted, something that would give relief from this intolerable condition in West Virginia.

Mr. LODGE. Mr. President, I do not question in the least the Senator's sincerity. I am just as guilty as he is in having voted for the joint resolution. It passed unanimously. It belongs, as I have tried to explain, to a class of resolutions which in themselves I do not think are very sincere, or rather, I should say, very carefully considered. I think such resolutions are passed largely because they happen to catch the fancy of the moment. But when this resolution reached the President he was bound to consider the very practical question as to how he was to make it effective, and he found it sadly deficient.

But the Senator in what he just said admits specifically what I have already stated in explaining why it was passed—that it was broader than the existing law, that it was new legislation. Either the Interstate Commerce Commission had already all the powers which this joint resolution gives or it had not. If the Interstate Commerce Commission already had all the powers that the joint resolution, which of course is a law, proposes to give, then a mere request for information, a simple Senate resolution would have given us all the information, and the Commission would have been obliged under existing law to do all that is demanded by the resolution. But the moment we pass a new law we either put ourselves in the attitude of reenacting existing law or we admit that new legislation is needed.

Now, looking at section 12 of the interstate-commerce act and the powers there given, I think it is very clear that this joint resolution does give additional powers to and impose new duties upon the Interstate Commerce Commission. I do not think the original act contemplated investigation into the ownership of oil fields or of coal mines, still less into the ownership of stocks in any other company by officers of railroads. Therefore, in order to enable the Interstate Commerce Commission to make these inquiries, I am inclined to think that new legislation was necessary. We passed that new legislation here in this resolution. If it is new legislation, possibly the old grant of power to summon witnesses would be sufficient, and there would be no need of giving that authority specifically when we conferred new powers; but I think it is a point that might well be made against the resolution.

But, however this may be, it is perfectly clear to my mind that it is impossible to carry on an investigation of the scope and extent called for without additional funds. There ought to have been an appropriation with the resolution, as is constantly done when resolutions ordering investigations are passed. Without the appropriation the resolution does not seem very serious or at all practical, and this suggests insincerity. The Interstate Commerce Commission is a body of only five men. It has an immense burden of work. In addition to the duties imposed upon it by law, it has been very actively engaged in promoting additional legislation for enlargement of its own powers, and here we are demanding that it make at once an inquiry which would tax the resources of the Census Bureau. To look into all these railroad ownerships; to look into all the relations of railroads to coal and oil transportation opens an immense field of inquiry, and it seems to me we ought to have added the $50,000, or whatever sum is necessary, to enable the Commission to make the inquiry properly and rapidly.

The President, of course, could have vetoed the joint resolution and given substantially the same reasons for doing so as those with which he has accompanied his approval. He thought it better, desiring to promote the inquiry, to send in with his approval a statement as to what additional legislation he deemed necessary in order to make the law effective. It seems to me that this complaint of the President's criticising the Congress is beside the mark. Does anybody deny the constitutional right of the President to veto a bill and give his reasons therefor? And yet what is a veto, except the severest possible criticism? I have never heard the suggestion for one moment that the exercise of that constitutional power is something out of the province of the Executive or in bad taste or in any way improper.

Instead of that he has acted with Congress, so far as he could, in signing the joint resolution, a joint resolution which, as I have said, admits by its very existence that the present law is insufficient, and he has explained to Congress what is being done in the direction covered by the resolution, and has also pointed out what further legislation he thinks necessary in order to make the law effective. He would have been derelict in his duty if he had not done so. One of the suggestions he makes is that the Interstate Commerce Commission should have specific power in these cases covered by the resolution to subpœna witnesses, administer oaths, etc. Whether that is necessary or not, in view of the old law, I will not pretend to say. The President thinks it "questionable," and I suppose he had good legal advice upon that point. As to the appropriation, which is not a legal question, I have no hesitation in saying that the joint resolution as it stands, and admitting its necessity, is, without money to carry on the investigation, little more than waste paper. It would have been simply disingenuous for the Executive to have signed the joint resolution without comment and then allowed it to rust away in the archives of the Interstate Commerce Commission, for it would have been absolutely impossible for them, with their present force, to carry on any such inquiry.

Mr. FORAKER obtained the floor.

Mr. TILLMAN. Will the Senator from Ohio yield to me for a moment?

Mr. FORAKER. Certainly.

Mr. TILLMAN. In response to the intimation of the Senator from Massachusetts, I will say that I was told upon inquiry that the Interstate Commerce Commission had ample funds to begin this inquiry, and as Congress in the joint resolution expressly ordered the Commission at the earliest possible moment to begin it, that was all that was necessary. It stands to reason that under the law the Commission knew that if it needed more money all it would have to do would be to signify to the Secretary of the Treasury, according to law, how much it would require, and he would transmit an estimate to Congress, and Congress would grant it without a word.

Mr. LODGE. The Senator has sources of information about the funds of the Interstate Commerce Commission which I do not possess. But it seems to me the President, who is responsible as the Chief Executive for an inquiry like this, whether made by the Interstate Commerce Commission or not, is probably not making his statement in regard to the funds necessary as a mere matter of guesswork. I think if the Senator would pursue his inquiry he would find that the President was well informed upon that subject.

Mr. FORAKER. Mr. President, I do not rise to discuss the joint resolution or the message of the President other than to say that when the joint resolution was adopted, in so far as it occurred to me at all, I assumed, as doubtless other Senators did, that we were requiring a duty of a body which already had authority under the law to administer oaths, to make examinations, to send for persons and papers, and to exercise every other power necessary to be exercised to make this a successful investigation.

So far as an appropriation is concerned, I do not recall that it entered my mind at the time, but if it had come into my mind I should have concluded then, as I conclude now, that the Interstate Commerce Commission being so directed, if it needed any funds beyond those already appropriated, would make known its desire for a further appropriation, and the Congress would of course respond promptly, as it always does, making such appropriation as in the estimation of the Commission might be necessary to enable it to do what we had required it to do.

The point I rose to speak about is the passage in the speech of the Senator from Massachusetts [Mr. LODGE], in which he said that the joint resolution was adopted as a matter of course, as one of a class of resolutions that nobody seriously had in mind, or words to that effect. Mr. President, the joint resolution was not so treated in committee, where it was carefully considered, nor was it so treated in the Senate, as I understood at the time, by Senators who voted for it. The purpose of the joint resolution is to ascertain facts, as the Senator from South Carolina has well said, necessary for the Congress to have to enable it to act intelligently in breaking up what I regard as the greatest evil connected with the common-carrier system of this country as common carriers have been operated.

I do not believe that a common carrier should be engaged in any business except only that of a common carrier. I do not believe that a common carrier should be allowed to own coal mines and operate them, except only possibly where they have a vested right with which we have no power to interfere. I do not believe they should be allowed to engage in any other business. Their business should be solely and exclusively that of common carriers. All other businesses should be carried on by other people, and every man who carries on the business of a coal operator or any other kind of business should feel and know that he has exactly the same right with respect to the carriage of his product that every other man has who has occasion to patronize the carriers of the country.

This has been for many years a grievous evil. It has been complained of throughout the country. I have had it called to my attention repeatedly, and the time is here now, and ripe for it, if we propose to do something to put the common-carrier business of the country upon a better footing, to investigate this matter and investigate it thoroughly, in order that we may act intelligently. I would have preferred that a committee appointed by the Congress should make the investigation, but that, under the great pressure of business of the session, seemed impossible, and it was referred, by common consent, to the Interstate Commerce Commission, thinking they were more familiar with the general subject than any of the Members of either House probably are; that they could act in making the investigation along the line of their general duties; that they could take such time as might be needed, and that they already had, in a sense, all the facilities necessary for proceeding intelligently and successfully.

I voted for the joint resolution not insincerely, but sincerely, because I believed it to be a step in the direction of curing the most grievous wrong of all the wrongs that are complained of against the railroads.

Mr. SPOONER obtained the floor.

Mr. LODGE. Will the Senator yield to me for a moment?

Mr. SPOONER. Certainly.

Mr. LODGE. I merely wish to say a single word in regard to what the Senator from Ohio [Mr. FORAKER] said.

I agree entirely with the Senator from Ohio as to the importance of putting a stop to this ownership of outside properties by railroad companies. I agree entirely with the view taken by the Supreme Court on that subject. I did not know that we were discussing the merits of the question. My point was that Congress passes a great many resolutions of that kind very loosely, without stopping to see that they are perfected and that they carry with them the necessary machinery. That was the only point I desired to make. I do not disagree in the least with the importance of the question or of the investigation.

Mr. SPOONER. Mr. President, a few words on this subject. I think an examination of the joint resolution makes it perfectly obvious that it failed to receive from the Senate that care which the importance of the subject demanded. So far as concerns the matter of politeness between the executive and the legislative departments, I do not care to say anything except that it is a fundamental proposition that the coordinate branches of the Government shall treat each other with courtesy, and it is of the greatest consequence that that rule never should be violated. If it has been violated at any time it has been, I think, much violated by the Senate in years past in permitting observations to be made here in harsh criticism of the executive and judicial departments of the Government.

I do not think it is a fair construction of the President's message to say that it charges insincerity upon the Congress in the passage of the joint resolution or upon anyone who had to do with its introduction or its passage. The President was obliged by the resolution—because it was a joint resolution, which, under the Constitution, required his approval—to sign it, if it was to become a law; and the President may very well be excused for not wishing, if he has correctly construed the joint resolution, to be a participant in legislation which seemed to be intended to accomplish something in the public interest which he was convinced it did not accomplish. And so the President says very properly:

> I have signed it with hesitation, because in the form in which it was passed it achieves very little and may achieve nothing; and it is highly undesirable that a resolution of this kind shall become law in such form as to give the impression of insincerity—

That is, the resolution—

> that is, of pretending to do something which really is not done.

The resolution, in my opinion, would not do what on its face it purports to do. It would not confer upon the Interstate Commerce Commission power to do several things which explicitly it purports to confer upon the Commission; and the President, in signing it, might very well say with propriety what he has said as to the resolution, and it is a far cry from that to a statement by the President in a message that the Congress has been insincere about it or has pretended to do something which it did not really intend should be accomplished.

Mr. President, the Senator from South Carolina [Mr. TILLMAN] says this law is an amendment to the interstate-commerce law. The Senator is obliged to so contend in order to find in the interstate-commerce act or any of its amendments authority for the Commission—and I doubt if it would be found there then—to do some of the things which the joint resolution seems to have intended to impose upon the Commission. The interstate-commerce law is very plain. Its object was plain. Its object was to regulate common carriers engaged in interstate transportation. Its object was to secure the administration, in respect of rates, of the common-law rules upon the subject, which upon that subject, as upon a great many other subjects, are the perfection, so far as principle is concerned, of human wisdom.

I have glanced hastily through this act. I find nothing in it which authorizes the Interstate Commerce Commission to investigate with reference to whether a monopoly in coal has been created or as to whether a monopoly in oil has been created.

Mr. TILLMAN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from South Carolina?

Mr. SPOONER. I will yield in a moment.

Let me read this:

> Third. Whether there is any contract, combination in the form of trust, or otherwise, or conspiracy in restraint of trade or commerce among the several States, in which any common carrier engaged in the transportation of coal or oil is interested, or to which it is a party; and whether any such common carrier monopolizes or attempts to monopolize, or combines or conspires with any other carrier, company or companies, person or persons to monopolize any part of the trade or commerce in coal or oil, or traffic therein among the several States or with foreign nations, and whether or not, and if so, to what extent, such carriers, or any of them, limit or control, directly or indirectly, the output of coal mines or the price of coal and oil fields or the price of oil.

I find nothing in the interstate-commerce law tending to confer upon the Interstate Commerce Commission the power to investigate or deal with some of the matters referred to there.

Mr. TILLMAN. Now, will the Senator from Wisconsin allow me?

Mr. SPOONER. Yes.

Mr. TILLMAN. Everybody knows how inadequate is my le-

gal information or acumen to deal with the Senator from Wisconsin when he gets to his strong suit of——

Mr. SPOONER. Special pleading. [Laughter.]

Mr. TILLMAN. Yes. But I want to ask the Senator a question. If the interstate-commerce law, as it is now on the statute books, has in two specific enactments conferred upon the Interstate Commerce Commission the power to send for persons and papers, and to compel witnesses to attend, and to administer oaths, and all of that, which the President says we ought to give again, and if its general jurisdiction is that of investigating the affairs of common carriers which transport products by railroad, which the act says, would it not have been surplusage and more or less redundancy and idiocy to have put it into the joint resolution and for a third time to have the Interstate Commerce Commission empowered to send for persons and papers?

Mr. SPOONER. If the Senator from South Carolina had studied law, as he ought to have done, he would not put such a question to me.

One question is, Mr. President, and of it I have little doubt, that the joint resolution is absolutely defective in not conferring specifically upon the Interstate Commerce Commission the power necessary to carry on this investigation in its full scope. There are matters here which probably the Interstate Commerce Commission could institute and carry on without any added power conferred by the joint resolution, although that Commission is authorized to summon witnesses and to make investigations only for the purpose of enabling them to discharge the duties imposed upon them *by that act.*

Mr. TILLMAN. But do we not give them additional duties and additional powers in the joint resolution?

Mr. SPOONER. Yes; you give them additional duties, but you do not give them the additional power to correspond to the additional duties. You attempt to enlarge the interstate-commerce act by a joint resolution to include some of the *antitrust act.* The Senator must not think that because a carrier engaged in interstate commerce happens to be interested in a contract in restraint of trade it therefore falls within the interstate-commerce act. The merger sought by the Northern Pacific and the Great Northern was not prosecuted under the interstate-commerce act, although both of the parties to it were carriers engaged in interstate commerce. It was not overthrown because of anything in the interstate-commerce act. It was overthrown because the Supreme Court of the United States had decided against the contention of the railroads of the country that the antitrust act included railroads. It was overthrown because it was in violation of the antitrust act as being a combination in the form of a trust or conspiracy in restraint of trade or commerce among the several States.

Mr. TILLMAN. Do not the words the Senator has just read give the Interstate Commerce Commission as now constituted full authority to investigate everything we have ordered it to investigate in the joint resolution?

Mr. SPOONER. These words are not in the interstate-commerce act. The Interstate Commerce Commission was never charged with the administration of the antitrust act, whether the violation of the antitrust act was by carriers or otherwise. We have conferred upon the Interstate Commerce Commission the power to make investigation, with power to compel the attendance of witnesses, with power to take depositions as to all matters which will enable the Interstate Commerce Commission to discharge the duties imposed by *that act upon it,* and no further.

Mr. TILLMAN. Suppose I were to inform the Senator from Wisconsin that, so far from having the power conferred by the new enactment to send for persons and papers, there are probably 500 men in Pennsylvania, Maryland, and West Virginia who are clamoring for an opportunity to be heard and to produce the evidence to show that they have been robbed systematically and discriminated against by these people?

Mr. SPOONER. Yes; that has nothing to do——

Mr. TILLMAN. Why do you contend for the right to send for persons and papers and to give money when the witnesses are begging to be heard and to be given an opportunity in a tribunal to have the matter investigated?

Mr. SPOONER. Mr. President, that obviously has nothing whatever to do with the question. The railroad officers and agents are not "begging to be heard." The President has signed this joint resolution. He desires to carry it into effect, as does every man who voted for it. You will find no difference of opinion in the Congress, so far as I have heard, as to the necessity for breaking up this combination of ownership of interstate carriers in the production of the necessaries of life—none whatever. The President simply calls our attention to the fact that the joint resolution we sent to him is inadequate.

Mr. TILLMAN. In his judgment.

Mr. SPOONER. Well, it is inadequate in my judgment, and it is a question for the Senate to determine whether it is inadequate in its judgment. If the Senator is right that it is an amendment to the interstate-commerce law, it has an effect which certainly he did not intend it to have upon the antitrust law. But it is not an amendment of any law. The interstate-commerce law is a permanent law. This joint resolution, Mr. President, is temporary.

Mr. TILLMAN. It is a law as all laws are, permanent until they are repealed.

Mr. SPOONER. No; all laws are not permanent. Some laws are to require a certain thing to be done, which being done ends it.

Mr. TILLMAN. But the law still stands, does it not?

Mr. SPOONER. Does this law intend that the Interstate Commerce Commission shall keep on for the next forty years in an investigation of this kind?

Mr. TILLMAN. If it is necessary. They would have authority, if new conditions arose under which the same abuses existed, to take that old law and root it out from the cloud of dust under which it might have been buried for fifty years. Until repealed it is a law. I am lawyer enough to know that, and the Senator from Wisconsin can not deny it.

Mr. SPOONER. I do not want the Senator to attempt in this public way to intimidate me. [Laughter.]

Mr. TILLMAN. The Senator knows he is just getting off an old joke on that proposition. [Laughter in the galleries.] I am not trying to intimidate him, and he knows that I am not.

Mr. SPOONER. The situation calls for the joke.

The VICE-PRESIDENT. The Senator from Wisconsin will please suspend. It is the duty of the Chair to admonish the occupants of the galleries that manifestations of any kind are not allowed under the rules of the Senate.

Mr. LODGE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Massachusetts?

Mr. SPOONER. Certainly.

Mr. LODGE. I merely wanted to ask the Senator a question. The Senator from South Carolina spoke of the Red Rock Fuel Company, of which we have heard a great deal. If the Interstate Commerce Commission has now all the power that the joint resolution gives it, why is it necessary to save them by a new law?

Mr. TILLMAN. In regard to the Red Rock Fuel Company, I will state——

Mr. LODGE. I did not ask the question of the Senator from South Carolina. I asked the question of the Senator from Wisconsin.

Mr. TILLMAN. If the Senator from Wisconsin will permit me, I will answer it. [Laughter.]

The Red Rock Fuel Company went to the Interstate Commerce Commission under the law, made its complaint, had its hearing, got its judgment. The judgment went to the court for enforcement, and the Baltimore and Ohio Railroad said, "We will not do it." There you have got it.

Mr. SPOONER. Mr. President, so far as the ownership by interstate carriers of coal mines or the ownership by the officers of interstate-commerce carriers of coal mines operates for discrimination, as it does in an infamous way, that is within the jurisdiction of the Interstate Commerce Commission now. So far as it operates in certain other respects it is within the jurisdiction of the Interstate Commerce Commission. The joint resolution, then, would simply be an injunction upon the Commission to investigate and report. So far as it goes beyond that and deals with combinations and conspiracies in restraint of trade affecting the price of coal to the general consumer throughout the United States, affecting the price of oil to consumers in the United States, by limiting the output of coal mines and oil wells, it goes beyond anything in the interstate-commerce law, and the Senator ought to know it.

Mr. TILLMAN. If it had not gone beyond and added to the powers already in the interstate-commerce law there would have been no purpose in passing it. It directs the Commission to do a specific thing, because we want to know.

Mr. SPOONER. But, Mr. President, if it had simply set in motion by a joint resolution the investigating power of the Interstate Commerce Commission as to matters already within its jurisdiction, then nobody could have said that the resolution was defective in not conferring power to send for persons and papers and to administer oaths and compel the attendance of witnesses. But when it goes beyond that and fails to include the power, either by reference to the interstate-commerce act or independently, in the Commission to compel the attendance of witnesses and to administer oaths, then it is defective in just

the particular that the President claims in his message that it is defective, and to that extent it might be a "water haul," that is all.

Mr. BACON. Will the Senator permit me?

Mr. SPOONER. Certainly.

Mr. BACON. Does the Senator mean to be understood to say that if by a proper enactment the jurisdiction of the Interstate Commerce Commission to make investigations is enlarged by the addition of another subject, it is necessary for the statute making that enlargement to reconfer upon the Commission the power to send for witnesses?

Mr. SPOONER. I do not.

Mr. BACON. That is exactly this case.

Mr. SPOONER. That is not exactly this case. This is a joint resolution instructing the Interstate Commerce Commission to investigate some matters which are now within its jurisdiction.

Mr. BACON. Then, if the Senator will pardon me, it must be one of two things. It is either an enlargement of the jurisdiction, in which case, under the statement just made by the Senator, reconferring the power to send for persons and papers would not be necessary, or it is a direction under the present law. In either case the repetition of this power is not necessary.

Mr. SPOONER. It bears on its face indubitable evidence that it is not an amendment of the interstate-commerce law at all. It is just what it would have been if it had been a concurrent resolution calling upon the Interstate Commerce Commission to make the investigation here indicated. What is the object? It is to investigate and *report*—

That said Commission be required to make this investigation at its earliest possible convenience and to furnish the information above required from time to time and as soon as it can be done consistent with the performance of its public duty.

* * * * * * *

That said Commission be also required to report as to what remedy it can suggest to cure the evils above set forth, if they exist.

Mr. President, in the execution of this joint resolution the most skillful lawyers in the United States will be employed to obstruct it. A law has to be very plain in conferring power upon a body to warrant imprisonment for contempt, and where the jurisdiction has to be spelled out, where it is not clear, as it ought to be clear, the courts will not do it. If this matter is one of doubt, as it is in the mind of the President, in the mind of his Attorney-General, in the minds of Senators, who are just as anxious to have it made strong and perfect as the Senator from South Carolina surely is, why project this investigation with power attempted to be conferred in words utterly inadequate or liable to be so held? Why not do what the President recommends in a respectful way to the Congress? Why not make it perfectly clear.

Mr. President, it is the intention of Congress to confer this power so that no man can defy the authorities, a subpœna having been issued, by a refusal to testify. That is all there is to it. The money part of it is nothing, for Congress could have appropriated the money by joint resolution at any time, and it ought to appropriate the money. The President did right to call attention to it. I think he was——

Mr. BACON. Was it necessary to appropriate it in the joint resolution?

Mr. SPOONER. No, sir; it was not. But with the haste that the joint resolution enjoined it would have been wiser to have appropriated it in the resolution unless inquiry had first developed the fact that an appropriation already existed from which the expenditure could be made. That is another evidence of a little too much haste in passing the joint resolution.

Mr. BACON. I call the attention of the Senator to the fact that there are numerous amendments to the original law enlarging the jurisdiction of the Interstate Commerce Commission, and in no one of them was there ever an appropriation at the time made for the purpose of carrying it out.

Mr. SPOONER. Does the Senator think that an appropriation is necessary?

Mr. BACON. I do, but I do not think it was either necessary or wise to put it in the joint resolution.

Mr. SPOONER. Does the Senator think the money is at hand now without an appropriation?

Mr. BACON. If not, the ordinary way of getting it would be through an appropriation bill, and that was ready at hand.

Mr. SPOONER. I suppose the President knows whether it is or not, and by this recommendation he conveys delicately to Congress, I should think, the information that it is not.

Mr. BACON. As the Senator well knows, these appropriations are made in the regular appropriation bills. He can not find anywhere in the legislation of Congress that special appropriations have been made to carry out the purposes of the interstate-commerce law in the amendments of the original act.

Mr. SPOONER. This is what the President says:

As the resolution now is the Commission, which is very busy with its legitimate work and which *has no extra money at its disposal*, would be able to make the investigation only in the most partial and unsatisfactory manner; and, moreover, it is questionable whether it could, under this resolution, administer oaths at all or compel the attendance of witnesses.

I agree to that proposition. So the President says—

If this power were disputed by the parties investigated—

And does anybody doubt that it will be disputed?

Mr. TILLMAN. I have already told the Senator that there are a cloud of witnesses begging to be heard under the wrongs which they have endured. I suppose the other side will bring something to try to rebut it.

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 12987) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission.

The VICE-PRESIDENT. The Senator from Texas [Mr. CULBERSON] is entitled to the floor.

Mr. SPOONER. Will the Senator from Texas yield to me for one moment only?

Mr. CULBERSON. Certainly.

Mr. SPOONER. The President says:

If this power were disputed by the parties investigated, the investigation would be held up for a year or two until the courts passed upon it, in which case, during the period of waiting, the Commission could only investigate to the extent and in the manner already provided under its organic law; so that the passage of the resolution would have achieved no good result whatever.

I agree to that.

Mr. ELKINS. Will the Senator from Texas allow me to make a statement about this matter?

The VICE-PRESIDENT. Does the Senator from Texas yield?

Mr. ELKINS. It will not take a minute.

Mr. CULBERSON. Very well.

Mr. ELKINS. I wish to make a statement on the question which has been under discussion before the Senate.

Mr. BACON. I hope the Senator will wait and bring it up again. Some of the rest of us want to say something.

Mr. ELKINS. If anybody else is going to bring it up, very well. I did not know that that was the intention.

Mr. BACON. Not now; but let us wait until another time, so that all may have a chance to speak on it.

Mr. ELKINS. Very well.

The VICE-PRESIDENT. The unfinished business will be proceeded with.

## REGULATION OF RAILROAD RATES.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 12987) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission.

Mr. CULBERSON. Mr. President, on the 26th of February I offered a bill in the nature of a substitute for the bill which has been reported from the Senate Committee on Interstate Commerce. The substitute occupies common ground with the committee bill to the extent of proposing to enlarge the powers of the Interstate Commerce Commission. There is material difference, however, in other particulars between the bill which I propose and the bill reported by the committee.

The bill which I propose, among other things, will restore the punishment of imprisonment against persons who give and persons who receive rebates. In addition, the bill which I propose contains important provisions on the central proposition involved in this discussion, that conferring emergency powers on the Interstate Commerce Commission, and I will read that section of the bill for the information of the Senate, as I have perfected it.

That whenever the Interstate Commerce Commission, created by "An act to regulate commerce," approved February 4, 1887, and exercising powers thereunder and under acts amendatory thereof, and under this act, shall, upon complaint and hearing, as provided by said acts, or either of them, decide that any rate fixed for service which is subject to the provisions of said acts, or either of them, is unjust and unreasonable, said Commission shall have the power, and it shall be its duty, to fix a just and reasonable rate for such service and make an order specifying the time, which shall be within thirty days from the date of said order, when such rate shall take effect; and thereafter such rate shall be the only lawful rate which the carrier may charge for such service for the period of one year from the time such rate may become operative, unless otherwise ordered by the Commission: *Provided*, That if such rate so fixed by the Commission is confiscatory of the property of the carrier, the carrier affected or any stock or bond holder thereof may proceed against said Commission by appropriate proceedings in equity in any court of the United States of competent jurisdiction to enjoin the enforcement of such order and rate; and in such proceedings either party to the suit may appeal immediately and directly to the Supreme

Court of the United States from the final decree therein or from any interlocutory or temporary restraining order therein by which the enforcement of the rate or order so established and made by the Commission is enjoined in whole or in part, and said case so appealed shall be advanced and take precedence in the Supreme Court of the United States of all cases of a different character therein pending: *Provided further*, That in determining what is a just and reasonable rate and what is a confiscatory rate no consideration shall be given fictitious stock issued by the carrier, or bonds or other obligations of the carrier issued in excess of the fair value of its property.

Mr. President, what I shall say to-day will have reference to the bill which I have proposed, and particularly it will have reference to the central question involved in the bill and in the committee bill to create emergency powers in the Interstate Commerce Commission.

It has been suggested that an effective measure by Congress for the regulation of commerce may tend to trench upon the Democratic doctrine of State rights. To my mind that involves undue apprehension or a misconception of that doctrine. To the political belief which would preserve unimpaired all the reserved rights of the States within the true meaning and spirit of the Constitution my adherence has always been given, and my loyalty to it will continue until the end, because it is based upon historic truth, upon a just interpretation of the Constitution, and upon sound political philosophy.

What that faith is in its relation to the party creed and to the particular question under debate it is important to understand, at least in its general aspect. Fundamentally the faith of the Democratic party rests upon inherent principles of liberty, of which free government itself is not the source, but only the expression. So far as that faith, in its narrower scope, is founded in our dual system of State and Federal Governments, so far as it depends upon the construction of the Federal Constitution, it was stated in its breadth and fullness by Jefferson in his first inaugural address, that great paper which, read in connection with the Declaration of Independence and the Constitution, is the charter of the Democratic party. There he declared that the essential principles of our Government, which pertain to this question, consist "in the support of the State governments in all their rights as the most competent administrations for our domestic concerns, and the surest bulwarks against antirepublican tendencies" and "the preservation of the General Government in its whole constitutional vigor as the sheet anchor of our peace at home and safety abroad."

Not only the outward form, but the broad spirit of this statement of Democratic faith, meets now, and has always met, my unqualified approval. In their respective spheres the State and Federal governments are supreme, and the supremacy of each, the Federal as well as the State governments, should be steadfastly maintained. The reserved powers of the States, the powers not delegated to the Federal Government, but which remain in the States or in the people, comprising the great mass of governmental functions, should be absolutely free from Federal interference and control, while the limited and enumerated powers delegated by the Constitution to the Federal Government should be equally upheld and sustained. While it is the duty of the Democratic party to maintain inviolate all the reserved rights of the States, it is also its duty to sustain the undoubted powers of the Federal Government in their whole constitutional strength. In my judgment, the doctrine of concurrent power in the State and Federal governments, except where expressly given, is without warrant in the Constitution, although it is sometimes supported by the highest judicial authority.

But, Mr. President, it is not my purpose to enter upon a general exposition of our system of government. The inquiry here, the single inquiry to which my attention will be directed to-day, relates to the power of Congress to regulate foreign and interstate commerce and the extent of that authority.

The Federal Government being one of limited and enumerated powers, if a given power exists it must be found in the Constitution. The authority of Congress to regulate foreign and interstate commerce does not spring, as has been suggested by a distinguished Senator, from the general-welfare clause of the Constitution. That phrase is used but twice in the Constitution—once in the preamble and once in that section which confers upon Congress power to lay and collect taxes, duties, imposts, and excises, to pay the debts, and provide for the common defense and general welfare of the United States.

While, in exercising this power to tax, commerce may be affected, it is manifest from the context that the substantive power in Congress to regulate foreign and interstate commerce can not be derived from this taxing provision, and consequently, if derivable at all from the general-welfare clause, it must be from that employed in the preamble.

It is equally obvious to me, Mr. President, from the nature and office of the preamble, that it does not confer such power or any power whatever. It was not intended to be and it is not the source of governmental authority of any character. It is a mere declaration of the purposes sought to be accomplished, and in the manner therein provided, by the establishment of the Constitution. The declaration of the preamble that—

> We, the people of the United States, in order to form a more perfect Union, establish justice, insure domestic tranquility, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution—

is not in itself a grant of power, but imports only that, by the establishment of the Constitution which follows, it is the purpose to promote the general welfare and attain the other high conceptions of a free people which are named. The general welfare was not to be promoted by the exercise of authority drawn from this reference to it in the preamble, but by the establishment of the Constitution, with the grants and prohibitions and reservations which it contains. It follows logically from what I have said that, in my judgment, the vital and potential authority in Congress in respect to this subject is to be found exclusively and necessarily in that provision of the Constitution which expressly confers upon Congress power "to regulate commerce with foreign nations and among the several States and with the Indian tribes."

It is a remarkable fact of history that the necessity for some such provision as this, the necessity for the regulation of foreign and interstate commerce by some general authority, was the chief concern of the statesmen who framed the Constitution. Indeed the convention of 1787 was not called to frame a Constitution, but solely to revise the Articles of Confederation, and especially to secure some adequate general regulation of this character of commerce by such revision.

At the commencement of the American Revolution the thirteen British colonies were sovereign political communities. They were protected by Great Britain against foreign danger and in a degree against internal discord, but with reference to their domestic concerns, they were, as between themselves, separate and independent. With respect to foreign and internal commerce they were independent of each other and in a large degree of the parent country. There was no general authority over either foreign or intercolonial commerce, and consequently irritating and discriminating regulations of such commerce often resulted.

Taxation of such commerce by some of the colonies through whose ports it passed was followed by severe and hurtful retaliation. New Jersey, placed between Philadelphia and New York, was likened to a cask tapped at both ends, and North Carolina, between Virginia and South Carolina, to a patient bleeding at both arms. Relief from these jealousies, conflicting regulations, and unjust commercial impositions was sought in the adoption of the Articles of Confederation. This form of government, however, afforded no adequate remedy, because, like the previous condition of the colonies, there was no exclusive and general authority over commerce, and especially commerce among the States. The complaints which were made under the colonial system, complaints of inharmonious regulations, of unjust tribute levied upon the products of neighboring States, and of contracted commercial intercourse under which trade was stifled and paralyzed, were revived and emphasized. Even Washington, mortified by the conduct of some of the States, declared that selfishness, commercial greed, and the indisposition to do justice were sources of national embarrassment. In the midst of these conditions the purpose to seek relief in a further change of government began to take shape and form.

The Constitution of the United States, which was the result of this movement—the greatest product of constructive statesmanship in the annals of mankind—was not only not foreshadowed by contemporaneous events, but the supreme and impelling motive of its formation was freedom of trade rather than freedom of man. It may be that the latter was thought to be already secure, and yet it is still remarkable that such an instrument as this Constitution, framed in the shadow of the Revolution, by States yet in the infancy of independence, which declared new guaranties of liberty and discovered untried philosophies of government, should have sprung primarily, not from the higher aspirations and nobler impulses which consecrated the struggle for independence, but from the demand for some general authority over commerce. That this is true is as indisputable as it is extraordinary.

To the Commonwealth of Virginia—God bless her—as in other cases of conspicuous and illustrious services to mankind, belongs the high honor of having initiated the movement which culminated in the adoption of the Constitution of the United States. Bear with me, Mr. President, a moment, while I put in a few sentences the history of that period.

In January, 1786, commissioners from that Commonwealth, consisting of Madison, Randolph, Tucker, Mason, and others, were appointed to confer with such commissioners as might be selected from other States—

> To take into consideration the trade of the United States; to examine the relative situations and trade of said States; to consider how far a uniform system in their commercial regulations may be necessary to their common interest and their permanent harmony, and to report to the several States such an act relative to this great object as, when unanimously ratified by them, will enable the United States in Congress assembled effectually to provide for the same.

Commissioners from only five States, pursuant to this call, met at Annapolis in September, 1786, and in consequence of this partial representation of the States no action was taken, except to adopt general resolutions and to recommend that a convention convene at Philadelphia in May, 1787.

When this report was submitted to Congress that body resolved that a convention should be held at Philadelphia, but "for the sole and express purpose of revising the Articles of Confederation." The result of the deliberations of that great convention, called to revise the Articles of Confederation, and not to form a constitution, is known of all thinking men, and further consideration is unnecessary here. Nor does the occasion invite an extended examination of the proceedings of the convention which resulted in the adoption of the commerce clause of the Constitution, which is the subject of this debate. It is sufficient to declare, Mr. President, as the truth of history, that the imperative necessity to provide a general authority for the regulation of foreign and interstate commerce aroused the country; that this was the dominating motive for calling the convention; that, although the convention was composed of men of different political schools, and although many plans of a constitution were submitted, all of them contemplated conferring this power upon the Federal Government; and that the grant of the power to Congress to regulate foreign and interstate commerce is exclusive and complete. Referring to foreign and interstate commerce and expressing the undoubted sense of the convention, Madison, who more than any other man was the author of the Constitution, declared he was "more and more convinced that the regulation of commerce was in its nature indivisible and ought to be wholly under one authority."

When, therefore, Mr. President, the subject of proposed legislation is commerce and, moreover, is commerce with foreign nations or among the several States, the authority to regulate it is exclusively and completely in Congress. The converse of the proposition is true. If the subject of proposed legislation is not commerce, or is a mere aid, auxiliary, or incident to such commerce, or if it be in fact commerce, yet commerce of a domestic or intrastate character, the authority to regulate it is exclusively and completely in the States.

The authority of the States continues, likewise, when the legislation does not amount to regulation, but touches foreign and interstate commerce only incidentally and remotely, and also when the subject of legislation pertains to the general police powers which are reserved to the States.

The power delegated to Congress, which we are considering, Mr. President, is to regulate foreign and interstate commerce. The bill under consideration, so far as need be stated now, presupposing that Congress itself may fix rates to be charged by carriers of foreign and interstate traffic, provides that the Interstate Commerce Commission, when a rate is found by it, upon complaint and hearing, to be unjust and unreasonable, shall fix in lieu thereof a just and reasonable rate.

At the threshold of an inquiry into the authority of Congress to enact such a statute several matters of importance may be assumed as being thoroughly established. Since the great case of Gibbons *v.* Ogden (9 Wheaton) there has been no question that commerce, the subject of this provision of the Constitution, embraces both traffic and commercial intercourse with foreign nations and among the States. It is equally accepted law that this commerce includes foreign and interstate navigation and transportation, by whatever motive power carried on, and that the authority to regulate such commerce necessarily comprehends authority to prescribe and establish the rules by which it is governed, managed, and conducted. Obviously, therefore, as foreign or interstate transportation is foreign or interstate commerce, the question here is whether the power in Congress to regulate such commerce includes the power to fix rates to be charged for such transportation, and if so, whether this power, to the extent proposed in this bill, may be delegated to the Interstate Commerce Commission.

It should be borne in mind that the authority of Congress to regulate commerce is limited to foreign and interstate commerce—to traffic, commercial intercourse, navigation, and transportation between the States and foreign nations and between the States themselves.

Prior to the adoption of the Constitution the regulation of such commerce was under the control of the respective States.

The commercial intercourse with foreign nations and between the States which existed at that time was not carried on as matter of right, but by comity or authority of the States.

Each State being sovereign, and there being no general authority over the subject, each State might prohibit such commercial intercourse altogether, or permit it upon terms which it might impose. By the adoption of the Constitution the regulation of such commerce was taken from the States and conferred upon Congress, and the whole power which the States possessed in this respect was thereby delegated to the Federal Government, under the limitations and restrictions of the Constitution. Commercial intercourse with foregin nations and among the several States continued after the adoption of the Constitution, and whether conducted by individuals, by State corporations, or by Federal corporations it is subject to the regulation of Congress.

What, then, is this power to regulate commerce which is vested in Congress, and does it include the power to fix rates of transportation? Whether authority to regulate embraces authority to engage in such commerce; whether the United States, with limited, not general sovereignty, may construct and operate railroads, it is unnecessary to determine, because each of these inquiries may be denied, and yet, under the power to regulate commerce, Congress may fix the rates of transportation.

To regulate, Mr. President, is to arrange, adjust, dispose, methodize, direct, order, rule, or govern. On principle, and as an original question, the power to regulate commerce includes the power to fix rates of transportation, because transportation is commerce; and to fix the rates is to that extent and necessarily to prescribe the rule by which it is governed.

Transportation for hire, which is the only kind sought to be regulated, from the very nature of the subject can not be carried on without establishing the amount of the wage or remuneration to be paid, and to fix this wage or remuneration is but to prescribe pro tanto the rule which is absolutely necessary for its conduct and its government.

Mr. President, the proposition approaches if it does not reach the self-evident and the axiomatic. Congress may fix and establish this wage or rate in general terms, as that it shall be reasonable; or a specific or maximum rate may be established, because either is within the broad and comprehensive power to regulate and govern. Not only as a question of first impression, but on the highest judicial authority, the power to regulate commerce includes the establishment of rates. From time immemorial the government of turnpikes, bridges, and ferries, under individual or corporate ownership, has been held to carry with it authority to fix tolls and charges, and as the rate of passage over these is a part of the entire cost of transportation, the principle involved in each is undeniably the same.

But, Mr. President, there is far more pertinent authority. Chief Justice Marshall, in Gibbons *v.* Ogden (9 Wheaton, 196), declared:

> It is the power to regulate; that is, to prescribe the rule by which commerce is to be governed. This power, like all others vested in Congress, is complete in itself, may be exercised to its utmost extent, and acknowledges no limitations other than are prescribed in the Constitution.

The same principle was recently declared in Buttfield *v.* Stranahan (192 U. S., 470, 492), and in Northern Securities Company *v.* United States (193 U. S., 197, 341, 367). In Gloucester Ferry Company *v.* Pennsylvania (114 U. S., 203), the court said:

> The power to regulate commerce is the power to prescribe the rule by which it shall be governed—that is, the conditions upon which it shall be conducted.

If the power to regulate is complete in itself and may be exercised by Congress to its utmost extent, subject only to the limitations prescribed in the Constitution—if the power to regulate includes the conditions upon which transportation may be conducted—then unquestionably the power to regulate embraces the power to fix rates of transportation, because this is not only within the unlimited power described, but to establish rates of transportation, whether done in general terms, as that they shall be reasonable, or in specific terms, naming maximum or actual rates, is to prescribe the conditions upon which it may be conducted.

The Supreme Court of the United States in the case of Philadelphia Steamship Company *v.* Pennsylvania (122 U. S., 338), used this language:

> The application of this reasoning to the case in hand is obvious. Of what use would it be to the shipowner, in carrying on interstate

and foreign commerce, to have the right of transporting persons and goods free from State interference if he had not the equal right to charge for such transportation without such interference? The very object of his engaging in transportation is to receive pay for it. If the regulation of the transportation belongs to the power of Congress to regulate commerce, *the regulation of fares and freights receivable for such transportation must equally belong to that power.*

Construing the municipal power to regulate the streets of a city, the same court said, in St. Louis *v.* Western Union Telegraph Co. (149 U. S., 465, 469):

The word "regulate" is one of broad import. It is the word used in the Federal Constitution to define the power of Congress over foreign and interstate commerce, and he who reads the many opinions of this court will perceive how broad and comprehensive it has been held to be. If the city gives a right to the use of the streets or public grounds, as it did by ordinance, it simply regulates the use when it prescribes the terms and conditions upon which they shall be used. If it should see fit to construct an extensive boulevard in the city and then limit the use to vehicles of a certain kind or *exact a toll from all who use it, would that be other than a regulation of the use?*

I understood the distinguished Senator from Ohio [Mr. FORAKER] the other day to say that no case could be found where the Supreme Court had decided that Congress could fix rates. In the case of Interstate Commerce Commission *v.* R. R. Co. (167 U. S., 494), the same court said:

There were three obvious and dissimilar courses open for consideration. *Congress might itself prescribe the rates;* or it might commit to some subordinate tribunal this duty; or it might leave with the companies the right to fix rates, subject to regulations and restrictions, as well as to that rule which is as old as the existence of common carriers, to wit, that rates must be reasonable.

Mr. FORAKER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Texas yield to the Senator from Ohio?

Mr. CULBERSON. Certainly.

Mr. FORAKER. What I said in the remarks referred to by the Senator from Texas was this: That there were some expressions, particularly in the case from which the Senator is now reading, which indicated that the Supreme Court entertained that view, but that none of these expressions were made in a case where that question was before the court and where they were passing on that question. That I repeat.

Mr. CULBERSON. Mr. President, the Senator's explanation is in accordance with what I understood and in accordance with what I attempted to say. In the case to which I called attention a moment ago, in 122 United States, in an opinion delivered by Mr. Justice Brewer, the court, in a case where it was necessary to say so declared that the power to regulate rates of freight and passengers belonged to the power to regulate commerce. In the case in 167 United States, to which the Senator has just referred, the court had for consideration the whole question involved in the regulation of commerce, and it distinctly declared that there were three methods open; that Congress itself might prescribe the rates; that it might delegate the power to a subordinate tribunal, or that it might leave the matter to the railroad companies themselves.

But proceeding, Mr. President, with this matter of authorities. In the case of Ames *v.* Union Pacific Railway Company (64 Fed. Rep., 165, 178) Mr. Justice Brewer, on the circuit, said:

But within the scope of the word "regulation," as commonly used, is embraced *the idea of fixing the compensation which the owners of railroad property shall receive for the use thereof.*

In the dissenting opinion in Northern Securities Company *v.* United States (193 U. S., 368) Mr. Justice White said:

The plenary authority of Congress over interstate commerce, its right to regulate it to the fullest extent, *to fix the rates to be charged for the movement of interstate commerce,* to legislate concerning the ways and vehicles actually engaged in such traffic, and to exert any and every other power over such commerce which flows from the authority conferred by the Constitution is thus conceded.

Congress has so construed this provision of the Constitution and acted upon it. By section 18 of the act approved July 1, 1862, which is the charter of the Union Pacific Railroad Company, it is provided that in the event the net earnings—

After deducting all expenditures, including repairs and the furnishing, running, and management of said road shall exceed 10 per cent upon its cost, exclusive of the 5 per cent to be paid to the United States, Congress may reduce the rates of fare thereon, if unreasonable, *and may fix and establish the same by law.*

This is the precise authority which I am seeking to establish—the authority of Congress to fix rates by law when those fixed by the companies are found to be unreasonable. Like power in Congress is asserted in the act approved March 3, 1871, which is the charter of the Texas Pacific Railroad Company, where it is provided in section 15 that—

The rates charged for carrying passengers and freight, per mile, shall not exceed the prices *which may be fixed by Congress for carrying passengers and freight on the Union Pacific and Central Pacific railroads.*

Mr. FORAKER. I called attention to these acts of Congress in the remarks I made on the occasion referred to by the Senator, but differentiated those cases from the others we had been discussing, and the difference is this: In that case the United States was exercising its proprietary right to grant it a franchise, and it had a right to attach any conditions it saw fit as the conditions of the taking of the right.

Mr. CULBERSON. The Senator ought also to have said that Congress in granting this franchise to the railroad company was doing so under its authority to regulate commerce. It was using it as a means, among others, to regulate commerce, and Congress can not assume authority to fix the rates of transportation over any railroad except it be under the authority to regulate commerce.

Mr. FORAKER. There are some expressions in some of the cases to the effect that Congress may have the right to build a railroad in the exercise of its power to regulate commerce; but I do not know of any case decided by the Supreme Court where that question was before it in which they have held that Congress was undertaking to exercise its power to regulate commerce when it granted charters for the construction of these railroads. In the acts and in the decisions they are referred to as having been authorized by the Government in the exercise of its power to establish post-roads, provide for the national defense, etc.

Mr. CULBERSON. Assuming, therefore, on principle, on judicial authority, and on Congressional precedents, that Congress itself may fix the rates of transportation of foreign and interstate commerce, the further question is whether it may, to the extent proposed in the bill, delegate this power to the Interstate Commerce Commission. It has often been decided by the highest State courts and by the Supreme Court of the United States—so often that citation of authorities on the subject is unnecessary—that State legislatures may fix rates directly, or delegate the power to do so, as to domestic commerce, to railroad commissions. These decisions are persuasive, but not conclusive of the question as presented here, because the authority of the States over domestic commerce is derived from their general sovereignty, while that of Congress rests upon the specific grant of power to regulate commerce, and also because in some of the States where the cases arose the legislatures were expressly authorized by the State constitution to create such commissions and invest them with such powers. This is particularly true of the celebrated Reagan case (154 U. S., 362), for by an amendment to the constitution of Texas, adopted for the purpose, the legislature, in regulating rates, was expressly authorized to "provide and establish all requisite means and agencies invested with such powers as may be deemed adequate and advisable."

Mr. KNOX. Before the Senator leaves the proposition that Congress has the power to establish rates of interstate transportation, I wish to ask him if he does not attach a great deal of importance to this fact: The courts have decided over and over again that the States may not regulate the charges upon interstate transportation, because it would interfere with the regulative power of Congress, and therefore must it not be within the regulative power of Congress?

Mr. CULBERSON. Undoubtedly; and I thank the Senator from Pennsylvania for suggesting it.

Returning to the proposition which I desire to submit to the Senate now—that is, that Congress may, to the extent proposed in this bill, delegate the rate-making power to the Interstate Commerce Commission, the Federal Constitution declares that—

All legislative powers herein granted shall be vested in a Congress of the United States.

The power in Congress to regulate foreign and interstate commerce is necessarily a legislative power. This is not only the innate character of the power, but the Constitution declares it to be such by vesting it in Congress, which, besides being clothed with all Federal legislative powers, except in instances not pertinent here, as in making treaties, is without authority to exercise any other power.

As Congress may establish rates of transportation, under its authority to regulate commerce, the power to establish rates must be legislative, and as a distinctly Federal question it has been so expressly decided in Interstate Commerce Commission *v.* Railroad Company (167 U. S., 499).

To deny that the power to fix rates of transportation is legislative in character is to deny that Congress may exercise it, because Congress may not constitutionally exercise any other than legislative powers.

Mr. President, I concede as a general and essential principle of American constitutional law that Congress may not delegate its legislative powers, and consequently Congress may not delegate its legislative power to regulate commerce. While the power of Congress to fix rates of transportation is included in and derived from and incident to its broad legislative power to regulate commerce, it does not follow that, after making gen-

eral provision for the regulation of commerce, it may not devolve on a board or commission the power to fix rates.

Mr. RAYNER. May I interrupt the Senator from Texas while he is upon this proposition?

Mr. CULBERSON. Certainly.

Mr. RAYNER. I should like to say to the Senator from Texas that, while I agree with him in the main point he is arguing, the case that has given me more trouble than any other is that of the Northern Securities Company against The United States, which is the latest decision we have upon the subject, and there the court intimates that the question is not closed. The Senator read from the dissenting opinion.

Mr. CULBERSON. Yes.

Mr. RAYNER. In the opinion of the majority of the court there is this statement:

> Will it be said that Congress can meet such emergencies by prescribing the rates by which interstate carriers shall be governed in the transportation of freight and passengers? If Congress has the power to fix *such rates*—and upon that question we express no opinion.

That looks very much like the court had never expressed an opinion on the subject that bound them in any way.

Mr. CULBERSON. I remember the language used by Mr. Justice Harlan in that case, and I have not been unmindful of it in what I have said. But under the previous decisions of the court, where the question was discussed thoroughly, it seems to me there is no resisting the conclusion that the court as a court has determined the question.

Early in our history Chief Justice Marshall, in Wayman *v.* Southard (10 Wheat., 46), said:

> The difference between the departments undoubtedly is that the legislature makes, the executive executes, and the judiciary construes the law, but the maker of the law may commit something to the discretion of the other departments, and the precise boundary of this power is a subject of delicate and difficult inquiry, into which a court will not enter unnecessarily.

By declaring that rates of transportation shall be just and reasonable Congress would prescribe the comprehensive rule by which it would be regulated, and while it possesses the naked power to fix the rates directly, it may rightfully vest in a board or commission authority to fix such rates.

That would merely give effect to the general purpose of the act to establish just and reasonable rates and would be a means used by Congress to exercise its power to regulate commerce. It would not add to or subtract from the law as such; it would not alter or amend it; it would not be new or additional legislation proper; it would only effectuate and enforce the general standard of rates fixed by the law. Under the circumstances it would be legislation only in a qualified sense, for the controlling legislation on the subject would be the law declaring that the rates should be just and reasonable.

The act of Congress approved March 2, 1897, to prevent the importation of impure and unwholesome tea is a type of such a law. It prohibited the importation of tea inferior in purity, quality, and fitness for consumption to the standards prepared by a board and approved by the Secretary of the Treasury. The act was attacked on the ground that it delegated legislative power to the Secretary of the Treasury to fix the standard of purity of tea, but its validity was sustained by the Supreme Court of the United States in the recent case of Buttfield *v.* Stranaham (192 U. S., 470, 496), where it is said:

> Congress legislated on the subject as far as was reasonably practicable, and from the necessity of the case was compelled to leave to executive officials the duty of bringing about the result pointed out by the statute. To deny the power of Congress to delegate such a duty would, in effect, amount to but declaring that the plenary power vested in Congress to regulate foreign commerce could not be efficaciously exerted.

The sound rule of interpretation announced in this case is applicable to the question under consideration. The proposed act provides the general rule that rates shall be just and reasonable. Congress has the power to go further and fix the rates which should conform to this rule, but it would be inconvenient, if not impracticable to do so. It may therefore leave it to the railroad companies to fix the rates, as it has heretofore done, sometimes by implication and sometimes expressly, or it may authorize the Interstate Commerce Commission to fix the rates. The former method has never been questioned, and on principle the latter is equally beyond controversy, because the power is the same, and if it may be delegated in one case it may be also delegated in the other. Neither would involve an unlawful delegation of legislative power. By providing that rates shall be just and reasonable Congress will legislate as far as is reasonably practicable, and by giving authority to the Commission, which is constantly in session, composed of impartial and learned members, and provided with appropriate machinery for exhaustive inquiry and prompt action, is but to devolve upon the Commission the "duty of bringing about the result pointed out by the statute," which is to fix just and reasonable rates.

The legislation proposed here is freer from constitutional objections than the act regulating the importation of tea. There the power to fix the general standard of tea, as well as its enforcement, was devolved upon the Secretary of the Treasury, while here Congress will fix the general standard of rates, leaving only to the Commission authority to effectuate the general purpose.

Mr. President, while the grant of legislative powers to Congress carries with it authority to pass all necessary laws, yet the Constitution expressly and significantly, as I think, gives discretion to Congress as to laws it may pass to execute its powers. After granting all Federal legislative powers to Congress, the Constitution enumerates those powers, and then declares that Congress shall have the additional power—

> To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States or in any Department or officer thereof.

This is not authority to make provision for the enforcement of laws which have been passed, but more than that. It is authority to make laws for "carrying into execution the foregoing powers," one of which is to regulate foreign and interstate commerce, and the proposed law is necessary and proper to execute that power. This provision of the Federal Constitution, although of a more general character, is akin to that clause of the constitution of Texas which authorizes the legislature, in executing its power to regulate rates, to "provide and establish all requisite means and agencies, invested with such powers as may be deemed adequate and advisable," and under which the railroad commission of that State was organized and invested with this legislative power.

Nor can it be justly said, Mr. President, as has been contended by a distinguished former Secretary of State, that the standard of "reasonable" is too broad and general, wanting in that specific character which should mark a rule of civil conduct which can be executed by a board or a commission. The standard of reasonable in its application to common carriers was fixed by the common law, and its meaning is as clear as that of any other general principle of that great system of our ancestors. While the common law is not of itself in force in the United States, yet this standard of the common law by which the charge of carriers is measured has been frequently adopted in the statutes of the United States and its signification and limitations have been so repeatedly declared judicially that it may be regarded as a part of American law. As a consequence, because its meaning and boundaries have been crystallized in our jurisprudence, the attempt to fix a different standard, as is done in some of the bills on this subject—as that the rate shall be lawful, fairly remunerative, and the like—not only tends to confusion, but to the destruction of a standard which has been thoroughly defined and which has marked the industrial progress of the country.

If, Mr. President, the power to establish rates of transportation of foreign and interstate commerce is comprised in the general power to regulate commerce; if this power to fix rates may be exercised directly by Congress, or, to the limited extent proposed, may be devolved upon the Interstate Commerce Commission, when and upon what grounds may the courts of the United States interfere in the interest of the carrier to prevent the enforcement of rates so established? This question as it relates to State regulation of rates has been frequently decided by the Supreme Court of the United States, and while the decisions are not decisive of the question as it arises here, the reasoning is applicable and instructive.

The grounds upon which the Federal courts will arrest the operation of rates fixed by legislatures or State commissions have been thus stated in the leading cases:

> It is not to be inferred that this power of limitation or regulation is itself without limit. This power to regulate is not a power to destroy and limitation is not the equivalent of confiscation. Under pretense of regulating fares and freights the State can not require a railroad corporation to carry persons or property without reward; neither can it do that which in law amounts to a taking of private property for public use without just compensation or without due process of law. (Railroad Commission cases, 116 U. S., 307, 311.)

Quoting the language above from the Railroad Commission cases, and holding that the rates fixed by the legislature were not unreasonable, the Supreme Court said:

> Still less does it appear that there has been any such confiscation as amounts to a taking of property without due process of law. (Dow *v.* Beidelman, 125 U. S., 680.)
>
> If the company is deprived of the power of charging reasonable rates for the use of its property and such deprivation takes place in the absence of an investigation by judicial machinery, it is deprived of the lawful use of its property, and thus, in substance and effect, of the property itself, without due process of law and in violation of the Constitution of the United States; and in so far as it is thus deprived, while other persons are permitted to receive reasonable profits upon their invested capital, the company is deprived of the equal protection of the laws. (Railroad Co. *v.* Minnesota, 134 U. S., 418, 458.)

The legislature has power to fix rates and the extent of judicial interference is protection against unreasonable rates. (Railroad Commission cases, 116 U. S., 307; Railroad Co. *v.* Minnesota, 134 U. S., 418.)

* * * * * * *

Surely before the courts are called upon to adjudge an act of the legislature fixing the maximum passenger rates for railroad companies to be unconstitutional, on the ground that its enforcement would prevent the stockholders from receiving any dividends on their investments, or the bondholders any interest on their loans, they should be fully advised as to what is done with the receipts and earnings of the company. (Railroad Co. *v.* Wellman, 143 U. S., 339, 344, 345.)

We are of opinion that the act of the legislature of New York is not contrary to the fourteenth amendment to the Constitution of the United States, and does not deprive the citizen of his property without due process of law; that the act, in fixing the maximum charges which it specifies, is not unconstitutional, nor is it so in limiting the charge for shoveling to the actual cost thereof.

* * * * * * *

In the cases before us the records do not show that the charges fixed by the statute are unreasonable or that property has been taken without due process of law or that there has been any denial of the equal protection of the laws, even if under any circumstances we could determine that the maximum rate fixed by the legislature was unreasonable. (Budd *v.* New York, 143 U. S., 517, 544, 548.)

In the Reagan case the bill of complaint charged that the rates were unreasonable and confiscatory, and that their enforcement would amount to a deprivation of property without due process of law, and without adequate compensation, in violation of the State and Federal constitutions. "Still there can be no doubt of their power and duty (the courts) to inquire whether a body of rates prescribed by a legislature or a commission is unjust and unreasonable and such as to work a practical destruction to rights of property, and if found so to be, to restrain its operation."

* * * * * * *

These cases all support the proposition that while it is not the province of the courts to enter upon the merely administrative duty of framing a tariff of rates for carriage, it is within the scope of judicial power and a part of judicial duty to restrain anything which, in the form of a regulation of rates, operates to deny to the owners of property invested in the business of transportation that equal protection which is the constitutional right of all owners of other property. * * * The equal protection of the laws which, by the fourteenth amendment, no State can deny to the individual, forbids legislation, in whatever form it may be enacted, by which the property of one individual is, without compensation, wrested from him for the benefit of another or of the public. (Reagan *v.* Loan and Trust Co., 154 U. S., 362, 397, 399.)

There is a remedy in the courts for relief against legislation establishing a tariff of rates which is so unreasonable as to practically destroy the value of property of companies engaged in the carrying business, and that especially may the courts of the United States treat such a question as a judicial one, and hold such acts of legislation to be in conflict with the Constitution of the United States, as depriving the companies of their property without due process of law, and as depriving them of the equal protection of the laws. (Railroad Co. *v.* Gill, 156 U. S., 649, 657.)

These principles must be regarded as settled:

1. A railroad corporation is a person within the meaning of the fourteenth amendment declaring that no State shall deprive any person of property without due process of law nor deny to any person within its jurisdiction the equal protection of the laws.

2. A State enactment, or regulations made under the authority of a State enactment, establishing rates for the transportation of persons or property by railroad that will not admit of the carrier earning such compensation as under all the circumstances is just to it and to the public would deprive such carrier of its property without due process of law and deny to it the equal protection of the laws, and would therefore be repugnant to the fourteenth amendment of the Constitution of the United States.

3. While rates for the transportation of persons and property within the limits of a State are primarily for its determination, the question whether they are so unreasonably low as to deprive the carrier of its property without such compensation as the Constitution secures, and therefore without due process of law, can not be so conclusively determined by the legislature of the State or by regulations adopted under its authority that the matter may not become the subject of judicial inquiry. (Smyth *v.* Ames, 169 U. S., 466, 526.)

If the rates are fixed at an insufficient amount within the meaning of that term (just compensation) as given by the courts, the law would be invalid as amounting to the taking of the property of the company without due process of law. (Railroad Co. *v.* Smith, 173 U. S., 687.)

When we recall that, as estimated, over ten thousand millions of dollars are invested in railroad property, the proposition that such a vast amount of property is beyond the protecting clauses of the Constitution; that the owners may be deprived of it by the arbitrary enactment of any legislature, State, or nation, without any right of appeal to the courts, is one which can not for a moment be tolerated. (Railroad Co. *v.* Tompkins, 176 U. S., 172.)

It is sufficient, however, for the purpose of this case to say that the action of the Commission in fixing the rate complained of as to this particular class of freight has not been shown to be so unjust or unreasonable as to amount to a taking of property without due process of law. (Railroad Co. *v.* Minnesota, 186 U. S., 268, 269.)

Referring with commendation to the principles announced in the Reagan case, Mr. Justice Brewer, on the circuit, in Ames *v.* Railroad Company (64 Fed. Rep., 173), said:

"But the grave question still remains, are the rates prescribed in this act, as the maximum over which the railroad companies may not go, unreasonable, and so unreasonable as to justify the courts in staying their operation?"

Mr. CLAY. Mr. President——

The VICE-PRESIDENT. Does the Senator from Texas yield to the Senator from Georgia?

Mr. CULBERSON. Certainly.

Mr. CLAY. The only question that worries me about the case of Smyth *v.* Ames (169 U. S.) is this: I concede that Congress can not empower the Interstate Commerce Commission to make a rate that is not compensatory for the services performed. I should like to ask the Senator this question: If we empower the Interstate Commerce Commission to make a rate, and declare that that rate must be reasonable and just and compensatory, and the carrier should come to the conclusion that the Commission had exceeded the authority of Congress, and had put in operation a rate that was not reasonable and just, can we deprive the carrier of the right of going into a court of equity and enjoining the enforcement of that rate until there is a final hearing? In other words, can we provide that the rates fixed by the Commission shall be effective until there is a final hearing under the Constitution?

Mr. CULBERSON. Mr. President, in the course of what I have intended to say I will reach that suggestion of the Senator from Georgia presently, and I hope I will answer him satisfactorily.

Mr. President, from these extracts from the opinions in the leading Federal authorities it is plain that in cases arising under State regulation of rates the grounds of judicial interference have been wholly constitutional. The language of the opinions varies, it is true, but the decisions unquestionably rest upon the proposition that when rates are so unreasonable as to justify judicial interposition it is because, in violation of the fourteenth amendment to the Federal Constitution, they amount to a deprivation of property without due process of law or to a denial of the equal protection of the laws.

There runs through these decisions also the principle that the courts will not interfere with the large discretion in legislatures and commissions in fixing rates, will not interpose their judgment in matters of policy and business affecting rates, and that to justify judicial interference the rates must not only be unreasonable, but so unreasonable as to amount to confiscation.

This is because rate making is a legislative and not a judicial function.

Mr. FULTON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Texas yield to the Senator from Oregon?

Mr. CULBERSON. Certainly.

Mr. FULTON. I should like to ask the Senator right there if he does not understand that the Supreme Court has practically established the proposition that a rate which does not furnish a revenue that will bear expenses of operation and also supply a fair remuneration or return on the investment is confiscatory?

Mr. CULBERSON. I do not so understand the decisions.

Mr. FULTON. What does the Senator understand that the Supreme Court would consider a rate that would be confiscatory?

Mr. CULBERSON. The latest expression upon that question, as the Senator is aware, is in the case of Smyth *v.* Ames, in 169 U. S.

Mr. FULTON. The Nebraska case?

Mr. CULBERSON. The Nebraska case, in which the court for several pages makes general observations with reference to the elements of a reasonable rate. Taking it all together it amounts to saying that each case must stand on its own footing, and it said, besides, that there are some cases in which rates would be intolerable if they permitted a return on the actual cost or the actual investment in the railroad property.

But, Mr. President, the proposition that I was discussing——

Mr. FULTON. Will the Senator allow me right there?

Mr. CULBERSON. Certainly.

Mr. FULTON. I happen to have here a quotation from the Nebraska case. It says:

> What the company is entitled to ask is a fair return upon the value of that which it employs for the public convenience.

Mr. CULBERSON. Certainly, that is the general basis; but the Senator will observe that there are qualifications of that in the opinion.

Mr. FULTON. If the Senator will allow me, if the company is entitled to a fair return on that which it employs for the public convenience, then anything which would deprive it of that fair return would, in the judgment of the court, be confiscatory, or, at least, it would be that entrenchment upon the rights of the company which would justify the court in interfering, would it not?

Mr. CULBERSON. In that very case Mr. Justice Harlan said, in delivering the opinion, if the rate is such as not to permit a fair return, or such compensation as the Constitution secures to the company, it would be confiscatory, and its enforcement might be arrested by the Federal court.

I was observing, Mr. President, when interrupted, that the force of these decisions rests upon the proposition that rate-making is a legislative not a judicial function; that rates are based upon considerations so multitudinous, conflicting, and varying as to afford no definite legal rules for their ascertainment which the courts may apply, and that it is contrary to the

genius of our Government that the judiciary shall control legislative functions so long as they are exercised within constitutional limitations. If a statute, State or Federal, authorized the courts to review generally or at any stage where discretion may be exercised the fixing of rates by the legislative branch of the Government or by a commission, it would be an unwarranted attempt to confer legislative power on the courts.

When rates are fixed by the legislature or a commission acting under a statute to fix just and reasonable rates, the legislative act of regulation of commerce by the establishment of rates is complete, and the only inquiry which the courts may then institute is whether these rates have been established without passing the bounds of constitutional authority.

Primarily and generally it may be said that when a power, whether exercised by the legislature or a commission, is legislative in character, the courts, from the very nature of the judicial attribute and our constitutional system, may not ordinarily interfere with its exercise. It is only when the action of the legislature or the commission is arbitrary, despotic, and violative of the organic law, passing the limits of legislative authority, that the courts may interfere to restrain or limit their action.

Mr. President, both the constitutional questions and the questions of business and policy, which enter into rate making, were clearly presented by Mr. Victor Morawetz, general counsel of the Atchison, Topeka and Santa Fe Railroad Company in his statement before the Senate Committee on Interstate Commerce in April, 1905. It has all the force of a declaration against interest and is entitled to your serious consideration. Let me read it:

2. My second point, which is well settled, is that Congress has no constitutional power to reduce the charges of a carrier so far as to deprive the carrier of a reasonable return upon his property. Under the fifth amendment to the Constitution any act of Congress or any order of a commission established by Congress limiting or fixing the rates of a railway company would be unconstitutional if the enforcement of that act of Congress or order of a commission would in effect deprive the carrier of a reasonable return upon the property used for the purpose of furnishing the service to the public.

3. The third point which I wish to make is this: There is a wide range between a rate that is unreasonably high, and therefore illegal as against the shipper, and a rate that is so low as to be confiscatory as against the carrier. For example: Assuming that a railway company may charge 40 cents a hundred pounds for carrying a given article between two points without making the rate unreasonably high, and therefore illegal, it is quite possible that this rate might be reduced by legislative action to, say, 30 cents a hundred pounds without violating any constitutional right of the carrier. In this case the maximum rate which would be reasonable and which could be imposed by the carrier upon the shipper would be 40 cents a hundred pounds, and the minimum rate which could be imposed by the legislature on the railway company would be 30 cents a hundred pounds. The adjustment of the rate between these two extremes would depend upon considerations of business policy and would not be governed by the application of any legal principles or definite rules. The charges of carriers, like the charges in any other business, are fixed largely by considerations of business policy, such as the desirability of encouraging certain industries or of developing incidentally other sources of traffic. Many other elements must be considered besides the cost of doing the business, such as competition by land and water, the volume of the business, the character of the business, the length of the haul, the rates which can be paid in competition with producers of similar articles at other places, the existence of return loads, etc. It is rarely, if ever, true that there is but one just and reasonable rate for the transportation of a given article between two points. In nearly every instance there is a wide range within which any rate would be just and reasonable, and it is wholly a question of business policy at what point the rate shall be fixed within that range.

Mr. President, the prohibitions of the fourteenth amendment to the Federal Constitution which were applied in the State cases, to which I have called attention, have no direct application to the question as presented here. The limitations upon the power of Congress or a commission created by it are those of the fifth amendment to the Federal Constitution, to the effect that no person shall be deprived of life, liberty, or property without due process of law, nor shall private property be taken for public use without just compensation.

The first of these provisions, that relating to the deprivation of life, liberty, or property without due process of law, is precisely the same as that on the same subject in the fourteenth amendment, the one prohibitive of Federal action and the other prohibitive of State action, and consequently the logic of the cases to which I have referred applies to the Federal question here.

Undoubtedly under these decisions similar rates fixed by Congress or a Federal commission would be held violative of this provision of the fifth amendment, and undoubtedly also, under these State cases, it would be held that the courts would not concern themselves with the questions of business and policy involved in rate making, and that in order to justify interference the rates must not only be unreasonable, but so unreasonable as to be equivalent to confiscation.

Mr. HEYBURN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Texas yield to the Senator from Idaho?

Mr. CULBERSON. Certainly.

Mr. HEYBURN. I am very much interested in the discussion of this legal question which the Senator is so ably presenting. I should like to know whether, in his judgment, the fifth amendment would apply to what might be termed the reasonable profits which a person would be entitled to make upon his business, or whether it would have any application except where the question of confiscation attached, which would be at the line between the actual cost and where the profits began? That is a question which seems to me to be very important to consider, because it goes to the question of the jurisdiction of the court to review. It is based upon that principle when reduced down. I should be very glad, indeed, if it would not interrupt the line of the Senator's argument, if he would give us the benefit of his suggestion as to where the fifth amendment attaches—to be explicit, whether it attaches until the principle of confiscation commences or whether it involves the question of a reasonable profit.

Mr. CULBERSON. Mr. President, I was attempting to present that particular question, and I had said that in my judgment, under the decisions in the State cases to which I have invited attention, the same principles would apply; and that with similar rates fixed by Congress or the Interstate Commerce Commission they would be declared in violation of that provision of the fifth amendment against the deprivation of property without due process of law, as those cases have elucidated that question.

Mr. NELSON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Texas yield to the Senator from Minnesota?

Mr. CULBERSON. I yield to the Senator.

Mr. NELSON. Is not the criterion of these cases found in the last paragraph of the amendment—"Nor shall private property be taken for public use without just compensation?" Is not that always the criterion as to whether it is just compensation, and is not that the counterpart and equivalent of the phrase "a reasonable rate?"

Mr. CULBERSON. Mr. President, I was about to reach that clause of the fifth amendment when interrupted by the Senator from Minnesota. I was about to say that when rates are confiscatory and wanting in just compensation, within the meaning of these decisions, it would probably be held to be a taking of private property for public use without just compensation, in violation of this clause of the fifth amendment, although in strictness the regulation of the use of property would not be a taking, and although such a construction might extend this provision beyond the conception of its framers.

Mr. CLAY. Mr. President——

The VICE-PRESIDENT. Does the Senator from Texas yield to the Senator from Georgia?

Mr. CULBERSON. Certainly.

Mr. CLAY. Then do I understand the Senator from Texas to concede that Congress can not pass a law which will temporarily deprive the carriers of the right to go into the courts and test the question as to whether or not the rate is confiscatory?

Mr. CULBERSON. I am coming to that, if the Senator will allow me. Mr. President, as the grounds of judicial interposition are constitutional, there is, in my judgment, no necessity for embodying the right of judicial review in this bill, although I have done so. This right of judicial review exists by virtue of the Constitution, and a statute may not add to or subtract from it. Still, if it is incorporated in the bill, confining it to the constitutional provision upon which it properly rests, and not extending it to matters of business and policy respecting rates with which the courts will not concern themselves, because it is no part of the judicial function, it will but recognize the constitutional right which already exists, and though entirely useless will not be objectionable.

Mr. FORAKER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Texas yield to the Senator from Ohio?

Mr. CULBERSON. Certainly.

Mr. FORAKER. When the Congress, as is proposed in the bill under consideration, provides that the rate shall be just and reasonable and fairly remunerative, is not that a legislative requirement that it would be proper to have the courts protect in the execution of this law, if we saw fit to give that authority?

Mr. CULBERSON. Mr. President, that is the very matter which I am endeavoring to guard against, the proposition to change the standard by which rates are measured, the proposition to introduce a new standard. Do not misunderstand me. Without reflecting upon anyone and without intention to reflect

upon anyone, the proposition to introduce a new standard by which rates will be measured and determined is to legislate in favor of the railroad companies and give them an opportunity to have a different and more favorable standard established than that which is now in existence.

Mr. FORAKER. I only want to exactly understand the Senator in that connection. If I do understand him, he is opposed to the employment of the language "fairly remunerative."

Mr. CULBERSON. I have said so.

Mr. FORAKER. I wanted to understand perfectly the ground on which it establishes a new standard not heretofore known to the law. It is the Senator's idea that "justly compensatory," if that is a correct expression, would conform to the standard that has heretofore been employed?

Mr. CULBERSON. My bill uses the words "just and reasonable," which have been repeatedly construed by the Supreme Court of the United States, and I think that standard should be adhered to.

Mr. FORAKER. I simply wanted to understand the Senator, and I would have understood him, no doubt, if I had been following him a little bit more closely, but my attention was distracted for a moment. I know that the Senator in his bill employs the language "just and reasonable," but I have seen it stated in the newspapers that it will be contended that the words "fairly remunerative" should be stricken out of this bill and the words "justly compensatory" inserted in lieu thereof. I only wanted to understand exactly where the Senator stood with respect to that; and I wanted to follow it with a question as to whether he does not think that that would be establishing a new standard also?

Mr. CULBERSON. Mr. President, I have already said that, in my judgment, the attempt to fix a new standard, as that the rate shall be fairly remunerative, would tend to confusion and to the destruction of the standard which has been fixed, the meaning of which is thoroughly established by the decisions and understood by the public.

Now, I will stop a moment and go out of my line to say a word on the pending bill, although I did not intend to discuss the particular features of the bill to-day, which is in the keeping and under the guidance of the distinguished Senator from South Carolina [Mr. TILLMAN]. That bill in respect to the question just presented by the Senator from Ohio amounts to this: The railroad company is required by the bill to fix just and reasonable rates; when the Commission is authorized to hear complaints the Commission is required to fix what, in its judgment, is a just and reasonable and a fairly remunerative rate, which is a far more liberal standard, as I think, or at least a different standard, from that which the railroad company is authorized and required to establish and the meaning of which has been crystallized in the law.

Mr. SPOONER. Will the Senator allow me to ask just one question?

Mr. CULBERSON. Certainly.

Mr. SPOONER. Does the Senator see any distinction or contend for one between the just compensation of the fifth amendment as applied to this subject-matter and the reasonable compensation of the common law?

Mr. CULBERSON. Mr. President, I have already stated that when this question reaches the Supreme Court it will probably apply—as, in fact, it has applied the same language in State constitutions—"just compensation" to the words "just and reasonable," which come down to us from the common law, and that the courts would probably hold a rate which would not give the return that the decisions say they ought to give would be lacking in just compensation within the meaning of the fifth amendment, and therefore would be unconstitutional.

Mr. SPOONER. Then the Senator is not contending for different degrees of confiscation, of course?

Mr. CULBERSON. Surely not. I am surprised that the Senator should ask the question.

Mr. SPOONER. I did ask it.

Mr. CULBERSON. Yes; that is evident.

But, Mr. President, when interrupted I was speaking with reference to what ought to go into this bill with respect to the right of judicial review. I have said that, in my opinion, it is unnecessary to incorporate such a provision, but that it would be harmless if incorporated. I desire to say now that if the bill undertakes affirmatively to limit or deny the constitutional right of review, that provision of the bill would be void, although the other part of the act might stand and be effective.

Mr. President, by the Constitution the judicial power of the United States is vested in one Supreme Court and in such inferior courts as Congress may establish; and the judicial power of the United States extends, among others, to all cases in law and equity arising under the Constitution. It is within the power of Congress to abolish all courts inferior to the Supreme Court, or to take from them jurisdiction of cases arising under the Constitution. But so long as they have jurisdiction of such cases, as now, the exercise of the judicial power to determine, in a proper case, whether rates have been established in violation of the Constitution can not, I think, be limited, abridged, or denied by statute. If the courts are authorized, as is conceded, to enjoin the operation of confiscatory rates by final decree to deny them authority to do so previous to this, although jurisdiction has attached, would in effect limit the exercise of the judicial power which springs from the Constitution. Jurisdiction is conferred in this instance by statute; but the judicial power arises primarily from the Constitution. Under the Constitution, Mr. President, persons may no more be deprived temporarily of their property without due process of law, or for public use without just compensation, than they may be deprived of it permanently. A remedy, as proposed in this bill, against the improvident use of restraining orders is to authorize immediate appeals from such orders directly to the Supreme Court of the United States, where it is not to be doubted these questions will receive that consideration which their importance and gravity demand, and will be determined in accordance with those great principles of justice which lie at the foundation of judicial power.

Mr. FORAKER. If I do not interrupt the Senator——

The VICE-PRESIDENT. Does the Senator from Texas yield to the Senator from Ohio?

Mr. CULBERSON. Certainly.

Mr. FORAKER. The Senator is making a very able and a very interesting argument, and I only want to get the Senator's views. I do not interrupt him for any other purpose. I understand the Senator to have stated that he recognizes that there is a difference between confiscatory rates and what are just and reasonable rates; and I understand him to be contending now that the court, without any statutory enactment, has the power to intervene at the suit of an aggrieved party to protect from confiscatory rates; but do I understand the Senator to contend that that power extends to an inquiry as to whether or not a given rate is a just and reasonable rate, or does it stop with the question whether or not it is confiscatory?

Mr. CULBERSON. Mr. President, the Senator misunderstands me in a degree. The Supreme Court has said, in the different opinions, as I undertsand them, that the courts have no authority to interfere with the rates so far as the standard of just and reasonable is concerned, except when they are so unreasonable as to justify the charge or claim that they are equivalent to confiscation.

Mr. FORAKER. Then the reverse of that proposition, as I understand the Senator, is that they have no power at all as to just and reasonable rates, but their sole inquiry is whether or not the rates are confiscatory?

Mr. CULBERSON. That is my opinion of the law.

Mr. FORAKER. Does the Senator not concede that Congress, requiring just and reasonable rates, as contradistinguished from all other kinds of rates to be fixed, may at the same time authorize the court to inquire as to whether or not the rates in a given case are just and reasonable and in accordance with the requirements of the statute?

Mr. CULBERSON. I do not think so at all, Mr. President, because there is a latitude in the fixing of just and reasonable rates, between rates which, popularly speaking, for instance, would be extortionate as to the shipper and those which would be confiscatory as to the carrier. Within those limitations, in my judgment, Congress has no power to authorize the courts to go, because it involves the execution of a legislative power rather than a judicial power.

Mr. President, not only may Congress fix the rates of transportation, or, to the extent involved in this bill, delegate that power to the Interstate Commerce Commission, but, in my judgmen, it is expedient and wise to do so. It has been said that the abuses in the management and operation of railroads, which are admitted to have existed, have passed away, and that consequently there is no necessity for the passage of such a law as this.

There is abundant evidence, some of it adduced before the Senate Committee on Interstate Commerce during the past year, that this assumption is wholly unfounded. Rebates continue to be paid in some degree; and, although the bill under consideration, in direct legislation, only adds to the punishment for such offenses, yet this feature, as well as the entire act, will exert a wholesome and restraining influence. Discrimination against commodities and places is perhaps as rife as at any other period during our history.

Much has been said in the consideration of this subject here and elsewhere respecting the general downward trend of railroad rates. For the greater portion of the last thirty years that great economic fact has been evident; but for the last few years, according to the Interstate Commerce Commission, rates have been on an ascending scale.

The grain rate has advanced. In five years the rate on yellow-pine lumber has advanced 20 per cent. During recent years the rate on live stock from Texas to Wyoming and Montana has advanced from $55 to $100 per carload. The southwestern systems of railroads, at one bound and by concerted action, advanced the rates on all classes of goods and commodities from 7 to 20 per cent. By reclassification of freights throughout the United States, made between 1900 and 1903, under which commodities were transferred to classes bearing higher rates, the average increase was 21 per cent; and the income for 1903, due largely to this advance in rates, exceeded the income for 1899 by $155,000,000. The railroads of the United States for the year ending June 30, 1903, earned a net income of 5.1 per cent on a total stock and bond valuation of $63,000 a mile, which was at least $23,000 a mile in excess of the fair value of the property, and therefore for purposes of revenue from rates was excessive and fictitious. But aside from these specifications, aside from rebates and discriminations, aside from increased and burdensome rates, aside from the tribute levied upon the commerce of the country to support speculative and fictitious issues of stock and bonds, this power should be conferred upon the Commission as a guard against possible injustice to the public.

Railroads are public highways, and the companies exercise functions of sovereignty. They possess the power of eminent domain and the authority to take tolls. Their franchises, which were granted subject to the rights of the people, enter into the value of railway property, which is clothed with a public interest and charged with a public trust.

It is true, Mr. President, that the railroad companies and the stock and bond holders made their investments upon the implied understanding that they would be permitted to charge reasonable rates, but whether rates are reasonable does not depend wholly upon the revenue they will yield. The right of the public to insist upon reasonable rates, upon rates which are reasonable both to the public and to the companies, is superior and paramount to the naked right of the companies to revenue and income. The companies, as a rule, and for obvious reasons, will establish rates chiefly upon considerations of revenue and income, while an impartial and disinterested commission will consider the interests both of the public and the companies.

Under different conditions, when wealth was dispersed and competition in force, the Government wisely abstained from exercising its authority to establish rates. But conditions have changed. Competition has been destroyed by combinations and mergers and traffic arrangements. The railway wealth of the land challenges belief, and its rapid accumulation in the hands of a few, with the stupendous commercial and political and selfish power it exerts, is a dangerous tendency, which, while it may not be averted, should be minimized, directed, and controlled.

Between the public and corporate avarice there stands to-day nothing save the law against extortion, which, in the hands of the private citizen against great aggregations of capital, is a futile and worthless remedy.

Already, Mr. President, the general establishment of rates throughout the United States is dictated by a body of capitalists who control the great systems, not much greater in number than the Interstate Commerce Commission, and the philosophy of this bill is to protect the public in some degree against the selfishness of this combination by conferring limited and emergency powers upon an organized, legal, and impartial tribunal which will represent fairly every interest entitled to consideration, and which will be actuated and guided by principles of justice, and not the merciless and despotic standard of what the traffic will bear. And the public will ultimately come into its own. Special interests may disregard popular rights for a time, may despise and deny and trample upon them for a season, still they will triumph; and, if need be, these interests will be made to feel that the people have not yet lost the spirit of resistance.

Mr. FORAKER. Before the Senator takes his seat I desire to call his attention to the case of the United States against The Union Pacific Railroad Company, reported in 91 United States, at page 72. I call his attention to this case in order to show under what power of Congress it was that the Congress authorized the construction of the Union Pacific Railroad, and particularly to show that it was not even in the exercise of the power to regulate commerce. I want it put into the RECORD now, once for all, for doubtless it will be referred to again. I read from page 79:

> Many of the provisions in the original act of 1862 are outside of the usual course of legislative action concerning grants to railroads, and can not be properly construed without reference to the circumstances which existed when it was passed. The war of the rebellion was in progress; and, owing to complications with England, the country had become alarmed for the safety of our Pacific possessions. The loss of them was feared in case those complications should result in an open rupture; but, even if this fear were groundless, it was quite apparent that we were unable to furnish that degree of protection to the people occupying them which every government owes to its citizens. It is true, the threatened danger was happily averted; but wisdom pointed out the necessity of making suitable provision for the future. This could be done in no better way than by the construction of a railroad across the continent. Such a road would bind together the widely separated parts of our common country, and furnish a cheap and expeditious mode for the transportation of troops and supplies. If it did nothing more than afford the required protection to the Pacific States, it was felt that the Government, in the performance of an imperative duty, could not justly withhold the aid necessary to build it; and so strong and pervading was this opinion that it is by no means certain that the people would not have justified Congress if it had departed from the then settled policy of the country regarding works of internal improvement and charged the Government itself with the direct execution of the enterprise.
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> This enterprise was viewed as a national undertaking for national purposes; and the public mind was directed to the end in view, rather than to the particular means of securing it. Although this road was a military necessity, there were other reasons active at the time in producing an opinion for its completion besides the protection of an exposed frontier. There was a vast unpeopled territory lying between the Missouri and Sacramento rivers which was practically worthless without the facilities afforded by a railroad for the transportation of persons and property. With its construction, the agricultural and mineral resources of this territory could be developed, settlements made where settlements were possible, and thereby the wealth and power of the United States largely increased; and there was also the pressing want, in time of peace even, of an improved and cheaper method for the transportation of the mails and of supplies for the Army and the Indians.
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> It was in the presence of these facts that Congress undertook to deal with the subject of this railroad. The difficulties in the way of building it were great, and by many intelligent persons considered insurmountable.

I might read more to the same effect, but I have read enough to show, as I said when I interrupted the Senator, that that railroad was chartered and help extended to it by the Government, not in the exercise of the power to regulate commerce, but in the exercise of its power to provide for the common defense, to establish post-roads, and to promote the general welfare. And as it was in the case of the Union Pacific, so, too, was it in every other case where the Government has extended governmental aid by subsidies of land or otherwise.

Mr. NEWLANDS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Ohio yield to the Senator from Nevada?

Mr. FORAKER. And inasmuch as the Government in thus authorizing these roads was exercising its proprietary power—if I can by the use of that word convey what is in my mind—to grant a franchise that authorized a great public highway for great public purposes, it had a right to prescribe the terms and conditions on which that franchise should be taken by the parties who undertook to build the road. Now I yield to the Senator from Nevada.

Mr. NEWLANDS. Before the Senator from Texas closes——

Mr. FORAKER. I want to finish what I desire to say to the Senator from Texas; I am not done yet.

Mr. NEWLANDS. I beg the Senator's pardon.

Mr. FORAKER. When I yielded I thought the Senator was going to interrupt me.

At another time I may have something to say in answer to some of the comments made by the Senator from Texas upon some of the authorities he commented upon, but for the present I call attention to only one case upon which he commented, and I call attention to that case simply because that is the only one of all the cases upon which the Senator commented that I did not comment upon in the remarks I made a few days ago. So I have already given the Senate the benefit of my views as to the proper construction of the decisions in those cases.

The case I did not call attention to, but desire to call attention to now, is the case of the Philadelphia Steamship Company *v.* Pennsylvania. The Senator finds in the report of that case some language which indicates that, in the opinion of the court, Congress had power to fix the rates of fare for the transportation of freights and passengers.

Mr. CULBERSON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Ohio yield to the Senator from Texas?

Mr. FORAKER. Certainly.

Mr. CULBERSON. Before the Senator passes from the Union Pacific case, I ask if he has the statute itself there?

Mr. FORAKER. I do not have the statute here, but I am familiar with it.

Mr. CULBERSON. I will ask the Senator if the caption does not state that it is intended to regulate commerce?

Mr. KEAN. I know it does not; I have looked at it.

Mr. FORAKER. I am quite sure it does not. If it does, I have never seen it. I know what the Supreme Court has said as to its purpose. Of course I will not say that it does not say that, if the Senator from Texas says it does—I will accept his statement about it; but I will say that the Supreme Court has never said that the act was passed in the exercise of the power to regulate commerce. The Senator from New Jersey [Mr. KEAN] is looking for the statute, and while he is finding it I will proceed with the comments I want to make on the case of the Philadelphia Steamship Company *v.* Pennsylvania.

I was remarking when the Senator from Texas interrupted me that he cited from the body of the court's opinion some language which indicated that the court was of the opinion that Congress has the power to fix rates for the transportation of freights and passengers. In the remarks I made, to which he was replying in that connection, I used this language, which I do not want the Senator from Texas or any other Senator who speaks to forget. I said:

> I know it has been assumed throughout all this discussion, as it has been in framing this bill, that we have that power and that it is unquestioned, and I know that there are many expressions to be found in the opinions of the Supreme Court of the United States that indicate a similar assumption on the part of that court; but nevertheless the fact remains that the court has never yet passed on that question, and there are many eminent lawyers who are of the opinion that the court will hold, when it does decide that question, that Congress does not have that power.

I could cite quite a number of other expressions by the Supreme Court to which the Senator has not called attention that gave me more concern than this one did; but they were all, as I have said, not necessary to the decision of the case before the court when the particular expression was employed. They were used—I do not like to say so, but it is the truth—in an apparently thoughtless way for purposes of illustration, the court having something else in its mind than the precise question which we now have under consideration. To illustrate: In this case the question before the court was, as shown by the syllabus, which I will read, as follows:

> A State tax upon the gross receipts of a steamship company incorporated under its laws, which are derived from the transportation of persons and property by sea, between different States, and to and from foreign countries, is a regulation of interstate and foreign commerce in conflict with the exclusive powers of Congress under the Constitution.

That is all they decided—that is all it was necessary for them to decide; and their decision in that respect in this case is precisely the same as the one given when Chief Justice Marshall was on the bench in the very celebrated case of McCulloch *v.* Maryland, with which every Senator here is familiar.

That is all I care to say about that, and I would not have trespassed upon the time of the Senate to say that much, except that happened to be a case on which I did not comment the other day. I did not comment on it because the question before the court was so manifestly a matter that did not raise the question about which we are concerned that I did not think it necessary to make any comment upon it.

Now I have before me, through the kindness of the Senator from New Jersey [Mr. KEAN], the act of July 1, 1862, incorporating the company that constructed the Union Pacific Railroad. The title of it reads as follows:

> An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes.

I am much obliged to the Senator from Texas [Mr. CULBERSON] for asking me a question that has led to my reading the title of that act, for the very title itself supports all I contend for—that the statute was not passed by Congress under the supposition that it was exercising its power to regulate commerce, but in the exercise of its general power to provide post-roads, to provide for the national defense, etc.

Mr. NEWLANDS. Mr. President——

The PRESIDING OFFICER (Mr. KEAN in the chair). Does the Senator from Texas yield to the Senator from Nevada?

Mr. CULBERSON. I have yielded the floor, Mr. President.

Mr. NEWLANDS. I wish to ask a question or two of the Senator from Texas regarding the system of railroad control in Texas. In looking over the statutes of the various States I was struck with the very admirable system of control over corporations generally, and particularly railroad corporations, in Texas, and the provisions of the State constitution and the provisions of law relating to such control.

I understand that in that State the statutes themselves require all construction in that State to be done by railroads organized under the laws of that State, and forbid corporations organized out of the State to construct railroads in it. If I recollect aright, the statute provides for rigid supervision of the issue of securities and stocks of such corporations and limits their dividends to 6 per cent. I wish to ask the Senator from Texas whether the State commission in exercising the power of regulation have any regard at all for the limitation of 6 per cent; whether that matter has ever come up either before the commission or the court, as limiting their powers of control?

Mr. CULBERSON. Mr. President, my attention was diverted for the moment, and I probably did not catch entirely what the Senator said. But I do not understand that under the existing law of Texas there is any limitation of 6 per cent upon the earnings of companies.

Mr. NEWLANDS. Then I must be mistaken. Is there no limitation whatever?

Mr. CULBERSON. Except that the rates shall be just and reasonable; that is all.

Mr. NEWLANDS. Is there not some provision that corporations shall receive no more than 6 per cent upon their actual expenditure?

Mr. CULBERSON. I know of no such law in our State.

Mr. NEWLANDS. Then I must be mistaken.

Mr. LODGE. Mr. President, I have been looking over the act incorporating the Union Pacific Company, and I find the purpose again stated in section 3. I will read it so that it may go into the RECORD with the rest. It says:

> That there be, and is hereby, granted to the said company, for the purpose of aiding in the construction of said railroad and telegraph line, and to secure the safe and speedy transportation of the mails, troops, munitions of war, and public stores thereon.

Then follows the arrangement about alternate sections. But it sets forth very plainly in that section the purpose of the act. It had no consideration of interstate commerce.

Mr. NELSON. Mr. President, I desire to call attention to the fact, in connection with the act which the Senator from Ohio quoted in reference to the Union Pacific Railroad, that the question discussed and involved in that case was practically the power of the Federal Government to aid such corporations; and it was put upon the ground that it was an enterprise for the welfare of the General Government to establish post routes, to provide for the carrying of the mail, the carrying of munitions of war, and all that. The question of interstate commerce and its regulation was not involved in the case.

I desire to say further, if the Senator from Ohio intends to make much of the fact that there are no decisions of the Supreme Court directly upon the rate-making power of Congress, that in the nature of the case he and all of us can see that there can not be any decisions directly on that point by the Supreme Court until there has been an attempt to exercise that power. That power, according to the decision of the Supreme Court in the Railroad Commission case, has not been conferred upon the Commission nor has Congress attempted to exercise it, and hence, in the nature of the case, the court never could have passed upon the question directly. No one is warranted in arguing that such a power does not exist simply because of the fact that the Supreme Court has made no decision upon the subject.

Mr. FORAKER. I am very much obliged to the Senator from Minnesota. He has curtailed the labors I had in view very greatly by conceding, as he does, that the Supreme Court never has passed on the question whether or not the Congress has power to prescribe rates. It has been contended all along here that because of certain expressions found in various opinions of the Supreme Court, where that question was not before the court, and, as the Senator says, could not have been before the court, and because of expressions employed by the court in cases arising under State laws, that was a foreclosed question. I have simply been trying to rebut that contention. The Senator ends the whole matter by his very frank concession. He is right about it.

Mr. NELSON. I simply say that the court has never decided the question directly, because it has never been raised before it directly; but what I shall attempt to show is not that the court has expressly decided it, but that the court has laid down the principle time and again which will justify us in our rate-making efforts.

Mr. FORAKER. I understood the Senator fully without the explanation he has now added. Of course, he contends that the principle has been stated by the court, and it is upon the principle he stands, unlike some of his colleagues here who are contending for this legislation along with him. They contend that it is a settled, foreclosed question, not open to discussion.

Mr. LODGE. Mr. President——

The VICE-PRESIDENT. Does the Senator from South Carolina yield to the Senator from Massachusetts?

Mr. LODGE. If there is no desire to discuss this matter further this evening, I should like to have a bill passed.

Mr. TILLMAN. If the Senate desires to proceed to some other business and if no one is ready to go on with the unfinished business, I suggest that it be laid aside and that we go to the Calendar, so as to accommodate Senators.

Mr. LODGE. That is what I want.

Mr. TILLMAN. I ask that the unfinished business be temporarily laid aside.

Mr. LODGE. I suggest, as is suggested to me by the Senator from New Hampshire, that we go to the Calendar and take up the unobjected bills there. I think that is the fairest way.

The VICE-PRESIDENT. The Senator from South Carolina asks unanimous consent that the unfinished business be temporarily laid aside. In the absence of objection, it is so ordered, and the Calendar will be proceeded with.

Mr. NELSON. Will the Senator yield to me for a moment to give a notice?

Mr. TILLMAN. Certainly.

Mr. NELSON. I see by the Calendar that the Senator from North Carolina [Mr. SIMMONS] has given notice that to-morrow, after the routine morning business, he will address the Senate on the pending railroad bill. I desire to say in this connection that, if the Senate will indulge me, at the conclusion of his remarks I will be very glad to have the Senate give me an opportunity to discuss the bill.

### AGRICULTURAL EXPERIMENT STATIONS.

Mr. PROCTOR. I ask unanimous consent to call up the bill (H. R. 345) to provide for an increased annual appropriation for agricultural experiment stations and regulating the expenditure thereof.

Mr. LODGE. I merely wish to say that I was recognized by the Chair to call up a bill and had the floor, and I yielded to the suggestion of the Senator from New Hampshire that we go to the Calendar. Now, if we are to take up individual bills, I should like to have the recognition which I had at first. If we are to have the regular order, I have nothing to say, but if we are going to have bills called up by individual Senators, I do not care to lose my place.

The VICE-PRESIDENT. Does the Senator from Massachusetts object to the request of the Senator from Vermont?

Mr. LODGE. I do object unless we are all to call up bills in that way. If we are all going to call up bills in that way, I have no objection in the world. But if we are going to the Calendar, which I think is the fairest way, then I shall object.

The VICE-PRESIDENT. Objection is made. The first bill in order on the Calendar will be stated.

### INSPECTION OF STEAM VESSELS.

The bill (H. R. 13398) to amend section 4400 of the Revised Statutes, relating to the inspection of steam vessels, was announced as the first business in order on the Calendar, and the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### 204 L STREET NW.

The bill (S. 4169) to authorize the sale of certain real estate in the District of Columbia belonging to the United States was considered as in Committee of the Whole. It proposes to sell at public auction to the highest bidder the house and lot known as No. 204 L street NW.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

### RETENT ON DISTRICT CONTRACTS.

The bill (H. R. 125) regulating the retent on contracts with the District of Columbia was considered as in Committee of the Whole.

The bill had been reported from the Committee on the District of Columbia with an amendment, to insert after section 1 the following as a new section:

SEC. 2. That this act shall cover and comprehend all contracts for the construction of bridges and sewers as herein specified, which are now completed by the contractors according to their contracts and accepted by the Board of Commissioners of the District of Columbia.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

### BUZZARDS BAY (MASSACHUSETTS) LIGHT-SHIP.

The bill (S. 4015) to construct and place a new light-ship at the entrance to Buzzards Bay, Massachusetts, to replace the one now known as the Hen and Chickens light-ship, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Commerce with an amendment, in line 7, after the word "exceed," to strike out "one hundred" and insert "ninety;" so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of Commerce and Labor be, and he is hereby, authorized and directed to have constructed and placed near the entrance to Buzzards Bay, Mass., a light-ship to replace the one now known as the Hen and Chickens light-ship: *Provided*, That the cost shall not exceed $90,000.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

### VINEYARD SOUND (MASSACHUSETTS) LIGHT-SHIP.

The bill (S. 4014) to construct and place a light-ship near the eastern end of Hedge Fence Shoal, at the entrance to Vineyard Sound, Massachusetts, was considered as in Committee of the Whole. It is provided that the cost shall not exceed $100,000.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

### AGRICULTURAL EXPERIMENT STATIONS.

Mr. PROCTOR. I now renew my request to take from the Calendar for consideration the bill (H. R. 345) to provide for an increased annual appropriation for agricultural experiment stations and regulating the expenditure thereof.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### JOSEPH P. W. R. ROSS.

Mr. RAYNER. I ask unanimous consent to call up for present consideration the bill (S. 3593) granting an honorable discharge of Joseph P. W. R. Ross.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to correct the military record of and grant an honorable discharge to Joseph P. W. R. Ross, late a member of Company H, First Eastern Shore Maryland Volunteers, and now a resident of Maryland.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

### THE EDES HOME.

Mr. GALLINGER. I ask unanimous consent for the present consideration of the bill (S. 4046) to incorporate The Edes Home.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

### INTERSTATE TRANSPORTATION OF ANIMALS.

Mr. HEYBURN. I ask unanimous consent for the present consideration of the bill (S. 3413) to prevent cruelty to animals while in transit by railroad or other means of transportation from one State or Territory or the District of Columbia into or through another State or Territory or the District of Columbia, and repealing sections 4386, 4387, 4388, 4389, and 4390 of the United States Revised Statutes.

Mr. KEAN. Mr. President, this bill can not be passed at the present time. I shall at the proper time move to recommit it to the Committee on Interstate Commerce, where it should have gone originally.

The VICE-PRESIDENT. Objection is made.

### BIG SANDY RIVER BRIDGE, WILLIAMSON, W. VA.

Mr. McCREARY. I ask unanimous consent for the present consideration of the bill (H. R. 15263) to authorize William Smith and associates to bridge the Tug Fork of the Big Sandy River, near Williamson, W. Va., where the same forms the boundary line between the States of West Virginia and Kentucky.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CERTAIN LANDS IN WYOMING.

Mr. CLARK of Wyoming. I ask unanimous consent for the consideration of the bill (H. R. 8107) extending the public-land laws to certain lands in Wyoming.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to extend the public-land laws of the United States to the lands embraced within the territory 10 miles square ceded to the United States by the Shoshone and Arapaho Indians by the agreement ratified by the act approved June 7, 1897.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HENRY CONE.

Mr. PILES. I move that the bill (H. R. 5614) granting an increase of pension to Henry Cone be recommitted to the Committee on Pensions.

The motion was agreed to.

MISSISSIPPI RIVER BRIDGE NEAR ST. PAUL, MINN.

Mr. NELSON. I ask unanimous consent for the consideration of the bill (H. R. 8103) to authorize the construction of a bridge between Fort Snelling Reservation and St. Paul, Minn.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

INSTRUCTORS AT SERVICE SCHOOLS.

Mr. WARREN. I ask unanimous consent to call up from the Calendar the bill (S. 3921) to extend the special leave privileges authorized for officers of the Military Academy by section 1330, Revised Statutes, to certain instructors and student officers at service schools.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MARY C. MAYERS.

Mr. HOPKINS. I ask unanimous consent to call up the bill (S. 3842) for the relief of Mary C. Mayers.

The VICE-PRESIDENT. The Senator from Illinois asks unanimous consent for the present consideration of a bill, which will be read for the information of the Senate.

The Secretary read the bill, which proposes to pay $5,000 to the widow of Joseph L. Mayers, lately an American citizen residing at Yokohama, Japan, who died on May 7, 1899, as the result of injuries received on May 6, 1899, by the fall of the first whaleboat belonging to the U. S. S. *Charleston*, then lying in Victoria Harbor, Hongkong, China.

Mr. SPOONER. Let me inquire, did a similar bill pass at the last session?

Mr. HOPKINS. I think not. It was reported favorably by the committee in the Fifty-sixth, the Fifty-seventh, and the Fifty-eighth Congresses, and the Navy Department has reported that the court of inquiry which was had found that the accident was due to the carelessness of the sailors of the *Charleston*, without any fault or negligence on the part of Mr. Mayers. The amount that is allowed by the bill is only about one-half that allowed in the States against private corporations for the death of an individual without any fault of his own.

Mr. SPOONER. That is all right; but it is a very startling precedent to enter upon to make the Government liable for the negligent acts of its sailors in China, or in the vicinity of China, or in different parts of the world. I recollect the bill now. I think the Senator had better let it go over so that we may look at it.

Mr. HOPKINS. I shall not press it at this time. There is an elaborate report which covers the whole subject.

Mr. SPOONER. There generally is with bills that ought not to pass. I do not mean by that——

Mr. HOPKINS. If the Senator says he knows the bill ought not to pass——

Mr. SPOONER. I am not sure of that.

Mr. HOPKINS. I wish to state that I have formed an entirely different opinion.

Mr. SPOONER. Perhaps I ought not to have said that; but the Senator will see that it involves a very serious question.

The VICE-PRESIDENT. Objection is made to the present consideration of the bill.

PRESERVATION OF NIAGARA FALLS.

Mr. BRANDEGEE. I ask unanimous consent for the present consideration of the joint resolution (H. J. Res. 83) for a report, etc., upon the preservation of Niagara Falls.

The VICE-PRESIDENT. The joint resolution will be read for the information of the Senate.

The Secretary read the joint resolution; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It requests the members representing the United States upon the International Commission created by section 4 of the river and harbor act of June 13, 1902, to report to Congress, at an early day, what action is, in their judgment, necessary and desirable to prevent the further depletion of water flowing over Niagara Falls; and directs the members to exert, in conjunction with the members of the Commission representing the Dominion of Canada, if practicable, all possible efforts for the preservation of Niagara Falls in their natural condition.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. FORAKER. In view of the passage of the joint resolution which has just been acted upon, I move that the joint resolution (S. R. 24) authorizing the President of the United States to invite the Government of Great Britain to join in the formation of an international commission to examine and report upon the diminution in volume of water passing over the Falls of Niagara, reported by me a few days ago from the Committee on Foreign Relations, be indefinitely postponed.

The motion was agreed to.

PUBLIC BUILDING AT ROANOKE, VA.

Mr. DANIEL. I ask unanimous consent for the present consideration of the bill (S. 2264) to provide for enlarging the public building at Roanoke, Va., in order to accommodate the United States courts.

There being no objection, the bill was considered as in Committee of the Whole. It directs the Secretary of the Treasury to acquire, by purchase, condemnation, or otherwise, additional land for the enlargement of the site of the Federal building in the city of Roanoke, Va., and to cause the building to be extended, remodeled, and enlarged to provide proper accommodations for the United States courts, at a total cost, including additional land, not to exceed $85,000.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ANDREW H. RUSSELL AND WILLIAM R. LIVERMORE.

Mr. LODGE. I ask leave to call up the bill (S. 682) for the relief of Andrew H. Russell and William R. Livermore.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Claims with an amendment, in line 5, before the name "William R. Livermore," to strike out "Lieutenant-Colonel" and insert "Colonel;" so as to make the bill read:

*Be it enacted, etc.*, That the Court of Claims is hereby authorized to take jurisdiction of a suit to be brought by Lieut. Col. Andrew H. Russell and Col. William R. Livermore on account of the alleged infringement of their patent No. 230823 dated August 3, 1880, for a magazine firearm, granted to said Andrew H. Russell, and to render judgment for damages incurred or compensation due for such infringement; and the court is hereby further authorized to receive and consider the testimony already taken in the suit brought in the United States circuit court for the district of Massachusetts by said persons against Col. Alfred Mordecai and dismissed for want of jurisdiction, and such new evidence as may be taken on either side: *Provided*, That either party shall have the right of appeal from the Court of Claims to the United States Supreme Court under the ordinary rules and regulations governing appeals.

The amendment was agreed to.

The bill was reported to the Senate as amendment, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

QUARANTINE STATION ON SAN DIEGO BAY.

Mr. PERKINS. I ask unanimous consent for the present consideration of the bill (S. 1830) making appropriation for the removal of the quarantine station at San Diego, Cal., and to acquire a new site, and for other purposes. There is an amendment striking out the appropriation.

The Secretary read the bill; and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Public Health and National Quarantine with amendments.

The first amendment was to strike out section 1, in the following words:

That the sum of $200,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of remov-

ing the quarantine station at San Diego, Cal., to a new site and the erection thereon of buildings, wharves, and other improvements.

Mr. LODGE. That removes the appropriation, I understand.

Mr. PERKINS. It does.

Mr. LODGE. Is the appropriation provided in another place in the bill?

Mr. PERKINS. That will be attended to later.

The amendment was agreed to.

The next amendment was, in section 2 (1), page 2, line 4, after the word "acquire," to insert "without expense to the United States;" so as to make the section read:

That of the land on Point Loma now owned by the United States and used as a naval reservation a strip 300 feet wide, fronting on San Diego Bay, and extending 1,500 feet in a westerly direction at the northerly end of the said reservation, is hereby transferred to the Treasury Department for use as a quarantine station, subject to the right of way for the military road through the same; and the Secretary of the Treasury is hereby authorized to acquire, without expense to the United States, a strip of submerged land between Portuguese Channel and the main channel in San Diego Bay, 700 feet wide, the same being located to the north of the present quarantine station and in front of the said north end of the above-mentioned reservation, for the purpose of constructing wharves, detention buildings, etc., on piling, and to be considered as a part and parcel of the new site for the quarantine station.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the removal of the quarantine station at San Diego, Cal., and to acquire a new site, and for other purposes."

FORT RICE MILITARY RESERVATION LANDS.

Mr. HANSBROUGH. I ask for the present consideration of the bill (S. 2450) for the relief of settlers upon the abandoned Fort Rice Military Reservation.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It provides that all persons now having or who may hereafter file homestead applications upon any of the lands situate within the abandoned Fort Rice Military Reservation, in the State of North Dakota, shall be entitled to a patent to the land filed upon by such person upon compliance with the provisions of the homestead law of the United States and proper proof thereof, and shall not be required to pay the appraised values of such lands in addition to such compliance with the homestead law.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ESTATE OF JOHN C. RIVES.

Mr. GALLINGER. I ask for the consideration of the bill (S. 4376) to quitclaim all the interest of the United States of America in and to a certain lot of land lying in the District of Columbia and State of Maryland to heirs of John C. Rives, deceased.

I will state that a similar bill has passed the Senate two or three times, and it is one the Senator from Maryland [Mr. GORMAN] is greatly interested in.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It requires the Secretary of the Interior to grant and convey unto the heirs and assigns of John C. Rives, deceased, of Maryland, all the right, title, and interest of the United States in and to a certain lot of land lying partly in the District of Columbia and the State of Maryland, consisting of about 52 acres, more or less, as described in the will of John C. Rives.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EXECUTIVE SESSION.

Mr. SPOONER. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After ten minutes spent in executive session the doors were reopened, and (at 5 o'clock and 5 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, March 13, 1906, at 12 o'clock meridian.

## NOMINATIONS.

*Executive nominations received by the Senate March 12, 1906.*

GOVERNOR OF ALASKA.

Wilford B. Hoggatt, of Juneau, Alaska, to be governor of Alaska, vice John G. Brady, resigned.

CONSUL.

Frederick I. Bright, of Ohio, to be consul of the United States at Huddersfield, England, vice Benjamin F. Stone, resigned.

DISTRICT ATTORNEY.

John Embry, of Oklahoma, to be United States attorney for the district of Oklahoma, vice Horace Speed, removed.

NAVAL OFFICER OF CUSTOMS.

Frederick J. H. Kracke, of New York, to be naval officer of customs in the district of New York, in the State of New York, to succeed Robert A. Sharkey, whose term of office will expire by limitation April 17, 1906.

SURVEYORS OF CUSTOMS.

James S. Clarkson, of New York, to be surveyor of customs in the district of New York, in the State of New York. (Reappointment.)

Robert Calvert, of Wisconsin, to be surveyor of customs for the port of La Crosse, in the State of Wisconsin. (Reappointment.)

COLLECTOR OF CUSTOMS.

Nevada N. Stranahan, of New York, to be collector of customs for the district of New York, in the State of New York. (Reappointment.)

DISTRICT MARSHAL.

Charles J. Haubert, of New York, to be United States marshal for the eastern district of New York. A reappointment, his term expiring April 21, 1906.

PENSION AGENT.

Michael Kerwin, of New York, to be pension agent at New York City, to take effect April 30, 1906, at expiration of his term. (Reappointment.)

PROMOTIONS IN THE REVENUE-CUTTER SERVICE.

First Lieut. Kirtland Warner Perry to be a captain, to rank as such from March 5, 1906, in the Revenue-Cutter Service of the United States, to succeed James Benjamin Butt, retired.

Second Lieut. Charles Satterlee to be a first lieutenant, to rank as such from March 5, 1906, in the Revenue-Cutter Service of the United States, to succeed Kirtland Warner Perry, promoted.

Third Lieut. George Ellender Wilcox to be a second lieutenant, to rank as such from March 5, 1906, in the Revenue-Cutter Service of the United States, to succeed Charles Satterlee, promoted.

PROMOTIONS IN THE NAVY.

P. A. Paymaster Edward T. Hoopes to be a paymaster in the Navy, from the 2d day of February, 1906, vice Paymaster Harrison L. Robins, resigned.

P. A. Paymaster Walter A. Greer to be a paymaster in the Navy, from the 10th day of February, 1906, vice Paymaster Eugene D. Ryan, promoted.

P. A. Paymaster Cecil S. Baker to be a paymaster in the Navy, from the 17th day of February, 1906, vice paymaster Henry E. Jewett, resigned.

POSTMASTERS.

CALIFORNIA.

Frank J. Payne to be postmaster at Sutter Creek, in the county of Amador and State of California, in place of Frank J. Payne. Incumbent's commission expired February 28, 1906.

IDAHO.

W. E. Kittrell to be postmaster at Burke, in the county of Shoshone and State of Idaho, in place of Edna P. Madden, resigned.

ILLINOIS.

Elijah Needham to be postmaster at Virginia, in the county of Cass and State of Illinois, in place of Elijah Needham. Incumbent's commission expires April 1, 1906.

Alfred R. Wilcox to be postmaster at Minonk, in the county of Woodford and State of Illinois, in place of Alfred R. Wilcox. Incumbent's commission expires March 14, 1906.

INDIANA.

George P. Alexander to be postmaster at Kendallville, in the county of Noble and State of Indiana, in place of Christopher Browand, removed.

John H. Cockley to be postmaster at Albion, in the county of Noble and State of Indiana, in place of Herbert E. Becktel. Incumbent's commission expires March 19, 1906.

IOWA.

Wallace G. Agnew to be postmaster at Osceola, in the county of Clarke and State of Iowa, in place of Melville Sheridan. Incumbent's commission expires April 10, 1906.

Daniel E. Pond to be postmaster at Monticello, in the county of Jones and State of Iowa, in place of Daniel E. Pond. Incumbent's commission expired March 5, 1906.

KANSAS.

Alexander Barron to be postmaster at Kirwin, in the county of Phillips and State of Kansas, in place of Alexander Barron. Incumbent's commission expired January 16, 1906.

William E. Hogueland to be postmaster at Yates Center, in the county of Woodson and State of Kansas, in place of William E. Hogueland. Incumbent's commission expired January 16, 1906.

Clement O. Smith to be postmaster at Burlington, in the county of Coffey and State of Kansas, in place of Clement O. Smith. Incumbent's commission expired January 16, 1906.

MICHIGAN.

Aaron W. Cooper to be postmaster at Fowlerville, in the county of Livingston and State of Michigan, in place of Aaron W. Cooper. Incumbent's commission expired January 20, 1906.

Kimbal R. Smith to be postmaster at Ionia, in the county of Ionia and State of Michigan, in place of Kimbal R. Smith. Incumbent's commission expires March 19, 1906.

Judson M. Spore to be postmaster at Rockford, in the county of Kent and State of Michigan, in place of Judson M. Spore. Incumbent's commission expired February 7, 1906.

MINNESOTA.

Harriet E. Morcom to be postmaster at Tower, in the county of St. Louis and State of Minnesota, in place of Harriet E. Morcom. Incumbent's commission expires April 5, 1906.

Luella T. Robey to be postmaster at Pipestone, in the county of Pipestone and State of Minnesota, in place of William W. Robey, deceased.

Edgar B. Shanks to be postmaster at Fairmont, in the county of Martin and State of Minnesota, in place of Edgar B. Shanks. Incumbent's commission expires April 5, 1906.

MISSOURI.

William H. Garanflo to be postmaster at New Madrid, in the county of New Madrid and State of Missouri, in place of William H. Garanflo. Incumbent's commission expires March 14, 1906.

Alvin Goodson to be postmaster at Carrollton, in the county of Carroll and State of Missouri, in place of Alvin Goodson. Incumbent's commission expires March 14, 1906.

Max V. Robinson to be postmaster at Fairfax, in the county of Atchison and State of Missouri, in place of Max V. Robinson. Incumbent's commission expired March 1, 1906.

NEW JERSEY.

Charles E. Gildersleeve to be postmaster at Sayreville, in the county of Middlesex and State of New Jersey. Office became Presidential October 1, 1905.

William N. Nixon to be postmaster at Woodstown, in the county of Salem and State of New Jersey, in place of Charles H. Richman. Incumbent's commission expired February 7, 1906.

NEW YORK.

Joseph Ogle to be postmaster at Greenport, in the county of Suffolk and State of New York, in place of Joseph Ogle. Incumbent's commission expires April 1, 1906.

Edward D. Tompkins to be postmaster at Middletown, in the county of Orange and State of New York, in place of Byron S. Dayton. Incumbent's commission expired February 28, 1906.

NORTH CAROLINA.

Brownlow Jackson to be postmaster at Hendersonville, in the county of Henderson and State of North Carolina, in place of Amanda E. Morris, removed.

OHIO.

Frank Fortune to be postmaster at Jefferson, in the county of Ashtabula and State of Ohio, in place of Frank Fortune. Incumbent's commission expires April 5, 1906.

H. W. Krumm to be postmaster at Columbus, in the county of Franklin and State of Ohio, in place of Robert M. Rownd, resigned.

PENNSYLVANIA.

Gilson A. Jackson to be postmaster at Youngsville, in the county of Warren and State of Pennsylvania, in place of Gilson A. Jackson. Incumbent's commission expires April 10, 1906.

TEXAS.

Robert F. Nelson to be postmaster at Gorman, in the county of Eastland and State of Texas. Office became Presidential January 1, 1906.

VERMONT.

Fred G. Haskins to be postmaster at Bristol, in the county of Addison and State of Vermont, in place of Fred G. Haskins. Incumbent's commission expires March 14, 1906.

WASHINGTON.

Albert S. Dickinson to be postmaster at Waitsburg, in the county of Wallawalla and State of Washington, in place of Albert S. Dickinson. Incumbent's commission expired March 3, 1906.

L. M. Hull to be postmaster at Wenatchee, in the county of Chelan and State of Washington, in place of Ellsworth D. Scheble. Incumbent's commission expires April 2, 1906.

George N. Lamphere to be postmaster at Palouse, in the county of Whitman and State of Washington, in place of George N. Lamphere. Incumbent's commission expired March 3, 1906.

## CONFIRMATIONS.

*Executive nominations confirmed by the Senate March 12, 1906.*

CONSUL.

Gebhard Willrich, of Wisconsin, to be consul of the United States at St. John, New Brunswick, Canada.

SURVEYOR-GENERAL OF WYOMING.

Alpheus P. Hanson, of Wyoming, to be surveyor-general of Wyoming.

REGISTER OF THE LAND OFFICE.

George B. Robberts, of Oklahoma, to be register of the land office at Mangum, Okla.

PROMOTIONS IN THE ARMY.

Col. Abner H. Merrill, Artillery Corps, to be placed on the retired list of the Army with the rank of brigadier-general from the date upon which he shall be retired from active service.

Capt. William V. Judson, Corps of Engineers, to be major from March 2, 1906.

First Lieut. George B. Pillsbury, Corps of Engineers, to be captain from March 2, 1906.

Second Lieut. Ralph T. Ward, Corps of Engineers, to be first lieutenant from March 2, 1906.

Maj. Robert J. C. Irvine, Ninth Infantry, to be lieutenant-colonel from March 3, 1906.

Capt. John Cotter, Fifteenth Infantry, to be major from March 3, 1906.

PROMOTIONS IN THE NAVY.

Commander John B. Collins to be a captain in the Navy from the 28th day of February, 1906.

Lieut. Commander Edward Lloyd, jr., to be a commander in the Navy from the 19th day of February, 1906.

POSTMASTERS.

IDAHO.

Austin G. Nettleton to be postmaster at Nampa, in the county of Canyon and State of Idaho.

IOWA.

Willis S. Gardner to be postmaster at Clinton, in the county of Clinton and State of Iowa.

Newton W. Wentz to be postmaster at Oakland, in the county of Pottawattamie and State of Iowa.

MISSOURI.

James L. Baker to be postmaster at Lancaster, in the county of Schuyler and State of Missouri.

MONTANA.

Percy F. Dodds to be postmaster at Whitefish, in the county of Flathead and State of Montana.

NEBRASKA.

Clark K. Brown to be postmaster at Cozad, in the county of Dawson and State of Nebraska.

Charles A. Sweet to be postmaster at Creighton, in the county of Knox and State of Nebraska.

NEW YORK.

William A. Boyd to be postmaster at Mamaroneck, in the county of Westchester and State of New York.

Howard McMillan to be postmaster at East Aurora, in the county of Erie and State of New York.

William S. Mills to be postmaster at Fillmore, in the county of Allegany and State of New York.

John J. Roehrig to be postmaster at Rosebank, in the county of Richmond and State of New York.

Charles M. Sisco to be postmaster at Shortsville, in the county of Ontario and State of New York.

## ISLE OF PINES TREATY.

The injunction of secrecy was removed March 12, 1906, from Executive Documents Nos. 1, 2, and 3, Fifty-ninth Congress, first session, being papers in connection with the Isle of Pines treaty (Ex. J, 58th Cong., 2d sess.)

## HOUSE OF REPRESENTATIVES.

### MONDAY, *March 12, 1906.*

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of Friday was read and approved.

#### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed, with amendments, the bill (H. R. 12707) to enable the people of Oklahoma and of the Indian Territory to form a constitution and State government and be admitted into the Union on an equal footing with the original States; and to enable the people of New Mexico and Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States; in which the concurrence of the House of Representatives was requested.

The message also announced that the Senate had passed without amendment the following resolution:

House concurrent resolution No. 24.

*Resolved by the House of Representatives (the Senate concurring)*, That the President be requested to return to the House of Representatives the bill (H. R. 8494) granting an increase of pension to David A. Jones.

The message also announced that the Senate had passed the following resolution; in which the concurrence of the House of Representatives was requested:

Senate concurrent resolution No. 15.

*Resolved by the Senate (the House of Representatives concurring)*, That there be printed the following documents:

First. Reports of the efficiency of various coals used by the United States ships from 1896 to 1898, inclusive, made by the Bureau of Equipment of the Navy in 1899.

Second. Pages 47 to 71, inclusive, of the Navy for 1902, under the heading of "Equipment Expenses Abroad."

Third. Pages 55 to 67 of the report of said Bureau for 1903 under the same heading.

Fourth. Letter from the Secretary of the Navy to JOHN T. MORGAN (with the accompanying statements), dated March 6, 1906.

Said papers to be bound together in cloth, as one document, of which the usual number shall be printed and bound for the use of the Senate, and 500 copies for the Navy Department.

#### MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

Sundry messages in writing from the President of the United States were communicated to the House of Representatives, by Mr. BARNES, one of his secretaries, who also informed the House of Representatives that the President had approved and signed bills of the following titles:

On March 9, 1906:

H. R. 16305. An act authorizing the Secretary of War to sell certain coal in Alaska, and for other purposes;

H. R. 14589. An act to authorize the Cairo and Tennessee River Railroad Company to construct a bridge across the Tennessee River;

H. R. 14590. An act to authorize the Cairo and Tennessee River Railroad Company to construct a bridge across the Cumberland River.

On March 10, 1906:

H. R. 13538. An act to incorporate the Carnegie Foundation for the Advancement of Teaching.

On March 12, 1906:

H. R. 13542. An act authorizing the Secretary of the Interior to lease land in Stanley County, S. Dak., for a buffalo pasture.

#### UNITED STATES DISTRICT ATTORNEY FOR THE SOUTHERN DISTRICT OF NEW YORK.

Mr. JENKINS. Mr. Speaker, by direction of the Committee on the Judiciary, I ask for the passage of House resolution 350.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

*Resolved*, That the Secretary of the Treasury be requested to communicate to Congress what sums, if any, he or his predecessors in office have approved between January 1, 1898, and January 1, 1906, and paid from the appropriation for collecting the revenue from customs or otherwise, to United States district attorneys, under Revised Statutes, section 827, as extra compensation for work done by said district attorneys in customs cases originating prior to the customs administrative act of June, 1890, stating in detail the number of said cases, the respective ports at which said cases were pending, and the amounts paid to each of said district attorneys.

The Secretary is also requested to inform Congress what the character of the services was which were rendered by said district attorneys for which said extra compensation was allowed; and, further, having in view the opinion of the Attorney-General of the United States rendered July 8, 1889 (19 Opinions Attorneys-General, p. 354), that the Secretary of the Treasury has the right to scrutinize, reverse, and cut down all charges for such services certified by the court under said Revised Statutes, section 827, whether any charges so certified in these cases have been cut down or reversed; and if any, what these were in detail.

The Secretary is further requested to communicate to Congress whether or not any extra compensation has been allowed or paid to district attorneys under said section 827, Revised Statutes, since the act of March 3, 1905, prohibiting the receipt of fees by United States district attorneys in addition to the salary allowed them by law; and if so, the amounts so paid, the district attorneys who received the same, and the character of the services rendered.

The amendments recommended by the committee were read, as follows:

Amend in line 7, before the words "United States," by inserting the word "the;" strike out the word "attorneys" and insert in lieu thereof the word "attorney," in line 7; and insert in line 7, between the word "attorneys" and the word "under," the words "and of the southern district of New York."

Amend in line 9 by striking out the word "attorneys" and inserting in lieu thereof the word "attorney."

Amend in line 12 by striking out all after the words "said cases."

Amend line 13 by striking out the word "pending" and the word "to" after the word "paid" and insert in lieu thereof the word "in;" strike out the balance of said line.

Amend line 14 by striking out the word "attorneys."

Amend line 15 by striking out the word "what" and insert in lieu thereof the word "of."

Amend line 16 by striking out the words "was which were" after the word "services" and before the word "rendered."

Amend line 1 on page 2 by striking out the word "attorneys" and inserting in lieu thereof the word "attorney."

Amend line 14 by inserting the word "said" after the word "to;" and amend further by striking out the word "attorneys" and inserting in lieu thereof the word "attorney."

Amend line 19 by striking out, after the word "paid," the words "the district attorneys who receive the same."

The amendments were agreed to.

The resolution as amended was agreed to.

On motion of Mr. JENKINS, a motion to reconsider the last vote was laid on the table.

#### JOHN H. PARKER.

Mr. PATTERSON of Pennsylvania. Mr. Speaker, I ask unanimous consent for the present consideration of the following resolution.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

*Resolved*, That the President be requested to return to the House of Representatives a bill (H. R. 10588) entitled "An act granting a pension to John H. Parker."

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The question was taken, and the resolution was agreed to.

#### INCREASING CERTAIN PENALTIES IN DISTRICT OF COLUMBIA.

Mr. BABCOCK. Mr. Speaker, I call up for present consideration the bill (H. R. 11275) increasing the penalty for certain offenses in the District of Columbia.

The SPEAKER. The gentleman from Wisconsin [Mr. BABCOCK] calls up for consideration the following bill, which the Clerk will report.

The Clerk read as follows:

*Be it enacted, etc.*, That the penal clause in the first paragraph of the act of Congress approved July 8, 1898, entitled "An act to amend 'An act for the preservation of the public peace and protection of property in the District of Columbia,' approved July 29, 1892," be, and the same is hereby, amended so as to read as follows: "under penalty of a fine not to exceed $100, or imprisonment not to exceed six months, or both such fine and imprisonment." And that the last sentence of the last paragraph of the said act of Congress approved July 8, 1898, entitled "An act to amend 'An act for the preservation of the public peace and protection of property in the District of Columbia,' approved July 29, 1892," be, and the same is hereby, amended so as to read as follows: "That the taking and carrying away of the property of another in the District of Columbia without right so to do shall be a misdemeanor, punishable by a fine not to exceed $100, or imprisonment for a term not to exceed six months, or both."

Mr. CRUMPACKER. Mr. Speaker, I think we ought to know something about this bill. I understand there are two sections of the bill, one of which increases penalties for crimes defined by existing law. I would like to know what the offenses are for which the penalties are increased.

Mr. BABCOCK. Mr. Speaker, I yield to the gentleman from Michigan [Mr. SAMUEL W. SMITH], the chairman of the subcommittee on the Judiciary, who reported the bill.

Mr. SAMUEL W. SMITH. Mr. Speaker, this bill seeks to amend two paragraphs of the law of July 8, 1898. The first paragraph provides a penalty for disfiguring or injuring property. Heretofore the penalty has been $50. This amendment seeks to make the penalty $100 or imprisonment, or both, in the discretion of the court.

Mr. CRUMPACKER. For the destruction of or injury to property?

Mr. SAMUEL W. SMITH. For destroying, injuring, chipping, and so forth.

Mr. CRUMPACKER. What is ordinarily called "malicious trespass?"

Mr. SAMUEL W. SMITH. It is known in the statutes of various States as a "misdemeanor" to injure property.

Mr. CRUMPACKER. Does it require a willful or malicious or intentional destruction of property? Would a penalty attach to an accidental or unintentional destruction of property?

Mr. SAMUEL W. SMITH. No, sir.

Mr. CRUMPACKER. I think from the gentleman's statement it would.

Mr. SAMUEL W. SMITH. Well, if the gentleman has the report, he will find, on page 2, the original statute. I might read the whole of the paragraph.

Mr. CRUMPACKER. What does the paragraph provide, if the gentleman can explain it without taking time to read it? What kind of destruction or injury to property?

Mr. SAMUEL W. SMITH. It says:

That it shall not be lawful for any person or persons to destroy, injure, disfigure, cut, chip, break, deface, or cover or rub with or otherwise place filth or excrement of any kind upon any property, public or private, in the District of Columbia, or any public or private building, statue, monument, office, dwelling, or structure of any kind, or which may be in course of erection, or the doors, windows, steps, railing, fencing, balconies, balustrades, stairs, porches, or halls, or the walls or sides, or the walls of any inclosure thereof; or to write, mark, or paint obscene or indecent words or language thereon, or to draw, paint, mark, or write obscene or indecent figures representing obscene or indecent objects; or to write, mark, draw, or paint any other word, sign, or figure thereon, without the consent of the owner or proprietor thereof, or, in case of public property, of the person having charge, custody, or control thereof.

And the original penalty was not more than $50 for each and every such offense.

Mr. CRUMPACKER. It seems to me that under that statute an accidental destruction of property would bring on the penalty, or a necessary destruction, even.

Mr. SAMUEL W. SMITH. If the gentleman thinks it is necessary to insert the word "willful" in the original statute there will be no objection to that.

Mr. CRUMPACKER. The word "willful" or "unnecessary" ought to be included in the statute. The penalty is already too high, it seems to me, for the crime that the statute describes. If there be an accidental injury, however careful one may be, he is subject to the penalty under that statute. It is unqualified, and I suggest that the gentleman include in the statute the qualification "willful and unnecessary."

Mr. SAMUEL W. SMITH. I do not think if it were shown to the satisfaction of the court it was accidental there would be any fine imposed. The court would find out whether or not it was willful.

Mr. CRUMPACKER. The court could not avoid it under the terms of that statute. This is a statutory offense, and I undertake to say there is no State in this country that makes it a crime to injure property unless there be present the element of willfulness or wantonness, and the injury must be unnecessary. Most of the States require the element of malice. That is the crime that we ordinarily term "malicious trespass"—malicious injury to property.

Mr. SAMUEL W. SMITH. I have no idea that a court would allow a verdict to stand a minute, unless it was clearly shown that the act was willful.

Mr. CRUMPACKER. Will the gentleman submit an amendment putting in the word "malicious," or "unnecessary and wanton?"

Mr. SAMUEL W. SMITH. The gentleman from Missouri desires to be heard for one moment.

Mr. SHACKLEFORD. I just want to ask the gentleman from Indiana if they are not on their face willful acts? I may call to his attention one of the specific acts that caused us to report this bill. It seems that some person wanting to take souvenirs from Washingon went over to the Washington Monument and chipped off a part of the marble blocks as souvenirs. Now, $50 fine is insufficient for that sort of vandalism. This merely affects the penalty for those who shall do certain things which upon the face of the statute themselves are willful. I have no objection to inserting the words "whoever shall maliciously and wantonly."

Mr. CRUMPACKER. I think the words "maliciously and wantonly" should be inserted. I should not use the word "unnecessary."

Mr. SAMUEL W. SMITH. Why is not "willful" sufficient?

Mr. CRUMPACKER. That is not in the bill. It will not take any more time to put both in.

Mr. SHACKLEFORD. "Malicious" covers "wrongfully."

Mr. SAMUEL W. SMITH. We could insert it in the first line by saying "willfully destroy."

Mr. CRUMPACKER. Propose that.

Mr. SULLIVAN of Massachusetts. "Willfully and maliciously."

Mr. CRUMPACKER. I suggest "wantonly" as the better word.

Mr. PAYNE. Make it "willfully" or "wantonly."

Mr. SULLIVAN of Massachusetts. I think that the words "willfully" or "wantonly" would be better. I remember that when they were recodifying the laws in Massachusetts they rejected the word "maliciously" because of the fact that they would have to prove personal malice against the owner of the property. Therefore they used the word "wantonly."

Mr. SAMUEL W. SMITH. There will be no objection to that.

Mr. CRUMPACKER. I wish the gentleman from Michigan would propose an amendment to that end.

Mr. BABCOCK. Mr. Speaker, I will say that the present bill does not affect the legislation that the gentlemen are talking about at all. This simply deals with the penalties and does not touch the law; so that it would be impossible to amend this bill without reenacting the present statute, which the bill does not touch.

Mr. CRUMPACKER. Well, let me say this: It seems to me the manner and method of making this amendment is a very poor one. It is an unscientific one. I think in making an amendment to penal statutes, particularly, that the section as amended ought to be set out in the bill.

Mr. BABCOCK. Yes; but it does not touch the section.

Mr. CRUMPACKER. And if the law is as the gentleman explains, the penalty is already too high. The crime that the original section undertakes to define is not recognized as a crime in any State of this country, and it ought not to be here. There would be, it seems to me, absolutely no escape from the punishment of a man entirely innocent, who might do some injury to private or public property. Now, there is another thing I want to criticise in the second paragraph or section of the bill. I understand the second section of the bill directly abolishes the crime of larceny, because it says, "Whoever takes away the goods of another shall be guilty of a misdemeanor." It does not say "wrongfully," but "Whoever takes away the property of another shall be guilty of a misdemeanor."

Mr. SAMUEL W. SMITH. That has been the law since 1898.

Mr. CRUMPACKER. If the gentleman has an extra copy of the bill, I would like to see it. Maybe I have misunderstood it.

I believe the gentleman had better withdraw this bill and put it in shape. If you amend the original section, you ought to put in a qualifying clause to the original section, so as to make the "wanton and unnecessary destruction" of property a crime without making the accidental or innocent injury of property punishable by fine and imprisonment. I do not believe that law ought to be executed, and while the committee is recommending an amendment, I suggest they recommend an amendment of the entire section, so as to make it denounce crimes that are wrong and criminal in principle, and not punish acts that may be entirely innocent.

Mr. OLCOTT. Mr. Speaker, in regard to the amendments of the gentleman from Indiana, I would say that this particular amendment which is suggested to the present statute is solely in cases of wanton and willful destruction. The gentleman from Indiana surely must understand that no judge before whom is brought a person accused of taking souvenirs from the public offices of the United States—not a case of accidental breaking of an object—is going to convict him. The present penalty as it exists to-day is found to be insufficient. There have been cases over and over again in this District where souvenir hunters have chipped off pieces of the statuary in the Capitol itself, and my own personal opinion is that the penalty is absolutely needed when anyone is convicted of the crime.

Mr. CRUMPACKER. Now, a suggestion, if the gentleman will permit it. I understood from the reading of the law by the gentleman from Michigan [Mr. SAMUEL W. SMITH] that the offense it creates is not confined to public property at all, and it is not necessary that the destruction of property be wanton, willful, or malicious. What I am complaining about is that, as I gather from the reading of the law by the gentleman from Michigan, an innocent injury to property, however excusable, is made a misdemeanor under the provisions of the bill.

Mr. OLCOTT. The gentleman from Indiana can not possibly believe that any judge would ever convict a person of a misdemeanor if he had accidently destroyed private property.

Mr. CRUMPACKER. Why give him such power?

Mr. OLCOTT. He has not the power under this bill any more than he has under the law as it now stands.

Mr. CRUMPACKER. This is a statutory offense, and the question of willfulness, it has been repeatedly held throughout the country, is not a necessary element in a statutory offense. Now, you make it an offense to injure property, without regard to the question of intention, without any regard to the question of necessity; and when a case is presented to a judge under that statute I do not see how he can by interpretation construe the statute to mean that the act must be willful or wanton or unnecessary. Those words are not in the statute.

Mr. OLCOTT. This is the provision of the statute that is now on the books, and has been on the books for years, and no difficulty whatever has arisen. The sole object of this bill is to in-

crease the penalty for the breaking or defacing of public or private property.

Mr. SULLIVAN of Massachusetts. But you increase the penalty, and you make it apply to wanton and malicious offenses, and this act does not come up to the penalty—in other words, you make the punishment, proper for a wanton offense, apply to a perfectly innocent or negligent act.

Mr. OLCOTT. The gentleman from Massachusetts surely understands that no judge would convict a person under those circumstances.

Mr. SULLIVAN of Massachusetts. I am not willing to intrust such discretion to a judge in a criminal case.

Mr. SAMUEL W. SMITH. I wish to make a suggestion. Let us strike out all after the enacting clause and make it read:

That the first and last paragraphs of the act of Congress approved July 8, 1898, entitled "An act to amend an act for the preservation of the public peace and protection of property in the District of Columbia, approved July 29, 1892," be, and the same are hereby, amended so as to read as follows.

Then, in the first paragraph, before "destroy," insert "willfully or wantonly."

Mr. SULLIVAN of Massachusetts. How can we do that here? Your bill only deals with the penalties.

Mr. SAMUEL W. SMITH. We can strike out all after the enacting clause and provide simply for these two paragraphs with that amendment.

Mr. SULLIVAN of Massachusetts. You mean to read them into this statute?

Mr. SAMUEL W. SMITH. Yes.

Mr. SULLIVAN of Massachusetts. Very well.

Mr. SAMUEL W. SMITH. I think that will be satisfactory.

Mr. CRUMPACKER. Let the gentleman from Michigan propose that amendment.

Mr. SAMUEL W. SMITH. Mr. Speaker, I offer the amendment which I send to the Clerk's desk.

The SPEAKER. The gentleman from Michigan offers an amendment, which will be reported by the Clerk.

The Clerk read as follows:

Strike out all after the enacting clause and insert: "That the first and last paragraphs of the act of Congress approved July 8, 1898, entitled 'An act to amend "An act for the preservation of the public peace and protection of property in the District of Columbia," approved July 29, 1892,' be, and the same are hereby, amended so as to read as follows:

FIRST PARAGRAPH.

"'That it shall not be lawful for any person or persons to willfully or wantonly destroy, injure, disfigure, cut, chip, break, deface, or cover or rub with or otherwise place filth or excrement of any kind upon any property, public or private, in the District of Columbia, or any public or private building, statue, monument, office, dwelling, or structure of any kind, or which may be in course of erection, or the doors, windows, steps, railing, fencing, balconies, bulustrades, stairs, porches, or halls, or the walls or sides, or the walls of any inclosure thereof; or to write, mark, or paint obscene or indecent words or language thereon; or to draw, paint, mark, or write obscene or indecent figures representing obscene or indecent objects; or to write, mark, draw, or paint any other word, sign, or figure thereon, without the consent of the owner or proprietor thereof, or, in case of public property, of the person having charge, custody, or control thereof, under penalty of a fine not to exceed $100, or imprisonment not to exceed six months, or both such fine and imprisonment.'

LAST PARAGRAPH.

"'That it shall not be lawful for any person or persons to make any obscene or indecent exposure of his or her person or their persons in any street, avenue or alley, road or highway, open space, public square, or other public place or inclosure, in the District of Columbia, or to make any such obscene or indecent exposure of person in any dwelling or other building or other place wherefrom the same may be seen in any street, avenue, alley, road, or highway, open space, public square, or public or private building or inclosure, under a penalty not to exceed $250 for each and every such offense. That the taking and carrying away of the property of another in the District of Columbia without right to do so shall be a misdemeanor, punishable by a fine not to exceed $100, or imprisonment for a term not to exceed six months, or both.'"

Mr. SAMUEL W. SMITH. I think that covers it.

The SPEAKER. The question is on agreeing to the amendment offered by the gentleman from Michigan.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. SAMUEL W. SMITH, a motion to reconsider the last vote was laid on the table.

ERECTION OF FIRE ESCAPES IN DISTRICT OF COLUMBIA.

Mr. BABCOCK. Mr. Speaker, I call up the bill H. R. 122, an act to require the erection of fire escapes in certain buildings in the District of Columbia, and for other purposes, which is on the Speaker's table.

The SPEAKER laid before the House the bill (H. R. 122) to require the erection of fire escapes in certain buildings in the District of Columbia, and for other purposes, with Senate amendments.

The Senate amendments were read.

Mr. BABCOCK. Mr. Speaker, I move to concur in the Senate amendments.

Mr. SIMS. I would like to ask the gentleman from Wisconsin to explain the effect of the Senate amendments.

Mr. BABCOCK. They are not material, but I will refer the gentleman to the gentleman from Ohio [Mr. TAYLOR], who is more familiar with the matter.

Mr. TAYLOR of Ohio. Mr. Speaker, the first amendment simply inserts the word "or" between the words "height" and "over," making line 5 on page 1 read, "three or more stories in height or over 30 feet in height." That was in the original bill, and it does not make any material difference.

The second amendment, on page 2, line 7, strikes out all after the word "story" down to and including the word "feet," in line 10. Section 2 provides that in any building already erected or which may hereafter be erected in which ten or more persons are employed at the same time in any of the stories above the second story, they shall be provided with certain fire escapes. In the original bill it eliminated that if they had two or more stairways each 3 feet wide and separated from each other by a distance of at least 30 feet. The Senate strikes out that provision as to the two stairways.

The next amendment is, on page 4, line 14, the $50 fine is stricken out and $5 a day inserted, which, we think, is perhaps right. That is, for a noncompliance with the notice and not for a noncompliance with the act itself in failing to provide a fire escape. On page 4, line 25, the Senate has inserted this language: "Unless the Commissioners of the District of Columbia shall in their discretion deem it necessary to extend the time." The bill now provides for ninety days for compliance with the notice, and this puts it in the discretion of the Commissioners to extend the time.

The Senate amendments were agreed to.

UNLAWFUL WEARING OF BADGES OF THE GRAND ARMY OF THE REPUBLIC.

Mr. BABCOCK. Mr. Speaker, I now call up the bill H. R. 58, which is on the Speaker's table.

The SPEAKER laid before the House the bill (H. R. 58) to prevent the unlawful wearing of the badge or insignia of the Grand Army of the Republic, or other soldier organizations, with a Senate amendment.

The Senate amendment was read.

The Senate amendment was agreed to.

REAL ESTATE CORPORATIONS, DISTRICT OF COLUMBIA.

Mr. BABCOCK. Mr. Speaker, I now call up the bill (S. 1244) to amend section 605 of the Code of Law for the District of Columbia, relating to corporations.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That section 605 of the Code of Law for the District of Columbia be, and the same is hereby, amended by striking out the proviso contained therein, so that said section will read as follows:

"SEC. 605. CERTIFICATE.—Any three or more persons who desire to form a company for the purpose of carrying on any enterprise or business which may be lawfully conducted by an individual, excepting banks of circulation or discount, railroads, and such other enterprise or business as may be otherwise specially provided for in this code, may make, sign, and acknowledge, before some officer competent to take the acknowledgment of deeds, and file in the office of the recorder of deeds a certificate in writing."

Mr. FITZGERALD. Mr. Speaker, I would like to hear some explanation of this bill.

Mr. OLCOTT. Mr. Speaker, this bill, passed by the Senate, is to enable corporations to be formed for the buying and selling of real estate. That power does not now exist in the law of the District of Columbia relating to corporations. There are many corporations dealing in real estate in the District, but they have to go to other places where such corporations are authorized and then come back here and deal as foreign corporations. The bill has passed the Senate, and an amendment has been reported by the Committee on the District of Columbia limiting the capital of such corporations to $500,000 and their borrowing capacity to $250,000.

Mr. FITZGERALD. I desire to inquire of the gentleman whether the investigation of the committee determined what capitalization the companies now operating in the District have?

Mr. OLCOTT. Does the gentleman mean the entire amount of capital now invested in the District by foreign corporations?

Mr. FITZGERALD. No; the capital of any one of the foreign corporations now dealing in real estate.

Mr. OLCOTT. I can not answer the question positively, but I think none of them exceed $500,000.

Mr. FITZGERALD. I wish to inquire if the gentleman thinks that $500,000 is a sufficient margin?

Mr. OLCOTT. The amount of $500,000 was adopted by the committee after considerable discussion. As far as I am indi-

vidually concerned, I do not think $500,000 is a sufficient limit, but this has the approval of the District Commissioners.

Mr. SULLIVAN of Massachusetts. Is there any limit to the amount of real estate the corporation may hold?

Mr. OLCOTT. Only the limitation of the capital to $500,000 and the borrowing of money to the extent of $250,000.

Mr. SULLIVAN of Massachusetts. Did the committee take into consideration the general policy against corporations holding real estate?

Mr. OLCOTT. That was examined into, and it was found that eight-tenths of the States in the Union authorized such corporations, and there is nothing to preclude such corporations from speculating in real estate here in the District of Columbia.

Mr. SULLIVAN of Massachusetts. Would it not be possible for half a dozen of these corporations to combine and control the real estate in the District of Columbia?

Mr. OLCOTT. I presume it would be possible for half a dozen of them to control probably six times $750,000; yes, sir.

Mr. SULLIVAN of Massachusetts. And in that manner establish a monopoly in land, which has been the reason for forbidding this very class of corporations.

Mr. OLCOTT. Mr. Speaker, I think there is no possible danger of a monopoly in land being established by the forming of a sufficient number of corporations in view of the fact that the limitation of their holdings in real estate must be $750,000.

Mr. SULLIVAN of Massachusetts. Inasmuch as there is no limit to the number of those who may form such corporations, we may still have the bulk of the real estate of the District held by corporations dealing in real estate.

Mr. OLCOTT. Of course there is no limitation as to the number of either individuals or corporations who may own real estate, and I presume it would be possible for a number of individuals to gather together and control a very large portion of the real estate in any city.

Mr. SULLIVAN of Masachusetts. But when the ididividual dies the estate is distributed, which is not the case with a corporation, which is one of the principal reasons for excluding corporations from owning and dealing in real estate.

Mr. OLCOTT. I understand that perfectly, but this has worked so admirably, especially for people who are unable to own large quantities of real estate, to be interested in a corporation holding real estate, and therefore be enabled to reap the benefit of the better investments in real estate. That has been the experience throughout the country.

Mr. CRUMPACKER. Does not the gentleman believe it would be a good deal better for the individuals of a city to own their own homes than to own stock in a corporation that buys the land and constructs the houses and rents them out to the individual?

Mr. OLCOTT. I think that is undoubtedly so, and I think the experience of all real estate operators is that the homes of the people are seldom owned for any considerable time by these corporations formed to buy, improve, and sell real estate. The policy of such companies is to sell speedily.

Mr. CRUMPACKER. There is no reason why if it should become profitable with the corporations that will be organized under this bill, if it becomes a law—there is no reason why they could not go into the business of buying and platting additions and building houses and renting them out perpetually.

Mr. OLCOTT. Absolutely no reason if it was found profitable, nor is there any reason why the individual should prefer to rent from them rather than to buy his own modest home.

Mr. CRUMPACKER. My own idea in relation to corporations has been that they should be created only for the purpose of carrying on some enterprise of an industrial or commercial character, and that the land in this country ought to be left for the individual; that the farms and homes and business buildings ought to be owned in the main by individuals. I am therefore opposed to the bill.

Mr. OLCOTT. I would say to the gentleman from Indiana in regard to that, even though he opposes this bill for the reasons that he suggests, that does not prevent the foreign corporations from coming in and acting now in the District of Columbia, and it is surely better to give the District of Columbia itself an opportunity to form its own corporations and to allow it to control them than it is to allow foreign corporations to come in and regulate the business.

Mr. CRUMPACKER. I believe it would be infinitely better if Congress should enact a law prohibiting any corporation in the District of Columbia from owning more land than is reasonably necessary to carry out the purposes of its creation, and to prevent corporations either in the District of Columbia or elsewhere from engaging in the business of buying and selling and speculating in the farms and homes of the country.

Mr. OLCOTT. I think that these corporations have been created, as in many instances, to enable them to build homes with the express purpose of selling them, and I believe that if the gentleman will investigate he will find that these corporations that have erected buildings for homes have not adopted the plan of leasing them, but have always undertaken to sell the land which they had improved to the individual.

Mr. WM. ALDEN SMITH. Mr. Speaker, who asks for this legislation?

Mr. OLCOTT. The legislation was asked after consultation by the District of Columbia Commissioners with members of the Bar Association, who became aware of the fact that no corporation could be established here, created by the laws of the District of Columbia, for this purpose, whereas foreign corporations could come in and do business.

Mr. WM. ALDEN SMITH. It seems to me that we should not affirmatively put the stamp of our approval upon foreign corporations doing business of this kind in the District.

Mr. OLCOTT. I would say——

Mr. WM. ALDEN SMITH. Just hear me one moment further. I do not believe it is a wise thing to authorize corporations to organize and do real estate business under Federal law in the District of Columbia.

Mr. SAMUEL W. SMITH. Why should not the citizens of Washington have the same right the citizens of the State of Michigan have?

Mr. WM. ALDEN SMITH. Because this is the Federal capital, and the lands involved should challenge the concern of the Government. I will say to the gentleman that the growth and development of this city is a standing protest against that kind of property control. Originally it was intended that this city should be extended east of the capitol, but the real estate speculators got hold of the property about this building and forced the city in an unnatural channel.

Mr. OLCOTT. I call the gentleman's attention to the fact that I yielded for him to ask me a question and not for the purpose of making an argument.

Mr. WM. ALDEN SMITH. I will detain the gentleman but a moment. Real estate speculators have ample scope in the District now without this legislation, and I think it is an outrage to allow the organization of gigantic corporations here to deal in land in the District of Columbia, and I protest against it.

Mr. OLCOTT. I understand the question of the gentleman from Michigan was as to why we should put an affirmative permission to establish these corporations on the statute books.

Mr. WM. ALDEN SMITH. Yes.

Mr. OLCOTT. I call his attention to the fact that that is exactly what we are not doing. We are amending this section 605 of the Code by eliminating the words "*Provided*, That nothing shall be held to authorize the organization of corporations to buy, sell, or deal in real estate, etc.," because the bar association and many residents of the District have found that outside corporations were doing what the citizens of Washington themselves could not do, and they have therefore asked us to pass this amendment. The bill is approved by the Commissioners.

Mr. WM. ALDEN SMITH. The explanation of the gentleman from New York is probably satisfactory to himself, but if I had my way about it I would not permit a foreign corporation to deal in real estate in the District of Columbia; neither would I grant a charter of this kind to any three men.

Mr. OLCOTT. That is another question.

Mr. SULLIVAN of Massachusetts. May I call the gentleman's attention to one phase of the subject? Has the committee inquired whether or not in practice this limitation which the amendment imposes may not be easily overridden? Now, then, you do not limit the number of corporations that may be formed for the purpose of owning real estate in this District, which, I will call to the attention of the gentleman, is only 10 miles square. Now, then, is it not perfectly easy for the members of real estate corporations that have prospered to form another corporation with the same members for $500,000, and so on, ad libitum? Furthermore, is it not perfectly feasible, after they have got the business in this corporate form with a capitalization, we will say, of a total of $6,000,000, to unite under a trust agreement and——

Mr. OLCOTT. The gentleman is asking so many questions I fear I may forget some of them.

Mr. SULLIVAN of Massachusetts. I have only asked two.

Mr. OLCOTT. They are very long. I think it is possible for several corporations to be formed, but that possibility exists to-day with foreign corporations, and it has never worked any injury.

Mr. SHACKLEFORD. Mr. Speaker, as this bill passed the Senate it allowed companies to be incorporated under the laws of the District for the purposes of buying and selling and deal-

ing in real estate without any limitation whatever as to the amount of the capital stock or indebtedness. My own view is that the law should not permit companies to be incorporated for such purposes. It is against public policy to allow large accumulations of real estate in a single person or a single corporation. Land should, as far as possible, be distributed among the people. Nothing could be more injurious to the public welfare than monopoly of land ownership. While I was individually opposed to allowing companies to become incorporated for the purpose of dealing in real estate, yet I realized that a majority of the committee and probably a majority of this House would hold the opposite view. Therefore, in committee I moved to amend the Senate bill by providing a limitation on the amount of capital stock and indebtedness of such companies, making it impossible for them to own any very large amount of land. With those amendments the Senate bill has been reported to the House and is now up for consideration. I hope that these limitations upon the amount of capital stock and the indebtedness of such companies will be adopted. Even with those amendments the bill ought to fail, but certainly without them it would be a very dangerous measure.

Mr. OLCOTT. Mr. Speaker, I yield to the gentleman from Massachusetts.

Mr. SULLIVAN of Massachusetts. To illustrate the point a little further, I will say that in Massachusetts we have a trust which controls practically all of the street-railway corporations in that State, and the articles of association have not been questioned in the courts. That is what I had in mind when I suggested that a similar trust agreement would cover the business of a dozen of these real estate corporations. Now, a dozen real estate corporations, each capitalized at $500,000, could control for all practical purposes the entire real estate business of the district.

Mr. OLCOTT. I am perfectly free to confess that I do not know whether the laws would allow a trust company to manage half a dozen different corporations in the District of Columbia.

Mr. SULLIVAN of Massachusetts. Unless there is some express prohibition, certainly the law will allow it.

Mr. WM. ALDEN SMITH. Let me call the gentleman's attention to this: When we authorized the construction of the new Union Depot there was an abundance of cheap land all around it for sale, and I contend that it was not becoming for individual citizens of the District of Columbia to buy this land and undertake to thwart a great public work of this character.

Mr. OLCOTT. I would say to the gentleman from Michigan that the Government can very easily condemn any property that is necessary for their use.

Mr. WM. ALDEN SMITH. Let the gentleman from New York ask the chairman of his committee how easily they can do it.

Mr. OLCOTT. That is because, unfortunately, we have gentlemen who do not accept the things we do in the District of Columbia room.

Mr. WM. ALDEN SMITH. When the depot proposition was before the House I called the attention of the House to the fact that property owners and speculators would organize against the Government's interests, but it would have been infinitely worse if land corporations could have entered the field with more means and less conscience.

Mr. OLCOTT. I am unable to say how the passage of this bill would make it any more easy to have these things happen.

Mr. WM. ALDEN SMITH. Because a corporation without any soul and without any interest in the Government can corner the desirable land and defeat or delay progress.

Mr. OLCOTT. A corporation of $750,000 is not going to do a vast amount of damage to the property of the District of Columbia, especially when foreign corporations from all over can come and go up as high as the limitations of their own States allow.

Mr. WM. ALDEN SMITH. We have not restricted them, but we ought to do so, and I hope Congress will take action to limit or curtail their right to do business here.

Mr. OLCOTT. They will come for a little while only if you pass this bill and permit the citizens of Washington to allow them to do what the corporations of other States have the right to do.

Mr. WM. ALDEN SMITH. We ought to scrupulously guard the rights of the Government and the people in the lands of the District and follow out the plan with the least possible delay of making this city the pride of every citizen of the country. This legislation will not contribute to that end—it might embarrass it.

Mr. CRUMPACKER. When a corporation is created under this act, why its charter is irrepealable. Its charter amounts to a contract, a vested right, and it will be found that next year or the year after, if you undertake to change the policy, half a dozen real-estate corporations will have been created under this statute.

Mr. OLCOTT. It will put a corporation created under the laws of the District of Columbia in the same condition as corporations existing and created under the laws of other States.

Mr. CRUMPACKER. Excepting we have the power to exclude foreign corporations from doing business here.

Mr. OLCOTT. You can not exclude foreign corporations from doing business here if you interfere with vested rights they have.

Mr. CRUMPACKER. We can prevent them from obtaining any additional vested rights, and I think this bill is not good public policy. I do not believe that corporations ought to be permitted to engage in the general business of buying and selling and trading in real estate anywhere.

Mr. OLCOTT. Has the gentleman from Indiana found that this has worked a great hardship in his own State, where it is allowed?

Mr. CRUMPACKER. I think not. I think corporations ought to be confined in their ownership of real estate to the reasonable purposes of their creation. I think the people of the country ought to be the repositories of real-estate titles and the owners of the farms and the homes of the land.

Mr. WM. ALDEN SMITH. Especially in this District, the national capital.

Mr. OLCOTT. Mr. Speaker, I ask for the passage of the bill.

Mr. SIMS. How much time has the gentleman left?

The SPEAKER. The gentleman has forty minutes.

Mr. SIMS. I do not think I will use forty minutes.

Mr. OLCOTT. I yield five minutes to the gentleman from Tennessee.

Mr. SIMS. Five minutes is nothing. I opposed this bill in the committee and all the way through, and it is not possible for me to present the matter in five minutes.

Mr. OLCOTT. I will give the gentleman from Tennessee any reasonable time he wants.

Mr. SIMS. I would not use twenty minutes, but the gentleman knows that interruptions may cause me to use more time than I think will be necessary now.

Mr. OLCOTT. I yield the gentleman fifteen minutes.

Mr. SIMS. Well, then, I may want more.

Mr. OLCOTT. Well, then, you can ask it.

Mr. SIMS. I will trust to the gentleman's generosity. I hope I may have order and attention. I did not have time to prepare and submit my views as a member of the minority, nor do I think it was necessary. In order that the House may understand this bill, I desire first to state that two or three years ago we enacted a Code of Laws for the District of Columbia. That Code of Laws had been specially prepared by a committee of citizens of the District of Columbia, who had charge of it for more than ten years. That code prohibited the organization of corporations for the purpose of dealing in real estate. Now, this bill is to repeal that section of the code of the District of Columbia prohibiting such corporations which this House enacted by an almost unanimous vote only a little while ago. Now, what the effect of it will be has been stated as well as I can by the gentleman from Michigan, the gentleman from Massachusetts, and the gentleman from Indiana. It is not a bill to permit a corporation to buy real estate for the purpose of carrying out its corporate business, like a manufactory, or anything of that sort. It is a bill to permit the organization of a corporation to buy and sell real estate, just like a syndicate, or like an individual, for purely speculative purposes, in the limited area of the District of Columbia, one-half of it now owned by the Government of the United States in public buildings and in streets, alleys, and parks. You can see how dangerous a proposition of this kind may be when worked out in detail. It organizes a corporation with a capital of half a million dollars. It does not have to buy only a half million dollars' worth of real estate. It can buy it, mortgage it, and with that amount of capital it can buy up and hold almost all the unimproved property in the District of Columbia and hold away from the home builder.

Mr. OLCOTT. Will the gentleman yield for a moment?

Mr. SIMS. Certainly.

Mr. OLCOTT. Under the limitation placed upon them in the bill they can not borrow more than $250,000, and they must capitalize at $500,000. Now, how, then, can they buy up all the unimproved property in the District?

Mr. SIMS. They can buy on a credit, with a lien retained on all except a small amount.

Mr. OLCOTT. Then they will owe more than $250,000.

Mr. SIMS. They will be owing a debt on the purchase money, but not borrowed money.

Mr. OLCOTT. They can not be indebted for more than $250,000.

Mr. SIMS. You say they can not be indebted for more than $250,000?

Mr. OLCOTT. They can not be indebted for more than $250,000, and if they own property with a lien for a greater amount, they violate the statute on which they are created.

Mr. SIMS. Does the gentleman think they can only owe $250,000?

Mr. OLCOTT. They can not owe more than $250,000.

Mr. SIMS. With all becoming modesty, I disagree as to that. But if it is only $100,000, or $10,000, the object of the bill is vicious. In this limited area, with already more than one-half owned by the United States, and the fact that the Government will have to acquire additional real estate from time to time, this bill will permit a corporation to buy up and hold real estate and force a much higher price with its power and influence, which no individual could exercise for purely speculative purposes. There would then be but little real estate left for the home owner; and we should give the greatest possible opportunity to the home owner to buy and own his own home, and not allow all the land to be acquired by corporations created for no other purpose than to get speculative profits. They can organize as many as they want to. This bill is not limited to one corporation; you can have 20 or 40 or 100 buying and selling real estate and competing with the people who need real estate for homes, however humble they may be.

Every once in a while I see stated in the paper that some association of gentlemen get together and say that "We need a new park somewhere." We need this, that, and the other, and they start in to get Congress to buy up this land, when the property has been bought up for the purpose of unloading it on the Government by action of Congress.

This is one of the possibilities of this legislation, if not its object. It will permit innumerable corporations to be organized here that can buy every available foot of unoccupied territory in this District and force home purchasers or the Government to pay the price they demand. Now, this committee and Congress, which had the code under consideration for many years before it was finally enacted, proceeded with deliberation and wisdom when they prohibited corporations of this kind. And why? In order that three or five or one hundred men may combine together as a corporation and buy and hold real property and keep it out of the market, simply that they may put speculative profits in their pockets. Shall we pass such a bill as this? I say this legislation is vicious. The amassing of large areas of real estate and holding it out of improvement for speculative purposes has been a great injury to this country, and it will damage any country where it is permitted.

Mr. BEDE. Will the gentleman yield to me for a question?

Mr. SIMS. Yes.

Mr. BEDE. I should like to inquire if foreign corporations can now own property here?

Mr. SIMS. You mean foreign in the sense of not being domiciled in the District of Columbia?

Mr. BEDE. Yes.

Mr. SIMS. I understand they can, but not in the sense maintained by the gentleman from New York; but the fact that foreign corporations can come here and buy up real estate and hold it and put upon it an artificial and speculative value is no reason why we should ratify that wrong and enforce it by passing this bill, allowing District of Columbia corporations to do the same thing. In the case of the foreign corporation we have the power to prohibit it.

Mr. KENNEDY of Ohio. Mr. Speaker——

The SPEAKER. Does the gentleman yield?

Mr. SIMS. Certainly.

Mr. KENNEDY of Ohio. I am going to oppose this bill, but I want to ask this gentleman a question. There is a clause in the Constitution which confers upon citizens of the States all the privileges, rights, and immunities of the citizens of the several States. If we pass this bill and give to a citizen of the District of Columbia, to wit, the new corporation, the right to speculate and traffic in land, do we not, by that very act, tie our hands from ever interfering with the corporations from the States coming here and carrying on the same business?

Mr. SIMS. I think so, undoubtedly.

Mr. KENNEDY of Ohio. Is it not true that if we do not confer upon any corporation in the District of Columbia that power, then we can say to the corporations which come here from the various States to do business, "Thus far and no farther shalt thou go," at any time?

Mr. SIMS. I think the gentleman is correct.

Mr. OLCOTT. Will the gentleman yield for a moment?

Mr. SIMS. Yes.

Mr. OLCOTT. Do you mean to say by that that the passage of this bill is going to have any effect on what we may do hereafter with foreign corporations?

Mr. SIMS. I do not think we could organize——

Mr. OLCOTT. Is it not true that you can pass a bill to-day to prevent foreign corporations from having anything to do in the District of Columbia, prohibiting them from running a bank or a trust company or anything of that sort, or to speculate in real estate; but that you can not interfere with the rights that have already been obtained by existing law?

Mr. SIMS. We could not do that unless the law (as nearly all District of Columbia laws provide) contains a provision for the alteration, amendment, or repeal of the statute. In such case we can do as we please.

Mr. OLCOTT. But there is not any law now to prevent foreign corporations operating here?

Mr. SIMS. Well, if there is not, I am certainly in favor of having such a law; I mean to prevent them operating in the way that this bill provides. I should like to see such a law passed at the earliest possible moment.

Mr. OLCOTT. But the gentleman from Tennessee knows that we can not make that law retroactive.

Mr. SIMS. Oh, no, but we can stop encouraging such a practice, and we can refuse to make it legal, or to provide for it in the future, if such is the case.

Mr. OLCOTT. Are you afraid of the moral effect of this law in that regard?

Mr. SIMS. If it has anything but a bad effect or can have anything but a bad effect I am at a loss to know what it is. Mr. Speaker, I do not know what foreign corporations can do or are doing, but I take the word of the gentleman from New York as being correct. Still that does not warrant the passage of this bill.

The District Committee had charge of the code for weeks and months, and the subcommittee of the Judiciary, of which the distinguished gentleman from Wisconsin [Mr. JENKINS] was the chairman, now the chairman of the Committee on the Judiciary, after deliberation—and long deliberation—decided that no such authority should be given, and now we come in here with very little consideration and repeal that provision of the Code of the District of Columbia.

Mr. SAMUEL W. SMITH. Is it not true that with all the consideration given to the code at nearly every meeting of the Committee on the District of Columbia we were asked to amend it?

Mr. SIMS. Oh, undoubtedly, and we always will be so far as that is concerned, because no code of laws can be made perfect.

Mr. SAMUEL W. SMITH. Is not the gentleman mistaken also when he suggests that this matter has not been given most careful consideration by the Committee on the District of Columbia?

Mr. SIMS. I will say "Yes"—I mean consideration of the bill creating the code—at least by the gentleman from Wisconsin, the chairman of the Judiciary subcommittee having charge of it, because they worked for months to my certain knowledge. I was on the subcommittee, but did not do as much work as the gentleman from Wisconsin [Mr. JENKINS] did.

Mr. FITZGERALD. Is the gentleman opposed to permitting corporations to own property at all in the District of Columbia?

Mr. SIMS. Oh, no; they can own it for corporate purposes—for the purpose of manufacturing or performing some function that requires a certain amount of real estate. I do not object to the street car company owning lands for their purposes, but this is a corporation purely speculative. The object and purpose of it is to buy and sell real estate.

Mr. FITZGERALD. In the different States there are corporations organized under similar laws to this, not speculative, that are known as "development companies." They purchase tracts of outlying districts and build houses at a moderate price and place them upon the market under very favorable conditions. People are enabled in that way to buy and eventually own their own homes through the operation of such companies when they could never purchase them in any other way. Is not that a benefit to the community?

Mr. SIMS. I think that undoubtedly is a benefit to any such community, but I desire to say that there is no parallel to be drawn between this narrow contracted piece of land called the "District of Columbia" and a great State having hundreds of square miles of absolutely undeveloped territory.

Mr. FITZGERALD. But these companies, as a rule, do not operate throughout the States. They are confined to simply parts of municipalities, where they go into the undeveloped portions of municipalities and by their actions tend to develop them very much.

Mr. SIMS. That might be true, but this corporation law asked for is general, and does not provide that they shall do anything with the land they buy except to sell it again. It is clear that the object of these corporations is purely speculative, for the purpose of buying and selling real estate for a profit, and syndicates do enough of that here now. They certainly get in the way of the Government enough, and now if we are going to organize corporations innumerable—and you can not limit them—evil effects will surely come. Mr. Speaker, I reserve the balance of my time.

Mr. PALMER. Mr. Speaker, under this act a corporation organized in the District of Columbia would, unless it was restricted by some State legislation, be entitled to do business in any other State in the Union.

Mr. SIMS. I think so.

Mr. WM. ALDEN SMITH. And no State can affirmatively authorize such corporations to act in the District of Columbia.

Mr. PALMER. Yes; no State can authorize anybody to act in the District of Columbia, but inasmuch as all the corporations are in the States by the comity of States, no State would be inclined to prohibit this legislation going into effect or to prohibit any corporation organized under it from doing business in a State, so that in every State in the Union this most vicious legislation would take effect unless prohibited by some positive law.

Mr. OLCOTT. Unquestionably these same corporations would have the same power as foreign corporations.

Mr. PALMER. But States do not organize individuals into corporations for the purposes that they could be organized for under this bill.

Mr. OLCOTT. Practically every State in the Union allows incorporation for the purpose of buying and selling real estate.

Mr. WM. ALDEN SMITH. Does the gentleman from New York recognize any difference between land titles and land interests in the national capital and the District of Columbia and any other State in the Union?

Mr. OLCOTT. Not as far as individual holdings are concerned; no.

Mr. WM. ALDEN SMITH. Does not the gentleman think we ought to guard the holdings in this District more zealously than we would in an ordinary industrial community where the Government is not so largely interested?

Mr. OLCOTT. I think that anything we can do that will enable the people employed in the public service, the people of modest means, to own their own houses is advantageous. I think allowing corporations of the character to be formed for the purpose of improving outlying places and building individual houses is of benefit to the United States and is of benefit to the District of Columbia and a benefit to the residents of the District of Columbia.

Mr. WM. ALDEN SMITH. That is not the purpose of this act.

Mr. OLCOTT. The purpose of this act is to allow people to form corporations to build houses and own real estate.

Mr. WM. ALDEN SMITH. And hold real estate.

Mr. OLCOTT. And hold it, if you choose.

Mr. WM. ALDEN SMITH. That is one of the things I object to.

Mr. OLCOTT. And, as a matter of fact, the experience of all of these real estate corporations, certainly in the city of New York, where I come from, especially in the Bronx and in Brooklyn, has been that the main desire of these corporations has been to build small houses, because in building a hundred houses of a similar character they can build them vastly cheaper, proportionately, than a person can build one. They sell these houses to the people who can not build them themselves, who do not know how to build them, and they benefit the poorer people to a degree that has been positively marvelous in Brooklyn and the Bronx.

Mr. WM. ALDEN SMITH. Well, that is true in industrial communities, but this city, its growth, beauty, and attractiveness is a matter of concern to the people of the whole country.

Mr. OLCOTT. It is true also of communities like the District of Columbia, where there are many clerks employed at a small salary.

Mr. WM. ALDEN SMITH. But it has not been true as to this capital. This capital has found its way to its present proud position against the organized opposition of real estate speculators, whose national pride is limited to a few paltry dollars, regardless of architectural beauty or civic pride.

Mr. OLCOTT. The power and opposition of half-a-million dollar corporations, that can borrow only $250,000, that could work against the interests of the United States, is a fetich which the gentleman from Michigan knows is not fair.

Mr. WM. ALDEN SMITH. Let me call the gentleman's attention to the fact that the figure on the top of the Capitol faces east, because it was supposed that the city would grow in that direction upon the high land above the Potomac, whereas it went west because the land was held by speculators, who might, if this law had been upon the statute books, have bought the entire District, 10 miles square.

Mr. OLCOTT. I have heard many stories relative to the speculation in land by real estate men in the early part of this century, but I do not understand that there is any such serious speculation as is suggested by the gentleman now.

Mr. PALMER. Mr. Speaker, under this bill any three persons may lawfully conduct or form a corporation——

Mr. OLCOTT. So they can now, except that they can not buy and sell real estate.

Mr. PALMER. Under this bill you could have a corporation carry on a restaurant or saloon.

Mr. OLCOTT. So they can now; this bill does not affect that.

Mr. PALMER. It does affect it.

Mr. OLCOTT. Any three persons can form a corporation to conduct business that any individual can in the District of Columbia, except to buy and sell real estate.

Mr. PALMER. There are very few States in the Union where a corporation exists or can be formed to do business such as this bill gives authority to do.

Mr. OLCOTT. The gentleman must be in error about that.

Mr. PALMER. I am not in error about it.

Mr. OLCOTT. I do not think there is a State in the Union where people can not band together to form a corporation for carrying on business as individuals can.

Mr. PALMER. I think the gentleman is mistaken about that.

Mr. OLCOTT. It is so in New York.

Mr. PALMER. But New York is not the whole United States.

Mr. OLCOTT. I understand that.

Mr. PALMER. There are forty-four other States in the Union.

Mr. OLCOTT. Oh, I understand that. But the District of Columbia has had on its statute books a law authorizing the formation of corporations, allowing people to band together and conduct any business except the buying and selling of real estate. We are seeking to amend that statute and enable real estate to be dealt in as freely and with as little difficulty as anything else can be dealt in.

Mr. BENNET of New York. Will the gentleman allow me?

Mr. OLCOTT. Certainly.

Mr. BENNET of New York. I want to state that by the law of Pennsylvania corporations can buy and sell real estate and hold it to a limit of $30,000,000.

Mr. OLCOTT. And Alabama $10,000,000.

Mr. BENNET of New York. And that is the State Mr. PALMER comes from. To-day a corporation can organize in the State of New Jersey under their very liberal laws and come down here to the District of Columbia without any restrictions whatever and buy and sell real estate and lease it.

Mr. SHERLEY. And the answer to the gentleman is, Prevent these corporations that are created for the sake of preying on everybody except the State that creates them from doing business here.

Mr. BENNET of New York. This legislation does not affect that one way or another.

Mr. SHERLEY. No; it simply gives that right to citizens here, and having given that right to your own citizens the citizens of any State can under the Constitution demand that right.

Mr. BENNET of New York. You can not to-day bar them out.

Mr. SHERLEY. Do you mean to say we could not to-day, in the District of Columbia, prohibit corporations from doing business in real estate?

Mr. BENNET of New York. I mean to say corporations in the District of Columbia are to-day doing real estate business.

Mr. SHERLEY. But the gentleman does not answer the question. I am asking him if it is within the power of Congress to prohibit them if it saw fit.

Mr. BENNET of New York. You could not make it retroactive.

Mr. SHERLEY. Of course not, and the suggestion of the gentleman does not reach the case. I do not speak in regard to property they now hold, but as to the right of corporations to do business in the future. In regard to real estate in the District of Columbia, I maintain that this Congress could, if it saw fit, prohibit corporations from trading in real estate, buying and selling, etc.

Mr. BENNET of New York. If it prohibited corporations organized here from doing that, it could in the future prohibit foreign corporations from doing what it prohibited domestic corporations from doing.

Mr. SHERLEY. Now, if it permitted domestic corporations to do a real estate business it could not prohibit a foreign corporation from doing that kind of business. Is not that true?

Mr. BENNET of New York. The question of the gentleman's legal proposition is this, as I understand it: We can prohibit foreign corporations from doing anything in the District of Columbia which we prohibit domestic corporations from doing.

Mr. SHERLEY. Now, I want to state the converse. If you permit domestic corporations, then you are bound to give the same privilege to foreign corporations.

Mr. BENNET of New York. Assuming that to be correct, which I do not deny, that does not affect the existing situation at all. We to-day permit foreign corporations to buy, sell, and lease real estate in the District of Columbia.

Mr. WM. ALDEN SMITH. It is a mere passive permission.

Mr. BENNET of New York. This bill before the House does not affect it in the slightest, and if it passes we give the people of the District of Columbia the same rights that citizens elsewhere have, to organize corporations to deal in and improve real estate in the District of Columbia in which they live, and it seems to me American citizens ought to have that right.

Mr. SULLIVAN of Massachusets. You can accomplish that equality by defeating this bill and repealing the law which permits foreign corporations to do business here.

Mr. PERKINS. What is the difference between a foreign corporation holding real estate and an individual living, for instance, in New York City?

Mr. SULLIVAN of Massachusetts. When the individual dies the real estate is distributed.

Mr. PERKINS. The trouble is, when the individual dies it is tied up and generally it is impossible to sell the land.

Mr. SULLIVAN of Massachusetts. On the contrary, it is not impossible to sell it.

Mr. SIMS. Mr. Speaker, I move to lay the bill on the table.

Mr. PERKINS. The land has to be partitioned.

Mr. SIMS. I have two minutes remaining. I reserved the balance of my time for the purpose of moving to lay the bill on the table. I will not do that if it is objected to, of course.

Mr. BABCOCK. A parliamentary inquiry, Mr. Speaker. Who has the floor at the present time?

The SPEAKER. The gentleman from Wisconsin is entitled to the floor.

Mr. BABCOCK. Mr. Speaker, I would like to occupy about a minute and a half on this subject before the motion is made to lay the bill on the table.

Now, Mr. Speaker, it seems to me this is a very simple proposition, and that some gentlemen have attempted to make a mountain out of a molehill. For more than twenty-five years I have been in business in my own State of Wisconsin and have handled real estate all over that Commonwealth. Our statutes were taken from New York and were the statutes of many other States in the Union. I have been a member there of perhaps half a dozen different corporations engaged in manufacturing lumber, in manufacturing flour, and engaged in other interests, and each and every one could buy and sell all the real estate they could pay for. There was no limit.

But here in the District of Columbia the committee finds what? That if you want to buy or sell real estate—if any three gentlemen want to get together and go into the real-estate business—rent houses, build houses, or improve the city—what can they do? They can not form a corporation and handle real estate. They can not do it, but they can go to Baltimore, or they can go to New York, or they can go to Virginia or Wisconsin, and form the corporation there and come here in the District of Columbia and buy and sell all the real estate they want or can pay for. And yet you propose to deny to the people of the District of Columbia the same right to handle real estate as a corporate body that practically the citizens of every other State have.

Why, we have limited the capital and indebtedness in this bill, Mr. Speaker, and provide that the capital shall not exceed $500,000. They can not buy much real estate in the District of Columbia for $500,000. We have provided further that the liability shall not exceed $250,000. Under these conditions they certainly can not corner the real estate in the District.

Mr. KENNEDY of Ohio. Will the gentleman yield?

Mr. BABCOCK. Certainly.

Mr. KENNEDY of Ohio. I would like to ask the gentleman why that limit was put on?

Mr. BABCOCK. That is beyond my ability to answer.

Mr. KENNEDY of Ohio. I mean the limit of $500,000?

Mr. BABCOCK. The limit was put on at the suggestion of a member of the committee to provide for competition and against any corner in real estate, and prevent a real estate company with large capital from organizing and controlling all the real estate, keeping it so honest so that Members like the gentleman from Ohio [Mr. KENNEDY] and myself, when we come here and buy a little house, are not obliged to pay two prices for it.

Mr. KENNEDY of Ohio. Would it not be true that the passage of this bill would open the door to the unlimited coming of corporations here so that we could not close it, and that we had better not pass this bill?

Mr. BABCOCK. They can come in here now; they can organize in Illinois and in practically any of the States in the Union and come here, and we can not control them at all. Now, we have simply presented a bill providing that citizens of the District of Columbia may organize a limited corporation to buy, sell, improve, and rent real estate. It is a legitimate proposition, and it seems to me, Mr. Speaker, that the opposition to this measure is that there will be something wrong about the corporation with a half a million of dollars of capital. Why, in portions of the city you can only buy single lots for half a million dollars. One lot——

Mr. WM. ALDEN SMITH. You can not do——

Mr. BABCOCK. You paid that for the municipal building lot, namely, a half a million of dollars.

Mr. WM. ALDEN SMITH. Now, you limit the holding of this corporation, but you do not limit the number of corporations that may be organized?

Mr. BABCOCK. Oh, no.

Mr. WM. ALDEN SMITH. The limitation you place does not reach the spot.

Mr. SHERLEY. I would like to ask this question: Does not the gentleman think that the District of Columbia requires a different rule than that in regard to a State? You ought to promote the material development of the States, but I doubt if anyone wants the District to be promoted in a commercial sense. We want to keep it simply as the seat of government.

Mr. BABCOCK. Why, Mr. Speaker, in answer to the gentleman I want to say that I dictated a letter of three pages yesterday in answer—Mr. Speaker, can we have order?

The SPEAKER. The House will be in order.

Mr. PRINCE. I desire to ask the gentleman a question.

Mr. BABCOCK. Let me answer this question first.

Mr. PRINCE. I beg your pardon.

Mr. BABCOCK. I want to say to the gentleman that I do not see any material difference between Washington and Baltimore. But I want to say that I, a day or two since, answered a letter from a distinguished citizen of the District of Columbia in reference to a movement that has recently been initiated to make Washington a manufacturing city—to raise smokestacks in every block, and have iron mills, steel mills, rolling mills, and industries of that kind in the capital city.

Mr. WM. ALDEN SMITH. We have log-rolling mills here now. [Laughter.]

Mr. BABCOCK. I stated to the gentleman, if the people of the District of Columbia wanted to go into a scheme of that kind, that, in my opinion, Congress would reverse its policy of making the city of Washington the most beautiful city of residences and homes in the world. Now, there is one object of manufacturing institutions coming here, and I want to mention it now. I have been officially informed, or intelligently informed, if the manufacturing institutions come here into the District of Columbia they will be away from the conditions of strikes and labor organizations that they would have in the States.

What have you done here? Gentlemen, you have gone to work, and now there is in process of distribution more than $50,000,000 to be expended in great marble and white granite buildings, the most beautiful on earth; and yet we are met here with a proposition to develop manufactures, and bring in smokestacks and everything that goes with them. Why, we would have to change our laws in the District, we would have to change all conditions, practically, of citizenship, if you mean to furnish plants of that kind that we have in the cities of Milwaukee, St. Louis, and in Detroit and cities of that class throughout the United States.

Mr. SULLIVAN of Massachusetts. Is there any provision in this bill which would prevent one of these real estate corporations from selling land to a manufacturing corporation?

Mr. BABCOCK. I do not think there is anything in this bill that prohibits any citizen doing what he has a right to do under the law.

The SPEAKER. Does the gentleman yield to the gentleman from Illinois?

Mr. BABCOCK. Certainly.

Mr. PRINCE. Mr. Speaker, I think I understood the gentleman to say that Illinois had a law that would permit people to buy and sell real estate under a corporate act. Permit me to

say that Illinois has no such law. Our statute forbids a corporation buying and selling real estate.

Mr. BABCOCK. Possibly there may be no statute in the State of Illinois of that kind now, but I want to say to the gentleman that I have been a stockholder in Illinois in a corporation, and they bought and sold real estate; and it was a manufacturing corporation. That was some two years ago, and the law may have been changed since then. That was in the city of Chicago, and perhaps the city of Chicago is exempt from the operation of the law that other parts of the State would be subject to.

Mr. PRINCE. If you bought real estate other than for purposes of the manufactory——

Mr. BABCOCK. This was a general manufacturing institution.

Mr. PRINCE. That is a company, and you have to have ground to build it on; but if that corporation or any other should buy blocks of property in the city of Chicago for the sole and express purpose of holding the title of it for speculative purposes, that is forbidden by the law.

Mr. BABCOCK. That is a proposition that does not appear in the transaction. Now, if a gentleman has a manufacturing institution that goes to work and buys ground you do not have to define and put on record your purpose and what you are going to do with it. You may intend to build a plant on it. You may fail to negotiate your bonds, and then will have to sell your lot. Then you become a dealer in real estate instead of a manufacturer.

Now, Mr. Speaker, I sincerely hope this bill will pass. It is legitimate, proper, and a business method. I ask for a vote.

Mr. WM. ALDEN SMITH. A parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WM. ALDEN SMITH. I would like to ask the parliamentary status of this bill. I see it is a Senate bill, and the motion of the gentleman from Wisconsin is to put it upon its passage.

Mr. SIMS. I desire to move to lay the bill on the table.

The SPEAKER. The gentleman at this time has not the floor for this purpose. The gentleman from Wisconsin has six minutes remaining.

Mr. WM. ALDEN SMITH. After the motion to place this bill upon its passage is made, then will it be in order to move to strike out the enacting clause or lay this bill on the table? It is a Senate bill.

The SPEAKER. The Chair will state that the first motion that it would be natural to make would be for the gentleman from Wisconsin to move the previous question. Then it would be in order under the rule for the gentleman to move that the bill lie on the table, and that motion would first be disposed of.

Mr. WM. ALDEN SMITH. I first give notice that we wish to make that motion.

The SPEAKER. Or if the gentleman from Wisconsin does not move the previous question, then any gentleman could be recognized to make any motion that is in order under the rules.

Mr. BABCOCK. Mr. Speaker, my only desire is to bring the House to a vote on this bill. In asking for a vote I mean it as a motion to concur. Now, on that I move the previous question. That will bring it to a vote.

The SPEAKER. The gentleman moves the previous question on the bill and amendments.

Mr. SIMS. And I move to lay the bill on the table.

The SPEAKER. The gentleman from Tennessee moves that the bill do lie upon the table.

The question being taken, the Speaker announced that he was in doubt; and on a division there were—ayes 50, noes 34.

Accordingly the bill was ordered to lie on the table.

### AUTOMOBILES IN THE DISTRICT OF COLUMBIA.

Mr. BABCOCK. Mr. Speaker, I ask consideration of the bill (H. R. 16384) regulating the speed of automobiles in the District of Columbia, and for other purposes.

The bill was read, as follows:

*Be it enacted, etc.*, That no person shall drive or propel, or cause to be driven or propelled, any automobile, horseless or motor vehicle, bicycle, or horse-drawn vehicle within the fire limits of the District of Columbia, as said fire limits are now defined or may hereafter be defined from time to time in and by the building regulations of said District, upon any street, avenue, alley, or public highway at a greater rate of speed than 12 miles an hour between intersecting streets and avenues; nor across streets on which there are no railroad or street railway tracks at a greater speed than 8 miles an hour; nor at a greater rate of speed than 5 miles an hour across any intersecting streets or avenues on which there are railroad or street railway tracks; nor at a greater rate of speed than 4 miles an hour around the corners of any street or avenue; nor at a greater rate of speed than 4 miles an hour on the east side of Fifteenth street NW., between the south building line of G street and the south curb line of New York avenue; nor on the west side of Fifteenth street NW. between the line which would be the south building line of G street if extended to the west side of Fifteenth street and from said extended line north to the north curb line of Pennsylvania avenue; nor at the intersection of Ninth and F streets NW., between the building lines of the said streets; nor at the intersection of Ninth and G streets NW. between the building lines of said streets; nor at the intersection of Eleventh and F streets NW. between the building lines of the said streets; nor at the intersection of Eleventh and G streets NW. between the building lines of the said streets; nor on any public roadway, street, avenue, or alley within said District outside of said fire limits at a greater rate of speed than 15 miles an hour; and said vehicles shall at all times be under the control of the driver or operator; and the driver or operator and the owner or proprietor riding thereon or therein violating any of the provisions hereof shall, upon conviction for the first offense, be fined not less than $5 nor more than $50, and shall, upon conviction for the second offense within one year from the commission of the first offense, be fined not less than $10 nor more than $100, or imprisoned for not less than five days nor more than thirty days, at the discretion of the court; and shall, upon conviction for the third offense within one year from the commission of the first offense, be fined not less than $50 nor more than $250, or, at the discretion of the court, be imprisoned in the workhouse for not less than thirty days nor more than six months.

SEC. 2. That prosecutions for violation of the provisions of this act shall be on information filed in the police court of the District of Columbia by the corporation counsel or any of his assistants.

SEC. 3. That this act shall not be held to take away the authority of the Commissioners of the District of Columbia to make police regulations not inconsistent herewith.

The SPEAKER. If there be no objection, the bill will be considered as engrossed, read a third time, and passed, and a motion to reconsider laid on the table——

Mr. GILLETT of Massachusetts. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Massachusetts rise?

Mr. GILLETT of Massachusetts. I wish to make a few inquiries about this bill.

The SPEAKER. Does the gentleman from Wisconsin yield to the gentleman from Massachusetts?

Mr. BABCOCK. Certainly.

Mr. GILLETT of Massachusetts. Mr. Speaker, I sympathize entirely with the purpose of this bill, and yet I think the committee will agree that when the purpose of a bill is, as this is, simply to provide punishment by imprisonment instead of by fine, we want to be very sure that we are not imposing unreasonable obligations. Now, I should like to ask the gentleman in charge of the bill if he thinks it is reasonable to provide, as this bill does on page 2, line 3, that no automobile or horse and wagon shall go around any corner at a greater speed than 4 miles an hour? That, Mr. Speaker, is the rate at which a man can walk. Why, if you take a cab at the railroad station, to ride home, you go at a greater speed than 4 miles an hour around the corners, and you do not want them to stop and walk every time they reach a corner. It seems to me that is an unreasonable proposition, and I should like to offer an amendment to change that 4 miles an hour to 6 miles an hour.

Mr. SIMS. Mr. Speaker——

Mr. BABCOCK. Mr. Speaker, I yield to the gentleman from Tennessee.

Mr. SIMS. Mr. Speaker, in reply to the gentleman from Massachusetts, I will say that the limit of 4 miles an hour going around corners is not new. That is the present police regulation, and has been for three years or longer; and I think it is one of the most necessary and vital parts of the bill, because there is greater danger of taking life or maiming by a great, heavy, 60-horsepower automobile dashing around a corner at 6 miles an hour, or any speed greater than this, than could possibly be by a carriage or horse-drawn vehicle. This law applies to both, because the Commissioners have so recommended; but an automobile turning a corner can not be seen in many cases until it is too late. The fact is that two automobiles might collide. This is the present regulation which has the force of law, and it is well known and is no surprise to any owner of an automobile or other vehicle in the District of Columbia.

Mr. GILLETT of Massachusetts. Mr. Speaker, when the gentleman says this is the law, of course he has not in mind the difference between fine and imprisonment. It is the present regulation, but it does not punish by imprisonment. Now, in the police regulations adopted by the District Commissioners, a violation of which is punished by fine, it may be appropriate that there should be such a provision, that it should be more stringent than necessary; but in enacting that regulation into law and providing for the punishment of it by imprisonment you do not want to make it more extreme than is reasonable. The police regulation, which is punishable by a fine, can be enforced with leniency; but when you provide imprisonment you want to be moderate and reasonable.

In answer to what the gentleman has said, I say that a vehicle going around the corner at a rate of 6 miles an hour is not dangerous. I have run an automobile for years, although I do not know as I can popularly be called an "automobilist," as I never have succeeded in hitting even a chicken, but I can run around the corner more safely with an automobile than you can

with a horse and carriage. The automobile is a great deal more under your control, and you can steer a great deal closer. I very gladly welcome this change of the law which substitutes imprisonment for fine, because I recognize that there are some reckless men that ought to be punished, but the great majority of them are not, and when you come to make a law punishing by imprisonment you want it so reasonable that it ought to be enforced.

I think the House must admit that it is not an unreasonable rate of speed to go around corners at the rate of 6 miles an hour, and it is unreasonable to say that a man shall be punished by imprisonment for going around a corner at a faster rate than 4 miles an hour. You do not want to compel a horse to come down to a walk, and you do not want your automobile to slow down to the slow clutch, which this generally requires.

Mr. SIMS. I wish to state to the gentleman from Massachusetts that imprisonment is only for the second and third offense, and then only at the discretion of the court.

Mr. GILLETT of Massachusetts. But the gentleman knows that neither the horsemen nor automobilists will obey this law. The gentleman does not expect that the driver of a horse will slow down his horse to a walk every time he goes around a corner. I do not object to its remaining in the Code, where it is only punishable by fine. It seems to me that the gentleman ought to be willing to accept the amendment and substitute 6 miles an hour for 4 miles an hour around a corner.

Mr. SIMS. Mr. Speaker, as there may be other questions asked about the bill, I will make a general explanation and then refer to what the gentleman from Massachusetts [Mr. GILLETT] has said. This bill contains the present police regulations with the exception of crossing a street at a rate of 8 miles an hour where there are neither street cars nor steam railways. This is the only change in the speed limit. Four miles an hour around corners——

Mr. GILLETT of Massachusetts. Will the gentleman allow an interruption right there?

Mr. SIMS. Certainly.

Mr. GILLETT of Massachusetts. That will remain the same, whether the bill goes through or not.

Mr. SIMS. Unless the Commissioners desire to change it, yes.

Mr. FITZGERALD. Not if we pass this law.

Mr. SIMS. Then they can not increase it and make it any greater. Now, these regulations have been in force, as I remember, about three years. Everybody is perfectly familiar with them, and I must admit a little surprise that my friend from Massachusetts, who is an automobilist, has been operating a machine here for three years and does not know that he has always been required to go around a corner at no greater speed than 4 miles an hour.

Mr. GILLETT of Massachusetts. The gentleman does not catch my point. I do know it; and I say no matter if it is in the code, nobody lives up to it. The gentleman knows that, and he does not expect them to, and he only wants it in case of some accident that may happen, and then he can hold them by it. But when you come to punish a man by imprisonment, that is a different thing.

Mr. SIMS. The gentleman now admits that he knows it. Does the gentleman expect to try to get the police regulation modified so as to make it 6 miles an hour?

Mr. GILLETT of Massachusetts. No; I do not.

Mr. SIMS. Well, the gentleman is willing to violate the law and run the risk of being made to pay for it. I think that is the best reason on earth why the law should be passed. The gentleman may be willing to violate the police regulations when he is only punished by a fine, but when punished by imprisonment we may be able to secure an enforcement of this regulation.

Mr. GILLETT of Massachusetts. Will the gentleman yield for a question?

Mr. SIMS. Certainly.

Mr. GILLETT of Massachusetts. Does the gentleman think it is dangerous to allow a horse to go around a corner faster than 4 miles an hour?

Mr. SIMS. The distinguished Commissioners and the chief of police and the police officers have established these regulations as the result of experience and observation, and are what they would regard as proper and reasonable. My judgment would stand as nothing against them. And if it was not their judgment, I think they ought not to go around corners at a greater speed than 4 miles an hour.

Mr. GILLETT of Massachusetts. The gentleman does not wish to state his own opinion?

Mr. SIMS. Mr. Speaker, I say if it would strengthen them any they should have my opinion in addition to their own, warranted by experience. It is true there is no law that provides for anything except punishment by fine in the District of Columbia. As shown by the report of the District Commissioners last year, there were cases of violation of the law by the same person as often as four times within one year, as often as three times by the same individual, and quite a number as often as twice. The great majority of people of the District of Columbia who own automobiles and carriages do not violate the present regulations, but those who do prove themselves a menace to life and limb. There certainly should be a law passed authorizing the judges, after repeated offenses, to inflict imprisonment. It is obedience to the law that we want and not simply the collection of fines. I desire to state to the gentleman from Massachusetts that this law is mild; that it is not at all drastic when compared to some of the laws on the same subject in the different States. I suppose that in the State of New York there are more automobiles, perhaps, in use than in any other State in the Union, and I desire to say to the gentleman that, according to the report of the Commissioners of the District filed herewith, the punishment in the State of New York is, for the first offense, not over $100; for the second offense, $50 to $100 or imprisonment not exceeding thirty days, and for the third offense $100 to $250 and imprisonment not exceeding thirty days.

The State of New York, with its great experience, makes the third offense punishable by both fine and mandatory imprisonment. There is no leaving it to the discretion of the court; whereas in this bill, by reason of the advice of the Commissioners, we leave it discretionary, for they believe that the possibility of imprisonment hanging over an offender will prevent repeated violations. All I desire, speaking for myself, is that the speed limitations in the District of Columbia be observed, and that we do not punish any person more than necessary to bring about obedience to the law. I believe that mandatory imprisonment for the third offense within twelve months is reasonable and just, and might be necessary to enforce the law, but the Commissioners believe otherwise, and I am willing to have them try it, and this law, I think, is absolutely demanded. I dislike to refer to matters of which I only have personal knowledge, but since the introduction of this bill the letters I have received on the subject have been of great number. Many have spoken to me personally whom I did not know knew me, and who have advocated the law and who are owners of automobiles. I have only found one gentleman, and he a Member of this House, who said that he thought it was too drastic, but he is making no fight against the bill. These beautiful streets and pavements, the prettiest in the world, are inviting to the pedestrian and inviting to the horse-drawn vehicle, but because of the recklessness of a few people, of a few individuals, the entire city has been made, at least in a measure, dangerous to pedestrians and to horse-drawn vehicles. It is a matter that I do not have to discuss in the House; there is not a Member of the House who has been for twelve months in the city of Washington who will not make a good witness of the necessity of some kind of law. Some autoists seem to think that the streets are made for them and for nobody else. When they come to a crossing they do not slow down. They blow a horn to scatter the pedestrians and run over them if they do not get out of the way. It is shown that by the mechanical contrivance of these machines they are easily stopped. It certainly is and ought to be the duty of any self-respecting lady or gentleman to stop the machine instead of making old and young flee for their lives

Now, the Commissioners recommend this bill. They think they can enforce it, that it is practical, that it is reasonable, and before introducing any bill I consulted with the chief of police here and told him I did not want any sensation out of this, that all I wanted was only what the necessity of the case required. If there is anything wrong with the bill, it is that it is too mild in its provisions, and for the third offense, as in the State of New York, there ought to be mandatory imprisonment. The present speed limits are well known to the people and we do not take them by surprise by creating new speed regulations.

Mr. Speaker, I do not wish to take up the time of the House further, unless some gentleman wishes to ask some question concerning the bill which I think I can answer. As to the 4-mile limit around corners, that is the very best part of existing regulations, and the very best part of this bill.

Mr. GILLETT of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. SIMS. I yield.

Mr. GILLETT of Massachusetts. As I said before, Mr. Speaker, I sympathize with the general purpose of the bill. I agree that a great many automobilists are reckless, and I would be glad to see them punished, but I do not think on that account

we ought to pass a bill which is unreasonable. The gentleman says it is unreasonable to go around a street corner with a horse and wagon or an automobile at a rate exceeding 4 miles an hour. I wish to submit to the judgment of this House whether it is or not. I venture to say that the Members of the House do not believe that and that they will say that for an ordinary wagon to go around a corner at 6 miles an hour or for an automobile, for that matter, is not unreasonable, and is not dangerous. Therefore I wish to offer that amendment, to change four to six, and I move that in line 3, on page 2, to substitute for the word "four" the word "six."

Mr. BABCOCK. Mr. Speaker, I want to say in reference to this bill that the gentleman from Tennessee is the father of the proposition. He has taken a great many chances in coming here to the Capitol mornings to attend committee meetings at 10 o'clock and half past 10 o'clock, dodging corners with automobiles coming around at 4 miles an hour, and he has come up here with a bandana handkerchief wiping the perspiration off his brow and stating he had been chased by an automobile. The committee has appreciated the difficulties that he has labored under in getting to the Capitol, and for that reason, Mr. Speaker, we have made a favorable report on this bill and have reduced the speed down to 4 miles an hour, just about the gait the gentleman from Tennessee tells me that he can dodge in good shape. [Laughter.]

Now, if you go to work and make this 6 miles an hour, he is going to be in the same shape that he was before and we are liable to lose one of the most distinguished members of the District Committee. I really hope, Mr. Speaker, that this 6-mile-an-hour amendment will not be carried just on that account. Now, I am free to say I think I can dodge a 6-mile-an-hour automobile going around a corner if you give me time, but when it is coming right around the corner or across a track I might not want to have it go over 4 miles, and, out of deference and respect to the gentleman from Tennessee, I do hope the House will vote this amendment down and not put him in the position of having a 60-horsepower machine, with loud-blowing horn, coming at him around a corner under a 6-mile-an-hour rate of speed. I think it is wrong. I ask that this amendment be voted down.

Mr. SIMS. I just want to say a word. I do not want any Member of this House to vote for or against the amendment on my account. I admit that I am not a good dodger; not as good as the gentleman from Wisconsin [laughter], but I am willing to take my chances, because there are several others, perhaps, who are not as good dodgers as the gentleman from Wisconsin.

Mr. GILLETT of Massachusetts. Mr. Speaker, on page 2, line 3, I move to strike out the word "four" and insert the word "six."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, line 3, after the word "than," strike out the word "four" and insert in lieu thereof the word "six."

The question was taken; and the Chair announced the noes seemed to have it.

On a division (demanded by Mr. GILLETT of Massachusetts) there were—ayes 20, noes 57.

So the amendment was rejected.

Mr. GILLETT of Massachusetts. Mr. Speaker, will the gentleman yield to me? After that vote I do not suppose there is a possibility of any amendment, reasonable or otherwise, being adopted, but, at the same time, my opinion may be wrong, and there is another suggestion in this bill which I think out to be amended and I am going to offer it.

It says in line 18 that no horseless vehicle or automobile shall travel outside the District fire limits at a greater rate of speed than 15 miles an hour. That means out on the Conduit road or out on Fourteenth street an automobile shall not go faster than 15 miles an hour, or if a man has a horse which can go a three-minute gait he shall not be allowed to speed him. It seems to me that is unreasonable. I recognize that there ought to be some limit. I recognize that when any other vehicle is in the way you ought to slow down. I offer this amendment, that on any public road within said District outside of the fire limits it shall not go at more than 12 miles an hour when meeting or passing a person or vehicle. That limits it; that when any other vehicle or person is in the road they shall slow down the automobile or horse to 12 miles an hour, but if you have got a clear stretch of road there is no reason you should not let your horse or automobile out, and therefore I offer an amendment in line 20, page 2, to strike out the words "15 miles an hour" and substitute in lieu thereof the words "12 miles an hour when meeting or passing a vehicle or person."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, line 20, amend by striking out the words "15 miles an hour" and inserting in lieu thereof "12 miles an hour when meeting or passing any other vehicle or person."

Mr. SIMS. Mr. Speaker, I would like to say a few words about that. Of course I am not so much interested in the District of Columbia beyond the fire limits, because my observation is not extensive. This is the present bill's regulation—namely, 15 miles an hour beyond the fire limits. This, of course, if it had not been found necessary would not have been made. When you get beyond the fire limits you have got to turn corners, you have got to go around bends of the road, and the District Commissioners do not think the speed ought to be greater than 15 miles after you pass the fire limits. I do not think we ought to adopt this amendment without knowing more about it than we do.

Mr. BABCOCK. Will the gentleman permit me?

Mr. SIMS. Certainly.

Mr. BABCOCK. I suppose that so far as the gentleman from Tennessee is concerned he is not personally interested in the speed on the Conduit road?

Mr. SIMS. I am not personally acquainted with it.

Mr. BABCOCK. The gentleman does not travel that road every morning as he does the road to the Capitol?

Mr. SIMS. That is it.

Mr. BABCOCK. Does the gentleman further understand that if he takes off the speed limit entirely you can go 100 miles an hour under the other limit?

Mr. SIMS. I understood the gentleman to say it was 12 miles an hour.

Mr. BABCOCK. Twelve miles an hour when passing another vehicle.

Mr. SIMS. I misunderstood the amendment. Then, Mr. Speaker, it is only the more objectionable. I do not think it ought to be done, and I do not think it necessary to discuss it further.

Mr. GILLETT of Massachusetts. I can not see what objection there is to letting a horse or an automobile go as fast as you please when you have got the road all to yourself. I would like to know what objection the gentleman can see to that? If there is no other vehicle in the road, why would you not let your horse or vehicle out?

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. BABCOCK, the vote by which the bill was passed was laid on the table.

Mr. SIMS. Mr. Speaker, that means the bill here just reported by the committee as a substitute?

Mr. BABCOCK. What is it?

Mr. SIMS. The bill passed is the bill H. R. 16384, instead of the original bill.

Mr. BABCOCK. It is the substitute reported by the committee.

### LONG BRIDGE.

Mr. BABCOCK. Mr. Speaker, I call up the bill H. R. 14897, and after the Clerk reads the title of the bill I would like to make a statement before making the usual motion.

The SPEAKER. The Clerk will read the title.

The Clerk read as follows:

A bill (H. R. 14897) providing for the temporary maintenance of the Long Bridge over the Potomac River, and for other purposes.

Mr. BABCOCK. Now, Mr. Speaker——

Mr. FITZGERALD. Mr. Speaker, this bill should be considered in the Committee of the Whole House on the state of the Union.

Mr. BABCOCK. I wish to make a statement.

The SPEAKER. It is on the Union Calendar, but the gentleman from Wisconsin asks unanimous consent to make a statement about it at this time. Is there objection?

There was no objection.

Mr. BABCOCK. Mr. Speaker, I wish to say to the House that some years ago Congress appropriated money to build a new highway bridge across the Potomac just above the Long Bridge. Previous to this time the Long Bridge had been occupied, and for many years, by the Pennsylvania Railroad Company, the Mount Vernon Electric Railway Company, and used by the public for general travel and traffic. The new bridge itself was completed a short time since and thrown open to the public. The bridge—the iron structure—is 2,600 feet long, the approach on the Virginia side is 2,200 feet long, the approach on the Washington side is 1,250 feet long, making the bridge and the approaches something over 6,000 feet long. The War Depart-

ment, the Commissioners, and especially the people of Virginia, appealed to the Committee on the District of Columbia to keep the old Long Bridge open for traffic on account of the unfinished condition of the approaches to the new bridge. That, in other words, the embankments were so soft that they would not bear the heavy traffic of the brick wagons—and practically all the brick used in Washington comes from Virginia. The committee, after considering the bill at several meetings, finally formulated a bill which provides that the old Long Bridge shall be turned over to and operated and maintained by the District government until the 15th day of next December, when it shall be removed by the Pennsylvania Railroad. Under the contract that the Pennsylvania road has with the Government, it is obliged to remove the bridge now, inasmuch as it has ceased to use it, and they are under no obligation to maintain the bridge, but by request they are maintaining it temporarily until Congress shall determine what course to pursue.

Now, the difficulty, Mr. Speaker, of using the new highway bridge, which, however, is now being used by the Mount Vernon electric road and brings to the District a revenue of about $8,000 a year for passengers that cross the bridge in its cars, is on account of the condition of the approaches. The fill on the Virginia side, 2,200 feet long, nearly half a mile, has not settled sufficiently to permit granite block pavement being permanently put on; and all say the approaches will not stand the traffic of wagons loaded with brick coming from Virginia.

The committee, in its wisdom, attached to this bill a paragraph specifying that after the 1st of June all wagons weighing, when loaded, more than 2 tons, should be equipped with wheels having tires not less than 4 inches in width. The brick interests, or the representatives of the brick companies, came to me personally and stated that the provision for 4-inch tires was agreeable to them, and that they were in favor of it and believed it should be done to protect the roads. Now, the tires that are in use as a rule are 2 inches wide. The committee supposed when they reported the bill that they were doing something in the interest of the city of Washington and the interest of all concerned, and that 4-inch tires would protect the streets and highways and save the District of Columbia a large sum annually in street repairs. But, I am sorry to say, I have been presented with letters and petitions, which I have here, proving by their statements that a vehicle with a tire 2 inches in width, bearing a load of 3, 4, or 5 tons, will not do a pavement as much harm as a 4-inch tire. Of course it is an entirely new proposition to me, and possibly if the committee will wait a little longer they will be convinced that a tire an inch wide will answer the purpose better than a 4-inch tire. Now, here are petitions and letters from business men, contractors, paving companies, and one from the Brennan Construction Company, from which I wish to read an extract to show how ignorant Congress has been on this subject:

It is a well-known fact to men in the paving business that diversified travel is essential for the life of an asphalt pavement, and where there is no travel the asphalt will, within two or three years, disintegrate.

As evidence of this an asphalt pavement laid on Tunlaw road, where there never is any travel, has completely disintegrated.

Mr. Speaker, the statements presented here would indicate that the narrower the tire and the heavier the load the better it will be for the condition of the streets.

Now, Mr. Speaker, this petition is a request for a hearing on that portion of this bill which provides for 4-inch tires, and I submit it, so far as I am personally concerned, to the House, and I yield to the gentleman from Tennessee, who desires, I believe, to make a motion.

Mr. SIMS. Mr. Speaker, in view of what the gentleman from Wisconsin said, which seems to be the view of the committee, I move that the bill be recommitted to the Committee on the District of Columbia.

The SPEAKER. The gentleman from Tennessee moves that the bill be recommitted to the Committee on the District of Columbia.

The question was taken, and the motion was agreed to.

### REMOVAL OF SNOW AND ICE IN THE DISTRICT OF COLUMBIA.

Mr. BABCOCK. Mr. Speaker, I ask consideration of the bill H. R. 14582.

The bill was read, as follows:

A bill (H. R. 14582) for the removal of snow and ice from the paved sidewalks of the District of Columbia, and for other purposes.

*Be it enacted, etc.*, That the tenant or occupant of any building or lot of land, or in case there shall be no tenant or occupant, the owner of any building or lot of land fronting or abutting on any paved sidewalk within the fire limits of the District of Columbia, and in the case of any building or lot of land owned by any corporation, joint stock company, or syndicate, the superintendent, manager, or other person in charge or control of such building or lot of land, shall, within the first four hours of daylight after the ceasing to fall of any snow, cause the same to be removed from such sidewalk; and in case ice has formed upon such sidewalk, the tenant, occupant, owner, superintendent, manager, or other person in charge or control of such building or lot of land, as above set forth, shall, within the first four hours of daylight, after the same has formed, cause the same to be sprinkled with ashes, or some other suitable substance. Any violation of any of the provisions of this act shall subject the person so offending to a fine of not more than $5, or, in default of the payment of such fine, to imprisonment in the workhouse of the District of Columbia for not more than five days.

SEC. 2. That in the event the owner or owners of any building or lot of land mentioned in the preceding section of this act be a nonresident or nonresidents of the District of Columbia, and there be no tenant or occupant of the same, and the requirements of the preceding section of this act are not complied with, or if such building or lot of land be owned by any nonresident corporation, joint stock company, or syndicate, and the superintendent, manager, or other person in charge or control thereof shall fail to comply with the requirements of the said preceding section of this act, or if there be no such superintendent or other person in charge or control of such building or lot of land so owned by any nonresident corporation, joint stock company, or syndicate and the requirements of the preceding section of this act are not complied with, it shall be the duty of the Commissioners of said District in every such case to cause the snow or ice to be removed, or to cause the same to be sprinkled as mentioned in said preceding section of this act, and for every such removal or sprinkling by them they shall assess the sum of 3 cents per front foot against each such lot, and, in the case of corner lots, an additional charge of 3 cents per running foot for the depth of the property abutting on the intersecting street, and every such assessment so levied for removal by said Commissioners of such snow or ice, or the sprinkling as herein provided shall be a lien on said lot of land, and shall become due and payable and be collected as general taxes on real estate in said District are due, payable, and collectible.

Mr. BABCOCK. I now yield to the gentleman from Pennsylvania [Mr. KLINE], who reported the bill.

Mr. KLINE. Mr. Speaker, this bill (H. R. 14582) contemplates legislation to regulate the removal of snow and the accumulations of ice from the sidewalks in the District of Columbia, and to punish those who may offend against the provisions thereof. It may seem strange and possibly surprising to the membership of this House that there is no existing law or enforceable regulation to compel the property owners in the District of Columbia, or their tenants, to clear the sidewalks in front or along their property of snow or ice. In all northern cities where the vigors and inclemencies of snow and ice prevail there are regulations for the removal of the snow and the accumulations of ice.

Congress has previously attempted to legislate on this subject, but hitherto was unable to place on the statute book a law which could stand the scrutiny and judicial interpretation of the appellate courts on constitutional grounds. The laws heretofore passed were prominent for their absence of uniformity, equality, and for their want of discriminations between those property owners which were intended to be reached by the contemplated legislation. On March 2, 1895, Congress passed an act for the removal of snow and ice from the sidewalks, cross walks, and gutters in the cities of Washington and Georgetown, and for other purposes, which act was declared to be insufficient; and again, on March 2, 1897, Congress passed another act on the same lines for the same purposes. That act was declared unconstitutional in the case of Holtzman *v.* United States (14 App. D. C., 454), in which it was held by the court "as to the special feature that differentiated it from the act of 1895, that it was unconstitutional, null, and void," and at the same time pointed out various crudities, inconsistencies, and inequalities that tended to descredit it in its entirety. Nothing further was done to enact this class of legislation from 1897 until February 10, 1904, when an act on the same subject was passed by this House, which, in the case of McGuire *v.* The District of Columbia, reported in 24 Appeal Cases, D. C., page 22, was also declared unconstitutional and void, as imposing unequal burdens upon and discriminating between citizens similarly situated and equally entitled to bear the same burden. In the latter cited case the court also laid down the rule that "the prime requisite of such legislation is that it should be uniform and capable of universal enforcement."

It thereupon dawned upon the minds of the District Commissioners that they, under some old power conferred upon them, were empowered to pass or promulgate a regulation by which the tenants and occupants of property along the several sidewalks could be compelled to remove snow and ice. They did promulgate such a regulation, and the matter was immediately taken before the courts of the District, and it was again declared, in Coughlin *v.* District of Columbia, a case reported in 25 Appeal Cases, D. C., page 251, that the District Commissioners were not empowered with such authority, and that their act was null and void.

In my judgment, this is a duty which should be imposed upon the property owners of the District, and that the municipality should not be charged with this burden.

The Commissioners, in a communication directed to the chairman of the District Committee on this subject and the im-

practicability of forcing the municipality to do this work, said this:

Any measure which proposes the removal of snow and ice by the municipality, with the cost thereof assessed against abutting property, presents almost insuperable obstacles, owing to the fact that there are 550 miles of paved sidewalks within the fire limits of the District of Columbia, equaling 2,904,000 linear feet. It is estimated that under ordinary conditions, with an average depth of snow of 6 inches and with a ridge in the center of the sidewalk packed down by pedestrians, one man could clean 30 feet of walk and open the gutter in one hour. In an eight-hour day this would require 12,100 men and cost, at $1.50 each per day, an aggregate of $18,150, a sum which would reach fully $20,000 when tools, supervision of gangs, etc., are taken into consideration.

Mr. Speaker, the removal of snow and ice is a duty or obligation which the property owner should perform. He should do it without protest or compulsion. The Washington property owner has so many privileges, advantages, and exemptions of onerous burdens that this burden of removing snow and ice should be cheerfully borne by him. If this burden is to be placed on the municipality at the expense of the Government, by the sanction of the citizens or direction of the court, I should not be much surprised some day to hear that Congress be asked to exempt the citizens of the District of Columbia of many other obligations which they are required to bear at this time.

That Congress has been unable heretofore to pass a law that was enabled to stand the interpretation of the courts is, in my judgment, no credit to the wisdom and judicial acumen of the solons of either House of Congress.

Mr. CRUMPACKER. Will it interfere with the gentleman's argument if I ask him a question or two?

Mr. KLINE. Not at all.

Mr. CRUMPACKER. I am somewhat interested in the law question involved in this bill, and am also interested that there should be proper care taken of the streets and walks of this city. This bill, as I understand it, makes it a misdemeanor for a property owner to fail to remove snow and ice from the walks in front of his premises.

Mr. KLINE. Yes.

Mr. CRUMPACKER. Does the gentleman know of a case or an instance in this country where the courts have upheld legislation of that kind? The theory, I think, generally is that the care of the public streets and walks is a public charge, and while for special reasons construction and maintenance of walks may be charged against the adjoining property owner, my recollection is that in every instance where an attempt has been made to impose a penalty on the property owner for his failure to perform that duty the courts have set aside the law and declared it to be invalid. Does the gentleman know of a single instance in this country where such a law has been upheld in a court of last resort?

Mr. KLINE. I can not cite any particular instance or case at this time. I know that such a law has been upheld by the subordinate courts in Pennsylvania. I could not state whether the question was ever taken to the appellate courts of that State or not.

Mr. CRUMPACKER. My impression is that the courts have uniformly declared such laws invalid, because it is not within the constitutional power of the legislature to impose a duty of this kind upon an individual, a duty that is essentially public, and to enforce its performance by a penalty.

While I should like to see proper legislation to protect the public against bad sidewalks, I fear that this bill, if enacted into law, will be set aside by the courts at the first opportunity.

Mr. WILEY of New Jersey. I can give the gentleman some information on that subject.

Mr. KLINE. I was just going to say that this bill provides that the party offending may be punished by summary proceedings. On page 2 of the bill it is provided that any violation of any of the provisions of this act shall subject the person so offending to a fine of not more than $5, or, in default of the payment of such fine, to imprisonment in the workhouse of the District of Columbia for not more than five days.

Mr. CRUMPACKER. My friend from New Jersey [Mr. WILEY] tells me that he knows of instances where such legislation has been upheld.

Mr. WILEY of New Jersey. That law is in force in New Jersey—in Essex County, where I live.

Mr. CRUMPACKER. By a criminal process?

Mr. WILEY of New Jersey. I do not think they have waited for that.

Mr. KLINE. Do I understand the gentleman from New Jersey—that legislation of this character has been upheld by the courts of New Jersey?

Mr. WILEY of New Jersey. The legislation is in force, and has been for years. I know it, because I was an executor of an estate and fined $5 because the man did not clean the snow off from the walk, and I had to pay it.

Mr. KLINE. On the other hand, I know that courts have been known to reverse themselves and sometimes in a few instances did not know the law themselves. I will not venture to say that the present bill will be construed to be constitutional and enforceable. It is an improvement on former bills on the same subject. It was prepared by the Commissioners, considered by the subcommittee and the general Committee on the District of Columbia in the light of judicial criticism on the subject and in the light of the authorities which I have cited in the course of my remarks. I say it is not certain that the courts will uphold the law, but the Commissioners are anxious to exhaust all means of securing an effective ice and snow law before they are compelled to appeal to Congress for an appropriation.

I ask that said bill be passed without amendment.

The bill was ordered to be engrossed and read a third time; was read the third time, and passed.

On motion of Mr. BABCOCK, a motion to reconsider the last vote was laid on the table.

### AMERICAN HOMEOPATHIC INSTITUTE FOR DRUG PROVING.

Mr. SAMUEL W. SMITH. Mr. Speaker, I call up the bill (H. R. 12904) to incorporate the American Homeopathic Institute for Drug Proving.

The Clerk read the bill, as follows:

A bill to incorporate the American Institute for Drug Proving.

*Be it enacted, etc.*, That the following-named persons, to wit, J. B. Gregg Custis, of Washington, D. C.; George Royal, of Des Moines, Iowa; Charles Mohr, of Philadelphia, Pa.; Willis A. Dewey, of Ann Arbor, Mich.; Benjamin F. Bailey, of Lincoln, Nebr.; John P. Sutherland, of Boston, Mass., and Edwin H. Wolcott, of Rochester, N. Y., their associates and successors, duly chosen, are hereby incorporated and declared to be a body corporate by the name of the American Institute for Drug Proving, and by that name it shall be known and have perpetual succession.

SEC. 2. That the objects of the corporation shall be—

(a) To study the effects of drugs upon animals and healthy persons and to preserve a record of such experiments and the results thereof in such form and manner as shall make them available and useful in the treatment and cure of disease.

(b) To disseminate the knowledge of the results of such experiments by lecture, printed documents, or otherwise, as may be deemed best.

(c) To purchase such property, real and personal, and to provide and maintain or aid in the equipment of such laboratories as may be necessary to carry on the work of the corporation.

(d) In general to do and perform all things necessary to promote the objects of the institute.

SEC. 3. That the direction and management of the affairs of the corporation and the control and disposal of its property and funds shall be vested in a board of trustees, seven in number, to be composed of the following individuals, to wit: J. B. Gregg Custis, George Royal, Charles Mohr, Willis A. Dewey, Benjamin F. Bailey, John P. Sutherland, and Edwin H. Wolcott, who shall constitute the first board of trustees and who shall hold office until their successors in office shall be chosen, as may be provided by the by-laws of said corporation. The board of trustees shall have power from time to time to increase its membership to not more that fifteen members: *Provided always*, That a majority of the board of trustees shall be composed of members of the American Institute of Homeopathy. Vacancies occasioned by death, resignation, or otherwise shall be filled by the remaining trustees in such manner as the by-laws shall prescribe, and the persons so elected shall thereupon become trustees and also members of the said corporation. The principal executive offices and repository for the records of said corporation shall be located in the city of Washington, D. C.

SEC. 4. That such board of trustees shall have full power from time to time to adopt a common seal, to appoint such officers, members of the board of trustees or otherwise, and such employees as may be deemed necessary in the carrying out of the objects of the corporation, at such salaries or with such remuneration as they may deem proper, and with full power to adopt by-laws from time to time and such rules and regulations as they may deem necessary to secure the convenient transaction of the business of the corporation, with full power and discretion to deal with and expend the income or funds of the corporation in such manner as in their judgment will best promote the objects herein set forth, and in general to have and use all the powers and authority necessary to promote such objects. Said corporation shall report annually the result of its scientific experiments and its receipts and expenditures to the American Institute of Homeopathy.

SEC. 5. That the said corporation may take and hold donations, grants, devises, and bequests which may be made to it in support of the said corporation.

SEC. 6. That as soon as may be possible after the passage of this act a meeting of the trustees hereinbefore named shall be called by the said J. B. Gregg Custis, George Royal, Charles Mohr, Willis A. Dewey, Benjamin F. Bailey, John P. Sutherland, and Edwin H. Wolcott, or any three of them, at the city of Washington, D. C., by notice served in person or by mail to each trustee at his place of residence, and the said trustees, or a majority of them, being assembled, shall organize and proceed to adopt by-laws, to elect officers, and appoint committees, and generally to organize said corporation, and thereafter the board of trustees shall once a year, or oftener at their election, meet in the said city of Washington, or elsewhere as they may by resolution of the board or by the consent in writing of a majority of the board determine, such consent in writing to be recorded, together with the names of the trustees giving such consent, in the records of the corporation.

SEC. 7. That Congress may from time to time alter, repeal, or modify this act of incorporation, but no contract or individual right, made or acquired, shall thereby be divested or impaired.

SEC. 8. That this act shall take effect immediately.

With the following committee amendments:

Page 1, line 11, insert after the word "American" the word "Homeopathic."

Page 3, line 13, after the word "power," insert the words "in said board."

Page 3, line 17, after the word "discretion," insert the words "in said board."

Amend the title so as to read: "A bill to incorporate the American Homeopathic Institute for Drug Proving."

Mr. FITZGERALD. Mr. Speaker, I would like to know something about this bill before action is taken on it.

Mr. SAMUEL W. SMITH. I will yield to the gentleman from New Jersey [Mr. WILEY].

Mr. WILEY of New Jersey. Mr. Speaker, this bill was introduced by request. I am not a homeopath and therefore it is an act of great magnanimity on my part. It is a benevolent organization with a view to obtaining contributions and using them for the purposes stated in the bill and to report the results for the benefit of humanity generally.

Mr. FITZGERALD. I would like to know what this provision means: "To study the effects of drugs upon animals and healthy persons and to preserve a record of such experiments." I will call attention to several provisions in the bill, as it may be that the gentleman will explain them all.

This act of incorporation is different from every other one the District Committee has reported. Heretofore it has made these corporations corporations in the District of Columbia, but there is no such restriction in this bill. More than that, there is a provision on page 3, at the bottom of the page, that I would like the gentleman to explain, in which this corporation is required to report the result of these scientific experiments, its receipts and expenditures, to the American Institute for Homeopathy. What branch of the Government is that and what right has the Government or why should Congress incorporate a drug-proving concern and direct it to report to some other institution, philanthropic or otherwise? I hope the gentleman will make a full explanation of this bill.

Mr. WILEY of New Jersey. I think the language of the bill is sufficiently clear. I do not see what explanation the gentleman wants, but——

Mr. GARRETT. May I ask the gentleman a question?

Mr. WILEY of New Jersey. Certainly.

Mr. GARRETT. What powers are given to this institution by incorporation here that it could not obtain by incorporation under the general statutes of the District?

Mr. WILEY of New Jersey. That is a legal question, and as I am not a lawyer I will allow the gentleman from Pennsylvania, Mr. KLINE, to answer it.

Mr. GARRETT. Would there be any objection to inserting, in line 10, after the word "corporate," the words "of the District of Columbia?"

Mr. SAMUEL W. SMITH. No objection whatever.

Mr. GARRETT. I think unquestionably that ought to be done. I do not think this institution after being incorporated would have any legal standing if these words were not inserted so as to create it a corporation of the District of Columbia. That the Congress can create a corporation for the purpose of carrying out any of the delegated powers of Congress is perhaps not now to be questioned, but that the Congress can create a corporation for performing any work or engaging in any business that is not for the purpose of carrying out some one of the expressly delegated powers seems to me to be beyond the scope of constitutional power. I take it there is no doubt, however, of the power of Congress to create a corporation in the District of Columbia, though I do doubt the policy of these special acts. I do not think they ought to pass at all. The provisions of the general law are full and ample, and there is danger in these special acts.

Mr. SAMUEL W. SMITH. Mr. Speaker, if the gentleman will offer an amendment, we will accept it. The committee has no pride in this matter whatever.

Mr. GARRETT. Mr. Speaker, I offer that amendment.

The SPEAKER. Does the gentleman from Michigan yield for that purpose?

Mr. SAMUEL W. SMITH. Yes.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 1, line 10, after the word "corporate," insert "of the District of Columbia."

The SPEAKER. Does the gentleman desire a vote upon his amendment at this time?

Mr. GARRETT. Mr. Speaker, at any time that it is in order. I understood the committee would accept the amendment, the gentleman from Michigan [Mr. SAMUEL W. SMITH] saying there was no objection to it. If the bill must pass, though I hope it will not, that provision should certainly be in it. I hope, however, that whether so amended or not the bill will not pass.

The SPEAKER. The Chair will put the question now. The question is on agreeing to the amendment offered by the gentleman from Tennessee.

The question was taken; and the amendment was agreed to.

Mr. CLARK of Missouri. Mr. Speaker, at some time I would like a chance to interrogate the gentleman who is in charge of the bill.

The SPEAKER. Does the gentleman yield?

Mr. SAMUEL W. SMITH. Certainly, I yield to the gentleman.

Mr. CLARK of Missouri. Is there not a general law by which anybody in the District of Columbia who desires to be incorporated can apply to some established authority and secure an incorporation, as one can in the State from which the gentleman comes or in the State from which I come?

Mr. SAMUEL W. SMITH. Mr. Speaker, I understand that these gentlemen do not consider that the present law in the District is sufficient for them to incorporate in the manner in which they desire to be incorporated.

Mr. CLARK of Missouri. I would like to have a minute or two. Will the gentleman yield?

Mr. SAMUEL W. SMITH. Certainly, I yield.

Mr. CLARK of Missouri. Mr. Speaker, several times I have suggested to the House a plan which seems to me to be in the interest of transacting the public business, and that is that we have on hand three sorts of business to which we devote a great deal of time, with which we ought not to have anything to do at all. One of them is respecting private claims. There ought to be some kind of a tribunal to which these private claims can be referred. I take it that nearly every man in the House would make a fairly good trial judge, if he were elected or appointed a trial judge, and if it were his business to hear evidence in a case he would give a fairly correct decision; but what is everybody's business is nobody's business. Sometimes we spend two or three hours here, 386 of us, passing on a claim of less than $100, and nobody, except the particular member of the Committee on Claims who passed on that claim, knows anything about it. The proceeding is ridiculous. In the second place, we ought to get rid of private pension bills. The pension laws, if they are not sufficiently liberal now, ought to be liberalized so that we may get rid of the business to which I refer. All the old soldiers ought to stand on the same plane and be treated impartially. In the third place, we ought to get rid of this entire batch of District of Columbia business. With all due respect to everybody connected with it, I say that it is a nuisance in this House. It is not a very violent presumption that any Member of this House or member of the United States Senate would be competent to sit in the common council for the city of Washington, if he lived here and were familiar with facts and environments; but we come here one day out of every two weeks and we must either follow the gentleman from Wisconsin [Mr. BABCOCK] or some of his lieutenants on faith, or we have to fight them on faith. So far as I am concerned, I generally vote against them on faith. [Laughter.] Now, we ought to be getting rid of this business instead of enlarging it. What is happening here? I will tell you exactly. Everybody in the District of Columbia who wants a corporation created, instead of going to the authority in the District which has power to incorporate, as I presume it has——

Mr. SHACKLEFORD. Mr. Speaker, may I interrupt the gentleman right there?

The SPEAKER. Does the gentleman yield?

Mr. CLARK of Missouri. Yes.

Mr. SHACKLEFORD. I do not know how this bill ever got into the hands of the Committee on the District of Columbia anyway, because it is incorporating a lot of people who do not even live here.

Mr. CRUMPACKER. Mr. Speaker, there is no question about there being power under the general statutes to create corporations of this kind.

Mr. CLARK of Missouri. Does the gentleman mean by Congress or by somebody in the District of Columbia?

Mr. CRUMPACKER. By somebody in the District of Columbia. Authority already exists. We had a bill up for consideration not an hour ago to amend that law, and it is sufficiently broad in its terms to include this kind of corporations, but this institution or association, like a great many others, desires to get the prestige of incorporation by special act of Congress.

Mr. SHACKLEFORD. I do not think that is quite true, because these people could not be incorporated under the laws of the District and ought not to be incorporated by act of Congress. They are not residents of the District.

Mr. CRUMPACKER. I do not think the laws require them to be residents.

Mr. CLARK of Missouri. Well, I do not care much about this particular bill one way or another; I have no prejudice against anybody connected with it; but I want to explain to the House what we are coming to. Now, on the last District of

Columbia day, two weeks ago, we spent nearly the whole day jowering about corporations here in the District of Columbia. If we go on a month or two longer granting these incorporations by acts of Congress everybody who wants to be incorporated in the District of Columbia, instead of going down here to get an incorporation in the proper and legal manner, as the gentleman from Indiana [Mr. CRUMPACKER] says they can, will be here applying for incorporation. I will tell you why. As he said, it gives prestige to the corporation.

Now, we had one for the Daughters of the Revolution. Everybody wants to be pleasant with the women. Then we had one to incorporate the Eastern Star, and two brethren here fell foul of each other—one was a Mason and the other was not a Mason, and the thing seemed to go off on that. I am a thirty-second-degree Mason. There is only one degree higher, and I can not get that unless I devote most of my time to the work of the order, which I am not going to do. These institutions were incorporated as a matter of sympathy and sentiment. The other day some very estimable ladies sent for me to come out and see about incorporating an educational institution to operate in the country generally. I asked them what was the reason they did not go down to the District of Columbia building and go to the proper authorities and get the incorporation. They said very frankly they wanted the prestige of a Congressional bill. Now, this bill comes up and it is proposed to incorporate a drug company. If you can incorporate a drug company—of course, I do not care anything about what school of medicine it is, one way or the other—but if we are going into the business of incorporating drug companies to give them prestige, why not go into the business of incorporating a grocery company to give it prestige over other competing grocery companies in the District of Columbia? Why not pass a bill here incorporating some particular shoe house or a particular dry-goods store? In England I understand the fact to be—I have never been over there—that certain men carry on their cards and on their signs "Hatters to the King." You have been over there——

Mr. WILLIAMS. Yes.

Mr. CLARK of Missouri. And "Haberdashers to the King" and "Wine merchants to the King," and half of them never sold the King a hat or a quart of wine or any haberdashery at all. What they want is the prestige that the sign gives them. They pay for it, as the gentleman near me [Mr. SULLIVAN of Massachusetts] suggests. It is for mere advertising purposes over there, and that is what all of these incorporations are desiring here, a mere matter of advertisement for the concerns which are incorporated; and if we go into this business I give you fair warning now, instead of having one District day every two weeks you will have to have one District day every week, and this is as good a time as we are ever going to have to stop it now—that is, to beat this bill without any reference as to who it is who wants to be incorporated or what it is except it is a drug bill. [Applause.]

Mr. KLINE. Has the gentleman from Missouri any opposition to the features of this bill?

Mr. CLARK of Missouri. I do not know whether I have or not.

Mr. KLINE. I will inform the gentleman this corporation could not be incorporated under the general law——

Mr. CLARK of Missouri. Then change the general law.

Mr. KLINE. Well, we have not come to that yet, because the majority of these incorporators are not residents of the District of Columbia.

Mr. CLARK of Missouri. Why did they not go to New Jersey to get incorporated? That is the great home of corporations.

Mr. KLINE. I do not know; but they have chosen this forum.

Mr. SULLIVAN of Massachusetts. Can not they get proxies under the law?

Mr. CLARK of Missouri. I know how we settled this corporation business in Missouri about getting incorporation papers. The legislature passed a general law and took it out of the hands of the legislature. Up to that time it was "Pull Dick, pull devil," as to who would get incorporation bills passed by the Missouri legislature. At last they passed a general law authorizing the circuit court to issue incorporation papers in certain cases and the secretary of state to issue them in others, and charged them to inquire into the character and business of the parties who were seeking incorporation for the purposes of a corporation. Since that we have had no trouble about incorporating companies. I repeat that I have no prejudice whatever against the estimable persons asking by this bill for incorporation. I am simply and steadfastly opposed to Congress going into the general incorporating business.

Mr. CRUMPACKER. My recollection is that the statute governing corporations in the District of Columbia does not require the stockholders nor all of the directors to be residents of the District. It requires some of the directors and perhaps the main office to be in the District of Columbia.

Mr. SHACKLEFORD. I think, if the gentleman will permit me to say so, it requires at least three of them to be residents of the District of Columbia. Why should a lot of strangers come here, over whom this District government has no jurisdiction, and be incorporated under the District law? It ought to be under general law, it ought to be by the citizens of the State where it is incorporated, and there ought to be some restrictions and limitations in the general law thrown around these corporations that come in here like a newborn jaybird.

Mr. CRUMPACKER. It is true that in some of the States they require some of the directors to be residents of the State authorizing the incorporation, and to maintain the principal office in the State, so as to bring the corporation under the jurisdiction of the courts, and I think that is the provision in the District of Columbia. Now, the State of New Jersey does not require a stockholder or a director or a member of a corporation to reside in the State of New Jersey, but it does require the appointment of a resident agent, upon whom civil process may be served; but I think the general laws here cover this class of corporations. If they do not you can change the provision as to incorporators and include two or three who reside in the District. I agree with the gentleman from Missouri [Mr. CLARK] that the time has come to vote down this class of corporations. I do not think there is any public need for granting special charters by act of Congress.

Mr. SHACKLEFORD. I would like to ask the gentleman from Indiana if there is anything in the proposed corporations requiring that they should have a charter in any State or Territory anywhere in the world?

Mr. CRUMPACKER. I do not know that there is.

Mr. SHACKLEFORD. They desire it, as my colleague has said, because it gives them the grandiloquence of a special Federal charter and without any limitations whatever. Every corporation ought to have some limitation thrown around it. These special corporations appear here in the twinkling of an eye, without the consideration of anybody except the committee from which they come, with no sort of limitations, with no sort of restrictions, no sort of control, and I have protested as they have been presented from various committees in this House that Congress ought not to go into the business of granting special charters to special corporations in any instance.

Mr. CRUMPACKER. I am unable to determine whether the character of the corporation desired to be created is scientific, humanitarian, or commercial. I think it is a combination of the three.

Mr. SHACKLEFORD. I think it is. I will say in this connection while I have the floor, although not entitled to it, there is another objection to having the Congress give charters of this kind. It is not to transact business within the District of Columbia. These Federal corporations will go into all of the States and do business. Probably they would not be subject to State taxation, and certainly not subject to State control. So here we are instituting a series of corporations to go into the States and do business, sitting over and above and beyond the power of the State to control or regulate or tax them.

Mr. FITZGERALD. Mr. Speaker, I make the point of order that this is a private bill, and the committee has no jurisdiction of the same.

Mr. SAMUEL W. SMITH. Mr. Speaker, I call for a vote.

Mr. FITZGERALD. Well, I do not think the gentleman from Michigan will question the point.

Mr. SAMUEL W. SMITH. Let me say to the gentleman I think we can dispose of the matter in just a moment if he will allow it to go to a vote.

Mr. FITZGERALD. If the gentleman will ask that the bill be laid upon the table, I will withdraw the point of order.

The SPEAKER. The Chair takes it for granted that the gentleman's point of order is that it is a private bill; that the committee has no jurisdiction of the bill, and it should be recommitted with a view to giving it proper reference. The Chair calls the attention of the gentleman to the status of the bill now. That point of order, if it could be considered at all, would have to be considered, in the opinion of the Chair, before the House had entered upon its consideration. So the Chair is not required to rule whether it is a private bill or not. Whether it be proper or not, the committee has been considering it for thirty minutes, and the Chair for that reason——

Mr. FITZGERALD. I will move that the bill be laid on the table at the proper time. I simply wish time to call attention to some of the provisions of this bill.

The SPEAKER. The Chair understands the gentleman from Michigan, having the floor, yields it for that purpose?

Mr. SAMUEL W. SMITH. I only wish the gentleman would allow us to take a vote upon the bill, and I call for a vote, Mr. Speaker.

The amendment recommended by the committee was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

Mr. CRUMPACKER. Mr. Speaker, has there been a motion to lay the bill on the table?

The SPEAKER. No.

The question was taken on the engrossment for a third reading; and the Speaker announced that the noes seemed to have it.

Mr. FITZGERALD. I move that the bill lie on the table.

The question was taken, and the motion was agreed to.

Mr. SMITH of Iowa. I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill S. 51.

The SPEAKER. Pending that motion, the Chair desires to lay before the House, if there be no objection, the following message from the President of the United States.

SITTINGS OF THE UNITED STATES COURTS AT MIAMI, FLA.

The SPEAKER laid before the House the following message from the President of the United States, which was read:

*To the House of Representatives:*

I return herewith, without approval, House bill No. 10080, for the reasons set forth in the following letter from the Acting Attorney-General:

"I have the honor to reply to your communication of March 8, asking that you be informed whether I know of any objection to the approval of the inclosed bill—H. R. 10080, entitled 'An act to provide for sittings of the United States circuit and district courts of the southern district of Florida at the city of Miami, in said district.'

"Replying to a request from the Committee on the Judiciary of the Senate for information showing the desirableness or otherwise of the proposed legislation, I advised them:

"'Terms of court are now held in said district at Tampa, Jacksonville, Key West, and Fernandina. From information obtained in the examination of accounts of court officials for said district it appears that very little business arises in the vicinity of Miami, and that there is no real necessity for terms of court at that place in addition to terms at the other places above mentioned.'

"Further consideration confirms the opinion that there is nothing to demand a term of court at that place. It will entail considerable expense on the Government, and the public interest will not be subserved thereby.

"The proviso in the bill 'that suitable rooms and accommodations shall be furnished for the holding of said court at said place, free of expense to the Government of the United States,' is objectionable. If a term of court is needed it should not depend on whether accommodations therefor are gratuitously supplied. Conditions of this character appear to me to conflict with the public interests; and they are used, of course, in many cases to secure the passage of bills which should not otherwise command adequate support.

"I am of the opinion that the bill ought not to become law."

THEODORE ROOSEVELT.

THE WHITE HOUSE, *March 12, 1906.*

Mr. CLAYTON. Mr. Speaker, I move that the bill and message be referred to the Committee on the Judiciary.

The motion was agreed to.

OPIUM TRAFFIC IN THE PHILIPPINE ISLANDS.

The SPEAKER laid before the House the following message from the President of the United States; which was read, referred to the Committee on Insular Affairs, and, with the accompanying papers, ordered to be printed:

*To the Senate and House of Representatives:*

I transmit herewith, for the information of Congress, the report of the committee appointed by the Philippine Commission to investigate the use of opium and the traffic therein, and the rules, ordinances, and laws regulating such use and traffic in Japan, Formosa, Shanghai, Hongkong, Saigon, Singapore, Burma, Java, and the Philippine Islands.

I also inclose a letter from the Secretary of War, submitting the report for transmission.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *March 12, 1906.*

SAMOAN CLAIMS.

The SPEAKER also laid before the House the following message from the President of the United States:

*To the Senate and House of Representatives:*

I transmit herewith a report by the Secretary of State concerning this Government's obligation to pay to that of France the sum of $3,391.13, under the convention between the United States, Germany, and Great Britain, for the settlement of Samoan claims, signed at Washington on November 7, 1899.

Prompt action should be taken to discharge this obligation.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *March 12, 1906.*

The message, with accompanying documents, was ordered to be printed, and referred to the Committee on Appropriations.

Mr. SAMUEL W. SMITH. Mr. Speaker, I withhold my motion in order that the gentleman from Ohio [Mr. GROSVENOR] may be recognized.

GOVERNMENT HOSPITAL FOR THE INSANE.

Mr. GROSVENOR. Mr. Speaker, I ask unanimous consent for the present consideration of a bill which I send to the Clerk's desk, being the bill (H. R. 15643) to authorize the board of visitors of the Government Hospital for the Insane to summon and examine witnesses under oath, and making it a misdemeanor for any such witness to refuse to attend or testify or produce books or papers when summoned.

The SPEAKER. The gentleman from Ohio asks unanimous consent for the present consideration of a bill which will be reported by the Clerk.

The Clerk read the title of the bill.

The SPEAKER. The bill has already been read at a previous session.

Mr. CLAYTON. Mr. Speaker, this is the bill to which I objected the other day when it first came up. I no longer desire to object, but the gentleman from Florida [Mr. CLARK] has several amendments that he desires to offer to the bill; and if there be no objection, I should like to have his amendments read and considered en gross.

Mr. GROSVENOR. Mr. Speaker, while I shall not oppose the amendments, I prefer that they be considered separately.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

Mr. CLARK of Florida rose.

The SPEAKER. Does the gentleman yield?

Mr. CLAYTON. Yes; I yield to the gentleman from Florida.

Mr. CLARK of Florida. Mr. Speaker, I offer the amendments which I send to the Clerk's desk.

The SPEAKER. The gentleman from Florida offers the following amendment, which the Clerk will report.

The Clerk read as follows:

Amend by striking out of line 1, page 2, the word "secretary" and inserting in lieu thereof the word "president."

Mr. GROSVENOR. I see no objection to that amendment.

The amendment was agreed to.

The SPEAKER. The Clerk will report the next amendment offered by the gentleman from Florida.

The Clerk read as follows:

Amend by striking out of lines 1 and 2 the words "or any member thereof."

The SPEAKER. Does the gentleman desire to be heard on that amendment?

Mr. GROSVENOR. That is all right. There is no objection to that.

The amendment was agreed to.

The SPEAKER. The Clerk will report the next amendment offered by the gentleman from Florida.

The Clerk read as follows:

Amend by striking out, in line 11, on page 2, the word "relating" and by inserting, after the words "shown to be in his custody or control," "relevant."

Mr. GROSVENOR. I have no objection to that.

The amendment was agreed to.

The SPEAKER. The Clerk will report the next amendment offered by the gentleman from Florida.

The Clerk read as follows:

Amend by inserting after the word "both," in line 15, on page 2, the following:

"That any person or persons, or association of persons, making or preferring charges of any kind against the management of such Government Hospital for the Insane, or against any officer or officers, or against any employee of attaché thereof, shall have the right to attend at all times the investigation of the same and to be attended and represented by counsel, and by such counsel to examine and cross-examine any and all witnesses who may testify as to the subject-matter of the charges preferred, and to have summoned by said Board of Visitors such witness or witnesses as such counsel may designate, and to have produced such books or papers as such counsel may call for, relevant to the subject-matter of the investigation; and that all matters included in such charges shall be inquired into, unless admitted by the person or persons charged, or waived by the person or persons preferring the same."

The amendment was considered and agreed to.

Mr. CLARK of Florida. Mr. Speaker, I offer the following amendment which I send to the desk.

The Clerk read as follows:

Add at the end of section 1 the following:

"*Provided*, That all such investigations shall be public and shall be conducted at some suitable place in the city of Washington—unless, when an examination of the conditions of the hospital premises are being conducted—to be designated by the Secretary of the Interior; and all testimony taken shall be reduced to writing and transmitted to Congress by the Secretary of the Interior at the session of Congress next held after the completion of such investigation; that the proceedings shall be governed, so far as possible, by the ordinary rules of evidence, and where answers are refused upon ground that the questions are irrelevant, incompetent, or immaterial, they shall be certified to the chief justice of the supreme court of the District of Columbia for his decision, as is the practice in equity causes in said District.

"*Provided further*, That a majority of said board of visitors shall be in attendance at all of such investigations; that no person directly or indirectly involved or affected by any charge or charges made the subject-matter of such investigation shall act as an officer or member of such board of visitors during such investigation, and that no em-

ployee or inmate of said Government Hospital for the Insane shall be in any way prejudiced by any testimony he or she may give during any such investigation."

The amendment was considered and agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. SAMUEL W. SMITH, a motion to reconsider the last vote was laid on the table.

REPRINT OF A BILL.

Mr. POLLARD. Mr. Speaker, I ask unanimous consent for the reprint of the bill (H. R. 15346) to apply a portion of the proceeds of the public lands to the State normal schools of the United States for the advancement of instruction in agriculture.

The SPEAKER. The gentleman from Nebraska asks unanimous consent for the reprint of the bill which he refers to. Is there objection?

There was no objection.

JUVENILE COURT, DISTRICT OF COLUMBIA.

Mr. SAMUEL W. SMITH. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill (S. 51) to create a juvenile court in and for the District of Columbia.

The motion was agreed to.

Accordingly, the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. HINSHAW in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the consideration of the bill (S. 51) to create a juvenile court in and for the District of Columbia, and the Clerk will read the bill.

The Clerk began the reading of the bill.

Mr. SAMUEL W. SMITH. Mr. Chairman, I think it would save time and I move to dispense with the first reading of the bill.

The motion was agreed to.

Mr. SAMUEL W. SMITH. I now yield to the gentleman from Ohio [Mr. TAYLOR].

Mr. TAYLOR of Ohio. Mr. Chairman, this bill was passed by the Senate in December last. The only amendment that has been made to the Senate bill is the one made by the committee repealing all laws and parts of laws inconsistent with this act and fixing a definite time when this law shall go into operation. That was overlooked in the draft of the original bill.

The bill provides for a separate court, specially officered, having jurisdiction over crimes and offenses of persons under 17 years of age committed against the United States in the District of Columbia, as well as against the District itself. It gives the juvenile court sole jurisdiction in all cases of delinquent and dependent children, and provides for the punishment of adults who aid and abet delinquency in a child. It gives to the court the control of admission to all juvenile reformatories or asylums supported wholly or in part by Congressional appropriation, as well as parole or transfer therefrom.

In drawing this bill those who are interested in this matter tried to avoid all experimental features and only included such provisions as have been demonstrated by experience to be practical in other States where similar courts are in operation. Washington for some reason is the only large city in this country which has no definite provision for the formation of character of juveniles. Juvenile courts are in existence in a great number of cities of the country and in nearly every State. The most noticeable development in the last five years has been in the introduction and establishment of these courts. They began in Chicago in 1899 and are now in existence in nearly every city and State. The juvenile court has proven to be a life-saving institution, and its true function is educational. It has been demonstrated that the juvenile court has already passed beyond the stage of experiment and is accomplishing substantial results, and that it is an economical as well as modern method of caring for delinquent and dependent children. One authority has said that no child should be punished for the purpose of making an example of him, but the idea of the judge should be that of formation and not reformation. The parental authority of the State should be exercised instead of the criminal power.

By this bill it is intended that the care and custody and discipline of the child may approximate as nearly as possible that which should be given by its parents and only as a last resort the child is placed in a reformatory institution. One of the most important things provided for is the probation system or the parole system—so that the judge may in every case, if he sees fit, put the child on probation and under parole under the direction and supervision of his probation officers. To give an illustration of how thoroughly the criminal power has been superceded by the parental authority of the States where similar laws are in operation, I have in this report statistics from fifteen of the largest cities in the country, which show that for two years prior to the introduction of those courts in those cities there were 6,052 children incarcerated in jail, whereas since the law was put in operation there have been only about 1,200 children incarcerated, or about one-sixth as many as were incarcerated before such laws were put in operation.

It is now the exception in most jurisdictions to have a child committed to jail. Statistics show that the number of commitments to reformatories and other institutions have greatly decreased, and in every possible case the child is placed in an approved home under the control and supervision of the probation officers. The only expense provided for is the salary of the judge, clerk, and the probation officers—the judge at $3,000 a year, a clerk at $2,000 a year, and the probation officers, one at $1,500 and the other at $900 a year. Juvenile courts are economical in that they save the cost of maintaining thousands of children in public institutions, and with these small items the cost ought not to have much consideration at the hands of this House. There have been in Washington for the year ending June 30, 1905, 1,762 children charged with offenses which will now come under the jurisdiction of the juvenile court if this bill becomes a law. It is quite evident that the time of one judge, his clerk, and his assistants would be well taken up in handling this sort of cases.

Mr. MADDEN. Mr. Chairman, I would like to ask the gentleman whether it would not be possible for one of the present presiding judges to act as the juvenile judge?

Mr. TAYLOR of Ohio. It might be possible, but it is not advisable. We have discussed and investigated that question, and we find here that the police judges of this District are working all of their time, and even after court hours, when they endeavor to hold a sort of juvenile court without any legal authority particularly, and they can not be successfully conducted. The great feature of this juvenile court procedure, and the underlying principle, is to divorce the child from a criminal procedure. We do not want to bring the child into the criminal or the police courts, because they are demoralizing in their atmosphere. We want to take them out of that atmosphere, and I believe it is right they should be taken out of it.

Mr. MADDEN. The point I wanted to make is this: That where this character of proceeding was first instituted was in Chicago——

Mr. TAYLOR of Ohio. Yes.

Mr. MADDEN. And there one of the judges required is assigned to the trial of cases of this character, and we find that it is no hardship on the court or its time to designate one of the judges to do this sort of work. We were not obliged to create a special court for that purpose.

Mr. TAYLOR of Ohio. Is it not true that that judge who has been designated as a juvenile-court judge in Chicago devotes his whole time to the juvenile court?

Mr. MADDEN. No.

Mr. TAYLOR of Ohio. I have been informed that he does.

Mr. MADDEN. He only devotes one day in a week, not to exceed two days in any week.

Mr. TAYLOR of Ohio. With the statistics before me—and we can not expect children to grow any better in anticipation of this law—it would seem that this one man is compelled to look after, try, and arrange for the future of 1,762 children in a year; his whole time will be taken up if he attends to his business and proposes to do any good. For that reason we advocate the creation of this office at the very reasonable salary of $3,000 a year.

Mr. CLARK of Missouri. Mr. Chairman, I would like to ask the gentleman a question for information.

The CHAIRMAN. Does the gentleman yield?

Mr. TAYLOR of Ohio. Yes.

Mr. CLARK of Missouri. What is the minimum age in the District of Columbia at which a person can be sent to the penitentiary for felony?

Mr. TAYLOR of Ohio. I think 16 years; but I am not certain about that.

Mr. CLARK of Missouri. Now, where does this new judge's jurisdiction begin as to age, and where does it end?

Mr. TAYLOR of Ohio. It begins at any age, and ends with 17.

Mr. CLARK of Missouri. Is there any appeal from his decision at all?

Mr. TAYLOR of Ohio. Yes; an appeal is provided for in section 22 of the bill.

Mr. CLARK of Missouri. Who has been discharging the duties that it is proposed to assign to this juvenile judge heretofore?

Mr. TAYLOR of Ohio. The police magistrates, in large part.

Mr. CLARK of Missouri. On page 6, lines 8, 9, 10, 11, and 12, I find this language:

And no child once committed to any public institution by the order of the juvenile court shall be discharged or paroled therefrom or transferred to another institution without the consent and approval of said court.

Mr. TAYLOR of Ohio. Yes.

Mr. CLARK of Missouri. That seems like cutting off the chance of a review by any other court.

Mr. TAYLOR of Ohio. It is not so intended. The idea of that is the juvenile-court judge, having studied this case out and decided where to place the child, should not be disturbed by outside jurisdiction in his control of the child as long as the child is in the probationary period. I will say to the gentleman that I wrote to several gentlemen interested in this work in reference to this very portion of the bill which has just been read, and each one of them urged that that should remain in the bill. It was the custom in other States, and although at first I thought it was rather a harsh and arbitrary provision, I believe now, from their explanation, it is proper, because whoever may be selected as juvenile judge is supposed to be a man of sound judgment, which he will exercise in dealing with the children brought before him.

Mr. CLARK of Missouri. Of course that would be the presumption, and the chances are that would be the case, and yet you never can tell what kind of an influence unlimited power is going to have on a man's mind. Now, it is stated as a historical fact that Robespierre when he was a young man resigned the position of criminal judge because he would not pass sentence of death on one man, and yet he lived long enough so he could order 300 to death before breakfast without a qualm of conscience. Now, it seems to me there ought to be some chance for one of these juvenile offenders to reform, and as soon as he reforms to get him out of the tutelage of this judge of the juvenile court.

Mr. TAYLOR of Ohio. As soon as ever he reforms the judge is supposed to release him from under his jurisdiction.

Mr. CLARK of Missouri. But suppose you happen to get a judge who seemed to think that nobody would ever reform?

Mr. TAYLOR of Ohio. Then that would be a very unfortunate position, and we have to rely upon the appointing power, which is the President of the United States, to select a man who will not be of such character. Now, the offenses which come under this jurisdiction would, of course, primarily be under police jurisdiction.

Mr. CLARK of Missouri. Let me ask a couple more questions. How long a term has this judge?

Mr. TAYLOR of Ohio. Six years.

Mr. CLARK of Missouri. Is there any machinery for removing him?

Mr. TAYLOR of Ohio. I do not think the bill provides any machinery. He serves six years. I presume the judge, like any other judge, is subject to impeachment.

Mr. CLARK of Missouri. But impeachment proves to be an absolute and total failure. They never convicted but one man on impeachment, and he was crazy.

Mr. TAYLOR of Ohio. There is nothing in the bill providing for removal of the judge. It provides for removal of the clerk, who is to be appointed at the pleasure of the judge, and——

Mr. CLARK of Missouri. I think there should be a provision in there in regard to the removal of the judge.

Mr. SAMUEL W. SMITH. If there are no further questions, Mr. Chairman, I ask to have the bill read for amendment.

The CHAIRMAN. The Clerk will read the bill by paragraph.

Mr. SAMUEL W. SMITH. I might say, Mr. Chairman, that unless there is some one who desires to offer an amendment to the bill we do not——

Mr. MADDEN. I would suggest, Mr. Chairman, there ought to be a provision in the bill authorizing the removal of the judge for cause by the appointing power.

The CHAIRMAN. Does the gentleman request the reading of that portion of the bill?

Mr. TAYLOR of Ohio. What amendment have you?

Mr. MADDEN. I suggest an amendment providing for the removal of the judge for cause by the President.

Mr. TAYLOR of Ohio. I have no objection to the amendment coming in after where it says, "who shall be appointed by the President of the United States and confirmed by the Senate. What language would the gentleman suggest?

Mr. MADDEN. You can make any language you suggest.

Mr. TAYLOR of Ohio. What is your point?

Mr. MADDEN. I would like to have the language made so the judge may be removed by the President for cause.

Mr. TAYLOR of Ohio. Then, after the words "United States" you would insert "subject to removal for cause."

The CHAIRMAN. The gentleman from Ohio offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 1, line 8, after the words "United States," insert "subject to removal for cause."

Mr. CLAYTON. Subject to removal for cause, by whom? Ought you not to say "by the President?"

Mr. TAYLOR of Ohio. I will accept the suggestion, and add the word "President."

The Clerk read as follows:

On page 1, line 8, after the words "United States," add "subject to removal by the President for cause."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. SAMUEL W. SMITH. Mr. Chairman, if there are no further amendments, I move that the committee rise and report the bill back to the House with amendments, with a recommendation that it do pass.

Mr. CLARK of Missouri. Mr. Chairman, I would rather have the bill read, so that we can get at it. I do not know that I will object to anything in it, except that which has been amended, but it is a very important matter to turn all of the children in the District of Columbia over to the tutelage and care of one man, I do not care a straw who he is.

The CHAIRMAN. Objection having been made, the bill will be read by the Clerk by paragraphs.

The Clerk read as follows:

SEC. 3. That in cases of sickness, absence, disability, expiration of term of service, or death of the judge of the juvenile court, any one of the justices of the supreme court of the District of Columbia may designate one of the justices of the peace to discharge the duties of said judge of the juvenile court until such disability be removed or vacancy filled, and the justice of the peace so designated shall, before entering upon his duties as such acting judge, take the oath prescribed for judges of courts of the United States; and said acting judge shall receive $5 per day in addition to his salary as justice of the peace for the term that he shall serve, to be paid in the same manner as the salary of the judge of the juvenile court.

Mr. PERKINS. Mr. Chairman, I move to strike out the last word. I would like to ask a question, which I should have asked at the close of the previous section, in reference to section 2. It reads:

Said judge shall receive an annual salary of $3,000, and he shall be entitled to thirty days' leave of absence during each calendar year.

I think usually when the salary is fixed at an annual salary, it is not customary to say that if a man takes a vacation he shall take it on pay. And whether there will be any possibility of a construction that he was entitled to pay for those thirty days in addition to his annual salary, I would suggest to the gentleman in charge of the bill——

Mr. TAYLOR of Ohio. That was not the intention. The intention was simply to provide for $3,000 salary and allow a vacation. In some jurisdictions, when a judge takes a vacation, and especially police-court judges, the mayor or other authority appoints a temporary judge who receives the pay of the judge who is off on his vacation. I presume that language is put in the bill for that reason by the person who drew it. Any suggestion that the gentleman has that will do away with any doubt we will accept.

Mr. PERKINS. My suggestion is that it might be printed so as to read:

Said judge shall receive an annual salary of $3,000, and he shall be entitled to thirty days annual leave.

With that provision there will be no doubt that he will get the $3,000, and there will be no reduction of salary.

Mr. SAMUEL W. SMITH. Could we not say, "Not to exceed $3,000," and that would save the whole trouble? Then this question of vacation would not enter into it at all.

Mr. PERKINS. That would not make any difference. It would not change it.

Mr. TAYLOR of Ohio. Does the gentleman from New York [Mr. PERKINS] offer that as an amendment?

Mr. PERKINS. If it is acceptable.

The CHAIRMAN. The gentleman from New York [Mr. PERKINS] offers an amendment, which the Clerk will read.

The Clerk read as follows:

On page 1, line 14, after "absence," strike out "with pay during each calendar year," and insert "without deduction from salary."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. HAY. Mr. Chairman, in line 8, the language of the bill is that this judge "shall be appointed by the President of the United States and confirmed by the Senate." The usual and

the proper language is "by and with the advice and consent of the Senate."

Mr. SAMUEL W. SMITH. The committee accepts that amendment.

Mr. HAY. I move to amend the bill by inserting after the word "States," in line 8, the words "by and with the advice and consent of the Senate."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

In line 8 strike out the words "confirmed by" and insert the words "by and with the advice and consent of the Senate."

The CHAIRMAN. Without objection, the amendment will be considered as agreed to.

There was no objection.

Mr. DAVIS of Minnesota. Mr. Chairman, I would like to say to the gentleman in charge of the bill that I understand him to say that the judge of this juvenile court is to be an exceptionally fine gentleman and one well versed in the law, and so forth.

Mr. TAYLOR of Ohio. He should be.

Mr. DAVIS of Minnesota. And he probably would be.

Mr. TAYLOR of Ohio. I certainly think he probably will be.

Mr. DAVIS of Minnesota. I notice in section 3, however, that in case of sickness, absence, or disability one of the justices of the supreme court of the District may designate a justice of the peace to discharge the duties of the judge.

Mr. TAYLOR of Ohio. Yes, sir. That is in case there is sickness.

Mr. DAVIS of Minnesota. Without saying anything derogatory of the justices of the peace, is the gentleman informed as to the caliber of the justices of the peace in the District of Columbia, as to their legal ability, and so forth?

Mr. TAYLOR of Ohio. I made inquiries at the time of our hearings as to the character of men who occupy these positions, and found that they are men of good character. They get $3,000 a year, and are men who would successfully fill the position, if they were called upon to do so, during the temporary absence or sickness of the regular judge.

Mr. DAVIS of Minnesota. Ordinarily justices of the peace throughout the several States are not considered to be men of eminent legal ability.

Mr. TAYLOR of Ohio. I believe that fact can be proved in many jurisdictions, and there may be some men of that kind here, but generally these men are said to be of excellent character and ability.

Mr. DAVIS of Minnesota. If the gentleman is at all firmly convinced in his mind as to the justices of the peace being men of sufficient legal attainments and ability to fill this office, I will ask what justice of the peace the judge of the supreme court is going to appoint?

Mr. TAYLOR of Ohio. I can not answer that. I refer you to the language in the bill:

Any one of the justices of the supreme court of the District of Columbia may designate one of the justices of the peace.

Mr. DAVIS of Minnesota. Is that justice of the peace supposed to now reside here?

Mr. TAYLOR of Ohio. Yes; there are five or six of them, any one of whom could be designated, and they are all appointed by the President.

Mr. DAVIS of Minnesota. I would move to amend the bill by inserting after the word "peace," in line 7, page 2, the words "of said District."

The CHAIRMAN. The gentleman from Minnesota offers the following amendment, which the Clerk will report.

The Clerk read as follows:

Line 7, page 2, after the word "peace," insert the words "of said District."

Mr. DAVIS of Minnesota. The object, I will say, Mr. Chairman, is to define the locality of the justice of the peace who is going to be designated.

Mr. TAYLOR of Ohio. I will say to the gentleman that the amendment is not necessary; but I will not object to it.

Mr. SAMUEL W. SMITH. Does the gentleman from Minnesota believe that any of the justices of the supreme court of the District is going to appoint some justice of the peace of Virginia or Maryland?

Mr. DAVIS of Minnesota. There is nothing here to prevent him.

Mr. SAMUEL W. SMITH. Of course I have no objection to the amendment.

The amendment was agreed to.

The Clerk read as follows:

SEC. 4. That the said court shall also have power to appoint two discreet persons of good character as probation officers, one male and one female, and one shall be designated as chief probation officer, who shall receive an annual salary of $1,500, and the other shall be designated as assistant probation officer, who shall receive an annual salary of $900. Such probation officers shall perform such duties and be governed by such regulations as may be prescribed by the presiding judge.

Mr. CLARK of Missouri. I would like to ask the gentleman in charge of the bill about the last sentence of section 4:

Such probation officers shall perform such duties and be governed by such regulations as may be prescribed by the presiding judge.

How do you come to devolve that duty, the power and duty of prescribing the duties of these probation officers?

Mr. TAYLOR of Ohio. The probation officers are obligated to look after the welfare and conduct of such children as have been put upon probation by the judge. As they have to report to him, he is to make such regulations for the conduct of the officers themselves in looking after these children.

Mr. CLARK of Missouri. What are they supposed to do, in a general way?

Mr. TAYLOR of Ohio. In a general way they are supposed to go out and look over the situation. When a complaint comes to the judge as to a delinquent or dependent child they are to prepare his case for him. If the court finds the child is delinquent and decides that it has to be taken care of they are supposed to see the home provided by the court for the child is at a proper place and the persons in control exercise a good moral influence. In a general way they have general supervision over the conduct of the child so long as the probationary period shall last, and are practically guardians of the children.

Mr. CLAYTON. Mr. Chairman, I move to make this amendment: After the word "judge," in line 24, insert "and such presiding judge is authorized to remove said probation officers, or either of them, at any time for cause."

Now, unless that power is in the bill elsewhere, I think it better be put in there. I have not had time to examine the bill.

Mr. TAYLOR of Ohio. I think it has not been put in the bill and I have no objection to the amendment.

The Clerk read as follows:

Page 2, line 24, after the word "judge," insert "and such presiding judge is authorized to remove such probation officers, or either of them, at any time for cause."

The CHAIRMAN. Without objection, the amendment will be considered as agreed to.

There was no objection.

The Clerk read as follows:

SEC. 5. That the said court shall also have power, and is hereby authorized, to defer sentence, at its discretion, in the case of any juvenile offender under the age of 17 years, and parole such child under the care of the chief probation officer for a probation period discretionary with him, and who shall cause said child to return to court at the end of such term either for sentence or dismissal. Such paroled child shall be under the jurisdiction of the juvenile court for such period and shall be subject to such reasonable rules and regulations touching the welfare of the child as may be prescribed by it. In case such paroled child shall fail to keep or shall disregard the terms of his or her parole the said court shall have full power to cause such child to be brought before it for further proceedings.

Mr. CLARK of Missouri. Mr. Chairman, in line 4 the word "and" ought to be stricken out before the word "who." Whoever wrote this bill seems to have been particularly stuck on putting in the word "and" at the end.

Mr. TAYLOR of Ohio. That is correct.

The Clerk read as follows:

Page 3, line 4, strike out the word "and" before the word "who."

The amendment was agreed to.

The Clerk read as follows:

SEC. 6. That the said court shall have power to appoint a clerk at a salary of $2,000 per annum, and who shall hold his office during the pleasure of the court.

Mr. HAY. Mr. Chairman, I move to amend line 15 by striking out the word "and" at the end of the line.

The amendment was agreed to.

The Clerk read as follows:

SEC. 8. That the juvenile court of the District of Columbia shall have original and exclusive jurisdiction of all crimes and offenses of persons under 17 years of age hereafter committed against the United States, not capital or otherwise infamous, and not punishable by imprisonment in the penitentiary, committed within the District of Columbia, except libel, conspiracy, and violations of the post-office and pension laws of the United States, and also of all offenses of persons under 17 years of age hereafter committed against the laws, ordinances, and regulations of the District of Columbia, and shall have power to examine and commit or hold to bail all persons under 17 years of age, either for trial or further examination, in all cases, whether cognizable therein or in the supreme court of the District of Columbia. Said juvenile court shall have all the powers and jurisdiction conferred by the act entitled "An act for the protection of children, and so forth," approved February 13, 1885, upon the police court of the District of Columbia, and shall also have original and exclusive jurisdiction of all cases involving the legal punishment of children under the provisions of "An act to provide for the care of dependent children in the District of Columbia and to create a Board of Children's Guardians," approved July 26, 1892 (27 Stat., p. 268), and of the acts amendatory thereof; also of all cases under the provisions of "An act to enlarge the powers of the courts of the District of Columbia in cases involving delinquent children, and for other purposes," approved March 3, 1901 (31 Stat., p. 1093), and said juvenile court may hereafter, concur-

rently with the criminal court, have and exercise all the powers and jurisdiction conferred by said last-mentioned act upon the police court of the District of Columbia in the case of parents or guardians who shall refuse or neglect to provide food, clothing, and shelter for any child under the age of 14 years: *And it is further provided*, That the court may impose conditions upon any person found guilty under the said last-mentioned act, and so long as such person shall comply therewith to the satisfaction of the court the sentence imposed may be suspended, and of all cases of dependent or delinquent children cognizable under existing laws in any court of the District of Columbia, except in the cases hereinbefore already excepted; and the said juvenile court may also hear, try, and determine all cases of persons less than 17 years of age charged with habitual truancy from school, and in its discretion to commit them to the Board of Children's Guardians, who are hereby given the care and supervision thereof when so committed. No person under 17 years of age shall hereafter be placed in any institution supported wholly or in part at the public expense until the fact of delinquency or dependency has been first ascertained and declared by the said juvenile court. All children of the class now liable to be committed to the Reform School for Boys and the Reform School for Girls shall hereafter be committed by the juvenile court. All other children delinquent, neglected, or dependent (with the exceptions hereinbefore stated) shall hereafter be committed by the juvenile court to the care of the Board of Children's Guardians, either for a limited period on probation or during minority, as circumstances may require, and no child once committed to any public institution by the order of the juvenile court shall be discharged or paroled therefrom or transferred to another institution without the consent and approval of the said court.

Mr. PERKINS. Mr. Chairman, I move to strike out the last word. I should like to ask the gentleman in charge of the bill what is the meaning of lines 14, 15, and 16, on page 5? It does not seem to me that those words express anything in good English. I can not understand what is intended to be provided by them.

Mr. TAYLOR of Ohio. Lines 14, 15, and 16?

Mr. PERKINS. Yes. It says:

The court may impose conditions upon any person found guilty under the last-mentioned act, and so long as such person shall comply therewith to the satisfaction of the court the sentence imposed may be suspended.

That is all right. Then it says:

And of all cases of dependent or delinquent children cognizable under existing laws in any court of the District of Columbia.

There is nothing that comes in connection with that.

Mr. TAYLOR of Ohio. The court may impose conditions in all cases of dependent and delinquent children.

Mr. PERKINS. It does not say so. It says they may impose conditions upon a person who is guilty under a certain act. If you mean "and of all cases," I think you ought to amend the wording.

Mr. TAYLOR of Ohio. What is your suggestion?

Mr. PERKINS. I should say change the word "of," in line 14, to the word "in," so that it will read "and in all cases."

Mr. TOWNSEND. "And upon," it seems to me, is the wording which will make it agree with the others.

Mr. PERKINS. I think the word "in" is more appropriate than the word "upon."

Mr. CLAYTON. Let the Clerk report the proposed amendment.

Mr. PERKINS. I move, in line 14, to strike out the word "of" and to insert in place thereof the words "may impose similar conditions in." As it is now I do not think it makes sense.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

In line 14, page 5, strike out the first word "of" and insert "may impose similar conditions in;" so that it will read: "and may impose similar conditions in all cases of dependent or delinquent children."

Mr. PERKINS. I think it reads all right with that amendment.

Mr. CLARK of Missouri. That is all right.

The CHAIRMAN. The question is upon the adoption of the amendment.

The amendment was agreed to.

Mr. CLARK of Missouri. Now, I want to ask the gentleman in charge of the bill another question. On page 5, in line 14, are the words "dependent or delinquent children."

Mr. TAYLOR of Ohio. Yes.

Mr. CLARK of Missouri. And on page 6, in line 4, "delinquent, neglected, or dependent." Now, I want to know what you mean by "delinquent children?"

Mr. TAYLOR of Ohio. The act itself defines them, in section 9.

Mr. CLAYTON. On page 6, line 21.

Mr. TAYLOR of Ohio (reading)—

The term "delinquent child," or children, as used in this act, shall be held to mean and include any child who has been convicted more than once of violating any law of the United States, or any laws, ordinances, or regulations in force in the District of Columbia.

And "dependent or neglected" is defined in the first part of the section. These definitions, I am informed, are in accordance with the usual definitions in such acts.

Mr. HAY. I move to amend the bill, in line 4, page 6, after the word "court," by inserting the words "to said schools, respectively."

As the bill now reads, while it gives the juvenile court the power to commit these children, it does not say to what school they shall be committed.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 6, in line 4, after the word "court" insert "to said schools, respectively."

The amendment was agreed to.

The Clerk, proceeding with the reading of the bill, read as follows:

SEC. 14. That the jury for service in said court shall consist of twelve men, who shall have the legal qualifications necessary for jurors in the supreme court of the District, and shall receive a like compensation for their services, and such jurors shall be known and selected under and in pursuance of the laws concerning the drawing and selection of jurors for service in said court. The term of service of jurors drawn for service in said juvenile court shall be for three successive monthly terms of said court, and in any case on trial at the expiration of such time until a verdict shall have been rendered or the jury shall be discharged. The said jury terms shall begin on the first Monday in January, the first Monday in April, the first Monday in July, and the first Monday in October of each year, and shall terminate, subject to the foregoing provisions, on the last Saturday of each of said jury terms. When at any term of said court it shall happen that in a pending trial no verdict shall be found, nor the jury otherwise discharged before the next succeeding term of the court, the court shall proceed with the trial by the same jury as if said term had not commenced.

Mr. PERKINS. Mr. Chairman, I move to strike out the last word. I would like to ask the gentleman in charge of the bill a question. I do not understand the bill, although it may be right. You have defined the jury terms, and you say the jury terms shall begin on the first Monday of January, etc., and shall terminate on the last Saturday of each of said jury terms. You are defining the jury terms, saying when they shall begin, and saying that they shall end on the last Saturday of the term, but when is that?

Mr. TAYLOR of Ohio. The Saturday before the first Monday in January, April, July, and October of each year.

Mr. PERKINS. Where does it say that?

Mr. TAYLOR of Ohio. Why it says that the terms shall begin on the first Monday in January, the first Monday in April, the first Monday in July, and the first Monday in October.

Mr. PERKINS. But the term of court does not necessarily have to run three months.

Mr. TAYLOR of Ohio. I presume the object of the language is to insure three months' time.

Mr. PERKINS. It does not say so.

Mr. TAYLOR of Ohio. What is the gentleman's suggestion?

Mr. PERKINS. Is it the idea to have a continuous term?

Mr. TAYLOR of Ohio. Yes, practically.

Mr. PERKINS. Then I would suggest that it read the last Saturday prior to the beginning of the following term.

Mr. TAYLOR of Ohio. I will accept that amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Strike out the words in lines 8 and 9 "of each of said jury terms" and insert in place thereof "prior to the beginning of the following term."

Mr. SMITH of Kentucky. Mr. Chairman, I would like to hear that amendment read again.

The Clerk again read the amendment.

Mr. PERKINS. I would suggest also, Mr. Chairman, to strike out the word "last," in line 8, so that it will read, "On the Saturday prior to the beginning of the following term."

The CHAIRMAN. The Clerk will report the amendment as modified.

The Clerk read as follows:

Strike out the word "last," in line 8, and the words "of each of said jury terms," in lines 8 and 9, and insert in place thereof the words "prior to the beginning of the following term."

The amendment was agreed to.

The amendment recommended by the committee was agreed to.

Mr. SAMUEL W. SMITH. Mr. Chairman, I move that the committee do now rise and report the bill with amendments to the House with the recommendation that the amendments be agreed to and the bill pass.

The motion was agreed to.

So the committee determined to rise; and the Speaker having resumed the chair, Mr. HINSHAW, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (S. 51) to create a juvenile court in the District of Columbia and had directed him to report the same back with several amendments

with the recommendation that the amendments be agreed to and that the bill do pass.

The SPEAKER. Is a separate vote desired on any amendments?

Mr. SMITH of Kentucky. Mr. Speaker, there is one amendment that I think would be well to give a little attention to. I am not sure but that the committee got a little mixed up on it. It is the amendment to section 14, and I ask that a separate vote be had on that amendment.

The SPEAKER. A vote will be taken on all the other amendments.

The other amendments were considered and agreed to.

The SPEAKER. The Clerk will report the amendment to section 14.

The Clerk read as follows:

On page 9, lines 8 and 9, strike out the word "last" in line 8 and the words "each of said jury terms" and insert, after "Saturday," "prior to the beginning of the following term;" so that it will read: "On the Saturday prior to the beginning of the following term."

Mr. SMITH of Kentucky. What I wish to call attention to, Mr. Speaker, is that section 19 provides that said court shall hold terms on the first Monday of every month and continue the same from day to day as long as it may be necessary for the transaction of its business. Now, if the court concludes its business in one week, it then adjourns until the next term, the first Monday of the next month. And yet this provision in reference to the jury—as it stands, you will have your court in a state of adjournment and your jury in session.

That would be a very anomalous condition.

Mr. PERKINS. Mr. Speaker, it does not seem to me that the gentleman is quite correct in that. The court holds so long as it shall have business, and of course the gentleman will realize that business will come up from time to time. We will suppose they dispose of such business as they have, say, in the first week, and then in two or three weeks later there is some other juvenile offender brought before the court. The court would then direct the jurors to be drawn in to attend the case, as it seems to me.

Mr. SAMUEL W. SMITH. It seems to me that is correct.

Mr. PERKINS. And while the court and jury is in legal existence for the term of three months, yet when the judge is not holding court, there are no jurors there and they are not required to be there, but they are subject to the power of the court to call them in when they are required. When a man is required, if he is on the panel, he is called in, and when the court has no business he goes about his own business. It does not seem to me there would be any trouble about that.

Mr. SMITH of Kentucky. I do not think the language is quite clear as to that. That may be the proper construction, but the language of the bill I apprehend leaves some ground for confusion.

Mr. PERKINS. I think the gentleman is right in saying that the language of the bill will leave some ground for confusion, and that on a good many questions, but it seems to me that this amendment, so far as it goes, is all right.

Mr. SMITH of Kentucky. I simply desire to call the attention of the committee to it, because it is not in the shape I should desire to see it if I had charge of the bill.

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The SPEAKER. The question now is on the engrossment and third reading of the bill.

The question was taken; and the bill was ordered to be engrossed and read a third time, read the third time, and passed.

On motion of Mr. SAMUEL W. SMITH, a motion to reconsider the last vote was laid on the table.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that this day they presented to the President of the United States, for his approval, the following bills:

H. R. 13538. An act to incorporate The Carnegie Foundation for the Advancement of Teaching;

H. R. 6385. An act granting an increase of pension to Henry Hastings;

H. R. 9944. An act granting an increase of pension to Thomas J. Martin; and

H. R. 8977. An act to create a new division of the western judicial district of Texas, and to provide for terms of court at Del Rio, Tex., and for a clerk for said court, and for other purposes.

WITHDRAWAL OF PAPERS.

By unanimous consent, leave was granted to Mr. HOAR to withdraw from the files of the House, without leaving copies, the papers in the case of Bridget P. Elliott, Fifty-ninth Congress, no adverse report having been made thereon.

ORDER OF BUSINESS.

Mr. PRINCE. Mr. Speaker, I call for the regular order.

The SPEAKER. The gentleman from Illinois demands the regular order.

Mr. BONYNGE. Mr. Speaker, I submit the regular order is the consideration of the bill (H. R. 15442) to establish a Bureau of Immigration and Naturalization.

Mr. PAYNE. Does the gentleman from Colorado desire to go on with that bill at this late hour?

Mr. BONYNGE. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House for the further consideration of the bill (H. R. 15442) to establish a Bureau of Immigration and Naturalization.

Mr. PRINCE. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. PRINCE. I would like to ask if the House refused to go into Committee of the Whole House on the state of the Union for the consideration of this bill, if it would then be in order to take up the call of committees, which rests at the present time with the Committee on Military Affairs?

The SPEAKER. Presumably so, although the Chair can not answer definitely. The business called up by the gentleman from Colorado [Mr. BONYNGE] is a privileged order and is now in order. Of course, if the motion to go into Committee of the Whole be voted down and nothing else came up of similar privileged character, the gentleman demanding the regular order, being the call of committees, it would rest with the Committee on Military Affairs. The gentleman from Colorado moves that the House resolve itself into the Committee of the Whole House on the state of the Union.

Mr. SULLIVAN of Massachusetts. Pending that motion, Mr. Speaker, I would ask unanimous consent to put a question to the gentleman from Colorado [Mr. BONYNGE].

The SPEAKER. If there be no objection, the gentleman may proceed.

Mr. BONYNGE. And pending my motion, Mr. Speaker, I would now ask if we can not make some agreement respecting the time for general debate?

Mr. SULLIVAN of Massachusetts. Mr. Speaker, I was about to ask the gentleman if he intended to take up the reading of the bill to-night, or if he would be content merely to debate it?

Mr. BONYNGE. If there is to be no further general debate I, of course, would ask to go on with the reading of the bill as far as we could.

Mr. SULLIVAN of Massachusetts. In view of that, Mr. Speaker, I think I ought to suggest to the gentleman that the bill is of such far-reaching importance that it ought not to be considered by a House of these slender proportions, and perhaps I would have to make some motion under those circumstances.

Mr. BONYNGE. Does the gentleman desire to debate it in general debate. There is no minority report, but if I could have an agreement with anybody who is opposed to the bill, if that is in order, I am perfectly willing to agree to some general debate, putting a limit on the time.

Mr. STEENERSON. Mr. Speaker, I desire to be heard on the bill.

Mr. PAYNE. Mr. Speaker, the House being so thin, I do not think the gentleman ought to seek to close general debate by unanimous consent.

Mr. BONYNGE. I do not seek to close it, but to put a limit upon it.

Mr. PAYNE. The debate the other day developed the fact that some gentlemen desire to be heard on different features of the bill, and I do not think we should cut off debate or close it to-night.

Mr. BONYNGE. Mr. Speaker, it is certainly evident if there is to be any general debate, general debate would take all the time that is left for to-day, so I shall not ask for any agreement this evening, but simply make the motion to go into Committee of the Whole with the understanding that the time will be consumed altogether in general debate, and there will be no vote taken upon the sections to-night.

Mr. FITZGERALD. Mr. Speaker, I wish to suggest there are some Members present who desire to debate this bill.

The SPEAKER. The gentleman from Colorado moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill indicated.

The question was taken; and the Chair announced that the "noes" seemed to have it.

Upon a division (demanded by Mr. BONYNGE) there were—ayes 58, noes 26.

Mr. PRINCE. Mr. Speaker, following the precedent in the RECORD of March 8, I make the point of order that no quorum is present.

The SPEAKER (after counting). One hundred and thirty gentlemen are present; not a quorum.

Mr. PAYNE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 4 o'clock and 27 minutes p. m.) the House adjourned until to-morrow, at 12 o'clock noon.

## EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the Secretary of War submitting an estimate of appropriation for purchase of lands at the military reservation at Fort Egbert, Alaska—to the Committee on Appropriations, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the Secretary of the Interior submitting an estimate of appropriation for fulfilling the treaty stipulations with the Seminole Indians—to the Committee on Indian Affairs, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the Secretary of Commerce and Labor submitting an estimate of appropriation for continuing construction of immigrant station at Angel Island, San Francisco, Cal.—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of Commerce and Labor submitting an estimate of appropriation for establishment of the Fort McHenry range lights—to the Committee on Interstate and Foreign Commerce, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of Commerce and Labor submitting an estimate of appropriation for erection of dwellings for keepers of Southwest Pass light—to the Committee on Interstate and Foreign Commerce, and ordered to be printed.

A letter from the Secretary of the Interior, transmitting, in response to the inquiry of the House, a statement of the facts and circumstances in connection with the formation and enlargement of the San Francisco Mountains Forest Reservation—to the Committee on the Public Lands, and ordered to be printed, with illustrations.

A letter from the Secretary of Commerce and Labor, transmitting a list of useless papers on the files of his Departmnet and suitable for destruction under the law—to the Joint Select Committee on Disposition of Useless Papers, and ordered to be printed.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. SAMUEL W. SMITH, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 5972) granting the right to sell burial sites in parts of certain streets in Washington City to the vestry of Washington parish for the benefit of the Congressional Cemetery, reported the same with amendment, accompanied by a report (No. 2223); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. LACEY, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 11016) for the preservation of American antiquities, reported the same with amendment, accompanied by a report (No. 2224); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill of the House (H. R. 16381) leasing and demising certain lands in La Plata County, Colo., to the P. F. U. Rubber Company, reported the same with amendment, accompanied by a report (No. 2225); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BIRDSALL, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 12217) for the relief of certain citizens of the United States formerly holding claims against the Kingdom of Spain, which were assumed by the Government of the United States of America under the treaty of peace between the United States and Spain, signed at Paris December 10, 1898, reported the same with amendment, accompanied by a report (No. 2227); which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 15912) to amend the act creating the Spanish Treaty Claims Commission, approved March 2, 1901, reported the same with amendment, accompanied by a report (No. 2228); which said bill and report were referred to the House Calendar.

## REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16274) granting an increase of pension to David Lindsay, reported the same with amendment, accompanied by a report (No. 2185); which said bill and report were referred to the Private Calendar.

Mr. LINDSAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14782) granting an increase of pension to Michael Manahan, reported the same with amendment, accompanied by a report (No. 2186); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1982) granting a pension to Ada Collins, reported the same with amendment, accompanied by a report (No. 2187); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 6897) granting an increase of pension to Abbie B. Gould, reported the same with amendment, accompanied by a report (No. 2188); which said bill and report were referred to the Private Calendar.

Mr. LINDSAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6118) granting an increase of pension to Bridget Reidy, reported the same with amendment, accompanied by a report (No. 2189); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5511) granting an increase of pension to Christopher Bohn, reported the same with amendment, accompanied by a report (No. 2190); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8138) granting an increase of pension to Similde E. Forbes, reported the same with amendment, accompanied by a report (No. 2191); which said bill and report were referred to the Private Calendar.

Mr. WEISSE, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7500) granting an increase of pension to John McCandless, reported the same without amendment, accompanied by a report (No. 2192); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8191) granting a pension to John Hobart, reported the same with amendment, accompanied by a report (No. 2193); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8892) granting an increase of pension to Malek A. Southworth, reported the same with amendment, accompanied by a report (No. 2194); which said bill and report were referred to the Private Calendar.

Mr. HOPKINS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9294) granting an increase of pension to S. Amanda Mansfield, reported the same with amendment, accompanied by a report (No. 2195); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14498) granting an increase of pension to Eliza Davidson, reported the same with amendment, accompanied by a report (No. 2196); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9451) granting an increase of pension to Frederick N. Wood, reported the same with amendment, accompanied by a report (No. 2197); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9832) granting an increase of pension to Alexander D. Polston, reported the same without amendment, accompanied by a report (No. 2198); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11907) granting an increase of pension to August Danieldson, reported the same with amendment, accompanied by a report (No. 2199); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10818) granting a pension to George W. Creasey, reported the same with amendment, accompanied by a report (No. 2200); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10864) granting an increase of pension to J. P. Kleckner, reported the same with amendment, accompanied by a report (No. 2201); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15380) granting an increase of pension to Valentine Gunselman, reported the same with amendment, accompanied by a report (No. 2202); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11538) granting an increase of pension to Eli Duvall, reported the same with amendment, accompanied by a report (No. 2203); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1939) granting an increase of pension to William F. Limpus, reported the same with amendment, accompanied by a report (No. 2204); which said bill and report were referred to the Private Calendar.

Mr. WEISSE, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10819) granting an increase of pension to John Burns, reported the same with amendment, accompanied by a report (No. 2205); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10591) granting a pension to Mable E. Scott, reported the same with amendment, accompanied by a report (No. 2206); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10884) granting an increase of pension to Lorenzo D. Libby, reported the same with amendment, accompanied by a report (No. 2207); which said bill and report were referred to the Private Calendar.

Mr. LINDSAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11824) granting an increase of pension to Jennie P. Starkins, reported the same with amendment, accompanied by a report (No. 2208); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15683) granting an increase of pension to Thomas Brown, reported the same with an amendment, accompanied by a report (No. 2209); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15200) granting an increase of pension to Charles Klein, reported the same with amendment, accompanied by a report (No. 2210); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15895) granting a pension to Harry Donald McFarland, reported the same with amendment, accompanied by a report (No. 2211); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15216) granting an increase of pension to Truman C. Stevens, reported the same with amendment, accompanied by a report (No. 2212); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13871) granting an increase of pension to William Delaney, reported the same with amendment, accompanied by a report (No. 2213); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15050) granting an increase of pension to William H. Near, reported the same with amendment, accompanied by a report (No. 2214); which said bill and report were referred to the Private Calendar.

Mr. HOPKINS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14552) granting an increase of pension to Henry Davey, reported the same with amendment, accompanied by a report (No. 2215); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 15321) granting a pension to Charles Skaden, jr., reported the same with amendment, accompanied by a report (No. 2216); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16024) granting an increase of pension to Katie B. Meister, reported the same with amendment, accompanied by a report (No. 2217); which said bill and report were referred to the Private Calendar.

Mr. LINDSAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10523) granting an increase of pension to Elizabeth Gorton, reported the same with amendment, accompanied by a report (No. 2218); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14227) granting an increase of pension to Anna C. Bassford, reported the same with amendment, accompanied by a report (No. 2219); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8141) granting an increase of pension to Catharine Leonard, reported the same with amendment, accompanied by a report (No. 2220); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1069) granting an increase of pension to Daniel Britton, reported the same with amendment, accompanied by a report (No. 2221); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1667) granting an increase of pension to Abram H. Hicks, reported the same with amendment, accompanied by a report (No. 2222); which said bill and report were referred to the Private Calendar.

Mr. HENRY of Texas, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 15594) for the relief of John B. Brown, reported the same without amendment, accompanied by a report (No. 2226); which said bill and report were referred to the Private Calendar.

Mr. RIXEY, from the Committee on Naval Affairs, to which was referred the bill of the Senate (S. 1864) for the relief of James H. Oliver, a commander on the retired list of the United States Navy, reported the same without amendment, accompanied by a report (No. 2229); which said bill and report were referred to the Private Calendar.

## PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. CRUMPACKER: A bill (H. R. 16548) to provide for a judicial review of orders excluding persons from the use of United States mail facilities—to the Committee on the Judiciary.

By Mr. HUMPHREY of Washington: A bill (H. R. 16549) providing for the construction and equipment of a first-class life-saving ocean-going tug, also a launch tender to be used in connection therewith, on the North Pacific coast of the United States—to the Committee on Interstate and Foreign Commerce.

By Mr. STEENERSON: A bill (H. R. 16550) appropriating the receipts from the sale and disposal of public lands in certain States to the construction of works for the drainage or reclamation of swamp and overflowed lands—to the Committee on the Public Lands.

By Mr. DAWSON: A bill (H. R. 16551) transferring the counties of Jackson and Clinton, in the State of Iowa, from the northern judicial district of Iowa to the southern judicial district of Iowa—to the Committee on the Judiciary.

By Mr. KINKAID: A bill (H. R. 16552) for the resurvey of certain townships in the State of Nebraska—to the Committee on the Public Lands.

By Mr. BURNETT: A bill (H. R. 16553) to further regulate the exclusion of undesirable aliens from admission into the

United States—to the Committee on Immigration and Naturalization.

By Mr. DIXON of Montana: A bill (H. R. 16554) to encourage the reclamation of certain arid lands in the State of Montana—to the Committee on the Public Lands.

By Mr. YOUNG: A bill (H. R. 16555) to authorize the construction of light-house keepers' dwellings at Menominee Harbor, Michigan—to the Committee on Interstate and Foreign Commerce.

By Mr. HEFLIN: A bill (H. R. 16556) to prohibit labor on buildings, and so forth, in the District of Columbia on the Sabbath day—to the Committee on the District of Columbia.

By Mr. LEVER: A bill (H. R. 16557) to amend an act entitled "An act to regulate the immigration of aliens into the United States," approved March 3, 1903—to the Committee on Immigration and Naturalization.

By Mr. McCREARY of Pennsylvania: A bill (H. R. 16558) providing for the promotion of assistant paymasters in the Navy—to the Committee on Naval Affairs.

By Mr. COCKRAN: A bill (H. R. 16559) to amend section 1 of an act entitled "An act for the relief of certain volunteer and regular soldiers of the late war and the war with Mexico," approved March 2, 1889—to the Committee on Military Affairs.

By Mr. WEEMS: A bill (H. R. 16560) making certain exceptions to the requirement of examination for promotion to certain positions in the classified service—to the Committee on Reform in the Civil Service.

By Mr. LACEY: A joint resolution (H. J. Res. 117) extending the time for opening to public entry the unallotted lands on the ceded portion of the Shoshone or Wind River Indian Reservation in Wyoming—to the Committee on the Public Lands.

By Mr. GILLETT of California: A joint resolution (H. J. Res. 118) accepting the recession by the State of California of the Yosemite Valley grant and the Mariposa Big Tree Grove, and including the same, together with fractional sections 5 and 6, tonwship 5 south, range 22 east, Mount Diablo meridian, California, within the metes and bounds of the Yosemite National Park, and changing the boundaries thereof—to the Committee on the Public Lands.

By Mr. KELIHER: A memorial of the Commonwealth of Massachusetts, relative to an amendment of the Federal Constitution enabling Congress to enact laws regulating the hours of labor—to the Committee on Labor.

By Mr. WEEKS: A memorial of the legislature of Massachusetts, favoring an amendment to the Constitution of the United States giving power to Congress to regulate the hours of labor in the several States—to the Committee on Labor.

## PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ANDREWS: A bill (H. R. 16561) granting an increase of pension to William H. H. Metzger—to the Committee on Pensions.

Also, a bill (H. R. 16562) granting an increase of pension to George W. Read—to the Committee on Invalid Pensions.

By Mr. BARCHFELD: A bill (H. R. 16563) restoring the name of J. H. Flesher to the rolls of the Corps of Engineers—to the Committee on Military Affairs.

By Mr. BARTLETT: A bill (H. R. 16564) granting an increase of pension to Aaron S. Gatliff—to the Committee on Invalid Pensions.

By Mr. BELL of Georgia: A bill (H. R. 16565) granting an increase of pension to George H. Gordon—to the Committee on Invalid Pensions.

By Mr. BENNET of New York: A bill (H. R. 16566) granting a pension to Whitman V. White—to the Committee on Invalid Pensions.

By Mr. BENNETT of Kentucky: A bill (H. R. 16567) for the relief of John S. Anderson—to the Committee on War Claims.

Also, a bill (H. R. 16568) granting a pension to G. W. Dobbins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16569) granting an increase of pension to Andrew J. Moore—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16570) granting an increase of pension to Joseph Belford—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16571) granting an increase of pension to Mary L. Overly—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16572) granting a pension to John Fettin—to the Committee on Pensions.

By Mr. BRADLEY: A bill (H. R. 16573) granting an increase of pension to Margaret B. Houston—to the Committee on Invalid Pensions.

By Mr. BURLEIGH: A bill (H. R. 16574) granting an increase of pension to George F. Bachelder—to the Committee on Invalid Pensions.

By Mr. BURNETT: A bill (H. R. 16575) granting a pension to Taylor Baits—to the Committee on Invalid Pensions.

By Mr. BURLESON: A bill (H. R. 16576) granting an increase of pension to Silas P. Conway—to the Committee on Pensions.

Also, a bill (H. R. 16577) granting an increase of pension to Joseph M. Pound—to the Committee on Pensions.

By Mr. BUTLER of Pennsylvania: A bill (H. R. 16578) granting an increase of pension to Edward Lilley—to the Committee on Invalid Pensions.

By Mr. BUTLER of Tennessee: A bill (H. R. 16579) granting a pension to Benjamin Francis—to the Committee on Invalid Pensions.

By Mr. CAPRON: A bill (H. R. 16580) to refund legacy taxes illegally collected from the estate of Andrew Comstock—to the Committee on Claims.

By Mr. CASSEL: A bill (H. R. 16581) for the relief of George W. Schroyer—to the Committee on Claims.

By Mr. COCKRAN: A bill (H. R. 16582) granting a pension to Ellen T. Sivels—to the Committee on Invalid Pensions.

By Mr. DE ARMOND (by request): A bill (H. R. 16583) granting an increase of pension to David Waldon—to the Committee on Invalid Pensions.

By Mr. DIXON of Indiana: A bill (H. R. 16584) granting a pension to William H. Daly—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16585) granting a pension to Emma Stillinger—to the Committee on Invalid Pensions.

By Mr. DIXON of Montana: A bill (H. R. 16586) granting an increase of pension to William Mattison—to the Committee on Invalid Pensions.

By Mr. DWIGHT: A bill (H. R. 16587) granting a pension to Howard L. Bryant—to the Committee on Invalid Pensions.

By Mr. FASSETT: A bill (H. R. 16588) granting a pension to Florilla Carey—to the Committee on Pensions.

Also, a bill (H. R. 16589) granting a pension to Margret Bruff—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16590) granting an increase of pension to Clarence Stage—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16591) granting an increase of pension to Levi Howe—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16592) granting an increase of pension to Mortimer W. Read—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16593) granting an increase of pension to Edward Searles—to the Committee on Invalid Pensions.

By Mr. FLACK: A bill (H. R. 16594) for the relief of Alexander Badore—to the Committee on Appropriations.

By Mr. FLETCHER: A bill (H. R. 16595) granting a pension to James Russell Hicks—to the Committee on Invalid Pensions.

By Mr. FRENCH: A bill (H. R. 16596) for the relief of Thomas Hanlon—to the Committee on the Public Lands.

Also, a bill (H. R. 16597) to authorize the Secretary of the Interior to issue fee simple patent to James Himes—to the Committee on Indian Affairs.

Also, a bill (H. R. 16598) granting an increase of pension to Oviett S. Hinsdale—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16599) granting an increase of pension to Jonathan C. Oyleor—to the Committee on Invalid Pensions.

By Mr. FULKERSON: A bill (H. R. 16600) to remove the charge of desertion from the record of David Housel—to the Committee on Military Affairs.

By Mr. GARBER: A bill (H. R. 16601) granting an increase of pension to George W. Wissinger—to the Committee on Invalid Pensions.

By Mr. GARRETT: A bill (H. R. 16602) granting an increase of pension to Christopher C. Reeves—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16603) granting an increase of pension to P. W. Cook—to the Committee on Pensions.

By Mr. GOEBEL: A bill (H. R. 16604) granting an increase of pension to Henry R. H. Bruns—to the Committee on Pensions.

By Mr. GRAHAM: A bill (H. R. 16605) to remove the charge of desertion from the military record of James Charles Cramer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16606) granting an increase of pension to James A. Duff—to the Committee on Invalid Pensions.

By Mr. GRANGER: A bill (H. R. 16607) granting an increase of pension to Mary Denny—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16608) granting an increase of pension to Catherine McNamee—to the Committee on Invalid Pensions.

By Mr. HALE: A bill (H. R. 16609) granting a pension to William C. Blevins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16610) granting a pension to William G. Blanton—to the Committee on Pensions.

Also, a bill (H. R. 16611) granting an increase of pension to Thomas W. Hall—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16612) granting an increase of pension to Jerome B. Hendricks—to the Committee on Pensions.

By Mr. HAUGEN: A bill (H. R. 16613) granting an increase of pension to William C. Fox—to the Committee on Invalid Pensions.

By Mr. HINSHAW: A bill (H. R. 16614) granting a pension to William Kral—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16615) granting an increase of pension to Bailey E. Poor—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16616) granting an increase of pension to Hiram Frank—to the Committee on Invalid Pensions.

By Mr. HOUSTON: A bill (H. R. 16617) to remove the charge of desertion from the record of David F. Wallace—to the Committee on Military Affairs.

Also, a bill (H. R. 16618) to remove the charge of desertion from the record of John H. Hubbard—to the Committee on Military Affairs.

By Mr. HUBBARD: A bill (H. R. 16619) to remove the charge of desertion from the military record of Jacob Latch—to the Committee on Military Affairs.

By Mr. HUGHES: A bill (H. R. 16620) granting an increase of pension to Jackson Adkins—to the Committee on Invalid Pensions.

By Mr. HULL: A bill (H. R. 16621) granting a pension to Nelly Peck Smith—to the Committee on Pensions.

Also, a bill (H. R. 16622) granting an increase of pension to James Webb—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16623) granting an increase of pension to Thomas K. Young—to the Committee on Invalid Pensions.

By Mr. LAFEAN: A bill (H. R. 16624) granting an increase of pension to George M. Ailes—to the Committee on Invalid Pensions.

By Mr. LITTLEFIELD: A bill (H. R. 16625) granting an increase of pension to Avery E. Chandler—to the Committee on Invalid Pensions.

By Mr. McKINNEY: A bill (H. R. 16626) granting an increase of pension to William P. Cochran—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16627) granting an increase of pension to Delilah Moore—to the Committee on Pensions.

By Mr. MAHON: A bill (H. R. 16628) granting an increase of pension to John Neff—to the Committee on Invalid Pensions.

By Mr. MICHALEK: A bill (H. R. 16629) granting an increase of pension to Louis Stoeckig—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16630) granting an increase of pension to Philip Dumont—to the Committee on Invalid Pensions.

By Mr. MILLER: A bill (H. R. 16631) granting a pension to Jerry Hutson—to the Committee on Invalid Pensions.

By Mr. MINOR: A bill (H. R. 16632) granting an increase of pension to Lewis Lapine—to the Committee on Invalid Pensions.

By Mr. MOON of Tennessee: A bill (H. R. 16633) for the relief of James Moore—to the Committee on Military Affairs.

By Mr. NEVIN: A bill (H. R. 16643) for the relief of Oglesby & Barnitz Company, of Middletown, Ohio—to the Committee on Claims.

Also, a bill (H. R. 16635) for the relief of Charles N. Wadsworth—to the Committee on War Claims.

Also, a bill (H. R. 16636) for the relief of the heirs at law of Charles K. Smith, jr.—to the Committee on War Claims.

Also, a bill (H. R. 16637) granting a pension to Hattie A. Lemmon—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16638) granting a pension to Amelia Hull—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16639) granting a pension to Mary Costello—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16640) granting a pension to George Eicheldinger—to the Committee on Pensions.

Also, a bill (H. R. 16641) granting an increase of pension to Hugh Mooney—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16642) granting an increase of pension to Julius R. Brace—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16643) granting an increase of pension to Mary C. Moore—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16644) granting an increase of pension to Daniel A. Frybarger—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16645) granting an increase of pension to Marion P. Phillips—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16646) granting an increase of pension to James F. Vallean—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16647) to remove the charge of desertion from the military record of John B. Henry—to the Committee on Military Affairs.

By Mr. PARSONS: A bill (H. R. 16648) granting an increase of pension to Henry B. Teetor—to the Committee on Invalid Pensions.

By Mr. PERKINS: A bill (H. R. 16649) for the relief of Charles A. McVean—to the Committee on Claims.

By Mr. PRINCE: A bill (H. R. 16650) granting an increase of pension to Robert B. Williby—to the Committee on Invalid Pensions.

By Mr. PUJO: A bill (H. R. 16651) granting an increase of pension to Jesse P. Sandifer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16652) for the relief of Odon Ducatte—to the Committee on War Claims.

By Mr. RIXEY: A bill (H. R. 16653) for the relief of Martin Maddox, of Culpeper, Va.—to the Committee on Claims.

Also, a bill (H. R. 16654) for the relief of J. C. Howell, of Thoroughfare, Va., Burke & Marshall, of Burke, Va., and —— Thompson, of ——, Va.—to the Committee on War Calims.

By Mr. RICHARDSON of Alabama: A bill (H. R. 16655) granting a pension to Elizabeth McKinn Friar—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16656) granting an increase of pension to Ambrose P. Stone—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16657) granting an increase of pension to Elizabeth A. Gold—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16658) granting an increase of pension to William Carroll McKinney—to the Committee on Pensions.

Also, a bill (H. R. 16659) to remove the charge of desertion against Tobe Holt—to the Committee on Military Affairs.

By Mr. SHACKLEFORD: A bill (H. R. 16660) granting a pension to Isaac N. Anderson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16661) granting a pension to Annie Collett—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16662) granting an increase of pension to Van Buren Beam—to the Committee on Invalid Pensions.

By Mr. STANLEY: A bill (H. R. 16663) granting a pension to Loren S. Tucker—to the Committee on Invalid Pensions.

By Mr. STEENERSON: A bill (H. R. 16664) for the relief of Maria J. Blaisdell, widow of William Blaisdell, deceased—to the Committee on Claims.

By Mr. UNDERWOOD: A bill (H. R. 16665) for the relief of Arthur L. Brown and Mary Emma Peck, the only heirs of John J. Brown, deceased—to the Committee on Claims.

By Mr. WELBORN: A bill (H. R. 16666) granting an increase of pension to Paris G. Strickland—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16667) granting an increase of pension to James G. Johnson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16668) granting an increase of pension to John H. Jenkins—to the Committee on Invalid Pensions.

By Mr. WILLIAMS: A bill (H. R. 16669) granting a pension to Hugh J. McKane—to the Committee on Pensions.

By Mr. YOUNG: A bill (H. R. 16670) to indemnify Edgar P. Sweet, of Alger County, Mich., for homestead lands by granting other lands in lieu thereof—to the Committee on the Public Lands.

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## CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 15982) granting an increase of pension to Henrietta W. Wilson—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 5913) granting a pension to Helen Goll—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 16546) granting an increase of pension to Louis F. Beeler—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 16547) granting an increase of pension to John Rutter—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 5201) granting a pension to Ruel Sherman—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 7232) granting a pension to Alba B. Bean—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 9358) granting a pension to Mary E. Fraser—

Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 15635) granting an increase of pension to Ridgley M. Laird—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 10624) granting a pension to Elizabeth B. Preston—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

## PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of Charles Broodway Camp, United Confederate Veterans of the District of Columbia, for marking graves of Confederate prisoners who died in northern prisons—to the Committee on Military Affairs.

Also, petition of James Yearsly, of Philadelphia, Pa., as to whether a republican form of government exists in Pennsylvania—to the Committee on the Judiciary.

Also, petition of the Chicago Federation of Labor, relative to improved condition of labor on steam vessels—to the Committee on the Merchant Marine and Fisheries.

Also, petition of W. R. Burkett et al., relative to Sunday banking—to the Committee on the Post-Office and Post-Roads.

By Mr. BEDE: Petition of the Hibbing Tribune, against the tariff on linotype machines—to the Committee on Ways and Means.

Also, petitions of the Princeton News, the Duluth Tribune, the Star, the Eveleith Mining News, the Kanabec County Times, the Herald, and the Journal, against the tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of the Free Press, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. BENNETT of Kentucky: Paper to accompany bill for relief of John Fettin—to the Committee on Pensions.

Also, paper to accompany bill for relief of John S. Anderson—to the Committee on War Claims.

Also, papers to accompany bill granting an increase of pension to Whitman V. White—to the Committee on Invalid Pensions.

By Mr. BIRDSALL: Petition of citizens of Iowa, for the relief of survivors of the *General Slocum* disaster—to the Committee on Claims.

By Mr. BUCKMAN: Petition of citizens of Minnesota, against bills H. R. 3022 and 10510—to the Committee on the District of Columbia.

By Mr. BURLEIGH: Petition of Charles W. H. Goff, relative to pay of inmates of Soldiers' Home while on furlough—to the Committee on Military Affairs.

Also, petition of citizens of Maine, relative to affairs in the Kongo Free State—to the Committee on Foreign Affairs.

By Mr. BURNETT: Papers to accompany bill (H. R. 16410) for the relief of the estate of Allen T. Estes—to the Committee on War Claims.

By Mr. BUTLER of Pennsylvania: Petition of the National Home for Disabled Volunteer Soldiers of Virginia, in favor of the Scott bill—to the Committee on Military Affairs.

Also, petition of Club of Media, for a constitutional amendment prohibiting polygamy—to the Committee on the Judiciary.

By Mr. CAMPBELL of Kansas: Petition of Mulligan Post, No. 91, Grand Army of the Republic, for modification and simplification of the pension laws—to the Committee on Invalid Pensions.

By Mr. CAPRON: Petition of citizens of Apponaug, R. I., against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of citizens of Wesley, R. I., against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of Cumberland Grange, for a parcels-post—to the Committee on the Post-Office and Post-Roads.

Also, petition of Cumberland Grange, for the Hepburn rate bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of Cumberland Grange, for the oleomargarine bill—to the Committee on Agriculture.

Also, petition of Providence Division, No. 370, Railway Conductors, for the Bates-Penrose bill—to the Committee on the Judiciary.

Also, petitions of F. M. Stone and wife, National Grange, and Cumberland Grange, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petitions of the Woman's Christian Temperance Union, of East Providence, R. I.; the Wickford Baptist Church, of North Kingston, R. I., and the Woman's Christian Temperance Union, of Tiverton, R. I., against repeal of the canteen law—to the Committee on Military Affairs.

Also, petitions of the Woman's Christian Temperance Unions of Kingston and Saunderstown, R. I.; the First Free Baptist Church of Pawtucket, R. I.; the First Free Baptist Church of Olneyville, R. I., and the Second Presbyterian Church of Providence, R. I., for the Hepburn-Dolliver bill—to the Committee on Alcoholic Liquor Traffic.

Also, petition of Herbert Harris, of Lime Rock, R. I., relative to the duty on lime—to the Committee on Ways and Means.

Also, petition of Cumberland Grange, for the Grange good-roads bill—to the Committee on Agriculture.

Also, petition of the Woman's Christian Temperance Union of Portsmouth, R. I., for the Hepburn-Dolliver bill—to the Committee on Alcoholic Liquor Traffic.

Also, petition of Division No. 18, Ancient Order of Hibernians, for a statue for Commodore Barry—to the Committee on the Library.

By Mr. CHANEY: Petition of George W. Killion et al., against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. COOPER of Pennsylvania: Petition of the American Wine Growers' Association, for bill H. R. 12868—to the Committee on Interstate and Foreign Commerce.

Also, petition of Charles S. Caldwell, for bill H. R. 15846—to the Committee on Banking and Currency.

Also, petition of the Illinois Manufacturers' Association, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of Rev. T. T. Mutchler, for closing the gates of the Jamestown Exposition on Sunday—to the Committee on Industrial Arts and Expositions.

By Mr. DAWSON: Petition of Clinton Division, No. 125, Brotherhood of Locomotive Engineers, for the Bates-Penrose employers' liability bill—to the Committee on the Judiciary.

By Mr. DE ARMOND: Papers to accompany bill to increase pension of David Waldon—to the Committee on Invalid Pensions.

By Mr. DEEMER: Petition of National Grange, No. 913, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of 600 citizens of Williamsport, Pa., against sale of liquor in all Government buildings—to the Committee on Alcoholic Liquor Traffic.

Also, petition of 600 citizens of Williamsport, Pa., for the Hepburn-Dolliver bill—to the Committee on the Judiciary.

Also, petition of citizens of Pennsylvania, against bill H. R. 10510—to the Committee on the District of Columbia.

Also, petition of 600 citizens of Williamsport, Pa., for the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. DIXON of Montana: Petition of Lodge No. 168, International Association of Machinists, of Livingston, Mont., relative to increase of pay for mechanics employed in navy-yards—to the Committee on Naval Affairs.

By Mr. DRESSER: Petition of the Kane Retail Grocers' Association, for the Heyburn pure-food bill—to the Committee on Interstate and Foreign Commerce.

By Mr. DUNWELL: Petition of citizens of New York, against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. ESCH: Paper to accompany bill for relief of Hiram N. Goodell—to the Committee on Invalid Pensions.

Also, petition of the Illinois Manufacturers' Association, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of N. C. Jensen, relative to the pure-food bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of Henry Hardin Camp, No. 2, Sons of Veterans, against bill H. R. 8131—to the Committee on Military Affairs.

Also, petition of Christian Haines, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. FLACK: Petition of citizens of Gouverneur, N. Y., favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of Chateaugay Grange, No. 964, for retention of the tax on oleomargarine—to the Committee on Agriculture.

By Mr. FOSTER of Indiana: Petition of Dr. J. R. Adams Camp, No. 123, Sons of Veterans, against passage of bill H. R. 8131—to the Committee on Military Affairs.

Also, petition of the New Albany Commercial Club, in favor of passage of bill S. 1345, relative to the consular service—to the Committee on Foreign Affairs.

Also, petition of the Evansville Pastors' Association, in favor

of the Littlefield interstate liquor bill—to the Committee on the Judiciary.

By Mr. FRENCH: Petition of citizens of Rupert, Idaho, relative to town sites in Rupert—to the Committee on the Public Lands.

Also, petition of citizens of Middletown, for bill H. R. 9022—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of Idaho, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. FULLER: Petition of the Peru Beer Company, against the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. GARDNER of Massachusetts: Petition of the Massachusetts legislature, relative to a constitutional amendment regulating hours of labor—to the Committee on the Judiciary.

Also, petition of Amesbury and Groveland Granges, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of citizens of Beverly, Mass., for bills H. R. 3022 and 10510—to the Committee on the District of Columbia.

Also, petitions of George E. McDonald et al. and the Peabody Board of Trade, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. GARRETT: Papers to accompany bill granting an increase of pension to C. C. Reeves and to accompany bill granting an increase of pension to P. W. Cook—to the Committee on Invalid Pensions.

By Mr. GILLETT of Massachusetts: Petition of Phillipston National Grange, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. GRANGER: Petition of the Woman's Christian Temperance Union of Watchemaket, East Providence, R. I., against liquor in Indian Territory and Oklahoma as States—to the Committee on the Territories.

Also, petition of the Massie Wireless Telegraph Company, relative to control by the Government—to the Committee on the Judiciary.

Also, petition of 250 citizens of Providence, R. I., against passage of bills H. R. 3022 and 10510—to the Committee on the District of Columbia.

Also, petition of the Woman's Christian Temperance Union of East Providence, R. I., for the Hepburn-Dolliver bill—to the Committee on Alcoholic Liquor Traffic.

By Mr. GRONNA: Petition of J. H. Murphy, against change in the present postal laws—to the Committee on the Post-Office and Post-Roads.

Also, petition of S. F. Sherman, for bill H. R. 15846—to the Committee on Banking and Currency.

Also, petition of H. Burdecke, for the metric system—to the committee on Coinage, Weights, and Measures.

Also, petition of Simon Schmid Bartlett, against the parcels-post bill—to the Committee on the Post-Office and Post-Roads.

Also, petition of J. M. Sullivan, against the parcels-post bill—to the Committee on the Post-Office and Post-Roads.

By Mr. HASKINS: Petitions of Protective Grange, No. 22, of Brattleboro, Vt.; Bell Grange, of Walden, Vt.; Ascutney Grange, No. 278, and Golden Rod Grange, of East Corinth, Vt., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of Ascutney Grange, No. 278, for the good-roads bill (H. R. 180)—to the Committee on Agriculture.

Also, petition of Ascutney Grange, No. 278, for the present oleomargarine law—to the Committee on Agriculture.

Also, petition of Ascutney Grange, No. 278, for the Heyburn pure-food bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of Ascutney Grange, No. 278, of Windsor, Vt., for the parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. HAYES: Papers to accompany bill granting an increase of pension to Wesley C. Sawyer—to the Committee on Invalid Pensions.

Also, petition of the International Association of Pipe Fitters, No. 46, of San Francisco, protesting against passage of bill H. R. 12973—to the Committee on Foreign Affairs.

By Mr. HENRY of Texas: Petition of citizens of Texas, against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. HEPBURN: Petition of citizens of Iowa, against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. HERMANN: Petition of citizens of Oregon, against religious legislation—to the Committee on the District of Columbia.

By Mr. HIGGINS: Petition of the Musicians' Protective Union of Willimantic, Conn., for bill H. R. 8748—to the Committee on Naval Affairs.

Also, petition of Carpenters' Union No. 825, of Willimantic, Conn., favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. HINSHAW: Paper to accompany bill for relief of J. V. Morrill—to the Committee on Invalid Pensions.

Also, petition of the Illinois Manufacturers' Association, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of citizens of Arcadia, Nebr., against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

Mr. HITT: Petition of A. W. Heyer et al., for removal of the tariff on hides—to the Committee on Ways and Means.

Also, petition of J. A. Gale, for investigation of cement and mortar by the Geological Survey—to the Committee on Appropriations.

By Mr. HOWELL of Utah: Petition of citizens of Utah, against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of many citizens of New York and vicinity, for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

By Mr. HUBBARD: Petition of the Merrill Record, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. HUFF: Petition of the Illinois Manufacturers' Association, of Chicago, Ill., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of the American Wine Growers' Association, for the Fassett pure-wine bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Woman's Saturday Afternoon Club, of Scottsdale, for preservation of Niagara Falls—to the Committee on Rivers and Harbors.

Also, petition of citizens of Butler County, Pa., for bill H. R. 13655—to the Committee on Alcoholic Liquor Traffic.

By Mr. HULL: Petition of the Seventh-Day Adventist Church of Nevada, Iowa, and citizens, against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. KELIHER: Petition of Henry A. Curtis et al., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. KENNEDY: Petition of the Salem News, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. KLEPPER: Petition of the Association of Mexican War Veterans, for increase of pensions—to the Committee on Pensions.

Mr. KNAPP: Petition of citizens of Minetto, against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. LACEY: Petition of the Commercial Club and business men of Oskaloosa, against the parcels-post bill—to the Committee on the Post-Office and Post-Roads.

By Mr. LAWRENCE: Petition of the Massachusetts legislature, for an amendment to the Constitution regulating hours of labor—to the Committee on the Judiciary.

Also, petition of citizens of Buckland, Mass., against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. AIKEN: Petition of the bar of Cherokee County, for location of a Federal court-house—to the Committee on the Judiciary.

By Mr. LILLEY of Connecticut: Petition of the New Haven Medical Association, for the pure-food bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of citizens of Connecticut, for a national forest reserve in the White Mountains—to the Committee on Agriculture.

By Mr. LINDSAY: Petition of the California Fruit Growers' Exchange, relative to private car lines—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Broadway Bank, for bill H. R. 15846—to the Committee on Interstate and Foreign Commerce.

Also, petition of Charities and the Commons, relative to improved conditions of living for the poor of the District of Columbia—to the Committee on the District of Columbia.

Also, petition of Louis Bassert & Son, for the Littlefield bill—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the Maritime Association of New York, for bill H. R. 5281—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the Southern Branch of the National Home for Disabled Volunteer Soldiers, of Virginia, relative to pay of inmates on furlough—to the Committee on Military Affairs.

Petition of headquarters of the Joint Commission on the Brooklyn Navy-Yard, relative to construction of battle ships—to the Committee on Naval Affairs.

Also, petition of the Wholesale Liquor Dealers' League, relative to the pure-food bill—to the Committee on Interstate and Foreign Commerce.

By Mr. LITTLEFIELD: Petition of citizens of Maine, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. McCARTHY: Petition of citizens of Nebraska, against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. McKINNEY: Petition of citizens of Illinois, against religious legislation—to the Committee on the District of Columbia.

By Mr. McNARY: Petition of citizens of Quincy, Mass., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. MADDEN: Petition of citizens of Chicago, against bill H. R. 10510—to the Committee on the District of Columbia.

Also, petition of citizens of Chicago, relative to legislation as to betterment of women in industry—to the Committee on Labor.

Also, petition of the Chicago Federation of Labor, relative to better conditions of public service by vessels carrying passengers—to the Committee on the Merchant Marine and Fisheries.

By Mr. MOON of Tennessee: Paper to accompany bill for relief of William F. M. Rice—to the Committee on Pensions.

Also, paper to accompany bill H. R. 335, for a public building—to the Committee on Public Buildings and Grounds.

By Mr. NEVIN: Petition of George A. Hollbrock et al., against establishment of a parcels-post system—to the Committee on the Post-Office and Post-Roads.

Also, petition of J. O. Melber, N. F. Debman, R. Fisher, and others, against religious legislation—to the Committee on the District of Columbia.

Also, petition of Oxford Grange, No. 263, Patrons of Industry, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of citizens of Ohio, against bill (H. R. 8131) to prohibit wearing of Army and Navy uniforms—to the Committee on Military Affairs.

By Mr. OLCOTT: Petition of citizens of New York, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. OTJEN: Petition of William B. McBriarty and others, of the Northwest Branch of the Soldiers' Home, for outside relief—to the Committee on Invalid Pensions.

By Mr. OVERSTREET: Petition of the Woman's Home Missionary Society of the Roberts Park Church, of Indianapolis, against liquor selling in Soldiers' Homes—to the Committee on Military Affairs.

Also, petition of the T. A. Snider Preserve Company, relative to the pure-food bill—to the Committee on Interstate and Foreign Commerce.

By Mr. PAYNE: Paper to accompany bill for relief of Edward W. Clark—to the Committee on Military Affairs.

Also, petition of citizens of New York, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. PEARRE: Petition of Charles O. Roemer, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. POLLARD: Petition of citizens of Nebraska, opposing passage of a parcels-post bill—to the Committee on the Post-Office and Post-Roads.

By Mr. PUJO: Petition of Crescent City Harbor, No. 18, American Association of Masters, Mates, and Pilots of Steam Vessels, relative to bill H. R. 5281—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the New Orleans Cotton Exchange, relative to the quarantine bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Association of Mexican War Veterans of the State of Missouri, relative to increase of pensions—to the Committee on Pensions.

Also, petition of Marine Engineers' Beneficial Association, No. 15, of New Orleans, La., relative to the merchant marine—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the New Orleans Board of Trade, relative to the merchant marine—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the New Orleans Progressive Union, for preservation of Niagara Falls—to the Committee on Rivers and Harbors.

Also, petition of the Japanese and Korean Exclusion League, for retention of the Chinese law—to the Committee on Foreign Affairs.

Also, petition of the California Fruit Growers' Exchange, relative to private car lines—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Central Federated Union of New York, relative to the antipilotage bill—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the United States Brewers' Association, for creation of a Federal judicial court in the Orient—to the Committee on Foreign Affairs.

Also, petition of the Illinois Manufacturers' Association, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of citizens of Welsh, Calcasieu Parish, La., against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of citizens of Hayes, La., against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of the Louisiana Sugar and Rice Exchange, of New Orleans, relative to fast mail—to the Committee on the Post-Office and Post-Roads.

Also, petition of the New Orleans Clearing House Association, relative to bill H. R. 8973—to the Committee on Banking and Currency.

Also, Petition of the Louisiana State board of health and the New Orleans Health Association, relative to the quarantine bill—to the Committee on the Judiciary.

Also, petition of citizens of Oklahoma City, relative to the statehood bill—to the Committee on the Territories.

Also, petition of the Interchurch Conference, relative to marriage and divorce—to the Committee on the Judiciary.

Also, paper to accompany bill for relief of Jesse P. Sandifer—to the Committee on Pensions.

By Mr. RIVES: Petition of citizens of Illinois, against religious legislation—to the Committee on the District of Columbia.

Also, petition of citizens of Illinois, for relief of survivors of the *General Slocum* disaster—to the Committee on Claims.

By Mr. RICHARDSON: Papers to accompany bill granting an increase of pension to Ambrose P. Stone—to the Committee on Invalid Pensions.

By Mr. RIXEY: Papers to accompany bill for relief of Burke & Marshall, of Burke, Va.—to the Committee on War Claims.

Also, H. R. Report No. 1722, Fifty-second Congress, first session, for relief of Martin Maddox—to the Committee on Claims.

By Mr. RUPPERT: Petition of the California Fruit Growers' Association, of Los Angeles, Cal., relative to private car lines—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Illinois Manufacturers' Association, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of the American Federation of Labor, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of the Joint Commission on the Brooklyn Navy-Yard, relative to building battle ships—to the Committee on Naval Affairs.

Also, petition of the Merchant Marine League of the United States, relative to the shipping industry—to the Committee on the Merchant Marine and Fisheries.

Also, petition of E. T. Fileming, of Philadelphia, relative to the pure-food bill—to the Committee on Interstate and Foreign Commerce.

By Mr. RYAN: Petition of the California Fruit Growers' Association, for increased power over rates by the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

By Mr. SAMUEL: Petition of Greenbriar Grange, No. 1148, for the Grange good-roads bill—to the Committee on Agriculture.

Also, petition of Greenbriar Grange, for a parcels post—to the Committee on the Post-Office and Post-Roads.

Also, petition of Greenbriar Grange, for bill H. R. 10099—to the Committee on Interstate and Foreign Commerce.

Also, petition of Greenbriar Grange, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of Greenbriar Grange, for retention of the oleomargarine law—to the Committee on Agriculture.

By Mr. SMITH of California: Petition of citizens of California, against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. SOUTHARD: Petition of citizens of Port Clinton,

Ohio, opposing the parcels-post bill—to the Committee on the Post-Office and Post-Roads.

By Mr. SPERRY: Petition of citizens of New Haven, Conn., against bill H. R. 10510—to the Committee on the District of Columbia.

By Mr. SULLIVAN of Massachusetts: Petition of the Illinois Manufacturers' Association, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By SULLIVAN of New York: Petition of the Southern Branch of the National Home for Disabled Volunteer Soldiers, of Virginia, relative to pay of members of the Home when on furlough—to the Committee on Military Affairs.

Also, petition of the Merchants' Association of New York, relative to the merchant marine—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the Yale & Towne Manufacturing Company, against the metric system—to the Committee on Coinage, Weights, and Measures.

Also, petition of the Douglas Manufacturing Company, against the pure-food bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Religious Liberty Bureau and citizens of New York, against bills H. R. 3022 and 10510—to the Committee on the District of Columbia.

Also, petition of the Manufacturers' Association, against the Gilbert bill—to the Committee on the Judiciary.

Also, petition of the Columbus (Ohio) Iron and Steel Company, against the metric system—to the Committee on Coinage, Weights, and Measures.

By Mr. TOWNSEND: Petition of 44 citizens of Ann Arbor, Mich., against bills H. R. 3022 and 10510—to the Committee on the District of Columbia.

Also, petition of Theodore Jasenhaus et al., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of D. H. Bates, of New York, against adoption of the metric system—to the Committee on Coinage, Weights, and Measures.

By Mr. VAN WINKLE: Paper to accompany bill for relief of Mary L. Beardsley—to the Committee on Invalid Pensions.

By Mr. WANGER: Petition of the New Century Club of Bucks County, Pa., for preservation of Niagara Falls—to the Committee on Rivers and Harbors.

By Mr. WEBB: Paper to accompany bill for relief of Ambrose Y. Teague—to the Committee on Pensions.

Also, paper to accompany bill for relief of Samuel J. Kent—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Mary H. Hampton—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Reuben K. Deaver—to the Committee on Military Affairs.

Also, paper to accompany bill for relief of Sarah M. Evans—to the Committee on Pensions.

By Mr. WEEKS: Petition of the trustees of the Boston Athenæum, relative to amending the copyright law—to the Committee on Patents.

Also, petition of citizens of New York, for restoration of the frigate *Constitution*—to the Committee on Naval Affairs.

By Mr. YOUNG: Petition of citizens of Michigan, for establishment of a life-saving station at Menominee, Mich.—to the Committee on Interstate and Foreign Commerce.

## SENATE.

### TUESDAY, *March 13, 1906.*

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Journal of yesterday's proceedings was read and approved.

#### DISPOSITION OF USELESS PAPERS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of Commerce and Labor, transmitting, pursuant to law, a schedule of documents and papers not needed or useful in the transaction of the current business of the Department of Commerce and Labor and having no permanent value or historical interest, etc.; which was read.

The VICE-PRESIDENT. The communication will be referred to the Joint Select Committee on the Disposition of Useless Papers in the Executive Departments, and printed.

Mr. PETTUS. The joint committee has not been appointed for the present Congress.

The VICE-PRESIDENT. The committee will be appointed.

The VICE-PRESIDENT subsequently said: The Chair will appoint as members, on the part of the Senate, of the Joint Select Committee on the Disposition of Useless Papers in the Executive Departments the Senator from Alabama [Mr. PETTUS] and the Senator from New Hampshire [Mr. GALLINGER]. The communication from the Secretary of Commerce and Labor laid before the Senate this morning will be referred to that joint select committee.

#### PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented resolutions adopted by Raphael Semmes Camp, No. 11, United Confederate Veterans, of Mobile, Ala.; of J. T. Walbert Camp, No. 463, United Confederate Veterans, of Paducah, Ky., and of Omer R. Weaver Camp, No. 354, United Confederate Veterans, of Little Rock, Ark., tendering to Congress their respective thanks for the enactment of a law restoring the Confederate battle flags to the several States; which were ordered to lie on the table.

Mr. PLATT presented a petition of the Young Woman's Branch of the Woman's Christian Temperance Union of Seneca Castle, N. Y., praying for the enactment of legislation to remove the internal-revenue tax on denaturized alcohol; which was referred to the Committee on Finance.

He also presented a petition of the National Paint, Oil, and Varnish Association, praying for the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which was ordered to lie on the table.

Mr. GALLINGER presented a petition of the Woman's Christian Temperance Union of Hollis, N. H., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which was referred to the Committee on Privileges and elections.

He also presented a petition of Old Homestead Lodge, No. 319, International Association of Machinists, of Keene, N. H., praying for the enactment of legislation to restrict immigration; which was referred to the Committee on Immigration.

Mr. FULTON presented a petition of sundry citizens of Portland, Oreg., praying for the enactment of legislation for the protection of animals, birds, and fish in the forest reserves; which was referred to the Committee on Forest Reservations and the Protection of Game.

Mr. SPOONER presented a memorial of sundry citizens of Bloomington, Wis., remonstrating against the passage of the so-called "parcels-post bill;" which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of Henry Harnden Camp, No. 2, Wisconsin Division, Sons of Veterans, United States Army, of Madison, Wis., remonstrating against the enactment of legislation to prohibit the wearing of the uniform of the Army, Navy, Marine Corps, or Revenue Service, etc.; which was referred to the Committee on Military Affairs.

#### REPORTS OF COMMITTEES.

Mr. HANSBROUGH, from the Committee on the Library, to whom was referred the bill (S. 2072) to provide for the erection of a statue of Gen. Nathanael Greene on the battlefield of Guilford Court House, reported it without amendment, and submitted a report thereon.

Mr. DILLINGHAM, from the Committee on the Judiciary, to whom was referred the bill (H. R. 15521) establishing regular terms of the United States circuit and district courts of the northern district of California at Eureka, Cal., reported it without amendment, and submitted a report thereon.

Mr. CLARK of Wyoming, from the Committee on the Judiciary, to whom were referred the following bills, asked to be discharged from their further consideration, and that they be referred to the Committee on Military Affairs; which was agreed to:

A bill (S. 696) to prevent and punish the desecration, mutilation, or improper use of the flag of the United States of America; and

A bill (S. 5030) to prevent the desecration of the American flag.

Mr. BURKETT, from the Committee on Claims, to whom was referred the bill (S. 1344) for the relief of John M. Burks, reported it without amendment, and submitted a report thereon.

Mr. PILES, from the Committee on Territories, to whom was referred the bill (S. 2554) providing for the regulation of the practice of medicine, surgery, and dentistry in the district of Alaska, reported it with an amendment, and submitted a report thereon.

Mr. PATTERSON, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 2667) granting an increase of pension to Benjamin W. Valentine; and

A bill (H. R. 6401) granting an increase of pension to William V. Van Ostern.

Mr. PATTERSON, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 4596) granting an increase of pension to John J. Hughes;

A bill (H. R. 9267) granting an increase of pension to William Cook;

A bill (H. R. 9447) granting an increase of pension to John L. Edmundson;

A bill (H. R. 10725) granting an increase of pension to Etta D. Conant;

A bill (H. R. 11742) granting an increase of pension to Charles H. Culver;

A bill (H. R. 11927) granting an increase of pension to Calvin D. Weatherman; and

A bill (H. R. 12090) granting an increase of pension to Mary M. Stark.

Mr. TALIAFERRO, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 3817) granting a pension to Margaret Lewis; and

A bill (S. 1952) granting an increase of pension to Jesse Alderman.

Mr. TALIAFERRO, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 3584) granting an increase of pension to Peter Quermbeck;

A bill (H. R. 8176) granting an increase of pension to Thomas E. Bishop;

A bill (H. R. 9248) granting an increase of pension to James T. Butler;

A bill (H. R. 7615) granting an increase of pension to Joseph D. Tate;

A bill (H. R. 7984) granting a pension to Henry R. Hill;

A bill (H. R. 13035) granting an increase of pension to Maggie D. Russ;

A bill (H. R. 9249) granting an increase of pension to Richard S. Cromer;

A bill (H. R. 10166) granting an increase of pension to Elizabeth Morgan;

A bill (H. R. 11335) granting an increase of pension to Thomas Chandler, alias Thomas Cooper;

A bill (H. R. 12354) granting an increase of pension to Tillman T. Herridge; and

A bill (H. R. 12292) granting an increase of pension to George T. Hill.

### SURG. W. C. BRAISTED'S REPORT ON RUSSO-JAPANESE WAR.

Mr. PENROSE. Yesterday the Committee on Printing reported favorably a resolution submitted by me providing for the printing of 2,250 copies of the "Report on the Japanese naval medical and sanitary features of the Russo-Japanese war to the Surgeon-General United States Navy." The resolution was introduced by me at the suggestion of the Surgeon-General. I am informed by one of the clerks this morning that the wording of the resolution does not include printing the illustrations in the pamphlet, and I therefore ask unanimous consent that an order be made by the Senate that the illustrations in the pamphlet provided for by the resolution be included.

Mr. ALLISON. As I heard the resolution read yesterday, it is a Senate resolution. If illustrations are to be printed, I fear the cost will be over the $500 limit. If so, it should be a concurrent resolution. I merely call attention to that fact.

Mr. PENROSE. Then I will ask to have the resolution amended so as to make it a concurrent resolution.

Mr. CULLOM. First let the vote by which the resolution was passed be reconsidered.

Mr. PENROSE. I ask the Senate to reconsider the vote by which the resolution was passed yesterday.

The VICE-PRESIDENT. Without objection, the vote is reconsidered, and the resolution is before the Senate.

Mr. GALLINGER. Now, when it is made in the form of a concurrent resolution, I should like to have it read.

Mr. PENROSE. I move to change the form to a concurrent resolution.

The VICE-PRESIDENT. The resolution will be changed to a concurrent resolution at the request of the Senator from Pennsylvania, and, as changed, it will be read.

The Secretary read the concurrent resolution, as follows:

*Resolved by the Senate (the House of Representatives concurring)*, That there be printed 2,250 copies of the "Report on the Japanese naval medical and sanitary features of the Russo-Japanese war to the Surgeon-General, United States Navy, by Surg. William C. Braisted, United States Navy," of which 1,250 copies shall be for the use of the Senate and 1,000 copies for the use of the Bureau of Medicine and Surgery of the Navy Department.

Mr. PENROSE. I move to insert, at the proper place, "together with the illustrations."

Mr. GALLINGER. Is there no provision in the resolution for a supply to the House of Representatives? There ought to be.

Mr. PENROSE. I suggest that a similar number of copies be also printed for the House of Representatives. It is a very interesting work, and there is very great demand for it.

Mr. GALLINGER. I suggest to the Senator that the House, I think, will insist upon double the supply given the Senate.

Mr. PENROSE. Very well; I will increase the number, and make it read "2,500 copies for the use of the House of Representatives."

Mr. GALLINGER. I will ask the Senator if the official who makes this report was connected with the Japanese army in any way?

Mr. PENROSE. The suggestion was made to me by the Surgeon-General in a communication addressed to me in response to an application for copies of this report. He replied that the quota was exhausted and suggested the introduction of a resolution providing for the printing of an additional number.

Mr. GALLINGER. I presume this medical officer was connected with the Japanese army in some way.

Mr. PENROSE. I am informed that he was.

Mr. GALLINGER. I think it will be a very valuable document. I hope a sufficient number will be printed to supply the demand.

The VICE-PRESIDENT. The question is on agreeing to the amendments submitted by the Senator from Pennsylvania.

The amendments were agreed to.

The VICE-PRESIDENT. The question is on agreeing to the concurrent resolution as amended.

The concurrent resolution as amended was agreed to, as follows:

*Resolved by the Senate (the House of Representatives concurring)*, That there be printed 4,750 copies of the "Report on the Japanese Naval Medical and Sanitary Features of the Russo-Japanese War to the Surgeon-General, United States Navy," by Surg. William C. Braisted, United States Navy, the same to include the illustrations, of which 1,250 copies shall be for the use of the Senate, 2,500 copies shall be for the use of the House of Representatives, and 1,000 copies for the use of the Bureau of Medicine and Surgery of the Navy Department.

### BILLS INTRODUCED.

Mr. SCOTT introduced a bill (S. 5053) for the construction of a conduit for the waters of Rock Creek, and for other purposes; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. PENROSE introduced a bill (S. 5054) granting an increase of pension to George H. Woodward; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. McCUMBER introduced a bill (S. 5055) granting an increase of pension to Melvin Grandy; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. PERKINS introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 5056) granting a pension to Alexander Plotts; and

A bill (S. 5057) granting an increase of pension to George W. Johnson.

Mr. LONG introduced a bill (S. 5058) granting an increase of pension to Hezekiah Coe; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. GAMBLE introduced a bill (S. 5059) to increase the limit of cost of the post-office at Yankton, S. Dak.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. WARNER introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 5060) granting an increase of pension to Joseph B. Sanders;

A bill (S. 5061) granting an increase of pension to Jacob N. Ketcham;

A bill (S. 5062) granting an increase of pension to N. B. Petts;

A bill (S. 5063) granting an increase of pension to Charles McIntyre;

A bill (S. 5064) granting an increase of pension to Jones Webber;

A bill (S. 5065) granting an increase of pension to Charles Jackson;

A bill (S. 5066) granting an increase of pension to Gustavus Bishop; and

A bill (S. 5067) granting an increase of pension to Martin Schultz.

Mr. WARNER introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Military Affairs:

A bill (S. 5068) for the relief of John McWhorter;

A bill (S. 5069) for the relief of William P. Hogarty;

A bill (S. 5070) for the relief of Edward D. Lockwood; and

A bill (S. 5071) for the relief of the legal representatives of Napoleon B. Giddings.

Mr. WARNER (by request) introduced a bill (S. 5072) to provide for a judicial review of orders excluding persons from the use of United States mail facilities; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. BURROWS introduced a bill (S. 5073) granting an increase of pension to Daniel G. Smith; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. CARTER introduced a bill (S. 5074) granting an increase of pension to James I. Mettler; which was read twice by its title, and referred to the Committee on Pensions.

Mr. GAMBLE introduced a bill (S. 5075) for acquiring by condemnation and dedicating as public parking certain triangles on Sixteenth street, in the city of Washington; which was read twice by its title, and referred to the Committee on the District of Columbia.

AMENDMENTS TO BILLS.

Mr. TELLER submitted an amendment relative to the retirement, with increased rank, of officers with civil war records, below the grade of brigadier-general, who have heretofore been retired for disability contracted in the line of duty, etc., intended to be proposed by him to the Army appropriation bill; which was referred to the Committee on Military Affairs, and ordered to be printed.

He also submitted an amendment proposing to refer to the Court of Claims for adjudication the claim for the relief of the executors of the estate of Charles E. Conrad, deceased, for amount due under contract made by him with the Indians at Blackfeet Reservation, Mont., in September, 1895, intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

REGULATION OF RAILROAD RATES.

Mr. SCOTT. I submit an amendment intended to be proposed by me to House bill 12987. I ask that the amendment be read.

The amendment was read and ordered to lie on the table, and to be printed, as follows:

Amend by adding a new section to H. R. 12987, as follows:

"SEC. —. That all common carriers subject to the provision of this act shall provide, at all points of connection, crossings, or intersections at grade, where it is practicable and necessary for interstate traffic, ample facilities by track connection for transferring any cars used in the regular business of their respective lines of road from their lines or tracks to those of any other common carrier whose lines or tracks may connect with, cross, or intersect their own, and shall provide equal and reasonable facilities for the interchange of cars and traffic between their respective lines, and for the receiving, forwarding, and delivery of passengers, property, and cars to and from their several lines and those of other common carriers connected therewith, and shall permit switch or short-road connections to mines and other industrial plants to connect with its line where it is practicable and necessary for the movement of interstate traffic, and shall not discriminate in their rates or charges or in the supply of cars between such connecting lines, switches, or short roads, or on freight coming over such lines, switches, or short roads; but this shall not be construed as requiring any common carrier to furnish for another common carrier, or for switch or short roads herein authorized, its tracks, equipment, or terminal facilities without reasonable compensation; that each of said connecting lines shall pay its proportionate share for the building and maintenance of such tracks and switches as may be necessary to furnish the transfer facilities required by this act, except switch and short-road connections to mines or other industrial plants shall be built and maintained at the cost of the party or parties interested in making such connections, and in case they can not agree on the amount which each line shall pay, or the right to connect said switch or short line, as hereinbefore provided, then said amount and the right to connect with the line of said common carrier shall, upon application of either party, be determined and adjusted by the Interstate Commerce Commission; and any party shall have the right to review the order of said Commission determining the right of a switch or short road to make connection, as hereinbefore provided, or in fixing the proportionate amount to be paid by each carrier, as herein provided, by filing a petition in the circuit court for the district where such transfer facilities are furnished or authorized, by serving notice in writing on the adverse party within ten days after the making and filing of such order by said Commission, and upon the service of such notice there shall be regarded as pending in said circuit court a civil action for the adjustment and determination of the amount to be paid by each carrier for the expense of the building and maintaining of the said transfer facilities or the right under this act to make connections of said switch or short road. Pleadings shall be made and filed in said action in conformity with those required by law and rules of the practice in said court."

TWO HUNDREDTH ANNIVERSARY OF BIRTH OF BENJAMIN FRANKLIN.

Mr. PENROSE submitted the following concurrent resolution; which was referred to the Committee on the Library:

*Resolved by the Senate (the House of Representatives concurring)*, That the invitation extended to the Congress of the United States by the American Philosophical Society, of Philadelphia, Pa., to attend the celebration of the two hundredth anniversary of the birth of Benjamin Franklin, to be held at Philadelphia, Pa., April 17, 1906, be, and is hereby, accepted; that the President of the Senate and the Speaker of the House of Representatives be, and they are hereby, authorized and directed to appoint a committee, to consist of six Senators and ten Representatives of the Fifty-ninth Congress, to attend the celebration referred to, and to represent the Congress of the United States on that occasion.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the bill (S. 51) to create a juvenile court in and for the District of Columbia, with amendments; in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

H. R. 11275. An act increasing the penalty for certain offenses in the District of Columbia;

H. R. 14582. An act for the removal of snow and ice from the paved sidewalks of the District of Columbia, and for other purposes;

H. R. 15643. An act to authorize the Board of Visitors of the Government Hospital for the Insane to summon and examine witnesses under oath, and making it a misdemeanor for any such witness to refuse to attend or testify or produce books or papers when summoned; and

H. R. 16384. An act regulating the speed of automobiles in the District of Columbia, and for other purposes.

The message further announced that the House had passed a concurrent resolution requesting the President to return to the House the bill (H. R. 10588) granting a pension to John H. Parker; in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to the amendments of the Senate to the bill (H. R. 122) to require the erection of fire escapes in certain buildings in the District of Columbia, and for other purposes.

The message further announced that the House had agreed to the amendment of the Senate to the bill (H. R. 58) to prevent the unlawful wearing of the badge or insignia of the Grand Army of the Republic, or other soldier organizations.

PUBLIC BUILDING AT DENVER, COLO.

Mr. TELLER. I ask the Senate to proceed to the consideration of the bill (S. 582) to provide for the purchase of a site and the erection of a public building thereon at Denver, in the State of Colorado.

The VICE-PRESIDENT. The bill will be read for the information of the Senate.

The Secretary read the bill, which had been reported from the Committee on Public Buildings and Grounds with amendments.

Mr. LODGE. How much does the bill carry?

Mr. PATTERSON. Two million three hundred thousand dollars, as proposed to be amended by the committee.

Mr. LODGE. Is that all?

Mr. PATTERSON. That is all.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The first amendment of the Committee on Public Buildings and Grounds was, on page 2, line 1, after the word "million," to strike out "five" and insert "three;" so as to read:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a site and cause to be erected thereon a suitable building, including fireproof vaults, heating and ventilating apparatus, elevators, and approaches, for the use and accommodation of the United States postoffice and other governmental offices in the city of Denver and State of Colorado, the cost of said site and building, including said vaults, heating and ventilating apparatus, elevators, and approaches, not to exceed the sum of $2,300,000.

The amendment was agreed to.

The next amendment was, on page 2, after line 17, to strike out all of the bill down to and including line 14, on page 3, in the following words:

If, upon consideration of said report and accompanying papers, the Secretary of the Treasury shall deem further investigation necessary, he may appoint a commission of not more than three persons, one of whom shall be an officer of the Treasury Department, which commission shall also examine the said proposed sites, and such others as the Secretary of the Treasury may designate, and grant such hearings in relation thereto as they shall deem necessary; and said commission shall within thirty days after such examination make to the Secretary of the Treasury written report of their conclusion in the premises, accompanied by all statements, maps, plats, or documents taken by or submitted to them, in like manner as hereinbefore provided in regard to the proceedings of said agent of the Treasury Department; and the Secretary of the Treasury shall thereupon finally determine the location of the building to be erected.

The compensation of said commissioners shall be fixed by the Secretary of the Treasury, but the same shall not exceed $6 per day and actual traveling expenses: *Provided, however,* That the member of said

commission appointed from the Treasury Department shall be paid only his actual traveling expenses.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LAND IN DAKOTA COUNTY, MINN.

Mr. NELSON. Mr. President——

Mr. GALLINGER. Let us proceed with the Calendar in regular order.

Mr. NELSON. I trust the Senator from New Hampshire will yield to me for a minute.

Mr. GALLINGER. I will yield to the Senator from Minnesota, and then I shall ask for the regular order.

Mr. NELSON. I ask unanimous consent for the present consideration of the bill (H. R. 10101) authorizing and directing the Secretary of the Interior to sell and convey to the State of Minnesota a certain tract of land situated in the county of Dakota, State of Minnesota.

Mr. GALLINGER. Let it be read for information.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It directs the Secretary of the Interior to sell and convey unto the State of Minnesota, under such provision as he may direct, and for such compensation as he may deem adequate, the following tract of land, which was heretofore purchased by the United States for the purpose of allotting the same to certain Sioux Indians residing in the State of Minnesota, situated in the county of Dakota, and State of Minnesota, described as follows, to wit: Southeast quarter of the southeast quarter of section 27, township No. 115, range 17, but the land shall not be sold at less than the appraised value.

The proceeds arising from the sale of such land shall, if the Secretary of the Interior so elect, be paid to said proposed allottees or their representatives, or lieu lands purchased for them elsewhere.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

USE OF RESERVOIR SITES.

Mr. GAMBLE. I ask the Senator from New Hampshire if he will yield to me to call up a bill?

Mr. GALLINGER. I have asked for the regular order, but I will yield to the Senator from South Dakota and to the Senator from Rhode Island [Mr. ALDRICH] to call up bills, and then I shall insist upon the regular order.

Mr. GAMBLE. I ask unanimous consent for the present consideration of the bill (S. 1802) to regulate the use by the public of reservoir sites located upon the public lands of the United States.

The Secretary read the bill, as follows:

*Be it enacted, etc.*, That it shall be unlawful for any person, firm, company, or corporation to herd or pasture any cattle, sheep, horses, or other live stock upon any reservoir site or sites located upon the public lands of the United States under the provisions of the act of Congress approved January 13, 1897, when the reservoirs upon such sites have been constructed and are maintained as watering places in connection with the driving or transporting of live stock, or to enter upon such reservoir site or sites with the same herd or band of live stock more than once in twenty-four hours for the purpose of watering the same, or, except as provided in section 2 of this act, to allow or permit any such live stock to remain upon any such reservoir site or sites during any one day longer than may be necessary to water such live stock, which shall not exceed two hours.

SEC. 2. That it is further declared unlawful for any person, firm, company, or corporation owning or having control of any live stock to occupy or permit or allow to be occupied, for herding or pasturage of such live stock, any of the public lands of the United States within a radius of 2 miles of any reservoir site or sites located and established as provided in section 1 of this act, when the reservoirs upon such sites have been constructed and are maintained as watering places in connection with the driving or transporting of live stock: *Provided*, That any person, firm, company, or corporation driving live stock from the range of such person, firm, company, or corporation to a loading station for the purpose of shipment shall not be prevented by this act from occupying such reservoir site or the territory within a radius of 2 miles thereof for the rest of such live stock during the progress of the journey or during such time as it may be necessary to detain such stock thereon while waiting to load the same for shipment at such loading station: *Provided further*, That such time allowed for rest upon such reservoir site or prohibited radius herein mentioned, during the progress of the journey to the shipping point or loading station, shall not exceed three hours: *Provided further*, That the continued occupancy of such reservoir sites or prohibited radius for the purpose of loading for shipment shall not exceed seventy-two hours.

SEC. 3. That any person, firm, company, or corporation violating any of the provisions of this act shall be liable to a penalty of not less than $200 nor more than $500 for each offense.

SEC. 4. That nothing in this act contained shall be construed to prevent the lawful entry of the public lands under the public-land laws of the United States.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

Mr. CULLOM. It seems to me that the bill ought to be explained by some one before it is acted upon. I see that the twenty-eight-hour law is proposed to be changed in the bill as I caught the reading of it. I should like to have some Senator state what it means.

Mr. GAMBLE. This measure has no relation whatever to the twenty-eight-hour law. It is simply an amendment to the existing law and is a Department measure. A similar bill was introduced in the last Congress, and was favorably reported by the Committee on Public Lands and passed by the Senate. It provides simply for the regulation of the use of reservoir sites that are constructed by individuals or by corporations and maintained by them so that they will not be unduly used; and it is to make them more serviceable for the public. There is no reason why the bill should not pass. It is guarded in every way possible.

Mr. CULLOM. I am glad to hear the Senator explain it. I only caught the bill as it was being read, and I thought I heard something stated in the bill proposing to change the twenty-eight-hour law to seventy-two hours, or something of that sort.

Mr. GAMBLE. It has no relation to the twenty-eight-hour law.

Mr. KEAN. That is the second bill on the Calendar, I will say to the Senator.

Mr. LODGE. What the Senator from Illinois heard is merely a proviso allowing persons driving cattle to a train to keep them a certain period on a reservoir site.

Mr. GAMBLE. Yes; it is simply to protect the site from undue use by the public.

Mr. CULLOM. All I desired was that some Senator responsible for the bill should explain it, so that we could understand exactly the purpose of the measure.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ISSUANCE OF DUPLICATE CHECKS AND WARRANTS.

Mr. ALDRICH. I ask for the present consideration of the bill (H. R. 4) to amend section 3646, Revised Statutes of the United States, as amended by act of February 16, 1885.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

Mr. ALDRICH. From the Committee on Finance I move to strike out all after the word "follows," in the sixth line, and to insert the language which I send to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. After the word "follows," in line 6, strike out the remainder of the bill and insert:

SEC. 3646. Whenever any original check or warrant is lost, stolen, or destroyed, the Secretary of the Treasury may authorize the officer issuing the same, after the expiration of six months and within three years from the date of such check or warrant, to issue a duplicate thereof upon the execution of such bond to indemnify the United States as the Secretary of the Treasury may prescribe: *Provided*, That when such original check or warrant does not exceed in amount the sum of $50 the Secretary of the Treasury may authorize the issuance of a duplicate at any time after the expiration of thirty days and within three years from the date of such check or warrant.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

ACCOUNTS OF ARMY OFFICERS.

Mr. GALLINGER. Regular order, Mr. President!

The VICE-PRESIDENT. The Calendar under Rule VIII is in order.

The bill (S. 189) to authorize the readjustment of the accounts of Army officers in certain cases, and for other purposes, was announced as first in order.

Mr. LODGE. Let that bill go over, Mr. President.

The VICE-PRESIDENT. Under objection, the bill will go over without prejudice.

PREVENTION OF CRUELTY TO ANIMALS IN TRANSIT.

The bill (S. 3413) to prevent cruelty to animals while in transit by railroad or other means of transportation from one State or Territory or the District of Columbia into or through another State or Territory or the District of Columbia, and repealing sections 4386, 4387, 4388, 4389, and 4390 of the United States Revised Statutes, was announced as next in order.

Mr. HEYBURN. There is objection to that bill, Mr. President, and I ask that it may go over, retaining its place on the Calendar.

The VICE-PRESIDENT. Under objection, the bill will lie over without prejudice.

Mr. KEAN. Let that bill go to the Calendar under Rule IX, Mr. President.

Mr. HEYBURN. I have asked that the bill retain its place on the Calendar.

The VICE-PRESIDENT. The bill went over without prejudice.

Mr. KEAN. I have asked that it go over under Rule IX.

Mr. PENROSE. It is too late to do that now.

Mr. HEYBURN. Yes; the bill has already gone over.

The VICE-PRESIDENT. Does the Senator from New Jersey insist on his request?

Mr. KEAN. No; I do not insist on it at the present time.

CONDEMNATION AND DONATION OF TWO KRUPP FIELD GUNS.

The bill (S. 581) authorizing and directing the Secretary of War to condemn and turn over to the State of Idaho two Krupp field guns captured from the enemy by the First Regiment Idaho Volunteer Infantry at the battle of Santa Ana, Philippine Islands, February 5, 1899, was considered as in Committee of the Whole. It directs the Secretary of War to condemn two Krupp field guns captured from the enemy by the First Regiment of Idaho Volunteer Infantry at the battle of Santa Ana, Philippine Islands, on the 5th of February, 1899, and to deliver the same to the State of Idaho, to be properly mounted at the State capital as a memento of the gallantry of the Idaho Volunteers, the title to the guns to be vested in the State of Idaho; but no expense shall be caused to the United States through the delivery of the guns.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PERDIDO RIVER BRIDGE AT WATERS FERRY, ALABAMA.

The bill (H. R. 13548) to authorize the commissioners' court of Baldwin County, Ala., to construct a bridge across Perdido River at Waters Ferry, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DISPOSAL OF ISOLATED TRACTS OF PUBLIC LANDS.

The bill (S. 4190) to repeal an act entitled "An act to amend section 2455 of the Revised Statutes of the United States," approved February 26, 1895, and to provide for the disposal of isolated tracts of public lands, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Lands with an amendment to strike out all after the enacting clause, and insert:

That the act of February 26, 1895, entitled "An act to amend section 2455 of the Revised Statutes of the United States," be, and the same is hereby, amended so as to read as follows:

"It shall be lawful for the Commissioner of the General Land Office to order into market and sell, for not less than $1.25 per acre, any isolated or disconnected tract or parcel of the public domain less than one quarter section which, in his judgment, it would be proper to expose for sale after at least thirty days' notice by the land officers of the district in which such land may be situated: *Provided*, That lands upon which valuable improvements are located shall only be sold at public auction to the highest bidder after due notice."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to amend an act entitled 'An act to amend section 2455 of the Revised Statutes of the United States,' approved February 26, 1895."

INSPECTORS OF HULLS AND BOILERS.

The bill (S. 4300) to amend section 4414 of the Revised Statutes of the United States, inspectors of hulls and boilers of steam vessels, was announced as next in order.

Mr. FRYE. That bill may be passed over for the present, retaining its place on the Calendar.

The VICE-PRESIDENT. Without objection, it is so ordered.

NONRESIDENT TUITION CHARGE IN DISTRICT PUBLIC SCHOOLS.

The bill (S. 4302) to amend the provision in an act approved March 3, 1899, imposing a charge for tuition on nonresident pupils in the public schools of the District of Columbia was considered as in Committee of the Whole. It proposes that the provision in the act entitled "An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1900, and for other purposes," approved March 3, 1899, which reads:

That hereafter pupils shall not be admitted to or taught free of charge in the public schools of the District of Columbia who do not reside in said District, or whose parents do not reside or are not engaged in business or public duties therein, etc.—

be amended so as to read as follows:

That hereafter pupils shall not be admitted to or taught free of charge in the public schools of the District of Columbia who do not reside in said District, or who during such tutelage do not own property in and pay taxes levied by the government of the District of Columbia, or whose parents do not reside or are not engaged in business or public duties therein, or during such tutelage pay taxes levied by the government of the District of Columbia: *Provided*, That such pupils may be admitted to and taught in said public schools on the payment of such amount, to be fixed by the board of trustees, with the approval of the Commissioners of said District, as will cover the expense of their tuition and cost of text-books and school supplies used by them; and all payments hereunder shall be paid into the Treasury, one-half to the credit of the United States and one-half to the credit of the District of Columbia.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ALASKAN RAILROAD, TELEGRAPH, AND TELEPHONE LINE.

The bill (S. 191) to aid in the construction of a railroad and telegraph and telephone line in the district of Alaska was announced as next in order.

Mr. ELKINS. I ask to have taken up at this time, out of order, a bill which appears a little later on the Calendar.

Mr. GALLINGER. Oh, no. Let us go along with the Calendar regularly. In that way the Senator's bill will soon be reached.

Mr. FORAKER. I ask what is the Order of Business, Mr. President?

The SECRETARY. Order of Business 1059, being the bill (S. 191) to aid in the construction of a railroad and telegraph and telephone line in the district of Alaska.

Mr. BURNHAM. I ask that that bill may be passed over without prejudice.

The VICE-PRESIDENT. The bill will be passed over, retaining its place on the Calendar.

PROHIBITION OF GAMBLING IN THE TERRITORIES.

The bill (S. 2844) to prohibit gambling in the Territories of Arizona, New Mexico, Oklahoma, and Indian Territory was announced as next in order.

The VICE-PRESIDENT. That bill will also be passed over under the request of the Senator from New Hampshire [Mr. BURNHAM], retaining its place on the Calendar.

Mr. FORAKER. As to that bill I wish to say that I desire to be present when it is taken up. I am willing to have it taken up for consideration at any time that may suit the convenience of the Senate; but I do not want to have it taken up when I am absent. I hope the Secretary will make a memorandum to that effect.

Mr. GALLINGER. Let that bill go over under Rule IX. Manifestly we can not dispose of it under the five-minute rule.

Mr. KEAN. I think that bill ought to go over under Rule IX.

The VICE-PRESIDENT. Objection being made, the bill will go over under Rule IX.

TOWN SITES IN OKLAHOMA.

The bill (H. R. 11783) for the establishment of town sites, and for the sale of lots within the common lands of the Kiowa, Comanche, and Apache Indians in Oklahoma, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PROTECTION OF CITIZENS ABROAD.

The joint resolution (S. R. 30) to create a commission to examine into the subjects of citizenship of the United States, expatriation, and protection abroad was announced as next in order.

Mr. SPOONER. From what committee does that joint resolution come?

The VICE-PRESIDENT. From the Committee on Foreign Relations. It was reported by the Senator from Wyoming [Mr. CLARK].

Mr. MORGAN. Mr. President, I was not present in the Committee on Foreign Relations when that joint resolution was considered. I suppose they gave due care to it, but it seems to me an entire usurpation of the powers of the Committee on the Judiciary. That committee certainly has recommended the passage of every law in regard to citizenship that has ever gone upon the statute books, and I do not see why we should have a special commission to ascertain what the law is or what it ought to be in regard to citizenship of the United States.

Mr. LODGE. This is for the protection of citizens abroad.

Mr. MORGAN. Is it confined to citizens abroad?

Mr. LODGE. I think so. The joint resolution was reported by the member of the Committee on Foreign Relations who is the chairman of the Committee on the Judiciary.

Mr. MORGAN. If an objection will carry that joint resolution over, Mr. President, I must object.

The VICE-PRESIDENT. Under objection, the joint resolution will lie over without prejudice.

BATTLE MOUNTAIN SANITARIUM RESERVE.

The bill (H. R. 15085) to set apart certain lands in the State of South Dakota, to be known as the Battle Mountain Sanitarium Reserve, was announced as next in order.

The bill was read.

Mr. ALLISON. Let that bill go over without prejudice.

The VICE-PRESIDENT. Under objection, the bill will lie over without prejudice.

PENALTY FOR CERTAIN OFFENSES IN THE DISTRICT.

The bill (S. 2877) increasing the penalty for certain offenses in the District of Columbia was announced as next in order.

Mr. GALLINGER. Let that bill go over. The other House acted on a similar bill yesterday and passed it with certain amendments, and doubtless it will soon be before the Senate.

The VICE-PRESIDENT. On the objection of the Senator from New Hampshire, the bill will lie over without prejudice.

JAMES A. RUSSELL.

The bill (S. 502) for the relief of James A. Russell was considered as in Committee of the Whole. It proposes to appropriate $100 to pay James A. Russell for transporting the mail on route No. 6531, from New Smyrna to Indian River, Florida, from January 1 to March 31, 1861.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

RIGHTS UNDER BERING SEA ARBITRATION AWARD.

The bill (S. 2286) to confer jurisdiction upon the circuit court of the United States for the ninth circuit to determine in equity the rights of American citizens under the award of the Bering Sea arbitration at Paris, and to render judgment thereon, was announced as next in order.

Mr. NELSON. Let that bill go over, Mr. President.

The VICE-PRESIDENT. Under objection, the bill will lie over.

KIOWA, ETC., INDIAN RESERVATIONS IN OKLAHOMA.

The bill (H. R. 431) to open for settlement 505,000 acres of land in the Kiowa, Comanche, and Apache Indian reservations, in Oklahoma Territory, was considered as in Committee of the Whole.

Mr. SPOONER. I desire to inquire whether the bill is recommended by the Secretary of the Interior? There is no report with it, except one of five lines. It is a House bill, however, and I suppose it is all right.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MONUMENT TO JOHN PAUL JONES.

The bill (S. 685) for the erection of a monument to the memory of John Paul Jones was considered as in Committee of the Whole.

It proposes to appropriate $50,000 for the erection, in the city of Washington, D. C., of a statue to the memory of John Paul Jones; and for the purpose of procuring and erecting the statue, with a suitable pedestal, and for the preparation of a site.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MONUMENT TO DOROTHEA LYNDE DIX.

The joint resolution (S. R. 1) for the erection of a monument to the memory of Dorothea Lynde Dix, was considered as in Committee of the Whole.

It proposes to appropriate $10,000 for the purpose of preparing and improving a site and erecting and completing the erection of a monument to the memory of Dorothea Lynde Dix on the property now owned by The National Dorothea Dix Memorial Association at Hampden.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. FRYE. I do not think there is any necessity for a preamble being in the bill.

Mr. GALLINGER. Let the preamble be stricken out.

The VICE-PRESIDENT. Without objection, the preamble will be stricken out.

SITE FOR STATUE OF HENRY WADSWORTH LONGFELLOW.

The joint resolution (S. R. 20) directing the selection of a site for the erection of a bronze statue in Washington, D. C., in honor of the late Henry Wadsworth Longfellow, was considered as in Committee of the Whole.

The joint resolution was reported from the Committee on the Library with an amendment to strike out all after the resolving clause and insert:

That the chairman of the Committee on the Library of the Senate, the chairman of the Committee on the Library of the House of Representatives, the Secretary of War, and the president of the Longfellow National Memorial Association are hereby created a commission to select and prepare a site on property belonging to the United States in the city of Washington, other than the grounds of the Capitol or Library of Congress, and erect thereon a suitable pedestal for a statue in bronze of the late Henry Wadsworth Longfellow, to be provided by the Longfellow National Memorial Association.

SEC. 2. That for the preparation of the site so selected and the erection of the pedestal the sum of $4,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated: *Provided*, That the design for said statue shall be approved by the commission herein created.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

PROPOSED GENERAL BRIDGE LAW.

The bill (H. R. 6009) to regulate the construction of bridges over navigable waters was considered as in Committee of the Whole.

The bill had been reported from the Committee on Commerce with an amendment, to insert after line 18, on page 2, the following as a new section:

SEC. 3. That all railroad companies desiring the use of any railroad bridge built in accordance with the provisions of this act shall be entitled to equal rights and privileges relative to the passage of railway trains or cars over the same and over the approaches thereto upon payment of a reasonable compensation for such use; and in case of any disagreement between the parties in regard to the terms of such use or the sums to be paid all matters at issue shall be determined by the Secretary of War upon hearing the allegations and proofs submitted to him.

The amendment was agreed to.

Mr. GALLINGER. It strikes me that it would be well to transpose sections 6 and 7, so as to make the repealing clause the last section. I make that motion.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

PUBLIC BUILDING AT EUREKA, CAL.

The bill (S. 1831) to provide for the purchase of a site and the erection of a public building at Eureka, Cal., was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Buildings and Grounds with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a site and cause to be erected thereon a suitable building, including fireproof vaults, heating and ventilating apparatus, elevators, and approaches, for the use and accommodation of the United States post-office and other Government offices in the city of Eureka, State of California, the cost of said site and building, including said vaults, heating and ventilating apparatus, elevators, and approaches, complete, not to exceed the sum of $175,000.

Proposals for the sale of land suitable for said site shall be invited by public advertisement in one or more of the newspapers of said city of largest circulation for at least twenty days prior to the date specified in said advertisement for the opening of said proposals.

The building shall be unexposed to danger from fire by an open space of at least 40 feet on each side, including streets and alleys.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

NEW JERSEY-DELAWARE TERRITORIAL LIMITS.

Mr. KNOX. I ask unanimous consent, out of order, to make a report. I am directed by the Committee on the Judiciary, to whom was referred the bill (S. 4975) giving the consent of Congress to an agreement or compact entered into between the State of New Jersey and the State of Delaware respecting the territorial limits and jurisdiction of said States, to report it favorably with amendments to the preamble.

Mr. KEAN. I ask unanimous consent for the present consideration of the bill just reported.

The VICE-PRESIDENT. The Senator from New Jersey asks unanimous consent for the present consideration of the bill just reported. Is there objection?

Mr. GALLINGER. I think we had better proceed with the Calendar.

The VICE-PRESIDENT. There is objection.

Mr. KEAN. Allow me to say to the Senator that this is an

important matter. It concerns only the States of New Jersey and Delaware, and the bill proposes to settle a lawsuit which has been going on for more than sixty years. It will take but a moment.

Mr. GALLINGER. It being important, of course I withdraw my objection and will let the bill be considered.

By unanimous consent the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The amendments of the Committee on the Judiciary to the preamble were, on page 6, line 9 of the preamble, after the word "this," to insert "twenty-first;" in the same line, after the word "of," to insert "March;" in line 10 to strike out the word "and;" in the same line, after the word "five," to strike out the semicolon and insert a period; and to strike out lines 11, 12, and 13 and to insert:

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| ROBERT H. MCCARTER. | ROBERT H. RICHARDS. |
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| CHAUNCEY G. PARKER. | GEORGE H. BATES. |

And whereas the said agreement has been confirmed by the legislatures of the said States of New Jersey and Delaware, respectively: Therefore—

So as to make the preamble and bill read:

Whereas commissioners duly appointed on the part of the State of New Jersey and commissioners duly appointed on the part of the State of Delaware, for the purpose of agreeing upon and settling the jurisdiction and territorial limits of the two States have executed certain articles, which are contained in the words following, namely:

"First. Whereas a controversy hath heretofore existed between the States of New Jersey and Delaware relative to the jurisdiction of such portion of the Delaware River as is included within the circle of 12-mile radius, an arc of which constitutes the northern boundary of the State of Delaware, and it is the mutual desire of said States to so settle and determine such controversy as to prevent future complications arising therefrom; and

"Whereas there is now pending in the Supreme Court of the United States a cause wherein the said State of New Jersey is the complainant and the said State of Delaware is the defendant, in which cause an injunction has been issued against the State of Delaware restraining the execution of certain statutes of the State of Delaware relating to fisheries in said river, which said litigation hath been pending for twenty-seven years and upwards; and

"Whereas for the purpose of adjusting the differences between the said two States arising out of said conflict of jurisdiction, Edward C. Stokes, Robert H. McCarter, Franklin Murphy, and Chauncey G. Parker have been appointed commissioners on the part of the State of New Jersey by joint resolution of the legislature of said State, and Preston Lea, Robert H. Richards, Herbert H. Ward, and George H. Bates have been appointed commissioners on the part of the State of Delaware by joint resolution of the general assembly of said State, to frame a compact or agreement between the said States and legislation consequent thereon, to be submitted to the legislatures of said two States for action thereon, looking to the amicable termination of said suit between said States now pending in the Supreme Court of the United States, and the final adjustment of all controversies relating to the boundary line between said States, and to their respective rights in the Delaware River and Bay: Now, therefore,

"The said State of New Jersey, by its commissioners above named, and the said State of Delaware, by its commissioners above named, do hereby make and enter into a compact or agreement between said States as follows:

"ARTICLE I. Criminal process issued under the authority of the State of New Jersey against any person accused of an offense committed upon the soil of said State, or upon the eastern half of said Delaware River, or committed on board of any vessel being under the exclusive jurisdiction of that State, and also civil process issued under the authority of the State of New Jersey against any person domiciled in that State, or against property taken out of that State to evade the laws thereof, may be served upon any porion of the Delaware River between said States from low-water mark on the New Jersey shore to low-water mark on the Delaware shore, except upon Reedy and Pea Patch islands, unless said person or property shall be on board a vessel aground upon or fastened to the shore of the State of Delaware, or the shores of said islands, or fastened to a wharf adjoining thereto, or unless such person shall be under arrest or such property shall be under seizure by virtue of process or authority of the State of Delaware.

"ART. II. Criminal process issued under the authority of the State of Delaware against any person accused of an offense committed upon the soil of said State, or upon the western half of said Delaware River, or committed on board of any vessel being under the exclusive jurisdiction of that State, and also civil process issued under the authority of the State of Delaware against any person domiciled in that State, or against property taken out of that State to evade the laws thereof, may be served upon any portion of the Delaware River between said States from low-water mark on the Delaware shore to low-water mark on the New Jersey shore, unless said person or property shall be on board a vessel aground upon or fastened to the shore of the State of New Jersey, or fastened to a wharf adjoining thereto, or unless such person shall be under arrest or such property shall be under seizure by virtue of process or authority of the State of New Jersey.

"ART. III. The inhabitants of the said States of Delaware and New Jersey shall have and enjoy a common right of fishery throughout, in, and over the waters of said river between low-water marks on each side of said river between the said States, except so far as either State may have heretofore granted valid and subsisting private rights of fishery.

"ART. IV. Immediately upon the execution hereof the legislature of of the State of New Jersey shall appoint three commissioners to confer with three commissioners to be immediately appointed by the general assembly of the State of Delaware for the purpose of drafting uniform laws to regulate the catching and taking of fish in the Delaware River and Bay between said two States, which said commissioners for each State, respectively, shall, within two years, from the date of their appointment, report to the legislature of each of said States the proposed laws so framed and recommended by said joint commission. Upon the adoption and passage of said laws so recommended by the respective legislatures of said two States said laws shall constitute the sole laws for the regulation of the taking and catching of fish in the said river and bay between said States. Said laws shall remain in force until altered, amended, or repealed by concurrent legislation of the said two States. Said commissioners shall also ascertain the dividing line between said river and bay, and upon each of the shores of said two States where said dividing line extended shall intersect the same, shall, at the joint expense of said States, erect a suitable monument to mark the said dividing line. Said dividing line between said monuments shall be the division line between the said river and bay for the interpretation of and for all purposes of this compact, and of the concurrent legislation provided for therein.

"The faith of the said contracting States is hereby pledged to the enactment of said laws so recommended by said commissioners, or to such concurrent legislation as may seem judicious and proper in the premises to the respective legislatures thereof.

"Each State shall have and exercise exclusive jurisdiction within said river to arrest, try, and punish its own inhabitants for violation of the concurrent legislation relating to fishery herein provided for.

"ART. V. All laws of said States relating to the regulation of fisheries in the Delaware River not inconsistent with the right of common fishery hereinabove mentioned shall continue in force in said respective States until the enactment of said concurrent legislation as herein provided.

"ART. VI. Nothing herein contained shall affect the planting, catching, or taking of oysters, clams, or other shellfish, or interfere with the oyster industry as now or hereafter carried on under the laws of either State.

"ART. VII. Each State may, on its own side of the river, continue to exercise riparian jurisdiction of every kind and nature, and to make grants, leases, and conveyances of riparian lands and rights under the laws of the respective States.

"ART. VIII. Nothing herein contained shall affect the territorial limits, rights, or jurisdiction of either State of, in, or over the Delaware River, or the ownership of the subaqueous soil thereof, except as herein expressly set forth.

"ART IX. This agreement shall be executed by the said commissioners when authorized to do so by the legislatures of the said States. It shall thereupon be submitted to Congress for its consent and approval. Upon the ratification thereof by Congress it shall be and become binding in perpetuity upon both of said States; and thereupon the suit now pending in the Supreme Court of the United States, in which the State of New Jersey is complainant and the State of Delaware is defendant, shall be discontinued without costs to either party and without prejudice. Pending the ratification hereof by Congress said suit shall remain in statu quo.

"Done in two parts (one of which is retained by the commissioners of Delaware, to be delivered to the governor of that State, and the other one of which is retained by the commissioners of New Jersey, to be delivered to the governor of that State) this 21st day of March, in the year of our Lord 1905.

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And whereas the said agreement has been confirmed by the legislatures of the said States of New Jersey and Delaware, respectively: Therefore

*Be it enacted, etc.*, That the consent of the Congress of the United States is hereby given to the said agreement and to each and every part and article thereof: *Provided*, That nothing therein contained shall be construed to impair or in any manner affect any right or jurisdiction of the United States in and over the islands or waters which form the subject of the said agreement.

The amendments were agreed to.

The preamble as amended was agreed to.

### LAND IN HOT SPRINGS, ARK.

The bill (S. 4434) ceding a parcel or strip of land to the city of Hot Springs, Ark., for use as a public street, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

### PRIVATE SALMON HATCHERIES IN ALASKA.

The bill (S. 1459) to encourage private salmon hatcheries in Alaska was announced as the next business in order on the Calendar.

Mr. PERKINS. I ask that the bill go over without prejudice, retaining its relative place on the Calendar.

The VICE-PRESIDENT. It is so ordered.

### BONDS AND OATHS OF SHIPPING COMMISSIONERS.

The bill (S. 4339) to amend section 4502 of the Revised Statutes of the United States, relating to bonds and oaths of shipping commissioners, was considered as in Committee of the Whole. It proposes to amend the section so as to read as follows:

SEC. 4502. Every shipping commissioner so appointed shall give bond to the United States, conditioned for the faithful performance of the duties of his office, for a sum, in the discretion of the Secretary of Commerce and Labor, of not less than $5,000, in such form and with such security as the Secretary of Commerce and Labor shall direct and approve; and shall take and subscribe the oath prescribed by section 1757 of the Revised Statutes before entering upon the duties of his office: *Provided*, That nothing in this section shall be construed to affect in any respect the liability of principal or sureties on any bond heretofore given by any shipping commissioner.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT KEARNEY, NEBR.

The bill (S. 1683) to provide for the purchase of a site and the erection of a public building thereon in the city of Kearney, State of Nebraska, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Buildings and Grounds with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a site, and cause to be erected thereon a suitable building, including fireproof vaults, heating and ventilating apparatus, elevators, and approaches, for the use of the United States post-office, weather bureau, and other Government offices in the city of Kearney, State of Nebraska, the cost of said building, including said vaults, heating and ventilating apparatus, elevators, and approaches, complete, not to exceed the sum of $100,000.

Proposals for the sale of land suitable for said site shall be invited by public advertisement by one or more of the newspapers of said city of the largest circulation for at least twenty days prior to the date specified in said advertisement for the opening of said proposals.

The building shall be unexposed to danger from fire by an open space of at least 40 feet on each side, including streets and alleys.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

REGULATION OF RAILROAD RATES.

The bill (H. R. 12707) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof and to enlarge the powers of the Interstate Commerce Commission, was announced as the next business in order.

Mr. GALLINGER. Let the bill go over.

The VICE-PRESIDENT. Objection being made on the part of the Senator from New Hampshire, the bill will go over, retaining its place on the Calendar.

STREET PARKING IN THE DISTRICT OF COLUMBIA.

The bill (S. 4168) to correct a typographical error in act approved July 1, 1898, entitled "An act to vest in the Commissioners of the District of Columbia control of street parking in said District," was considered as in Committee of the Whole.

The bill had been reported from the Committee on the District of Columbia with an amendment, to strike out all after the enacting clause and insert:

That the act of Congress approved July 1, 1898, entitled "An act to vest in the Commissioners of the District of Columbia control of street parking in said District," be, and it is hereby, amended by striking out of paragraph 5 of section 2 of said act the words "Class B," and substituting therefor the words "Classes (a) and (b)."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EXTENSION OF BUILDINGS IN THE DISTRICT.

The bill (S. 4170) to amend an act approved March 3, 1901, entitled "An act making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1891, and for prior years, and for other purposes," was considered as in Committee of the Whole.

The bill had been reported from the Committee on the District of Columbia, with amendments, on page 1, line 3, after the word "third," to strike out "nineteen hundred and one" and insert "eighteen hundred and ninety-one;" and in line 5, on page 2, after the word "thereof," to strike out "in the city of Washington;" so as to make the bill read:

*Be it enacted, etc.*, That the act of Congress approved March 3, 1891, entitled "An act making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1891, and for prior years, and for other purposes," be, and it is hereby, amended so that the first paragraph under the heading "District of Columbia" in said act shall read as follows:

"That the action of the Commissioners of the District of Columbia in heretofore granting permits for the extension of any building or buildings, or any part or parts thereof, in the District of Columbia, beyond the building line and upon the streets and avenues of said city, is hereby ratified, without prejudice, however, to the legal rights of the Government in the event of the destruction by fire or otherwise of any such structure. And hereafter no such permits shall be granted except upon special application and with the concurrence of all of said Commissioners and, where such extensions are to be placed upon buildings to be erected on land adjoining United States public reservations, the approval of the Secretary of War."

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to amend an act approved March 3, 1891, entitled 'An act making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1891, and for prior years, and for other purposes.'"

NICOLA MASINO.

The bill (S. 2270) for the relief of Nicola Masino, of the District of Columbia, was considered as in Committee of the Whole. It provides that all real estate lying in the District of Columbia heretofore purchased by and conveyed to Nicola Masino prior to the passage of the bill be relieved and exempted from the operation of the "Act to restrict the ownership of real estate in the Territories to American citizens."

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FISH-WHARF REGULATIONS.

The bill (H. R. 4459) authorizing the Commissioners of the District of Columbia to make regulations respecting the rights and privileges of the fish wharf was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DISTRICT PUBLIC HAY-SCALES REGULATIONS.

The bill (H. R. 4469) authorizing the Commissioners of the District of Columbia to make regulations respecting the public hay scales was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GAMBLING IN THE TERRITORIES.

The bill (H. R. 10853) to prohibit gambling in the Territories was announced as the next business in order on the Calendar.

Mr. KEAN. Let the bill go over.

Mr. GALLINGER. I judge from what the Senator from Ohio said this morning that he would desire it to go over.

The VICE-PRESIDENT. It will go over without prejudice.

Mr. KEAN. The other bill went to the Calendar under Rule IX. I think this had better do likewise.

Mr. GALLINGER. I think so. Ask it.

The VICE-PRESIDENT. Does the Senator ask that the bill go to the Calendar under Rule IX?

Mr. KEAN. I have no objection to its going to the Calendar under Rule IX.

Mr. GALLINGER. I think that is proper.

Mr. KEAN. The other one went there, and they are practically the same thing.

The VICE-PRESIDENT. It will be so ordered, in the absence of objection.

DEPARTMENTAL INFORMATION AFFECTING MARKETS.

The bill (H. R. 10129) to amend section 5501 of the Revised Statutes of the United States was considered as in Committee of the Whole.

The bill was reported from the Committee on the Judiciary with amendments, on page 1, line 6, after the word "officer," to strike out "or employee;" in line 10, after the word "said," to strike out "such;" on page 2, line 9, after the word "not," to insert "less than one year nor;" in line 10, after the word "and," to strike out "shall" and insert "may, in addition;" in line 11, after the word "not," to strike out "to exceed" and insert "less than $500 nor more than;" in line 13, after the word "officer," to strike out "or employee;" in line 15, after the words "virtue of," to insert "the authority of;" in line 16, after the word "Government," to insert "thereof;" in line 17, after the word "shall," to strike out "by virtue of the" and insert "while holding said;" in line 23, after the word "company," to insert "and which information is required by law or under the rules of any Department of the Government to be withheld from publication until a fixed time;" on page 3, line 5, after the word "not," to insert "less than $500 nor;" and in line 6, after the word "not," to insert "less than one year nor;" so as to make the bill read:

*Be it enacted, etc.*, That section 5501 of the Revised Statutes of the United States is hereby amended by adding thereto the following:

"SEC. 5501a. Every officer of the United States and every person acting for or on behalf of the United States in any official capacity under or by virtue of the authority of any Department or office of the Government, who shall, while holding said office or position, become possessed of any information which would tend to exert an influence upon or affect the market value of any product grown within the United States, or which would tend to exert an influence upon or affect the market value of the bonds of the United States or the stocks or bonds of any incorporated company, which information is required by law or under the rules of any Department of the Government to be withheld from publication until a fixed time, and who shall willfully impart, either directly or indirectly, said information, or any part thereof, to any person not entitled under the law or rules of the Department of the Government to receive same, shall be punished by imprisonment for not

less than one year nor more than five years, and may, in addition, be fined in any sum not less than $500 nor more than $5,000.

"SEC. 5501b. Every officer of the United States and every person acting for or on behalf of the United States in any official capacity under or by virtue of the authority of any Department or office of the Government thereof who shall, while holding said office or position held by him, become possessed of any information which would tend to exert an influence upon or affect the market value of any product grown within the United States, or which would tend to exert an influence upon or affect the market value of the bonds of the United States or the stocks or bonds of any incorporated company, and which information is required by law or under the rules of any Department of the Government to be withheld from publication until a fixed time, and who shall, before said information is made public through regular official channels, either directly or indirectly, speculate in said product, stocks, or bonds, by selling or buying same in any quantity, shall be punished by a fine of not less than $500 nor more than $5,000 and may be imprisoned for not less than one year nor more than five years."

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

BUST OF PRESIDENT ZACHARY TAYLOR.

The bill (S. 2266) authorizing the Joint Committee on the Library to purchase a bust of President Zachary Taylor was considered as in Committee of the Whole. It proposes to purchase of Mrs. Lola Wood, widow and sole executrix of John Taylor Wood, esq. (who was a grandson of President Zachary Taylor), a bust of President Zachary Taylor in her possession, if the same can be bought for a sum not exceeding $2,000.

Mr. GALLINGER. In line 4, before the word "Lola," I move to strike out the word "Mistress."

The amendment was agreed to.

Mr. GALLINGER. In line 5, after the name "Wood," I move to strike out "esquire."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JAMES M. M'GEE.

The bill (S. 503) to reimburse James M. McGee, M. D., for expenses incurred in the burial of Mary J. De Lange, a deceased pensioner, was considered as in Committee of the Whole. It proposes to pay James M. McGee, M. D., $76.75, for funeral expenses incurred in the burial of Mary J. De Lange, deceased, who was pensioned on certificate No. 290818 as the widow of Augustus De Lange, late captain Company C, One hundred and forty-fourth Illinois Volunteers.

Mr. GALLINGER. In lines 4 and 5 I move to strike out the words "doctor of medicine."

The amendment was agreed to.

Mr. GALLINGER. In line 7, after the words "De Lange," I move to strike out "deceased."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to reimburse James M. McGee for expenses incurred in the burial of Mary J. De Lange."

RIGHTS UNDER BERING SEA ARBITRATION AWARD.

Mr. SPOONER. On the 5th of March the Senate passed the bill (S. 2286) to confer jurisdiction upon the circuit court of the United States for the ninth circuit to determine in equity the rights of American citizens under the award of the Bering Sea arbitration of Paris and to render judgment thereon.

I entered a motion to reconsider the vote by which the bill was passed, in order that I might examine it somewhat, which I have done. I ask leave to withdraw the motion.

The VICE-PRESIDENT. The Senator from Wisconsin withdraws his motion to reconsider the bill, and the bill stands passed.

JOHN H. HAMITER.

The bill (S. 3283) for the relief of John H. Hamiter was announced as next in order.

Mr. LODGE. Let the bill go over.

The VICE-PRESIDENT. Under objection, the bill will go over without prejudice.

J. DE L. LAFITTE.

The bill (S. 1221) for the relief of J. de L. Lafitte was announced as next in order.

Mr. KEAN. Let the bill go over.

The VICE-PRESIDENT. Under objection, the bill will go over without prejudice.

MARY C. MAYERS.

The bill (S. 3842) for the relief of Mary C. Mayers was announced as next in order.

Mr. SPOONER. Let the bill go over.

The VICE-PRESIDENT. Under objection, the bill will go over without prejudice.

Mr. SPOONER. Let it go over under Rule IX.

The VICE-PRESIDENT. The bill, at the request of the Senator from Wisconsin, will go to the Calendar under Rule IX.

BRIDGES ACROSS DOG RIVER AND FOWL RIVER, ALABAMA.

The bill (S. 4513) to authorize the Mobile Railway and Dock Company to construct and maintain bridges across Dog River and Fowl River in Mobile County, State of Alabama, was considered as in Committee of the Whole.

Mr. PERKINS. I should like to ask the Senator from Maine [Mr. FRYE], the chairman of the Committee on Commerce, if it is necessary to pass this special bill, since we have this morning passed a general bridge bill?

Mr. FRYE. Undoubtedly it is, because the general bridge bill may not become a law. It was amended in one particular, and there may be difficulty about its final passage in the other House.

The bill was reported from the Committee on Commerce with an amendment, in section 2, page 2, line 1, after the words "shall be," to strike out "a lawful structure and shall be known and recognized as a post route, and the same is hereby declared to be a post route" and insert "lawful structures and shall be known and recognized as post routes, and the same are hereby declared to be post routes;" so as to make the section read:

SEC. 2. That any bridges constructed under this act and according to its limitations shall be lawful structures and shall be known and recognized as post routes, and the same are hereby declared to be post routes, upon which, also, no higher charge shall be made for transportation over the same of the mails, the troops, or munitions of war of the United States than the rate per mile paid for transportation over railroads or public highways leading to the said bridges, and the United States shall have the right of way for a postal telegraph across said bridges.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BATTLE MOUNTAIN SANITARIUM RESERVE.

Mr. ALLISON. Mr. President, some moments ago I asked that Order of Business 1180, House bill 15085, be passed over without prejudice. I did that at the moment because I got the impression from the Calendar that the bill had not been referred to a committee. I had no objection to the measure, but I did not understand it. I now wish to withdraw my objection, as I have looked into the bill, and I do not object to it.

The VICE-PRESIDENT. The Senator from Iowa withdraws his objection to the bill (H. R. 15085) to set apart certain lands in the State of South Dakota, to be known as the Battle Mountain Sanitarium Reserve. If there is no further objection, the bill will be considered at this time. [A pause.] The Chair would invite the attention of the Senator from Iowa to the request of the Senator from South Dakota [Mr. GAMBLE] that he be present when the bill is considered.

Mr. ALLISON. I suppose the Senator from South Dakota took it for granted that I had some objection to it.

The VICE-PRESIDENT. The Chair is of the impression that the Senator from South Dakota desires the bill to pass, but he left that notice with the Secretary.

Mr. SPOONER. I suppose he did not want it killed in his absence.

Mr. ALLISON. I have no interest in the bill one way or the other, although I think it ought to pass.

Mr. CULLOM. I think the only purpose the Senator from South Dakota had was to be sure that it was not acted upon unfavorably in his absence.

Mr. TILLMAN. I notice that that bill is one of considerable length, and can hardly be disposed of before 2 o'clock.

The VICE-PRESIDENT. The bill has been read twice.

Mr. TILLMAN. If the Chair declares that it can be passed without any further reading, I shall have no objection.

The VICE-PRESIDENT. Is there objection to the consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOHN H. PARKER.

The VICE-PRESIDENT laid before the Senate the following concurrent resolution of the House of Representatives; which was considered by unanimous consent, and agreed to:

*Resolved by the House of Representatives (the Senate concurring)*, That the President be requested to return to the House of Representatives the bill (H. R. 10588) entitled "An act granting a pension to John H. Parker."

JUVENILE COURT FOR THE DISTRICT OF COLUMBIA.

The VICE-PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 51) to create a juvenile court in and for the District of Columbia.

The Secretary proceeded to read the amendments.

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is House bill 12987.

Mr. GALLINGER. This, I believe, is a privileged matter.

The VICE-PRESIDENT. The Chair so understands.

Mr. TILLMAN. It is not my purpose to unduly press the unfinished business, but I do not think anyone is altogether satisfied with the present arrangement under which we are working——

The VICE-PRESIDENT. Will the Senator from South Carolina suspend for a moment until the amendments of the House of Representatives to the bill are fully laid before the Senate?

Mr. GALLINGER. It will take but a moment.

Mr. TILLMAN. I will give way.

The Secretary resumed and concluded the reading of the amendments of the House of Representatives, which were—

On page 1, line 8, after "States," insert "subject to removal by the President for cause by and with the advice and consent of."

On page 1, line 8, after "and," strike out "confirmed by."

On page 1, line 14, strike out "with pay during each calendar year" and insert "without deduction from salary."

On page 2, line 7, after "peace," insert "of said district."

On page 2, line 24, after "judge," insert "and such presiding judge is authorized to remove such probation officers or either of them, for cause."

On page 3, line 4, strike out "and."

On page 3, line 15, strike out "and."

On page 5, line 14, strike out "of" where it occurs the first time, and insert "may impose similar conditions in."

On page 6, line 4, after "court," insert "to said schools respectively."

On page 9, line 8, strike out "last."

On page 9, line 8, after "Saturday," strike out "of each of said jury."

On page 9, line 9, strike out "terms" and insert "prior to the beginning of the following term."

On page 15, after line 21, insert:

"SEC. 25. That the provisions of this act shall be in full force and effect on and after July 1, 1906, and all laws or parts of laws inconsistent with the provisions of this act are hereby repealed."

Change section 25 to section 26.

Mr. GALLINGER. I move that the Senate concur in the amendments of the House of Representatives.

The motion was agreed to.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on the District of Columbia:

H. R. 11275. An act increasing the penalty for certain offenses in the District of Columbia;

H. R. 14582. An act for the removal of snow and ice from the paved sidewalks of the District of Columbia, and for other purposes;

H. R. 15643. An act to authorize the Board of Visitors of the Government Hospital for the Insane to summon and examine witnesses under oath, and making it a misdemeanor for any such witness to refuse to attend or testify or produce books or papers when summoned; and

H. R. 16384. An act regulating the speed of automobiles in the District of Columbia, and for other purposes.

REGULATION OF RAILROAD RATES.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12987) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, and to enlarge the power of the Interstate Commerce Commission.

Mr. TILLMAN. Mr. President, as I was saying a moment ago, it is not my purpose to unduly press the consideration of the railway rate regulation bill, but under the mode of procedure we are now following I think it is quite unsatisfactory, because taking it up at 2 o'clock there is hardly opportunity for more than one speech a day, as Senators very rarely are willing to make set speeches after 4 o'clock.

I feel that it is a matter of too great importance for us to have the appearance of dawdling or paltering with it, or losing unnecessary time. We have been working here for a couple of days on the Calendar, and we have passed a great many bills that are of no serious moment, whereas this important legislation is something that requires a great deal of discussion, I expect, and certainly a very serious consideration. I feel that we ought to give it as much attention as it deserves without obstructing necessary legislation.

I give notice now that I shall be glad if all those who want to speak on the bill will get ready as soon as possible. We do not want to have the bill lying here waiting and have Senators say, "Well, I want to speak on it," and then take a week, or two weeks, or three weeks, or a month to prepare such speeches. I therefore want to give notice that after to-morrow I will ask the Senate to proceed to the consideration of the bill immediately after the routine morning business, in order to give the day, or most of the day, to it. Of course we will give way for anything that is necessary or which would appeal to the Senate as desirable, but we want to press this legislation and let the Senate consider it calmly and fully, having Senators speak on it as often as they want or as long as Senators want, and we want to get to a vote as soon as possible.

Mr. FORAKER. Mr. President, only for fear that there may be some improper inference drawn from what the Senator has said, I want to state that the delay in taking up the bill until the hour of 2 o'clock has arrived, so far as to-day is concerned, was on account of the preference in that respect of the Senator from North Carolina [Mr. SIMMONS], who is now to address us. I talked with him yesterday about it, with a view to making time in the consideration of this measure. I want to speak on it myself before it is concluded, and I thought that I would like to know something of the order in which the speeches were to come.

Mr. TILLMAN. I am glad the Senator agrees that this measure is of too great importance for us to be losing two hours, or practically throwing away two hours, in the consideration of trivial matters when this great measure is before us. I give the notice to apply after to-morrow—I will state that I would begin to-morrow but for the fact that the Senator from Maryland [Mr. RAYNER] has given notice that at 2 o'clock to-morrow he will want to address the Senate, and it may disarrange things to change it.

Mr. LODGE. If the Senator will excuse me, I will state that the notice given by the Senator from Maryland is that he will begin after the routine morning business, and if the Senator carries out the notice given it will save time to-morrow.

Mr. TILLMAN. But the Senator from Maryland himself asked me to-day not to press for the consideration of the bill before 2 o'clock. Of course, if it is conformable to his wishes, I would be glad to have him carry out the notice he gave.

Mr. LODGE. I was reading what is on the Calendar; that is all. The Senator from Maryland gave notice that he would speak after the conclusion of the routine morning business to-morrow.

Mr. TILLMAN. The Senator from Maryland is here and can speak for himself. If he wishes to begin to-morrow after the routine business, of course it is all right. I want to conform to his wishes, and he told me himself that he preferred for certain reasons to begin to-morrow at 2 o'clock. But I want to notify the Senate that after to-morrow I shall ask the Senate to proceed to the consideration of this bill immediately after the routine morning business.

Mr. FORAKER. The only purpose I had in view, if the Senate will indulge me a moment, was to let it be known and go into the RECORD that there is no paltering, to use the language of the Senator from South Carolina, on the part of anybody who is opposed to the measure.

Mr. TILLMAN. I am trying to clear my own skirts without throwing rocks at anyone else or casting any insinuations. I am usually able to make myself understood. If I was undertaking to charge, or even to intimate, that anybody else was delaying it, I would say so in direct terms. But as the bill is in my keeping, and I have asked that it be taken up, and the 2 o'clock arrangement is the order of the Senate, or rather is under the regular rules, I now want to get away from the regular rules and go to the consideration of the bill as soon as we can get to it.

Mr. SIMMONS. Mr. President, practically all the arguments which have been made against legislation giving the Interstate Commerce Commission power to substitute a reasonable rate for one found to be unreasonable are based upon three general propositions—

First. That with the exception of abuses arising out of rebates and discriminations, there are no grievances growing out of present transportation conditions which can not be remedied with as much expedition as safety to the legitimate interest involved will allow under laws now in force.

Second. That the proposed legislation would be disastrous to the railroads and to the country.

Third. That it would be unconstitutional.

It is obvious, if these several propositions or any of them are sound, there is either no necessity for this legislation, or, if needed, it would be ineffective because unlawful.

No Senator has defended or will, I presume, defend rebates and discriminations. All will agree, I suppose, that if present laws are insufficient to remedy these evils they should be adequately amended.

I shall therefore give no attention to the features of the measure under consideration which relate to these practices, but shall confine myself to the proposition to confer upon the Interstate Commerce Commission power to fix rates under rules and standards prescribed by Congress.

Mr. President, I think I may assert as a general proposition, the soundness of which every public man's knowledge and experience will confirm, that the American people as a whole are not only conservative and tenacious in their adhesion to established policies, but that they frequently exhibit a degree of patience and forbearance with evils affecting their vital interests which are hampering and burdensome not equaled by any other people in the world. We have here, as they have everywhere, individuals and factions who raise a tumult over fancied wrongs, but our people never lend themselves to false clamor and are seldom misled by it. Whenever, therefore, the great mass and body of our people, without regard to section, vocation, or party alignment, are practically united in denouncing an existing system or condition as unjust and oppressive and in demanding a specific remedy, their protest and demand present an argument which, to a public servant at least, is or should be persuasive. This I believe to be the present attitude of a vast majority of the people of this country with respect to this rate question and the remedy proposed.

More than this, Mr. President, these protests and demands present in themselves a mass of evidence—an overwhelming aggregation of facts—growing out of the daily experience of 80,000,000 people with an existing business condition showing that the evils of which they complain are actual and militant.

In support, therefore, of the contention that existing transportation rates are in many instances unjust and unreasonably high, and that unfair and ruinous discriminations are practiced against individuals and localities, I wish here and now to put in evidence the almost innumerable petitions, memorials, and resolutions which have come to us from the legislatures of great States, from associations of bankers, merchants, livestock men, farmers, and laborers, as well as the complaints and demands of the great mass of producers and consumers from every part and section of the country which have found utterance through the press.

Mr. President, the railroads deny the justice of these complaints of the people and rely upon three general statements with reference to railroad rates and profits to show that they are unfounded:

First. They allege that their tariff schedules show that there has been little, if any, change in recent years in the rates charged against the six great classes into which for that purpose freights are subdivided.

Second. That statistics show that there has been practically no increase, if not in fact a small decrease, in recent years in the average rate per ton-mile.

Third. That profits on railroad investments are small.

These statements may be or they may not be true, but whether true or false the conclusions sought to be drawn from them are not only misleading but they are false.

The fact, Mr. President, if it be a fact, that the specific schedules of the six great classes into which most subjects of transportation are segregated and to which a common charge is applied have not been increased would not show, nor would it tend to show, that the freights actually paid by producers and shippers have not been increased. What it would show, and all that it would show, is that if rates have been increased they have not been increased by the open and above-board process of raising these class charges. As a matter of fact, shown by railroad statistics themselves, as well as by the reports of the Interstate Commerce Commission, railroad rates have been increased and largely increased during the last six years not by the process of raising the specific rate of schedule or commodities, but by the more insidious method of commodity reclassifications.

Beginning with the year 1900, hundreds and even thousands of articles have been reclassified by raising them from a lower to a higher priced class in the various orders promulgated by the railroads in the several divisions into which they have divided for this purpose the whole country. In one classification, known as Order No. 20, issued early in that year and applying to northern and eastern traffic, there were nearly 600 reclassifications, of which 572 were increases and only 6 reductions. By another reclassification order made in the same year and known as Order No. 30, and applying to western business, 257 reclassifications were made, of which 240 were increases and only 17 reductions, while by Order No. 25, applying to southern traffic, made in same year, out of 636 reclassifications 531 were increases.

Mr. President, candor requires that I should say that as to some of these orders there are more reductions than there are increases, and that, considering all reclassifications made during these years, it may be that the number of articles actually raised did not greatly exceed the number nominally reduced; but, Mr. President, the relative number of articles raised or reduced is comparatively unimportant. The significant fact is the commercial importance of the articles so raised or reduced and the resultant increase or decrease in the cost of their transportation. Now, Mr. President, an examination will conclusively show that during these years the commodities reduced compared with those increased are not only relatively of little commercial importance, but that the percentage of the reduction in rates on articles reduced is far below the percentage of increase in rates on articles increased.

For example, as a result of these reclassifications, in 1900 hay was raised from the sixth to the fifth class, and the freight on it thereby increased 80 cents per ton. In 1903, by the same process, the rate on iron and steel was advanced 20 cents, that on coal 10 cents, and that on lumber 40 cents.

These and like commodities which have been advanced by this process are articles of enormous production and consumption, constituting in the aggregate a large per cent of the total railroad tonnage of the country. It is obvious, therefore, Mr. President, that an increase in the rates charged on a few articles of this character more than offsets many hundreds of reductions on commodities of lesser commercial importance.

I have in my hands a letter from the chairman of the railroad commission of my own State, a lawyer of great ability, who has devoted the last six years of his life almost exclusively to the study of questions connected with his official duties, in which he says that the railroads of that State in 1902 attempted a sweeping reclassification of the subjects of transportation which, had it not been prevented by the commission over which he presides, would have raised rates upon domestic traffic in that State at least 33⅓ per cent.

Mr. President, I have often thought if every commodity of commerce had attached to it a label showing the difference in its cost to the final purchaser on account of our high tariff schedules, the rankest "stand-patter" in Congress would be unable to resist the overwhelming demand which would come to us for a reduction of these schedules. Likewise as overwhelming is the present demand for Government interference to protect the people against excessive railroad rates. I have no doubt the substitution of the reclassification method of rate advancement for the more open method of raising specific rates of schedules and commodities has served the railroad well and operated to both postpone and lessen the force of the present demand for relief, but, as in the case of the tariff, so in the case of the railroads, the truth is being forced home to the people by the heavy drafts made upon their earnings, and their mutterings of discontent grow louder and louder day by day.

Mr. President, the argument made by the railroads and in their behalf, based upon a comparison of the present average rate per ton-mile with that of a few years ago, is, as I said before, misleading, but even if the contention of the railroads that there has been no increase in this rate should be admitted, it would not justify the conclusion sought to be drawn from it, that there has been no material increase in the rates actually paid and collected. A superficial analysis of the problem will suffice to show that the average rate per ton-mile paid during two different periods, obtained by a calculation of total freights, number of miles it was hauled and charges actually paid for hauling it in two given periods, may be and are in certain circumstances of but little or no value in determining the actual difference in the transportation charges of these respective periods.

It is obvious if the high-grade commodities on which high rates are charged are mixed indiscriminately with low-grade commodities upon which lower rates are charged the average cost per ton-mile will be influenced to a far greater extent by the amount of tonnage hauled than by the rate charged. In other words, if the volume of low-grade commodities is increased while the volume of the high-grade commodities is stationary, or if the volume of the former is increased out of proportion to that of the latter without changing the specific charges against either, the average per ton-mile will be reduced or *e converso* raised. To illustrate: If two given sums of money are loaned, one at a higher and the other at a lower rate of interest, the average return from each dollar so loaned will be less than the higher and more than the lower rate charged.

Now, it is plain if the amount let at a lower rate is greatly increased while that let at a higher rate is not increased at all, or if the former is increased out of proportion to the latter, the average return from each dollar so let will be reduced or *e converso* increased.

Now, Mr. President, it is a fact of common knowledge, shown by statistics and verified by the reports of the Interstate Commerce Commission, that during the period of our great prosperity and business activity there has been an increase in the volume of low-grade freights altogether out of proportion to the increase in volume of high-grade freights, and that this fact has held down the increase in the average rate per ton-mile.

For instance: Manufactures, which are high grade and high price commodities, constituted, in 1890, 13.52 per cent of the total railroad tonnage of that year originating on all roads, and in 1904 only 13.41 per cent of that tonnage. Merchandise, also high grade and high price commodities, constituted, in 1890, 4.73 per cent of the total railroad tonnage of that year originating on all roads, and in 1904 only 4.83 per cent of that tonnage—practically no increase in relative percentage. On the other hand, coal and ore and other products of the mines, which are low grade and low price products, constituted, in 1890, only 47.32 per cent, while in 1904 they constituted 51.56 per cent of our total railroad tonnage, or, stated in figures, these products constituted in 1890, only 129,000,000 out of a total tonnage in that year of 274,000,000, while in 1904 they constituted 330,000,000 out of a total tonnage of 641,000,000 originating on all railroads. Lumber and other products of the forest, also low grade and low price products, constituted in 1889 only 10.89 per cent, and in 1904, 12.53 per cent of the total railroad tonnage of that year, or, stated in round figures, these products constituted in 1889 only 48,000,000 out of a total tonnage in that year of 441,000,000, while in 1904 they constituted 80,000,000 out of a total tonnage in that year of 641,000,000 originating on all railroads. On this estimate, to avoid the duplication necessarily involved, I do not include tonnage received from connecting roads.

With practically no increase during these years in the tonnage of manufactures and merchandise and other like high grade and high price commodities, contemporaneously with this enormous increase in the products of the mine and forest, and other like low grade and low price commodities, is it not apparent if there had not been a great increase in specific rates there would of necessity have been not a small but a large decrease in the average rate per ton-mile?

But, Mr. President, if, for the reasons I have just stated, there has been in recent years no increase in the average rate per ton-mile, the records of the railroads themselves show that there has undoubtedly been during this time a decidedly large increase in the average rate per ton.

For the year ending June 30, 1901, the increase in this average over the year ending June 30, 1899, was 7.49 cents per ton, the aggregate increase in revenue to the railroads from this cause in that year being, in round numbers, $80,000,000. For the year ending June 30, 1903, the average rate per ton was nearly 12¾ cents greater than in the year ending June 30, 1899, the aggregate increase in revenue to the railroads from this cause in that year being over $150,000,000.

Now, is it not plain, in these conditions, if there had been no increase in specific rates the average rate per ton as well as the average rate per ton-mile would of necessity have been reduced, and the fact that this general average per ton-mile was not materially reduced, while that per ton was increased, as I have shown, from 7 to 12 cents in five years shows to the point of demonstration that specific rates have been largely increased in that time?

Again, Mr. President, it is not true that profits from capital invested in railroads in this country are relatively small. As a matter of fact, as I shall show, legitimate railroad profits have greatly increased in recent years. Of course, the average percentage of profits could not be expected to be large upon a capitalization including millions, and even billions, of dollars, based not upon cost of physical properties nor upon tangible values at all, but based mainly upon estimated earning capacity.

By this process of capitalization, which a few years ago under the initiative of a great financier became a fad in circles of frenzied finance, a large part of our 215,000 miles of railway and over 800 independent lines have been organized and recapitalized.

There is a railroad in my own State whose stock sold at one time since the war at $40 per share of the par value of $100. This road has recently been taken into a consolidated system, two shares of preferred stock and two shares of common stock, of the par value of $100 each, being issued for each and every share of the original company, and this railroad is to-day on this basis of four to one, earning dividends and carrying each year a snug sum to surplus profits.

This is given as a striking example of the way in which a large part of our more than 800 independent lines have in a few years been reorganized and recapitalized into the six or eight groups which now control the entire railroad mileage of the country.

Notwithstanding this false and fictitious capitalization, on account of the enormous earning capacity of our railroads the percentage of railroad stocks paying dividends and the earning capacity of railroads has materially increased in recent years and is still increasing.

In 1883 the percentage of railroad stocks paying dividends was only 38.56 per cent, and the average rate of dividend paid on these stocks was only 5.38 per cent; the amount paid in dividends in that year being only a little over $80,000,000. In 1904 the percentage of railroad stocks paying dividends had increased to 57.47 per cent, and the average rate of dividends on these stocks had increased to 6.09 per cent—the amount paid in dividends in that year exceeding the enormous sum of $220,000,000.

But, Mr. President, dividends do not correctly measure the profits of railroad investment. The true measure of these profits is the balance left after payment of operating expenses, interest charges, and taxes. In 1890 the sum of this balance, including all railroads, was, in round figures, $74,000,000, while in 1904 it aggregated the great sum of $327,000,000.

In 1887 the amount of railroad earnings per mile was $6,362; in 1904 they were $9,306, an increase in that time of about $3,000 per mile. In 1889 the average revenue per train mile, including all trains, was $1.22, and in 1904 it was $1.93, a gain of 71 cents per mile. In 1889 the average cost of operating a train 1 mile, including all kinds of trains, was 81 cents per mile, and in 1904 it was $1.31, a difference in cost of 50 cents, showing a net increase in profits for this time of 21 cents per train mile, including all kinds of trains.

This increase of 18.91 per cent in dividend-paying stocks, of $253,000,000 in net profits, of $3,000 per mile in earnings, and of 21 cents in profits per train mile shows undisputably that there has been during the last ten or fifteen years not only a steady, but a large increase in the profits of railroad investments.

Mr. President, what reason is there to justify the contention of the railroads that this legislation will bring disaster to them or to the country?

Is it true, as contended, that our railroads can not make money and prosper unless they are permitted, without outside interference, to make and enforce their own rates without regard to the interest and the rights of the people?

For many years past and to-day our railroads have not had altogether a free hand in fixing their tariff charges on intra-State business. In twenty-five States to-day, and in most of that number for years past, rates on all domestic traffic (and this traffic constitutes 20 per cent of the entire transportation business of the country) have been fixed either by local commissions or by railroads under their control and supervision.

The statement that for many years past and to-day our railroads have not had a free hand in fixing their tariffs is also true as to a large part of interstate as well as of domestic business.

It is a well-known fact that within this time certain combinations have monopolized many of the prime commodities of industry and commerce, and, through the enormous volume of business they can give or withhold, aided by the devices of private switches, cars, refrigeration, ventilation, and icing, have for some time past compelled, and to-day in many instances compel, the railroads to accept such compensation as they are willing to pay for the transportation of commodities in which they deal or for the traffic which they control.

This control of the big shippers includes not only the oil and fresh-meat business of the country, but it extends to the fruit business, the dairy business, the truck business, and the brewing business, as well as to other important lines of business. This traffic, added to the domestic traffic of the States having commissions with rate-fixing powers, constitutes no inconsiderable portion of the total freightage of the country, with respect to which the railroads do not now and have not for a long time past exercised a free hand over rates.

This interference with their control over rates on this large portion of their business has not proven disastrous to the railroads; it has neither bankrupted them nor prevented them from making money and paying dividends on stocks largely—in some instances several times—in excess of the value of their tangible properties.

Mr. President, I do not wish to be misunderstood about this matter of rates. While I believe—indeed, while I am sure—that rates have been greatly increased since the beginning of the

year 1900, I do not believe that all rates, or even the larger part of them, are to-day unreasonably high, or that at present the trend of rates is upward. I believe that to a considerable degree commercial conditions are allowed to control in adjusting rates, and that when these conditions control they are generally adjusted fairly.

My contention is that most of the evils of which the people complain, and have a right to complain, and which demand remedy at our hands at this time, grow out of the abnormally high rates arbitrarily fixed by many railroads in disregard and defiance of these commercial conditions, and the abnormally low and discriminatory rates forced upon the railroads by the big shippers in the way and manner I have described.

The remedy for these evils, in my judgment, Mr. President, consists not so much in Government rate making, since to the extent the railroads fix their tariffs in response to commercial conditions there is little need for Government interference, as in effective governmental control and regulation with incidental power to fix rates and enforce them where it is found necessary to do so in order to protect the people on the one hand against these unreasonable and extortionate rates, rooted in the greedy scramble of railroads for more and higher dividends, and on the other hand to protect both the railroads and the people against the "hold-up" of these monopolistic combinations of shippers.

If the bill under consideration shall pass and can be and is enforced in the intendment of its friends, it will give the Interstate Commerce Commission power to restrain the indecent rapacity of both these offending railroads and these big shippers. When this is done, Mr. President, rates will, I believe, as a rule adjust themselves to commercial conditions and there will be but little further necessity for governmental interference.

A consideration of the effects upon the railroads of supervision of rates in the past, both by the Government and the States, will demonstrate, I think, that the predictions made by the railroads and on their behalf of injury likely to follow from the enactment of this legislation are unfounded.

Mr. President, during the ten years from 1887 to 1897, in which the Interstate Commerce Commission actually exercised the power of fixing rates, 45,000 miles of railway were constructed in this country. There is nothing in the railroad and business history of those years attributable to the exercise by the Commission of this power, which, in my opinion, justifies these predictions of disaster should Congress now give the Commission the powers exercised by it during these early years of its existence.

The fact that in eight years the railroads did not judicially challenge the power of the Commerce Commission to fix rates under the act of 1887, despite the fact that that power, if conferred at all, was conferred only by implications taken in connection with the fact that in over 400 answers filed to complaints in proceedings before the Commission during this time this power of the Commission was not challenged, strongly confirms the conclusion that they did not find themselves seriously hampered or crippled by the right of rate supervision then claimed and exercised.

Twenty-five years ago the States began to assert their inherent powers over transportation charges, and to create commissions vested with control over rates on all domestic business. To-day, and in the case of many of them for many years past, twenty-six States have commissions exercising powers over domestic business far more plenary than those it is now proposed to give to the Commerce Commission over traffic between the States.

There is nothing in the history of these States in these years which shows or tends to show that the railroads or the people have suffered as a result of this supervision and control, or that this power has been exercised vexatiously, arbitrarily, or oppressively. On the contrary, their railroad, agricultural, industrial, and commercial progress compares favorably with that of the States in which the railroads have been given a free hand in adjusting rates, and in many of them the development along these lines has been so far above the general average as to attract widespread attention.

In support of this statement I call attention to the fact that of the nineteen States and Territories in which railroad mileage was increased over 100 miles in the fiscal year ending June 30, 1904, fourteen were States which had commissions with rate-making powers.

There can be no stronger confirmation of these statements, and there can be no stronger refutation of the calamity arguments against Government interference with rates than that afforded by results in my own State. Since 1891 North Carolina has had a commission with full rate-making power. When this law was passed we had only a little over 3,000 miles of railroads. We now have about 4,000 miles, an increase of about 900 miles, while to-day at least a dozen new lines are in process of construction, with several more projected. Some of these roads are being built by our own people, some by Rockefeller and his associates, and some by rich New England and northern syndicates. All the capital needed for the purpose can be had inside the State or outside by the mere asking.

When this law was passed in 1891, several railroads in my State were in the hands of receivers. Now there is not one in the hands of a receiver. When it was passed, gross receipts from railroad operation in the State were, in round numbers, $8,600,000; net receipts, $3,100,000. In 1904 gross receipts were $20,300,000; net receipts, $7,500,000.

Not only in North Carolina, but in Georgia, in Mississippi, in Minnesota, and in a number of other States having commissions with rate-making powers, railroad mileage, the value of manufactured products and of farm property has increased at a rate so rapid as to attract general attention and comment.

In this connection I want to read an extract from a letter from Hon. Franklin McNeill, chairman of the railroad commission of North Carolina. It furnishes a striking argument against the objection to the proposed legislation so persistently urged that under the power to revise and correct a challenged rate the Commerce Commission will put its hand upon every schedule and in the end take over the whole rate-making power and render scientific and equitable rate adjustment by the railroads difficult, if not impossible. It sustains, by way of practical example, the contention of the friends of this legislation that the possession by the Interstate Commerce Commission of effective power over rates will render the use of that power in a large measure unnecessary, and will operate to coerce the railroads to correct upon their own initiative the inequalities and injustices of which the people complain. In this letter Mr. McNeill, speaking of rate making by the commission over which he has for eight years presided, says:

> While we have full rate-making powers, we have not attempted to supersede traffic managers of railroads; on the contrary, we have adopted tariffs made by them and only changed rates on certain commodities as they appeared to be unreasonable or unjust. This has not been frequent; the fact that we had the power rendered it unnecessary.

It is customary, Mr. President, to stigmatize rate making by government boards as political rate making, and to charge that either through ignorance or in response to popular clamor these boards can not be trusted to deal wisely and fairly with the interests of the railroads. Much is attempted to be made in this connection out of the number of times the Interstate Commerce Commission has been overruled by the courts as tending to show ignorance or bias. Much is attempted to be made out of the fact that out of 45 cases appealed to the courts the Commission has been reversed in 29. During the period of these 45 appeals the Commission tried and disposed of 327 cases. In over 280 of these cases the railroads did not appeal, thereby admitting their justice, fairness, and soundness. To say that the Commission has been overruled in 29 cases out of a total of 45 is not, therefore, a correct statement of the case. A correct statement will show that out of a total of about 327 decisions the Commission was overruled in only 29. More than that, Mr. President, a proper consideration of these cases will show that the Commission has not made as many mistakes as the tariff managers whose rates they have changed because they were found to be unreasonable, and therefore unlawful.

Mr. President, all laws must of necessity be interpreted and administered by men, and the argument that the public can not trust those delegated to administer the law is not an admissible argument in a Government like ours. If the personnel of a Commission is unfit, the unworthy members should be removed, but to refuse to legislate where legislation is needed for the public welfare for fear that worthy and fit men can not be found to administer the law is to attack the very fundamentals of our system and question the capacity of our people for self-government.

We had as well look the fact in the face. The plain truth in this contest between these corporations and the people is that the railroads want the laws affecting them administered by tribunals composed of men appointed for life and whose amenability to the people is therefore remote. They are not opposed to trusting the powers conferred by this legislation in the Commerce Commission, because they do not believe competent and impartial men will at all times compose that Commission, but because they fear that the power of the people to quickly call them to account for any forgetfulness of their interest will lead them to put the public weal above that of special privilege. Of the score or more State commissions which for twenty-five years have exercised power over domestic rates, not one, so far as I know, or have ever heard, is amenable to the charge of having sacrificed the legitimate interest of a railroad to public clamor.

They have made mistakes and committed errors, no doubt, but so have the courts and all other human tribunals.

All of our laws, both State and national, providing for supervision or regulation of great private enterprises affected with a public use or duty are administered by officers, boards, commissions, or tribunals whose functions are administrative or executive. I know of no reason why the proposed regulation of the business of the railroads, made necessary by conditions for which they are solely responsible, can not be safely administered in the same way. I know of no reason which entitles them to the exemption which they claim and assert with such confident persistency.

Mr. President, I have no objection to such right of review by the courts as does not in effect either interfere with the rightful authority of Congress in this matter of rates, or so hamper it in the discharge of these powers through its Commission as to defeat or render ineffective in whole or in part its lawful purposes with respect to this subject.

Within these limitations the right of review by the courts ought not to be denied, and if it does not already exist it ought to be conferred; but, Mr. President, I submit that the courts already have without further legislation all the authority and power over this subject which they can exercise without substituting their judgment for that of Congress in a matter intrusted by the Constitution to the exclusive judgment of Congress.

In saying the courts have this power I am not unmindful of the fact that all Federal courts of original jurisdiction are statutory courts in the sense that Congress, acting under constitutional injunction, created them and defined their jurisdiction; but, sir, when these courts were created and given jurisdiction over certain specific subjects they became *eo instanti*, without constitutional grant to that effect, invested with all the judicial powers of the Constitution over and pertaining to that subject.

When Congress invested these courts with jurisdiction over the property rights with which this legislation deals, as it undoubtedly did, the Constitution did the rest by imposing upon them the duty of safeguarding these rights against any and all unconstitutional acts of the legislative and executive branches of the Government and all their agencies. In the discharge of these great powers and these great duties these courts are clothed with all equitable jurisdiction necessary for their exercise and performance.

Under the law as now written the courts, by virtue of their general powers, can set aside, at the instance of the carrier, a confiscatory rate, and perhaps at the instance of the shipper, an extortionate rate, but under this bill the courts will not have, and they ought not to have, the right to interfere with and set aside a just and reasonable rate fixed by the Commission. They will not have that power and they ought not to have it, because the establishment of rates is a matter which the Constitution intrusts to the judgment of Congress and such administrative agencies as it may employ to carry out its will.

My chief apprehension concerning this measure is that while the courts have not the constitutional right, as I see it, to review a lawful rate fixed and ordered by the Commission, and while this bill by not conferring it denies to them that right, still in actual practice, by means of interlocutory orders based upon ex parte showings of unreasonableness, these orders may be suspended pending litigation, and in this way many unreviewable as well as reviewable orders of the Commission will be held in abeyance until final decree.

It is probable that the only escape from this danger will be found in taking from the courts the right to suspend the orders of the Commission in any and all cases. If Congress can do this, would it be right to do it, would it be good policy to do it? Whether good or bad policy, if it would be wrong or unjust to do it we can not, as individuals or as a nation, afford to do it for mere profit's sake.

In all history there is no grander utterance than that of Aristides when, on a memorable occasion, he said to the Athenian people, "What Themistocles proposes would be greatly to your advantage, but it would be unjust."

In opposition to this suggestion it is said in behalf of the carrier that the Constitution guarantees him against the taking of his property by the shipper without due process and without just compensation, and that if the rate fixed by the Commission can not be enjoined pendente lite he will be denied the full benefit of this guaranty in case he is successful in his suit, and left without remedy as to that part of his property taken before final decree.

The force of this argument is obvious, but, Mr. President, the law and the Constitution also guarantees the shipper against the taking of his property by or for the benefit of the carrier without due process and without compensation. Now, if the rate established by the carrier is unreasonable, it is, for that reason, unlawful. If it is extortionate, to that extent it would be a taking by the carrier of the property of the shipper without due process and without compensation. If, therefore, the order of the Commission is restrained pendente lite, the shipper would be denied the full benefit of the law and of this constitutional guaranty and left without remedy as to that part of his property taken by the shipper between the time of its suspension and the final decree.

If, in answer to this argument, it be said on behalf of the carrier that the writ of restraint can only issue upon a prima facie showing under oath that the order unconstitutionally takes his property without compensation, the reply on behalf of the shipper is that the order protecting him is based on the finding of the Commission made not on an ex parte showing, but after full hearing and investigation, that his property has already been unlawfuly and unconstitutionally taken for the benefit of the carrier and will, until the final decree, continue to be so taken if it is suspended, not only without compensation or due process, but without any process whatever.

In these conditions it will be seen, therefore, if the order is not suspended pendente lite, and the carrier succeeds in his suit, his property will be unlawfully taken, and if it is so suspended and the Commission is sustained the shipper's property will be unlawfully taken. It is a case in which necessarily one or the other, the shipper or the carrier, must suffer. Which shall it be—the master or the servant? The answer, I believe, will largely be found in the inquiry as to which, in balancing probabilities as to the final result of the controversy, is entitled to the greater weight, a finding based on an ex parte hearing without argument of opposing counsel or a finding after full hearing with both parties to the controversy present and speaking through their witnesses and attorneys, by a board created by the law to make that finding.

In these conditions the impartial mind—and the legislative mind should be impartial—will, I think, conclude that the finding of the Commission so reached raises a stronger probability that the rate supplanted was unreasonable or extortionate, and will on final hearing be so found and adjudged, than that the ex parte showing of the carrier raises that the substituted rate is confiscatory and will be so found and adjudged on the final hearing.

Undoubtedly it is the duty of the legislator to protect the shipper and his rights, as much so as it is his duty to protect the carrier and his rights.

Can this be done; and if so, how? Ordinarily in such cases mutual bonds afford reasonable protection. In this case it is apparent that such bonds will be of little or no practical value. Impounding the difference between the rate supplanted and that substituted will help, and this should be done if nothing better can be done. But manifestly this would be a mere makeshift, and at best would fall short of adequate protection even to the middleman, and would be practically none at all to the man upon whom the loss would, in the final analysis, chiefly fall.

If there is any way to secure protection to each of these conflicting interests without abridging the equity jurisdiction of the courts, that way ought to be found and incorporated in this bill. The situation would seem to devolve the duty of finding that way upon those who insist that this function of the courts should not be impaired, but, on the contrary, should be in express terms reasserted and affirmed in this bill. But however this may be, if no way can be found to accomplish this end—and I greatly fear none can be—I have reluctantly reached the conclusion that we should, if we have the power, employ it to prevent the suspension, pending suit and before final hearing, of the rate prescribed by the Commission.

Can Congress do this? Undoubtedly Congress has large regulatory and supervisory power over these courts, their procedure, and the remedies they may use in the enforcement and protection of rights, whether they be statutory rights or rights constitutionally derived and protected.

The proposition that Congress can say to the courts in these conditions, in this case, "Your writ, while affording protection to the carrier, would deny the same or equal protection to the shipper, and as the law, as it is at present written, does not afford him this protection, and as we are unable to otherwise provide for him this protection, you must not and you shall not interfere, except to administer the rights of the litigants as you may find them when you are ready to pronounce your final conclusion as to them," presents to my mind a very serious question, with regard to which I frankly confess I have grave doubts and misgivings, and concerning which I do not care to venture a confident opinion without further investigation and reflection. All I am prepared to say at this time is if we have the power to do this—

and I am strongly inclined to think we have this power—and no way can be found to give to the shipper the same protection in this behalf which a suspension of the rate would give to the carrier, then, and in that case, in my opinion it would be our duty to exercise this power in such a way as it may lawfully be exercised to accomplish this result.

Mr. President, the evils with which we are confronted are not such as can be remedied through the courts, either upon the initiative of the individual sufferer or the Government on behalf of the complaining public. Any law regulating or attempting to regulate the great corporated business enterprises of the country, affecting the interests of the whole people, over which the Government has the right of supervision in the interest of the public, which can only be enforced through the courts, is, so far as the accomplishment of adequate results is concerned, doomed to failure from the beginning; not because of any weakness or corruption of the personnel of the courts—for our judges are rarely subject to that criticism—but because of the inadequate machinery and powers of the courts to quickly, efficiently, and comprehensively exert and apply the law and its remedies in enforcing obedience and punishing disobedience to its commands and requirements.

The futility of any attempt to regulate these great corporated enterprises through the medium of the courts is exemplified in the open defiance and contempt displayed by the trusts of our antitrust laws, which the courts have declared ample in provision and scope, at least, to remedy the evils they denounce. In spite of these laws and the courts, these great monopolies continue in the light of day and within the knowledge of everybody, organizing and extending their corporate combinations and increasing their levies and exaction upon the people. If we had a commission from which corporations engaged in interstate business had to secure a license, with power to withhold or revoke them whenever it was shown, after full hearing, that they were violating these laws, some wrong might be done these corporations, but the wrongs done them would not be one-tenth as great as the wrongs daily suffered by the people at their hands as the result of the insufficiency of the courts to adequately administer the remedial provisions of these antitrust and antimonopoly laws. So a commission with power to regulate railroad rates will doubtless commit some errors which will inflict some injury upon the railroads, but the wrongs thus done will not be one-tenth as great as the wrongs now daily suffered by the people at the hands of the railroads because of the inadequacy of the powers of the Commission under present laws to stay their unjust and discriminating exactions.

Mr. President, I am not disturbed by the arguments assailing the constitutionality of this legislation. During the twenty-odd years in which Congress and the States have assumed control over rates, no court in this country has pronounced against the right of these sovereignties to exercise their powers of control over rates of common carriers through commissions. Upon the initiative of the railroads the Supreme Court has, it is true, decided that Congress did not, by the act of 1887, confer the power to fix rates upon the Interstate Commerce Commission, but no judgment has been invoked or rendered during this time against the constitutional right of Congress to confer this power upon the Commission, should it decide to do so and employ language adequate for the purpose.

The contention of those who sustain the constitutional rightfulness of this legislation is that the power now sought to be conferred upon the Commission to condemn an existing rate and to fix a future rate is essentially administrative, and that if, in the exercise of these powers, functions in any degree legislative or judicial are involved, they are involved only incidentally, as appertaining to the mental process which the mind undergoes in reaching a conclusion in doing an administrative as well as a judicial and legislative act, and does not deprive the powers exercised of the essential character of an administrative function, within the sense and meaning of the constitutional provisions divorcing the three great coordinate departments of the Government.

It is true that the powers conferred upon the Interstate Commerce Commission by the existing law and in the Hepburn bill to condemn as unreasonable a challenged rate, involves the exercise of quasi judicial functions, but they are not in essence and in fact judicial functions, because neither under the present law nor in the proposed enactment is the Commission vested with the power to enforce its determinations by any decree, mandate, order, or proceeding deriving its efficacy from any authority lodged by law in it.

Under the present law the Commission may, it is true, go into court, and if its contention is sustained obtain a decree and mandate to enforce it; but this decree derives its efficacy, not from any power invested by the law in the Commission, but solely from that of the court making it.

Under the Hepburn bill it is also true that if the orders of the Commission are not obeyed obedience to them may be enforced by the imposition of compelling fines and penalties; but this obedience can not be enforced in virtue of any power it is proposed to invest in the Commission or by any writ deriving its authority from any power it is proposed to invest in it. That can be done only by the imposition of punishments prescribed by Congress or by a resort to the courts, as provided in the act.

Mr. President, undoubtedly the power to fix future rates of hire of common carriers by rail is a legislative power, and as such is invested solely in Congress. If Congress should attempt to delegate that power in all its fullness and completeness to the Interstate Commerce Commission, that would remit to the Commission the whole power of Congress over this subject, and clothe it with the right to settle not only the amount of toll a carrier might exact, but the policy and principle which should govern in the determination of these charges. Such an attempt would contravene the constitutional inhibition to which I have just alluded and would be nugatory. The Hepburn bill makes no such attempt. It settles and declares the legislative policy with respect to this question by prescribing the rule and standard of rates, and simply directs the Commission to find the facts, apply to them this rule and standard, and declare the result.

With that policy the Commission has absolutely nothing to do. Its duty is confined to ascertaining and declaring what is an unreasonable and what is a reasonable, what is a fair and what is an unfair compensation for specific service. It can not say the public welfare would be subserved by this or that policy with reference to rates. It can not say, for instance, that the public welfare would be subserved by a 2-cent passenger fare. It can not say, for instance, that a lower freight rate, by encouraging production and increasing traffic, might redound alike to the benefit of the people and the roads. It can not say, for instance, that public interest would be promoted by a lower rate upon one line of commodities and a higher upon another. It can not say, for instance, that the exigencies of our foreign trade require that the railroads be permitted to charge a higher rate for the transportation of products for domestic consumption than for the transportation of products for export. And it can not say, for instance, that here is a vast undeveloped section of the country, rich in natural resources, and its speedy settlement and development would be advanced and the interest of the country at large, and especially that portion of it, would be promoted by prescribing a different rule of rates for it from that prescribed for older and more populous regions.

The Commission can not establish or vary rates upon conditions such as these, as Congress might undoubtedly do, but it must apply to all railroads in all sections of the country and in all conditions the same rigid rule and principle, by requiring that they shall charge only a just, reasonable, and fairly remunerative compensation for the service performed under the conditions of its performance.

In fixing these rates it may employ experts; it may have recourse to all known sources of information and consider all elements that fairly enter into the problem; but with the legislative questions of expediency and policy it has nothing to do. That is enunciated in the rule which declares broadly for the principle of equality in rates by decreeing that the fundamental consideration in their determination shall be in all cases fixed upon the basis of fair remuneration for the service performed.

The question of what is a fair consideration for hauling a carload of coal or coke or iron is no more a legislative function than the question of what is a fair compensation for a day's work or for building a ship or constructing a building is a legislative question. In determining what is a fair compensation for a day's work, whether in the field or the factory or at one of the desks in the great Departments of this Government, many considerations are involved, such as the cost of living, the prevailing price for similar service, the efficiency of the laborer, his training, skill, and the market value of the usufruct of his labor. The problem of determining what is a fair compensation for hauling a load of coal or coke or iron a given distance may be more difficult and more complex than that of determining the fair price of a day's labor or for building a house or ship, but the character and quality of the act is the same. It is a mere calculation and the application of a principle which is applied in the daily business of the people to every transaction of barter and sale, viz: What did the thing cost in labor and money, and what, under all the circumstances, is a fair profit on that investment in labor and in money?

Mr. President, it does not seem to me necessary to greatly elaborate the arguments in favor of the constitutionality of the powers conferred upon the Commission by the bill under consideration, because, in addition to the reason of the thing, which I think clearly sustains the power, in my judgment the Supreme Court of the United States has decided the identical

question at issue in favor of the power in what is known as the "Mississippi case."

I admit the plausibility of the contention that the powers of the States over this question are broader than those of the General Government, but I confidently believe that argument is essentially unsound and untenable. It is true, as contended, that whatever powers the General Government has over this subject are derived from its powers to regulate commerce between the States, and that this power of regulation is confined to commerce.

What is and what is not commerce has been the subject of judicial discussion and decision since the beginning of the Government. The Supreme Court has made many deliverances upon the subject. In the interpretation of no provision of the Constitution, except, perhaps, the general-welfare clause, has this court shown a greater disposition to give to it an intendment which would meet the exigencies of new and uncontemplated conditions than in its interpretation of the clause under discussion. It has held that navigation is commerce and that all the instrumentalities and agencies of transportation, whether by rail or water, are commerce.

It is inconceivable to me that the thing which is transported from State to State and that the vehicles in which it is conveyed are commerce, subject to the regulating control of the Government in the interest of the people, but that the price exacted for the service of transportation is not commerce subject to the regulating control of the Government in the same interest. Mr. President, the commodities in which men traffic, the things which they buy and sell and exchange, constitute the corpus, so to speak, of commerce; but, sir, the life and soul of commerce is the profit accruing from the sale and exchange of commodities.

Figuratively speaking, profit is the center around which all commerce revolves. It is the power which brings commerce into being and sustains it. Where it begins, commerce begins; where it ends, commerce ends.

Now, the profits of commerce depend in some cases entirely, in many cases largely, and in all cases to a more or less degree upon the price of transportation. This is true to a certain extent of all commerce not purely local, but it is especially true of all commerce between widely separated sections. The Supreme Court has never held, and I can not believe it will ever hold, that the Government may regulate, in the interest of the people, everything connected with commerce except the thing out of which commerce originates, except the thing which created it, which sustains it, and which is to it the very breath of life.

If Congress has the power to fix and regulate charges of transportation of interstate commerce at all—and I do not doubt that it has—its powers in this regard, though they be delegated powers, are both exclusive and plenary, and there is nothing to differentiate them from the powers of the several States over domestic traffic, unless there is a difference in constitutional provisions affecting them.

If therefore, Mr. President, the power of the legislature of Mississippi to fix rates on domestic commerce through a commission was presented and decided by the Supreme Court of the United States, in the case I have referred to from that State, this decision is direct authority upon the question now under consideration, unless the provisions of its constitution affecting the power of its legislature over rates are at variance with like provisions of the Federal Constitution. The only provisions of the Federal Constitution, except the commerce clause, which I have already discussed, affecting the exercise of that power in the manner proposed in this bill is the provision with reference to the separation of the coordinate departments of the Government and the provisions guaranteeing equal protection of the laws, and that private property shall not be taken without due process of law, unless the preferential-port clause applies, and I do not think it does, though I shall not now attempt a discussion of that question.

I have examined the constitution of Mississippi, and I find no substantial difference between it and the Constitution of the United States in the several respects enumerated. It provides, as does that of the United States, for the separation of the coordinate branches of the Government; it guarantees, as does the Constitution of the United States, the equal protection of the laws, and it provides, as does the Federal Constitution, against taking of private property without due process of law.

An examination of the decision rendered by the Supreme Court in the case referred to, known as "Stone *v.* The Farmers' Loan and Trust Company," reported in 116 United States, pages 307–347, shows that the question of the power of the State of Mississippi to fix and regulate rates through a commission was presented to the court and a decision rendered affirming the power.

This case arose out of a proceeding instituted by the railroad named to enjoin a rate fixed by the railroad commission of that State, under the act of the legislature of the State conferring upon it rate-making powers. In the statement of the case Chief Justice Waite gives in numerical order the contentions advanced and relied upon by the railroads. He states the one pertinent to the issue under present discussion in the following terms:

> Fourth. That it [meaning the Mississippi statute] confers both legislative and judicial powers on the commission, and is thus repugnant to the constitution of Mississippi.

After answering the several antecedent contentions of the railroad, he disposes of the fourth contention as follows:

> 4. The supreme court of Mississippi has decided in the case of Railroad Commission *v.* Yazoo and Mississippi Railroad Company, and Railroad Commission *v.* Natchez, Jackson and Columbia Railroad Company, not yet officially reported, that the Mississippi statute is not repugnant to the constitution of the State "in that it creates a commission and charges it with the duty of supervising railroads." To this we agree, and that is all that need be decided in this case. (166 U. S., 336.)

To the same effect is the decision in the case of Reagan *v.* Farmers' Loan and Trust Company (154 U. S., p. 392). This was a proceeding to enjoin an order as to rates made by the Railroad Commission of Texas under an act of the legislature of that State conferring on it that power over rates of carriers. The Supreme Court of the United States, speaking through Justice Brewer, says, after discussing a preliminary jurisdictional question:

> Passing from the question of jurisdiction to the act itself, there can be no doubt of the general power of the State to regulate the fares and freights which may be charged and received by railroads or other carriers, and that this regulation can be carried on by means of a commission. Such a commission is merely an administrative board, created by the State for carrying into effect the will of the State as expressed by its legislation.

Mr. President, while the decision in the maximum rate case, reported in 167 United States, and decided in 1896, probably does not, strictly speaking, decide anything except that the Commerce Act of 1887 did not confer upon the Interstate Commerce Commission power to fix a future rate, yet it is impossible to read that decision without feeling that the court meant to concede the power of Congress to confer upon the Commission this authority had it used language adequate for that purpose. A few extracts from that decision will suffice, I think, to confirm this statement. In speaking of the powers of Congress over the subject of transportation charges and the regulation by it, Justice Brewer used this language:

> There were three obvious and dissimilar courses open for consideration. Congress might itself prescribe the rates, or it might commit to some subordinate tribunal this duty; or it might leave with the companies the right to fix rates, subject to regulations and restrictions, as well as to that rule which is as old as the existence of common carriers, to wit, that rates must be reasonable.

Then the court, through Justice Brewer, proceeds to discuss the question of whether Congress had used language sufficient to confer this power over future rates upon the Commission, and in that connection observes:

> The language by which the power has been so often used and was so familiar to the legislative mind is capable of such definite and exact statement that no just rule of construction would tolerate a grant of such power by mere implication. Administrative control over railroads through boards or commissions was no new thing. It had been resorted to in England and in many of the States of this Union. It will be interesting to notice the provisions in the legislation of different States.

Then follows a recital of the language employed in many State statutes in conferring this power, with significant comments upon Congress's failure to employ any of these or any language of similar import.

The irresistible conclusion from this discussion is that the court conceded, though it may not have decided, that Congress possesses control over charges of common carriers and that it could commit that power to the Interstate Commerce Commission, but that it had failed to do so in the act of 1887, because it had not employed language fit and appropriate to accomplish that purpose.

Mr. President, railroads are in their nature monopolies, but as long as these monopolies were independent of each other competition between them was sufficient to protect the people against monopolistic charges. The consolidation in recent years of practically all of our railroads into a half dozen systems or groups, which have partitioned the whole country between them, has brought every citizen in the nation face to face with a gigantic entity, possessed with power to levy tribute upon his earnings such as no feudal sovereign of the middle ages ever possessed and such as no civilized government of to-day possesses. Acting under an unmistakable mandate from the people, the Congress and the courts have been active in their efforts to break the power and the hold of these monopolies over the people and to prevent their further extension.

Despite these joint efforts the process of monopolization has from year to year gone steadily on, and the hold of the monopoly

has been strengthened rather than weakened. It may be possible, under constitutional limitations, to dissolve and prevent these consolidations, but the way and the method to accomplish that result have not yet been discovered, and there are those who doubt the adequacy of any legislation to this end which is not in itself dangerously radical or subversive of principles held to be fundamental in our political structure.

Mr. President, if neither Congress nor the courts can effectually dissolve and prevent these monopolistic combinations, Congress can, by the exercise of its admitted powers over interstate commerce, at least render ineffectual the main purpose of their organization. The power of Congress under the Constitution to do this is ample, and the method simple and effective. If the Government will employ its undoubted powers over charges of transportation to the extent of seeing that unjust and unreasonable rates are not collected, the power for evil of these overgrown combinations will be effectually neutralized if not wholly destroyed. Why should not Congress employ this power, at least to the limited extent proposed in this bill? We know that the people are behind the futile laws we have passed to dissolve, prevent, and punish these illegal combinations. Why, then, should we doubt that the people will approve and applaud effective legislation to defeat their sinister and unlawful purposes?

Why should Congress hesitate? Railroads are creatures of the law, created primarily to serve the public. In assuming such control no right of the railroads, grounded either in law or contract, will be violated, since the reserved right of the Government to fix rates, either partially or wholly, is as much a part of the law creating them as if it were expressly written in the charter authorizing their incorporation. If they are now fixing these rates without interference from the Government, it is not by virtue of an exclusive right, but by way of privilege and at sufferance. It is not, therefore, a question of right, but a question of policy which confronts us—a question of whether the exigencies of the situation require, in the interest of the public, that these privileges should be circumscribed.

Mr. President, the evils of which the people complain are militant and tangible; they exist in the experience and knowledge of every man whose business interests are affected by excessive transportation tolls. The complaints which fill the press and which come to us in countless petitions, memorials, and resolutions are based upon statements within the knowledge and experience of the complainants as to things that have happened and are happening every day under the system which Congress is asked to change. These complainants come to us and say: "Here is an evil, portentous and all-pervading, and here is the remedy. You have the power to apply the remedy, a power given you in trust for our benefit; we demand that you use it."

On the other hand the railroads who resist this legislation and insist that the people who created them and who support them shall have no share in fixing the tolls and exactions which they are required to pay, come to Congress with arguments and theories; with deductions and prophecies not based upon actualities; not based upon what has been and what is, but upon statements of their belief and fears of what will result to their interest and that of the country from this legislation. For my part I think it is safer to act upon facts than upon theories, upon actualities than prophecies, upon conditions existant than upon conditions predicted—predicted conditions which have never in our experience resulted from similar causes and will not probably happen in the future.

Mr. President, the past is certain, the present is reasonably so, the future is nebulous; but it is a darkness illumined by streaks of light, reflected from our experience in the past and the present. There is nothing in this experience to admonish us against this legislation, but much to cheer the hope of the people that it will afford relief from conditions which now handicap with unequal exactions the industry and commerce of the country.

Mr. NELSON. Mr. President, when I gave notice yesterday that I would follow the Senator from North Carolina [Mr. SIMMONS] in the discussion of the pending bill, I was under the impression, from the notice contained in the Calendar, that the Senator from North Carolina would commence his speech at the conclusion of the routine morning business. Instead of that he did not commence until 2 o'clock; it is now nearly 4 o'clock; and for that reason I do not feel warranted in going on this afternoon with such remarks as I desire to submit.

EXECUTIVE SESSION.

Mr. FORAKER. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After ten minutes spent in executive session the doors were reopened, and (at 4 o'clock p. m.) the Senate adjourned until to-morrow, Wednesday, March 14, 1906, at 12 o'clock meridian.

## CONFIRMATIONS.

*Executive nominations confirmed by the Senate March 13, 1906.*

ASSOCIATE JUSTICE OF OKLAHOMA.

John L. Pancoast, of Oklahoma, to be associate justice of the supreme court of the Territory of Oklahoma.

RECEIVER OF PUBLIC MONEYS.

John H. Duncan, of Missouri, to be receiver of public moneys at Springfield, Mo.

POSTMASTERS.

KENTUCKY.

J. T. Williams to be postmaster at London, in the county of Laurel and State of Kentucky.

NEW JERSEY.

William H. Lushear to be postmaster at Short Hills, in the county of Essex and State of New Jersey.

OKLAHOMA.

Margaret J. Ryan to be postmaster at Guymon, in the county of Beaver and Territory of Oklahoma.

PENNSYLVANIA.

Edward C. Dithrich to be postmaster at Coraopolis, in the county of Allegheny and State of Pennsylvania.

WEST VIRGINIA.

James F. McCaskey to be postmaster at New Martinsville, in the county of Wetzel and State of West Virginia.

WISCONSIN.

James Harris to be postmaster at Prairie du Chien, in the county of Crawford and State of Wisconsin.

## HOUSE OF REPRESENTATIVES.

### TUESDAY, *March 13, 1906.*

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read and approved.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. LITTAUER. Mr. Speaker, I move that the House resolve itself into the Committee on the Whole House on the state of the Union for the consideration of H. R. 16472, the legislative, executive, and judicial appropriation bill, and pending that motion, Mr. Speaker, I desire to state to the House I will not at this time ask for any limitation on the time for debate. Many requests have come for time. There are some broad propositions in the bill which probably will call for considerable debate, so I will delay until some future time to ask that limit be set upon general debate. I now renew my motion.

Mr. LIVINGSTON. I have no objection to that proposition if the gentleman will let the debate go on on all fours on both sides of the House.

Mr. LITTAUER. Certainly.

The motion was agreed to; and accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 16472—the legislative, executive, and judicial appropriation bill, Mr. OLMSTED in the chair.

Mr. LITTAUER. Mr. Chairman, I ask that the first formal reading of the bill be omitted.

The CHAIRMAN. The gentleman from New York asks unanimous consent that the first reading of the bill be omitted. Is there objection? [After a pause.] The Chair hears none.

Mr. LITTAUER. Mr. Chairman, the legislative, executive, and judicial appropriation bill as presented to the House makes provision for the annual salaries of 14,406 public officials. It carries appropriation in all of $29,134,181. The annual Book of Estimates as submitted to Congress called for appropriation in connection with this bill of $447,000 increase over the bill of last year. The bill we present to you is $1,135,572 less than the estimates, or, in other words, $688,000 less than is carried in the bill for the current year.

The Departments have asked for an increase of force of one hundred and seventy-one. The bill carries two hundred and thirty-two less than was submitted to us, or a decrease of force of sixty-one.

Mr. Chairman, it requires much more than a cursory examination of a bill of this character, regulating the salaries of the entire governmental service, to appreciate the hundreds of

details it contains. In fact, your committee after weeks of labor on the bill has been unable to consider each one of its many details. We must necessarily be guided in large measure by the detail of former appropriation bills and consideration of the various submissions of the Book of Estimates—submissions for increase of force, increase of compensation, and for new projects. We have, however, in late years had frequent occasion to refer to many facts to demonstrate that the annual estimates were often prepared with less care and scrutiny than they deserved. The estimates come to us through the heads of Departments, the Secretaries of the President's Cabinet, whose many duties, establisheed by law and by custom, take up so much of their time that it seems impossible for them to enter into details which they submit to us. The result is that in general practice they are compelled to rely upon statements, estimates, and submissions of their bureau chiefs, as we have to depend upon theirs.

The result of this custom is that in matters of submission of estimates the bureau chief is in reality supreme and soon grows into the habit of thinking he ought to be supreme. So that, if, in the course of events, the Secretary sees fit to eliminate any of his estimates, to cut them down or to cut them out in part, or if the judgment of Congress, as declared in its appropriations, takes a like course, the gentlemen at the head of these bureaus seem to have taken it upon themselves to study out means and methods of drawing from the general appropriations—the indeterminate appropriations—for their departments and bureaus such sums as in their own good judgment are necessary to carry out the purposes of their bureaus as they believe they ought to be carried out. Their impulse, as is generally stated, is that they seek to carry on the necessary work of their bureaus as they believe it ought to be carried on. The system has resulted in placing the opinion of the bureau chief over that of his superior officer; it negatives the action of Congress, and leads, as we have frequently demonstrated in this bill, to a diversion of public funds and extravagant expenditure, thwarting the purpose of Congress, paying higher salaries, bringing about abuses in promotion, and applying funds intended for one purpose to the accomplishment of others.

Your Committee on Appropriations has sought in this bill to limit every diversion of public funds from the exact purpose for which they were appropriated, and if gentlemen will examine the report accompanying the bill, they will find that we have placed many limitations on the expenditure of appropriations. For instance, in the State Department we have placed a limitation on the use of the emergency fund given to the President for the emergencies in the diplomatic service, used for clerk hire in the Department in Washington. In the War Department we have limited the use of general appropriations for the detail of civil officers and clerks to bureaus in the Department from other branches of the service in the District of Columbia.

In the Navy Department we found contingent expenses in the bureaus were drawn not only from the contingent fund of the Department, but from the general appropriations for the bureaus and for the increase of the Navy. We intend to put a stop to that practice. In the Treasury Department we found an appropriation for the restoration of old rolls and vouchers. All the old ones seem to have been restored. The fund was used to supplement the clerks in the various bureaus of the Department, and we have omitted that appropriation. And then we took it upon ourselves to wipe out every lump-sum appropriation that we could get at. We found that certain forces had been provided for year after year, as, for instance, in the Bureau of Engraving and Printing, forces that were devoted to the executive work of that office; we took them over and specifically provided for them. In the Office of the Supervising Architect there was a like condition. Gentlemen all know that about 5 per cent is drawn from the appropriation made for new buildings and applied to work of design and engineering for draftsmen and clerks here in the Supervising Architect's Office. We took over as much of that force as seemed to us to be permanent. We have covered into this bill specifically every force that we could get at, carried by lump-sum appropriation. There were a few in regard to which we felt that it was not yet the proper time to appropriate specifically, and notably the administrative force of the Government Printing Office, concerning the work of which we held elaborate hearings, but found that the Public Printer, recently appointed to that office, had not yet such comprehensive idea of the work and had not yet begun the elimination of the force that was necessary to properly conduct the office, and hence was not able to advise us in reference to specific salaries for the necessary force.

It is becoming gradually more and more difficult for us to ferret out what is going on in the Departments. Our hearings lasted for weeks, extending over 700 pages in the pamphlet before you. The fact is constantly before us that we should have at our service some sort of aid which would examine into the expenditure after the appropriation has been made, so as to get at the facts in the bureaus of what is actually taking place there in order to control with fullest intelligence appropriations for the future. The machinery provided by Congress for the examination of accounts and expenditures, of economy, justness, correctness of expenditures, of conformity with appropriation law, of retrenchment, abolishment of useless offices, of the reduction and increased pay of officers is evidently not in working order; at any rate, some gear is out of place which needs looking after by the engineers in charge. Without some aid from those who have made examinations of the actual conduct of expenditures in the bureaus your Committee on Appropriations probes away, in the ascertaining of these facts, largely in the dark. We follow up leads which come to us through rumors or through our own experience and casual observation. Our efforts in forming such an appropriation bill as this toward getting at necessary facts can amount to nothing but a scratch on the surface, astounding though such revelations scratched up actually are. The diversion of appropriations, setting aside the will of Congress, despite such limitations as we place upon expenditure to prevent the diversion of funds intended for one purpose to the accomplishment of another, will go on unless we can provide active and live means for greater scrutiny and vigilance over the operation of the Departments. Actual violations of the law can not be charged, but the intention of Congress is constantly thwarted by unauthorized use of its appropriations, diverted through the study of various appropriation bills to find the technical right for the diversion of funds.

Now, Mr. Chairman, the consideration of a bill of this character naturally leads us to an examination of the conditions we find in the public service, and we have this year been greatly impressed by many serious consequences—matters that have grown worse in the course of time in connection with the appointment, the methods of promotion, and the tenure of office.

Mr. Chairman, I want first to call the attention of the committee to what to-day seems to be an absolute necessity—a reclassification of the Government service for the purpose of establishing the principle that like work should receive like pay. To-day we find forces of men receiving salaries at $900, at $1,000, at $1,200, and even at $1,800 a year performing exactly the same work. This is most demoralizing to the force and works detriment. It is as unjust as it is unfair. Unjust to the man who performs the same work as his neighbor and at a lower salary, and unfair in the distribution of the public funds. We find by our system of promotion that a clerk working at one time at a thousand dollars will perform just the same work when thereafter, in the course of years, he has been promoted to $1,200 or $1,400, or to a compensation of $1,800 per year. Such a system of promotion is manifestly wrong. I do not see how we can reform these matters in our appropriation bill. I feel that there ought to be appointed a commission of the two Houses of Congress to consider this subject of inequality of pay and the subject of the methods of promotion, and the causes why in one Department a larger force is required to accomplish the same result as a much smaller force in another Department.

It seems to me that we ought to have a commission to consider these problems with power to report their recommendations with every privilege. If we do not take some action, the inequality of compensation will continue to grow from year to year until its growth will be a serious detriment to the proper conduct of our Departments.

Mr. Chairman, the Government offers a very attractive field of occupation in its service. Our salaries, especially those in the ordinary clerical force, are not only generously liberal, but even extravagantly high in comparison with what is paid throughout the country. I make bold to say that if the conduct of our service could be the same as that which obtains in the great manufacturing and trading concerns of the country, in the railroads, such as the New York Central or the Pennsylvania Railroad companies, that the service of the Government could be conducted by three-fourths of the force now employed and at practically little more than half its cost. Our salaries are higher, our hours of work are less, our leaves of absence with pay are longer, our holidays are more frequent, and the relative productive gait at which our clerks work is decidedly lower, with the result that the wide-open doors of our public service, barred only by an examination for competency, are always crammed jam full with numerous applicants. Once inside the doors, safely within the public service, those not blessed with more than the usual ambition or independence remain until death makes a vacancy in their positions. Under the operation

of civil-service regulations, with its wide-open door at the entrance, there is no other outlet, except by resignation, than a door wide enough to let a coffin through. [Applause.]

Now, Mr. Chairman, our conditions are daily growing worse, until the time has come when we must devote our best endeavors to correct this state of affairs. With the right of continuous tenure in office must go the demand that the clerk remain competent. When through any infirmity, mental or physical, he is no longer competent to deliver an equivalent for his salary, he must make room for those able to do so. Our Government is no charitable institution.

Mr. GROSVENOR. Mr. Chairman, I should like to ask the gentleman a question.

Mr. LITTAUER. Certainly.

Mr. GROSVENOR. I should like to inquire of the gentleman in charge of this bill, and whose statement is very interesting, if there is no power anywhere to get rid of an incompetent clerk?

Mr. LITTAUER. There is. The law makes ample provision for getting rid of an incompetent clerk to-day, but I was just about to comment on the fact that the law is never carried out.

Mr. GROSVENOR. Can you make a law that will be lived up to?

Mr. LITTAUER. I believe we can make provision that would eliminate incompetent and incapacitated employees.

Mr. GROSVENOR. Would it not be a good idea to eliminate some of the people who refuse to obey the law?

Mr. LITTAUER. It would be, and they are the heads of bureaus and heads of Departments, who seem to be overcome with sympathy.

Mr. CHARLES B. LANDIS. And are some of them in the same class?

Mr. LITTAUER. And many of them are in the same class. But, Mr. Chairman, as I was saying, this Government is not a charitable institution. Our Departments must not be turned into homes for the aged and infirm. We must demand that our clerks continue competent, and we must find means of getting rid of those who prove that they are not competent. For years this House has included a provision in this very bill declaring that no appropriation carried in the bill should be applicable to the payment of the salary of an incapacitated clerk; but when our bill reaches another body we find insistence there that this incapacity must be "permanent" incapacity, or it must be incapacity "other than temporary." Then the administration of the law falls into the hands of the heads of the Departments and the heads of the bureaus, and these gentlemen declare that they are not gifted with divine foresight, that they can not tell whether the incapacity of the day, in the case of any clerk, will not be cured at a future day. They say they can not tell whether the clerk stricken with paralysis may not at some future day be drawn out of his trouble. Consequently the law is nothing but a dead letter.

It was never the intention of Congress that tenure in the civil service should be for life, but only during efficiency, and yet the action of these heads of Departments and heads of bureaus, permitting their sympathies to carry them away, has evidently thwarted the intention of Congress. While appointment to office is no longer the spoil of the victorious partisan, retention in office has become the spoil of the incapacitated clerk.

Mr. DALZELL. May I ask the gentleman a question?

Mr. LITTAUER. Certainly?

Mr. DALZELL. This law imposes on the heads of Departments the duty of discharging an incompetent clerk. Is there any penalty attached for the violation of that law?

Mr. LITTAUER. There is none.

Mr. DALZELL. Is a law of any account that has no penalty attached to it?

Mr. LITTAUER. Well, it seems not.

Mr. DALZELL. Is it out of the power of Congress to attach a penalty that would make that law effective?

Mr. LITTAUER. I do not believe it is out of the power of Congress to attach such a penalty. The difficulty would come to frame a law that would be applicable with justice and then be effective.

Mr. DALZELL. It seems to me it would be very easy.

Mr. LITTAUER. There are extreme cases, no doubt, that can be made applicable to a general law, but the nice question, whether or not a man is capacitated or incapacitated is one that it seems to me would be somewhat difficult to make subject to exact provisions of a general law.

Mr. DALZELL. Can you remedy it by making a hard and fast rule which says that a man of a certain age is incompetent, although he may have been one of the best clerks in the Department?

Mr. KENNEDY of Ohio. That is the exception, however.

Mr. LITTAUER. That is one of the exceptions, however, that we believe proves the rule. The remedy we propose will eliminate a large and important proportion of the incapacitated.

The able chairman of the Committee on Appropriations has conducted a thorough inquiry, with his usual diligence and energy, and with the very patriotic purpose of benefiting the service alone, as to the number of clerks now in the service here in the District of Columbia——

Mr. PRINCE. Will the gentleman allow me to interrupt him?

Mr. LITTAUER. Certainly.

Mr. PRINCE. The gentleman was talking a moment ago about the age limit.

Mr. LITTAUER. I am about to come to that in particular.

Mr. PRINCE. If an amendment is suggested that the Union soldiers and the widows of Union soldiers of the civil war and the soldiers and widows of other wars shall not be subjected to the restrictions of the age limit, would not that be a proper amendment?

Mr. LITTAUER. I think I had better not answer that question at this time, but take it up when the discussion on the measure itself comes to that point.

Mr. PRINCE. I suggest to the gentleman, Mr. Chairman, that such an amendment may be offered when the time comes.

Mr. LITTAUER. Mr. Chairman, I shall address myself to an amendment of that kind when it may regularly be offered. I wish to state that the chairman of the Committee on Appropriations, the gentleman from Minnesota [Mr. TAWNEY], has by his investigations found out that there were in the Departments here in the District of Columbia 1,687 clerks over 65 years of age, and that their annual compensation averaged $1,235; that 586 of them were 70 years of age and older, and that their compensation averaged $1,243. The almost universal testimony from superior officers is that this great number of superannuated clerks makes necessary a much greater number of employees to perform the work. Secretary Taft, Secretary Bonaparte, Secretary Root were all pronounced in their statements on this point. Secretary Hitchcock declared that if the old clerks could be eliminated from his bureaus he could get along with a force 25 per cent smaller. Now, what does that mean? Every one of us is against a civil pension law. It is antagonistic to our ideas from every standpoint, and yet the retention in the service under the civil-service regulations of these old clerks makes out of our civil service a civil pension list. The clerks themselves realize this fact even more than do Members of Congress. They see day after day people in their own divisions rendering little or no equivalent for the salaries they receive from the Government. To-day they are constantly holding meetings asking men of distinction and experience to provide for them some means whereby they can ward off the consequences that they see coming.

They realize that the tree is dead at the top, and we ought to realize that it is our duty to cut off the dead branches. We must prevent the development of the civil-service system into a civil pension list. We can not legislate except for the average. We can not take up the exception. We must by positive provision of law, not subject to any departmental action, stop the retention in the public service of those partially or wholly incapacitated. Every one of us knows that when the average human being reaches the age of 65 years his abilities in part at least are impaired, and that in the Government service it is but fair that the salary one of 65 years of age should receive should not exceed a certain fair compensation. We have recommended in this bill that hereafter those 65 years of age shall not receive salaries over $1,400, and that when the years go on—and naturally the average man's capacity grows less during those years—and he reaches 68 years of age he shall not receive a salary of over $1,200, and at 70 years of age his salary shall be no more than $840. Moreover, we add the provision that after six years following this fiscal year, after June 30, 1913, there shall be no employee in the Government service over 70 years of age.

The caricatures of our proposition in the local press have been most amusing and very descriptive, and yet what right to compare a force maintained permanently in office with a force that is eliminated every two years or every six years by election, appointment, or otherwise? Such comparison is as unfair as it is ridiculous. I trust Members will realize that the operation of our civil-service laws has now brought us to a point where we must take some action to get rid of the incapacitated; and after full deliberation your committee see no other way than to eliminate at least that number of incapacitated clerks who naturally become incapacitated by the lapse of years.

Now, Mr. Chairman, I desire to return to the consideration for a moment of the unequal salaries paid. It is but natural that the organization of the Houses of Congress should be taken

as an example to pattern after by the Departments, yet nowhere in the Government service is there more inequality of compensation than here under our own control. We of the House note that there is a body here of ninety members. They are attended by 372 specified salaried attendants, whose salaries amount to $534,000. Add to that their stenographers, at $25,000, and then a miscellaneous fund, for which in the year 1906 $150,000 has already been appropriated, nearly all of which is expended for annual salaries.

Add to these amounts $104,000 for general expenses, and we find a total expenditure for every Senator outside of his salary and mileage of about $9,000. Then we turn to this House of 386 Members and 4 Delegates. There are 432 specified salaried attendants receiving practically the same amount as the 372 of the Senate, $535,000; in addition there is the annual clerk to each Member, costing $466,000, to which must be added our general expenses of $153,000, which makes the cost for each Member of Congress, outside of his salary and mileage, $3,000. The individual Senator is thus fully three times as expensive as the Member of the House. The inequality in compensation is emphasized by the compensation to the working forces of the two Houses. The committee clerk there receives $2,220, whereas we pay the same officer $2,000. The annual clerk is paid at that end of the Capitol $1,500 a year, whereas we pay him $1,200.

The Senate messenger receives $1,440; we pay ours $1,200, $1,100, and $1,000, and pay our janitors $720 (who in part do the same kind of work). When we come to consider the working forces we find that their chief engineer receives $2,100, ours $1,700, their assistants $1,440, ours $1,200, and so on down through the force. Now, we know perfectly well we have no right to control, we can not control, any expenditure at that end of the Capitol, but we have the right to control the expenditures in connection with this House. We find in the organization about this House inequalities of pay in the force just as great as elsewhere, even in forces doing exactly the same character of work. We felt it was our duty to begin a reform here at home in order that there might be an example before the Departments, with their thousands of clerical force unequally paid like our own.

Mr. LAWRENCE. Will the gentleman be willing to yield for a moment?

Mr. LITTAUER. Certainly.

Mr. LAWRENCE. While you are on this matter of inequalities of salaries, I notice that you refer in your report to the fact that there are sixty Capitol police——

Mr. LITTAUER. I was about to come to that.

Mr. LAWRENCE. And that thirty of them get $1,100 and thirty get $960. Now, I would ask the gentleman if he will state if there is any law specifying the number of Capitol police and the salaries they shall receive.

Mr. LITTAUER. None, except the current appropriation law; consequently we have the right to deal with the force here, and it is our purpose to deal with it in this bill. The Capitol police is one of the three forces that the Committee on Appropriations, after much deliberation, determined to attempt to reform as far as compensation is concerned. We found that of the members of this police force thirty received $1,100, thirty received $960, and nine received $900, despite the fact, testified to by their superior officers and admitted by themselves, that the service of each one was the same as every other one. Appointments are not made to the $900 class with an increase after a lapse of time to $960 and $1,100. It would be impossible to follow out such a system of promotion in a force appointed on the basis of patronage. Appointments are actually made at $1,100, others at $960 and $900, without reference to experience. We felt it was a manifest injustice to the men doing the work to receive such unequal compensation, just as it is to the Members who recommend the appointments.

Mr. LAWRENCE. Do I understand the gentleman to say that the reasons for this inexcusable inequality of compensation, not only with reference to the Capitol police, but in reference to all branches of the service here in the Capitol, is that we have not based our action upon general law, but have acted from year to year on appropriation bills?

Mr. LITTAUER. Such has been the case.

Mr. HENRY of Connecticut. Will the gentleman permit a question? I notice in the hearings it was stated that there are twelve messengers in this House receiving a thousand dollars a year, twelve messengers receiving $1,200 a year, all doing precisely the same work. Now, may I ask the gentleman what was done with that proposition?

Mr. LITTAUER. Well, I would state to the gentleman that we attempt in this bill to be practical reformers in equalizing the pay of our forces. We attempt to do only what we could give good reasons for doing. We have made a beginning by equalizing three forces—the police force, the force in the folding room, and the force in the document room. When we attempted to take like action with the messenger force we found one force paid $1,200, a soldiers' roll at $1,200—and the soldiers' roll is usually considered sacred by us—and finally we find another force at a thousand dollars.

It is true that the compensation of all is most ample, yet some of these messengers unquestionably do work that requires better endeavor and greater intelligence than others. The messenger, for instance, at the main door performs much more work than one at the side door. We concluded to leave the messenger force as we found it. We did not take up the question of whether the compensation fitted the work or not. We felt if we attempted to do that we would be wiped out here on the floor.

We determined to average the compensation of the three forces, so that the total amount expended for these forces would be just slightly more than they are now receiving. We increase the total pay of the police force $480, of the folding-room force $340, and of the document-room force $200. We did not attempt to determine the reasonableness of the compensation. We felt from the very nature of their appointment and employment that we ought to follow the past action of Congress, who were much better able to determine what were proper salaries, than to place our own judgment upon the worth of the work.

Mr. HENRY of Connecticut. Then, if I understand the gentleman, in regard to the reform of the messenger service, it was not regarded as inequitable, but as impracticable?

Mr. LITTAUER. That is it. It was plainly so. There is no other reason that we can give. The messenger service force, except with just this little difference that there is little more work done at one place than at another, should all be placed on one basis. If these equalizations we propose shall be adopted by the House, and the House gives its approval to this attempt to equalize salaries and give each man the same pay for the same work, we can subsequently attempt like action with other forces connected with the House.

Mr. HENRY of Connecticut. As I understand it, the pay of the messenger service in the Senate is uniform.

Mr. LITTAUER. The messenger service pay is uniform. They all receive $1,440 a year.

Mr. HENRY of Connecticut. A much higher salary and doing the same work?

Mr. LITTAUER. But we have no control over their salaries.

Mr. HENRY of Connecticut. Why not follow the precedent of the Senate and equalize these salaries?

Mr. LITTAUER. If you ask my opinion, the salaries we already pay are too high for the work rendered.

Now, Mr. Chairman, I will not comment further at this time on the provisions of the bill, but will wait until the various paragraphs of the bill give me the opportunity of stating to the committee the reasons for the many changes we have adopted in the bill, as well as the reasons for many omissions. [Applause.]

Mr. LIVINGSTON. Mr. Chairman, as I stated on this floor last winter on the adjournment of the Fifty-eighth Congress, these appropriation bills had not been scrutinized as they should have been, and that there was a great deal of looseness financially in the bureaus and the Departments that could not be uncovered and brought to the attention of this House unless the Appropriations Committee took a great deal more time as to details than we had been taking in the past. I then objected to the short session and object to it now. It amounts to nothing. And I am surprised that Members of Congress, especially those that have been here for quite a while, should be content to meet here on the 1st of December and adjourn on the 4th of March, with two or three weeks' holiday in the meantime. Your appropriation bills and other legislation is imperfect and, if you will excuse the expression, not very creditable to this House. It goes to the other end of the Capitol, and there, by some means or another, they spend a little more time. And it has gone out abroad if you want deliberate and safe legislation, you must go to the Senate; and perhaps that accounts for the $9,000 expenses per capita there against $3,000 here. It may have something to do with it. I hope and trust, Mr. Chairman, that you will lengthen the short session and that you will stop buying through tickets to Europe so early in the spring.

This committee, if you will excuse me, Mr. Chairman, has given more pains and more time to this appropriation bill than has ever been given to it since I have been in this House—a period of sixteen years. What is the result? The gentleman who has just taken his seat has partially given you some idea of what we have done. And on one item alone—uniformity and fitness of salaries—it would take that subcommittee that made up that bill three long months to work it out. Do you

intend ever to do it? Do you intend to have clerks sitting alongside of one another, one getting $1,800 a year, one getting $1,400 a year, one $900 a year, and one $720 a year, and doing exactly the same work? It is impossible to get discipline or to maintain discipline in a Department or a bureau with such discrimination. Our people are not slaves. They are not the yellow men of the Philippines. When a bright, sprightly young man is working for $720 a year, doing identically the same work and the same amount of work as a clerk who gets $1,800 a year, you can not expect to discipline that man.

There are a thousand ways in which he can get even with the Government without vacating his desk. There are hundreds of ways in which he can fritter away the time during the day without going out of the house. I repeat that it would take the subcommittee that made up the bill now pending three months this summer to work that problem out—inequality of salaries and the fitness of salaries to the work to be done. There was but little attention paid to it prior to this session. Let us take a few examples. I have a hundred of them. Here is one. The chief telegrapher in the War Department is an $1,800 clerk. He has four helpers, and two of them get $1,200 and two of them get a thousand annually. The Department of Commerce and Labor has a chief telegrapher at $1,200 a year, which is $600 less than that given to the chief telegrapher of the War Department. He has two helpers at $1,000. They are $200 down from what the helpers receive in the War Department. The District government has three telegraphers at $1,000. There is $800 down. The Treasury Department has two only; one chief and one assistant at $1,200. There is $600 down. The House of Representatives have two at $1,200. There is $600 down from the highest paid clerk. In the Senate they have one at $1,500. The Government Printing Office has one at $4.50 a day. The Interior Department has a telegrapher at $1,000. The Navy Department has a telegrapher at only $1,000. Eight hundred dollars difference between men doing indentically the same work. We could produce 100 or 500 illustrations of this sort of inequality. These things ought not to be; and they would not be if this House should take longer time to do this work, and not thrust your committee inside a room and tell them that they must have a bill reported in a certain time.

Mr. CAMPBELL of Kansas. Will the gentleman allow me to ask him a question?

Mr. LIVINGSTON. Certainly.

Mr. CAMPBELL of Kansas. Does the chief telegrapher in the War Department get $1,800 and the chief telegrapher in the Navy Department get $1,100? Do I understand that to be the gentleman's statement?

Mr. LIVINGSTON. One gets $1,800 and the other $1,000, and your telegrapher gets $1,200.

Mr. CAMPBELL of Kansas. I was referring to the chief telegraphers in the War Department and in the Navy Department.

Mr. LIVINGSTON. In the War Department he gets $1,800.

Mr. CAMPBELL of Kansas. And in the Navy Department?

Mr. LIVINGSTON. In the Navy Department he gets $1,000; he must be chief, as there is only one.

Mr. CAMPBELL of Kansas. Are the responsibilities of the telegrapher in the Navy Department equal to the responsibilities of the chief telegrapher in the War Department?

Mr. LIVINGSTON. Why, certainly. What is the difference if a man works eight hours a day, and busy? He can not do any more work than any other man of the same capacity working eight hours a day.

Mr. CAMPBELL of Kansas. The object of making these inquiries as to the several responsibilities of these telegraphers was to develop the fact that the chief telegrapher in the War Department must send and receive messages in cipher.

Mr. LIVINGSTON. He has four helpers.

Mr. CAMPBELL of Kansas. I assume that the telegrapher in the Navy Department has some help.

Mr. LIVINGSTON. He has no helper at all. I would not be surprised, so far as that is concerned, that the conditions in either place would not differ much. I should suppose that the telegrapher in the Navy Department would send as many and receive as many messages in cipher as the telegrapher in the War Department, and perhaps more.

Mr. LAWRENCE. Will the gentleman permit me?

Mr. LIVINGSTON. Just in a moment. I want to say to the gentleman who is making the inquiry that I only give this as an illustration. There are many others.

Mr. LAWRENCE. The gentleman has called attention to what appear to be certainly very glaring inequalities of compensation for services rendered. Have the facts referred to just become known to the Committee on Appropriations or have they known them for some time?

Mr. LIVINGSTON. In answer to the question, Mr. Chairman, let me tell the gentleman that they have come to our knowledge recently. We have known of a great many of these things, but we have not had an opportunity to bring them out fully until now.

Mr. LAWRENCE. Were they not brought to the knowledge of the committee before?

Mr. LIVINGSTON. No; we had not the time. We are rushed into the committee room and ordered to report a bill out. The committee being limited must necessarily limit the investigation. We have only a limited time in which to do the work, and can not go into the details. This time we have done so to a greater extent.

Mr. LAWRENCE. You have had no more time this session than you have had any long session of Congress.

Mr. LIVINGSTON. Yes; we have.

Mr. CHARLES B. LANDIS. Let me ask the gentleman from Massachusetts, from the bland manner in which he asked that question, would it not indicate that this is the first information that he has had of this condition of affairs?

Mr. LAWRENCE. It is the first information I have had in such detail.

Mr. CHARLES B. LANDIS. I supposed that it was a matter of common information.

Mr. LIVINGSTON. We have had some of this information in the committee before, but this is the first time that we have given specifications to the House.

Mr. LAWRENCE. This is the first time I have heard it in such detail.

Mr. LITTLEFIELD. Mr. Chairman, I desire to make an inquiry. I understand that there is a commission which has been constituted by the Executive for the purpose of examining the various executive branches of the Government, simplifying the work, and economizing and arranging it on a better business basis.

Now, while I know nothing about it, I should like to inquire whether the gentleman knows that this commission, which I understand is composed of able and intelligent men, is taking into account the situation that the gentleman has described and whether that is in the purview of their investigations?

Mr. LIVINGSTON. The Committee on Appropriations has seen nothing more from the Keep commission, I suppose, than gentlemen of the House or individuals have seen. We saw the report on the Public Printer and the report on the Secretary of Agriculture. I guess the gentleman saw the same. That is all that we have seen of it. The commission was not before the Appropriations Committee, and if there was any specific information drawn from that commission I am not aware of it, except what was published to the world. But, Mr. Chairman, we are not responsible for the Keep commission and neither can the Keep commission assume the duties of this House.

Mr. JOHNSON. Will the gentleman yield for a question?

Mr. LIVINGSTON. Yes.

Mr. JOHNSON. The gentleman from Georgia has just pointed out some very glaring instances of inequalities in the pay of men doing similar work. I should like to inquire whether the committee has made any provision for equalizing those salaries, increasing some and decreasing others?

Mr. LITTLEFIELD. In the legislative bill?

Mr. JOHNSON. In this bill.

Mr. LIVINGSTON. I thought I was explicit on that. As was stated in the remarks of the gentleman who last had the floor [Mr. LITTAUER], we undertook to level up and level down the Capitol police.

Mr. JOHNSON. I understand that, but I am speaking——

Mr. LIVINGSTON. We did undertake to level up and level down the employees in the document room of the Capitol. What that will be worth will depend on what the other end of the Capitol determines to do about it later.

Mr. JOHNSON. I understood that from the gentleman from New York; but what I want to know is, what did you do about these telegraphers in the War Department and the Navy Department and the various Departments of the Government, whose pay is so unequal?

Mr. LIVINGSTON. Let me answer, once for all, that the investigation opened up so much of that kind of discrimination or inequality of salaries of people doing the same work that we concluded to let them go. The gentleman who has just taken his seat [Mr. LITTAUER] and I indorse the suggestion that the House and the Senate should appoint a joint committee. If you do not wish to take that joint committee from the Committee on Appropriations, take it from the floor of the House and the Senate; but I want to suggest to you that our splendid chairman and the gentleman from New York, and other gentlemen on the Appropriations Committee who have gone into this

to a great length, are better fitted to do it than anybody else. We stopped, knowing that we had not the time to conclude it. Your subcommittee and your Committee on Appropriations, with your chairman, were anxious to do it, but I have said to you that it will take three months to do it. Are you willing to sit here that time and send us facts and wait for results?

Mr. JOHNSON. Why, certainly; that is what we are here for.

Mr. LIVINGSTON. Very well; we will meet you halfway on that.

Mr. LITTLEFIELD. May I make another inquiry?

Mr. LIVINGSTON. Certainly.

Mr. LITTLEFIELD. The gentleman says that the Committee on Appropriations have been endeavoring to level up or to compose the discrepancies in these salaries. Now, I have taken occasion to look through this report that is made by the committee, and if I have not made any mistake, I found that the committee have increased sixty-four salaries and decreased only seven. I should like to know——

Mr. TAWNEY. I will correct the gentleman from Maine, Mr. Chairman.

Mr. LIVINGSTON. The gentleman from Maine needs to be corrected.

Mr. TAWNEY. We have increased 104 salaries and decreased 64. The increase in the aggregate amounts to $16,930 and the decrease to $8,400. I will say further that this bill abolishes 308 places, amounting in the aggregate to $360,360.25, and has created 243 new places, with an aggregate compensation of $276,324, leaving a net decrease of $76,506.25.

Mr. LIVINGSTON. I hope that is a complete answer to the gentleman from Maine.

Mr. LITTLEFIELD. I would only say that the basis of my suggestion was the report of the committee. I do not undertake to be very familiar with it.

Mr. TAWNEY. I have taken the bill item by item, in order to ascertain the exact number of places abolished, the number created, the increases provided for, and the decreases provided for, and the statement which I have given is an exact statement of the facts.

Mr. LITTLEFIELD. I shall not take the time of the committee, Mr. Chairman, but I have a report of the committee in my hand, and if I am able to make an analysis correctly it results in exactly what I suggest. I will hand that report to the chairman of the Committee on Appropriations, the gentleman from Minnesota [Mr. TAWNEY], and when he has time I shall be glad to have him call my attention to it.

Mr. LIVINGSTON. Mr. Chairman, I would state to the gentleman from Maine that if the statement of the chairman of the committee needs any indorsement I very gladly give it.

Mr. LITTLEFIELD. Mr. Chairman, I would be very glad to hand this report to the gentleman who now has the floor, the gentleman from Georgia [Mr. LIVINGSTON]. All I desire is information. I have not gone through the bill, because it is almost impossible for a man not familiar with the details to get exact information of details. I would be very glad to hand this to the chairman. I have no doubt the gentleman correctly states the information.

Mr. LIVINGSTON. Mr. Chairman, perhaps there is no more important matter pending, financially at least, than the question that is now being discussed before the House, but I desire to state that your Appropriation Committee could not very well level up these salaries and make them fit to work in five or six weeks. That is something that will take three months to do. If it is ever done it ought to be well done. We have begun it in the House as an example, and we determined to urge upon this House the necessity of it. We do not want to go abroad into the Departments and bureaus and spring it there. We sprung it in the House, and we begun to level up and level down in the House, and it ought not to stop there. I desire to say now that we had not the time to do it as well as we would wish, but it ought to be done.

The demoralization mentioned by the gentleman from New York [Mr. LITTAUER] is far broader and deeper and far more reaching than any Congressman has an idea of unless he be familiar with these bureau and Department clerks. It ought to be a disturbing element, and it ever will be; you never can get the full amount of work out of a boy sitting down working for $840 a year while a clerk who is beside him receives $1,800 a year for exactly the same work and no more of it. It is not right.

Mr. JOHNSON. Mr. Chairman, I would like to ask the gentleman this question: Is it true that clerks are now receiving $1,800 for precisely the same kind of work at the same desk they received last year, say, $1,000 for, or some less amount?

Mr. LIVINGSTON. I was told the other day that there were clerks receiving $480 for doing the identical work that $1,800 clerks do.

Mr. TAWNEY. Mr. Chairman, if my colleague will permit me, I desire to state to the committee, for the information of Members, that there is one branch of service, comparatively new, that we found where this inequality in compensation for identically the same service was found, and we have corrected it. That was in the telephone service. Some of the operators were receiving compensation at the rate of $400 and $500 a year and some as high as $1,200 a year. We have fixed a uniform compensation of $60 a month to all.

Mr. JOHNSON. Was that an increase or a decrease?

Mr. TAWNEY. That makes in the aggregate a decrease.

Mr. LIVINGSTON. That ought to have been done all along the line, but we had not the time to do it. It was our disposition to do it.

Mr. Chairman, in our investigations in the hearings, we discovered the want of intimate knowledge of details on the part of the heads of Departments and the chiefs of bureaus and chief clerks. Now, no man engaged in any business enterprise, whether for Congress or on the outside, ever did succeed in managing employees and clerks unless he kept in touch with their affairs, unless he understood the details of his business and attended to it in detail. I regret to say that there are too many heads of Departments, too many chiefs of divisions, and too many chief clerks who know but little about their business. They ought to comprehend the business in detail. They ought not to think they can do the business in shipshape with a full day's work one day and but a part of a day's work the next day. There ought to be less politics, if you will pardon me, engaged in by these people, and more business done. I think that the clerks and employees in Washington have done and are doing remarkably well with the kind of management that they have.

Mr. CHANEY. Mr. Chairman, I would like to inquire of the gentleman from Georgia if his investigation has not disclosed the necessity for having some sort of a commission to take up this general subject and make a report to Congress?

Mr. LIVINGSTON. Mr. Chairman, both the gentleman from New York [Mr. LITTAUER] and myself have so stated.

Mr. CHANEY. I was not in the House at the time.

Mr. LIVINGSTON. Our opinion was that it would take a subcommittee of the Appropriations Committee or some other commission—and I dislike that word "commission"—some committee of the House and the Senate three months to do this work.

Mr. Chairman, we discovered another thing that ought not to be, and yet it is human nature, and you can not prevent it. The different Departments and bureaus wish to excel one over the other. Take the Navy Department and the War Department as illustrative, and when that spirit is abroad they forget the financial end of the thing, the revenue end of it, and their rivalry leads to extravagance. Therefore it behooves your committee to go into these matters, and they should be gone into in detail. It is a laudable motive to have, perhaps, the best equipment of guns on land or on ship, to have the best fortifications that the world ever had, and to have the best ships and the best-manned ships the world ever saw; but you have to hold that spirit in check or there will be extravagance world without end. Your committee in making up this bill discovered much of that, and in many cases lopped off and put up the bars in the face of those who were spending this money, so it could not be done again; but there are many, many instances of it remaining where valuable work could be done. This lump-sum business, Mr. Chairman, was touched on by the gentleman from New York, and it has been a great source of extravagance. It has been a great source of dissatisfaction. It is not the way to appropriate money. The Congress of the United States ought to have the expenditures in detail at the end of its fingers. The administration of affairs and the raising of revenue must go together, and a man who undertakes and thinks he can administer without comprehending and covering the finances in detail will be a bankrupt in his business on the outside. Of course he can not bankrupt this Government, because we can levy additional taxes, but it ought not to be done.

Mr. ESCH. Mr. Chairman, will the gentleman yield to a question?

Mr. LIVINGSTON. Yes.

Mr. ESCH. In that connection, what has your committee to recommend in reference to appropriation and expenditure of contingent funds?

Mr. LIVINGSTON. I will not have time, but if you will just rest until we get on the bill in detail you will see that we have largely corrected this evil. Contingent expenses and lump sums are a flowing fountain of extravagance.

Mr. ESCH. I agree with you.

Mr. LIVINGSTON. That is all there is in it. Of course, by giving a man who spends the money that amount of latitude he can make the best show in the world. There is no doubt about that. But he goes far beyond what is practicable and valuable, and spends money for nothing, and when you put a contingent fund at his disposal or a lump sum without any restrictions you may expect extravagance, not from Mr. Jones or Mr. Smith, but from anybody. I am surprised that Congress does not stop it.

We have begun this time and are determined to stop it. We have made a great break in it, but it is not complete by any means. Take the Public Printer. When we come to discuss that part of this bill I invite you to be open and free and full. I have here some samples of work, and when we come down to the five-minute rule I will produce them. You take a few sheets of paper, largely statistics, furnished by the Public Printer to the Patent Gazette. They are paying $19,000 per annum for those few sheets of paper, and we had some parties go on the outside and see what it could be done for by Peters & Co., and they agreed to do it for $4,200. There is a difference between $19,000 and $4,200. I was informed this morning—and it is not in our hearings, and I call the attention of the chairman of the committee and Mr. LITTAUER to the fact—I was told this morning by an employee of that bureau who is a stereotyper that they charge exactly the same price for electrotyping work they do for stereotyping work, and stereotyping work costs only one-tenth of what the other does, but they put them up so as to make them even.

I do not want to make an unfair criticism against anybody or about anybody, but the truth of the business is in time past—and the present Public Printer is not responsible for these things; he is doing his best to reform everything down there, and I believe the man is honest and I believe he purposes to do it—it grew out of this fact that the head of that bureau did not know the details and did not comprehend the work before him. That is all there was in it. Why, the printing done for the Library by the Public Printer is done at enormously extravagant rates, as you will find here from the hearings, but 10 per cent of that was held back by the Public Printer for bookkeeping. That is an enormous per cent on that kind of work held back for bookkeeping.

Mr. JOHNSON. I do not like to disturb the gentleman so often, but I would like to ask him a question. Are these prices that are received by the Government Printing Office from the various Departments turned into the Treasury, or what becomes of that money?

Mr. LIVINGSTON. You can not establish by the Appropriations Committee where the money goes. They are a law unto themselves. My answer to the gentleman is this: The Public Printer has been a law unto himself. He made his own estimates, he fixes his own salaries, he spends his own money, and I do not know who he accounts to for it; he does not account to Congress.

Mr. JOHNSON. That is what I wanted to know.

Mr. LIVINGSTON. It is not part and parcel of the Treasury Department; it is not part and parcel of any other Department or bureau of the United States Government. It has been a kind of independent business down there. [Laughter.]

Mr. PALMER. Does anybody audit his accounts?

Mr. LIVINGSTON. They are audited inside.

Mr. PALMER. Inside of what?

Mr. LIVINGSTON. Inside of his bureau.

Mr. PALMER. Inside of the Printing Office?

Mr. LIVINGSTON. Inside of the bureau; yes. I suppose they are audited inside.

Mr. PALMER. Does any Government auditor audit the accounts of the Public Printer?

Mr. LIVINGSTON. I will refer you to the Keep commission, my dear man. There we got more information than we have ever had from any other source. They reported on it.

Mr. PALMER. I only wanted to know whether there was an irresponsible guerrilla department that was not accountable to anybody.

Mr. LIVINGSTON. I want to say once more that I think you will soon see a reformation there, and a very proper one, too.

Mr. PALMER. May the Lord hasten the day!

Mr. LIVINGSTON. Now, Mr. Chairman and gentlemen, one of the most troublesome things we ran across was this old-age clause that we find in the bill. And when you come to tackle it you will find it to be the same thing—a hard question to settle. And I want to say, gentlemen, that it ought to be settled in justice and fairness to the clerks and to the Government. The question of whether an arbitrary rule fixing an age limit and calling that the dead line is fair or not I do not know. The clerks and chiefs of divisions and others involved in this question declare it is not fair. They say it requires discrimination. For instance, a man may be 70 years old sitting here and 70 years old sitting there, side by side, both at $1,800 a year. This man may be mentally twenty years younger than the other man, he may be physically much stronger than the other man, and they claim that we have made no discrimination or that we have. I want to suggest that when the time comes under the five-minute rule I am going to propose this as a substitute for what we have in that bill:

After June 30, 1906, and before November 1, 1906, the Civil Service Commission or a majority of the Commission shall visit each division in each bureau or office of each Department or governmental establishment in the District of Columbia for the purpose of examining every employee in the classified service over 65 years of age as to the efficiency and capacity of each to do a full day's work, and shall report to the second session of the Fifty-ninth Congress the exact condition of each employee, together with recommendation as to reduction or dismissal—

Based upon what?—

based upon his capacity mentally and physically to perform a good day's service. And the Appropriations Committee in making up its appropriation bills next thereafter—

Which will be next winter—

shall fix salaries or provide for reductions of force in accordance with this report. Such examination shall follow each year thereafter between June 30 and November 1, and shall be made by the Commission or a majority of the same, and not by details from their force. The efficiency record, the evidence of heads of Departments, of chief clerks, and chiefs of divisions, or any other accurate testimony, may be considered in arriving at a just conclusion affecting the value of services rendered by individuals, and to be reported hereunder.

Mr. Chairman and gentlemen, there is nobody under the broad heavens to-day that has so much time as the civil-service board. Everybody works but the board. [Laughter.] Now that is about all I want to say about that. The board has time to burn.

There is another reason why I want them to do this work. These people come in through that door, and it is the only door they can get in at, and there is none by which to get out. Let them go out at the door they came in. Why not? Why handicap a Congressman in his district? Why worry and trouble this House, trying to make a fair rule? We did that, and this clause that is already in the bill we thought, when we put it in there, was just and fair, while it was arbitrary. But they complain so bitterly about it, and the newspapers are objecting to it so strenuously, why not turn it over to this body and let them make a personal examination, not in their office, not away somewhere else, but right at the desk of the 65-year-old man, and make the investigation and report upon that man right there? There has to be a door by which to get these people out. There is no question about that. The gentleman from New York was correct. Standing on this floor fifteen years ago, when I was on the subcommittee making up the pension appropriation, I told you that you would regret the day if you procrastinated then in settling this question.

Civil Service Commission and civil pension are—one the cause, the other the effect; all the powers of earth and heaven can not divorce the two propositions. Whether we can do it or not is the question. [Great laughter.] But, Mr. Chairman, that is the question up to this House now. Can you do it? Can this House do it? Your committee tried it, and we have raised a hullabaloo over our heads. [Laughter.] Why, one gentleman said to me yesterday, "How old are you?" I replied, "74 on the 3d day of next April." And he said, "And you want to put out all the 70-year-old clerks without any examination, without any showing, without any discrimination?" I said, "Now, my dear man, will you agree to accept the road I travel?" He said, "Yes." "Well," I said, "there is an examination board down in my district every two years, and it is at my expense." [Cries of "Good!" "That is right!"] "Not only at my expense, but all the machinations and schemes that is possible to take the seat of a Congressman away from him are in play in most of our districts by those who want the places. Not in mine, thanks. We have got to bear the burden." I said, "Will you accept that?" He scratched his head and said, "I did not think about that." I said, "A man of 70 or 74 or 80 years in the House has, every two years, to go down to his district and to his constituency; and they pass on him." When I look around and see the men in the House now, there are scarcely a dozen men who were here when I first came. I do not think there are one dozen of those on the floor to-day who were here in the Fifty-second Congress, when I entered it. "Our constituencies," I told him, "my dear man, hold us to a stricter account than the Government has ever held you. Now, if you are willing to pass through that régime, I will put it on you. I will offer a substitute and have you examined every year if you are willing to stand for that." Then, he said, "Yes; when you put me on my merits, I am." This plan of mine puts him

on his merit at his desk every year between June and November. Now, the question is, Will this civil-service board do fair and square between the clerks and Congress? I think they will, for this reason: They are not as popular in here as they ought to be now [laughter]; and if they shirk their duty one time you will see these gray-haired men and the young men, especially the bald-headed men, rising up and moving to gather their salaries from under them and abolish their powers. They can not afford to take the risk. They will not do it. I think the men on that board are good men, fair men, and they are sworn, remember, to perform the duties that Congress devolves upon them. I think they will do so.

Now, some one suggested that that was not as great a hardship upon the poor old clerk as the straight clause in the bill now pending. I think not. There is just one thing in our proposition in the bill that is lame. We make no difference between the men. When they get to be 65 or 70 they get a lower salary, and then finally go out, whether they are strong or weak, whether they are able or not. That is the point that they make such a complaint of; and I am inclined to think the complaint lies well; it is a point well taken. There are a great many of these men old soldiers. Now, the old soldiers on my side, we have them down in Georgia, and do the best we can, and thank God we have done fairly well by them. These old soldiers that were on the other side of that war, that are now in the bureaus and offices of the country, should not be turned out without sufficient cause, and should not be dropped if they can do a day's work. Under this plan, and under the one in the bill, when it is found that a man is unable to do eight hours' work and can do four hours', he is paid for four hours' work.

I know that every man on this floor agrees with the committee that the time will come, gentlemen, when you have got to handle this question. Fifty years from now, if it remains loose as it has been for forty years past, it will cost more money for civil pensions, three times over, than it does for your pensioners now. You have got to meet the question. Now, why can not we meet it as humanitarians? Why can not we meet it as sober, fair, just men, and if you are able to convince these clerks and these employees that we have done the just thing by them, why we will feel better by it, and they certainly will be satisfied.

Mr. CAMPBELL of Kansas. Mr. Chairman, has the committee given any consideration to the proposition to have the civil-service rules applied to the admission of persons into the public service, have them serve for a specified time or term, and then go out and make their way in the world before they have reached the age when they are incapacitated to take care of themselves?

Mr. LIVINGSTON. Yes; we have had that and fifty other plans before us, and let me just say to you now that your plan robs the Government of what it is properly and fully entitled to. A man comes in at 25. He is green. Because he comes in through the Civil Service Commission that does not necessarily mean that he knows one thing about his work. He may know how to measure a well, he may know how to measure a mountain, perhaps——

Mr. COCKRAN. I make the point of order that the committee is in such disorder that we can not hear the gentleman from Georgia.

The CHAIRMAN. The Chair thinks the committee is in very good order, but the gentleman from New York is sitting a long distance away from where the gentleman from Georgia is standing.

Mr. LIVINGSTON. I will try to speak so that the gentleman from New York can hear me. I ask him to come down here.

Mr. COCKRAN. That would be disorderly, and it is because other gentlemen stand down in the center aisle that the rest of us can not hear.

Mr. LIVINGSTON. Mr. Chairman, a man goes into the Government service in one of the Departments at the age of 25. He knows nothing whatever about clerical work there. He is put to work, and it takes a year or two to train him. By and by the chief or the chief clerk or somebody else gets him to be very exact. He is shrewd, he has a good brain, and above everything else he is willing to work; and it makes no difference what a man has in his head unless he is willing to work. He gathers the statistics of that division all up into his head. He can answer a question in a moment. He can refer to a book in a second, and can answer any question that may be asked with reference to the details of work in that department. See what a help that man is. Now, when he gets to be 50 years old he is just as bright; when he gets to be 60 years old he is just as bright, and by reason of his great knowledge and experience, is a vastly more valuable employee than when he came in at the age of 25. You want simply to rob the Government of that man's service, when he has received all his schooling and all his training right there, and has been well paid all the while to do it. Why not let him stay there as long as he is efficient, and let the Government have the benefit of his special knowledge and training?

Mr. CAMPBELL of Kansas. I would protect him and the Government at the same time by letting him out while he is still capable of taking care of himself. Now, is it not true that in elective offices throughout the country men are elected for a term of two years to the office of register of deeds, county clerk, or county treasurer, where it is just as important that a man render accurate service to the people as in the public service here in Washington? There they serve for two years. If they have been faithful, they are elected for two years more, but rarely for a third time. Why not make a term, say, of six years, and have able young men and women coming in and going out constantly after a six-year term here in the public service? Then the question of a civil pension list will never worry the Government, and the question of having done injustice to an old employee who has given a lifetime of service to the Government will not be a matter of consideration here or elsewhere.

Mr. LIVINGSTON. My experience here in Washington on that point is that if you take a young man 25 years old and put him into the clerical force in Washington and keep him here twenty years he is not fit for anything else.

Mr. CAMPBELL of Kansas. That is to say, if you keep him here too long. Why not let him serve six years and then turn him out while he is able to do something else?

Mr. LIVINGSTON. If he stays here twenty years, he has become unfit for any other employment.

Mr. CAMPBELL of Kansas. But if he has stayed here six years he is still able to go out into the world and make a living.

Mr. LITTAUER. He will get the virus in six years.

Mr. CAMPBELL of Kansas. The trouble is employees come here now and spend their whole salary, knowing that they have a life job with the prospect of a civil pension.

Mr. LIVINGSTON. Under this plan of mine you put these clerks exactly where you put the Congressman and the clerk of a court. Every year between June and November that examining board visits that clerk, and they pass upon the question of his fitness. Every two years the clerk of a court or the ordinary of a county must submit to an examination or a contest for his place. Down our way we keep them until they die, if they are good clerks and good sheriffs and good ordinaries. We do not bother to change them.

Mr. GAINES of Tennessee. You reelect them; and then there are others just as competent never elected.

Mr. LIVINGSTON. Yes; we have to reelect them; and this is a reelection that I propose. They come in through the civil service. Now, let the civil service come in and take care of their own children. They do not belong to us, I am sure.

Mr. GAINES of Tennessee. Mr. Chairman, the gentleman a few moments ago stated that when an aged employee of the Government got so that he could not do this work—only worked four hours, as he said—he is paid for these hours, and that after a while he "went out" of the public service. What is to become of him then?

Mr. LIVINGSTON. There are two propositions pending. The one in the bill is that in 1913, when this man is 70 years old, if he is living, he goes out on the grass without a penny from the Government. The proposition in this substitute of mine is that when the civil service says so he goes out, and if he goes out, he goes out without a penny from the Government just the same. Now, the only alternative to that is a civil pension. Is the gentleman from Tennessee in favor of that?

Mr. GAINES of Tennessee. I am not, and never have been.

Mr. LIVINGSTON. We are striving to do and are willing to do all that we can and the best that we can, and if you have got any better proposition we will accept it.

Mr. GAINES of Tennessee. I will tell the gentleman why I object to that. The employee comes in voluntarily to the service. He spends all of his salary voluntarily, and stays in the service voluntarily when there are other people who would take his place, who are or may quickly become as competent as he is.

Mr. LIVINGSTON. I know it, and if he was brought into a court-house, into a court of justice or a court of equity, and measured either by the law or by equity, I have no doubt the poor old clerk would go without anything. I know that he has not saved his wages, but I have no time to discuss that, and I have no disposition to do it, because it is a personal matter.

Mr. GAINES of Tennessee. How about the civil service making it a life tenure? The employees have spent their salary, and spend it every month, knowing that they are in for life.

Suppose a Member of Congress—take the gentleman himself—say you retain your seat in Congress until you die of old age. Let us suppose he died without a cent, does he think Congress would be justified in paying his family a pension? I will take my own self. Does the gentleman think Congress would be justified in paying my widow, if I left one, a pension?

Mr. LIVINGSTON. I do not.

Mr. GAINES of Tennessee. Does the gentleman think that we should give employees, not elected but appointed for life, and serve until they wear out, simply because they can not do an hour's work in their old age, that we should pension them?

Mr. LIVINGSTON. I want to state to the gentleman one vast difference between the clerk and the gentleman from Tennessee. The gentleman from Tennessee holds over his head a $5,000 policy guaranteed by the United States Government, and they haven't got that.

Mr. GAINES of Tennessee. I never heard of that before. It would be a pure gratuity, which I do not commend.

Mr. LIVINGSTON. Suppose the gentleman dies to-day, the first minute we get a proper bill before the Appropriations Committee his widow, if he has got one—if you have a widow or a child, they would get that $5,000. Another thing that demoralizes the clerks, and they know about this insurance guarantee that the gentleman has over his head—another thing that demoralizes them is our conduct toward our retiring officers of the Army and the Navy. The man who is a captain and comes in line to be retired is promoted and made a colonel and serves the Government one day with an increased salary and is retired.

There are 434 retired brigadier-generals in this country now, and 407 of them can do service as well as they ever did. These clerks know it; they know our conduct toward these people, and they say if you can retire Army and Navy officers when they are young and able-bodied and intellectually as good as ever, why can not you have some consideration for the poor old clerks? I am not justifying their statement. I make the statements as they make them and leave them to you. I do not believe in a civil pension. We could not afford it. This Government is strong and rich, and I hope to heaven it will always be strong and rich, but we could not afford, with 390,000 employees and 10, 30, and 40 per cent of them going out every year at the age of 65 or 70—we could not afford to pension them.

Mr. GAINES of Tennessee. As I understand, your time limit for these people to retire is 1913. In the meantime your proposed law would be operating as a notice that at that time all of the old people who are incapable of doing work will have to go out, and in the meantime they must save up something for that "rainy day."

Mr. LIVINGSTON. We are not telling them in detail what they shall do; we will leave them to read between the lines. They can read between the lines if this provision passes.

Mr. BRICK. Mr. Chairman, will the gentleman allow me an interruption?

Mr. LIVINGSTON. Certainly.

Mr. BRICK. It is a fact that the committee and the subcommittee have looked over all sorts of conceivable remedies for this condition of affairs and that they have placed in the bill the one provision that they think is the most probable to be approved by the House. Now, these persons go out as they get old under this provision; and I would like to ask the gentleman if I am correctly informed that, in order to provide for old age and all of the varied burdens of life and work in Washington, the clerks and employees under the Government get from 25 to 100 per cent more than others in like employment outside of the city get?

Mr. LIVINGSTON. That is correct; but the gentleman will pardon me if I extend the answer and say that their expenses are 25 and 30 per cent more in Washington than they are elsewhere.

Mr. BRICK. We provide for that difference between outside employment and employment in Washington in ample remuneration.

Mr. LIVINGSTON. Oh, I desire to say candidly—and I am not here to censure clerks for what they have done or have not done about their private matters, for I do not think it is proper that I should do it—I want to say candidly that is one of the great troubles. They have not saved.

Now, Mr. Chairman, I want to suggest this, that the only way to settle this question of old clerks is to do it with individuals and not with a wholesale proposition. I can go into the other end of this Capitol, if you will excuse me, and find men there that are very active who are over 80 years of age, and I am not sure if one or two of them are not about 90. They do not give their age as freely as I give mine, but they are active and strong and vigorous, mentally and physically. One gentleman—and I do not mind putting in his name, for it is in the hearing—Mr. Ainsworth, who is a model man in his business, says that one of the best men he has is, I think it is, 76 years of age. I may be mistaken about stating the exact number of years, but I think he said 76. The only way to settle the question is with individuals; but I want to say in behalf of the committee, now, that we labored for weeks on this question and we had proposed to us perhaps fifty plans. I know that it was the purpose of your chairman and the members of that subcommittee, as well as the members of the committee itself when we came together, to do injustice to nobody if we could possibly help it; but we knew the fact that all rules have their exceptions and that all arbitrary rules work hardships to somebody. For that reason I endeavored to draw this to see at least if I could not have every man put upon his own merit, not on his age after he passes 65 years of age, and if that board will do him justice he will either stay in or go out with his mouth closed.

Mr. WATSON. Is not the plan now to deal with the individual in these Departments?

Mr. LIVINGSTON. Oh, no. I am talking about our plan in the bill. If a man gets to be 70 years of age he drops down to a salary of $840 a year.

Mr. WATSON. The gentleman says that his proposition is to deal with the individual. Is not that the plan now in vogue in the Departments at this time?

Mr. LIVINGSTON. Oh, well; let me say this to the gentleman——

Mr. WATSON. Is it not a fact that when an individual becomes incompetent that a Member of Congress can do nothing, because he has no assurance of getting the position himself for one of his constituents?

Mr. LIVINGSTON. Oh, I think the gentleman is wrong about that.

Mr. WATSON. Is it not a further fact that when you talk about ousting a person because he is incompetent there is often influence behind the man that keeps him there, and what is the difference between the plan of the gentleman from Georgia [Mr. LIVINGSTON] and the plan now in vogue in the Departments?

The CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. TAWNEY. Mr. Chairman, I ask unanimous consent that the time of the gentleman may be extended in order that he may be permitted to conclude his remarks.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent that the time of the gentleman from Georgia may be extended in order that he may be permitted to conclude his remarks. Is there objection?

There was no objection.

Mr. LIVINGSTON. Mr. Chairman, perhaps the gentleman from Indiana [Mr. WATSON] will appreciate and understand our effort more when I tell him that year after year, for six or eight years perhaps, we have put a clause in the legislative appropriation bill that no part of this appropriation shall be paid to a clerk or employee incapacitated otherwise than temporarily.

Mr. WATSON. We remember that.

Mr. LIVINGSTON. Our purpose was to get rid of this very thing. That is up to us now. Our purpose was to have these heads of the Departments and the chiefs of bureaus sift out these men.

Mr. WATSON. But it did not work?

Mr. LIVINGSTON. They would not do it.

Mr. WATSON. That is the point.

Mr. LIVINGSTON. And they came before us, as the gentleman will see in the hearings, and absolutely stated to us positively that they did not do it and they will not do it again.

Mr. WATSON. Wherein does the gentleman's plan differ from the plan now in vogue?

Mr. LIVINGSTON. The gentleman from Indiana puts it as my plan. I put it on the Civil Service Commission.

Mr. WATSON. And the Civil Service Commission believes in retaining them as long as they live?

Mr. LIVINGSTON. No; they believe in the reverse. That is the fear I have. They want to put in more. They have nothing to do there except to fill the places caused by resignations and deaths and things like that. The gentleman does not seem to understand that business.

Mr. WATSON. I think I understand the Civil Service Commission, and that is what I am complaining about.

Mr. LIVINGSTON. I have no doubt about that.

Mr. BUTLER of Pennsylvania. What reason was given by the Department for the failure to get rid of these people?

Mr. LIVINGSTON. They said it was inhumane. They did not have the heart to turn an old man or an old woman out.

Mr. BUTLER of Pennsylvania. Do they believe that we act without heart in this matter?

Mr. LIVINGSTON. I refer the gentleman to the hearings.

I would not like to quote anyone without having the hearings before me.

Mr. BUTLER of Pennsylvania. I thought perhaps the gentleman remembered.

Mr. LIVINGSTON. I do remember, but I would rather be exact about it. I would hate to say just what Secretary Root said and what the Secretary of War said. It is all there in the hearings. I think I can safely say this, however, and I hope to be corrected by the chairman of the committee if I am mistaken, that the great majority approve this proposition.

Mr. BUTLER of Pennsylvania. Then they assume that Members of Congress are heartless, I suppose?

Mr. LIVINGSTON. I suppose they can charge us with being heartless, of course, and then they come here and say, "You heartless men in Washington, you get $5,000 insurance on your lives," and all that sort of stuff, and they ask us what we are talking about—what we mean. I do not know what they will do, but let us do right if the heavens fall. We will have it to do some day, but you and I are here now, unfortunately, perhaps.

Mr. BUTLER of Pennsylvania. And for our constituency, too, perhaps.

Mr. LIVINGSTON. But we are here and we have to meet it.

Mr. GAINES of Tennessee. I would like to ask the gentleman from Georgia what truth there is in the contention that, or what his observation is as to whether or not, a person, say, 75 years old, can add up these long columns of figures we see and use and do the tedious work that you know these expert calculators and clerks have to do? I rarely ever see them doing anything except writing a letter or adding up long columns of figures. Does the proof show that a man 75 years old can do that character of work day after day?

Mr. LIVINGSTON. I refer you to the hearings. I will loan you a copy.

Mr. GAINES of Tennessee. I asked the gentleman for his personal observation. If he will give me that I think I will be a wiser man. The gentleman from Georgia was comparing, I think, a few moments ago some Senator—I take it to be some United States Senator—who was possibly a very old man. Now, I dare say there is not a man 75 years old in this country who, day after day, could add up these long columns of figures without utterly withering and dying from such hard work. We certainly would not employ a man 75 years old to do that work daily.

Mr. LIVINGSTON. Now, Mr. Chairman, if the gentleman will permit me, I want to say this, that I think we gathered from the investigation this fact, that when men pass 70 years of age, and perhaps 65 years of age, as a rule they were not so competent, they were not so valuable to the Government, but there were some very remarkable exceptions and they were exceptions in places where you can not very well spare the men. And I will say the less the chief of the division knows and the less the head of the Department knows the more valuable that man is to that place, and it intensifies the reason why he ought to stay. Do you catch the idea? They trust to these men. The head of the Department trusts him, the chief trusts him, and when he is in a close place on a problem he sends for him. He has not got too old to do that kind of work, and there are some exceptions of that kind which came out in the hearings and my plan discriminates in their favor. The other makes a dead line they must walk up to when they reach that age.

Mr. GAINES of Tennessee. It is a very distressing condition to deal with, in my judgment. It is shocking to turn out these old people and yet it is detrimental to the service to retain them. Nobody wants to be harsh or hard on them, of course, yet we have to be cruel sometimes to be kind.

Mr. LIVINGSTON. Now, there is another advantage in my plan. It takes away the responsibility of a Congressman when he comes to vote. His own constituent is involved. He may be as honest as honest can be and there is none of us who can not be influenced on the side of humanity sometimes. Whether you can get the Members of this House to stand up here and throw out of their minds and hearts all of the people that they are interested in and vote for that dead line proposed in the bill is one proposition, but when you see it can be done and the Government benefited as largely and securely by another plan, by putting that burden where I contend it ought to be placed—not on you and not on me, but on those people who put them in—and let them put them out.

Mr. BUTLER of Pennsylvania. Mr. Chairman, has the gentleman explained why the committee fixed on the year 1913 for the dead line?

Mr. LIVINGSTON. We would rather let you guess at that.

Mr. BUTLER of Pennsylvania. I can not guess at that.

Mr. TAWNEY. If the gentleman will permit me to interrupt and answer the gentleman's question——

Mr. BUTLER of Pennsylvania. I do not want to have a guess on this, because it affects the happiness of a great many people.

Mr. TAWNEY. This is not fixed on the basis of a guess at all, but the idea is this: Here are 586 people in the Departments who admit they are 70 years of age or over. How many there are who are more than 70, but who refuse to admit it, we do not know.

Now, those people have had no notice that action of this kind to separate them from the service would be taken, and we thought that by extending the time for their separation from the service—namely, seven years—would practically take care of those who are now in the service and have reached 70 years of age. So it removes the charge of inhumanity as to those who are now in the service and are 70 years of age or over by continuing them in the service for seven years from July 1, 1906.

Mr. BUTLER of Pennsylvania. As I understand——

Mr. TAWNEY. A man 70 years of age to-day would be separated from the service in seven years.

Mr. BUTLER of Pennsylvania. No one would have worked out the problem at the end of seven years.

Mr. TAWNEY. There are men in the service drawing $1,600 who are 85 years of age, who have been furloughed and have not done a stroke of work for several years.

Mr. LIVINGSTON. There are men, Mr. Chairman—and we might as well finish the sentence—who are lifted in their chair to their desk, when they go at all. Let me say to you——

Mr. BUTLER of Pennsylvania. Lifted in their chairs?

Mr. TAWNEY. And hauled to the Department day after day in carriages.

Mr. LIVINGSTON. Mr. Chairman, two years, ago, I think it was, your subcommittee on this bill had the Commissioner of Pensions before us—not the present Commissioner, but the preceding one—and we began to catechise him. He said very candidly, "I have a hundred people I do not need." "Well," we said, "as Representatives of the Government we can not, my dear man, appropriate money for those people when you do not need them." He said, "Cut them out." We asked him in what class they were, and he went through and picked out the classes and cut out a hundred clerks. We came back the next winter and found we had to appropriate for every single one of them; that not one of them had been cut out. Now, can you think it strange that your Committee on Appropriations, after trying these different plans all these years, would come up here with an arbitrary rule? Why, we asked him the question, "Why did you not do it?" He said there were two causes—one was humanity and the other was pressure. You put this in here now, strike out that clause from the bill, adopting no substitute or amendment, and go away from here, and we will have to appropriate in a deficiency act next fall for a lot of clerks that we have not appropriated for—three or four or five hundred thousand dollars which we will have to come back here next winter and take care of.

Now, do not charge us with extravagance after this investigation, at least, for I tell that, as a humble member of that committee, we have done our duty and it is up to you, and we are not sticklers for a particular plan. You can put up a better one if you have it, and we will gladly accept it.

I thank the House, Mr. Chairman. [Applause.]

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. CHARLES B. LANDIS having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed bills of the following titles; in which the concurrence of the House of Representatives was requested:

S. 4376. An act to quitclaim all the interest of the United States of America in and to a certain lot of land lying in the District of Columbia and State of Maryland to heirs of John C. Rives, deceased;

S. 4169. An act to authorize the sale of certain real estate in the District of Columbia belonging to the United States;

S. 4046. An act to incorporate the Edes Home;

S. 4015. An act to construct and place a new light-ship at the entrance to Buzzards Bay, Massachusetts, to replace the one now known as "the Hen and Chickens light-ship;"

S. 4014. An act to construct and place a light-ship near the eastern end of Hedge Fence Shoal at the entrance to Vineyard Sound, Massachusetts;

S. 3921. An act to extend the special leave privileges authorized for officers of the Military Academy by section 1330, Revised Statutes, to certain instructors and student officers at service schools;

S. 3593. An act granting an honorable discharge to Joseph P. W. R. Ross;

S. 2450. An act for the relief of settlers upon the abandoned Fort Rice Military Reservation;

S. 2264. An act to provide for enlarging the public building at Roanoke, Va., in order to accommodate the United States courts;

S. 1830. An act for the removal of the quarantine station at San Diego, Cal., and to acquire a new site, and for other purposes; and

S. 682. An act for the relief of Andrew H. Russell and William R. Livermore.

The message also announced that the Senate had passed without amendment joint resolution and bills of the following titles:

H. J. Res. 83. Joint resolution for a report, and so forth, upon the preservation of Niagara Falls;

H. R. 15263. An act to authorize William Smith and associates to bridge the Tug Fork of the Big Sandy River, near Williamson, W. Va., where the same forms the boundary line between the States of West Virginia and Kentucky;

H. R. 13398. An act to amend section 4400 of the Revised Statutes, relating to inspection of steam vessels;

H. R. 8107. An act extending the public-land laws to certain lands in Wyoming;

H. R. 8103. An act to authorize the construction of a bridge between Fort Snelling Reservation and St. Paul, Minn.; and

H. R. 345. An act to provide for an increased annual appropriation for agricultural experiment stations, and regulating the expenditure thereof.

The message also announced that the Senate had passed with amendment bill of the following title; in which the concurrence of the House of Representatives was requested:

H. R. 125. An act regulating the retent on contracts with the District of Columbia.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

The committee resumed its session.

Mr. MARSHALL. Mr. Chairman, the question of the removal of the internal-revenue tax from alcohol rendered unfit for drink has within it such *tremendous possibilities* for the good of the *whole* people of the United States, and makes so directly for the *welfare of all the people* of my district—the State of North Dakota—that I would be derelict did I fail to voice my earnest desire to see this legislation perfected, and express as best I can my reasons for my faith.

I have introduced a bill (H. R. 12075) covering this subject. It is expected, however, that the Committee on Ways and Means will draft a committee bill, and I shall therefore not discuss the provisions of my bill.

In explanation, let me say there are two kinds of alcohol proper—

First. Ethyl or grain alcohol, made by a process of mashing and distillation of any grains, fruits, vegetables, plants, or substances containing a considerable percentage of starch, confined in this country chiefly to use in beverages and medicines, and subject to a revenue tax and tariff, as I shall explain later.

Second. Methyl or wood alcohol, made from wood, as a by-product of charcoal, by distilling and treating the fumes and smoke that would otherwise escape into the air. It is highly poisonous, has a bad odor, and is untaxed.

And here let me add that denaturized alcohol is made from grain alcohol by the admixture of a greater or less percentage of crude wood alcohol or of numerous other denaturizing agents, rendering it nauseating, distasteful, foul smelling, and in a degree poisonous, and therefore unfit to drink, or "nonpotable," as it is termed, but not injuring it in any degree for manufacturing purposes and for use for fuel, light, and power, for which latter uses it is colored violet in England and green in France.

EXISTING CONDITIONS.

Mr. Chairman, a full knowledge of existing conditions is naturally precedent to action looking to changes. Under the present law there is a tariff of $2.25 per proof gallon on grain alcohol, which there is no intention of disturbing, and there is an internal-revenue tax of $1.10 per proof gallon, and a proportionate tax at a like rate on all fractional parts of such proof gallon.

Right here let me make clear what is meant by proof gallon, in order that no confusion may arise.

A proof gallon of distilled spirits is 50 parts of pure spirits and 50 parts water—in all 100 parts—which is used as a basis. Pure alcohol is known as "200 proof," and is subject to a tax double, or 200 per cent, that of a proof gallon—that is, $2.20.

The ordinary spirits of commerce, however, range around 190 proof, and bear a tax of 190 per cent of $1.10, equal to $2.09 per commercial or wine gallon.

In the same way, 188 proof spirits bear a proportionate tax, being $2.078 per commercial gallon.

There are also in our law minor provisions for the use of alcohol for scientific, educational, and experimental purposes free of tax, and also for its use by the War and Navy Departments and for the hospital service, and also not to exceed 25 per cent to be added to the sweet wines for their fortification, and its use in vinegar. But with these provisions we are *not* particularly concerned at this time.

There is no provision, however, in our law by which denaturized alcohol can be released from bond, tax free, *for any purpose whatever.*

OTHER COUNTRIES.

Mr. Chairman, let us contrast the condition in the United States with that of all the important commercial nations in the world. Great Britain, Germany, France, Switzerland, Holland, Belgium, Italy, Russia, Sweden, Norway, Australia, Hungary, Portugal, Cuba, Peru, Venezuela, Brazil, Argentine Republic, and Chile collect no revenue from denaturized alcohol used for industrial purposes.

We stand, therefore, as the one important nation which imposes a prohibitive tax on the manufacture and use of denaturized alcohol.

CHANGES PROPOSED.

The tax imposed on this useful material is from 1,200 to 2,000 per cent of its cost to manufacture, and therefore effectually prohibits its use in countless manufactures, and completely prevents its use for the purposes of light, power, and heat.

It is not a part of the plan to remove the tax from spirits used as a beverage, or in patent medicines, chemicals, etc. In fact, it is not proposed to remove the tax from ethyl or grain alcohol proper, except for its use by certain manufacturers strictly under bond.

The proposition is to permit the removal from bond, without tax, of denaturized alcohol.

By permitting the use of this tax-free alcohol we will put our manufacturers and consumers on an equal footing with those of other nations. Furthermore, the present law in effect not only prohibits the manufacture of grain alcohol for use in the arts and industries, but acts as a protection to the manufacturers of methyl or wood alcohol and the producers of liquid fuel, such as kerosene and gasoline and illuminating oils, which are all tax free.

Here, then, in brief, is the condition. A prohibitive tax against the foreign producers—an equally prohibitive tariff at home—which act as a protection for one industry against another, thereby subverting absolutely the principle of free trade between our home industries.

On this point I can not do better than quote the views of the late Senator Platt of Connecticut and the late Representative Russell, in the report from the joint select committee of Congress on the use of alcohol in the manufactures and arts, as follows:

> It has been an unquestioned principle of American taxation that internal revenue taxes should not be laid upon articles of domestic production necessarily used in the manufacture of other articles. To tax an article of our own growth or manufacture is to impose upon the consumer of other articles, in the production of which the taxed article must necessarily be employed, a burden to which he ought not to be subjected.
>
> It is not believed that anyone will seriously contend that upon principle an article of domestic production used for a lawful, beneficial, and necessary purpose should be liable to this species of taxation. On the other hand, we can not but think it will be admitted by all that such taxation in itself is contrary to public policy, injurious to our commercial and industrial development, and against the general welfare.

To my mind there is no politics in this proposition. Republicans and Democrats alike are free traders so far as their home markets are concerned. It is a deplorable condition, contrary to the spirit of our institutions, which permits our revenue laws to be used to protect one industry against another. The revenue laws are for the purpose of raising needed funds for the support of the Government, and their functions cease there.

Mr. Chairman, having touched somewhat lightly upon the conditions that point so urgently to the need of this legislation, let us turn to the possible objections that can be urged against it. They are four:

First. The possible loss of revenue by the displacement of tax-paid alcohol now used in the arts and manufactures.

Second. Expense of administration and supervision of under the new law.

Third. Danger of fraud against the revenue by the recovery of potable alcohol from denaturized alcohol, and evading the tax.

Fourth. Danger of injury to wood-alcohol industry.

I shall take these objections up in the order named and show that the loss of revenue resulting from the displacement of tax-

paid alcohol will not be material; that the expense of administration will be nominal as compared with the benefits, and suggest a way to provide for it, if need be; that the incentive to frauds will be no greater than now, while the *difficulties* in the way of frauds *will* be greater; that the *loss of revenue* from all sources, taken together with the cost and difficulties of administration and supervision, will be a small factor against the tremendous possibilities wrapped up in this proposition, and, finally, that the wood-alcohol industries will not be seriously injured.

Mr. LAWRENCE. Mr. Chairman, the gentleman from North Dakota is making a very strong argument in favor of this bill, and what he says meets with my hearty concurrence. I am especially glad that he has alluded to the fact that the wood-alcohol industry will not be injuriously affected by the passage of this bill. I have quite a number of letters expressing fear that the passage of this bill would destroy a large part of the wood-alcohol industry. I am very glad to have the gentleman make the statement that he has, because I know he has studied the subject very carefully. You are quite firmly convinced of that fact, from your own investigation?

Mr. MARSHALL. Mr. Chairman, I am not only firmly convinced, but hope to be able as I go along to convince my friend as well as the other members of the committee; and I will reach that feature of the subject a little later, and will be glad to answer any and all questions at that time.

After having thus met the objections that have been raised, I shall develop the fact that denaturized alcohol can be made and sold at a price, if free from tax, that will bring it into direct competition with kerosene and gasoline throughout the larger section of this country; and having this fact established, I shall touch as fully as time will permit on the uses and benefits to the agricultural classes of this grand new industrial agent that is destined, in a degree, to revolutionize certain of our economical conditions.

I. LOSS OF REVENUE.

Beginning with the question of revenue: When the hearing opened it was uppermost in the minds of all interested that the revenue would be seriously affected by the withdrawal of denaturized alcohol without tax, based upon a supposition that it would displace in the manufactures a large amount of tax-paid alcohol. This theory has been somewhat supported by the report of the joint select committee, already referred to, appointed June 3, 1896, which concluded that there were about 9,000,000 gallons of grain tax-paid alcohol used in the arts and industries at that time, which paid revenue of between ten and eleven million dollars. However, as the hearings progressed, it is safe to say that practically all apprehension as to serious loss of revenue has been cleared away.

Unfortunately it is not susceptible of proof by statistics what the loss will be, if any.

In this connection I will quote Commissioner Yerkes before the Ways and Means Committee, page 8 of the first print of the hearings. Mr. Yerkes says:

I understand, and it is a matter of common rumor, that there is a wide difference of opinion to-day as to the quantity of tax-paid grain alcohol that is now being used in the arts and manufactures for pharmaceutical purposes, heating, lighting, and so forth, in this country. Some claim that the quantity used is exceedingly small and that therefore the loss of revenue would be very light should legislation of this type be enacted. I presume that is one of the questions the committee would like to be informed upon. On that question I can simply say *that the authentic records and data of the Treasury Department in my bureau show absolutely nothing.* We do not trace a gallon of tax-paid alcohol into the hands of the manufacturers. This tax is paid by the distiller, and then it passes out from under our control or observation, unless it comes back through rectifying or wholesale houses in some way.

So we are left largely to conjectures, or estimates, in determining in actual figures on the amount of tax-paid alcohol used in this country for these purposes.

The figures used by the select committee were taken from the census returns of 1891, including the alcohol used in chemicals and patent medicines, etc., which, I may add, was included within the scope of their investigations, and which accounted for a considerable quantity of tax-paid alcohol included in the census returns.

It will be understood that the legislation proposed does not permit the use of untaxed alcohol for any such purposes. As a matter of fact, denaturized alcohol would be totally unfit for use in chemicals, patent medicines, etc. It will therefore be seen clearly that no loss of revenue can come from that particular source.

The manufacturers of wood alcohol have made great progress since 1896 in rectifying and purifying their products, placing them on the market in direct competition with grain alcohol under various trade names, such as "Columbia Spirits," "Eagle Spirits," "Colonial Spirits," "Imperial Spirits," and so on.

Mr. Lummis, general manager of the Commonwealth Manufacturing Company, of Boston, says (p. 193 of the hearings):

Methyl wood alcohol has found its way, as I say, to all the highly manufactured products. I have here a list of 110 different industries in which our product [meaning highly refined methyl alcohol] is used.

Further on Mr. Lummis says:

There is no chemical industry even in Germany more scientifically developed than the distillation of wood products in this country.

He says the yearly output of this highly refined methyl spirits amounts to 900,000 gallons, of which his company makes about one-third, and which are consumed by 110 industries named by him, and doubtless by numerous others.

No one can question the fact that each gallon of this methyl alcohol has displaced a gallon of ethyl alcohol and to this extent has depleted the revenues.

In 1900 there was, according to the census reports, made in this country 4,000,000 gallons of wood alcohol. In 1904 this amount was increased to 12,000,000 gallons. And unquestionably to a very large degree this alcohol displaces grain alcohol.

It is plain to all that no factory will use grain alcohol at $2.30 to $2.50 per gallon when they can by any possible means use wood alcohol at from 70 cents to $1.50 per gallon.

Aside from the highly refined wood alcohol used, as I have explained, in high-class manufactures there are many millions of gallons used in other ways. For instance, Mr. Gray, a commission merchant and exporter of New York, tells us this (p. 267 of the hearings):

I imagine that we use in the United States 8,000,000 gallons of wood alcohol as a solvent. Formerly grain alcohol was used, and all admit that it is better.

So can anyone doubt that this particular 8,000,000 gallons of wood alcohol displace an equal amount of taxed grain alcohol?

In the face of these facts it would seem that the claim that the revenue will be depleted by this legislation has not a leg to stand on. The conditions point plainly to the fact that wood alcohol has already displaced the tax-paid alcohol and that no depletion of the revenue worth considering can possibly be the result from the proposed legislation. But we will go into this important feature of the legislation a little further.

The only estimate, and a seemingly very conservative one, is made by Mr. Klein, of the Philadelphia Trades League, and was obtained by going over the trades one by one and estimating liberally the amount of grain alcohol used by each, the total being some 5,200 barrels, equal to about 440,000 gallons, the tax on which would be less than $500,000.

Following this, Mr. Klein says (p. 51 of the hearings):

If this estimate is disputed by the Commissioner of Internal Revenue I would suggest that he be asked to specify in detail the quantities of taxed grain alcohol used in the various industries for which untaxed denatured grain alcohol would be substituted.

When this subject was being investigated in 1897 by the joint select committee appointed by Congress, the Acting Commissioner of Internal Revenue at that time, Mr. G. W. Wilson, appeared before that committee and submitted facts and figures to prove that refined wood alcohol would in a few years entirely supersede the use of grain alcohol for industrial processes.

In order to avoid the loss in revenue which this substitution would entail, he recommended a tax of 55 cents per proof gallon on refined wood alcohol.

Unquestionably the prophecy of Mr. Wilson has come true.

Secretary Shaw, in connection with another hearing before the Ways and Means Committee, recently made the statement, I am advised, that he did not think the revenues would be seriously affected by this legislation; and on page 291 of the hearings Secretary Shaw testifies:

While I hesitated last year to put a recommendation for this legislation into my report because of the condition of the Treasury, the condition of the Treasury has now very greatly improved—beyond anyone's anticipation. We are now running on a surplus. Of course it is not large yet; but a year ago we had a deficit of $25,000,000 for the current fiscal year, and now we have a surplus of a little over a million, so that we can stand a little loss in revenues for so great an enterprise.

Further on Secretary Shaw remarks:

If you think you can get it through—

Meaning the legislation—

without any tax at all, I do not want to stand here and oppose it, and even if it should cut down the revenue somewhat I am disposed to think we can stand the cut.

The wood-alcohol people argued forcibly and eloquently for their interests, feeling, as they do—I think, however, wrongly—that their life is endangered; but they are "hoist by their own petard." When they prove so conclusively that their products have displaced grain alcohol they are witnesses against their statement that the revenues would be seriously affected; and when they point proudly to the enormous increase of 200 per cent of their business from 1900 to 1904 they simply clinch the fact that their product has practically displaced grain alcohol in the industries.

Unquestionably they, who have by forcing the cheap and inferior tax-free product into the highways and byways of trade,

into high-class and low-class manufactures, and, I might add, into legitimate and illegitimate channels of trade, are responsible for a tremendous decrease in our revenue.

They who have done so much to decrease our revenue for years back are the last who should come to the Congress and express deep concern for the loss of revenue by reason of permitting the manufacture of denaturized alcohol tax free. Their arguments savor too strongly of selfish interests, and their eloquence can but argue them out of court.

II. EXPENSE OF ADMINISTRATION.

There is no data to be had bearing on this feature of the question and no precedents to be cited, the proposition being one new in this country, and conditions in foreign countries where denaturized alcohol is sold tax free are so radically different that comparisons are of but little value.

On page 292 of the hearings I find this:

The CHAIRMAN. Will you give us an estimate of what it will cost to take care of this denatured alcohol—the cost to the Government?

Secretary SHAW. Commissioner Yerkes and I made our guesses separately [laughter], and we came within $50,000 of each other—that is to say, I guessed $200,000, and he guessed $250,000.

Department officials are, we all know, experts on estimates and not prone to make them too low, so it is fairly safe to assume that this is a liberal allowance; but even if it were doubled it would not be an item that would be worth considering as against the tremendous benefits that will accrue to all our people growing out of the proposed legislation. Furthermore, the manufacturers have expressed an entire willingness to have a tax left on denaturized alcohol intended for their use sufficient to cover the entire cost of administration of not only alcohol used by them, but that intended to be used for heat, light, and power as well, provided it is deemed necessary and wise to impose such a tax rather than allow the Government to pay it.

FRAUD.

We now come to the question of danger of fraud and the increased use of alcohol as a beverage, growing out of the recovery of grain alcohol from denaturized alcohol.

Bearing on this question of fraud, Professor Wiley, Chief Chemist of the Agricultural Department, had the following to say during the recent hearings:

I wish, however, to say right here that I do not believe there is any method now known, or any that is likely to be proposed, for denaturing alcohol which is of such a character that a *skilled chemist* may not obtain more or less of that alcohol in a potable form from the mixture. I want to say this, because that is one of the objections which has been urged against this legislation, and is one which I think is wholly untenable.

It is not a question whether a chemist, working for days and sometimes for weeks, may be able to separate the pure product from the mixture, because that is the function of the chemist. The question, it seems to me, is whether such a separation could be made in such a way as to make it a commercial success in the face of the penitentiary, which would confront the effort on all occasions.

In the first place, Mr. Chairman, no reputable chemist would undertake such a task, and certainly no member of the American Chemical Society would do so, because he would understand fully that such an effort would merit and perhaps receive the condemnation of the society and of the court, with appropriate punishment.

Another thing which I think your committee should remember is this, that an immense majority of the manufacturing men of this country are thoroughly honest men and obedient to the law. Not one in a hundred of them would ever make any attempt to avoid a law of this kind. So that you may say 99 per cent of your revenues are assured and protected without any punishment at all, by the reason of the natural honesty of mankind.

Continuing, he says:

I think it would cost a good deal more. I think the cost of restoring denatured alcohol to pure alcohol would be greater than to manufacture and pay the tax on a fresh portion of properly made alcohol.

On page 53 of the hearings I found the following by Mr. Klein:

I am informed that it is susceptible of practical demonstration that the illicit recovery of alcohol from untaxed denatured alcohol would cost as much as the illicit distillation of a like quantity of alcohol from corn, potatoes, sugar, or molasses. If this is conceded, it is quite important to note that the materials from which whisky may be illicitly distilled are always at hand in every household in the country, while denatured alcohol would have to be purchased in considerable quantities and removed to the place where the illicit recovery of the alcohol is intended to be carried on, and might easily lead to detection.

On page 17 of the hearings Mr. Yerkes gave the following testimony:

I do not think there would be any more danger of fraud than we have *now by reason of illicit practices in distilled* spirits. I suppose the purifying of this denatured alcohol would require the very finest type of still, and everything of that kind. It would be difficult to find a place where they could operate it. They could not operate it in the mountains. They would have to go up into the tenth story of some of these buildings, where they could have a modern equipment.

The whole gist of the question of fraud lies in the fact that it will cost more, probably many times more, to recover potable alcohol from denaturized alcohol than to distill it from the raw material.

There is no reason to think that temptation to fraud will, under the new condition of things, be any greater than it is now.

With this statement of the case we may dismiss this feature of the question without further apprehension.

INJURY TO THE WOOD-ALCOHOL INDUSTRIES.

Mr. Chairman, there is probably in the history of legislation in this country, illogical and erratic as it often has been, no precedent that will quite parallel the existing revenue laws which so completely work to the prosperity of the wood-alcohol producers and the producers of illuminating and fuel oils.

As I said before the committee, "they have been the fortunate beneficiaries of a most peculiar condition, the like of which has never been known before, ought not to exist now, and should never be known again."

Tax free themselves and protected from foreign competition by a high tariff wall and from home competition by the revenue tax of from 1,200 to 2,000 per cent of the first cost of grain alcohol, they have been able to force through the various channels of trade on an unwilling public a substance inferior in quality for most uses to which grain alcohol can be put, and practically displaced that product from every use (save that of beverages, medicines, and it is generally believed that they are even encroaching on that use), thereby not only depriving the Government of much revenue, but restricting the farmer's market for raw material to a large degree.

In justice to them it can be said, on the other hand, that, to equalize the equation somewhat, they have saved the manufacturer considerable sums by supplying him with a cheaper article. But even granting this, the manufacturers have been sufferers to the extent of many millions, because our laws have denied them the use of tax-free denaturized alcohol.

Wood alcohol, as its name implies, is distilled from wood, and is made as a by-product in the process of burning charcoal.

Formerly charcoal was the only product of the wasteful process. Now, however, the fumes and smoke are saved, distilled, and treated, the principal products being crude wood alcohol and acetate of lime. And it is interesting to note that the by-products of the process of manufacturing charcoal have grown to be the equivalent of nearly four times the value of the original product.

To illustrate, I quote from the report of Professor Monroe, of the Census Bureau, who makes the statement that as the result of the burning and distillation of wood the value of the charcoal is only 21 per cent, while the acetate of lime is 27 per cent and the wood alcohol is 52 per cent, or more than twice that of the entire value of the other products.

There is no better illustration of our scientific and commercial development than is found in the progress and growth of the business of the wood-products people. We can not but admire the energy, ingenuity, and intelligence that mark their history. The cooperation of labor, brains, and capital has wrought wonders.

The figures of the census of 1904, as given by Professor Monroe, show that the total value of the wood alcohol, acetate of lime, and charcoal, which were made in conjunction, was $8,601,000. And this is probably a fairly correct measure of the size of the industry in the United States at that time, it having more than doubled in the four years from 1900 to 1904.

The claim is set up by the wood-alcohol people that tax-free denaturized alcohol will drive their product from the market, because it can be sold cheaper and is generally admitted as superior for most uses. Doubtless they will suffer to a degree, but that they will be seriously injured or driven out of business I can not believe.

They will always have an export market for their product, which is a growing and undoubtedly profitable one, and there are numerous uses for wood alcohol where denaturized alcohol will not answer, and new uses are being and will doubtless be discovered.

Mr. CAMPBELL of Kansas. Mr. Chairman, I notice that the gentleman from North Dakota has given this subject a great deal of very careful study. I would like to ask him now if he has made any investigation into the fact as to whether or not the necessary use of more or less wood alcohol in the denatured alcohol will or will not decrease the use of wood alcohol?

Mr. MARSHALL. Mr. Chairman, I will reach that in a very short time, and will show that wood alcohol will be used very largely as a denaturant, and will in time increase its use beyond its present production.

Refined wood alcohol has displaced for many years taxed grain alcohol, and there can be no question but that it will be afforded an ample market. But the greatest use of crude wood alcohol will be for denaturizing purposes.

Manufacturers can well afford to use denaturized alcohol containing a *large percentage of wood alcohol*. The use of denaturized alcohol for light, power, and heat—although the percentage of wood alcohol used must be very low in order to keep

the cost down to the minimum—will doubtless grow far beyond the anticipations of all, and will, in a great measure, absorb the remainder of the wood alcohol in this country.

The proposed legislation, of course, removes the protection at home that wood alcohol has so long enjoyed, and their industry will be put where it belongs—on *an exact equality with other industries.*

The meat of their whole argument lies in the statement that their industries have been built up under existing revenue laws. In other words, having been permitted to build up a big industry as the outgrowth of legislation, based upon false economics, and benefited by these conditions for the last forty years, they feel that they would be outraged by a readjustment of conditions. Again, having enjoyed what they were not entitled to for the last forty years, they should have it for all time to come.

I note that the complaint is voiced largely by the refiners of wood alcohol, who have formed themselves into a trust, admitting that they sell their products cheaper in foreign countries than at home, and undoubtedly holding the actual producers of raw wood alcohol at their mercy, as they can buy the crude product at their own price. They admit freely that they regulate the price of the finished product—i. e., refined methyl alcohol.

Under these conditions it is possible that some of the producers of wood alcohol may be relieved by the proposed legislation rather than injured, as the crude and not the refined article will be used as the denaturizing agent and the producers of the crude material would doubtless be afforded a new market, and to that extent those outside of the wood-alcohol trust would be relieved from its oppression and benefited.

In a general way it is fairly safe to conclude that this lusty infant will survive under the new conditions. The same forces—that is, brains, energy, and capital—that found the way to obtain from the by-products of the manufacture of charcoal value nearly four times the original product; that enables them to extort enormous profits by regulating the price at home and abroad; that puts them on such confidential relations with the Standard Oil Company that it is believed that they come here as one interest clamoring for a continuance of illegitimate conditions that have completely driven a kindred industry from the market; I say, that the same forces and agencies that have enabled them to do these and other things will serve them equally well to combat the new order of things, and while they doubtless will pay less dividends they unquestionably will, I believe and hope, be able to survive and render an adequate return for legitimate investment.

But in the event more or less injury falls to their lot, growing out of the legislation contemplated, the fact that they have grown up under conditions very unwise, from an economic standpoint, is not an argument why such conditions should be longer continued.

The proposition to foster one home industry to the destruction of another by means of our present revenue laws is absolutely indefensible, even from the standpoint of selfishness.

The Congress would certainly never sanction such a ruinous economic policy as a new proposition, and the fact that an industry has grown up under such false conditions does not materially alter the case.

To summarize: I have deliberately avoided going into statistics and technicalities, partly for want of time, but largely because the field will doubtless be better covered by others. However, I have endeavored to keep well within the realm of the facts, and have been inspired by a spirit of conservatism.

I have necessarily touched lightly the subject covered, leaving much to be filled in by those who may follow. But I feel that enough has been said to warrant the following conclusions as regards the objections raised to the legislation:

First. That the revenues will not be impaired to an extent in any degree commensurate with the benefits.

Second. That the cost of administration and supervision is in no degree prohibitive and is a secondary consideration, and I have suggested a means to meet it.

Third. That there doubtless will be some frauds committed, but the conditions under which they will occur will be less favorable than exist at the present time and the incentive to fraud no greater, and that there is nothing impracticable or impossible in the execution of the proposed new law.

Fourth. That the wood-alcohol industry may be affected to a certain degree, but not seriously; but even should it be, it is not a legitimate argument against the proposed changes.

If the Government will suffer no considerable decrease of revenue by loss of tax, either legitimate or through fraud, and will not be put to a prohibitive expense of administration and supervision; and with the illegitimate child of the false economic conditions—the Wood Products Company and its allied interests—safely under the motherly wing of the Standard Oil Company, it would seem that the decks are fairly clear and the time for action had come.

Mr. CAPRON. Mr. Chairman, would the gentleman permit me to interrupt him there? I would like to ask the gentleman if, from the careful study he has given the subject, whether or not he does not believe that the enactment of this legislation would result in a considerable diminution of the revenues of the Government?

Mr. MARSHALL. Before the gentleman came in I covered that subject quite fully, but I will state briefly this: That I think I make no mistake when I say that in the minds of those who attended the hearings, and, I believe, in the minds of the Ways and Means Committee as well, that feature of the question has faded away, and it has been fairly demonstrated and admitted by most people, and the wood-alcohol people themselves that refined wood alcohol has forced its way into the channels of trade which were formerly occupied by taxed alcohol, and has almost, if not wholly, displaced it.

BENEFITS FROM THE NEW ORDER OF THINGS.

Aside from the general good that will come to all our people in a comprehensive way, there are two interests that will be directly and materially benefited.

First. The numerous manufacturing industries and those dependent and identified with them.

Second. The agricultural classes and those closely allied with them, and particularly the residents of the small towns and cities in the agricultural States.

It has been no part of my plan to attempt to cover this whole subject, and I will purposely not touch upon the manufacturing industries affected by the introduction of tax-free alcohol as an industrial agent.

This is a subject broad enough alone to fill the time allotted to me, but there are doubtless others who will do it full justice. As an index, however, I will submit the following list of industries in the United States now using wood alcohol as a solvent which would use untaxed denatured alcohol in the event of such legislation by Congress: Aniline colors and dyes, hats (stiff, silk, and straw), electrical apparatus, transparent soap, furniture, picture moldings, burial caskets, cabinetwork, passenger cars, pianos, organs, whips, toys, rattan goods, lead pencils, brushes, wagons, boots and shoes, smokeless powder, fulminate of mercury, brass beds, gas and electric-light fixtures, various kinds of metal hardware, incandescent mantles, photographic materials, celluloid and other like compounds, sulphuric ether, and organic chemicals.

The so-called question of tax-free alcohol has been agitated mostly by organized manufacturers for many years, and growing out of this is a feeling abroad that their interests are by far the largest. A thoughtful consideration of the subject, Mr. Chairman, however, can but reveal the error of this view of the case and lead to the unquestionable conclusion that the farming classes will be by far the largest beneficiaries of this wise economic policy, should it be adopted.

The good that will accrue to them may be classed under three heads, which I will name in inverse order of their importance:

First. The benefit that will come to them as their share in the general prosperity growing out of the renewed impetus given to our manufacturing business.

Second. The benefit of a greatly increased market for raw material from which alcohol is made, of which they will be the producers.

Third. The chief benefit, however, will come to them as the consumers of alcohol—a clean, safe, agreeable, and cheap substitute for kerosene and gasoline.

That the benefits named under the first two headings to the agricultural classes will accrue to a great extent is self-evident and needs no elucidation from me.

COST OF DENATURIZED ALCOHOL.

All will agree that the greatest good will, under proper conditions, come to our farmers and the citizens of the small towns and cities as *consumers of denaturized alcohol*, and the *modicum* of this good will be measured by *the price to the consumers.*

Briefly stated, it must come in *direct competition* with *kerosene* and *gasoline, gallon for gallon*, but it should be said that for the purposes of light and heat it is doubtless superior to either, in that it is infinitely cleaner, safer, and pleasanter, and gives better results.

Much has been said during the hearing regarding the price at which denaturized alcohol can be made and sold; the wood-alcohol people having ingenuously and purposely thrown a *shroud of mystery* and *a haze of doubt* around the subject,

stoutly contending that denaturized alcohol can not be made at a price to compete with kerosene and gasoline, in the hope of weakening the ardor of the agricultural interests that are behind this great movement.

The estimates of the wood-alcohol people are very unfair, wherein they undertake to prove that tax-free alcohol can not be placed on the market for less than 35 or 40 cents per gallon—some even claiming it would be as high as 50 cents.

To begin with, they take the cost of grain alcohol in this country now as 30 cents per gallon, which is much too high, as I shall show later.

In a general way they base their figures on sound *merchantable corn in the great market centers*, adding to this *excessive expenses of denaturizing*, for *cost of packages*, etc., and compare this inflated price of alcohol with the price of gasoline and kerosene in the *large cities, where it is always naturally cheap.*

In the western portions of the United States the price of gasoline and kerosene ranges from 50 to 200 per cent higher than in the cities.

Alcohol can be made in the primary markets where the raw material is produced and where it will be free from transportation charges. Merchantable corn, for example, worth 40 cents in Chicago, would be worth hardly 30 cents in the primary markets of Iowa or Minnesota.

It should be remembered always that alcohol for any other than drinking purposes can be made from grain or other raw material of inferior quality.

It is a well-established fact that 2½ gallons of alcohol can be made from a bushel of corn, which, at 30 cents—a fair price in the home market—means 12-cent alcohol, as the by-products of the distillery are worth fully enough for hog and cattle feed to pay the expense of distillation. In this lies another reason why distilleries should be in the country, where not only the stock, hogs, and cattle are at hand, but additional feed and roughage to make up a properly balanced ration with the waste from the distilleries.

Mr. Chairman, let me read a letter addressed to Commissioner Yerkes. I will not give the name of the writer, as I am doubtful of my authority to do so, but I am advised that all the facts will appear in the final print of the hearings:

WASHINGTON, D. C., *February 26, 1906.*

Hon. JOHN W. YERKES,
*Internal Revenue Department,*
*Washington, D. C.*

DEAR MR. YERKES: At the hearing before the Committee on Ways and Means last week the wood alcohol people represented that the use of denatured alcohol for heating, lighting, and power was not possible owing to the great cost of alcohol, and suggested that we had misrepresented that cost. Figures were produced which tended to show that alcohol would cost about 50 cents per wine gallon. The witnesses for the denatured-alcohol law based all of their statements upon a cost of 30 cents, which I gave them as a very conservative figure.

In order to accurately determine this question, however, I have had the figures taken from an alcohol distillery at Peoria, Ill., which has operated almost continuously from January, 1896, to December, 1905. During this entire time the distillery has only been idle thirteen months, and for short periods in each year, so that the operations cover substantially all the varying market prices of corn and other expenses. The cost during this period has been as low as 5.20 cents per proof gallon, which at 190 proof would be 9.88 cents per wine gallon of alcohol, and the highest point reached during all these years was 18.09 cents per gallon, which at 190 per cent would equal 34.37 cents for a wine gallon of alcohol. This highest cost, however, occurred only in one month, July, 1902, when the average cost of the corn used was 66.56 cents per bushel, which, of course, was abnormal. In fact, from December, 1901, to October, 1902, corn cost above 60 cents a bushel, but in spite of this fact the cost per wine gallon of alcohol at 190 proof never exceeded 30 cents, except in the months of June, July, and August of 1902; the highest point being in July, 1902, as above stated. In all of the ten years there was no other period when the cost of production was not under 30 cents per wine gallon for alcohol at 190 proof, and the average for the ten years was 10.78 cents per gallon, equal to 20.48 cents for a wine gallon of alcohol.

For the ten years the average price of corn was 42.36 cents, which is just about the price at which corn is selling to-day, so that it is fair to assume that about 20 cents would be the average price for which alcohol could be produced from sound corn. As the profit on this article is usually only a fraction of a cent, even under existing conditions, it is evident that there has been no misrepresentations as to the availability of this article for all purposes to which gasoline and petroleum are now put, as well as for many other uses.

It must be borne in mind that the alcohol of to-day is made solely for beverage purposes, and must be produced from merchantable grain, no matter what the price of cereals may be.

Denatured alcohol, however, could be produced from any substance yielding starch or sugar in sufficient degree to make its use profitable, and unquestionably many cheaper substances would be employed so that denatured alcohol would certainly sell very much below the figures I have given.

All of these figures will be presented to the Committee on Ways and Means in due time, but I thought they might interest you, so take the liberty of submitting them herewith. If you would like to have the detailed figures of the distillery's operations, I shall be happy to furnish them to you.

It will be noted that at the average price of corn at 42.36 cents per bushel, the cost of alcohol at 190 proof was 20.48 cents per wine gallon, which means that the price of alcohol would be 14.15 cents per gallon with 30-cent corn.

On page 73 of the hearings the following reference is made to the subject by Mr. Charles H. Merritt:

Concerning the estimated cost of denatured spirit, we submit the following and refer to the report of the Commisioner of Internal Revenue for last fiscal year as to the yield per bushel of corn from large distilleries:

"Distillers concede that the average annual yield from a bushel of corn in the large distilleries is 5 proof gallons, which is equal to 2½ gallons of absolute alcohol, or 2.66 gallons testing 94 per cent. It is also conceded by the large distillers that the by-products used for feeding cattle pay the cost of distillation. Therefore the cost of producing grain alcohol can be exactly determined by the price paid for corn.

"Corn at 30 cents per bushel would produce 94 per cent alcohol at 11 cents.

"Corn at 35 cents per bushel would produce 94 per cent alcohol at 13 cents.

"Corn at 40 cents per bushel would produce 94 per cent alcohol at 15 cents."

These prices refer to 94 per cent, or 188 proof alcohol, which is about the grade best adapted for the purposes of fuel, light, and power; and the fact, strange as it may seem, is that a percentage of water, even as high as 10, actually improves the alcohol for those uses.

Mr. GRONNA. I would ask the gentleman, is it not a fact that the expert chemist before the Committee on Ways and Means testified that this alcohol can be made from sugar beets and cornstalks, grain, etc.?

The CHAIRMAN. The time of the gentleman from North Dakota has expired.

Mr. TAWNEY. Mr. Chairman, I ask unanimous consent that the gentleman from North Dakota may have sufficient time to conclude his remarks.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. MARSHALL. I thank the gentleman from Minnesota, and answering the inquiry of my colleague I will say he is entirely right. Such testimony was given, and I shall enlarge on that feature of the question later.

Bearing on the question of price, Mr. Kline made the following statement:

But when you speak about denatured alcohol, which would probably be produced on a large scale in this country immediately, you must remember that the cost would be only 15 cents to 18 cents a gallon, and the temptation would be very small.

The CHAIRMAN. What is alcohol sold for by the gallon?

Mr. KLINE. The wholesale price of grain alcohol, as we sell it in the wholesale drug trade to-day, is, I think, about $2.30 a gallon. I, unfortunately, do not now do any buying; but that is about the price.

The CHAIRMAN. What is the tax on it?

Mr. KLINE. The tax is between $2.07 and $2.08 a gallon. In other words, the net price of alcohol without the tax is in the neighborhood of 22 or 23 cents a gallon.

This is for pure, highly refined alcohol made from a high grade of corn for beverage purposes, under existing conditions and with the distiller's and wholesale profit included.

The prices quoted are for alcohol made from corn, which is doubtless the best raw material; but it must be remembered that the range of raw material from which alcohol can be made is very wide, covering every substance—grain, fruit, or vegetable—containing starch or sugar in considerable quantity, including corn, cornstalks, Irish potatoes, sweet potatoes, sugar beets, yams, cassava plants, waste molasses, or sugar cane, and waste molasses from beet-sugar factories, the production of which is widely distributed throughout our country.

In my statement before the committee I used the following language:

The success of the wood-alcohol industry may be safely used to illustrate the possibilities of the manufacture and use of denaturized ethyl alcohol.

We have every right to expect that this same combination of brains and capital will so cheapen the production of alcohol as to make it available for every possible use. With the almost endless amount of raw material at hand, part of which at least can be produced in practically every county in the United States, it is discounting the intelligence and progressiveness of our people to say that we can not produce ethyl alcohol as cheaply as any other country. New processes will be discovered by which the cost will be cheapened, and new raw materials will be found.

Our manufacturers in every line of business are doing wonders to cheapen our products, and we daily purchase articles for our consumption and use and marvel at their cheapness; and there is no reason to suppose that ethyl alcohol will be an exception to the rule. It therefore seems that all fears that the cost of manufacturing alcohol will be prohibitive are groundless.

Next to the cost of *manufacture* comes the question of the *cost of denaturizing for use* for light, fuel, and power. For these purposes what is known as completely denaturized, or mineralized denatured, alcohol is almost wholly used in foreign countries.

This is made by adding to grain alcohol 2½ per cent of a substance composed of four parts wood alcohol and one part pyridine—a mineral by-product of coal tar.

Regarding the safety of this class of denaturized alcohol, on page 31 of the hearings I find the following conversation:

Mr. ROBERTSON. What is the percentage of denaturing material in that alcohol?

Mr. HERRICK. Two and one-half parts to 100 parts.

Mr. SMITH. It is four parts of crude wood alcohol and one part of pyridine.

Mr. HERRICK. Yes; this is made up on the formula I have read, and is recommended by the British Parliament. You will see, gentlemen, that there is no separation here. I would like to have the committee inspect that carefully and smell of it slightly to determine whether it is really palatable or not. I make the statement that no ordinary human stomach, except some degenerate or person of that character, could consume that as a beverage.

Mr. SMITH. Is it poisonous?

Mr. HERRICK. It is poisonous to some extent.

I want to call the attention of the committee carefully to the fact that this denatured alcohol can be colored. Violet is the color which the parliamentary commission recommended as one kind of complete denaturation, so that even if one did not smell the alcohol before drinking it, they would know it by its violet tint. If this Government chose to make it a pale green color, they could not help seeing that it was colored, and that would act as a security against poisoning persons drinking it by mistake. You see there are a great many safeguards that have been thrown about this matter.

Unfortunately I have no data at my command which gives the exact cost of this denaturant per gallon, but as four-fifths of it would be crude methyl alcohol, which, at 70 cents per gallon, would add about 1 cent to the cost, it would seem another cent would cover the remainder of the denaturant and the coloring matter; but this is a mere guess on my part.

Allowing 3 cents per gallon to cover the distiller's profit and the cost of the denaturant, we are assured of an abundant supply of denaturized alcohol for the purposes named at from 15 to 20 cents per commercial gallon, which is practically the average price at which kerosene and gasoline are sold all over that section of the country lying west of the Mississippi River, while in many places the price ranges from 20 to 30 cents per gallon.

Regulations that will permit the manufacture of alcohol in distilleries of as small capacity as is compatible with economical administration (and in this connection I will add that there are, according to the last report of the Commissioner of Internal Revenue, over 500 licensed distilleries in operation in this country, with a capacity of from 5 to 50 bushels of grain per day), and with an inexhaustible and varied supply of raw material growing on every farm, there can be no possibility of the manufacturers of denaturized alcohol forming a trust to control the price.

Doubtless much will be made by the farmers in cooperative distilleries.

I would gladly enlarge upon the possibilities of this industry, but time will not permit.

Mr. Chairman, believing that every fair-minded, thoughtful man will agree that the manufacture and sale of denaturized alcohol in direct competition with kerosene and gasoline is entirely practicable provided it is wholly freed from tax, I will leave that feature of the question and touch upon the question of the purposes to which this useful material can be placed from the standpoint of the farmer.

Undoubtedly great relief, comfort, and economy will grow out of the use of alcohol for lighting purposes. This subject was well exemplified by Prof. Rufus S. Herrick, representing the American Chemical Society, before the committee, beginning on page 27.

Professor Herrick exhibited an alcohol lamp, which would cost about $2, the burner of which is interchangeable with the ordinary kerosene burner. The lamp does not use a wick and is under such absolute control that it can be reduced in brilliancy so that it can be used in the sick room.

I will avoid technicalities, data, and figures and confine myself to such conservative generalities as are fully justified by the facts. Mr. Herrick refers to a report from the electrical testing laboratories of Preston D. Miller, of New York, on that subject. Quoting from the report, Mr. Herrick says:

I submit that this report shows that if we had two lamps of equal capacity, one burning alcohol and the other kerosene, the alcohol lamp would burn nearly twice as long as the kerosene lamp.

I have read a report of experiments conducted for an extended period by Professor Rosseau, of the University of Brussels, Belgium, in which careful photometric tests were made of both alcohol and kerosene burning lights. This report showed that for lighting purposes alcohol costing 31 cents per gallon is slightly cheaper than kerosene costing 15 cents per gallon.

And I may add that the alcohol lamp so far exceeds in excellence and comfort the foul smelling, dangerous, unclean kerosene and gasoline lamps, as they in turn surpass the tallow dip of our grandfathers.

And even though the conditions were reversed and alcohol cost twice as much, owing to its cleanliness and general efficiency, does anyone doubt that it would come into general use and displace kerosene and gasoline for lighting purposes?

Thousands of people use electricity, not because it is cheap, but because it is good—and so it will be with alcohol.

HEATING.

Gasoline is largely used for cooking in the West, although it is dangerous and much property and many lives are lost through explosions of gasoline stoves, and though the odor from them is disagreeable and more or less injurious to health.

The chief danger of gasoline lies in the fact that it volatilizes easily, making a very explosive gas, and from the further fact that gasoline will not mix with water. Burning gasoline will float on water and spread the fire, whereas water mixes at once with alcohol and extinguishes the fire.

Beyond all question alcohol will supersede gasoline and kerosene for cooking, owing to its efficiency, cleanliness, and safety to life and property.

USE IN ENGINES.

This brings us now to the internal-combustion engine. Few realize the size of the gasoline or internal-combustion engine industry. Mr. Capon, representing the Detroit Board of Commerce, made the following remarkable statement during the hearings:

Detroit alone will produce in 1906 enough gas engines for automobile, marine, pumping, and other uses to consume 200,000 gallons of fuel a day.

Is it any wonder that gasoline has practically doubled in price in a few years? And in view of the fact that only 2 per cent of gasoline can be made from petroleum, we are soon to face a famine in fuel for such engines unless relief is afforded.

It is well known that the largest percentage of automobiles are driven by gas engines. And agricultural implement manufacturers are preparing to turn these engines out by the thousands adapted for farmers' use.

The time is near at hand when every farmer will have one to pump water, haul his feed, run his cream separator, hoist his grain, unload his hay, and, ultimately, to do much of the trucking and drudgery of the farm and transport himself and family.

Practically all the elevators of the western half of the United States are operated by gas engines, and printing offices, machine shops, blacksmith shops, butcher shops, and countless small factories are equipped with these engines; and the generation of electricity is quite general by gas engines. And, as I speak, a new type of car is moving across this continent driven by electricity, generated as it travels by gasoline engines, or, at times, by both the surplus electricity from a storage battery (charged by the engines under way) and by the engines. Great things are expected from the experiment. And it is entirely within the possibilities that there will be opened up a hitherto unthought-of field for the use of fuel alcohol.

In a general way it is conceded that alcohol will displace the use of gasoline in internal-combustion engines. Some difficulties there are which will have to be overcome, one of which is the fact that alcohol volatilizes more slowly than gasoline, thereby making the engine harder to start. This is met by adding a percentage of gasoline to the alcohol or by starting the engine with gasoline. The combination of alcohol and gasoline makes a perfect fuel for engines.

Possibly other difficulties will have to be overcome, but overcome they will be as soon as the material is at hand.

Right here let Minister Squiers, of Habana, Cuba, speak for me and close this subject:

ALCOHOL MOTORS AND PUMPS IN CUBA.

[From United States Minister Squiers, Habana, Cuba.]

Matanzas, a city of about 40,000 inhabitants, has water connection in 1,700 out of 4,000 houses, which use about 100,000 gallons a day. The waterworks, operated by an American company incorporated in the State of Delaware, are located a few miles distant from the city, where there are springs giving excellent water in sufficient quantity to supply a city of 100,000 people.

The alcohol motor pump, used on Sunday last for the first time, is of German manufacture, and cost, complete with installation, $6,000. This motor pump is a 45-horsepower machine and is operated at a fuel cost of about 40 cents an hour, or $4 a day of ten hours, pumping 1,000,000 gallons of water.

As alcohol here is very cheap (10 cents a gallon) the running expenses of these motors are at the minimum. The Germans are selling in Cuba many such motors for electric-lighting and water plants at very low prices. One firm has a contract to put in an alcohol motor pump at Vento, for use in connection with the Habana water supply, which is expected to develop 180 horsepower, to cost, with installation, about $25,000, and to pump 1,000,000 gallons an hour at a fuel cost of $1.60. The same firm has installed an electric-plant alcohol motor of 45 horsepower, which supplies 138 lights (Hersh lamps) at a fuel cost of 5 cents an hour.

I call the attention of those who are interested in our Cuban trade to the fact that at the breakfast which followed the installation there was not one article on the table of American origin except the flour in the bread.

H. G. SQUIERS, *Minister.*

HABANA, CUBA, *August 20, 1904.*

Indicative of the vast quantities of kerosene and gasoline used in the West, I will say that I am advised by the State oil inspector of North Dakota that 2,216,650 gallons of gasoline and kerosene were shipped into that State for the calendar year 1904. And with a population of less than 400,000 at that time this is an average of over 5 gallons for every man, woman, and child in that State. And with the foul-smelling, unclean, dangerous, unsatisfactory gasoline and kerosene displaced by al-

cohol, and the enormous natural increase of the use of engines, it is easy to see that these figures will shortly be doubled.

Having said this much on the subject, let us turn for a moment to the relief.

Serious consideration leads me to believe that provision should be made:

First. For the use of pure alcohol in manufactures strictly under bond;

Second. For denatured alcohol containing from 5 to 10 per cent of methyl alcohol, for the use of manufacturers, under necessary rules of regulation, and if need be, subject to a tax of 5 cents or such other sum as is deemed necessary to pay the whole expense of administration and supervision of the law:

Third. For a mineralized denatured alcohol, containing 2½ per cent of a preparation made of four parts of wood alcohol and one part of pyridine bases and proper coloring matter, known as "completely denaturized alcohol" or "mineralized denaturized alcohol," to be sold freely without restriction after it leaves the hands of the manufacturer.

These provisions in force would give the manufacturing industries a tremendous impetus, and would give the agricultural classes and those allied with them an inexhaustible supply of most excellent and satisfactory material for fuel, light, and power.

The provisions for the removal of the tax from denatured alcohol would, as a matter of course, be covered in the bill. The quantity and nature of denaturing material to be used, as well as the size of the distilleries to be licensed, and the regulations governing the supervision of its manufacture and sale could, of course, either be covered by specific legislation or left in the control of the Commissioner of Internal Revenue, subject to the approval of the Secretary of the Treasury. To my mind it would be altogether the wisest to do the latter. The regulations prescribed by the Department would naturally be elastic, and could be changed as necessity required without the delay of securing Congressional action. It appears to me that it would be very objectionable to legislate as to the exact quantity of denaturing material to be used, as it would leave the producers of denatured alcohol largely at the mercy of the wood-alcohol people, who could probably advance the price at their pleasure. On the other hand, if the regulations were in the hands of the Department, an advance in price could be met by a reduction in quantity, and the authority of the Department would act as governor.

So broad is the field opened by this proposition that I find I have only scratched it here and there. With inexhaustible raw material at hand, which can be so easily converted, virtually permitting every farmer to grow his fuel in his fields, and in turn permitting him to return the by-product to his fields, to again enrich them, who shall say nay to this proposition?

Who can, in the fact of the facts, find it in his mind, or in his heart to refuse to relieve the people of this broad land from the heavy hand of the powers that control unrelentingly the price of our liquid fuel and light supplies?

The proposition for the removal of the tax is negative in its character. We are working under abnormal conditions now, growing out of the necessities for revenue during and after the war, and the proposition now is to return to normal.

For over forty years we have stood in a false attitude toward certain of our home industries, fostering tenderly the producers of wood alcohol, illuminating and fuel oils, and gasoline, by maintaining a prohibitive revenue tax against alcohol, the only material that could successfully compete with them.

Furthermore, by means of this same tax we have throttled the producers of our chemicals and chemical products, and have sat idly by amidst a veritable revolution in the chemical world, permitting Germany to grow to the first rank in the manufactures allied with chemistry, while our similar industries in the meantime have stood palsied and shackled.

The proposition is, then, so far as these industries are concerned, to go back over forty years and begin where we left off and regain as best we may the lost ground.

While the progress of many of our industries has been thwarted and handicapped by our false economic policy, I am happy to say, Mr. Chairman, that the agricultural interests, as yet, have not suffered so directly under these conditions, and to them this change will mean a step forward and will lead the way to renewed prosperity, added comforts, increased happiness.

Mr. GRONNA. Mr. Chairman, I should like to ask the gentleman from North Dakota a question. From your study of this question you believe this denatured alcohol could be made as to cost not to exceed 12 cents per gallon. Is that true?

Mr. MARSHALL. Yes; that is true—12 to 15 cents per gallon.

Mr. GRONNA. Would not this be a means of furnishing the American farmers and those who live in the rural districts cheap oil for fuel and light and power, and would it not also create a market for the grain that the farmer raises?

Mr. MARSHALL. It certainly would.

Mr. GRONNA. And would it not also create a market for the wood alcohol people, to denature the grain alcohol?

Mr. MARSHALL. Yes; it would. Mr. Chairman, returning to my subject where I was interrupted, I want to say in this connection I am moved to quote the beautiful and forceful language of my colleague and friend the gentleman from Kansas [Mr. MURDOCK]:

> The farm of to-day is beyond what Greeley could have fancied forty years ago when he boasted of agriculture's advancement.
>
> The modern farmer is the manager of an estate, with ledger record of outgo and income and balances. He supervises in the midst of motors and machinery, delves in the mysteries of chemistry, of seed selection, of soil formation, soil enrichment and cultivation.
>
> Books and magazines are on his shelves, a telephone is at his elbow, the newspaper is delivered daily at his door.
>
> Practically all the creature comforts of city life are his. Three are in part denied him; one, a satisfactory light to rank with gas and electricity; another, a cheap, safe, and easily transported fuel, and the other, means of refrigeration. The last, chlorine added to denatured alcohol might bring him. The better light and the cheaper fuel, a large proportion of the 6,000,000 farmers believe will undoubtedly come to them through an enactment which will remove the tax from denatured alcohol.

These eloquent words of my friend have a pleasing ring of hope, truth, and sincerity in my ears, and the vivid picture they paint gladdens my heart. They herald to me the coming of the time when the flow of the tide of humanity from the country to the city will halt and turn back from the city to the country; the time when the city man will look with longing eyes out to the country, where dwells his more fortunate brother close to nature and yet amidst all the conveniences of modern civilization. They signal to me the near approach of an era when the real producers of actual wealth will come into their own and enjoy the full fruition of their toil; when the highest type of civilization will be exemplified in the men and women on the farm. Let us speed the day. [Prolonged applause.]

### MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. CAPRON having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed without amendment bills of the following titles:

H. R. 15085. An act to set apart certain lands in the State of South Dakota, to be known as the "Battle Mountain Sanitarium Reserve;"

H. R. 431. An act to open for settlement 505,000 acres of land in the Kiowa, Comanche, and Apache Indian reservations, in Oklahoma Territory;

H. R. 13548. An act to authorize the commissioners' court of Baldwin County, Ala., to construct a bridge across Perdido River at Waters Ferry;

H. R. 11783. An act for the establishment of town sites, and for the sale of lots within the common lands of the Kiowa, Comanche, and Apache Indians in Oklahoma;

H. R. 10101. An act authorizing and directing the Secretary of the Interior to sell and convey to the State of Minnesota a certain tract of land situated in the county of Dakota, State of Minnesota;

H. R. 4469. An act authorizing the Commissioners of the District of Columbia to make regulations respecting the public hay scales; and

H. R. 4459. An act authorizing the Commissioners of the District of Columbia to make regulations respecting the rights and privileges of the fish wharf.

The message also announced that the Senate had passed bill of the following title; in which the concurrence of the House of Representatives was requested:

S. 4975. An act giving the consent of Congress to an agreement or compact entered into between the State of New Jersey and the State of Delaware respecting the territorial limits and jurisdicion of said States.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the bill (S. 51) to create a juvenile court in and for the District of Columbia.

The message also announced that the Vice-President had appointed Mr. PETTUS and Mr. GALLINGER members of the joint committee on the part of the Senate, as provided for in the act of February 16, 1889, entitled "An act to authorize and provide for the disposition of useless papers in the Executive Departments," for the disposition of useles papers in the Department of Commerce and Labor.

The message also announced that the Senate had passed the

following resolution; in which the concurrence of the House of Representatives was requested:

Senate concurrent resolution No. 17.

*Resolved by the Senate (the House of Representatives concurring)*, That there be printed 4,750 copies of the "Report on the Japanese naval medical and sanitary features of the Russo-Japanese war to the Surgeon-General, United States Navy, by Surg. William C. Braisted, United States Navy," the same to include the illustrations, of which 1,250 copies shall be for the use of the Senate, 2,500 copies shall be for the use of the House of Representatives, and 1,000 copies for the use of the Bureau of Medicine and Surgery of the Navy Department.

The message also announced that the Senate had passed without amendment the following resolution:

*Resolved by the House of Representatives (the Senate concurring)*, That the President be requested to return to the House of Representatives the bill (H. R. 10588) entitled "An act granting a pension to John H. Parker."

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

The committee resumed its session.

Mr. HAYES. Mr. Chairman, last week during the discussion of the Indian Appropriation bill the gentleman from Wisconsin [Mr. COOPER], in a few well-chosen remarks, pointed out to the committee the great industrial menace that the Japanese are to be in the near future to this country. Those remarks interested me greatly. Probably no part of the United States is more conscious of the existence of that menace than are the people of the Pacific coast. They realize fully that whether they stay at home and devote their energies to production there or whether they immigrate to this country and devote their energies to production here the Japanese are bound to be a great menace; but the people of California, for whom I undertake to speak, if they are to meet that menace, prefer to meet it on the soil of Japan rather than on our own soil.

In obedience to a popular demand there were introduced in this House early in the session two bills—one by Mr. MCKINLAY, of the Second district of California, and one by myself—having for their object the extension of the provisions of the Chinese-exclusion acts to embrace the Japanese and Koreans. I might say incidentally that the principle embodied in these bills has the unanimous approval of the delegation from the State of California. I think I speak conservatively when I say that these bills voice the desire of at least 95 per cent of the people of my district, if not 95 per cent of all the people of the State of California.

I will not take the time of this House further to refer to these bills. They simply, in terms, extend the provisions of the Chinese-exclusion acts to embrace the Japanese and Koreans.

In discussing at this time the question of the exclusion of certain classes of the Japanese from our shores, and particularly those of the cooly class, I am undertaking a not altogether pleasant duty. All men admire courage. The valorous achievements of any nation have in all ages challenged the admiration of the world. And when a weaker nation, making up for its lack of numbers by its energy, courage, and discipline, emerges from a contest with a nation numerically much stronger with the triumphant success which has recently attended the arms of Japan in its contest with Russia we, in common with the rest of the world, shout our bravos to the plucky little island nation. In what I shall say upon this question I wish not to be understood as detracting in the least from the credit due the Japanese people for what in the past half century they have accomplished in war and peace. Their achievements, which are not small, are the common heritage of mankind, and for that reason I glory in them. I would not that the United States should put one obstacle in the way of the progress of our sister nation. Rather I would help her in her upward and onward march all that we can without injury to ourselves.

The question raised by the bill to which I have referred is in no sense an international one. It is purely local in character. The right of every nation to regulate without interference the coming of aliens into its territory has been universally recognized in every age of the world's history. It is a right that we as a nation have claimed and exercised in the past and still claim and exercise. The question of Japanese exclusion should therefore be settled not as a question of international law, but solely as a question of domestic policy. Is it better for this nation that the Japanese people should be allowed to come and settle among us as we allow aliens of the Caucasian race to come, or is it better for the whole people of our country that they should be wholly or partly excluded? This question answered and the whole matter should be regarded as settled.

And this question can not be wisely answered by simply pointing to the great achievements of the Japanese people in war. Fighting qualities are not the only—not even the chief—elements necessary to be considered in this connection. The main considerations are these: What stamp of civilization will these people bring to us when they come to our shores? What elements of personal character have they that if stamped somewhat upon our already composite national character would add elements of strength not now possessed by us? What elements that would tend to weaken or corrupt the national life? Would their coming tend to threaten our institutions or destroy the civilization founded upon intelligence, morality, equality, and justice that we are trying with some success to build up here? I believe that these are some of the questions that we should ask and answer; these are the principal considerations that should determine our attitude toward this question.

The Japanese have made such strides and have been outwardly so transformed in the past fifty years that those of our fellow-citizens who only know them from a distance are apt to be filled with unmixed admiration. A personal contact close enough and long enough to pierce the outside veneer gives one an entirely different impression, however. A close acquaintance shows one that unblushing lying is so universal among the Japanese as to be one of the leading national traits; that commercial honor, even among her commercial classes, is so rare as to be only the exception that proves the reverse rule, and that the vast majority of the Japanese people do not understand the meaning of the word "morality," but are given up to practice of licentiousness more generally than any nation in the world justly making any pretense to civilization. I am told by those who have lived in Japan and understand its language that there is no word in Japanese corresponding to "sin," because there is in the ordinary Japanese mind no conception of its meaning. There is no word corresponding to our word "home," because there is nothing in the Japanese domestic life corresponding to the home as we know it. "The Japanese language has no term for 'privacy.' They lack the term and the clear idea because they lack the practice."

As showing the Japanese as we have him in California, let me quote a few eminent authorities in support of what I have said and shall say of some of his leading characteristics.

Prof. James A. B. Scherer, now president of Newberry College, South Carolina, and for many years a teacher in the Government schools of Japan, says:

> The Japanese have changed in outward appearance so thoroughly that many have been deceived into believing the change complete, and that a nation can be really born in a day. * * * Certainly there has been no inner transformation commensurate with the outward. Japan has a renaissance, but not a reformation. Over the hot and still active fires of traditional sentiment, ethic emotions, and hereditary customs a thin crust of modern western civilization has been laid. The crust is the appearance; the unassuaged but concealed interior fires are the dominant reality. Deceived travelers, sometimes with the best of intentions, confuse manners with morals, outward refinement with religion, and civilization with Christian conduct. Because they see outward polish they argue to a change of heart. * * * There could be no greater mistake.

And again:

> Let us, for the present, pass by the fact that commercial integrity is almost unknown among the majority of Japanese merchants; that it is a rare thing for native dealers to keep their contracts, and go on to the deeper things of the heart and life.

Sidney L. Gulick, in the Evolution of Japan, published in 1903, says:

> The distressing state of the family life may also be gathered from the large numbers of public and secret prostitutes that are to be found in all the large cities and the singing girls in nearly every town. According to popular opinion their number is rapidly increasing.

And again:

> Every occidental remarks on the untruthfulness of the Japanese. Lies are told without the slightest apparent compunction.

And again:

> Public as well as secret prostitution has enormously increased during the last thirty or forty years. * * * Although the sale of daughters for immoral purposes is theoretically illegal, yet, in fact, it is of frequent occurrence.

A distinguished writer in the Contemporary Review for May, 1905, says:

> The Japanese traders, as a class, have, according to the universal verdict of those who deal with them, to this day the unsavory reputation of absolute unreliability in the fulfillment of any obligation; of having failed to acquire in their commercial transactions even the most elementary principles of common honesty.

Concubinage is common in Japan and is quite generally limited only by the extent of one's financial ability. It has of late been rapidly increasing, although now not recognized by law. Since the law takes no notice of it, the public statistics do not show it.

I am aware that friends of Japan have recently attempted to show by Japanese public statistics that these things are not true, and some of her statesmen indignantly deny that Japan is as bad as she has been painted. But these statistics are valueless for this purpose, because of the way they are gathered. Personal contact with Japanese, as well as reports made to me by recent visitors to Japan, some of them Members of this House who visited Japan last summer, make me know that prodigious

lying, commercial dishonesty, and awful licentiousness are still pretty general Japanese characteristics. I am aware that some of Japan's noblest patriots and most distinguished citizens are openly fighting these great national evils, but thus far apparently without result.

The Yoshiwara still exists in Tokyo, and its inmates are increasing rather than diminishing. This is a colony of tens of thousands of women, most of them sold into this slavery for a term of years by their parents, with its streets and avenues, fountains, trees, and flowers. The Yoshiwara is only a type of some half dozen other colonies in Tokyo and of others in the other cities of Japan. These women are by no means considered as totally lost and abandoned, but are visited quite freely by the members of their families, including women and children, apparently without much thought of moral contamination or disgrace. Everywhere—upon the streets, in the bazaars, and in the hotels—one meets licentious suggestions, even direct invitations, and often from boys and girls of quite tender years. The most deplorable thing about this awful licentiousness is that it seems not to be condemned by public opinion or the Japanese religions. Phallus worship, with its licentious rites was, until recently, very common in Japan.

I know that there are thoroughly honest and moral Japanese people, with high and pure ideals, but at present they are but a small minority of the Japanese nation. I also know that very, very few of this small minority come to the United States. In California we are getting the poorest and lowest of the Japanese population—mostly the cooly class of laborers. They bring with them, of course, their habits of thought and life. These laborers are unreliable. They will generally leave the employer without a moment's notice and without any care for the interests of the latter whenever they find it to their own interest to do so.

Mr. Chairman, the civilization and personal characteristics that I have only briefly hinted at are what thousands of Japanese are yearly bringing to the Pacific coast. I have said so much to show that their civilization is distinctively oriental. We are already sensibly feeling in California their contaminating influence. And yet when some of us raise our voices in warning and protest, because we see the impending danger to our State and its people of the large and constantly increasing flow of these people to our shores, there are those who cry "race fanatic," who aver that we are narrow, and who insist that the menace which we see looming large upon our western horizon is only a figment of a diseased imagination. It has been said to me on the floor of this House that no one was objecting to the coming of the Japanese except a few labor agitators and perhaps the labor unions of the Pacific coast. I find these sentiments quite general here in the East and even upon this floor.

Mr. Chairman, if I may be allowed a personal statement, I wish to say that while it is my duty and pleasure to represent upon this floor the laboring men of my district, I speak also as an employer of labor; I speak as one striving honestly to represent all the varied interests of the State which I have the honor in part to represent upon the floor of this House. I appeal to the membership of this House to listen and ponder the few facts that I am bringing to their attention, and to hear the cry that our people are sending up for protection from a most real and present impending danger to their moral and material welfare.

Let us now look for a moment at the present commercial and industrial condition of the Japanese people, and consider the probable effect in the immediate future of these conditions upon their immigration to the United States.

The Japanese Empire embraces 147,655 square miles of territory. Of this small territory, less than the State of California, only 15.7 per cent is arable land, including plains and pasture lands. Excluding plains and pasture land, only 12.9 per cent, or 19,150 square miles, is actually arable, the balance being mountains. And yet in this small compass, according to the census of 1899, 44,260,000 Japanese live. In the light of these facts one can understand why the Japanese would fight a great nation in order to get room in which to expand.

These are some of the wages, expressed in our money, paid for the different kinds of labor in Japan in 1904, according to the report of the Japanese commissioners to the St. Louis Exposition:

Farm laborers (average), 16 cents per day.
Laborers in silk culture (average), 16½ cents per day.
Operatives for reeling silk (average), 10 cents per day.
Farm laborers, by the year, male, $16.
Farm laborers, by the year, female, $8.50.
Metal miners (average), 13½ cents per day.
Coal miners (average), 12 cents per day.
Timbermen (average), 11 cents per day.
Mill hands (average), 8½ cents per day.
Smelterers (average), 10 cents per day.
Factory employees, male, 15 cents per day.
Factory employees, female, 10 cents per day.
Tobacco factory employees, male, 22½ cents per day.
Tobacco factory employees, female, 10 cents per day.
Machine shops, 27½ cents per day.
Carpenters and plasterers, 29½ cents per day.
Stone masons, 33½ cents per day.
Shoemakers, 25 cents per day.
Tailors, Japanese clothes, 22½ cents per day.
Tailors, foreign clothes, 25 cents per day.
Skilled artisans, 50 cents per day.

Mr. FASSETT. Is that in gold?

Mr. HAYES. That is in our money.

Mr. UNDERWOOD. Do those figures include the feeding of these Japanese?

Mr. HAYES. They do not include feeding them.

Mr. GROSVENOR. The wages for the farm laborers do?

Mr. HAYES. They probably do, but not the others.

With the crowded condition of Japan and the low wages prevailing there, is it any wonder that her laboring people are coming to our shores in increasing numbers to take advantage of the great opportunity which this country in its present state of prosperity offers to them? They are now landing at the port of San Francisco at the rate of about 1,000 per month. This, you may say, is not very serious. But every one of these thousand monthly immigrants takes a job that would otherwise be given to a white man, and the matter becomes even more serious when you consider the rapid increase in this immigration in the past six years. Up to 1900 but few Japanese had come to this country. In that year 12,635 came, and since 1900, 76,737 Japanese have landed in this country, and this has come about without any artificial stimulant.

The fear of what will undoubtedly happen when the immigration agent begins to put in his work, as he is doing it in southern Europe, is filling the mind of the people of the Pacific coast with apprehension. The thought of what will happen when some of the big Chinese companies now supplying different parts of the world with Chinese coolies awake to the possibilities in the shipping of Japanese coolies to this country is making the people of all classes in California desire that something be done to provide against this certain danger.

The following news item gives some idea of what is taking place in Hawaii at this time, and the same system is sure to be worked on a larger scale in the United States unless our people are aroused to the danger and take steps to prevent it:

JAPANESE POUR INTO HAWAII.

[Special cable to the Call.]

HONOLULU, *February 21, 1906.*

There is every reason to believe that the immigration laws are being violated in a wholesale fashion at this port. The plantations have been importing Japanese laborers in great numbers. Two thousand have been brought to the islands already this year, and 500 more are due to-morrow on the steamship *Hongkong Maru*, from Japan. From here the laborers are taken by small steamships direct to the plantations in various parts of the islands. It is believed that contagious diseases have by this means been introduced into the Territory.

At a conference to-day Acting Governor Atkinson denounced the methods of the planters. He demanded that they give land in fee simple to European immigrants, according to the views of President Roosevelt. The Washington Government gives authority to a Territorial board to promote immigration, but the planters have worked independently, securing their laborers through Japanese companies.

But what of Korea and Manchuria? Will they not be more enticing to Japanese emigrants now than the United States? No. Manchuria is already more thickly populated than the Pacific coast of the United States, and the population of Korea is nine times as dense as that of California. Besides, the same low wages await the Japanese emigrant to these countries as prevail in Japan and all the oriental nations. Korea and Manchuria may offer tempting opportunities to the commercial classes of Japan, but being already supplied with a surplus of cheap labor, they do not offer any great inducement to the Japanese emigrant laborer. Many Korean laborers, on the contrary, are seeking relief from the crowded conditions in their own country, and with their Japanese neighbors are looking to the United States, where ten times the wages await them that can be had in any oriental country. Several thousand Koreans, mostly laborers, came to Hawaii last year.

As indicating what is likely—almost certain—to happen in the next twenty-five years, in the absence of an exclusion law, let us look at some of the European countries and the percentages of their own population they have been sending to us:

*Table showing the percentages of the populations of the European countries named who have emigrated to the United States during the past twenty-five years.*

| | | |
|---|---|---|
| England | per cent | 3½ |
| Ireland | do | 26 |
| Scotland | do | 5½ |
| German Empire | do | 4½ |
| Norway | do | 18½ |
| Sweden | do | 15 |
| Austria-Hungary | do | 4½ |
| Italy | do | 6½ |
| Switzerland | do | 4½ |

In none of these countries, except possibly Ireland, were the conditions for the past twenty-five years so favorable for a large emigration to this country as they are to-day in Japan. The lowest country in the above table in the per cent of her population which came to us in the past twenty-five years is England. She sent us 3½ per cent of her total population. If Japan should in the next twenty-five years send us no more than 3½ per cent of her population, 1,438,000 Japanese would land in this country before the end of the year 1930, and the result would be that practically every laborer except those of the most skilled classes would be driven off the Pacific coast. If Japan in the next twenty-five years should send us the same proportion of her population as Italy has in the past twenty-five years, or 6½ per cent—and why not, unless prevented by our laws?—2,750,000 Japanese would land on our shores—enough to practically sweep the entire country west of the Rocky Mountains clean of white laborers. As is well known, no white man can compete with the Japanese laborers. They are satisfied to be housed in such cramped and squalid quarters as few white men in any part of the world could live in, and the food that keeps them in condition would be too cheap and poor to satisfy the most common labor in this country. Besides, the large percentage of Japanese immigrants have no families to provide for and no children to educate.

So much for the future possibilities of danger. But it does not all lie in the future. According to the census of 1900 there were in this country 72,171 Chinese and 24,530 Japanese. It is probable that these figures are not far from representing the number of Chinese now here.

Since the last census year about 90,000 Japanese have landed. Although some of these have returned to Japan, it is certain that there are more Japanese in this country to-day than Chinese, and that the total Mongolian population is more than 150,000, an increase of 100 per cent in the last six years in the Mongolian population. Nearly half of this population is in California, and when it is considered that almost every one of these Mongolians is a wage-earner, it is plain what this means to the laboring people of our State. They are already feeling the competition of this cheap labor, and in some lines of work the Mongolians have entirely driven out the white laborers. For example, Watsonville, just outside my district, in Santa Cruz County, is a rich center of apple and berry growing. A few years ago a large number of white people were pleasantly and profitably employed in the orchards and berry fields. To-day, I believe, about 2,000 Japanese are employed practically the year through, to the entire exclusion of the whites. In my own county one of the leading industries is seed farming. Here, too, the white man has been entirely displaced by several hundred Chinese and Japanese laborers. The conditions are the same in other places and avocations. The following statement shows something of the conditions in San Francisco. It is made up from statistics compiled by the Japanese and Korean Exclusion League of that city.

Mr. FASSETT. Are you giving statistics, to be extended in the RECORD, of the wages received in San Francisco by the laboring classes?

Mr. HAYES. Yes; I am giving statistics showing the relative wages of the Mongolian, especially the Japanese, and the white man. And I want to say, in passing, that these statistics were gathered by the Japanese and Korean Exclusion League, of San Francisco. I can not vouch for their accuracy, but have no doubt that they are substantially correct.

Mr. FASSETT. You have a bureau of labor statistics in California?

Mr. HAYES. Yes. These have been gathered and brought very nearly down to date.

Mr. BUTLER of Pennsylvania. Would the gentleman prefer not to be interrupted at this time?

Mr. HAYES. I do not object at all to being interrupted by a question.

Mr. BUTLER of Pennsylvania. I have no desire to cut into this very splendid speech which the gentleman is delivering, and which is full of interesting matter. Have you suggested a remedy anywhere?

Mr. HAYES. I did; at the beginning.

Mr. BUTLER of Pennsylvania. I am sorry I did not hear it. Will you please answer me this question, if I do not embarrass you?

Mr. HAYES. Not at all.

Mr. BUTLER of Pennsylvania. What do you think the result will be if we should exclude the Japanese from this country? Do you not think that, like the Crusaders, we would be tired of our pilgrimage abroad and would come home to reign?

Mr. HAYES. That is what I desire to do.

Mr. BUTLER of Pennsylvania. If you exclude the Japanese from our shores, what do you think will become of us in the Philippine Islands?

Mr. HAYES. That is a matter that is not concerning me just now, but I am more concerned about what will become of us at home.

Mr. BUTLER of Pennsylvania. That is a thing that should concern us all.

Mr. HAYES. I think I understand the gentleman, that if we exclude the Japanese, we will have trouble with the Japanese nation. If that is true, that is one good reason why we should exclude them. I do not think the time has come, Mr. Chairman, when this country can be dictated to by any foreign power as to what its domestic policy shall be; and that would have no weight with me, and I hope it would not with the gentleman from Pennsylvania.

Mr. BUTLER of Pennsylvania. I do not know that it should; but the terrible results which would come, it seems to me, ought perhaps to enter into the discussion is the reason I asked my friend the question.

Mr. HAYES. Mr. Chairman, I have given some thought to that question. I do not think anything terrible would result at all. I believe the reigning class of Japan would be very glad to keep their laborers at home or near home. I do not think they desire that they should come to this country in any large numbers.

Mr. WEEKS. Mr. Chairman, as the gentleman from California has been interrupted, I would like to ask him if he has considered what effect the restriction of Japanese emigration would have on the twenty-five or thirty millions of trade we have with that country. In other words, what effect it would have on us?

Mr. HAYES. I do not think it would have any appreciable effect. I do not see why it should. I see it stated in the public press, in the line of the suggestion of the gentleman from Pennsylvania, that the Emperor and the statesmen of Japan are opposed to emigration of Japanese to this country.

Mr. BUTLER of Pennsylvania. Can not they prevent it?

Mr. HAYES. I see it also stated that the Japanese consul at Hawaii, according to the statement I read, referring to the large immigration of Japanese coming to Hawaii, tried to prevent them going there, and especially tried to prevent them coming to this country. I suppose he must have been acting under the directions of the home Government, otherwise he would not have done so. So that I think no trouble need be anticipated from that source at all.

Mr. BUTLER of Pennsylvania. Would not the ruling powers of Japan, then, have the power to prevent emigration?

Mr. HAYES. Undoubtedly.

Mr. BUTLER of Pennsylvania. Then why should we entangle ourselves in any way, I should ask my friend?

Mr. HAYES. We should not unless it imperils us in some way or becomes a menace to our citizenship; unless that emigration continues to increase as it has. You understand there is no direct opposition to the educated class of Japanese.

Mr. BUTLER of Pennsylvania. I should say not.

Mr. HAYES. But it has probably not yet reached the point where the Government of Japan has passed any laws with reference to emigration to the United States. It has not reached sufficient magnitude yet; but I have no doubt, as in the case of the Chinese, that if this Government should take the matter up with Japan it could be arranged amicably. You understand, Mr. Chairman, that our people are not objecting to the coming of Japanese of the educated classes. Our only objection is to the coming of the coolie class, the laborers, who not only compete with our white labor at home but drive them out, take their homes away from them of necessity, because they can not live on the wages the Japanese can thrive upon, because they bring another civilization into our midst and degrade especially our rising generation. These are the principal reasons we object to Mongolians of any kind.

Mr. ESCH. Is it the understanding of the gentleman that this exclusion of Japanese would extend to the Isthmus of Panama?

Mr. HAYES. My idea of this exclusion is simply that it should affect our own home people.

Mr. ESCH. Would the passage of this exclusion act have any effect on Japanese taking employment on the Isthmus?

Mr. HAYES. None whatever.

I ought to say, in passing, that this table which I shall ask leave to print shows that the wages of the Japanese are not only lower than those of the white laborer, but they are lower than those of the Chinaman. When it comes to a matter of competition between the Chinese and the Japanese the Japanese can cut them out every time, because they can live on less than any other human being in the world. The Japanese has the science

of living at a minimum reduced to the finest point of any nationality that I know of in the world. I ought to say also that this statement shows that the hours of working are very much longer in the case of the Japanese laborer than in the case of the American, showing fourteen hours, and often sixteen hours, as a day's work, where an American white man works from eight to eleven hours.

STATEMENT OF WAGES, HOURS OF LABOR, AND CONDITIONS IN SAN FRANCISCO.

"*Sailors.*—It is said that there are about 2,700 Mongolians employed on American vessels sailing from Pacific coast ports; but from a gentleman who has made a close study of the subject, and who has a list of numbers employed on each vessel, we have received information which convinces us that there are no less than 3,500 Mongolians competing with American seamen on vessels sailing from Pacific coast ports. From the same source we learn that the Army and Navy employ about 1,000 of the same kind of "cheap labor."

*Butchers.*—They are confronted with the employment of 200 Chinamen, who work about sixteen hours a day, compared with ten of the white butcher. The Chinese handle about 75 per cent of all the pork slaughtered in the city, and the white butchers handling pork, with the exception of sausage makers, who receive "union wages," are compelled to work for 25 to 50 per cent less money than those engaged in other branches of the trade. Ten of the Chinese butchers belong to the Butchers' Board of Trade.

It is further stated that meats unfit for human consumption can be obtained at all times in Chinatown, and from those shops the Japanese restaurants and boarding houses obtain most of the meat supplied to their patrons.

*Broom makers.*—The Chinese have virtually destroyed competition in that industry by means of the cheap and inferior goods made by them. The white broom maker works nine hours for a wage of $2.50; the Chinaman works from ten to fourteen hours, his wage ranging from 75 cents to $1.25 per day.

*Garment cutters.*—Twenty to thirty Chinese employed at a maximum rate of $2 per day, white men receiving $3.50. In many instances "unionism and public opinion" have caused manufacturers to displace the Chinese by white cutters.

*Iron molders.*—Three Japs were employed for seven months by a company at Point Richmond, which subsequently failed; wages $12 per week. They lived in a small cabin, their diet being rice and beans. Skill good for the time they worked, but they showed no regard for sanitary rules.

*From the Stockton laundry workers.*—We receive information that they are in competition with 200 Chinese and 20 Japs. Hours of labor of whites, ten; of the Chinese and Japanese, sixteen to twenty hours. Wages, whites $1.25 to $3 per day; the wages paid the Chinese and Japanese can not be ascertained. Five-eighths of the laundry work is being done by the Mongolians and the white worker is being constantly reminded by his employer of the difficulty he experiences in competing with Mongolians. Chinese and Japanese work is stated to be much inferior to the white and much cheaper. That is the essence of the desire for Japanese labor, "cheapness."

We now come to the most interesting and important information that has been furnished your committee by means of the returned papers—that of the cooks, cooks' helpers, and waiters.

From the cooks it is learned that the number of Chinese employed will vary according to the season—150 to 300; Japanese, from 400 to 1,000.

*Hours of labor.*—Union, from ten and one-half to thirteen; Chinese, from fourteen to sixteen; Japanese, the same as Chinese.

*Wages.*—Union, $15 to $25 for six days; Chinese and Japanese, from $25 to $35 per month, without any day off during the week. Work very poor, especially in the houses run by Japanese, where the meals are very cheap (usually 10 cents) and which entice a certain class of custom to extend them patronage.

*Wages for white men.*—Cooks, $60 to $90; waiters, $40; miscellaneous help, $32.50. Japanese cooks, $35; waiters, $30; miscellaneous help, $20. The delegates may draw their own conclusions as to the reasons for employing Japs and as to how long the white man will be able to hold his own against such competition.

*Pile drivers and bridge builders.*—It is learned that the cooks and their helpers in the railroad construction and repair camps are chiefly Chinese and Japanese, but no data was furnished relative to wages and hours of labor.

Cooks' helpers are working in competition with 200 to 300 Chinese and from 500 to 600 Japanese, according to the time of the year.

*Wages.*—White helpers receive $8 for a week of 6 days. Chinese work 7 days of 14 hours each for $5. The Japanese day is also 14 hours for 7 days in the week, but he only receives $4, his competition being disastrous even to the Chinese.

*Waiters.*—The Chinese restaurants, of which 36 are noted, employ 180 of their own countrymen. Of the Japanese there are employed 1,200 by the month in boarding houses, saloons, and Japanese restaurants, of which there are about 67.

*Hours of labor.*—Union men, 10; women, 9. Chinese average 13; Japanese average 14.

*Wages.*—Union men (minimum), $10.50; women, $7. Chinese average $6 to $7; the Japanese from $4 to $5. Thus we see that at every point of contact the Japanese can discount the Chinaman.

*Shoe workers.*—A short while since a count was made of the Japanese shoe stores, repair shops, etc., and no less than 286 were counted. Since then many stores have been opened in various localities, which we believe would add, at the very least, 25 to that number. Each shop has a boss and one apprentice, sometimes two or three; they work early and late. We have seen them working at 6 a. m. and at 10 p. m. They charge all the traffic will bear, except when located in close proximity to a white man; then the figures will be cut in half until competition ceases.

*Garment workers.*—There have been visited 72 stores, employing 769 hands—all turning out goods to be sold to our wives and daughters—wages from $4 per week to $60 per month, according to the class of work; and, mind you, these rates do not include grub; that they must furnish themselves. Some of the establishments eat, sleep, cook, and perform their natural functions all in the same room.

The census report for 1900 says that there were 12,528 Mongolians employed in San Francisco at that date, segregated as follows:

| | |
|---|---|
| Laborers | 697 |
| Laundry workers | 2,087 |
| Servants | 3,054 |
| Merchants (retail) | 1,327 |
| Porters | 97 |
| Salesmen | 256 |
| Seamstresses (men) | 249 |
| Shoes and repairs | 274 |
| Machine operators | 363 |
| Shirts and collars | 205 |
| Tailors | 501 |
| Cigars and tobacco | 727 |

That the percentage of employed has increased according to the increase of immigration, we are sure.

The Report of the Commissioner of Labor for 1904 says that 93 per cent of the Mongolians were employed in gainful occupations and the investigations conducted by us show that there is not a business but what is affected by the Japanese competition; that the Japanese furnish each other with everything that is essential to their domestic and industrial existence—banking, printing, medicine, dentistry, teaming, peddling, all kinds of merchandise—in fact, every industry necessary to maintenance of urban life has its Japanese representatives, and they buy and sell and trade with each other, and no white storekeeper, not even a saloon, benefits one dollar by their presence in San Francisco or California.

*Building trades.*—For the purpose of securing information concerning the inroads likely to be made by the Japanese on the building trades, Dr. Carl Saalfield submitted plans for a house he contemplated building to Japanese architects and contractors with the following results:

He found that the Japanese have entered into all of the thirty-four trades connected with the building of a modern house. He found that they would build a house for $2,000 less than the lowest bid from an American firm. That bid was $5,800. The Japanese offered to build it for $3,800. They would do everything from the excavating to the plumbing, gas-fitting, painting, and decorating—turning over the keys for a finished house. The Doctor, thinking there had been some mistake, went over the plans with them, even to the tile laying, but they stood by their figures. They pay their carpenters $1.50 per day and their laborers about 60 per cent less than a white laborer receives. The item for common labor had been figured by the American at $700—the Japanese figured it at $250.

In Alameda County they have done much cement work, and good work too, but at a figure which a white man can not touch and live.

*Social conditions.*—All that has ever been said in Congress by the advocates of Chinese exclusion during the past forty years; all that has ever been written on the subject; all the information that has been collected and buried out of sight in Congressional committee reports as to the vileness and bestiality of oriental vices, is as true of the Japanese in our midst as of the Chinese.

Viewed from our standpoint, they have no social standard; they have no morals; their women occupy a very inferior posi-

tion; many of them are held merely as chattels and for immoral purposes and just as long as they are profitable to their masters. It is even susceptible of proof that many of the women so held in bondage are operated on in infancy so as to fit them for their vile calling and to prevent the inconvenience of childbearing.

From an inspection of a dozen houses occupied by Japanese, it was learned by the health officers that the occupants were living in a condition so utterly opposed to American conceptions of cleanliness and decency as to be a positive menace to public health.

Their unclean habits had left their marks on the walls; the noisome odors were unbearable, and the extreme filthiness disclosed caused the officers to declare that the conditions existing in those buildings were a menace to life and health."

Now, Mr. Chairman, naturally the laboring men of the Pacific coast are objecting to this kind of competition, and justly so. Of late it has become quite the fashion in certain quarters to sneer at one who ventures to speak of the demands and of the rights of labor, and especially of union labor. We have become accustomed to hear of union despotism and union arrogance, and have heard the labor trust of late condemned with the other trusts that infest the land. I am not here to defend injustice or unreasonable commercial demands, no matter by whom practiced or made, but in the contest against cheap foreign labor my sympathies are all with the laborers of the United States.

When the laborer with American ideals—with a home to maintain, a family to support, and children to educate—sees his job taken by a man wholly alien in race, with no family ties or responsibilities, and who, by the laws of our country, can never be admitted to the responsibilities of citizenship, he would not be worthy of the name of freeman if he did not fight for his home, his wife, and his children with every weapon at his command. He would be far from the intelligent laborer that he is reputed to be if he did not organize and join with his fellows to more effectually fight the common enemy. And every lover of his kind and every patriot should help him in this fight. The very existence of the Republic depends upon it. As the proportion of our citizens who work for wages increases it is becoming more and more important that the child of the laborer should be educated to understand and to bear properly responsibilities that will devolve upon him as a freeman, as one of the sovereigns of this great country. It is also more and more important with the passage of each year that the laborer should be made to feel that the Government of this country will deal justly, yea, generously with him, and that it will assist him to maintain every equitable right and protect him from every enemy who would destroy his home and his American standard of living. From every consideration this House should hear this protest of the laborers of the Pacific coast against Mongolian invasion. We should at least not deny their petition before it is heard or considered. The danger that threatens them is great and immediate. The spirit of immigration is rapidly taking possession of the Japanese mind, and in the immediate future the number coming to the Pacific coast will greatly increase.

But there are larger and more imperative reasons than any I have mentioned why we should close our gates firmly against all Mongolian immigration. It may be that the time may come when men of all nations will recognize the man of alien race as their brother and live with him in love and harmony. But that time is not yet. If it ever comes it will be far in the future. Race prejudice seems to be planted firmly in the average human nature. You may inveigh against it as barbaric and un-Christian, but this does not eradicate it. It would be foolish to shut our eyes to its almost universal presence.

The white people of the Pacific coast have no relations of a social nature with the Japanese now there, and it is not desirable that they should have. There is no mingling or fraternizing between the two races, while in the hearts of the white laborers this natural antagonism is rapidly growing into a feeling of enmity and hatred for the race which is taking away their means of subsistence by greatly underbidding them in the labor market. If the present influx of Asiatics continues, the race question will soon be more acute on the Pacific coast than it has been in the States of the South. We already have one race problem on our hands, the solution of which no man can see, and I aver that this is enough without importing another one. We confidently appeal to our brothers of the South who are wrestling with this great problem not to be a party to forcing a similar problem upon us of the Pacific coast.

Mr. UNDERWOOD. I will say to the gentleman from California that the South has always tried to stay by the Pacific coast on this question.

Mr. HAYES. I am quite aware of that, and I will say to the gentleman from Alabama that the Pacific coast appreciate the friendship and cooperation of the people of the South in this matter.

It has been urged that the labor necessities of the Pacific coast demand this Mongolian immigration. Why, they say, your fruit industry, your mines, your seed farms can not be worked and developed without them. It is better that they never should be developed than that our white laborers should be driven out or degraded by Mongolians. The same arguments were no doubt used a century or so ago to justify the bringing of African labor to this country. But there is no labor demand upon the Pacific coast that can not be fully met with white laborers, if conditions are made such that they will wish to come and remain there. No self-respecting white laborer will work beside the Mongolian upon terms that will be satisfactory to the latter. The proposition whether we shall have white or yellow labor on the Pacific slope must soon be settled, for we can not have both.

If Mongolians are allowed to freely come—and if they are they will come in large numbers—the white laborer will not go there. He will soon come to understand that that section of our country is no place for a laboring man, and he will shun it as he would a pestilence. And who can blame him? Would you wish to take up your residence permanently in Japan? Would you willingly subject your children as they grow to manhood and womanhood to the oriental environment, with its semibarbaric ideas and its stifling and filthy moral atmosphere? Yet what difference is there between living with the Japanese in Japan and permitting the Japanese to come and live with you in California?

A few years ago our people came to the Congress of the United States asking for protection against the evils that threatened them from incursions of large numbers of Chinese. When the conditions became understood the request was granted; the Chinese-exclusion acts were the answer. We are now asking for protection from a new danger, just as real and nearly as great as threatened us twenty-five years ago, and we shall keep on asking for protection from it until the generous people of the United States protect our children, our homes, our people by extending the Chinese-exclusion act to include all Mongolians. [Prolonged applause.]

Mr. BENNET of New York. Mr. Chairman, on the 21st of February quite accidentally I was precipitated into a controversy, or colloquy, rather, with the gentleman from Kentucky [Mr. HOPKINS] arising from his statement, which I knew to be erroneous, that nine-tenths of the Italians who come to this country are anarchists. Having knowledge that the statement was erroneous I thought it was only proper to draw his attention to what was really the fact. As sometimes happens in colloquies, the gentleman said something later that, perhaps, had he been making a set speech, he would not have said. Knowing him as I do, I realize that he would be the last man to criticise either a Commonwealth or a portion of a Commonwealth, and that therefore when he somewhat sneeringly said he did not come to New York for his ideals, I realized that he was in a large measure carried away by the heat of debate.

Nevertheless, as the remark was made, I think it proper at the first opportunity I have had to say a few words about New York, and to philosophize, perhaps, on the question of why the gentleman does not come to or stays away from the city of New York for his ideals.

I was particularly sorry to have a criticism from the State of Kentucky, of which State every American citizen ought to be so justly proud, which State was, in fact, the first emigrant State; over whose broad acres flowed the emigrants from the North, South, and East, forming in those early days the first State not based on some colony from across the sea. That mixture of the hardiest type from all our races, as they then were, has produced a race of tall, strong, able men, such, for instance, as the gentleman from Missouri [Mr. CLARK] or the gentleman from Kentucky [Mr. BENNETT] who bears the same name as myself, and so far as personal habit and pulchritude is concerned I would extend the same remarks to the gentleman from Kentucky [Mr. HOPKINS] but for the fact that he was born in Virginia. Of the fair women of Kentucky the whole nation is proud, and the State of Lincoln and of Clay every true American must always hold in the highest regard.

I presume the gentleman from Kentucky was talking about illiteracy, his criticism being largely based on the alleged fact that we are an illiterate crowd in New York. So I looked up his district. He lives in Floyd County, Ky. The native whites there of voting age are 30.6 per cent illiterates—that is, unable to read and write. Nearly one-third of the men who vote in the county in which he lives. [Laughter.]

And then I looked up the county in which I have the honor to live, and a portion of which I represent, and found that in our native population, including negroes, who are slightly more

illiterate with us than the whites, we had only six-tenths of 1 per cent of illiteracy. In other words, the gentleman's county is nearly sixty times as illiterate as ours. [Laughter.] Well, that is not quite fair. We have a mixed foreign population. Twelve and six-tenths per cent of the males of voting age of that population were illiterate according to the census of 1900.

But the gentleman from Kentucky's native-born whites of voting age were nearly three times as illiterate as our foreign-born voters, and to my utter amazement I found that in the formative period of the lives of the younger voters of Floyd County the gentleman from Kentucky [Mr. HOPKINS] was for the space of more than five years school commissioner of that county. [Laughter.] So he can not criticise us on the ground of illiteracy with any degree of force. Then, as I have not had opportunity to do for a long time past in a somewhat busy life, I rather reviewed in my own mind what we have done of so disastrous, so far-reaching, and so reprehensible a nature that the gentleman from Floyd County would not come to us for his ideals.

Does he criticise our judiciary? The final test of a judiciary as between people of different parties is the action of that judiciary upon political questions—where questions between political parties are involved—and whether a man taken from the ranks of the bar, taken, as they usually are, from the ranks of active partisanship, can, when donning the ermine, sink the man and the partisan in the judge. So I looked up our history in that respect. I found that the last decision of an appellate court in our State where there was even the suspicion of politics in a case between political parties was in 1856. So in fifty years there has not a political question gone up to an appellate court in the State of New York where the judges have divided on party lines. We had thirteen or fourteen cases go up this last fall to our appellate court in the city of New York, which he criticises. There are Democrats and Republicans in that court. I do not now recall whether at that moment the majority sitting were Democrats or Republicans. Nobody paid any attention to the fact as to which party was in the ascendancy, and in every one of those fourteen cases, with Democrats and Republicans sitting in appeals involving Democrats and Republicans, the decision was the unanimous decision of the court. We had a question come up to our State court of appeals in 1891, involving the control of our State senate and the election of a United States Senator from that State, to which the gentleman will not go for his ideals.

Our appellate court, composed of both Democrats and Republicans, despite the fact that the pressure was tremendous, despite the fact that interest was intense, divided on lines outside of party, Republicans on both sides of the line, Democrats on both sides of the line, and decided the case according to the law as they construed it, and when a Democratic State canvassing board violated the orders of that court it was Democratic judges, one after the other, who issued the orders that punished them for such violation. So that our judiciary has not failed us in the city and in the State of New York. Some question might arise, and the gentleman raised one, as to the enforcement of the law, but before I go into that I desire to say that we have good laws in New York. When they issued a statement here recently about conditions in the city of Washington, anyone who will read it will find it said in that statement that our tenement law is a model for tenement-house laws. We passed a juvenile-court bill here yesterday. We have had one in New York for five years. We are at the front in things of that character. Are our laws enforced?

Well, the test of that is, is life and property secure in the city of New York? You can argue on that for days, but there is one thing you can not ever get away from. When a man makes a lot of money in any other part of the United States, he quite usually comes to spend the balance of his life and the balance of his money in New York City. [Laughter.] Now, if life and property were not secure, the man who valued both would not come to the city of New York to put either at the mercy of violence.

Mr. SIMS. Mr. Chairman, I would like to ask the gentleman a question.

The CHAIRMAN. Does the gentleman yield?

Mr. BENNET of New York. Certainly.

Mr. SIMS. Do people who go to New York because they have got money get more for their money than they do any place else?

Mr. BENNET of New York. Well, Mr. Chairman, the gentleman will have to ask that of somebody else. I am not in that favored class, but I will say, however, that I have never had any objection to what I get for my money in New York. I desire to say, incidentally, that there is one Senator who is building what I assume is a house in New York who I do not think is getting the worth of his money. [Laughter.]

But life and property are secure. I have lived in the State of New York all of my life, and in the county of New York for thirteen years. I have never seen the time that I found it necessary for the purpose of protection to carry even a jackknife. I have never known of a man in my circle of acquaintances that carried a weapon, except my friends on the police force. I will walk through any street in New York at any hour of the day or night, and as long as I pay attention to my own business I will walk through in safety. The gentleman said that we had strikes and troubles. We do have strikes, but we do not have violence. About a year ago 98 per cent of the operative force of the elevated and subway system walked out without a moment's notice, and within a week or ten days their places were supplied—I will not say filled, because they were not immediately filled by as good men. The headquarters of those strikers was within half a block of where I lived, and there was not a time during all the time that the strike lasted when the streets in the neighborhood of the headquarters of those strikers were even unpleasant for women and children. There was no violence, there were no troops called out. We have a police force in the city of New York, and we all of us feel concerning it a good deal like the man who was down in Habana when the war with Spain broke out. He was talking with some Spanish officers, and they said: "We have transports, we have troops, and we will load our troops on those transports and send them up there, and we will start the troops up Broadway, and then what will happen?" "Oh," said the New Yorker, "send them up and the Broadway squad will arrest them." [Laughter.]

We have in New York the best fire department in the civilized world. The brave deeds of these men convince us that the race of heroes has not died and that our good American stock has not deteriorated through the foreign influx. I will tell you why people have that impression in regard to violence and everything of that sort in New York. When you get more than 400 miles away from New York all that the newspapers print about New York is details of crimes and violence and alleged humorous sayings of some of our police magistrates. But I am calling attention to facts. In the county of New York the last time that we called out troops was thirty-five years ago—in 1871—and we have got lots of them in New York if we had to call them out, but we do not have the need. We have had strikes of various kinds. We have had longshoremen's strikes, we have had building trades strikes; we had 35,000 men out at once in the city of New York without a hint of violence. We have had strikes of teamsters, and other cities have had strikes of teamsters, and you have read about it in the newspapers. We have thousands of employees of printing offices out on strike now, and you do not know it because neither they nor the men who are attempting to take their places are violating the laws. We are an orderly people.

Mr. GOLDFOGLE. Will the gentleman yield?

The CHAIRMAN. Does the gentleman from New York yield?

Mr. BENNET of New York. Certainly.

Mr. GOLDFOGLE. You criticise, and very properly, too, the gentleman from Kentucky for the undemocratic and un-American ideas he expressed on the floor of this House on the 21st day of February last. Now, you follow that up by telling us of the peaceful conditions in New York under great stress, as in the case of strikes. Is it not a fact that the immigrant classes constitute a large portion of the labor classes of New York City, and that those immigrant classes have been found in New York City in the congested portions and elsewhere to be perfectly peaceful and law-abiding, anxious to learn, desirous of assimilating with the citizenship of New York——

Mr. BENNET of New York. May I interrupt the gentleman to ask whether he is making this speech or I am? [Laughter and applause.] So far as he has gone I entirely agree with him.

Mr. GOLDFOGLE. Answering the inquiry put by my friend and colleague from New York, I want to say I desire to bring the gentleman from New York back to the immigrant question.

Mr. BENNET of New York. Well, I have not got to it yet. I will get to it. [Laughter and applause.]

Mr. GOLDFOGLE. Will the gentleman from New York pardon me a moment?

Mr. BENNET of New York. Yes; for a question; not for another speech.

Mr. GOLDFOGLE. On the subject of workmen in New York City being engaged in labor strikes, as you say, at the present time, I want to call the attention of the gentleman from New York to the comment made by the gentleman from Kentucky.

Mr. BENNET of New York. If the gentleman will pardon me, I am going to come to that. I know what he has in mind.

Mr. GOLDFOGLE. And the gentleman will yield later to me?

Mr. BENNET of New York. Yes.

So I think I have demonstrated that to a very large extent we enforce the laws in New York.

Now, what my friend from New York [Mr. GOLDFOGLE] was trying to call my attention to was that the gentleman from Kentucky criticised us because we had such a large foreign population, and that they brought us strikes and pauperism and low wages; so I thought I would look that matter up, and I got the last bulletin of our State department of labor—an absolutely unbiased bureau which collects facts and does not deal very much in conclusions—and I found that during the months of July, August, and September, 1905, the 358,493 organized wage-workers reporting to the bureau of labor statistics averaged seventy-three days of employment, which was more than ever before in the history of the State, and there were only seventy-seven days in which they could work during that period, so that for all causes, their own desire (and this was the vacation season), lack of material, lack of work, sickness, and everything else, organized labor in New York during that period was only unemployed four days out of seventy-seven, and they received—and mind you this included apprentices, who get small wages, and it included some women who are not paid as high wages as men are—$246 wages, or an average of over a thousand dollars a year for labor, and I venture to say a much higher rate of wage than was paid in the county of Floyd, in the State of Kentucky.

The last figures I have about unskilled labor are for 1904, and show that for all classes, including boys and girls over 14 and women, wages had gone up from $1.13 per day to $1.39, but work was plentiful.

A MEMBER. What do they pay in Floyd?

Mr. BENNET of New York. The gentleman asks why I do not give what was paid down in the county of Floyd, and I will answer that it is because my heart is too tender. [Laughter.]

Furthermore, the gentleman said, in substance, "How about your sweat shops, where people toil for a mere pittance to keep body and soul together?" So I thought I would look up the sweat shops, and I found that between the years 1890 and 1900, in the clothing trade, which in its primary manufacturing sense is conducted largely in the sweat shops, so called, wages increased 46 per cent, and that during the month of July, 1905, wages were raised in those very sweat shops which he criticises from 10 to 20 per cent. It does not look very much as if they were toiling for a pittance, does it? I found also that where we used to import $14,000,000 worth of ready-made clothes yearly from Germany, we now import but $2,000,000. We have transferred an industry to our own country.

Mr. SMITH of Kentucky. I think it is just to my colleague that the gentleman from New York should state what they are receiving, so that if my colleague desires to respond he will have the facts as stated by the gentleman from New York, to which he can make response.

Mr. BENNET of New York. Yes; I think that is only fair, and I will state it as well as I can. Those people are not paid a daily wage nor a weekly wage. They are paid by piecework; and when I sat for a brief period on the municipal court bench, and sat for one month in the district where they most largely live, I found—somewhat to my own astonishment, I must admit, for I had not so understood it up to that time—that the wages of the people that he said were striving for a mere pittance averaged over $20 a week. That is not a mere pittance, even in the city of New York—nor in the county of Floyd. [Laughter.] This, however, was not on the basis of an eight-hour day, and I have no exact statistics.

We had not been injured very much, so far as I had found, and so I thought I would look a little bit on the side of the taxpayer and see how he has been hurt in the last fifteen years by the deplorable conditions which my friend seems to think existed in the county of New York. And again I was surprised, for, in the engrossing duties of running for office almost every year and attending to my law business between campaigns and sessions, I had not kept up with these details.

In 1890 the assessed valuation of the county of New York was $1,618,000,000 in round figures, which is some considerable property. In 1905 that had increased from $1,618,000,000 to $4,575,000,000. That is an increase of nearly three billions on the assessed valuation of our property.

For the life of me I can not figure out why my friend from the county of Floyd could not come to New York for his ideals. The tone of our life is just as high, our material property is just as great, if not greater, our laws are enforced as well as they are in Floyd County, I undertake to say, or as well as they are in Breathitt County, Ky. And I would like to have read in my time a little clipping relating to that county in my friend's own district.

The Clerk read as follows:

JUDGE HARGIS INDICTED FOR MURDER OF MARCUM.

JACKSON, KY., *February 24, 1906.*

The Breathitt County grand jury returned indictments to-day against ex-Judge James Hargis and Sheriff Ed Callahan, charging them with the deliberate murder of James B. Marcum, an attorney, who was assassinated on the streets of Jackson.

B. F. French, John Smith, and John Abner were indicted as accessories. The indictments grew out of the famous Hargis-Cockrell feud which has caused so much bloodshed in Breathitt County.

Mr. BENNET of New York. Now, I will tell you the rest of that. Hargis was the county judge of that county. He had a difference of opinion with Marcum. Hargis was not the actual murderer of Marcum. He was too smart for that. Marcum was shot by a man named Curtis Jett, and I read in the newspapers only the other day that Curtis Jett, who shot down an officer of the court on the steps of the court-house in the county seat of Breathitt, is still at large, and worse than that——

Mr. SMITH of Kentucky. Mr. Chairman, I wish to say that Curtis Jett has been convicted and is serving a life sentence in the State penitentiary.

Mr. BENNET of New York. I am glad to be informed of that.

Mr. SMITH of Kentucky. And he is also the murderer of another party, and his other trial is set for some time in June.

Mr. BENNET of New York. May I ask another question? Is Curtis Jett serving that sentence for killing Marcum or killing somebody else?

Mr. SMITH of Kentucky. I am not prepared to say. [Laughter.] He is serving a life sentence. I understood the gentleman's statement to be that he was at large. He is serving a life sentence in the State penitentiary now and is indicted in another case which is to be tried, I think, in June, and I do not know whether it is the Cockrill case or the Marcum case; but he is under a life sentence in the State penitentiary now.

Mr. BENNET of New York. It seems to me that Mr. Jett has been very busy in Breathitt County, and I think it is well he is serving a life sentence, from his record as disclosed by the gentleman from Kentucky [Mr. SMITH]. At any rate, the point I wanted to make is well taken—that is, that Jett shot down an attorney in cold blood, and that though the shooting occurred nearly three years since he has not yet been tried for that particular crime; but an appalling thing about the matter is that Hargis and Callahan were renominated last fall for their respective offices. To the everlasting credit of the people of Breathitt County they were overwhelmingly defeated.

Now, the whole burden of the remarks of the gentleman from Kentucky rested on his allegation of what he believed to be facts, for he is an earnest man, even although he did not have much success as school commissioner in Floyd County. [Laughter.] He thought, and thinks, that we are now in this alleged unfortunate condition because of immigration. He can have little personal knowledge of immigrants, as there are only 396 aliens, all told, in his district. There are many of us who are foreign-born in New York County. I am not myself. My ancestry dates back before 1750, so that I can speak dispassionately upon the subject. According to the census of 1900, 61.9 per cent of the people of New York City were born in foreign countries. Now, with all that number in the city, what is there to show that foreign immigration has hurt us? I want to say for the benefit of gentlemen who think as the gentleman from Kentucky does, in regard to immigration, that they have left out of account entirely what, in my judgment, is the most important thing in regard to immigration.

The original immigrant, who comes here over the age of 40, himself helps or hinders but little. It is the second generation, born of foreign parents, that counts in the United States; and we have that generation in New York City. It is not those adults who matter so much as it is the boys and girls born of those foreign parents, who start in our schools at the age of 5 or under, remain in our schools until they are 14—for there is no child labor in the State of New York—remain in our schools sometimes until they are 16, 18, or 19 years of age. In our free schools in the city of New York you can start a child in at 4½ years in the public kindergarten—and without expense to him, even for books—you send him right on through the schools and the high school until he graduates from the College of the City of New York with a splendid education. Two graduates of that college are Members of this House to-day. [Applause.]

That is what we have done. Gentlemen may say we are a bad people in New York; but we have stood there on the shore, where the ships came up from the great deep, and we have taken the man who did not have much money, because in the early days the man with money went farther west. We have taken the man burdened with a large family, who could not take them far west; we have taken the man who had just merely enough, just practically enough, to get to us and stay

there, and out of him and out of his descendants we have made American citizens. What is this question of money alongside of good citizens? [Loud applause.] In the city of New York alone we spend $27,000,000 a year for education in our public schools, and if we need more we will spend more. [Applause.]

The State of New York, in her entire school system, is spending between $40,000,000 and $50,000,000; and the city of New York, burdened as they say by foreign immigration, contributes $125,000 a year under our State system of taxation to send money into the school districts up the State, where they have not a large number of foreign-born, as we have, and the foreign-born are helping stand the burden of the education of native-born children in the rural districts. And those rural districts are maintaining education nobly. They were assessing themselves as high as $25 on the thousand in the rural districts of New York so that every child in the Empire State could have an education.

Personally I wish to make this point: Immigration has not hurt us. I am not now talking about restriction; I am not now talking about selection. I am talking about the facts of the past and what immigration has done for us and the way it has built us up. The late Senator Hoar truly said:

> For many years a large majority of the people of the city of New York were of foreign birth or parentage. But how wonderfully most of these have grown in the elements of good citizenship and of honorable manhood, and how wonderfully their sisters and daughters have grown in the elements of womanhood. Freedom is the best school-teacher.

The Italian, the German, the Irishman, the Scandinavian, the Jew, the Hungarian, and all the rest, have all come in, and their children have come in, and in the second generation all of these races have mingled and built up a composite manhood and womanhood of which the State of New York can well be proud. [Applause.]

Mr. LITTAUER. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. OLMSTED, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 16472—the legislative, judicial, and executive appropriation bill—and had come to no resolution thereon.

### ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 58. An act to prevent the unlawful wearing of the badge or insignia of the Grand Army of the Republic or other soldier organizations;

H. R. 8103. An act to authorize the construction of a bridge between Fort Snelling Reservation and St. Paul, Minn.;

H. R. 122. An act to require the erection of fire escapes in certain buildings in the District of Columba, and for other purposes;

H. J. Res. 83. Joint resolution for a report, etc., upon the preservation of Niagara Falls;

H. R. 13398. An act to amend section 4400 of the Revised Statutes, relating to inspection of steam vessels;

H. R. 345. An act to provide for an increased annual appropriation for agricultural experiment stations and regulating the expenditure thereof;

H. R. 15263. An act to authorize William Smith and associates to bridge the Tug Fork of the Big Sandy River, near Williamson, W. Va., where the same forms the boundary line between the States of West Virginia and Kentucky; and

H. R. 8107. An act extending the public land laws to certain lands in Wyoming.

### SENATE BILLS AND RESOLUTIONS REFERRED.

Under clause 2 of Rule XXIV, Senate bills and resolutions of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 2264. An act to provide for enlarging the public building at Roanoke, Va., in order to accommodate the United States courts—to the Committee on Public Buildings and Grounds.

S. 1830. An act for the removal of the quarantine station at San Diego, Cal., and to acquire a new site, and for other purposes—to the Committee on Interstate and Foreign Commerce.

S. 682. An act for the relief of Andrew H. Russell and William R. Livermore—to the Committee on Claims.

S. 4376. An act to quitclaim all the interest of the United States of America in and to a certain lot of land lying in the District of Columbia and State of Maryland to heirs of John C. Rives, deceased—to the Committee on the District of Columbia.

S. 4169. An act to authorize the sale of certain real estate in the District of Columbia belonging to the United States—to the Committee on Public Buildings and Grounds.

S. 4046. An act to incorporate the Edes Home—to the Committee on the District of Columbia.

S. 4015. An act to construct and place a new light-ship at the entrance to Buzzards Bay, Massachusetts, to replace the one now known as the "Hen and Chickens light-ship"—to the Committee on Interstate and Foreign Commerce.

S. 4014. An act to construct and place a light-ship near the eastern end of Hedge Fence Shoal, at the entrance to Vineyard Sound, Massachusetts—to the Committee on Interstate and Foreign Commerce.

S. 392. An act to extend the special leave privileges authorized for officers of the Military Academy by section 1330, Revised Statutes, to certain instructors and student officers at service schools—to the Committee on Military Affairs.

S. 3593. An act granting an honorable discharge to Joseph P. W. R. Ross—to the Committee on Military Affairs.

S. 2450. An act for the relief of settlers upon the abandoned Fort Rice Military Reservation—to the Committee on Private Land Claims.

Senate concurrent resolution No. 15:

*Resolved by the Senate (the House of Representatives concurring)*, That there be printed the following documents:

First. Reports of the efficiency of various coals used by the United States ships from 1896 to 1898, inclusive, made by the Bureau of Equipment of the Navy in 1899.

Second. Pages 47 to 71, inclusive, of the Report of the Bureau of Equipment of the Navy for 1902, under the heading of "Equipment expenses abroad."

Third. Pages 55 to 67 of the report of said Bureau for 1903 under the same heading.

Fourth. Letter from the Secretary of the Navy to JOHN T. MORGAN (with the accompanying statements), dated March 6, 1906.

Said papers to be bound together in cloth, as one document, of which the usual number shall be printed and bound for the use of the Senate, and 500 copies for the Navy Department—

To the Committee on Printing.

### ENROLLED BILLS SIGNED.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 671. An act granting an increase of pension to Charles Conine;

S. 672. An act granting an increase of pension to James F. Hubbard;

S. 466. An act granting an increase of pension to James H. Lewis;

S. 325. An act granting an increase of pension to Henry B. Burton;

S. 17. An act granting an increase of pension to Levi A. Tripp;

S. 655. An act granting an increase of pension to Charles E. Bishop;

S. 641. An act granting an increase of pension to James M. Conrad;

S. 623. An act granting an increase of pension to Bridget Evans;

S. 220. An act granting an increase of pension to Jonathan F. Gates;

S. 656. An act granting an increase of pension to Abraham Walters;

S. 599. An act granting an increase of pension to Mary A. Megrue;

S. 218. An act granting an increase of pension to James White;

S. 200. An act granting an increase of pension to Fredrich Behrens;

S. 203. An act granting an increase of pension to Edward E. Needham;

S. 187. An act granting an increase of pension to James H. Kane;

S. 180. An act granting an increase of pension to Joseph W. Legro;

S. 165. An act granting an increase of pension to Henry Russell;

S. 162. An act granting an increase of pension to David D. Griffith;

S. 94. An act granting an increase of pension to Albert Wines;

S. 19. An act granting an increase of pension to Alphonso B. Holland;

S. 22. An act granting an increase of pension to Andrew Smith;

S. 712. An act granting an increase of pension to Lizzie M. McLauchlan;

S. 597. An act granting an increase of pension to David M. Pearson;

S. 555. An act granting an increase of pension to Henry H. Hill;

S. 527. An act granting an increase of pension to Alfred McPherran;
S. 589. An act granting a pension to Joseph L. Prentiss;
S. 548. An act granting an increase of pension to William Carr;
S. 492. An act granting an increase of pension to Barney Whitney;
S. 482. An act granting an increase of pension to Amos M. Runkel;
S. 446. An act granting an increase of pension to Mary C. Duane;
S. 251. An act granting an increase of pension to Martin L. Adams; and
S. 675. An act granting a pension to Ulrika Bottcher.

WITHDRAWAL OF PAPERS.

Mr. DAWSON, by unanimous consent, obtained leave to withdraw from the files of the House, without leaving copies, the papers in the case of Wilkerson E. Grubb, Fifty-seventh Congress, no adverse report having been made thereon.

Mr. LITTAUER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 5 o'clock and 2 minutes p. m.) the House adjourned.

## EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of Commerce and Labor, submitting an estimate of appropriation for Superior pierhead range light, Wisconsin—to the Committee on Interstate and Foreign Commerce, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Acting Secretary of the Navy submitting an estimate of appropriation for erection of guardhouse and dormitory for enlisted men at the naval station, Guantanamo, Cuba—to the Committee on Naval Affairs, and ordered to be printed, with illustrations.

A letter from the president of the Board of Commissioners of the District of Columbia, relating to the inquiry as to the improvement of Anacostia flats—to the Committee on the District of Columbia, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of War submitting an estimate of appropriation for rent of buildings occupied by troops at Borongan, Samar, P. I.—to the Committee on Claims, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of War submitting an estimate of appropriation for damages to private property by gun firing—to the Committee on Claims, and ordered to be printed.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. HULL, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 16228) for the establishment of a plant for the manufacture of powder for the United States Army, reported the same with amendment, accompanied by a report (No. 2271); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. DAVEY of Louisiana, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 4130) to authorize the Capital City Improvement Company, of Helena, Mont., to construct a dam across the Missouri River, reported the same without amendment, accompanied by a report (No. 2273); which said bill and report were referred to the House Calendar.

Mr. TOWNSEND, from the Committee on Interstate and Foreign Commerce, to which was referred the House joint resolution (H. J. Res. 115) amending joint resolution instructing the Interstate Commerce Commission to make examinations into the subject of railroad discriminations and monopolies, and report on the same from time to time, approved March 7, 1906, reported the same with amendment, accompanied by a report (No. 2274); which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BUTLER of Pennsylvania, from the Committee on Naval Affairs, to which was referred the Senate joint resolution (S. R. 7) authorizing the Secretary of the Navy to present the bell of the late U. S. sloop of war *Germantown* to the Site and Relic Society of Germantown, Pa., reported the same without amendment, accompanied by a report (No. 2276); which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

Mr. STEVENS of Minnesota, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 5328) making appropriation for the removal of the quarantine station at San Diego, Cal., and to acquire a new site, and for other purposes, reported the same with amendment, accompanied by a report (No. 2277); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. WANGER, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 9324) to authorize the Fayette Bridge Company to construct a bridge over the Monongahela River, Pennsylvania, from a point in the borough of Brownsville, Fayette County, to a point in the borough of West Brownsville, Washington County, reported the same with amendment, accompanied by a report (No. 2278); which said bill and report were referred to the House Calendar.

Mr. SHERMAN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 2771) to establish a light and fog-signal station at or near Southwest Ledge, entrance to New London Harbor, Connecticut, reported the same with amendment, accompanied by a report (No. 2279); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

## REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. WEISSE, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10432) granting an increase of pension to John E. Oyler, reported the same without amendment, accompanied by a report (No. 2230); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13738) granting an increase of pension to Henry Hahn, reported the same without amendment, accompanied by a report (No. 2231); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13840) granting an increase of pension to Absalom Shell, reported the same without amendment, accompanied by a report (No. 2232); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14116) granting an increase of pension to John P. Rains, reported the same with amendment, accompanied by a report (No. 2233); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13961) granting an increase of pension to Julius Buxbaum, reported the same with amendment, accompanied by a report (No. 2234); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13862) granting an increase of pension to Luther S. Holly, reported the same with amendment, accompanied by a report (No. 2235); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14990) granting an increase of pension to Lucius D. Whaley, reported the same with amendment, accompanied by a report (No. 2236); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14853) granting an increase of pension to Helen C. Sanderson, reported the same without amendment, accompanied by a report (No. 2237); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16098) grant-

ing an increase of pension to Frederick Fenz, reported the same without amendment, accompanied by a report (No. 2238); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16376) granting an increase of pension to Joseph Muncher, reported the same with amendment, accompanied by a report (No. 2239); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15061) granting an increase of pension to Ethan Allen, reported the same with amendment, accompanied by a report (No. 2240); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15397) granting an increase of pension to Edward Gillespie, reported the same with amendment, accompanied by a report (No. 2241); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15840) granting an increase of pension to Edgar B. Hughson, reported the same with amendment, accompanied by a report (No. 2242); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15835) granting an increase of pension to George M. Thompson, reported the same with amendment, accompanied by a report (No. 2243); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15780) granting an increase of pension to Peter Cole, reported the same with amendment, accompanied by a report (No. 2244); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10408) granting a pension to Anna E. Middleton, reported the same with amendment, accompanied by a report (No. 2245); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11256) granting an increase of pension to William M. Ewing, reported the same with amendment, accompanied by a report (No. 2246); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12389) granting an increase of pension to Isaiah B. McDonald, reported the same with amendment, accompanied by a report (No. 2247); which said bill and report were referred to the Private Calendar.

Mr. WEISSE, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11692) granting an increase of pension to John P. Wishart, reported the same with amendment, accompanied by a report (No. 2248); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12049) granting an increase of pension to Rolland Havens, reported the same without amendment, accompanied by a report (No. 2249); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12017) granting an increase of pension to James B. Simkins, reported the same with amendment, accompanied by a report (No. 2250); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13445) granting an increase of pension to Thomas L. Blanchard, reported the same with amendment, accompanied by a report (No. 2251); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12663) granting an increase of pension to Frederick Friebele, reported the same without amendment, accompanied by a report (No. 2252); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13437) granting an increase of pension to Samuel R. Lowry, reported the same with amendment, accompanied by a report (No. 2253); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 12526) granting an increase of pension to Solomon Johnson, reported the same without amendment, accompanied by a report (No. 2254); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11348) granting an increase of pension to Cynthia Vernon, reported the same with amendment, accompanied by a report (No. 2255); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7483) granting an increase of pension to Lawrence V. Whitcraft, reported the same with amendment, accompanied by a report (No. 2256); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9910) granting an increase of pension to John McCoy, reported the same with amendment, accompanied by a report (No. 2257); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10298) granting an increase of pension to Oliver C. Redic, reported the same with amendment, accompanied by a report (No. 2258); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8953) granting an increase of pension to Letullius Cook, reported the same with amendment, accompanied by a report (No. 2259); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4671) granting an increase of pension to W. H. Brady, reported the same with amendment, accompanied by a report (No. 2260); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7243) granting an increase of pension to Moses B. Page, reported the same with amendment, accompanied by a report (No. 2261); which said bill and report were referred to the Private Calendar.

Mr. WEISSE, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5712) granting an increase of pension to Caroline Dehlendorf, reported the same with amendment, accompanied by a report (No. 2262); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 603) granting an increase of pension to Thomas Blyth, reported the same with amendment, accompanied by a report (No. 2263); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12390) granting an increase of pension to John W. Raynor, reported the same with amendment, accompanied by a report (No. 2264); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14780) granting an increase of pension to John A. Royer, reported the same without amendment, accompanied by a report (No. 2265); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1793) granting an increase of pension to Playford Gregg, reported the same with amendment, accompanied by a report (No. 2266); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14989) granting an increase of pension to Arcatie E. Thompson, reported the same with amendment, accompanied by a report (No. 2267); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2491) granting a pension to Edwin A. Botsford, reported the same with amendment, accompanied by a report (No. 2268); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3318) granting an increase of pension to Eunice M. Carr, reported the same with amendment, accompanied by a report (No. 2269); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14117) granting an increase of pension to William H. H. Fellows, reported the same with amendment, accompanied by a report (No. 2270); which said bill and report were referred to the Private Calendar.

Mr. PAYNE, from the Committee on Ways and Means, to which was referred the bill of the House (H. R. 16290) to postpone until 1937 the maturity of $250,000 of 4 per cent United States bonds held in trust for the benefit of the American Printing House for the Blind, reported the same without amendment, accompanied by a report (No. 2272); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7630) granting an increase of pension to Henry W. Higley, reported the same without amendment, accompanied by a report (No. 2275); which said bill and report were referred to the Private Calendar.

## PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. HAMILTON: A bill (H. R. 16671) permitting the building of a dam across the St. Joseph River near the village of Berrien Springs, Berrien County, Mich.—to the Committee on Interstate and Foreign Commerce.

By Mr. LACEY: A bill (H. R. 16672) to punish the cutting, chipping, or boxing of trees on the public lands—to the Committee on the Public Lands.

By Mr. McGUIRE: A bill (H. R. 16673) granting to the Territory of Oklahoma, for the use and benefit of the University Preparatory School of the Territory of Oklahoma, section 33 in township No. 26 north of range No. 1 west of the Indian meridian, in Kay County, Oklahoma Territory—to the Committee on the Public Lands.

By Mr. OTJEN: A bill (H. R. 16674) to purchase the historical art window, by Maria Herndl, of George Washington, and so forth—to the Committee on the Library.

By Mr. LACEY: A bill (H. R. 16675) to fix the salaries and define the duties of district attorneys in Alaska—to the Committee on the Judiciary.

By Mr. ESCH: A bill (H. R. 16676) to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon—to the Committee on Interstate and Foreign Commerce.

By Mr. GROSVENOR (by request): A bill (H. R. 16677) to purchase Miss Caroline L. Ransom's oil painting of the late Maj. Gen. George H. Thomas, United States Army—to the Committee on the Library.

By Mr. TAYLOR of Ohio: A bill (H. R. 16678) authorizing the construction of a hospital building at Columbus Barracks, Ohio—to the Committee on Military Affairs.

By Mr. DAWES: A bill (H. R. 16679) to regulate the retirement of certain veterans of the civil war—to the Committee on Military Affairs.

By Mr. SMITH of Maryland: A joint resolution (H. J. Res. 119) providing for a survey of the Northwest Fork of Nanticoke River, Maryland—to the Committee on Rivers and Harbors.

## PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BROWNLOW: A bill (H. R. 16680) for the relief of the heirs of James Kirk, deceased—to the Committee on War Claims.

By Mr. BURKE of South Dakota: A bill (H. R. 16681) granting a pension to Gustave Bergen—to the Committee on Pensions.

By Mr. BUTLER of Pennsylvania: A bill (H. R. 16682) granting an increase of pension to William Hammond—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16683) granting an increase of pension to Sarah Jane McNeil—to the Committee on Invalid Pensions.

By Mr. COLE: A bill (H. R. 16684) granting a pension to Christian F. Graul—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16685) granting an increase of pension to Thomas McWaid—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16686) granting an increase of pension to William J. Early—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16687) granting an increase of pension to Jefferson G. Turner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16688) granting an increase of pension to Joseph V. Stevenson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16689) granting an increase of pension to George A. S. Apger—to the Committee on Invalid Pensions.

By Mr. DARRAGH: A bill (H. R. 16690) granting an increase of pension to Isaac N. Fordyce—to the Committee on Invalid Pensions.

By Mr. DAVIS of West Virginia: A bill (H. R. 16691) for the relief of Albert Zeigler—to the Committee on War Claims.

Also, a bill (H. R. 16692) granting an increase of pension to Joseph M. Allen—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16693) granting an increase of pension to Sanson W. Smalley—to the Committee on Invalid Pensions.

By Mr. DRESSER: A bill (H. R. 16694) granting an increase of pension to Eli Erhard—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16695) granting an increase of pension to Agnes McCracken—to the Committee on Invalid Pensions.

By Mr. DRISCOLL: A bill (H. R. 16696) to remove the charge of desertion standing against the name of Henry Shaver, erroneously made as to Company G, Forty-third Regiment New York Volunteer Infantry—to the Committee on Military Affairs.

By Mr. FLACK: A bill (H. R. 16697) granting a pension to Eliza Holbrook—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16698) granting an increase of pension to Henry H. Davis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16699) granting an increase of pension to Louis P. Chandler—to the Committee on Invalid Pensions.

By Mr. FOSTER of Indiana: A bill (H. R. 16700) granting a pension to Elvira Moore—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16701) granting a pension to Jacob H. Miller—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16702) granting an increase of pension to Henry Ault—to the Committee on Invalid Pensions.

By Mr. FULKERSON: A bill (H. R. 16703) granting a pension to William McCoy—to the Committee on Invalid Pensions.

By Mr. GARDNER of Massachusetts: A bill (H. R. 16704) granting a pension to Lucy C. Strout—to the Committee on Invalid Pensions.

By Mr. HOUSTON: A bill (H. R. 16705) for the relief of the legal heirs of John G. Burrus, deceased—to the Committee on War Claims.

By Mr. HUGHES: A bill (H. R. 16706) granting an increase of pension to Alexander Thacker—to the Committee on Invalid Pensions.

By Mr. KENNEDY of Ohio: A bill (H. R. 16707) granting an honorable discharge to James H. Davis—to the Committee on Military Affairs.

Also, a bill (H. R. 16708) granting an honorable discharge to Andrew J. Lane—to the Committee on Military Affairs.

By Mr. KLINE: A bill (H. R. 16709) granting a pension to Susan Harkey—to the Committee on Invalid Pensions.

By Mr. KNOWLAND: A bill (H. R. 16710) to remove the charge of desertion from the military record of J. D. Schneider—to the Committee on Military Affairs.

By Mr. LACEY: A bill (H. R. 16711) for the relief of Albert R. Heilig—to the Committee on Claims.

By Mr. LITTLE: A bill (H. R. 16712) to correct the military record of William B. Smith—to the Committee on Military Affairs.

By Mr. LLOYD: A bill (H. R. 16713) granting an increase of pension to George C. Saul—to the Committee on Invalid Pensions.

By Mr. LONGWORTH: A bill (H. R. 16714) granting a pension to Abbie E. Barr—to the Committee on Invalid Pensions.

By Mr. McGUIRE: A bill (H. R. 16715) granting to the regents of the University of Oklahoma section No. 36, in township No. 9 north of range No. 3 west of the Indian meridian, in Cleveland County, Oklahoma Territory—to the Committee on the Public Lands.

By Mr. MOON of Tennessee: A bill (H. R. 16716) granting an increase of pension to Gideon T. Denton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16717) granting an increase of pension to Sterling Hughes—to the Committee on Pensions.

By Mr. NORRIS: A bill (H. R. 16718) granting an increase of pension to James Miltimore—to the Committee on Invalid Pensions.

By Mr. SCROGGY: A bill (H. R. 16719) granting an increase of pension to John N. McCullough—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16720) granting an increase of pension to Mathew H. Clarke—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16721) granting an increase of pension to Richard Sparrow—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16722) granting an increase of pension to Charles W. Strobel—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16723) granting an increase of pension to H. C. Johnson—to the Committee on Invalid Pensions.

By Mr. WADSWORTH: A bill (H. R. 16724) granting an in-

crease of pension to James S. Burgess—to the Committee on Invalid Pensions.

By Mr. MORRELL: A bill (H. R. 16725) removing the charge of desertion from the military record of Francis Remline—to the Committee on Military Affairs.

## CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles, which were thereupon referred, as follows:

A bill (H. R. 16605) to remove the charge of desertion from the military record of James Charles Cramer—Committee on Invalid Pensions discharged, and referred to the Committee on Military Affairs.

A bill (H. R. 15490) granting a pension to Mary E. Darcy—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 16651) granting an increase of pension to Jesse P. Sandifer—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 2943) for the relief of James L. Carpenter—Committee on War Claims discharged, and referred to the Committee on Pensions.

A bill (H. R. 9282) granting an increase of pension to Henry J. Kelly—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

## PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. AIKEN: Petition of the bar of Cherokee County, S. C., for a United States court to be held at Chester, S. C.—to the Committee on the Judiciary.

By Mr. ALLEN: Petition of Daniel B. Cable and 57 others, against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. BABCOCK: Petition of citizens of Wisconsin, against bill H. R. 8131—to the Committee on Military Affairs.

By Mr. BARCHFELD: Petition of the American Zinc and Chemical Company, for bill H. R. 7006—to the Committee on Mines and Mining.

Also, paper to accompany bill for relief of David S. Taylor—to the Committee on Invalid Pensions.

Also, petition of the Wholesale Liquor Dealers' Association, relative to the pure-food bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Merchants' Association of New York, relative to a ship-subsidy law—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the American Wine Growers' Association, for a pure-wine law—to the Committee on Interstate and Foreign Commerce.

Also, petition of the State Federation of Pennsylvania Women, for a forest reservation in the White Mountains, etc.—to the Committee on Agriculture.

Also, petition of Capt. Thomas Espy Camp, Sons of Veterans, against bill H. R. 8131—to the Committee on Military Affairs.

By Mr. BARTHOLDT: Petition of citizens of Missouri, against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. BATES: Petition of Ida Akerly and H. Akerly, for investigation of the fraud order—to the Committee on Rules.

Also, petition of the Musicians' Protective Association of Erie, Pa., for bill H. R. 8748—to the Committee on Naval Affairs.

Also, petition of A. M. Howes, of Erie, Pa., for the pure-food bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of Mrs. Julia Bentley, of Corry, Pa., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of the Builders' Exchange of Erie, Pa., against the Gilbert anti-injunction bill—to the Committee on the Judiciary.

Also, petition of Ida M. Tarbell, of New York City, for the pure-food bill—to the Committee on Interstate and Foreign Commerce.

By Mr. BENNETT of Kentucky: Petition of Thomas A. Dans, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. BONYNGE: Petition of citizens of Colorado, against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. BROWN: Petition of citizens of Marshfield, Wis., against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. BURKE of Pennsylvania: Petition of the Southern Branch, National Home for Disabled Volunteer Soldiers, of Virginia, relative to pay of inmates on furlough—to the Committee on Military Affairs.

Also, petition of the American Zinc and Chemical Company, for bill H. R. 7006—to the Committee on Ways and Means.

Also, petition of the State Federation of Pennsylvania Women, for the Morris law—to the Committee on Agriculture.

Also, petition of the State Federation of Pennsylvania Women, to preserve Niagara Falls—to the Committee on Rivers and Harbors.

Also, petition of the Merchants' Association of New York, relative to the ship-subsidy bill—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Harry H. Willock, for bill H. R. 15438—to the Committee in Interstate and Foreign Commerce.

Also, petition of W. W. Lawrence & Co., of Pittsburg, against the free alcohol bills—to the Committee on Ways and Means.

Also, petition of J. J. Haas, for a pure-food law—to the Committee on Interstate and Foreign Commerce.

Also, petition of W. C. Temper, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of the Wholesale Liquor Dealers' Association, of Philadelphia, relative to the Heyburn pure-food bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of the State Federation of Pennsylvania Women, relative to a forest reserve in the White Mountains—to the Committee on Agriculture.

Also, petition of H. F. Kaufman, of McKeesport, Pa., for an amendment to the pure-food bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of H. K. Ostman, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of the Pennsylvania Federation of Women, for the Morris law—to the Committee on Agriculture.

Also, petition of a business firm of Pittsburg, for the pure-food bill—to the Committee on Interstate and Foreign Commerce.

By Mr. BUTLER of Pennsylvania: Petition of the Southern Branch, National Home for Disabled Volunteer Soldiers, of Virginia, relative to pay of inmates on furlough—to the Committee on Military Affairs.

By Mr. BUTLER of Tennessee: Paper to accompany bill for relief of Julian F. Toney—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Benjamin Francis—to the Committee on Invalid Pensions.

By Mr. CHAPMAN: Petition of the News Gleaner, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. COCKRAN: Petition of the Helper Monthly, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. COLE: Petition of 400 citizens of Findlay, Ohio, against nullification of State liquor laws—to the Committee on the Judiciary.

Also, petition of citizens of Ohio, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of 400 citizens of Findlay, Ohio, against sale of liquor in United States buildings—to the Committee on Alcoholic Liquor Traffic.

Also, petition of the Ohio Sons of Veterans, against bill H. R. 8131—to the Committee on Military Affairs.

Also, petition of citizens of Ohio, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. COOPER of Wisconsin: Petition of citizens of Wisconsin, against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of Susie A. Jeffirs, against spoliation of Niagara Falls—to the Committee on Rivers and Harbors.

Also, petition of Mrs. I. A. Whiffin, for preservation of Niagara Falls—to the Committee on Rivers and Harbors.

Also, petition of Rock River Lodge, No. 210, Brotherhood of Railway Trainmen, for bills H. R. 239 and 9238 and S. 1657—to the Committee on the Judiciary.

By Mr. DALZELL: Petition of the Teachers' Art Club of Pittsburg, for protection of Niagara Falls—to the Committee on Rivers and Harbors.

Also, petition of citizens of Pittsburg, for the McCumber-Sperry bill—to the Committee on Alcoholic Liquor Traffic.

Also, petition of independent tobacco manufacturers, against bill H. R. 50—to the Committee on Ways and Means.

By Mr. DARRAGH: Petition of 18 citizens of St. Louis, Mich., against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. DAVIS of West Virginia: Paper to accompany bill for

relief of Robert A. A. Collins—to the Committee on Invalid Pensions.

Also, petition of citizens of West Virginia, against religious legislation in the District of Columbia—to the Committee on Ways and Means.

Also, petition of citizens of Randolph County, W. Va., for a statue of Commodore John Barry—to the Committee on the Library.

Also, paper to accompany bill for relief of Albert Zeigler—to the Committee on War Claims.

Also, paper to accompany bill for relief of Sanson W. Smalley—to the Committee on Invalid Pensions.

By Mr. DAWSON: Petition of the Wilton Advocate Review, against the tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of F. G. Gode and C. R. Ham, of Marengo, Iowa, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of 23 citizens of Iowa, against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of the Commercial Club, of Williamsburg, Iowa, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, paper to accompany bill for relief of Cornelius Cahil—to the Committee on Military Affairs.

By Mr. DEEMER: Petition of the State Federation of Pennsylvania Women, for preservation of Niagara Falls—to the Committee on Rivers and Harbors.

Also, petition of the State Federation of Pennsylvania Women, for a forest reservation in the White Mountains—to the Committee on Agriculture.

Also, petition of the State Federation of Pennsylvania Women, for the Morris law—to the Committee on Agriculture.

By Mr. DRISCOLL: Petition of National Grange of West Eaton, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. ESCH: Petition of the California Fruit Growers' Exchange, relative to private car lines—to the Committee on Interstate and Foreign Commerce.

By Mr. FIELD: Petition of citizens of Texas, against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of citizens of Corsicana, Tex., against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of citizens of Texas, for a parcels post—to the Committee on the Post-Office and Post-Roads.

By Mr. FLACK: Paper to accompany bill for relief of Louis P. Chandler—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Eliza Holbrook—to the Committee on Invalid Pensions.

By Mr. FLETCHER: Petition of the Minnesota State Editorial Association, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. FOSTER of Indiana: Petition of the Union Label, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. FULKERSON: Petition of citizens of Missouri, against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. FULLER: Petition of J. E. Hammack, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, paper to accompany bill for relief of Christian Schlossen—to the Committee on Invalid Pensions.

Also, petition of the American Wine Growers' Association, for the Fassett pure-food bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Federation of Labor, for legislation relative to vessels carrying passengers—to the Committee on Interstate and Foreign Commerce.

Also, petition of Charles H. Williams, against a parcels post—to the Committee on the Post-Office and Post-Roads.

Also, petition of William V. Chalmers, for the Mondell bill (H. R. 7006)—to the Committee on Mines and Mining.

Also, petition of the California Fruit Growers' Exchange, relative to private car lines—to the Committee on Interstate and Foreign Commerce.

By Mr. GILLETT of Massachusetts: Petition of Brookfield Grange, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petitions of Oakham (Mass.) Grange, Petersham Grange, and Phillipston Grange, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of W. W. Ransen & Co. and other business firms, against free-seed distribution—to the Committee on Agriculture.

Also, petition of North Orange (Mass.) Grange, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. GRAHAM: Petition of the Wholesale Liquor Dealers' League, against the Heyburn pure-food bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of Emily C. Scott, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of W. W. Lawrence & Co., against the free-alcohol bill—to the Committee on Ways and Means.

Also, petition of many citizens of New York and vicinity, for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

Also, petition of the American Wine Growers' Association, for the pure-wine bill—to the Committee on Interstate and Foreign Commerce.

By Mr. HARDWICK: Petition of Columbus (Ohio) Iron and Steel Company and the Roper Lumber Company, against the Littauer bill—to the Committee on Coinage, Weights, and Measures.

By Mr. HASKINS: Petition of Williamstown Grange, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. HENRY of Connecticut: Petition of Bristol Grange, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. HERMANN: Petition of the Portland Board of Trade, for investigation of irrigation benefits—to the Committee on Irrigation of Arid Lands.

By Mr. HIGGINS: Petition of citizens and the First Baptist Church of Wellington, against nullification of State liquor laws—to the Committee on the Judiciary.

Also, petition of the Methodist Episcopal Church of Willimantic, Conn., against nullification of State liquor laws—to the Committee on the Judiciary.

By Mr. HINSHAW: Petition of citizens of Beatrice, Nebr., for a public building—to the Committee on Public Buildings and Grounds.

By Mr. HITT: Petition of James Bleakly, for the pure-food bill—to the Committee on Interstate and Foreign Commerce.

By Mr. HULL: Petition of citizens of Iowa, against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. KLINE: Petition of the Item, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. KNOWLAND: Petition of the International Association of Steam, Hot Water, and Power Pipe Helpers, against bill H. R. 12973—to the Committee on Foreign Affairs.

By Mr. LINDSAY: Petition of L. H. Proctor et al., against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. LONGWORTH: Petition of citizens of Cincinnati, Ohio, against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. LORIMER: Petition of the Organized Milk Dealers of Chicago, for the pure-food bill—to the Committee on Interstate and Foreign Commerce.

By Mr. LOUD: Petition of citizens of Michigan, for retention of the 10-cent tax on oleomargarine—to the Committee on Agriculture.

Also, petition of citizens of Michigan, for a parcels post—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of Michigan, for the Hepburn rate bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of citizens of Michigan, for good roads—to the Committee on Agriculture.

By Mr. MANN: Petition of the Lake Seamen's Union, relative to service on passenger vessels—to the Committee on the Merchant Marine and Fisheries.

Also, petition of citizens of Chicago, for the metric system—to the Committee on Coinage, Weights, and Measures.

Also, petition of the Chicago Federation of Labor, relative to service on passenger vessels—to the Committee on the Merchant Marine and Fisheries.

Also, petition of citizens of Chicago, relative to the Kongo Free State—to the Committee on Foreign Affairs.

By Mr. MAYNARD: Petition of citizens of Norfolk, Va., for bill H. R. 8902—to the Committee on Claims.

By Mr. MILLER: Petition of members of Thomas Doan Post,

No. 314, of Lebo, Kans., for simplification of the pension laws—to the Committee on Invalid Pensions.

Also, petition of Arthur Hind, for the Grange good-roads bill—to the Committee on Agriculture.

Also, petition of Arthur Hind, for a parcels-post—to the Committee on the Post-Office and Post-Roads.

Also, petition of Arthur Hind, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of Arthur Hind, for the Hepburn rate bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of Arthur Hind, for the tax of 10 cents per pound on oleomargarine—to the Committee on Agriculture.

By Mr. MINOR: Petition of the Oconto Reporter, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. MOON of Tennessee: Paper to accompany bill for relief of Sterling Hughs—to the Committee on Pensions.

Also, paper to accompany bill for relief of Gideon H. Denton—to the Committee on Invalid Pensions.

By Mr. NEEDHAM: Petition of the Madera Board of Trade, relative to the Reclamation Service and an irrigation system—to the Committee on Irrigation of Arid Lands.

By Mr. NORRIS: Petition of Stratton & Hanson, Ben D. Rupp, and Anderson & Thorson, for a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. PARSONS: Paper to accompany bill for relief of Henry Teetor—to the Committee on Invalid Pensions.

Also, petition of the American Illustrated Magazine, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. PAYNE: Petition of citizens of New York State, against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. PERKINS: Petition of the Woman's Christian Temperance Union of Rochester, for the antigambling measure—to the Committee on the Judiciary.

By Mr. PUJO: Petition of New Orleans Council of the United Commercial Travelers of America, relative to the bankruptcy law—to the Committee on the Judiciary.

Also, petition of the New Orleans Board of Trade, relative to railway rate legislation—to the Committee on Interstate and Foreign Commerce.

Also, petition of citizens of Franklin, for a post-office building in Franklin, Tenn.—to the Committee on Public Buildings and Grounds.

Also, petition of the New Orleans Clearing House Association, relative to the quarantine bill—to the Committee on Interstate and Foreign Commerce.

By Mr. RAINEY: Petition of Warren Milby, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. REEDER: Petition of the Western News, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. RUCKER: Petition of the Democrat, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. SCROGGY: Petition of the T. A. Snider Preserve Company, relative to the pure-food bill—to the Committee on Interstate and Foreign Commerce.

By Mr. SHEPPARD: Petition of W. W. Lambeth et al., against religious legislation in the District of Columbia—to the Committee on the Post-Office and Post-Roads.

By Mr. SMITH of Iowa: Petition of the Baptist Church of Emerson, Iowa, for an amendment to the Constitution abolishing polygamy—to the Committee on the Judiciary.

Also, petition of citizens of Iowa, against religious legislation in the District of Columbia—to the Committee on Ways and Means.

By Mr. SAMUEL W. SMITH: Petition of citizens of Michigan, for enactment of the Hepburn bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of citizens of Michigan, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of citizens of Michigan, for retention of the tax of 10 cents per pound on oleomargarine—to the Committee on Agriculture.

By Mr. SOUTHARD: Petition of citizens of Bowling Green, against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. STEPHENS of Texas: Petition of citizens of Bowie, against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. SULLIVAN of New York: Petition of the National Druggist, of St. Louis, Mo., relative to the pure-food bill—to the Committee on Interstate and Foreign Commerce.

By Mr. SULLOWAY: Petition of Cocheco Grange, Dover, N. H., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. VOLSTEAD: Petition of citizens of Minnesota, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of Charles C. Whitney, against the tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of citizens of Minnesota, against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

## SENATE.

### WEDNESDAY, *March 14, 1906.*

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Secretary proceeded to read the Journal of yesterday's proceedings; when, on request of Mr. LODGE, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

#### ESTIMATE OF APPROPRIATION.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of the Interior submitting an estimate of appropriation, for inclusion in the Indian appropriation bill for the fiscal year 1907, to pay to Sandeval, a Navaho Indian, for land and damages to his crops taken by the United States on the Navaho Indian Reservation in 1903 for a building site, $50; which, with the accompanying papers, was referred to the Committee on Indian Affairs, and ordered to be printed.

#### ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the Speaker of the House had signed the following enrolled bills and joint resolution, and they were thereupon signed by the Vice-President:

S. 17. An act granting an increase of pension to Levi A. Tripp;

S. 19. An act granting an increase of pension to Alphonso B. Holland;

S. 22. An act granting an increase of pension to Andrew Smith;

S. 94. An act granting an increase of pension to Albert Wines;

S. 162. An act granting an increase of pension to David D. Griffith;

S. 165. An act granting an increase of pension to Henry Russell;

S. 180. An act granting an increase of pension to Joseph W. Legro;

S. 187. An act granting an increase of pension to James H. Kane;

S. 200. An act granting an increase of pension to Fredrich Behrens;

S. 203. An act granting an increase of pension to Edward E. Needham;

S. 218. An act granting an increase of pension to James White;

S. 220. An act granting an increase of pension to Jonathan F. Gates;

S. 251. An act granting an increase of pension to Martin L. Adams;

S. 325. An act granting an increase of pension to Henry B. Burton;

S. 446. An act granting an increase of pension to Mary C. Duane;

S. 466. An act granting an increase of pension to James H. Lewis;

S. 482. An act granting an increase of pension to Amos M. Runkel;

S. 492. An act granting an increase of pension to Barney Whitney;

S. 527. An act granting an increase of pension to Alfred McPherran;

S. 548. An act granting an increase of pension to William Carr;

S. 555. An act granting an increase of pension to Henry H. Hill;

S. 589. An act granting a pension to Joseph L. Prentiss;

S. 597. An act granting an increase of pension to David M. Pearson;

S. 599. An act granting an increase of pension to Mary A. Megrue;

S. 623. An act granting an increase of pension to Bridget Evans;

S. 641. An act granting an increase of pension to James M. Conrad;

S. 655. An act granting an increase of pension to Charles E. Bishop;

S. 656. An act granting an increase of pension to Abraham Walters;

S. 671. An act granting an increase of pension to Charles Conine;

S. 672. An act granting an increase of pension to James F. Hubbard;

S. 675. An act granting a pension to Ulrika Bottcher;

S. 712. An act granting an increase of pension to Lizzie M. McLauchlan;

H. R. 58. An act to prevent the unlawful wearing of the badge or insignia of the Grand Army of the Republic or other soldier organizations;

H. R. 122. An act to require the erection of fire escapes in certain buildings in the District of Columbia, and for other purposes;

H. R. 345. An act to provide for an increased annual appropriation for agricultural experiment stations and regulating the expediture thereof;

H. R. 8103. An act to authorize the construction of a bridge between Fort Snelling Reservation and St. Paul, Minn.;

H. R. 8107. An act extending the public land laws to certain lands in Wyoming;

H. R. 13398. An act to amend section 4400 of the Revised Statutes, relating to inspection of steam vessels;

H. R. 15263. An act to authorize William Smith and associates to bridge the Tug Fork of the Big Sandy River, near Williamson, W. Va., where the same forms the boundary line between the States of West Virginia and Kentucky; and

H. J. Res. 83. Joint resolution for a report, and so forth, upon the preservation of Niagara Falls.

PETITIONS AND MEMORIALS.

Mr. KEAN. I present a petition of the New Jersey Society for the Prevention of Cruelty to Animals, praying for the enactment of legislation relative to transportation of animals on railroads. The petition is short, and I ask that it be read and lie on the table.

There being no objection, the petition was read, and ordered to lie on the table, as follows:

[New Jersey Society for the Prevention of Cruelty to Animals.]

*To the honorable Senate and House of Representatives of the United States of America in Congress assembled:*

The New Jersey Society for the Prevention of Cruelty to Animals, a society duly incorporated and chartered under the laws of New Jersey, respectfully represents that information has been received that a strong effort is being made to secure from the present Congress an alteration of the law relating to the transportation of animals on railroads, so that instead of the act which requires them to be fed and watered once in twenty-eight hours there shall be substituted an act increasing the time between feeding and watering to thirty-six hours. Such change of the law we believe would be conducive to great suffering, and would be not only detrimental to public health, but an outrage against humanity.

In behalf of the New Jersey Society for the Prevention of Cruelty to Animals.

G. WISNER THORNE,
*President New Jersey Society for the Prevention of Cruelty to Animals.*

NEWARK N. J., *March 13, 1906.*

Mr. LODGE presented a petition of the Woman's Club and of sundry citizens of Nahant, Mass., praying for the establishment of a forest reserve in the White Mountains, and also for the enactment of legislation to prevent the destruction of Niagara Falls on the American side by the diversion of the waters for manufacturing purposes; which was ordered to lie on the table.

Mr. GALLINGER presented a petition of the Woman's Christian Temperance Union of Wilton, N. H., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which was referred to the Committee on Privileges and Elections.

He also presented a petition of the Cook & Stoddard Automobile Company, of Washington, D. C., praying that they be granted a hearing on the so-called "Sims bill" to regulate the speed of automobiles in that city; which was referred to the Committee on the District of Columbia.

Mr. FULTON (for Mr. ANKENY) presented a memorial of sundry citizens of Lind, Wash., remonstrating against the passage of the so-called "parcels-post bill;" which was referred to the Committee on Post-Offices and Post-Roads.

Mr. McCUMBER presented a petition of the Drainage Conference of Grand Fork, N. Dak., praying that an appropriation be made to drain Red River Valley in that State; which was referred to the Committee on Commerce.

Mr. BURKETT presented a memorial of sundry citizens of Chadron, Nebr., and a memorial of the Nebraska State Association of Commercial Clubs, remonstrating against the passage of the so-called "parcels-post bill;" which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of sundry citizens of Sidney, Nebr., praying for the enactment of legislation to remove the duty on denaturized alcohol; which was referred to the Committee on Finance.

He also presented the petition of Milton Sovereign, mayor of York, Nebr., praying for the enactment of legislation to prohibit express companies from shipping liquors to parties marked "C. O. D.," or to fictitious names in prohibition towns, counties, or States; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Farmers' Institute of the State of Nebraska, and a petition of the State board of agriculture of Nebraska, praying for the enactment of legislation to encourage the teaching of agriculture in the public schools; which were referred to the Committee on Agriculture and Forestry.

Mr. FRYE presented a memorial of the Cumberland County Pharmaceutical Association, of Maine, remonstrating against the enactment of legislation requiring the formula of a proprietary medicine to be printed on the package; which was ordered to lie on the table.

Mr. SIMMONS presented a petition of Local Council No. 85, Junior Order United American Mechanics, of Elk Park, N. C., praying for the enactment of legislation to restrict immigration; which was referred to the Committee on Immigration.

Mr. ALLISON presented a petition of G. E. Boynton Lodge, No. 138, Brotherhood of Railroad Trainmen, of Eagle Grove, Iowa, praying for the passage of the so-called "employers' liability bill," and also the "anti-injunction bill;" which was referred to the Committee on Interstate Commerce.

He also presented a petition of the congregation of the First Presbyterian Church of Fort Dodge, Iowa, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

Mr. DRYDEN presented the memorial of Robert Biddle, of Riverton, N. J., remonstrating against the passage of the so-called "anti-injunction bill;" which was referred to the Committee on the Judiciary.

He also presented a petition of the National Paint, Oil, and Varnish Association of New York City, N. Y., praying for the passage of the so-called "Hepburn railroad rate bill;" which was ordered to lie on the table.

He also presented a petition of the Maritime Association of the Port of New York, of New York City, N. Y., praying for the passage of the so-called "Littlefield anticompulsory pilotage bill;" which was referred to the Committee on Commerce.

He also presented the petition of Caroline West Murphy, of Point Pleasant, N. J., praying for the enactment of legislation to protect animals, birds, and fish in the forest reserves; which was referred to the Committee on Forest Reservations and the Protection of Game.

He also presented the memorial of John Schmalz's Sons, of Hoboken, N. J., remonstrating against the passage of the so-called "employers' liability bill" and also the anti-injunction bill; which was referred to the Committee on Interstate Commerce.

He also presented the petition of George Morris, of Bloomfield, N. J., praying for the enactment of legislation to incorporate the National Education Association of the United States; which was referred to the Committee on Education and Labor.

Mr. PENROSE presented a petition of the New Century Club, of Philadelphia, Pa., praying for the enactment of legislation to prevent the destruction of Niagara Falls on the American side by the diversion of the waters for manufacturing purposes; which was ordered to lie on the table.

Mr. CLAY. I present a petition of the Atlanta Chamber of Commerce, praying for the maintenance of the fast mail service between New York and New Orleans, via Washington, Atlanta, and Montgomery. The petition is short, and I ask that it be printed in the RECORD, and referred to the Committee on Post-Offices and Post-Roads.

There being no objection, the petition was referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed in the RECORD, as follows:

*To the Congress of the United States:*

The directors of the Atlanta Chamber of Commerce, representing the commercial interests of this city, which is one of the most important mail points in the South and the commercial center of the Southern States, respectfully petition your honorable body to continue the appropriation heretofore made for the maintenance of the fast mail service

between New York and New Orleans, via Washington, Atlanta, and Montgomery.

This appropriation has been made by Congress for twelve years, and during the last two years the railroad companies carrying the mail over this route have, at their own expense, established a train exclusively devoted to the mail service, further shortening the time and improving the service which had been established by the aid of the appropriation.

This service is of vast importance to all of the territory between Washington and New Orleans and to other territory reached by side lines branching out from the main route. To withdraw the appropriation at this time would cripple the service and do very great harm to the business interests of this vast and growing territory, whose need for quick communication increases every day with the growth of population and the still more rapid growth of business.

We therefore petition your honorable body that the appropriation be continued.

The above unanimously adopted by the directors of the Atlanta Chamber of Commerce, Friday, March 9, 1906.

W. G. COOPER, *Secretary.*

Mr. CLAY presented a memorial of the Chamber of Commerce of Atlanta, Ga., remonstrating against the passage of the so-called "anti-injunction bill;" which was referred to the Committee on the Judiciary.

Mr. HANSBROUGH presented a petition of the North Dakota Drainage League, praying for the appointment of a joint commission to investigate the Red River of the North and its tributaries, and for an appropriation to defray the expenses thereof; which was referred to the Committee on Commerce.

REPORTS OF COMMITTEES.

Mr. BURKETT, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 3284) granting an increase of pension to Charles B. Fox;

A bill (S. 2973) granting an increase of pension to Minard Van Patten; and

A bill (S. 563) granting an increase of pension to Thomas Martin.

Mr. BURKETT, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 3566) granting an increase of pension to John Carpenter;

A bill (H. R. 11687) granting an increase of pension to Matt Fitzpatrick;

A bill (H. R. 7229) granting an increase of pension to Slater D. Lewis;

A bill (H. R. 3255) granting an increase of pension to Isaac N. Ray;

A bill (H. R. 1787) granting an increase of pension to Joseph M. West;

A bill (H. R. 1857) granting a pension to Emeline Malone;

A bill (H. R. 1685) granting an increase of pension to George W. Bedient;

A bill (H. R. 11689) granting an increase of pension to Byard H. Church;

A bill (H. R. 8289) granting an increase of pension to Isaac J. Holt;

A bill (H. R. 7223) granting an increase of pension to George Blair;

A bill (H. R. 7815) granting an increase of pension to Thomas G. Covell;

A bill (H. R. 6988) granting an increase of pension to Seymour Cole;

A bill (H. R. 5553) granting an increase of pension to Oliver L. Kendall;

A bill (H. R. 5564) granting an increase of pension to Albert G. Cluck;

A bill (H. R. 11516) granting an increase of pension to Marquis D. L. Staley;

A bill (H. R. 4616) granting an increase of pension to William W. West;

A bill (H. R. 4759) granting an increase of pension to Jane E. Bullard;

A bill (H. R. 4810) granting an increase of pension to Jerome Goodsell;

A bill (H. R. 4816) granting an increase of pension to John A. Sherwood;

A bill (H. R. 10271) granting an increase of pension to Stephen G. Smith;

A bill (H. R. 10817) granting an increase of pension to William J. Morgan;

A bill (H. R. 11886) granting an increase of pension to Solomon R. Trueblood; and

A bill (H. R. 12275) granting an increase of pension to Verelle S. Willard.

Mr. BURNHAM, from the Committee on Claims, to whom was referred the bill (S. 4652) for the relief of the State of Rhode Island, reported it with an amendment, and submitted a report thereon.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 1302) granting an increase of pension to William A. Murray;

A bill (S. 2540) granting an increase of pension to Benjamin S. Miller.

Mr. OVERMAN, from the Committee on Pensions, to whom was referred the bill (S. 3632) to amend an act entitled "An act granting an increase of pension to soldiers of the Mexican war in certain cases," approved January 5, 1893, reported it with an amendment, and submitted a report thereon.

Mr. FRYE, from the Committee on Commerce, to whom was referred the bill (S. 30) to remove discriminations against American sailing vessels in the coasting trade, reported it without amendment, and submitted a report thereon.

Mr. PERKINS, from the Committee on Appropriations, to whom was referred the bill (H. R. 14171) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, reported it with amendments, and submitted a report thereon.

Mr. PATTERSON, from the Committee on Territories, to whom was referred the bill (S. 4256) for the relief of the Alaska Short Line Railway and Navigation Company's Railroad, reported it without amendment, and submitted a report thereon.

REAR-ADMIRAL C. H. DAVIS, UNITED STATES NAVY.

Mr. LODGE. From the Committee on Foreign Relations I report back favorably without amendment the bill (S. 4969) granting permission to Rear-Admiral C. H. Davis, United States Navy, to accept a silver cup and salver and a silver punch bowl and cups tendered to him by the British and Russian ambassadors, respectively, in the name of their Governments, and I ask for its present consideration.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOSE I. RODRIGUEZ.

Mr. KEAN, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution reported by Mr. MORGAN, from the Committee on Foreign Relations, on the 7th instant, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

*Resolved*, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay Jose I. Rodriguez the sum of $60 (for translating certain papers for the use of the Committee on Foreign Relations) from the miscellaneous items of the contingent fund of the Senate.

BILLS INTRODUCED.

Mr. SIMMONS introduced a bill (S. 5076) authorizing a public building at Lexington, N. C.; which was read twice by its title and referred to the Committee on Public Buildings and Grounds.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 5077) granting an increase of pension to Gabriel Cody;

A bill (S. 5078) granting an increase of pension to Nathaniel Davis;

A bill (S. 5079) granting an increase of pension to Andrew J. Hunter; and

A bill (S. 5080) granting an increase of pension to William Cody.

Mr. LODGE introduced a bill (S. 5081) granting a pension to Lucy Florette Nichols; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. ALLISON introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 5082) granting an increase of pension to David N. Winsell;

A bill (S. 5083) granting an increase of pension to A. B. Frisbie;

A bill (S. 5084) granting a pension to John W. Connell; and

A bill (S. 5085) granting an increase of pension to Ellen Donovan.

Mr. ALLISON introduced a bill (S. 5086) for the relief of Martha A. Allen; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. CRANE introduced a bill (S. 5087) for the relief of Anna M. Orne; which was read twice by its title, and referred to the Committee on Claims.

Mr. PATTERSON introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 5088) granting an increase of pension to Frances O. Canby;

A bill (S. 5089) granting an increase of pension to John S. Hardy; and

A bill (S. 5090) granting an increase of pension to Abel M. Lackey.

Mr. RAYNER (for Mr. GORMAN) introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 5091) granting an increase of pension to Sallie Tyrrell (with accompanying papers);

A bill (S. 5092) granting an increase of pension to Mary C. Feigley (with accompanying papers);

A bill (S. 5093) granting an increase of pension to Josiah F. Staubs;

A bill (S. 5094) granting an increase of pension to Samuel F. Baublitz;

A bill (S. 5095) granting a pension to Jeremiah McKenzie; and

A bill (S. 5096) granting a pension to Eugene Goldin.

Mr. RAYNER (for Mr. GORMAN) introduced a bill (S. 5097) to complete the grading of Pennsylvania avenue east to the District line and open the same to traffic; which was read twice by its title, and, with the accompanying paper, referred to the Committee on the District of Columbia.

Mr. FRAZIER introduced a bill (S. 5098) to pension all soldiers, sailors, and militiamen who served in the Army or Navy of the United States for sixty days in the war with Mexico, and who were honorably discharged therefrom, at the rate of $20 per month, and also placing the widows of such soldiers and sailors who were married prior to June 27, 1890, upon the pension rolls of the United States at the rate of $12 per month; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 5099) for the relief of the estate of David Wise;

A bill (S. 5100) for the relief of the estate of John Chesney, deceased;

A bill (S. 5101) for the relief of T. T. Ricketts and L. C. Ricketts (with accompanying papers); and

A bill (S. 5102) for the relief of the legal heirs of John G. Burrus, deceased (with an accompanying paper).

Mr. TELLER introduced a bill (S. 5103) referring to the Court of Claims the claim of the Shoshone Indians to title in all of the Wind River Reservation, and so forth; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. DANIEL introduced a bill (S. 5104) granting a pension to Ellen Bernard Lee; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 5105) granting a pension to Mrs. Michael Hughes; which was read twice by its title, and referred to the Committee on Pensions.

Mr. SMOOT introduced a bill (S. 5106) granting an increase of pension to John Adshead; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. PENROSE introduced a bill (S. 5107) granting a pension to Mary Zoi Randall; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. DRYDEN introduced a bill (S. 5108) granting an increase of pension to Marie Louise Michie; which was read twice by its title, and referred to the Committee on Pensions.

Mr. FORAKER introduced a bill (S. 5109) for the purchase of a painting of the late Maj. Gen. George H. Thomas, United States Army; which was read twice by its title, and referred to the Committee on the Library.

Mr. CLAY (by request) introduced a bill (S. 5110) to remove the charge of desertion from the military record of Henry Mitchelson and to grant him an honorable discharge; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 5111) for the relief of the estate of George Patten, deceased; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. BACON introduced a bill (S. 5112) for the relief of the heirs of Anderson Mayfield, deceased; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. DANIEL introduced a bill (S. 5113) granting a pension to Louisa C. Sandy; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. HANSBROUGH introduced a bill (S. 5114) granting an increase of pension to Lizzie B. Cusick; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a joint resolution (S. R. 42) extending the time for opening to public entry the unallotted lands on the ceded portion of the Shoshone or Wind River Indian Reservation in Wyoming; which was read twice by its title, and referred to the Committee on Public Lands.

### AMENDMENTS TO BILLS.

Mr. RAYNER (for Mr. GORMAN) submitted an amendment authorizing the payment to Lorenzo A. Bailey of $6,155.22, out of any money in the Treasury belonging to the Osage Indians, for fee in the Watson Stewart case, etc., intended to be proposed by Mr. GORMAN to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. FULTON submitted an amendment proposing to appropriate $5,000 for establishing a telephone line from the Umpqua River Life-Saving Station, Oregon, to a point at the mouth of the Siuslaw River, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. FORAKER submitted an amendment relative to an appropriation of $100,000 for the construction of a hospital at Columbus Barracks, Ohio, intended to be proposed by him to the Army appropriation bill; which was referred to the Committee on Military Affairs, and ordered to be printed.

Mr. CLAPP submitted an amendment granting to the persons now in possession of land, under a lease approved by the Secretary of the Interior, on Pasture Reserve No. 3, open for settlement by act of Congress, the right to purchase such land, etc., intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

### SALARY ACCOUNTS OF POSTMASTERS IN MAINE.

Mr. FRYE submitted the following resolution; which was referred to the Committee on Post-Offices and Post-Roads:

*Resolved*, That the Secretary of the Treasury be, and he hereby is, directed to report to the Senate the salaries of those who served as postmasters at post-offices in the State of Maine in biennial terms between July 1, 1864, and June 30, 1874, whose names and periods of service appear in Senate resolution No. 337, Fifty-seventh Congress, second session, the salary of each former postmaster to be stated for each specified term of service by commissions and box rents, as shown by the registered returns of each former postmaster on file in the Sixth Auditor's Office, and to show the exact excess of the salary by commissions and box rents over the salary paid in every case where the paid salary is 10 per cent, more or less, than the salary by box rents and commissions, and to comply in all respects with the public order of the Postmaster-General of February 17, 1884, for stating such salary accounts of former postmasters under the act of March 3, 1883; and to enable the Secretary of the Treasury the better to comply with this resolution the Postmaster-General is hereby directed to turn over to the Sixth Auditor all the data now in his hands pertaining to each and every such claim specified in Senate resolution No. 337, Fifty-seventh Congress, second session.

### ENGAGEMENT AT MOUNT DAJO.

Mr. CULBERSON submitted the following resolution; which was considered by unanimous consent, and agreed to:

*Resolved*, That the Secretary of War is hereby directed to send to the Senate copies of all reports and other communications between the War Department and any officials in the Philippine Islands respecting the recent attack by troops of the United States on Mount Dajo.

### HEARING BEFORE COMMITTEE ON INDIAN AFFAIRS.

Mr. CLARK of Wyoming (for Mr. CLAPP) submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

*Resolved*, That the stenographer employed to report the hearing before the Committee on Indian Affairs of the Senate, February 13, 1906, on the bill (H. R. 5975) to provide for the final disposition of the affairs of the Five Civilized Tribes in the Indian Territory, and for other purposes, be paid from the contingent fund of the Senate.

### AID TO STATE NORMAL SCHOOLS.

Mr. BURKETT. I ask for a reprint of Senate bill 4642. The print is exhausted and there are a good many requests for it.

There being no objection, the order was agreed to, as follows:

*Ordered*, That the bill (S. 4642) to apply a portion of the proceeds of the public lands to the State normal schools of the United States for the advancement of instruction in agriculture and manual training be reprinted for the use of the Senate Document Room.

STEAMSHIP LINDISFARNE.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Claims, and ordered to be printed:

*The Senate and House of Representatives:*

I transmit herewith for the consideration of Congress a report by the Secretary of State resubmitting a claim of the owners of the British steamship *Lindisfarne*, amounting to $158.11, for demurrage to that vessel while undergoing repairs necessitated by a collision with the U. S. Army transport *Crook* in New York Harbor on May 23, 1900.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *March 14, 1906.*

SHIPMENT OF LIVE STOCK.

Mr. HEYBURN. I ask the Senate to proceed to the consideration, by unanimous consent, of the bill (S. 3413) to prevent cruelty to animals while in transit by railroad or other means of transportation from one State or Territory or the District of Columbia into or through another State or Territory or the District of Columbia, and repealing sections 4386, 4387, 4388, 4389, and 4390 of the United States Revised Statutes. I should like to have the bill read for information.

Mr. GALLINGER. The Senator from New Jersey [Mr. KEAN], who is not in his seat at this moment, objected yesterday to the bill being considered by unanimous consent. I think the Senator from Idaho ought perhaps to see the Senator from New Jersey before taking up the bill for consideration.

Mr. HEYBURN. I should like to have it read.

Mr. GALLINGER. I observe that the Senator from New Jersey is now present.

Mr. WARREN. Mr. President——

Mr. KEAN. Will the Senator from Wyoming yield to me for a moment?

Mr. WARREN. Certainly.

Mr. KEAN. I understand that the Senator from Wyoming would like to have the bill read and also to make a brief explanation in regard to it. I have no objection to that course, but of course I do not wish to have it considered at the present time.

Mr. HEYBURN. I ask unanimous consent that the bill may be taken up and read. I do not want to displace the regular order.

The VICE-PRESIDENT. The Senator from Idaho asks unanimous consent for the present consideration of the bill. Is there objection?

Mr. KEAN. I object to its present consideration, but I have no objection to its being read.

The VICE-PRESIDENT. The bill, although considered by unanimous consent, is open to objection under Rule VIII at any time before its passage.

Mr. GALLINGER and Mr. KEAN. Let it be read.

The VICE-PRESIDENT. The bill will be read.

The Secretary read the bill, as follows:

*Be it enacted, etc.*, That no railroad, express company, car company, common carrier other than by water, or the receiver, trustee, or lessee of any of them, whose road forms any part of a line of road over which cattle, sheep, swine, or other animals shall be conveyed from one State or Territory or the District of Columbia into or through another State or Territory or the District of Columbia, or the owners or masters of steam, sailing, or other vessels carrying or transporting cattle, sheep, swine, or other animals from one State or Territory or the District of Columbia into or through another State or Territory or the District of Columbia, shall confine the same in cars, boats, or vessels of any description for a period longer than twenty-eight consecutive hours except upon the written request of the owner or person in custody for that particular shipment, when the time of confinement may be extended to thirty-six hours, without unloading the same in a humane manner, into properly equipped pens for rest, water, and feeding, for a period of at least five consecutive hours, unless prevented by storm or by other accidental causes which can not be anticipated or avoided by the exercise of due diligence and foresight. In estimating such confinement, the time consumed in loading and unloading shall not be considered, but the time during which the animals have been confined without such rest or food or water on connecting roads shall be included, it being the intent of this act to prohibit their continuous confinement beyond the period of twenty-eight hours, except upon the contingencies hereinbefore stated: *Provided*, That in the case of sheep, when the expiration of the time limit occurs at night, they may be allowed to continue in transit until daylight, if by so doing they will reach a place where they can be properly fed, watered, and cared for.

SEC. 2. That animals so unloaded shall be properly fed and watered during such rest either by the owner or person having the custody thereof, or in case of his default in so doing, then by the railroad, express company, car company, common carrier other than by water, or the receiver, trustee, or lessee of any of them, or by the owners or masters of boats or vessels transporting the same, at the reasonable expense of the owner or person in custody thereof, and such railroad, express company, car company, common carrier other than by water, receiver, trustee, or lessee of any of them, owners or masters, shall in such case have a lien upon such animals for food, care, and custody furnished, collectible at their destination in the same manner as the transportation charges are collected, and shall not be liable for any detention of such animals, when such detention is of reasonable duration, to enable compliance with section 1 of this act; but nothing in this section shall be construed to prevent the owner or shipper of animals from furnishing food therefor, if he so desires.

SEC. 3. That any railroad, express company, car company, common carrier other than by water, or the receiver, trustee, or lessee of any of them, or the master or owner of any steam, sailing, or other vessel who knowingly and willfully fails to comply with the provisions of the two preceding sections shall for every such failure be liable for and forfeit and pay a penalty of not less than $100 nor more than $500: *Provided*, That when animals are carried in cars, boats, or other vessels in which they can and do have proper food, water, space, and opportunity to rest the provisions in regard to their being unloaded shall not apply.

SEC. 4. That the penalty created by the preceding section shall be recovered by civil action in the name of the United States in the circuit or district court holden within the district where the violation may have been committed or the person or corporation resides or carries on business; and it shall be the duty of United States attorneys to prosecute all violations of this act reported by the Secretary of Agriculture or which come to their notice or knowledge by other means.

SEC. 5. That it shall be the duty of every railroad, express company, car company, and of every common carrier other than by water, and of the receiver, trustee, or lessee of any of them, wholly or in part engaged in the transportation of live stock by railroad from one State or Territory or the District of Columbia into or through another State or Territory or the District of Columbia, to transport said live stock, so by it or him being transported, with due diligence, and to maintain in all trains containing ten or more cars of live stock which is being transported from one State or Territory or the District of Columbia into or through another State or Territory or the District of Columbia, an average minimum rate of speed of not less than 16 miles per hour from the time any such live stock is loaded upon or into its or his cars, and made part of said train, until such train reaches its destination, or junction point for delivery to another carrier, deducting only in the computation of such average minimum speed such reasonable time as the live stock may be necessarily delayed in unloading to feed, water, and rest, and in feeding, watering, and resting, and in reloading, and such time as the live stock may be delayed by storm or by other accidental causes which can not be anticipated or avoided by the exercise of due diligence and foresight.

SEC. 6. That any railroad, express company, car company, common carrier other than by water, and the receiver, trustee, or lessee of any of them who knowingly and willfully fails to comply with the provisions of section 5 shall for every such failure be liable for and pay a penalty of not less than $100 nor more than $500, which shall be recovered as provided in section 4 of this act.

SEC. 7. That sections 4386, 4387, 4388, 4389, and 4390 of the Revised Statutes of the United States be, and the same are hereby, repealed.

Mr. WARREN. I ask that the amendments of the committee may be read.

The VICE-PRESIDENT. Without objection, the amendments of the committee will be read.

The SECRETARY. The Committee on Agriculture and Forestry propose to amend the bill, in section 1, on page 2, line 2, after the word "shipment," by inserting the words "which written request shall be separate and apart from any printed bill of lading or other railroad form;"

On page 2, line 16, after the word "accidental," to insert "or unavoidable;" and

In section 5, page 5, line 11, after the word "accidental," to insert "or unavoidable."

The VICE-PRESIDENT. All the amendments proposed by the committee have been read.

Mr. HOPKINS. I should like to ask the Senator reporting the bill whether the committee of cattlemen and ranchmen were given a hearing before the committee, and if the bill and amendments met their recommendation?

Mr. WARREN. The bill has the recommendation of the live-stock people in conjunction with the Agricultural Department.

Mr. HOPKINS. I know that a few weeks ago there were a number of people here representing large cattle interests and large sheep interests also, and they had hearings before the House committee. I wish to know if the bill is the result of such recommendations as they made to that committee?

Mr. WARREN. This bill seems to represent the consensus of opinion of the live-stock men as expressed at their latest meetings in the West and in the East, and as represented here by a large delegation or committee, which was in consultation with the Agricultural Department and with Senators and Representatives in Congress.

Mr. HOPKINS. Were the amendments of the committee approved by the Secretary of Agriculture?

Mr. WARREN. I do not think the striking out of the sixteen-hour limit was submitted to the Secretary of Agriculture, because it was not, I think, an amendment proposed by his Department. I understand that the bill as it stands meets the approval of the Department of Agriculture.

Mr. GALLINGER. Mr. President, without committing myself either for or against the bill, I wish to say to the Senator from Wyoming that complaint has come to me from various quarters, from humane associations and humane people of the country, saying that this bill had always heretofore been considered by the Committee on Interstate Commerce, and that they were watching for the bill to appear there with a view of having a hearing, but in some way it got into the hands of the Committee on Agriculture and Forestry, and they had no oppor-

tunity whatever to present their views on the subject. I do not know that it is a matter of great importance, inasmuch as it can be thrashed out in the Senate, but those complaints have come to me from a great variety of people.

Mr. WARREN. I am very glad the Senator from New Hampshire has brought up the point. This bill has never been in the Interstate Commerce Committee of the Senate. The law which it proposes to amend came from the Committee on Agriculture and Forestry, and every particle of legislation we have on this subject and on the question of live-stock quarantine, etc., regarding live stock, in fact, all legislation regarding matters of live stock, has come from the Agricultural Department and from the Committee on Agriculture and Forestry.

Mr. GALLINGER. Now, if the Senator will permit me, I recall the fact that on former occasions a proposition has been before the Senate to increase the limit, I think, to forty-eight hours. Am I not correct?

Mr. WARREN. A bill passed the House to extend the limit, I think, to forty hours.

Mr. GALLINGER. Perhaps that is it. Am I not correct in assuming that that bill went to the Committee on Interstate Commerce of the Senate?

Mr. WARREN. Possibly so; but if so, I never heard of it.

Mr. CULLOM. Will the Senator allow me to make a few remarks?

Mr. WARREN. Certainly.

Mr. GALLINGER. If the Senator will permit me, I made the inquiry in justification of the complaints these people have made, not that I am passing upon the propriety of the bill having gone to the Committee on Agriculture and Forestry.

Mr. CULLOM. If the Senator will permit one remark, the Senator said that the bill, so far as he knows, had always been before the Committee on Agriculture and Forestry.

I am very certain that such a bill, or a bill changing the time for the shipment of stock without being unloaded, and so on, has been almost always before the Committee on Interstate Commerce. At one time I remember that the former Senator from Texas, Mr. Chilton, reported the bill to the Senate, and afterwards it was referred back because of the opposition to it when it became known to the people that there was such a bill about to pass. So it is not a new subject in that committee. I am not making any question as to where it should come from now, or saying anything on that point.

Mr. WARREN. Notwithstanding that, the proposition still holds good that all legislation we have on the general subject has come from the Committee on Agriculture and Forestry.

Mr. CULLOM. The matter to which I referred was a good many years ago. I wish to say that I did not hear all of the bill read, but as I understand it one of the provisions proposes to change the time for the shipment of stock from the West to the East, for instance, from the hours the law fixes now to some other hours.

Mr. WARREN. Only under certain conditions.

Mr. CULLOM. I did not hear the conditions. That is a subject which naturally the people of the country are greatly interested in.

Mr. WARREN. Certainly.

Mr. CULLOM. And they ought to be heard.

Mr. FRYE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wyoming yield to the Senator from Maine?

Mr. WARREN. Certainly.

Mr. FRYE. What is the change of limit in this bill?

Mr. WARREN. It can be thirty-six hours in place of twenty-eight hours in special cases.

Mr. FRYE. I have received a great many letters in relation to this matter.

Mr. SPOONER. Would they not all be special cases?

Mr. WARREN. I do not think the Senator is justified in indulging in that suspicion.

Mr. SPOONER. I asked the question.

Mr. WARREN. I do not think so. I think the extreme provision of the act would be seldom resorted to.

Mr. BURKETT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wyoming yield to the Senator from Nebraska?

Mr. WARREN. Certainly.

Mr. BURKETT. I have been glancing through the bill, and a point has occurred to me. I should like to ask the Senator what provision has been made to guard against it? If the end of thirty-six hours should come, say, at 10 o'clock at night, during the nighttime, and the stock should be unloaded five hours in the nighttime, that is not any rest. They can not feed. It does not do the stock any particular good, all shippers testify, to be unloaded in the nighttime.

It occurred to me, in talking with some of the stockmen who were here a few weeks ago, that a provision might be made that if the thirty-six hours ended in the nighttime the stock should be unloaded the evening previous, or some provision should be made in the bill to give the stock at least three hours of daylight, on the supposition that cattle and hogs will not eat in the nighttime and will not drink in the nighttime if unloaded in the nighttime. Yet under the bill the thirty-six hours might end at 8 or 9 o'clock in the evening, when they would be unloaded according to the law, and they would rest five hours and be loaded up again; it would be all in the nighttime; and the stock never would have any opportunity to feed or to water.

I have been glancing through the bill to see if any provision has been made along that line. As the Senator can readily see, you could virtually put upon an animal being shipped twice thirty-six hours of practical confinement without feed and water if the end of the thirty-six hours should come in the middle of the night. I should like to ask the Senator if any provision was made to guard against that?

Mr. WARREN. There is no provision of that kind in the law that this seeks to amend.

Mr. BURKETT. I understand that perfectly well.

Mr. WARREN. This proposed law contains a provision as to unloading sheep in the night; cattle can be unloaded in the night; sheep can not.

Mr. BURKETT. Let me ask the Senator if he would object to an amendment being made to provide that at least three hours of the five hours of rest shall be daylight? I think we ought to give the animals some daylight to feed and rest in.

Mr. LODGE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wyoming yield to the Senator from Massachusetts?

Mr. WARREN. I do.

Mr. LODGE. I merely wanted to ask the Senator from Wyoming whether there have been any general public hearings on this bill?

Mr. WARREN. Mr. President, there have been no public hearings since the bill was put on the Calendar.

Mr. LODGE. I did not suppose there had been public hearings since the bill was reported.

Mr. WARREN. There were consultations between the committee representing the live-stock people and the humane people, and they continued here for a month. The bill was, as it came into the Senate, satisfactory to the humane societies that were consulted. The objection comes from humane societies farther away, members of which evidently do not understand the intent of the bill.

Mr. LODGE. I do not know, of course, what societies were heard. I only know that certain societies object to the bill. I know that there are societies that are protesting against it and that such protests are coming here every morning.

Mr. WARREN. Yes.

Mr. LODGE. That they should not understand the bill is not altogether surprising, for I have utterly failed to understand the provision beginning in line 8, on page 2, which reads:

> Except upon the written request of the owner or person in custody for that particular shipment, which written request shall be separate and apart from any printed bill of lading or other railroad form, when the time of confinement—

I call attention to that statement—

> when the time of confinement may be extended to thirty-six hours, without unloading the same in a humane manner, into properly equipped pens for rest, water, and feeding, for a period of at least five consecutive hours, unless prevented by storm or by other accidental or unavoidable causes which can not be anticipated or avoided by the exercise of due diligence and foresight.

That may be clear to the informed mind, but to the nonexpert mind, like mine, I confess the English seems to be confused.

Mr. WARREN. Perhaps the English is not as clear-cut as the Senator from Massachusetts could suggest. The framers of the bill did not have the advantage of that Senator's knowledge and experience at the time the bill was framed.

Mr. LODGE. I have no doubt it would have helped.

Mr. WARREN. I think it would, undoubtedly.

Mr. LODGE. I have no doubt the stockmen understand it perfectly.

Mr. WARREN. Coming back to line 7, on page 2, it reads:

> For a period longer than twenty-eight consecutive hours * * * unless prevented by storm, etc.—

Twenty-eight consecutive hours—

> without unloading the same in a humane manner, etc.

Mr. LODGE. When what shall be unloaded—"swine or other animals," referred to in line 4?

Mr. WARREN. We are not going back to line 4.

Mr. LODGE. What does the word "same" refer to?

Mr. WARREN. To all live stock.

Mr. LODGE. Where is the word "same" referred to?

Mr. WARREN. The matter is open to any suggestion or amendment which the Senator may offer. The objection evidently is not so much to the language of the bill as to the bill itself which is under consideration.

Mr. LODGE. Not at all, Mr. President. I will discuss the bill later, but I do say that it is obvious the bill has been hastily drawn and there have not been public hearings upon it.

Mr. SCOTT. I understand that the Senator from Maryland [Mr. RAYNER] and the Senator from Minnesota [Mr. NELSON] are ready to go on with their arguments on the railroad rate bill, and I object to any further discussion of the pending bill at this time.

The VICE-PRESIDENT. Objection is made to the further consideration of the bill.

Mr. WARREN. If the Senator from West Virginia will withhold the objection for a moment, I desire to say that I did not call up the bill without a consultation with the Senator from Maryland [Mr. RAYNER], who is entirely agreeable that its consideration may continue for a certain length of time in order that the subject-matter of the bill may be placed before the Senate. I therefore hope the Senator from West Virginia will withdraw his objection.

Mr. SCOTT. As I understand, the Senator from New Jersey [Mr. KEAN] will object to the consideration of the bill if I do not, and as I wish to discuss this bill when it comes up again, and I am not prepared to do so this morning, I do not see why it is worth while for me to withdraw the objection.

The VICE-PRESIDENT. Under objection, the bill will lie over.

Mr. HEYBURN. I hope the Senator will withdraw his objection.

Mr. SCOTT. Under the circumstances, I can not do so.

The VICE-PRESIDENT. Under objection, the bill will lie over, retaining its place on the Calendar.

Mr. PILES. I ask unanimous consent for the consideration at this time of the joint resolution (H. J. Res. 97) authorizing the assignment of pay of teachers and other employees of the Bureau of Education in Alaska.

Mr. GALLINGER. I ask for the regular order, Mr. President.

The VICE-PRESIDENT. The Senator from New Hampshire asks for the regular order.

Mr. GALLINGER. Which is the Calendar.

The VICE-PRESIDENT. The Senator from New Hampshire asks for the regular order, which is the consideration of the Calendar under Rule VIII.

Mr. SCOTT. Mr. President, since the objection I made to the consideration of the bill in charge of the Senator from Wyoming [Mr. WARREN], I have learned there was an agreement between that Senator and the Senator from Maryland [Mr. RAYNER] that the Senator from Wyoming should make an explanation of the bill before the Senator from Maryland proceeded with his remarks. Consequently I withdraw my objection to the consideration of the bill.

The VICE-PRESIDENT. The Senator from West Virginia withdraws his objection to the further consideration of Senate bill 3413, which has been under consideration, but the regular order was demanded by the Senator from New Hampshire [Mr. GALLINGER], and the regular order, which is the Calendar, is before the Senate.

Mr. GALLINGER. I will withdraw that demand, if I may be permitted to do so under the circumstances.

The VICE-PRESIDENT. The Senator from New Hampshire withdraws his request for the regular order, and the Senator from Wyoming [Mr. WARREN] is recognized.

Mr. WARREN. Mr. President, I have only a few words to say. The pending bill is in the interest of the humane treatment of live stock in shipment. The law now on the statute book, and under which we have been shipping stock for some fifteen years or more, has been for most of the time practically a dead letter; but within the last year or two the present Secretary of Agriculture, with that same vigor with which he prosecutes all his business, has undertaken to enforce the law. The strict enforcement of the law has caused great loss and great inconvenience to the shippers of stock and has resulted in the inhumane treatment of stock under shipment. No shipper of stock and no owner of stock desires to injure his animals in shipment, because, if he should do so, it would directly affect his pocket and be to his disadvantage.

This proposed legislation does not extend or lengthen the time except when, under the circumstances, the stock can not be unloaded within twenty-eight hours without loss and damage to it. So the bill provides that, if the owner of stock or his agent should conclude that of the two dilemmas he will take the one of least damage to his stock, and extend the time, he must write an order or a consent to the railroad company requesting that the train proceed to some place of shipment which will not extent beyond thirty-six hours. Indeed, the bill has carefully guarded that point, because it states that such extension of time must be on a written request by the owner or agent, made separate and apart from the bill of lading.

We all know that railroads, in the shipment of stock or other commodities, are liable to put all the privileges due to the railroad in the bill of lading itself, so that when the shipper signs the bill of lading he has signed away all his rights under it.

The railroads provide certain places for unloading and loading stock. While tame stock—pet heifers and family driving horses—can be unloaded at any time and at almost any place off the freight platform as easily as anywhere—and it is that kind of stock that our humane societies and the men who are officers of the humane societies speak and write about—there is no trouble in handling that class of stock. But more than nine-tenths of the stock now shipped over railroads is wild and unused to handling, and the unloading and loading off and on the train of that kind of stock does them more injury than does the entire trip.

In starting out with the intention of unloading at about every twenty-four hours, a shipper intends to get food and rest for his stock at every stop. Under the present law if he meets with delay, if he can not make the point of unloading in twenty-eight hours, he is left high and dry; the stock must be sidetracked or it must be pitched out of the cars onto the prairies or onto the farms, wherever it may be, without chutes or facilities for unloading. Every one knows, who has shipped stock, and every one knows, who has taken notice of the buildings about railroad stations, that it requires facilities in the way of chutes to handle stock. There may be at small points one chute, but that would necessitate taking perhaps ten or twelve hours to unload a full train of stock. But at the regular point where stock is taken off for rest and food they have somewhere from four to twelve chutes each, when they can unload that many cars at a time.

Sometimes in inclement weather the yards are exceedingly muddy, and the unloading may be in the dark where by running along there may be, at the end of twenty-seven or twenty-eight hours, good yards perfectly adequate to provide rest for the stock and for feeding. Thus by extending for a few hours the time of unloading they could reach a much better place for feeding, watering, and rest.

Mr. SPOONER. Will the Senator allow me to ask him a question?

The VICE-PRESIDENT. Does the Senator from Wyoming yield to the Senator from Wisconsin?

Mr. WARREN. Certainly.

Mr. SPOONER. The Senator, as I understand him, says when the stock reaches the watering station or the feeding station it is often necessary to unload them on the platform. I understand the existing law provides that any railroad company—

shall confine the same—

That is, the stock—

in cars, boats, or vessels of any description, for a longer period than twenty-eight consecutive hours, without unloading the same for rest, water, and feeding for a period of at least five consecutive hours, unless prevented from so unloading by storm or other accidental causes.

I do not find anything in the existing law by which the railroad company or carrier would be prevented in case of storms or other accidental causes from stopping and unloading at stations which are convenient or going on for two or three hours.

Mr. WARREN. Will the Senator kindly read that again?

Mr. SPOONER. It is as follows:

No railroad company within the United States whose road forms any part of a line of road over which cattle, sheep, swine, or other animals are conveyed from one State to another, or the owners or masters of steam, sailing, or other vessels carrying or transporting cattle, sheep, swine, or other animals from one State to another, shall confine the same in cars, boats, or vessels of any description for a longer period than twenty-eight consecutive hours without unloading the same for rest, water, and feeding for a period of at least five consecutive hours, unless prevented from so unloading by storm or other accidental causes.

That is the end of that.

Mr. WARREN. The provision in regard to storms or other accidental causes does not cover the ground. Under that the railroad companies would not be permitted to plead the loss of time in running as one of those accidental causes.

Mr. President, I think those who criticise this bill lose sight of the fact that the owners of stock are humane people, and that the owners of live stock are not in the habit of abusing their own property. They are not in the habit of doing that because they love instead of hate their stock, and they feed and take

good care of it. They protect their stock, also, because it represents money—it is money in their pockets to protect their dumb animals; but when you have to provide for unloading every twenty-eight hours it often transpires that after seven or eight hours on the road you measure up the time and you find you can not make the next feeding place in twenty-eight hours, and so have to stop and unload the stock when but a few hours out, while you would make perhaps another good feeding station if you could travel on three or four hours longer to where the stock could be unloaded, and still be only perhaps twenty-nine or thirty hours en route. It does seem to me, and it has seemed to the Department of Agriculture for the last year or two, that there ought to be some elasticity in the law. It is not the intention of the bill to extend the time for unloading stock except under circumstances such as make it necessary to do so.

Mr. HEYBURN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wyoming yield to the Senator from Idaho?

Mr. WARREN. Certainly.

Mr. HEYBURN. I shall answer a little further the inquiry of the Senator from Wisconsin [Mr. SPOONER] as to the application of the phrase "accidental causes." The main difficulty in shipping sheep under the provisions of the existing law is that you can neither unload nor feed sheep at night. It is a physical impossibility. If you could drag them out of the car one at a time—which they resist strenuously—they would not eat. Cattle and horses will eat at night, but you can not comply with the law that applies to sheep so far as feeding them at night is concerned. The result is that you have either to keep the sheep in the car until daylight, or perhaps unload them eight or ten or twelve hours under the limitation of the present statute. That is quite a serious matter. Unless Senators have seen the attempt to take sheep out of a car at night they can have no comprehension of the absolute impossibility of accomplishing it. The sheep will not be taken out; they will not be disturbed. If you were to succeed in taking them out one by one by main force it would be useless. They would lie there in the feeding yard, at a loss of ten or twelve or other number of hours' time, according to the time you arrived there. It was the sheep interest that particularly emphasized the necessity of this legislation.

Mr. SPOONER. Then why not confine this bill to sheep?

Mr. HEYBURN. From the standpoint of the sheep men that would be satisfactory; but other stockmen have their reasons. I am free to say that those who came here to present this matter to me, and upon whose request I drew this bill, were sheep men. Idaho is a sheep State; and the application came from that State.

Mr. SPOONER. As the Senator has this bill in charge, I should like to put a question to him.

Mr. HEYBURN. I have not the bill in charge. I only introduced the bill. The Senator from Wyoming [Mr. WARREN] has the bill in charge, he having reported it. I would suggest here that it is undoubtedly open to some exception, as suggested by the Senator from Massachusetts; in other words, this sentence should be transposed. The exception should be taken out commencing on line 8, page 2, and should be inserted after the word "foresight," on line 18, in order to make a more smoothly constructed sentence; but that can easily be done when we reach a later point in the consideration of the bill.

Mr. SPOONER. There is one very remarkable change in the legislation, I observe, which the Senator will doubtless be able to explain. Section 4387 of the present law, which was passed in 1873, provides:

SEC. 4387. Animals so unloaded shall be properly fed and watered during such rest by the owner or person having the custody thereof, or in case of his default in so doing, then by the railroad company or owners or masters of boats or vessels transporting the same at the expense of the owner or person in custody thereof.

And, then, the railroad companies are given a lien for the expense of feeding, etc., in performing this duty enjoined upon them by statute in the default of the performance of the duty by the custodian or owner.

Mr. HEYBURN. Section 2 of this bill——

Mr. SPOONER. But section 4388 says:

SEC. 4388. Any company, owner, or custodian of such animals who knowingly and willingly fails to comply with the provisions of the two preceding sections, shall, for every such failure, be liable for and forfeit and pay a penalty of not less than one hundred nor more than five hundred dollars, etc.

I notice this bill altogether omits that penalty as to the owner or custodian, and leaves it only applicable to the carrier. Is that accidental?

Mr. WARREN. I will say to the Senator from Wisconsin that that section was suggested by the legal officer of the Department of Agriculture, who has had the enforcement of this law in charge, because there have been some misunderstandings as to the respective liability of owner and railroad. Sometimes stock is shipped without the owner accompanying it.

Mr. SPOONER. Of course, stock is sometimes shipped without the owner being with it.

The bill provides that the keeping of the cattle in cars longer than twenty-eight hours shall all be subject to the owner upon his request; but they carefully take the owner out of the penalty provision of the statute. The responsibility is taken from the railroad company and put upon the owner when this request is made; but the owner is taken out of the penalty.

Mr. WARREN. At times the cars are only partly filled. There may be only one or two animals in a car shipped to a certain point. It is the cars filled with stock that call for the care of a superintendent.

Mr. ELKINS. I should like to ask the Senator in charge of the bill a question. Is this the same bill which was referred to the Interstate Commerce Committee?

Mr. WARREN. I do not think the bill which the Senator has in hand has been before the Interstate Commerce Committee of the Senate. I sent to the clerk of that committee only yesterday or a day or two ago for the bills that were before that committee, and he reported that there was none before the committee, properly sent there, but that there had been a bill from the House left informally there with the clerk of the committee.

Mr. ELKINS. It seems to me there was an order of the Senate by which a bill similar to this bill, or a bill substantially like it, was referred to the Interstate Commerce Committee, and I would inquire of the Secretary's desk if that is true? The Senator does not know. I thought the bill was before the Interstate Commerce Committee for consideration, and I had it in mind to ask the Senator now in charge of the bill to appear before the committee, when, I thought, we would be governed precisely by his recommendations, and report the bill favorably.

Mr. LODGE. I should like to ask——

The VICE-PRESIDENT. Does the Senator from Wyoming yield to the Senator from Massachusetts?

Mr. WARREN. I do.

Mr. LODGE. I have been informed that the protests relating to this bill have all gone to the Interstate Commerce Committee and have never been before the Committee on Agriculture. I should like to be informed whether that is correct.

Mr. WARREN. I have had, I think, all the protests forwarded to me either directly or from other committees or different Senators. I think a good many of the letters have been written by Mr. William O. Stillman, president of the Humane Society. I am in receipt of a telegram, received yesterday, which I will read, and the Senator can conclude what it means; I am not quite sure of it myself. He says:

Senator WARREN,
*United States Senate, Washington:*
Regret error in statement sent out. Will correct at once.
WM. O. STILLMAN.

Mr. LODGE. I do not know to what that refers.

Mr. GALLINGER. By whom is that signed?

Mr. WARREN. By William O. Stillman.

Mr. KEAN. I have here some protests, Mr. President, made by different people. Here is a protest made by the Humane Society of Lafayette, Ind., and also one from the Humane Society of Muncie, Ind., presented by the Vice-President.

Mr. LODGE. And referred to what committee?

Mr. KEAN. Referred to the Committee on Interstate Commerce, where they have gone right along.

Mr. WARREN. I will say that I hold in my hand a printed pamphlet signed by Mr. Mortimer Levering, ex-president of the Humane Society of Lafayette, in which he supports this bill.

Mr. ALDRICH. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wyoming yield to the Senator from Rhode Island?

Mr. WARREN. I do.

Mr. ALDRICH. I did not understand from the statement made by the chairman of the Interstate Commerce Committee whether he was speaking for the committee or for himself in saying that this bill would have been reported favorably.

Mr. ELKINS. I said "I thought" it would be so reported.

Mr. ALDRICH. I am very glad the Senator makes a modification.

Mr. ELKINS. If I did not say "I thought so," I went very far. I disclaim that I have polled the committee, but I supposed the committee would report it favorably and I was trying to persuade the Senator in charge of the bill that that would be the case.

Mr. ALDRICH. Experience has shown that the committee is a little uncertain. [Laughter.]

Mr. ELKINS. Not a little, but very uncertain. I will say

to the Senator from Rhode Island that I believe if the Senator in charge of the bill had appeared before the committee the committee would have been convinced and would have reported the bill favorably, probably with one modification or amendment.

Mr. WARREN. I thank the Senator for his statement, but I should like to know what the modification is.

Mr. ELKINS. If the bill gets before the committee and the committee interrogates the Senator he will find out. The Senator has had large experience as a cattle grower and shipper, probably the largest in the western country, and I know whatever he might say would go a long way with the committee.

Mr. WARREN. The modification proposed to me by the Senator is embraced in the bill. It is that the time shall be extended only upon the request of the owner or agent in charge of the stock.

Mr. TILLMAN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wyoming yield to the Senator from South Carolina?

Mr. WARREN. Certainly.

Mr. TILLMAN. There has been some discussion this morning on this measure, and we have had the subject up for a few moments in the Committee on Interstate Commerce, but I have heard no one as yet who seems to appear for the people who are going to eat these cattle. The humane societies are concerned about cruelty to animals; the shippers are concerned about the expense and trouble of handling their stock; but no one seems to care what is to become of the stomachs of the men and women who are going to eat these animals after they are slaughtered.

Now, it appears to me that that should be the prime consideration, because these stock are in transit for the purposes of slaughter and of being consumed as beef and mutton and pork. The owner does not care. The quicker he can get his stock to the market and dispose of it the better he is satisfied and the less the cost. The railroad does not care at all, so they get the freight. The humane people are off in the moon or somewhere else theorizing about it, but nobody seems to care about the man who is going to eat it. I just want to make the point that animals arriving at their destination in a feverish condition, in an unhealthy condition, by reason of not having had water or anything to eat, are not fit for slaughtering, and that the consideration which ought to obtain here and control in this legislation is that the stock shall reach the market in a perfectly healthy and normal condition, so that when they enter into consumption they shall not entail the danger of disease on those who consume them.

Mr. WARREN. That is exactly what this bill proposes.

Mr. TILLMAN. Well, does the Senator imagine, after animals have been on the cars, bumped about, and all sorts of things for twenty-eight hours, that you are going to increase their healthfulness by prolonging the time of their retention at the request of the owner, who simply wants to hurry them forward, reduce his expense, dump the stock on somebody who will buy it, and let him sell it? Nobody seems to take any care as to the condition the stock is in.

Mr. WARREN. Did the Senator interrupt me to ask a question?

Mr. TILLMAN. Well, the Senator can answer it in any way he pleases, either as a question or as an argument.

Mr. WARREN. Now I will answer it, because he puts it in the form of a question. The stock shipped under this act will reach the market in better condition and make better food than it will if there be a hard-and-fast rule that at the end of twenty-eight hours, no matter where they are or what are the circumstances, they must be unloaded. The loading and unloading of wild stock hurts them a great deal more than continuing on the road when they are once loaded.

Mr. LODGE. If that is the case, if I may ask the Senator, why not have a thirty-six hour limitation? Then the cattle would be more wholesome and more healthy and in better condition when you get them in.

Mr. WARREN. The world went on very nicely and the stock got to market in very good shape before the law was enacted; but the law is on the statute book.

Mr. SPOONER. I should like to ask the Senator what the law was passed for in 1873?

Mr. WARREN. It was passed because the humane society insisted that twenty-eight hours was long enough for stock to be off food and water, and they were right about it; but they did not know then, and very few of them know now, the vicissitudes accompanying the shipment of stock in large numbers over long distances.

I wish to repeat that this bill is a humane measure and is intended to be such. It is asked for by a great many members of humane societies; it is asked for by owners of stock, who certainly will protect their own stock, whatever may be the accusations to the contrary. The railroads are left out of the question. Most of this stock will be unloaded and fed oftener than twenty-eight hours, just the same as before.

Mr. CARTER. May I suggest a reply, which I presume the Senator himself will reach, to the question propounded by the Senator from South Carolina?

The Senator's question implies that the stock will be rushed through for the purpose of avoiding the expense of feeding them at different stations. My understanding is that the desire to abridge unnecessary loading of stock is for the purpose of preventing diminution in weight. The unnecessary loading and unloading of wild stock involves a serious decrease of weight, and it is the weight the owner is desirous of preserving until he reaches the scales where the stock may be sold. The cost of feed at the station and the cost of unloading the stock are trifling items compared with unusual depreciation of weight, which results from the pounding of the stock out of the car and the driving of the stock into the car again at the various stations at which they are unloaded.

Mr. WARREN. Mr. President, I have had some letters from humane societies, or humane people, protesting against this bill and inclosing what they said was a strong argument against it, made by members and ex-members, but which proved to be arguments in favor of the bill instead. For instance, the very pamphlet I alluded to a moment ago, which was written by Mr. Mortimer Levering, has been sent me on two or more occasions as a protest against the bill, when, as a matter of fact, it is an argument for the passage of the bill.

Mr. GALLINGER. I think I am not mistaken in saying that I have had communications from humane societies saying Mr. Levering is not now connected with the humane society, but is in the employment of cattlemen. I am very sure I have had communications of that kind.

Mr. WARREN. The first is true. The latter is hardly true. He is a partner in a commission firm. And since there has been some discussion about that, I will ask unanimous consent to incorporate in my remarks a part of what he has said, and also a pamphlet issued by the American Stock Growers' Association, the Cattle Raisers' Association of Texas, the National Live Stock Association, the National Wool Growers' Association, and others. It is short; only a few pages.

I should like, also, for the purpose of having the RECORD show what this bill is and so that it may be sent out to those who are interested, to have a portion of the report which contains the memorandum from the Department of Agriculture printed in the RECORD.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Wyoming? The Chair hears none.

The matter referred to is as follows:

**Is the Operation of the Twenty-eight-hour Unloading Law Humane? By Mortimer Levering, for twelve years president of the Lafayette Humane Society.**

On the 3d of March, 1873, Congress passed an act to regulate the shipping of live stock, and the same at once became a national law. The exact text of it reads as follows:

"SEC. 4386. No railroad company within the United States whose road forms any part of a line of road over which cattle, sheep, swine, or other animals are conveyed from one State to another, or the owners or masters of steam, sailing, or other vessels carrying or transporting cattle, sheep, swine, or other animals from one State to another, shall confine the same in cars, boats, or vessels of any description for a longer period than twenty-eight consecutive hours without unloading the same for rest, water, and feeding for a period of at least five consecutive hours, unless prevented from unloading by storm or other accidental causes. In estimating such confinement the time during which the animals have been confined without such rest on connecting roads from which they are received shall be included, it being the intent of this section to prohibit their continuous confinement beyond the period of twenty-eight hours, except upon contingencies hereinbefore stated.

"SEC. 4387. Animals so unloaded shall be properly fed and watered during such rest by the owner or person having the custody thereof, or in case of his default in so doing, then by the railroad company or owners, or masters of boats or vessels transporting the same, at the expense of the owner or person in custody thereof; and such company, owners, or masters shall in such case have a lien upon such animals for food, care, and custody furnished, and shall not be liable for any detention of such animals.

"SEC. 4388. Any company, owner, or custodian of such animals who knowingly and willingly fails to comply with the provisions of the two preceding sections shall for every such failure be liable for and forfeit and pay a penalty of not less than one hundred nor more than five hundred dollars. But when animals are carried in cars, boats, or other vessels in which they can and do have proper food, water, space, and opportunity to rest, the provisions in regard to their being unloaded shall not apply.

"SEC. 4389. The penalty created by the preceding section shall be recovered by civil action in the name of the United States in the circuit or district court of the United States holden within the district where the violation may have been committed or the person or corporation resides or carries on its business; and it shall be the duty of all United States marshals, their deputies and subordinates to prosecute all violations which come to their notice or knowledge."

In support of the passage of this law members of the important humane societies throughout the country were zealous and insistent. They had the cooperation of many leading humanitarians. The reasons given at the time for its passage were, in the main, true and of sufficient importance to convince the majority in the House and Senate to vote in favor of the bill.

This law was previously enacted by the legislature of Illinois in 1869, and was framed to meet the transportation conditions of that time, which were even more primitive and barbarous than those of 1873, when it was adopted as the law of the United States.

The exact text of the Illinois law, approved March 31, 1869, reads as follows:

"SEC. 51. No railroad company or other common carrier, in the carrying or transportation of any cattle, sheep, swine, or other animals, shall allow the same to be confined in any car more than twenty-eight consecutive hours (including the time they shall have been upon any other road) without unloading for rest, water, and feeding, for at least five consecutive hours, unless delayed by storm or accident, when they shall be so fed and watered as soon after the expiration of such time as may reasonably be done. When so unloaded they shall be properly fed, watered, and sheltered during such rest by the owner, consignee, or person in custody thereof, and in case of their default, then by the railroad company transporting them, at the expense of said owner, consignee, or person in custody of the same; and such company shall have a lien upon the animals until the same is paid. A violation of this section shall subject the offender to a fine of not less than $3 nor more than $200."

As a matter of fact, the law requiring animals in transit to be unloaded every twenty-eight hours was framed to meet the conditions which existed about forty years ago, and it stands to-day substantially as originally framed. That it is obsolete, unsuited to present conditions, and should be modified are the firm convictions of nearly every intelligent stockman who has no special local or private interest to serve by upholding the law as it stands.

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The third of a century last past has shown such wonderful changes in everything relating to the subject that it is difficult to draw a mental comparison and make the contrast of things then and now far enough apart.

It is indisputable that in those pioneer days of live stock transportation shippers encountered greatest difficulties. The science of railways was yet comparatively undeveloped, and much of the country was undeveloped also. The railroad companies were poor, very poor. The building of railroads was hazardous and costly, their equipment meager, limited, and primitive, and the service incompetent. Accommodations for both live stock and people were crude and uncomfortable.

Freight rates on live stock were high, often more than double those of the present time, and charged by carload rate instead of cents per hundred pounds.

Cattle were wild, and so were many of the men who handled them.

Stock cars then were 26 to 28 feet long and 4½ to 6 inches less in width than present cars. They were equipped with hand brakes only, and old rubber springs that soon became hard. A large proportion of them were "combination" grain and stock cars, but little better than tight box cars for live stock, especially in hot weather. They had no equipment whatever for feed and water en route.

Trains were coupled with long links and pins, the great amount of slack causing tremendous impact at every movement during the journey. Old wood-burning engines on the western roads, also equipped with link and pin couplings and handbrakes, slowly dragged along their trains, usually starting them with a jerk and stopping them by reversing steam. The average schedule time, including stops, for freight trains on the five leading western roads in 1873 was 10½ miles per hour, with highest time allowed 12 to 15 miles; and for passenger trains the schedule time, including stops, was 22 to 25 miles per hour, with highest rate of speed allowed 27 to 40 miles.

These trains ran on short, light iron rails, joined by old iron "rail chairs" spiked onto the wooden ties, forming a single-track road, with side switches at each station to permit the passage of trains. The roadbeds were rough and poorly ballasted, with excessive grades, wooden bridges, and trestle work, and everything in a poor state of repair, with many railways in the hands of receivers.

Strong animals evenly matched might stand the journey without any of them being trampled or injured beyond the bruises received during loading and from bumping against the sides of the car en route, *provided they were not kept too long under the strain of overloading*, for in their crowded condition, with the jerking, jolting, rocking, and bumping of the cars while running, and the rough handling of trains during the frequent switching, it was a constant struggle for them to keep upon their feet.

Contrast the above crude, undeveloped state of transportation thirty-three years ago with the present almost complete construction, equipment, and operation of western railways, now busy and prosperous, with their straight, smooth, double-track roads, loaded with passengers and freight; roadbeds heavily ballasted with stone, and bridges and trestlework of steel, concrete, and stone; laid with heavy steel rails, joined by modern steel angle bars bolted to their sides, thus admitting high speed and smooth running of trains with their heavy loads and equipment; engines, coal or oil burning, heavy and powerful, capable of starting trains without a jerk and stopping them without jolt or jar by the application of air brakes simultaneously to every part, both passenger and freight trains being fully equipped with air brakes and automatic couplings.

Schedule time of both freight and passenger trains is about double that of thirty-three years ago, with practically no limit as to speed allowed.

Stock cars are now generally 36 feet long, 4½ inches wider than a third of a century ago, mounted on highly tempered steel springs, all equipped with train brakes and automatic couplers, and the majority of them are equipped also with conveniences for feed or feed and water en route.

Freight rates on live stock are now equal to about one-half the rates of 1873, and are based on cents per hundred pounds for minimum weight, and any weight in excess of minimum is paid for at the same rate.

As the physical conditions of railways improved and heavy engines running at high speed hauled trains equipped with air brakes and automatic couplers over heavy, well-ballasted, double-track roads with safety, without swaying or jolting, and without the bumping and jerking of frequent switching to allow trains to pass; as stock cars became more roomy, equipped with better springs, and supplied with conveniences for food and water en route; and especially after the installment of the weighing system of ascertaining freight charges on a basis of cents per hundred pounds, which removed the incentive to load beyond minimum weight, it was found that the cattle rode comfortably for long distances, and arrived at market in better condition *without unloading en route*, except, of course, where the animals were loaded into cars without feed and water equipment and the journey to market required more than two days.

Under the crude conditions of transportation which existed thirty-three to forty years ago and the overloading of cars with live stock then practiced, the "rest" prescribed by the laws of 1869 and 1873 was really needed; now the animals rest while riding. Animals have become more domesticated, tame, and accustomed to small inclosures, stalls, or sheds, while the men who handle them have become more humane and have learned by experience that kindness to animals pays.

The incentives to overloading have been removed, and the protests of packers and other buyers, enforced by rejection or dockage and price lowering on account of bruises and other injuries to the animals and damages to their hides from rough usage, have resulted in a still greater desire to land the live stock at market in the best possible condition.

Under the old transportation conditions shippers on stock trains went out with their prod poles and lanterns at almost every stop to keep their cattle on their feet; now they seldom leave the caboose, except to change cars at the end of the division.

Then hundreds daily of prod poles and lanterns were brought into the commission firms' offices at the end of the journey; now they are never seen.

In 1873 the unloading gangs at market invariably carried ropes for the purpose of dragging the dead and crippled cattle from the cars; now the rope is so seldom used that a special trip has to be made for it on the rare occasions when needed.

In those early days the principal buyers had men stationed regularly at the scales to watch for broken-ribbed cattle, which were frequently found, and $5 per head was deducted from the purchase price of every such steer, buyers sometimes refusing to take them at all. Now they are so rare that we can almost say there are none.

The pens at unloading places, as a rule, are not sheltered, and much of the time they are deep in mud and filth, and it is impossible for animals to lie down in them or obtain any rest whatever while unloaded, and the condition of the pens is often such that to force the cattle or other live stock into them is positively inhuman.

Yet the enforcement of this law requires that stock trains shall be emptied every twenty-eight hours or less, which of course must be done at such points, since the smaller stations en route do not have the necessary capacity nor facilities, compelling horses, cattle, hogs, and sheep to be unloaded in snow, sleet, and rain at all hours of the night and forcing them to remain in exposure and mud for at least five consecutive hours, regardless alike of their suffering and injury, of damages to their owners from delay and depreciation in their value, and of the destruction of railroad schedules, upsetting of all regularity in the handling and running of trains, and greater expense of the service, all of which entails serious and material loss upon both shippers and railways, to no one's benefit. These are facts constantly being demonstrated and susceptible of the fullest proof.

There are three essential features of every law: The passage of it, the construction of it, and the enforcement of it.

A law passed may be a good one, the construction of it unwise, and the enforcement of it unjust.

The law now under consideration, though on the statute book a third of a century, has never been operative or enforced until within a very recent period, while the necessity for imposing its penalties have relatively declined as the time advanced since its adoption. The demand that the authorities give their attention to this obsolete law was not made by the individual shipper or the railroad or the buyer who uses the animals, and these are the three most interested parties. Has it been borne up to the light of legal investigation on the recent wave of reform that is sweeping over our land, or has it been revived by selfish competition or by the tender compassion of needed intervention?

It needs no apprenticeship for the shipper to learn that an animal must arrive at its destination in market in prime condition to command a prime price and in best shape to bring the best price. He being the party financially interested, will also be the most humanely interested. He will demand that his stock is properly cared for, fed, and watered, and if it is not he needs no good Samaritan to suggest redress, nor a friendly lawyer to advise what are his rights, nor any official power to offer relief. He acts independently and at once, and demands damages from the railroad that gives bad treatment to his stock. So it is apparent that many there are who keep the roads mindful of their duty to the animals, the service, and the humble shipper, who generally knows more law about rights against railroads, local and interstate, than most eminent corporation attorneys, and he does not have to dictate his complaint to a typewriter, but he makes it direct, quick, and emphatic to the claim agent, and all others he meets, whether connected with the road or not.

In 1897 the Department of Agriculture sent out a notice to all railroads that complaint had been made that the law regulating time of unloading was not being complied with and advising that the failure to comply with the provisions of the law would render them liable to the penalties provided in section 4388.

Immediately following this notice, the Texas Cattle Growers' Association held a meeting in San Antonio and protested against the enforcement of the law, and the following year, 1898, the National Live Stock Exchange, a federation of all the live-stock exchanges in the United States, adopted resolutions setting forth convincing arguments why the twenty-eight-hour law was not humane, but to the contrary, and asked that Congress be petitioned to extend the time to forty hours instead of twenty-eight. A few pertinent reasons expressed in those resolutions are these:

"That it is found from actual experience that consequences incident to the law enforcement are in direct violation and contradiction of the humane measures for which it was framed, and that the twenty-eight-hour section operates more in the direction of cruelty to animals than it does to overcome and prevent inhumanity.

"That inhumanity to cattle is necessarily followed by immediate depression in value, both as affects their general appearance and loss in weight upon arriving at market.

"That the prevalent theory that owners would permit their cattle to suffer famine and water for the purpose of a stuffing process by the way of a 'fill' at the market destination is entirely inconsistent with the experience of good judgment and common sense."

It too frequently occurs that when people are aroused they express sympathy with what to them seems a needful betterment of conditions or amelioration of suffering, without having first traveled the route or taken advice from those whose experience entitles their statements to credence and serious consideration.

The shippers of cattle, sheep, and hogs and the commission men who receive them and put them on the market are a unit that the twenty-eight-hour law is unwise, unjust, inhuman, and impracticable. There are hundreds of men whose opinions are the very highest authority, who confirm this statement, and they have a high regard for everything that promotes kindness to all stock and prevents harshness, neglect, or cruelty to animals. It is no kindness to unload hogs en route; they are comfortably provided for. If the distance is great and the weather hot, the hogs are put in long stock cars, well ventilated and bedded with wet, cool sand; feed and water is provided for them in the cars. If they are unloaded, in nearly every instance several hogs die from exposure in the unsheltered railroad yards.

When cattle are unloaded they are usually put in muddy yards, do not have shelter over them, and they come into market very much depreciated. At these small country unloading places the chutes are usually steep, and the cattle are forced to go out and into the cars again, and are many times bruised, which is always a loss to the stockman.

* * * * * * *

An ordinary case in point may be cited, having occurred within the past few days: A train of cattle was loaded in western Iowa and billed for Chicago. They started Wednesday evening, to arrive in Chicago Friday morning, to be sold upon arrival. As they could not be delivered at destination in less than thirty-four hours (which was only six hours in excess of the law), they were unloaded in twenty-six hours, or Thursday evening. After resting five hours they could not arrive in time for Friday's market, and there being no market Saturday, they had to be kept in the pens until Sunday evening, and arrived Monday morning for market. The pens in which they had to stay were very filthy, being deep in manure and mud, as it rained nearly every day. The cattle were discounted at least 50 cents per hundred pounds in the price, and their loss in weight was very large. The loss in such a case would be nearly $200 per car, and amounted to all the profit the feeder might have for his season's feeding.

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Reasons for not compelling the unloading of live stock in shipment every twenty-eight hours. It is just and fair. It is more humane. It saves injury. It saves loss. Issued by American Stock Growers' Association; Cattle Raisers' Association, of Texas; National Live Stock Association, and others.

*Reasons for amending Article 4386, Revised Statutes of the United States, which now requires that live stock shipped by rail shall be unloaded at the end of twenty-eight hours.*

The proposition herein discussed is to extend the time to thirty-six hours, exclusive of the time for loading and unloading.

THE ORIGIN OF THE TWENTY-EIGHT-HOUR LAW.

When the section of the statute in question was adopted as a law of the United States, on March 3, 1873, there was comparatively little shipment by rail of live stock for long distances, and practically no shipments of range stock. The vast areas of public lands and railroad grants west of the Missouri River were not occupied by cattle ranches, sheep ranches, and stock farms, and were not penetrated by railroads equipped for carrying live stock. The conditions surrounding the matter of transporting live stock were entirely different to what they are at this time. Furthermore the twenty-eight-hour limitation was purely an arbitrary one, probably arrived at after a comparatively slight inquiry, and it has been said, and likely is proven, that the occasion for the enactment of the statute in question was due to the activity and energy of the private-car lines, patenting and preparing to put into use specially equipped stock cars for the purpose of feeding and watering the live stock en route, which they wished to compel the public to use. This is evidenced to some extent by the provision of section 4388, as follows:

"But when animals are carried in cars, boats, or other vehicles in which they can and do have proper feed, water, space, and opportunity to rest, this provision in regard to being unloaded shall not apply."

UNIVERSAL DEMAND OF STOCKMEN FOR EXTENSION TO AT LEAST THIRTY-SIX HOURS.

The American Stock Growers' Association and Cattle Raisers' Association of Texas, representing those mainly engaged in the cattle business throughout the great Southwest; the National Live Stock Association, representing numerous organizations of persons in the sheep business, cattle business, and other lines of live-stock business; the various State live-stock organizations; the National Wool Growers' Association, and the National Live Stock Exchange, representing live-stock commission merchants of the United States, all demand the extension of the time to at least thirty-six hours. Most of these bodies have passed resolutions expressive of this demand.

During the Fifty-seventh Congress a bill fixing the limit at forty hours was passed by the House. It went to the Senate and was referred to the Committee on Interstate Commerce. A subcommittee was appointed to which it was referred; but the bill was never reported and died a natural death.

The opposition to extending the time by the Humane Society is due to misapprehension, for—

It is positively less humane to comply with the twenty-eight-hour limit than it would be to extend the time to thirty-six hours, as herein requested.

It compels the doing of positive injury in many instances, does practically no good in any.

EXPERIENCE DEMONSTRATES THE INJURIOUS RESULTS FROM ENFORCING THE TWENTY-EIGHT-HOUR LIMIT—THE SECRETARY OF AGRICULTURE INDORSES THE PROPOSITION TO EXTEND THE TIME.

During the years 1904 and 1905 the Secretary of Agriculture undertook the enforcement of this law. During that time actual experience demonstrated in hundreds of instances the great hardship and injury to the animals caused by the enforcement of this law by requiring them to be arbitrarily unloaded at the end of twenty-eight hours, against the judgment of shippers who were present and could see what was best to do.

It often resulted that live stock would have to be unloaded when suitable or sufficient pens were reached, earlier than the twenty-eight hours, because no sufficient pens for the quantity of stock en route could be reached within that time—the railroads choosing the safe side to avoid the penalty.

It frequently resulted in unloading the live stock 50 or 100 miles out from the market, when the market could have been reached by an hour or a few hours more than the twenty-eight hours. It resulted in upsetting all calculations with respect to the time of reaching the market. It often resulted in concentrating so many live stock at particular pens en route that the yards were insufficient for the extraordinary number of live stock which the law arbitrarily required to be unloaded at such point. It compelled the cattle to be unloaded in storms, in snow, sleet, and rain, at all hours of the night. It upset the handling and running of trains, requiring them to be split up, and some of the cars having been loaded earlier would have to stop, while others would go on, and all of this entailed serious and material loss upon the shipper to no one's benefit. This can be thoroughly demonstrated by hundreds of instances.

The Secretary of Agriculture, after a thorough investigation of the matter, reached the conclusion that the live-stock shipper was entitled to relief from this twenty-eight-hour limit, and he therefore concurs in the effort to secure an amendment of the law to that end.

With all of these indorsements and representations upon the subject, it would seem a little remarkable that there should be any question with respect to this amendment of the law.

As the country has developed by the construction of railroads and the rail transportation of live stock, the establishment of markets, feeding places, points of reshipment through the growth of this vast commerce, it has been plainly seen that this law should not apply to existing conditions and that has been fully evidenced by the fact that for twenty years it has practically been a dead letter, unenforced until recently, as above stated. This argues strongly that there was no general demand for the enforcement of such a law and no apparent necessity for its enforcement; in other words, the business and the proper handling of the business in its evolution has entirely outgrown this antiquated if ever beneficial law.

And now that practically everybody who is affected by it demands an amendment as herein requested, Congress would certainly fall far short of its duty if it fails to do so.

THE DEMAND IS ONLY REASONABLE AND FAIR.

It may be said that the demand for the extension of this time is largely from the shippers from the West, but this is not wholly true, for the experience in shipping from Chicago, Kansas City, and St. Louis to points in the East like Pittsburg, Buffalo, and Boston, and to various localities for feeding and fattening purposes in the States of Michigan, Ohio, Pennsylvania, New York, and others when the twenty-eight-hour law was rigorously enforced, developed as material hardships in that class of shipment as in shipments from the West to the Missouri River markets or to Chicago. Shippers and others interested in that sort of shipments are earnestly demanding the change in the time limit to thirty-six hours.

If, however, the principal complaints and demands have come from the West, it is because of the fact that it is a stock country and from that territory the long rail shipments are the rule or the necessity, both for the benefit of the shipper and the benefit of the consumer, and it is to be expected that those who are materially affected by the rigor of the arbitrary and unreasonable statute are the ones who complain about it and demand its amendment or repeal; those who are not affected naturally are not complaining. It argues nothing, therefore, against such amendment that the demand is greater from the West and none from States not much affected. The duty to protect the interests which need protection is none the less because there are localities and conditions where it is not much needed.

* * * * * * *

Since these cattle are going to the market for the purpose of being killed, manifestly it is better to get them there at as early a time as possible for that purpose. They are taken off the range, they are wild cattle, they are nervous, they are in strange surroundings, and the result is that there is a material shrinkage, which, as every stockman knows, can not take place except as a result of suffering, more or less. This shrinkage will mean, in a shipment which is taken off under the circumstances above named, on a 1,000-pound animal, about 1 pound for every hour, or an equivalent of 25 pounds practically for the loss of a day, and at 4 cents per pound is $1 per head and on twenty-five head is $25 for a car. An extra feed bill is incurred of $3 per car, and there is a loss of time of the attendant and extra expense that will amount to from 50 cents to $1 per car. On being killed it is shown that they have been bruised upon their ribs and hips, and occasionally a hip will be knocked down and a rib broken and occasionally a horn will be knocked off.

It is capable of actual proof, and there is no doubt about it, that this results from the unloading and reloading.

These cattle don't go into the car at command and take their places in the cars like a person. They must be forced out and forced in, and it is impossible to conduct the business in any other way. As a result they jam each other at the car doors and at the chutes, both in unloading and reloading, and there is necessarily a consequent injury. While the cattle are in the cars there is little opportunity, if the cars are loaded sufficiently full, for them to hook or gore each other. Their heads are generally up and they have little physical opportunity to do it, but when they are unloaded into the pens they begin "milling" around, lowing and hooking, scarring and goring each other. This is a condition with respect to range cattle that is so well known that every stock man avoids as much as possible the detention of cattle in pens. The amount of injury and damage from all these causes that will be done to such a shipment of these cattle unloaded at end of twenty-eight hours instead of going on more than offsets any advantage gained by such unloading. Now, this can be substantiated almost, if not quite, unanimously by all experienced men.

* * * * * * *

SHEEP AND HOGS SHOULD RARELY BE UNLOADED.

We have never heard of an argument made to show the wisdom of unloading sheep and hogs. Sheep can not be handled in the night, and the process of loading and unloading is slow. They naturally stand crowding and will rest as well in a car as out. They do without water indefinitely without suffering, and the shipper is the best judge as to how they should be handled. It is probably far better that the law should not require sheep to be unloaded in less than forty-eight hours.

As to hogs, the general opinion is that, except for some special reason or circumstance, they are better off not to unload them. Hogs lie down during shipment, making a bed in the sand or straw in the car, and there is little excretion. In hot weather they are sprinkled in the cars; in the cooler weather they need no water. Corn can be and is put in the car for feed. So they have all of the comforts which a hog can get, and there is not any reason for any law making a time limit on hogs.

The shipment of horses and mules forms so inconsiderable portion of the traffic that little has been said about it, but it can be safely stated that the shipper knows better how to handle them in each shipment than Congress can provide by general rules.

The reason for unloading is said to be for rest, feed, and water. There are several points which ought to be considered in this connection to which attention will be directed.

(1) Four-legged animals may rest and sleep on foot as well as by lying down.

(2) Range cattle will not, as a rule, rest in pens any more than in cars, if as much. They are dissatisfied, nervous, and restless.

(3) Gentle fed cattle may, and often do, lie down in transit when they become sufficiently tired, but in neither case is rest required like it is with a person.

(4) Animals get their place in the car and become contented.

(5) Animals in transit brought from the ranges, as shown by experience, eat little and drink little—oftentimes not at all. It is the nature of the animal to store food and drink, which is quite different to human beings, and it is a demonstrable fact that in the range country, ordinarily, an animal will stay away from water and oftentimes not drink more than once in two days, and in cooler weather often a longer time.

(6) Their nervous and agitated condition in shipment prevents them from having much desire for food and drink. That produces no suffering apart from the mere matter of inconvenience of carriage, and nobody has ever been able to demonstrate and can not demonstrate that animals will be suffering from want of water and food in a thirty-six-hour run. Sometimes they may, and sometimes they may not.

(7) Hogs and sheep, in the judgment of shippers, do not need unloading within the thirty-six hours. Forty or fifty hours would be a better rule for them, or rather leave it with the judgment of the shipper.

THE BEST AND MOST HUMANE TREATMENT CAN BE OBTAINED BY LEAVING TO THE SHIPPERS TO JUDGE FROM CIRCUMSTANCES.

Every man undertakes to run his business in the most profitable way, and that is human nature, and as experience grows intelligence increases, and the time has come when every stock shipper of the country knows that the better treatment that he gives his live stock the better will be their condition on arrival at the market, and their condition at the market reflects precisely the treatment they have received en route. He knows that the experienced buyer can tell at a glance the treatment the live stock has received. He knows that extra unloading and reloading means a loss to him if the cattle are injured, and the greater the injury the greater the loss. The result is that he uses all of the care consistent with doing the business at all, in the loading of his cattle and in the unloading of them. He knows their appearance has a great deal to do with their value and his desire is to keep them in the best appearance. He does not want a droopy, tired, and worn-out animal on the market, so he will unload them when necessary and possible. It is subject to absolute demonstration that the experienced shipper can tell from the circumstances as he views them whether the cattle should be unloaded or not en route to market or elsewhere. He must weigh these circumstances with a view to the best possible treatment of his cattle. He may reach a point where he intended to unload and rest his cattle, feed, and water them, but on reaching there may find that there is a snow storm or rain storm and that he is required to expose his cattle and injure them far more than the feed and rest will do them good, so he passes judgment upon the situation and directs that they shall go on, because he knows it best to do so. At other times cattle reach the pens and find them full of other cattle and it will require that his cattle remain standing in the cars on a side track for from two to five or six hours in order to be unloaded at all, and he may thus find it best for the cattle to go and make a longer run than he had intended rather than to unload. Should the law prevent him doing so?

We assert it as a principle that it is beyond peradventure that a shipper can better judge whether the live stock ought to be unloaded from the circumstances as they present themselves than Congress or anyone else can judge in advance, and that his best interest is to give his cattle the best possible treatment.

But it may be said that notwithstanding most men are careful and conduct their business on lines of humanity and to their own interest, yet some will be careless and will permit their cattle to stay a long time on cars if left to their discretion, and that they will be permitted to suffer, and that the law is intended to reach that class of persons. But it must not be overlooked that while reaching an apparently few of that class it will produce injury to the man who conducts his business carefully. The experience and judgment is that little injury will ever result from extending this time to thirty-six hours, when serious injury will result from enforcing the twenty-eight-hour law.

If the few will commit acts of inhumanity, let them be prosecuted for their acts or neglect, but do not on that account compel others to do infinitely greater inhumanity, and also incur great loss in their business as judiciously conducted.

THE RAILROADS ARE NOT GIVEN RIGHT TO MAKE SLOWER TIME.

But it may be said that the railroads will simply make use of the additional time; that they will run slower, and at last the extension of time will do the shipper no good. Of course, no law can be passed that may not occasionally be made use of for ulterior ends. It may be in some instances that might so happen, but the common law requires that the railroads use due diligence in the transportation of live stock. It has been a source of complaint that they have been compelled to pay a great many damage claims for delay, and the inducement for diligent service which is brought about by their liability for delay is a sufficient guaranty that they will not undertake to take advantage of this extension of time, for the matter will be in the hands of the shipper to require a performance of their duty as the law requires or to answer to him in damages, so he has it within his power to thus compel the performance of that duty. When the twenty-eight-hour law was not in force, simply laid dormant upon the statute books from a practical standpoint, these runs, which have been heretofore described, between principal market places and points of reshipment, were customarily made in thirty or thirty-one hours, and the railroads did not then take advantage of it as affording any excuse for slow running, neither was the twenty-eight-hour law made use of to fix the liability of the railroad for delay; it is based on the common-law requirement of diligence. The extension of the time to thirty-six hours will not affect in any way the liability of the railroads for negligent delay.

Furthermore, during the time that the twenty-eight-hour law was being enforced the railroads gave no better speed and service than they did when it was not being enforced, if as good. If they are disposed to take advantage of the law then by slow running, they are always compelled to unload, and in that case are not liable for a penalty. When you have reached a convenient place for unloading at any point on its line, if in the judgment of the railroad it will take longer than twenty-eight hours to reach the next point, what happens? Your live stock is unloaded arbitrarily without your consent, contrary to your judgment, and can't help yourself. This is exactly what has been found by experience.

It is all a mistake to suppose that the enforcement of the twenty-eight-hour law will secure better service. That law requires no speed schedule or that any distance shall be covered in that time. If the law required a speed schedule, it would not likely require an average of over 20 miles per hour between division points, and must except accidents, storms, and floods, so that if the time be not extended an unloading would generally be required in shipments for distances of 500 or 600 miles unless the time is extended.

For these reasons, in the name of justice, fairness, and humanity, let the time limit be extended.

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[Report to accompany S. 3413.]

The Committee on Agriculture and Forestry, which has had under consideration the bill (S. 3413) to prevent cruelty to animals while in transit by railroad or other means of transportation from one State or Territory or the District of Columbia into or through another State or Territory or the District of Columbia, and repealing sections 4386, 4387, 4388, 4389, and 4390 of the United States Revised Statutes, reports the same back to the Senate favorably and recommends that the bill do pass as amended.

The bill seeks to provide:

1. A more humane way of handling all kinds of live stock during periods of transportation.

2. Better control to the shipper, and, through more humane and orderly shipment, a decrease of loss or damage on the live stock in transit.

3. Aid to the railroads, through greater elasticity (based upon the wish of the owner) in handling live stock more humanely and promptly, and to deliver it at its destination with less friction and delay.

A strict application of the present law (which was for many years almost a dead letter) inflicts great hardship upon the dumb brutes in transit, great inconvenience and loss upon the owners, and unnecessary delay and consequent loss upon the carrier.

The law is mandatory that twenty-eight hours shall be the limit of confinement in car, whereas in many cases twenty-nine of thirty hours would land the stock into market with no unloading and reloading from point of shipment to destination. To always break the trip at twenty-eight hours or any earlier time and take the stock out of the cars and into yards and then put them back into the cars again causes very much greater hardship and punishment to the stock than if it were taken through directly to destination, provided the entire time does not exceed the thirty-six hours proposed as the maximum, under some circumstances, in this measure.

Again: The twenty-eight hours might expire in the early part of the night, while cars were distant from any proper chutes or yards for unloading, and to leave the stock standing in the cars on a side track is as bad, and perhaps worse, than to move along until daylight to some place for unloading.

Chutes and yards for live stock are installed only at certain stations, and for obvious reasons can only be properly installed at certain stations, leaving long distances between, where, if cars are delayed, stock must remain unloaded. If it is a large shipment of stock, it is practically useless to unload it at some small yard where there is but one chute, intended for the loading and unloading of single or few animals, or, at the most, a car at a time. A large shipment of several cars of stock should be unloaded at yards where there are from two to a dozen chutes and sufficient yards to permit the unloading and reloading of a whole train without long delay, and without exciting, bruising, and therefore greatly injuring the stock.

In the case of shipments of sheep, it is practically impossible to unload them in the night, and the consequence is, if no place can be reached in daylight the shipment must proceed either until daylight or far enough to reach some proper unloading place, and there wait for daylight, before they can be unloaded.

To those who know the habits of sheep it is unnecessary to more than state this fact: To unload them in the night is to drag them out one at a time and tie each one or confine it to prevent its returning to its fellows in the car. On the other hand, sheep drink but little and can go longer without food and water than can cattle.

It is an extreme hardship to apply the twenty-eight-hour law to all cases and under all circumstances.

If the shipment of live stock is judged from the standpoint of a city or village man who sees only the domesticated, well-broken animals in the habit of being handled as individuals or in small numbers, the hardship of the law as at present would not seem severe. But the great proportion of live stock shipped by railroad is from the plains and pastures where the animals have not been handled and domesticated, but are wild and nervous, and in loading for shipment, even if they are quietly handled, considerable suffering and loss must occur. And after the stock has covered a part of its journey, it becomes more nervous and excited, and the unloading and reloading brings about still greater suffering and loss. Unloading them into muddy yards—and the yards are often in bad condition—gives them little rest and less food, and oftentimes they refuse to drink the impure water afforded in the unclean yards.

A strict compliance with the present law has developed some legal technicalities and shortcomings, which are referred to in the memorandum prepared by the Department of Agriculture, which follows. * * *

The following is a letter from the Secretary of Agriculture transmitting a memorandum prepared jointly by the legal adviser of his Department and the Chief of the Bureau of Animal Industry; and the views expressed therein have the indorsement of your committee:

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
*Washington, D. C., February 12, 1906.*

DEAR SENATOR HANSBROUGH: I transmit herewith a memorandum on the subject of Senate bill No. 3413, relative to the confinement of live stock while in transit by railroad or other means of transportation, which has been prepared at your request by Doctor Melvin and Mr. McCabe.

Very truly, yours,

JAMES WILSON,
*Secretary.*

Hon. H. C. HANSBROUGH,
*Acting Chairman Senate Committee on Agriculture and Forestry.*

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[Memorandum.]

It is suggested that the bill be amended by inserting in line 7 of section 1, after the word "shipment," the words "which written re-

quest shall be separate and apart from any printed bill of lading or other railroad form." It is thought that this amendment is necessary from the fact that without it it will be possible for the request to be incorporated in the printed form and signed by the shipper pro forma.

The statute commonly referred to as the twenty-eight-hour law was enacted by the Forty-third Congress and became a law by the approval of President Grant on March 3, 1873. It now forms sections 4386–4390 of the United States Revised Statutes. It prohibits the confinement in cars, boats, or other vessels for a longer period than twenty-eight consecutive hours of cattle, sheep, swine, or other animals which are being conveyed from one State to another without unloading the same for rest, water, and feeding for a period of at least five consecutive hours, unless prevented by storm or other accidental cause. The penalty for violation of the statute is from $100 to $500. The provision for unloading does not apply when animals are carried in cars, boats, or other vessels in which they can and do have proper food, water, space, and opportunity to rest. The present bill proposes to repeal sections 4386–4390 of the United States Revised Statutes and to enact similar legislation, with some few amendments and changes, as follows:

1. The statute is broadened to cover practically every common carrier of live stock, including receivers of any such carriers. The Supreme Court has held in the case of United States *v.* Harris (177 U. S., 305) that the present law does not include the receiver of a railroad company. A short time ago a certain railroad in the hands of a Federal receiver was confining animals fifty and even sixty hours without rest, food, or water, and the receiver could not be reached under the present law.

2. The transportation of live stock from a State to a Territory, from a Territory to a State, or from or into the District of Columbia, is covered by this bill. The United States court of the district of Kansas has held recently, in the case of the United States *v.* The St. Louis and San Francisco Railroad Company (an unreported case), that the present law does not cover a shipment from a Territory to a State, the wording of the statute being "* * * which transports live stock from one State to another."

3. In the present bill it is proposed that the time during which animals may be confined by the carrier without food, rest, or water shall remain at twenty-eight hours, the time provided in the present law, with the exception that upon the written request of the owner or person in custody of the shipment the time may be extended to thirty-six hours. It frequently happens that the twenty-eight hour limit has expired when the shipment was within a few hours of the destination, and if the law is made sufficiently elastic to enable the shipper to control this matter it is thought that less suffering will result to live stock in transit. It is the opinion of the best informed owners and shippers of live stock that when live stock can be carried to market within thirty-six hours it is better and more humane to allow them to go through without unloading than to unload at the end of twenty-eight hours.

Based upon careful observation of the workings of the law, the treatment of the live stock to the advantage of the shippers and owners thereof, it is the opinion of the Department of Agriculture that if certain other amendments to the present law, which are incorporated in the bill now in discussion, shall be adopted, the time during which live stock may be confined in cars without food, rest, or water may be extended from twenty-eight hours to thirty-six hours without disadvantage to the live stock. The great western markets are Chicago, East St. Louis, and the Missouri River towns. The ranges and feed lots are so located that if the railroads give the shippers anything like reasonable service, with a thirty-six-hour limit, by far the larger proportion of live stock can be transported to market within thirty-six hours, and this will obviate the necessity for unloading the greater part of the stock. With a thirty-six-hour limit it will not be necessary to unload live stock from any locality more than twice.

4. This bill provides that live stock must be loaded and unloaded in a humane manner and into properly equipped pens. This is a serious omission in the present law. Cases have been reported to the Department of Agriculture, and confirmed by that Department, where live stock has been unloaded in a brutal manner and into pens in which the mud was 2 feet deep and the facilities for feeding and watering, to say nothing of resting, were entirely inadequate. Under the present law the Department of Agriculture could not correct these conditions.

5. This bill provides that the time consumed in loading and unloading shall not be counted in computing the time during which live stock may be confined in transit. This simply amounts to incorporating into the law the practice which has prevailed in the enforcement of the present law.

6. It is provided in this bill that in the case of sheep, when the expiration of the time limit occurs at night, they may be allowed to continue in transit until daylight, if by so doing they will reach a place where they can be properly fed, watered, and cared for. The unloading of sheep at night, even under the most favorable conditions with electric-lighted yards and trained goats, is a difficult process. It frequently happens that the time limit expires during the night at a point where these facilities are not available, and it is then utterly impracticable to unload sheep.

7. In section 2 of the bill there is an immaterial change from the wording of the present law regarding the collection of the feeding charges.

8. It is also provided in section 2 of this bill that the shipper shall have the right to furnish the necessary food for his stock in transit if he so desires. The present law gives a lien on the stock for food furnished by the carrier, and it has happened that many companies have charged exorbitant fees for supplying food, and the owners and shippers of stock in many cases have been outrageously overcharged.

9. In section 3—a penalty section—in this bill the word "willfully" is used where the word "willingly" occurs in the corresponding section of the present law. It should be stated in this connection that the original act, as it passed Congress and was approved by the President, contained the word "willfully," but through an error while incorporating into the Revised Statutes it became changed to "willingly."

10. Section 3 of the present bill—a penalty section—is changed by exempting the owner or shipper of the live stock from the penalty for failure to unload for food, rest, and water. The present law, as construed by the Federal courts, imposes liability for this failure equally upon the shipper and the carrier. The shipper surrenders control of the live stock in a large measure to the carrier, and he is unable to unload the stock without the active cooperation of the carrier. Inasmuch as the carrier is assured payment for food furnished, it is thought the primary liability for failure to unload should be laid upon the carrier.

11. In section 4 of the present bill it is provided that United States attorneys shall prosecute all violations of the act reported by the Secretary of Agriculture, or which come to their notice or knowledge by other means. The measure relates entirely to animal industry, which, in all other respects, is under the control of the Department of Agriculture, and the inspectors of the Bureau of Animal Industry, from their location and the character of their work, are well situated to secure the enforcement of the law.

Mr. GALLINGER. Does not the Senator think it wise to have the bill reprinted with the pending amendment, so that when we send it out people will understand what the bill proposes?

Mr. WARREN. I thank the Senator for the suggestion, and I will ask that the bill be reprinted with the pending amendment.

Mr. LODGE. Before that is done I wish to say a word. I have been trying to understand that clause, but not being a live-stock man I am very stupid about it. But, after all, this proposed law has to be adapted for all persons as well as live-stock men.

Mr. WARREN. I suggest to the Senator from Massachusetts that he confer with the Senator from Idaho [Mr. HEYBURN] and then offer an amendment now.

Mr. LODGE. I am going to see if I have got out of it what it means. As it now reads——

Mr. TILLMAN. Will the Senator tell us what line and page?

Mr. LODGE. I am reading from page 2, and the point I am coming to first is in regard to line 12—

When the time of confinement may be extended to thirty-six hours, without unloading the same in a humane manner.

As that stands, it might mean that if you unload them in an inhumane manner, the time need not be extended. It is perfectly blind writing.

Mr. WARREN. But, taken in connection with line 8, it is all right. I admit that the language is not happy.

Mr. LODGE. I dare say, to the expert mind it is absolutely good English, but I am speaking for the common, ordinary lay mind which wants to understand the law.

Mr. WARREN. The bill seems to have put the Senator from Massachusetts in an inquiring frame of mind.

Mr. LODGE. It has. I think the whole bill suggests inquiry.

Mr. WARREN. All bills do to those who oppose them.

Mr. LODGE. I do not know that I am opposed to this bill. If it is going to make the treatment of cattle more humane to extend the time when they shall be kept without food and water from twenty-eight hours to thirty-six hours, I am in favor of the bill. I want to see cattle humanely treated. I want them brought to market in the best possible condition. If it will bring them to market in better condition and if it will cause less suffering to the animals to keep them without food and water for thirty-six hours instead of twenty-eight hours, and I can be convinced of that, I shall cheerfully vote for the bill.

Mr. WARREN. Now, along on that line, I renew my suggestion that the Senator from Massachusetts give us the benefit of his experience and confer with the Senator from Idaho who introduced the bill, and the amendment may be offered.

Mr. LODGE. I only want to see if I have got the sense of the passage. Suppose it should be made to read in this way, beginning with line 8: Strike out the word "except" and make it read:

*Provided*, That upon the written request of the owner or person in custody—

Strike out the word "for" and insert "of"—

of that particular shipment, which written request shall be separate and apart from any printed bill of lading or other railroad form, the time of confinement may be extended to thirty-six hours, without unloading said cattle, sheep, swine, and other animals, and such unloading, when made, shall be conducted in a humane manner, and the said animals shall when unloaded be placed in properly equipped pens for rest, water, and feeding.

Is that the meaning of the passage?

Mr. WARREN. That language would be entirely satisfactory.

Mr. HEYBURN. I will say to the Senator from Massachusetts that as this bill came to me it was satisfactory to the humane society, the railroads, and the shippers. They had a conference, and it was so represented to me, and I introduced it.

Mr. LODGE. My suggestions are not intended to defeat the passage of the bill. I am merely suggesting a rewording of it.

Mr. HEYBURN. I will say to the Senator that I have noted an amendment, and intended, upon opportunity offering, to move to transpose those sentences. I think they should be transposed. After the word "hours," in line 8, I would strike out down to and including the word "hours," in line 13, and then it would read:

Shall confine the same in cars, boats, or vessels of any description for a period longer than twenty-eight consecutive hours without unloading the same in a humane manner into properly equipped pens for rest, water, and feeding for a period of at least five consecutive hours,

unless prevented by storm or by other accidental or unavoidable causes which can not be anticipated or avoided by the exercise of due diligence and foresight.

Mr. LODGE. That is a repetition of the present law.

Mr. HEYBURN. Yes.

*Provided*, That upon the written request of the owner or person in custody of the particular shipment the time of confinement may be extended to thirty-six hours.

Mr. LODGE. That is entirely intelligible.

Mr. HEYBURN. I have my personal copy of the bill annotated, with a view to offering the amendment at the proper time.

Mr. LODGE. If the Senator will have the bill reprinted in that way, then we will get an intelligible bill. I think that is a good preliminary for discussion.

Mr. NELSON. Mr. President, it is evident that this bill can not be disposed of now, and therefore I ask the Senator from Idaho to suspend, in order that the Senator from Maryland may commence his speech on the rate bill.

Mr. HEYBURN. I will do so at once.

Mr. WARREN. An arrangement has been effected with the Senator from Maryland, who is ready to proceed, but the point was to have the bill reprinted——

Mr. NELSON. All right.

Mr. WARREN. And in its reprint contain the amendment proposed, and then give the floor to the Senator from Maryland.

Mr. HEYBURN. I will offer the amendment which I have just stated. I will put it in form and send it to the Clerk's desk to be printed under the agreement that the bill shall be reprinted with the amendment. I have nothing more to offer at this time.

The bill as proposed to be amended by Mr. HEYBURN was ordered to be printed in the RECORD, as follows:

*Be it enacted, etc.*, That no railroad, express company, car company, common carrier other than by water, or the receiver, trustee, or lessee of any of them, whose road forms any part of a line of road over which cattle, sheep, swine, or other animals shall be conveyed from one State or Territory or the District of Columbia into or through another State or Territory or the District of Columbia, or the owners or masters of steam, sailing, or other vessels carrying or transporting cattle, sheep, swine, or other animals from one State or Territory or the District of Columbia into or through another State or Territory or the District of Columbia, shall confine the same in cars, boats, or vessels of any description for a period longer than twenty-eight consecutive hours, without unloading the same in a humane manner, into properly equipped pens for rest, water, and feeding, for a period of at least five consecutive hours, unless prevented by storm or by other accidental or unavoidable causes which can not be anticipated or avoided by the exercise of due diligence and foresight: *Provided*, That upon the written request of the owner or person in custody of that particular shipment, which written request shall be separate and apart from any printed bill of lading or other railroad form, the time of confinement may be extended to thirty-six hours. In estimating such confinement, the time consumed in loading and unloading shall not be considered, but the time during which the animals have been confined without such rest or food or water on connecting roads shall be included, it being the intent of this act to prohibit their continuous confinement beyond the period of twenty-eight hours, except upon the contingencies hereinbefore stated: *Provided*, That it shall not be required that sheep be unloaded in the nighttime, but where the time expires in the nighttime in case of sheep the same may continue in transit to a suitable place for unloading, subject to the aforesaid limitation of thirty-six hours.

SEC. 2. That animals so unloaded shall be properly fed and watered during such rest either by the owner or person having the custody thereof, or in case of his default in so doing, then by the railroad, express company, car company, common carrier other than by water, or the receiver, trustee, or lessee of any of them, or by the owners or masters of boats or vessels transporting the same, at the reasonable expense of the owner or person in custody thereof, and such railroad, express company, car company, common carrier other than by water, receiver, trustee, or lessee of any of them, owners or masters, shall in such case have a lien upon such animals for food, care, and custody furnished, collectible at their destination in the same manner as the transportation charges are collected, and shall not be liable for any detention of such animals, when such detention is of reasonable duration, to enable compliance with section 1 of this act; but nothing in this section shall be construed to prevent the owner or shipper of animals from furnishing food therefor, if he so desires.

SEC. 3. That any railroad, express company, car company, common carrier other than by water, or the receiver, trustee, or lessee of any of them, or the master or owner of any steam, sailing, or other vessel who knowingly and willfully fails to comply with the provisions of the two preceding sections shall for every such failure be liable for and forfeit and pay a penalty of not less than one hundred nor more than five hundred dollars: *Provided*, That when animals are carried in cars, boats, or other vessels in which they can and do have proper food, water, space, and opportunity to rest the provisions in regard to their being unloaded shall not apply.

SEC. 4. That the penalty created by the preceding section shall be recovered by civil action in the name of the United States in the circuit or district court holden within the district where the violation may have been committed or the person or corporation resides or carries on business; and it shall be the duty of United States attorneys to prosecute all violations of this act reported by the Secretary of Agriculture, or which come to their notice or knowledge by other means.

SEC. 5. That sections 4386, 4387, 4388, 4389, and 4390 of the Revised Statutes of the United States be, and the same are hereby, repealed.

Mr. KEAN. Let the bill go to the Calendar under Rule IX.

The VICE-PRESIDENT. The Senator from Idaho proposes an amendment to the bill. The Senator from Wyoming asks unanimous consent that the bill with the pending amendment be reprinted. Is there objection?

Mr. LODGE. Do I understand that it is to be printed with the change of language suggested by the Senator from Idaho?

The VICE-PRESIDENT. That is the understanding.

Mr. HEYBURN. I will formulate and send it up.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Wyoming? The Chair hears none.

Mr. KEAN. Now let the bill go to the Calendar under Rule IX.

The VICE-PRESIDENT. The bill will go to the Calendar under Rule IX.

Mr. WARREN. Do I understand that the bill goes over under Rule IX?

The VICE-PRESIDENT. Yes.

Mr. WARREN. Then I wish to say that I shall move at the first favorable opportunity, after the bill has been reprinted, to take it up for further consideration.

### ESTATE OF HAROLD BROWN, DECEASED.

The VICE-PRESIDENT. The Calendar under Rule VIII is in order.

The bill (S. 3401) for the relief of the executors of the estate of Harold Brown, deceased, was announced as the first business in order on the Calendar, and the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to pay to the executors of the estate of Harold Brown, late a citizen of Newport, R. I., $861.75, being an excess of taxes improperly levied and collected on legacies and distributive shares of the personal property of the estate.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

### REGULATION OF RAILROAD RATES.

Mr. TILLMAN. I move that the Senate resume the consideration of the unfinished business, being the rate bill.

The motion was agreed to.

Mr. RAYNER obtained the floor.

Mr. PILES. Will the Senator from Maryland yield to me for a moment that I may call up a joint resolution?

Mr. RAYNER. I yield.

### BUREAU OF EDUCATION EMPLOYEES IN ALASKA.

Mr. PILES. I ask unanimous consent for the present consideration of the joint resolution (H. J. Res. 97) authorizing assignment of pay of teachers and other employees of the Bureau of Education in Alaska.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution. It authorizes the Secretary of the Interior to permit teachers and other employees of the United States Bureau of Education employed in Alaska to make assignments of their pay; and the Secretary of the Interior is further authorized to reimburse school-teachers in Alaska for expenses incurred by them in the discharge of their duties and paid from their personal funds.

Mr. GALLINGER. Let the concluding sentence of the joint resolution be read again.

The VICE-PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

And the Secretary of the Interior is further authorized, in his discretion, under such regulations as he may prescribe, to reimburse school-teachers in Alaska for expenses incurred by them in the discharge of their duties and paid from their personal funds.

Mr. GALLINGER. I think that is all right. As I caught the reading of the joint resolution there did not seem to be any provision whereby these expenses should be certified; but I presume that the Secretary of the Interior under the joint resolution will attend to that.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### REGULATION OF RAILROAD RATES.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12987) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission.

Mr. RAYNER. Mr. President, I believe we all realize that the subject now under consideration is one of supreme importance. If I were asked to define at the present moment and under existing conditions which one of the powers of Congress under the Constitution was of the greatest interest to the country I would immediately select the power to regulate commerce among the several States. Randolph said that it was this clause, the right to

regulate commerce among the States, that gave us the Constitution, and that if Congress under the Confederation had possessed the power to impose an ad valorem tax of 10 per cent upon foreign importations there never would have been a Constitution for the United States. The issue before us was bound to come; it is not an artificial controversy, and I am delighted to know that it is not a party question. It is exhilarating to feel that a momentous subject of this sort is above and beyond the lines of party strife, and that we can now tear away for a temporary period from our traditions, and, obliterating the lines that divide us on this floor, unite in the performance of a duty that we owe to our countrymen who are looking to us for relief and for an equitable adjustment of their rights.

I propose in the brief argument that I shall address to the Senate to resort to the process of elimination and attempt, if I can, to bring to the front the actual issues now before us. I shall be very well satisfied if I can accomplish this. If we are to generalize and bring in all the subjects involved in this controversy the inquiry would be interminable, and instead of order and precision, chaos and confusion would rule supreme.

What we want to know is the exact nature of the evil that calls for remedial legislation. The literature upon this matter has simply been appalling. The examination of witnesses has proceeded to the point of exhaustion. A whole battalion of experts have volunteered suggestions upon topics that have no bearing upon the points involved. College professors have submitted plans for running railroads, and political economists and psychologists have issued instructions to traffic managers as to the proper classification of merchandise and the transportation of freight, and every shipper and consigner who has had a grievance against the railroads or the Interstate Commerce Commission or the courts has been extended a hospitable invitation to appear and narrate the methods through which he would immediately remedy the prevailing abuses.

If you add to this that almost the entire press of the country has taken up the controversy, that magazines have been filled with dissertations upon it, and that hundreds of commercial organizations have petitioned Congress upon its various phases, we can then form some idea of the magnitude of the investigation that has taken place. The committees have done their work well and deserve the commendation of the country for the faithful performance of their arduous duties. Now that their labors are completed, it is for us to extract from this tangled mass of contradictory statements and conflicting views the real and genuine essence from which the agitation springs, so that we can grasp the vital points at issue and intelligently consider and impartially determine the contest submitted to our arbitrament.

THE COMPLAINTS AGAINST THE RAILROADS.

When the complaints against the railroads began and found expression at the various conventions that were called to consider them, they covered a very wide field, but with the progress of Congressional investigations they have narrowed and are now confined within a limited compass. The original grounds of complaint can be easily classified under four descriptive headings:

First, the subject of rebates;

Second, the subject of unreasonable rates;

Third, the subject of discrimination between localities, individuals, and commodities; and,

Fourth, the subject of private cars and sidetrack terminal facilities.

The fourth subject may be included in the third.

REBATES.

In regard to the first grievance upon the subject of rebates it is sufficient to say that its present discussion has become impracticable to a large extent, because the custom of allowing what are known as rebates and concessions to shippers from published rates no longer prevails to such an extent as to cause us any uneasiness, and because the law known as the Elkins Act furnishes the necessary and efficient means to correct these abuses if they should occur to any extent in the future. It is refreshing to observe that upon this subject the people and the railroads appear to be in entire unison. Mr. Walter D. Hines is among the most intelligent and decidedly among the best informed and most instructive witnesses who have addressed the committee upon this branch of the subject. Mr. Hines is now counsel of the Atlantic Coast Line. In 1901, when the Interstate Commerce Commission, in its fifteenth annual report, referred to the widespread prevalence of secret rebates, Mr. Hines was assisting in supervising the traffic department of the Louisville and Nashville Railroad. He was also vice-president of the road and its assistant chief attorney.

I take for granted, as a matter of course, that during all this time when this widespread prevalence of secret rebates was in vogue Mr. Hines never permitted his road for a moment to indulge in this abhorrent practice, and never sanctioned the slightest violation of the law in this regard. I also take it for granted that Mr. Hines, like all other eminent counsel of trunk-line railroads, feels the deepest solicitude for the public welfare, and is at all times anxious to gratify the public whenever its rights come in conflict with the demands of his constituents.

In therefore dismissing the subject of rebates, I do so with an admonition that we all heed the warning that so eminent an authority as Mr. Hines has given us upon this subject, which reads as follows:

It should be borne in mind that the motive on the part of the shipper to secure rebates is a continuing motive, and a very powerful one, and the fact that they are temporarily stopped is no proof that they will be permanently stopped. It is, therefore, necessary in any revision of the law to insure the most persistent and continuing supervision of that branch of regulation, in order to make sure that that portion of the shipping public which strives to get rebates and those carriers which are willing to yield to such pressure will not be encouraged by any apparent laxity on the part of the executive power, which is supposed to enforce the law.

UNREASONABLE RATES.

This brings me to the second proposition, Are rates unreasonable? If unreasonable rates were the only ground of the present complaint, governed by the preponderance of testimony I would be compelled to hold that the general charge had not been sustained. The best informed witnesses upon the part of the people have declared that there is no general ground for complaint throughout the country on account of the unreasonableness of rates.

Mr. Kernan, one of the most intelligent witnesses upon this subject, has testified as follows:

You will find in ninety-nine cases out of a hundred—

That is strong language, coming from Mr. Kernan, one of the principal witnesses for the people and against the railroads—

that the complaint before the Commissioners has not been that the rates are too high. It is all a question of the relation of the rates to be established.

* * * * * * *

That is the question, and that is why you have got to have a commission and why it has to have power.

Governor Cummins, of Iowa, has given the following testimony:

While I believe that the railroads are making quite as much if not a little more than they ought to make in view of the capital that they have invested in their enterprises, yet if that were the only question, I do not believe there would have been any demand for additional legislation. The objection entertained by those with whom I am associated is that the railways undertake to develop this country according to their views of the way it should be developed.

Notwithstanding these admissions, that there is no general dissatisfaction throughout the country with existing rates, there is still a considerable amount of complaint in certain sections and among particular interests that rates have been unduly raised. The claim is made, controverted by the railroads, that within the last few years there has been a large increase in railroad revenue, and that a large number of classifications have been unduly changed. In the official classification which governs class rates in the territory north of the Ohio and east of the Mississippi it is charged that a large number of advances have been made in ratings over previous classifications. In the last report of the Interstate Commerce Commission to this body it is stated that 500 advances were made in the southern classification and over 250 in the western classification. Not only this, but witnesses before the committee, of standing and character, have testified to unreasonable advances in particular lines of industry and business. Rates upon live stock from almost every point in Texas have been advanced since 1898 upon an average of nearly $20 per car, and they are higher to-day than they have been at any time since rates were filed with the Interstate Commerce Commission.

Mr. Cowan, representing the Cattle Raisers' Association of Texas, has testified as follows:

It is a fact that rates from most points in Texas have been advanced since 1898 an average of $17.50 to $20 per car, and they are to-day higher than they have been at any time since rates were filed with the Interstate Commerce Commission. * * * These advances have likewise applied to the Indian Territory, Oklahoma, New Mexico, Arizona, and from most points in eastern Colorado, western Nebraska, and western Kansas, parts of Wyoming and South Dakota, though the advances in the rates have not been as great from all points in such States as in the State of Texas.

Not only have the live-stock rates been advanced, but in March, 1903, an advance of from 7 to 20 per cent was made on practically all class goods and commodities, with a few exceptions, from points on the Mississippi River and east thereof to the State of Texas.

We have further testimony before the committee that the fruit interests of California, one of the largest and most important interests in the country, in the suit against the Atchison, Topeka and Santa Fe and the Southern Pacific railroads, claimed that unreasonable rates were charged on fruit from the Pacific coast to the Atlantic seaboard. The lumber interests

of the South have complained that an advance of 2 cents a hundred pounds is unreasonable and have petitioned the Interstate Commerce Board for redress. Mr. Robinson, representing the New Orleans Board of Trade, in addressing the committee, has made upon this subject the following emphatic declaration:

We claim, and we believe, and we are sincere about it, that the railroads are getting an unjust share for transporting our manufactured products and our agricultural products. Since I have been here I have heard with a great deal of surprise from the traffic managers that rates have been reduced. Well, people generally do not understand it that way. If you go to the manufacturer of lumber in the several States and tell him that his rate has been reduced when he knows that every day he is paying $8 more per ton than he did six years ago you would have a very hard time to convince him that rates have been lowered. You would have a difficult time making him see that.

Mr. Clements, Interstate Commerce Commissioner, has submitted the following evidence in connection with the subject of unreasonable rates:

There were 65 roads in that great territory all operating under the official classification promulgated by the committee of fifteen.

Now, in the latter days of 1899 this committee got together and formulated what they called "Classification No. 20," which was to take effect January 1, 1900, from that territory, making a new classification for the following year. They worked over it for days, and I do not know how long amongst themselves, and when they published it it contained in it between six and seven hundred changes in rates, which would not be changing the rate from 25 cents to 30 or 40 cents by name, but by taking one or a dozen articles out of classification No. 6 and putting it into class No. 5, and out of class No. 5 into class No. 4, because the rates applied according to the number of classifications. It took sugar out of one class and put it into a higher one, thereby increasing the rate on sugar on all that territory and between all the stations in that territory. It took soap in carloads and less than carloads—and what moves more freely than soap and sugar—to every station in America. And when you put a little infinitesimal increase in freight rates on all that is carried in carloads or less than carloads over a great extent of territory like that, it means a great amount of revenue. The same was true, I say, with between 600 and 800 articles. These things were lifted up from one class to another by that committee and promulgated to take effect within ten days.

In the last report of the Interstate Commerce Commission the following statement appears in reference to unreasonable rates:

One of the most significant things in recent railway operations is the steady advance in the cost of the transportation of freight by rail. A few years ago the impression was general that freight rates could not and would not be advanced. Railway traffic officials frequently affirmed this in testimony. When the Commission had under consideration certain consolidations of railway property, the eminent gentlemen who had brought them about stated under oath that the purpose was not to advance but rather to reduce rates. Recent history belies these predictions. This increase in the transportation charge has been accomplished in various ways.

First. The published rate itself has been advanced. Class rates have not, as a rule, been advanced, although in some cases they have been, as for example, from St. Louis and kindred points to the Southwest, where such rates are higher to-day than they were when first filed with the Commission in 1887; but rates upon those commodities which constitute the bulk of interstate traffic have been advanced in nearly all sections. Coal rates have, almost without exception, been increased. The same is true of iron schedules. Rates upon grain and its products, lumber, live stock and its products are generally higher to-day than four years ago.

Second. Many advances have been brought about by changes in classification. While, as already noted, class rates as a whole have remained the same, many commodities have been advanced from a lower to a higher class, this producing an increase in the transportation charge.

Third. Many commodities which formerly took a special commodity rate have been restored to the classified list. This has worked an advance, since the commodity rate is usually lower than the class rate. In the same line there has been a constant disposition to withdraw special privileges which had been accorded, and to charge for services which had been rendered free.

I have only referred to these instances, a few among a much greater number, to show that the subject of unreasonable rates is by no means an obsolete one. It must be observed that there is not a moment of time that it does not lie within the power of any combination of railroads to impose unreasonable rates upon any shipper whom they serve, or upon any commodity that they carry. It is sufficient for me now to say that whenever an unreasonable rate exists at present, and whenever an unreasonable rate may be imposed in the future, we are, as I shall hope presently to demonstrate, without any practical or legal remedy to rectify the abuses.

Before leaving this branch of the subject there is one other observation that it is my duty to make. It has been frequently stated during the hearings that the unreasonableness of rates is entirely immaterial to the shippers, provided that the rates are relatively just and nondiscriminative as among them. I will not consent to this proposition for a moment. I will not accept it so far as the consumers of the country are concerned, because the lower the rate the lower the prices of consumption. I reject it so far as the shipper is concerned, because the lower the prices of consumption the greater the demand and the greater the increase and the profits of his business. The people of the United States, who have not been represented at these hearings because it is impossible to organize them, are deeply interested in the maintenance of reasonable rates, and they look to us to protect them, and on behalf of the unrepresented beneficiaries of the trust I claim it is our duty to enact such legislation as shall always insure them against any extortion that they may be at any time subjected to.

Mr. WARREN. Will it disturb the Senator from Maryland if I ask him a question?

Mr. RAYNER. Not at all, if I can answer it.

Mr. WARREN. The Senator has spoken about the effect of the Elkins law being to stop rebates. I should like his opinion whether freight rates have been reduced by the railroads because of the stoppage of rebates, or whether it has merely put that much more money in the coffers of the railroad companies by compelling all shippers to pay the high rates?

Mr. RAYNER. I am not prepared to say that rates have been reduced, and I am not prepared to answer the general proposition whether it has put more money into the hands of the railroad companies. But I am prepared to say that even if rates have not been reduced, even if it has put more money into the hands of the railroad companies, it is a perfectly proper provision of the Elkins bill that rebates shall be stopped.

Mr. WARREN. I agree with the Senator, but I wanted his idea as to the effect upon rates.

Mr. RAYNER. I do not think it has reduced rates. I am not prepared to say that stopping rebates has reduced rates. That is a nonessential point in the argument I propose to address to the Senate.

Mr. FORAKER. If the Senator will allow me, I wish to ask the Senator from Wyoming if, as suggested in his inquiry of the Senator from Maryland, it should appear that stopping rebates put more money in the pockets of railroads, would he restore the practice of granting rebates?

Mr. WARREN. If I may have the privilege of answering, I will say, no; but let it go under a proper name as a law to benefit railroads as well as shippers, and not masquerade under the misrepresentation that the law is a thrust at the railroads and to protect the people at the railroad's expense; let us admit that the law protects the railroads equally as well as the shippers. Indeed, I think better.

Mr. RAYNER. Now, Mr. President, I have given my opinion, and very briefly, about the subject of rebates and the subject of unreasonable rates and that leaves only one grievance to complain of. Having passed the outposts, let us go to the fortifications, where the controversy rages and where this Hepburn bill is, in my judgment, absolutely inefficient to remedy it, if remedy can be applied.

The issue, Mr. President, to anyone who has examined the testimony in the House and the Senate is discrimination. If an accurate discrimination railroad map of the United States were published to-day, there is hardly a sane man in the country who would believe it honestly represented the situation. It would be regarded as the product and the hallucination of a disordered intellect.

I am not coming to the remedy now, and I am not prepared to say that we can apply any remedy for it, certainly not upon one branch of it—the question of differentials—to which I shall presently come. It is a difficult subject to deal with.

We know, for instance, Mr. President, that the rates on a number of lines of merchandise from Chicago to Denver, taking those as an illustration, are three times as large as the rates on the same merchandise from New York to San Francisco. We know that it costs less to ship goods from New England to the Gulf than it does to ship them from Chicago to the same terminals, although the distance is seven or eight hundred miles greater. We know that it costs more to ship goods one-third of the distance across the continent than it does the whole of the distance, and that when goods are destined from Boston, for instance, to Salt Lake City they are carried to San Francisco and back again to Salt Lake City in order to obtain the cheap rate. We know that we can multiply in an overwhelming degree instance after instance in which the country is disfigured by these discrepancies, where the less the distance the greater the cost and the greater the distance the less the cost.

Now, let us see whether we can not approach this discussion with an agreement that we ought to provide some tribunal. I do not care whether it is the Commission or the court, we ought to provide some tribunal with some adequate power to adjust these proportions and remedy these discordant figures above and beyond the railroads, who are merely building up their own territory to increase their own revenues and enlarge their own profits.

Before I go into a detailed discussion of the remedy let us see what is the trouble. I want to be conservative in what I say. I am in favor of a bill that is honest to the railroads and honest to the people. I do not propose, however, that railroad counsel shall

frame a bill and ask me to support it. I do not propose, on the other hand, that public clamor shall drive me to the support of a radical or revolutionary measure. I do not believe in public clamor. Public opinion even can not decide this issue for us. Public opinion changes its mind too quickly. It condemns to-day what it applauds to-morrow. It reverses its own verdict with cynical composure, and those whom to-day it mounts upon the crest of its favor to-morrow it buries under the torrent of its disapproval. The President of the United States is a striking illustration of the transition of public opinion from one extreme to another. To-day it sends forth its anathemas of hate and to-morrow it builds its monuments of love.

Every great reform in history, Mr. President, has been born amid the haunts of the minority upon the ruins of public opinion. Public opinion can not decide this issue for us. It is in our hands, as the counsel of the people against the experts of the opposition. The railroads have summoned to their rescue the genius of the American bar, and in some way or another there has been incorporated into this bill a provision which absolutely destroys it and makes it ineffective for the purposes for which it is designed. Let me state our position here. Of course I have no right to speak for our side at all. When I say "our position" I mean my position, with perhaps some conclusions which may be changed that have been reached in conference among a few of us.

My position here is, in the first place, that you must put into the bill a court that can try the constitutional question. You have a bill without a court. We might as well be frank about this business. As a matter of law and as a matter of right—I may be wrong and, of course, I only advance my suggestions for what they are worth—you have a bill which, when attacked by counsel for the railroads, will be declared unconstitutional by the Supreme Court of the United States, because it gives no court in which the railroad or the shipper can obtain a judicial review of the orders of the Interstate Commerce Commission. Assuming that I am wrong and that it does give you a court by indirection, providing the venue in which the suit may be brought, but failing utterly to give a court of competent jurisdiction to try the suits when they are brought.

You have a bill with suspending orders that absolutely nullify the order of the Commission. Let me address my argument here to the other side, because I believe that we stand largely in favor of doing away with the suspending orders, or modifying them, at least, to such an extent that they shall not have the effect that is stated in the bill.

What are these suspending orders? Let me give you a case. We will take the rate between Chicago and New York. Let us take a practical case, because that is the best way to illustrate it. Let us take the rate between Chicago and New York, of a dollar on first-class merchandise. You go before the Interstate Commerce Commission and the Interstate Commerce Commission lowers that rate to 75 cents. The next morning, or the same afternoon, the carrier appears—assuming now that the courts have jurisdiction—in the circuit court of the United States and files a bill to suspend that order, and the order is gone. Then, when the circuit court of the United States decides the case against the carrier it goes to the circuit court of appeals, and asks the circuit court of appeals to suspend the order of the circuit court, and the suspension is given, and that order is gone. Then, when it loses its case in the circuit court of appeals it goes to the Supreme Court of the United States. That has been done, because I have the case right in front of me in which that very thing was done. It goes to the Supreme Court of the United States and asks the Supreme Court of the United States to suspend the order of the circuit court of appeals, and there the order is gone. How long will it take? Can it do that in less than three years? If it can not, the three years are gone, because the order of the Commission does not live but three years, according to my construction of the proviso, and all during those three years, by suspending orders, you have your challenged rate in existence, and then the very next day the old rate comes into existence again.

Mr. DOLLIVER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Maryland yield to the Senator from Iowa?

Mr. RAYNER. I do, with pleasure.

Mr. DOLLIVER. What the Senator says would be true if the court vacated the order. Suppose the court affirmed the order of the Commission?

Mr. RAYNER. Yes; but I am speaking of a case where it reverses the order of the Commission. I am taking the case where the order of the Commission is reversed.

Mr. DOLLIVER. The three years, I call the attention of the Senator, apply to the period of time during which the carrier is in obedience to the order.

Mr. RAYNER. I think the Senator from Iowa is entirely mistaken about this proposition. My construction differs from his upon the three years' limitation.

Now, I am not admitting that there is a court of competent jurisdiction. I do not believe it for a moment. I do not believe this bill gives any court at all, but I am assuming that it does. If the bill does not give a court it is simply void under the Minnesota decision, but I am assuming that the bill does give a court. I think the Senator from Iowa, however, believes that the bill gives a court. The Senator believes that under this bill there is a court in which the question of judicial review can be tried?

Mr. DOLLIVER. I have no doubt of it.

Mr. RAYNER. I have not any doubt about it the other way. Assuming that I am wrong, I want to take your claim and assume that you are right. You will have some difficulty in proving that, because I have not met a single member of my profession on this floor, on either side, who does not agree with me that the bill is absolutely void because it gives no court. It gives a constitutional right. The constitutional right exists, but it gives no court. It is true you have a constitutional right, but the Constitution does not create inferior courts of the United States. The inferior courts of the United States are, every one of them, Congressional courts. I do not know any court except the Supreme Court that is organized by the Constitution of the United States.

You go to work and frame a bill with the constitutional right. in the case I shall presently read, the Supreme Court has stated there is no inferior court to try the constitutional right in.

Mr. DOLLIVER. While it is true that the bill does not create a court, it is not true that Congress has not heretofore created a court, because if the Senator will consult the act of March 3, 1887, amending the act of March 3, 1875, which amended the original judiciary act, he will find that the act of March 3, 1875, as amended by the act of March 3, 1887, and corrected by the act of August 13, 1888, reads as follows:

> That the circuit courts of the United States shall have original cognizance, concurrent with the courts of the several States, of all suits of a civil nature, at common law or in equity, where the matter in dispute exceeds, exclusive of interests and costs, the sum or value of $2,000, and arising under the Constitution or laws of the United States, or treaties made, or which shall be made, under their authority, or in which controversy the United States are plaintiffs or petitioners.

Mr. RAYNER. Read that a little louder about the second sentence. The Senator read the rest of it loud enough. It is the second sentence that does the harm.

Mr. DOLLIVER. Mr. President——

Mr. RAYNER. One minute. Let me finish. You can not get into the circuit courts of the United States or in any court of inferior jurisdiction under the judiciary act if the amount of $2,000 is not involved.

Mr. DOLLIVER. As far as I am concerned, I do not desire to allow these great corporations to go into a court of the United States making a false and humbug charge that their property is being confiscated, if only $2,000 is involved.

Mr. RAYNER. But you do not propose to allow the shipper to go into court either, unless there is $2,000 involved.

Mr. DOLLIVER. I do not think the shipper will make any claim to get into court. I regard this talk about the appeal of shippers in these cases as mere dust in the air.

Mr. RAYNER. Of course, the Senator from Iowa will realize that I am upon the general character of the bill altogether with him, notwithstanding his argument; but the Senator will find that under the judiciary act you must show that $2,000 is involved in the suit.

Mr. DOLLIVER. Let me say to the Senator here is a great corporation going into the court claiming that its property is being confiscated. What difficulty would there be in that litigant placing himself in the attitude of other litigants and asserting that $2,000 was involved?

Mr. RAYNER. Assertion does not answer the purpose. We might as well, I will say to the Senator from Iowa, discuss the fundamental propositions of law here. You can assert that $2,000 is involved, but if in the trial of the case it does not appear that $2,000 is involved, then there is no jurisdiction.

Mr. DOLLIVER. Then the case ought to be dismissed in equity without any hearing at all.

Mr. NELSON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Maryland yield to the Senator from Minnesota?

Mr. RAYNER. Certainly.

Mr. NELSON. Would a tariff law covering a large schedule levying a tariff tax on a vast variety of subjects be void unless it contained a provision that it could be questioned in some court of the United States?

Mr. RAYNER. I am now speaking of the way the shipper or

the carrier go into court and complain that a rate made by the Commission is unconstitutional.

Mr. FULTON. Mr. President——

Mr. RAYNER. One moment. On the complaint that the rate is unreasonable the court decides in favor of the shipper. The carrier can not get into court unless the controversy embraces $2,000. I have tried a case myself of this character. I went into the circuit court and I had to allege in the bill and prove it that the amount involved was $2,000. The inferior courts of the United States have no jurisdiction except the jurisdiction conferred by the judiciary act, and the judiciary act provides that the suit must involve $2,000. There are hundreds of cases before the Interstate Commerce Commission. I understand there were two or three thousand cases before it informally cited where the amount involved was not $2,000. Let me state what you ought to do in this bill, even if I am wrong. Let us agree upon this, because the Senator from Iowa and myself agree upon the main bill. I am with him in the point he wants to reach. Let us put courts in this bill beyond all question, so that there will be no ambiguity. The first point the railroad counsel will raise in the Supreme Court is under the Minnesota case, that this statute does not give them judicial review, and it is a very doubtful question to say the least. We can remedy it by just putting a line in the bill giving the inferior courts jurisdiction. I want to read——

Mr. FULTON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Maryland yield to the Senator from Oregon?

Mr. RAYNER. Certainly.

Mr. FULTON. I ask the Senator if he contends that in suits in equity the two-thousand-dollar limitation requires that the issue shall be a money demand in that sum? For instance, take the Minnesota case to which the Senator refers, where the question was on the rate fixed on milk cans, a short haul; I have forgotten what it was. A suit in equity was brought and entertained because of the injury that would result. How much freight money was immediately involved there?

Mr. RAYNER. That was under the fourteenth amendment.

Mr. FULTON. The railroad company goes into court and contends that the rate fixed by the Commission is confiscatory. Does the Senator contend that it must be shown that a freight item in itself amounting to $2,000 is involved before the court can hear the case?

Mr. RAYNER. I should like to know whether the Senator takes a different view, or whether any other lawyer here on this floor takes a different view. I should like to ask the Senator from Pennsylvania [Mr. KNOX] whether he does not agree with me upon this propsition? He and I have conferred, and I know his opinion. I sit over upon that side, and I know a number of gentlemen over there are trying to convert me to the principles of the Republican party. When I first came here I did not know how to vote upon certain bills, and I always waited to find how the Senator from Pennsylvania and the Senators from Connecticut voted, and then I always voted the other way; but if they voted different ways, then I generally turned to them and asked, How is the President on this question? [Laughter.]

Mr. FORAKER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Maryland yield to the Senator from Ohio?

Mr. RAYNER. I do, with pleasure.

Mr. FORAKER. As I understand the Senator from Maryland, he contends that this bill is absolutely unconstitutional because it lacks the proper provision for a court of review, and I also understood him to say that that was written in there by some railroad lawyer. I want to ask him who the railroad lawyer is?

Mr. RAYNER. Well, the Senator is not the railroad lawyer. [Laughter.]

Mr. FORAKER. I want to know whether it is the Senator from Iowa, or who it may be.

Mr. RAYNER. The Senator from Iowa is not a railroad lawyer.

Mr. FORAKER. I do not suppose he is.

Mr. RAYNER. Of course I did not mean that as a criticism. The railroad lawyers are faithful to their clients, as they have a perfect right to be; but I did not say that of this clause. I said it of the suspending clause.

Mr. DOLLIVER. Mr. President——

Mr RAYNER. I was speaking of the suspending clause. I said the clause giving the courts the right was written in by a railroad lawyer. They are the best in the land, and I know they are. It is not necessary for me to mention them. I have a list in my possession giving the names, and I will show it to the Senator after the Senate adjourns to-day. He knows them very intimately, too, and so do I. [Laughter.]

Mr. FORAKER. This is extremely interesting, and it is very humorous, too. This is the first time I have heard that the railroad lawyers had anything to do with the making of this bill. I have been suspecting it all the time.

Mr. RAYNER. I did not know that the Senator was in this primeval condition of innocence.

Mr. FORAKER. I am, but I have been suspecting it, and I hope the Senator will give us the benefit of the names.

Mr. RAYNER. The railroad lawyers might have had but little to do with the bill, but you can rely upon one thing, they placed in a word wherever they could. That one word "suspension" is the word they want. The Senator from Ohio knows it. You leave that word "suspension" in the bill and I would like to vote against the bill and prefer to pass no legislation at all. I am coming to that.

Let us stop now one moment upon the constitutional question.

Mr. FULTON. Will the Senator from Maryland allow me?

Mr. RAYNER. Certainly.

Mr. FULTON. As I understand the Senator's contention, it is that the bill is unconstitutional because it does not provide any court to which parties aggrieved may appeal. Now, he says that the Minnesota case went into court under the fourteenth amendment. I ask him, assuming that he is right, if ordinarily a right of review should be provided for in order to allow a party to go into court if his constitutional rights are not infringed? I ask him if, where a party's constitutional rights are infringed, he contends that it is necessary to provide for review, and if he does not, if there is any obligation on the legislative power to give a review where a party's constitutional rights are not infringed? Is it not a mere matter of grace whether legislation will extend the right to review where the constitutional rights are not infringed?

Mr. RAYNER. I had better answer that from the decisions. I did not intend to do it, because I took it for granted the point that gave us difficulty was whether this bill gives a court. That is the first difficulty. Does it really give a court? By giving a venue, does it give a court? I never knew that any one had the slightest doubt on earth about the proposition that you must give an inferior Federal court jurisdiction to try a constitutional question; and not merely that because the Constitution says that taking property without due process of law or unjust compensation is unconstitutional you can go into any court in the United States when the legislation does not give a court. Let me read the case. I think that will settle it, although I am willing to leave it to the Senator from Iowa [Mr. DOLLIVER] and to the Senator from Pennsylvania [Mr. KNOX].

Mr. DOLLIVER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Maryland yield to the Senator from Iowa?

Mr. RAYNER. I want to read this case, and then it may be the Senator will not ask me any question about it.

Mr. DOLLIVER. No; I want the matter to which the Senator referred before. It appears to me from what the Senator from Ohio said that I am entitled to say a word.

The VICE-PRESIDENT. Does the Senator from Maryland yield to the Senator from Iowa?

Mr. RAYNER. I yield to the Senator.

Mr. DOLLIVER. I have become very familiar with the charge that the railroad lawyers are at the bottom of this bill. I think I ought to say that, so far as the frame and mechanism of the bill are concerned, the framers of it did take counsel of a great lawyer, the Attorney-General of the United States, and that there is not a line in this portion of the bill which can not be completely defended by anybody familiar with the judicial practice of the United States.

Mr. RAYNER. Well, the Senator is creating a little disturbance about nothing. I never pretended to say it was drawn after consultation with railroad lawyers. But it is easy enough to do a thing in an indirect way—to make suggestions. That word "suspended" has either been used unintentionally or it has been used under some advice with a perfectly honest intention. Do not misunderstand me. No one could think better than I of those who were engaged in the consideration of the bill in committee. Do not understand me as criticising the committee. The Senator from Iowa will not place me in such a position. I do not think any man is willing to stand up here for the railroads against the rights of the people. I do not believe it. I do not believe there is a single Senator on this floor who would stand here when the rights of the railroads come in conflict with the rights of the people to advocate the rights of the railroads.

Now, let me give you the cases. There will be a good deal more to be said here. I do not want to quote cases, but I want

to give the lawyers of the Senate a leading case on the subject. Of course many of them know it. It is the case of Sheldon et al. against Sill, in 8 Howard, page 448. That case has been affirmed in a case in 18 Wallace and again reaffirmed by the Supreme Court of the United States in 147 United States Reports. Now, let me just read a few lines and see if there is any doubt about this proposition:

That "the judicial power of the United States shall be vested in one Supreme Court and such inferior courts as the Congress may, from time to time, ordain and establish." The second section of the same article enumerates the cases and controversies of which the judicial power shall have cognizance, and, among others, it specifies "controversies between citizens of different States."

* * * * * * *

Congress may withhold from any court of its creation jurisdiction of any of the enumerated controversies. Courts created by statute can have no jurisdiction but such as the statute confers. No one of them can assert a just claim to jurisdiction exclusively conferred on another or withheld from all.

The Constitution has defined the limits of the judicial power of the United States, but has not prescribed how much of it shall be exercised by the circuit court; consequently, the statute which does prescribe the limits of their jurisdiction can not be in conflict with the Constitution, unless it confers powers not enumerated therein.

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Such has been the doctrine held by this court since its first establishment. To enumerate all the cases in which it has been either directly advanced or tacitly assumed would be tedious and unnecessary.

Now, just one moment more while I am on this point. Let me give you the case in 18 Wallace, the case of the Sewing Machine Companies:

Circuit courts do not derive their judicial power immediately from the Constitution, as appears with sufficient explicitness from the Constitution itself, as the first section of the third article provides that "the judicial power of the United States shall be vested in one Supreme Court and in such inferior courts as the Congress may from time to time ordain and establish." Consequently the jurisdiction of the circuit court in every case must depend upon some act of Congress, as it is clear that Congress, inasmuch as it possesses the power to ordain and establish all courts inferior to the Supreme Court, may also define their jurisdiction.

Now, there is another case, which makes it really a mere waste of time to discuss the proposition.

Mr. NELSON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Maryland yield to the Senator from Minnesota?

Mr. NELSON. May I ask the Senator from Maryalnd if Congress has not created a perfect——

The VICE-PRESIDENT. Does the Senator from Maryland yield to the Senator from Minnesota?

Mr. RAYNER. Certainly.

Mr. NELSON. May I ask the Senator from Maryland if the Congress of the United States has not established a circuit court of the United States and given them original jurisdiction in all suits of a civil nature at common law and in equity concurrent with the courts of the several States?

Mr. RAYNER. I will say to the Senator, no.

Mr. NELSON. Is not that the limitation that applies to you and me?

Mr. RAYNER. Certainly it does.

Mr. NELSON. If I have not the right to go into the circuit court of the United States, where the amount is $1,999, why should the railroads have a different right?

Mr. RAYNER. Because you can go into State courts and in nine-tenths of the cases the railroads can not get into them, or the shippers either. Now, let me look at the suspending order. Is the Senate in favor of permitting this order to stand in this way?

Such order shall go into effect thirty days after notice to the carrier and shall remain in force and be observed by the carrier, unless the same shall be suspended or modified or set aside by the Commission or be suspended or set aside by a court of competent jurisdiction.

Mr. DANIEL. Mr. President——

The VICE-PRESIDENT. Does the Senator from Maryland yield to the Senator from Virginia?

Mr. RAYNER. Certainly.

Mr. DANIEL. I merely want to ask the Senator this question: Why can not the carriers go into the State court?

Mr. RAYNER. What is the question?

Mr. DANIEL. The Senator said that there was a difference between railroads and individuals because the carrier could not go into the State court. Why can not the carrier go into the State court?

Mr. RAYNER. I know there is some little conflict of opinion on the proposition; but does the Senator from Virginia think we can get practical relief from a State court for a violation of the interstate-commerce act?

Mr. DANIEL. I only asked for information.

Mr. RAYNER. Now, let me proceed. The bill provides that this rate is to end at the end of three years. You go into the circuit court. The circuit court suspends the order. Then when you lose in that court you get to the circuit court of appeals and there is another order suspended, and you go to the Supreme Court and there is another order suspended. Recollect, during all this time the challenged rate is in existence, and when the three years run out the order of the Commission expires. I stand upon the proposition as to the word "suspension." I withdraw, if it creates any difference at all between us, the suggestion that any railroad counsel had anything to do with it, but whoever had anything to do with it, if you leave in that word "suspension" without a qualifying clause, without compelling the courts to try cases upon affidavit, where the shipper can be heard, without limiting the time in which the order ought to cease to be effective, and leave it just as you have it in the Hepburn bill, you do not accomplish anything. You never give the shipper one day of the rate the Interstate Commerce Commission fixed. If they reduce the rate from $1 to 75 cents, the earlier rate can be kept in existence during the whole of the three years, and the shipper during the whole of the three years never gets the benefit of the 75-cent rate, and at the end of three years the original rate goes into existence again, according to my construction.

Now, what do you think of a law that has a provision of that sort, whether intentionally or unintentionally? Mr. President, I know the answer. The answer is that it is a constitutional incident; that, if you give the carriers the right to go into court, they ought to have the right to protect their property. That word is a very beautiful word; it is attractive to the sight; but in this bill it is deadly and withering to the touch. I can not accept it. In my judgment, it blights and blasts the whole intendment of the act; and I want to say right here that, rather than leave those words in the bill in the phraseology in which they are now, I would rather that the bill would not pass; I would rather that you would repeal all existing legislation; I would rather abolish the Interstate Commerce Commission, tear down the whole infirm and feeble structure, and let the railroads drive in triumph over its ruins.

Mr. OVERMAN. May I interrupt the Senator before he passes from that point?

The VICE-PRESIDENT. Does the Senator from Maryland yield to the Senator from North Carolina?

Mr. RAYNER. Certainly.

Mr. OVERMAN. Suppose we add, after the word "suspension," the words "but no interlocutory order shall be issued upon any ex-parte affidavit," or "without due notice, that no order shall issue until a full hearing," thus giving to all parties a full opportunity to be heard. Would that be constitutional?

Mr. RAYNER. Oh, the order of suspension is constitutional. I am not denying the constitutionality of the order of suspension; but this suggestion undoubtedly would be a way to a settlement of the difficulty. We know that anybody can go into a United States court; and, without reflecting upon any court or judge, you can go into some United States courts and get an injunction without any trouble at all; without any affidavit you can get an injunction against anybody. You could get an injunction against the Senator from Ohio to keep him from running for the Presidency of the United States. [Laughter.]

Mr. FULTON. I should like to ask the Senator from Maryland a question.

The VICE-PRESIDENT. Does the Senator from Maryland yield to the Senator from Oregon?

Mr. RAYNER. Certainly.

Mr. FULTON. I should like to ask the Senator if the request for such an injunction would not have to be brought in a court of competent jurisdiction?

Mr. RAYNER. Undoubtedly.

We know the orders which have been issued against labor organizations. I do not claim that they are right; I do not say they are wrong; but they have been issued overnight, and while some of the circuits require an affidavit, there are some circuits that do not, though I do not know of a single case of injunction that has been issued by a Maryland circuit court unless it has been upon a hearing and affidavit.

Mr. President, I want to reach the Senator from Ohio [Mr. FORAKER] now. The Senator from Ohio, in my judgment, has made one of the greatest speeches—and I mean every word that I utter—that I have ever heard in any judicial forum or legislative assemblage. He battled with the cases and swept them down like the chaff before the wind. When he found a case against him, with dauntless and intrepid step he trampled it to the earth, and when he found a whole line of cases against him he tore them from the embrace of his rivals and enlisted them under the persuasive captivity of his charms. [Laughter.]

I will admit that if the Senator had made this argument before the question had arisen in Gibbons *v.* Ogden he would have carried conviction to the minds of his hearers, and perhaps to the minds of the court.

I must say I have never known a hopeless cause to be managed with such consummate and matchless skill. The tide was dead against him, and when he encountered a cloudburst of decisions from the State and Federal courts, a torrent that would overwhelm a man of ordinary capacity, his genius irradiated the storm, and placidly and serenely he rode upon the billows. [Laughter.]

I have read every word of the speech over and over again, and I want to try now, within a very brief time if I can, to demonstrate that his fabric, beautiful in its architecture and symmetrical in its proportions, vanishes like a vision the moment you apply the battle-ax of the law to the tottering foundation upon which it stands.

I do not agree with a number of my colleagues upon this side of the Chamber that this argument can be passed over, because, Mr. President, the argument which the Senator from Ohio made will be an argument that will be again made in the Supreme Court of the United States. Railroad counsel—and they comprise the most brilliant intellects of the country, because whenever a railroad can procure a man with a great mind it subsidizes or employs him—railroad counsel in the Supreme Court of the United States will argue the proposition that the Senator from Ohio has argued here; and that is, that Congress has no right to make rates, and Congress having no right to make rates, it can not invest a commission with power to make rates. Now, I will meet that question, and I only want to meet it in one way.

The Senator from Ohio says that we are to give a common-law construction to the right to regulate commerce. If he is right about that, he has won his case. If you are to give a common-law construction to the right to regulate commerce between the States—I call the particular attention of the Senator from Ohio to this—if you are to give a common-law construction to the right to regulate commerce, I agree with him that Congress has no right to make rates, because at common law there was no such thing as the making of rates. If we are to construe that clause according to the common law, then Congress has no right at all to make rates, because, as I say, at common law there was no such thing as making rates. The Senator, however, is mistaken. That clause does not receive a common-law construction. The second section referring to rebates, the third section referring to the long and short haul clause, and the fourth section referring to discriminations have all been held to be constitutional by the Supreme Court of the United States, and there is not a single one of them that was ever known to the common law.

Mr. FORAKER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Maryland yield to the Senator from Ohio?

Mr. RAYNER. I do.

Mr. FORAKER. What I contended for was that the commerce clause of the Constitution was to be construed with reference to the common law, and I will say to the Senator that the Supreme Court of the United States has held that over and over again as often as it has had occasion to address itself to the consideration of that question, and it did so only five or six weeks ago.

Mr. RAYNER. I know the case.

Mr. FORAKER. It is what is known as the "South Carolina case." The court said in so many words that the Constitution was framed by the authors of it with the common law in mind, and that all its terms and provisions should be construed with reference to the rule of construction obtaining at common law.

Mr. RAYNER. Let me try to show the Senator——

Mr. FORAKER. I have just sent for that decision.

Mr. RAYNER. Let me try to show the Senator, while he is waiting for the decision, that he is wrong, while I make this proposition, and I unhesitatingly make it with great deference to the experience of others perhaps larger than my own. In what is known as the "Standard Oil case," the Schofield case, the very judge who tried it held that he was not deciding it according to the principles of the common law, but he was deciding according to American decisions. Let me show you that at common law there was no such thing as discrimination. Does the Senator from Ohio agree with me upon that point?

Mr. FORAKER. I do not.

Mr. RAYNER. Then, let me see, while the Senator reads the case through, whether I can not satisfy him in five minutes that there was no such thing as discrimination known to the principles of the common law, and therefore, when the Supreme Court of the United States passed upon the constitutionality of the discriminatory clauses, it did not construe that act according to the common law, because there was no such thing as discrimination at the common law——

Mr. FORAKER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Maryland yield to the Senator from Ohio?

Mr. RAYNER. I do.

Mr. FORAKER. If the Senator will allow me, in answer to his statement I will read what was said by the Supreme Court in the case of C. & O. R. Co. *v.* The People ex rel., etc. (67 Ill., 11). The Court says:

> Another perfectly well-settled rule of the common law in regard to common carriers is that they shall not exercise any unjust and injurious discrimination between individuals in their rates of toll.

A hundred cases might just as well be cited as one.

Mr. RAYNER. The trouble about the Senator from Ohio is like that of the Senator from Iowa [Mr. DOLLIVER], that he selects a line here and there from a case and does not read the whole case. If he does, he will find that it does not read in that way. Let me ask the Senator why not read the whole of the case and not merely give an extract from it?

Mr. FORAKER. Does the Senator question the correctness of the citation I made?

Mr. RAYNER. Not a word of it. Every word of it is there. It reads just exactly as you have read it, but you did not read quite enough of it.

Now, let me proceed. I do not think there will be much doubt about the proposition. This is an annotation that is consulted and followed by almost every lawyer in the land—Thompson's Annotated Cases. Let us see what it says. I will read the reference:

> This section changes the common law, which did not forbid discrimination in rates.

I will hand that over to the Senator from Ohio, because it settles this question. "This section changes the common law, which did not forbid discrimination in rates."

Mr. FORAKER. I will inquire of the Senator whether he has read it all, or just selected one sentence?

Mr. RAYNER. I have read every word of this quotation. If there is any more the Senator would like me to read, I shall be very glad to oblige him.

Mr. FORAKER. Oh, no; what I said was in response to the pleasantry—for I assume it was such—when the Senator charged me with not having read the entire extract.

Mr. RAYNER. Entirely so. I only meant to say that if the Senator had read the whole of that case, he would find that it does not bear out the construction he put upon it. There was no such thing as discrimination at common law.

Now, let me give you upon this question of discrimination an extract from the volume of Mr. Walter C. Noyes, on American Railroad Rates, so we can see whether the Senator is right or I am right. This book was written by Judge Walter C. Noyes, the partner of the junior Senator from Connecticut [Mr. BRANDEGEE]. The author is evidently a very able man, and this book is upon the side of the Senator from Ohio, and therefore I suppose I have the right to quote from it. Let us see what he says on this subject, and I will ask the attention of the Senator from Ohio to this:

> Under the common law, as stated by the English courts, it was the duty of a common carrier to afford equal facilities to all his patrons and to exact only a reasonable charge for his services. But he was not bound to treat all his customers with absolute equality. So long as he transported for every shipper at a reasonable rate it was held that no one could complain if he chose to carry for some at a lower rate than for others.
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> * * * * * * *
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> The injustice of the rule of the common law when applied to railroads, and the desirability of equal rates, induced legislation in England at an early date having for its object the prevention of all forms of discrimination. The first statute was contained in the "railway clauses consolidation act" of 1845, which prohibited common carriers from charging more to one person than during the same time they charged others for the same kind of service.

What was the necessity of the English act for common carriers? How will the Senator from Ohio explain the English consolidation act of 1845, and how will he explain the other act of equality? The second section of this act is directed against discrimination. Judge Noyes was speaking of our act as modeled after the section known as the "equality act" in the "English railway clauses consolidation act," and the third section is aimed at unjust discrimination, and is modeled on the act passed in 1873.

There was no such thing as discrimination. I care not what any judge of a nisi prius court may say, discrimination was unknown to the common law. Reasonable rates were known to the common law, and therefore the Senator from Ohio is wrong, I respectfully submit to him, in his fundamental proposition that you are to construe this constitutional clause according to the common law.

Mr. FORAKER. I never contended—and that is what I am trying to get the Senator's attention to—that the statute should be construed according to the rule of the common law. My con-

tention was that the Constitution of the United States was to be construed according to the rule of the common law.

Mr. RAYNER. That is what I said. Did I say "statute?"

Mr. FORAKER. You said "statute."

Mr. RAYNER. I said "Constitution." I meant to assert very deferentially the proposition that the power to regulate commerce, given in the Constitution is not to be construed by the common law, because under that power we have passed a statute providing against discriminations; and if it were to be construed by the principles of the common law then all the sections of that statute that relate to discriminations are unconstitutional, because there was no such thing as discrimination at common law. I plant myself upon that proposition under the cases.

Now, Mr. President, let us come to the second point. The Senator from Ohio makes another proposition. The Senator will appreciate what I think about his argument, for I think it is an argument that must be answered. His second proposition is a formidable one. It is that under the pending bill there is a blending of legislative and judicial powers. Now, just for a moment on that subject. What is the Interstate Commerce Commission? The best definition I have ever known to be given of the Interstate Commerce Commission is the definition that Judge Jackson gave in a case in 37 Federal Reporter. He said "its functions are partly judicial"—not "quasi judicial." I do not like that word "quasi." I heard a great constitutional lawyer in Maryland once ask another lawyer whether he thought a statute was constitutional. The reply was that it was "quasi constitutional." I do not like that word "quasi." Judge Jackson said "its functions are partly judicial, partly executive, and partly administrative."

You go before the Interstate Commerce Commission. What does it do? It sets aside a challenged rate. What is that? It is a judicial function; but, Mr. President, it is not the function of a court, because the Interstate Commerce Commission is not clothed with the power and the process that are necessary to enforce its decrees. After it sets aside the challenged rate, what does it do under this bill? It orders a maximum rate. What is that? A legislative function? If it is a legislative function, then we are gone. After the setting aside judicially of a challenged rate, if the fixing of a new rate is a legislative function, either in whole or in part, then this legislation is absolutely void, because we can not intrust a subordinate tribunal with the exercise of legislative functions. But it is not a legislative function; it is an administrative function.

The whole trouble that has arisen is from the unfortunate—I ought not to say "unfortunate;" "inadvertent," perhaps—expression of the court in the Maximum Rate cases, in 167 United States, where it uses the word "legislative" instead of "administrative." The moment you admit it is a legislative function, the argument of the Senator from Ohio becomes unanswerable, because I apprehend no one of us believes that we can impart legislative functions to anybody.

As I understand the philosophy of the law it is this: We are performing the legislative function and the Commission, in fixing the rate, is performing an administrative function, to make the rate conform to the legislative standard that we here enact. The Senator from Ohio says the different States have settled the point in their constitutions. He is wrong about that. I should like to call the attention of the Senator from Ohio to this point: Did Mississippi have a constitution when the Mississippi case, in 116 United States, was decided?

Mr. FORAKER. No; not at that time. But I called attention to that fact, and I called attention to the additional fact that the statute itself undertook to make the duties of the Commission administrative; but evidently it was because of the apprehensions learned lawyers came to have as to the constitutionality of that statute that only a very few years—four or five at the outside—after that statute was passed they amended their constitution so as to, by the constitution, provide that there should be a commission that could exercise these powers.

Mr. RAYNER. We both agree upon the proposition that when this case in 116 United States was decided, Mississippi had no constitutional provision in reference to any rate commission.

Mr. FORAKER. It had none; but the statute, the Senator will remember—and I put the upholding of it upon that ground—does provide that the duty shall be administrative—that is to say, that it undertakes to prescribe standards, not as definitely as it should have done——

Mr. RAYNER. I understand that.

Mr. FORAKER. By which the commission could figure out mathematically what the rate should be.

Mr. RAYNER. Before the Senator takes his seat, I will ask was there any constitution when, in 134 United States, this direct question in the Minnesota case was decided?

Mr. FORAKER. There was not. But the statute there expressly provided that the commission should do nothing more than simply recommend a rate, and if the rate recommended be not adopted by the railroads, the commission could do what? Go into court and ask the court to enforce it. The commission had no power under the statute involved in the Minnesota case to make a rate; it had power to recommend a rate. That is the exact language employed in the statute.

Mr. RAYNER. If anyone can read the Minnesota law and say it is not a more drastic law than the law we propose to enact, I can not understand the English language.

But passing over that point, let me ask the Senator another question. Did the Senator from Ohio—or am I mistaken about this—early in the session offer a bill in which he gave the courts a right to fix rates?

Mr. FORAKER. No; I did not. The Senator from Ohio introduced a bill, which he intends to move as a substitute for the pending bill after he gets the Senate properly educated [laughter], which provides that the court shall have jurisdiction to enjoin so much of any rate that is challenged as the court may find to be excessive.

Mr. RAYNER. I agree with the Senator upon the proposition, as he shall presently see. Then, does the court fix the rate?

Mr. FORAKER. No; not at all. Mr. President, the statute already fixes the rate by saying that the rate shall be just and reasonable; but when a shipper challenges that rate on the ground that it is higher than is just and reasonable, a question is raised which the court will hear and determine; and when the court finds from the testimony submitted what is just and reasonable and enjoins all in excess of it, it simply gives effect to the rate that Congress has already prescribed. The court fixes nothing except only it compels an observance of the rate declared by the Congress.

Mr. RAYNER. May I ask the Senator, is that a legislative act upon the part of the court?

Mr. FORAKER. It is not.

Mr. RAYNER. Well, how is it a legislative act upon the part of the Commission to do exactly the same thing?

Mr. FORAKER. The Commission does not do the same thing.

Mr. RAYNER. Let me read the Senator the language in his bill.

Mr. FORAKER. Let me answer the Senator's question. The Commission fixes the rate according to the provisions of this bill. The court does not fix a rate; the court simply finds what is the rate that the Congress fixes, and gives effect to it.

Mr. RAYNER. The Commission does not fix the rate. The Commission fixes the maximum rate.

Mr. FORAKER. Ah, Mr. President, I referred to that the other day as a juggle of words.

Mr. RAYNER. There is no juggle about it.

Mr. FORAKER. It is nothing but a juggle of words, and it never was intended to be anything but a juggle of words. Now, what the Commission does is to find what is a just and reasonable rate. That may be anywhere between 40 and 80, perhaps. When it names that rate, then the law says that shall be the maximum rate.

Mr. RAYNER. Does the Senator from Ohio think that that is a juggle of words in reference to differentials? Does he think the word "maximum" is a juggle of words in reference to differentials? In other words, does the Senator think that if they had put in this bill a right to fix rates it would have the same effect as just fixing a maximum rate in reference to differentials?

Mr. FORAKER. It does not make a bit of difference; that is what I am trying to explain; to say that a just and reasonable rate which the Commission names shall be the maximum rate is not different from the Commission naming a specific rate, because in both cases it is the judgment of the Commission that becomes the law of the case, in one case just as much as in the other. When I say a "juggle of words" I do not mean anything offensive to anybody; I simply mean to characterize it as I think it should be, because the manifest intention of that provision was to avoid just what the Senator recognizes must be avoided. Now, I say it does not make a bit of difference whether they fix a specific rate or name what should be a maximum rate. It is the Commission fixing the rate. That is as clear as anything can be.

Mr. RAYNER. If the Senator is right in that view, it is an inevitable conclusion that under this bill they can substantially fix differentials. I would not vote for this bill if it gave the Commission the right to fix differentials.

Mr. FORAKER. Mr. President——

Mr. RAYNER. I am taking a longer time than I anticipated. Will the Senator give me just about a minute or two until I make an additional statement?

Mr. FORAKER. The Senator requested me to answer him, and that is the only reason I have interrupted him.

Mr. RAYNER. But you have answered.

Mr. FORAKER. I want to add an authority. The Senator seems to think it is a making of rates for the court to enjoin all in excess of what it finds to be just and reasonable.

Mr. RAYNER. I am with you on that, and if the Senator will wait until I finish he will see that I am. I am with you on the proposition on review to give the court the right to fix the rate.

Mr. FORAKER. I do not want to put it that way, Mr. President.

Mr. RAYNER. Well, I do.

Mr. FORAKER. The courts can not fix the rates, but the courts can say what is just and reasonable and enjoin the charging of anything in excess of it, not on the ground that it is fixing a rate, but on the ground that it is fixing what the rate is that Congress prescribed. That is not an open question. That identical question is absolutely settled on authority in more than one case.

Mr. RAYNER. I know it was settled in the Janvrin case in 174 Massachusetts. It was settled in the Kingwood Gas and Coal and Iron case, in 81 Federal Reporter, and, in my judgment, it was settled in the Missouri Pacific case.

Mr. FORAKER. It was settled in the stock-yards case, and settled absolutely and explicitly in two other cases in the Federal Reporter.

Mr. RAYNER. But let us get back.

Mr. FORAKER. I do not want to interrupt the Senator——

Mr. RAYNER. I have no objection to an interruption. The trouble with the Senator from Ohio is this, I think. I do not detract a moment from the weight of his argument. I have never heard any address upon any subject that has given me more intense interest and satisfaction. My only objection to it is that the Senator is all wrong. [Laughter.] He construes the Constitution as it was framed, instead of construing it as it has been interpreted. Marshall said, in Gibbons *v.* Ogden, that the Constitution was not an instrument of definitions; it was an instrument of enumerations. So far as I am concerned, I believe to-day that Alexander Hamilton would never identify the Constitution under the glare of the interpreting decisions. I believe the prophecy of Patrick Henry, in the Virginia convention, that if Marshall ever had the power he would make a new Constitution for us has been fulfilled. Let me tell the Senator from Ohio that constitutions, as a rule, are not made by conventions; that laws are not made by legislatures. They simply state propositions which the courts interpret, reject, or ratify.

A tremendous power, a power when placed in a court of ultimate resort greater than any power possessed by any sovereign on this earth. I know that under the Supreme Court decisions the Constitution has passed through various vicissitudes of fortune; and if the Senator from Ohio were to ask me the question whether the men who put in the instrument the simple clause that Congress shall have power to regulate commerce among the States ever contemplated that Congress would eventually assume control over all the instrumentalities of transportation on this continent, I would say never until Gibbons *v.* Ogden came thundering down the corridors.

I have been trained in the strictest school of constitutional construction, though I am not a partisan and I care very little for party organizations when supreme principles are involved. I should like to say to the Senator from Ohio that it was impossible to define what the word "commerce" meant. It would have been ruinous in the convention to have entered into a definition of the word "commerce." The word "commerce" had to be bequeathed to future generations without a definition, and in looking over that whole instrument there is not a single clause in it greater than this clause which, by its adaptability to future conditions, its ubiquity, and its wisdom, satisfies me that the Constitution of the United States is the greatest compact ever framed by the mind of man and the greatest political charter ever delivered to the human race, exhibiting, as has been well said of the patriot to whom we owe our existence as a Republic, "in one glow of associated beauty, the pride of every model and the perfection of every master."

Mr. President, I have cheerfully and willingly yielded to interruptions and have consumed more time than I intended to use. I have no objection to them.

I want to state now what my position is, because after these speeches are made people will say, "What does the speaker propose to do on this bill? How does he stand on the bill?" I want to tell you how I stand on this bill. I am in favor of the Hepburn bill, or the Hepburn-Dolliver bill. I am in favor of two amendments to that bill. I want an amendment placed in the bill creating a court. If there is any ambiguity about the bill, let us settle that ambiguity. It can not hurt to give a court to the bill. It can not possibly do any harm. Why take the chances of the unconstitutionality of the measure? I want to put in an amendment giving the court the right to try, upon the application of the carrier, or the shipper either, the question of just compensation. I want the carriers, when the Commission has decided against them, to have the right to go into court and try the question of unjust compensation, but without any suspending order—not a suspending order until the case is decided by a court of competent jurisdiction. I want the words "unjust compensation" inserted. Why will not those words answer? Why go into the word "confiscatory?" "Confiscatory" does not mean anything. You can not prove, I want to say to the Senator from Iowa, that a single rate is confiscatory. Mr. Nimmo, the statistician of the Treasury Department, says that in the last ten years there have been three thousand million freight transactions. You can not prove upon a single transaction that a rate is confiscatory. Let us take the rate between Washington and Baltimore on the Baltimore and Ohio. We will say the rate is $1 per passenger. Suppose the Interstate Commerce Commission should reduce it to 90 cents per passenger; does anybody suppose that the Baltimore and Ohio Railroad Company could prove that 90 cents was a confiscatory rate? It could not possibly do it.

Mr. DOLLIVER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Maryland yield to the Senator from Iowa?

Mr. RAYNER. Certainly.

Mr. DOLLIVER. Then it would seem that the railroads ought to obey that order.

Mr. RAYNER. We passed that branch of the discussion long ago. I am in favor of the railroads obeying the order, but I want to give the railroads, and you want to give the railroads, a court of final review. The only difference between us is this: I want the constitutional words "unjust compensation" put in the bill. I do not want the word "confiscatory" inserted. I do not want to drive a railroad to the point of making it prove that a rate is absolutely confiscatory. I want to use the words "unjust compensation;" and I will tell the Senator from Iowa why I want to do this. Because the Supreme Court has definitely passed upon those words, and I am going to take the liberty now of reading the decision. It is only a few lines. I am willing to incorporate that decision—the Nebraska decision—in this proposed law. It is found in 169 United States; and I am willing to incorporate that decision in this proposed law for fear that the Supreme Court might, perhaps, reverse it and give not quite the latitude to the Constitution which they did in that case. I want to use the words "unjust compensation" because the fifth amendment says "unjust compensation." Let me read this; and that is about the last case I will read—I refer to the Nebraska case—and let us see whether the Senator from Iowa does not think that the words "unjust compensation" carry everything with them.

Mr. DOLLIVER rose.

Mr. RAYNER. Just a moment.

Mr. DOLLIVER. I wish to say to the Senator that so far as I am concerned I am entirely familiar with the case.

Mr. RAYNER. Perhaps we are not all as familiar with it as is the Senator from Iowa. Let us look at these words, because they are very interesting, not only to a man in the profession, but to a layman; and what more do the railroads want than this, and they ought not to get less? I want to do what is right.

We hold, however—

Said the Supreme Court—

that the basis of all calculations as to the reasonableness of rates to be charged by a corporation maintaining a highway under legislative sanction must be the fair value of the property being used by it for the convenience of the public. And in order to ascertain that value the original cost of construction—

That is right—

the amount expended in permanent improvements, the amount and market value—

"Market value"—

of its bonds and stock, the present as compared with the original cost of construction, the probable earning capacity of the property under particular rates prescribed by statute, and the sum required to meet operating expenses, are all matters for consideration, and are to be given such weight as may be just and right in each case. We do not say that there may not be other matters to be regarded in estimating the value of the property. What the company is entitled to ask is a fair return upon the value of that which it employs for the public convenience. On the other hand, what the public is entitled to demand

is that no more be exacted from it for the use of a public highway than the services rendered by it are reasonably worth.

That was under an interpretation of the words "unjust compensation;" and if I remember aright, the Supreme Court held in this case that the road was not given just compensation, and therefore it declared the act to be void.

I want to establish a court, if it is deemed necessary. If Senators, however, think I am wrong, and they are willing to let the bill stand as it is, I shall make no point upon it. I am perfectly willing to vote for it without any court in it, but when you have a serious constitutional question, why not avoid the conflict and put in a court?

I say those words will do it. And if you put in a court, I am willing that the court shall review, not on appeal, because you can not appeal. The Supreme Court has said in the case in 174 United States, the Dawes Commission case, and also in 172 United States, that there is no appeal; that you are entitled to have a review; what we call in equity an original bill in the nature of a bill of review. I am willing to give the court the power of review, and I am willing in that case that the court shall decide whether the Interstate Commerce Commission has given just compensation, not whether it has confiscated the property of the road, because I think that is absolutely ridiculous, as the railroads would never be able to prove it. I insist that you put the words "unjust compensation" in the body of the bill.

Mr. KNOX. Mr. President——

The VICE-PRESIDENT. Does the Senator from Maryland yield to the Senator from Pennsylvania?

Mr. RAYNER. Certainly.

Mr. KNOX. I am very reluctant to interrupt the Senator, as he has been very accommodating in that direction; but I understood him to say a moment ago that even without a provision for a court of review he is willing to vote for this bill. I want to ask him if, as I understood him to state a few moments ago, it is his deliberate judgment as a lawyer that this bill would be declared unconstitutional by the Supreme Court, would he vote for it and thereby give the people a stone when they have been asking for bread?

Mr. RAYNER. Before the Senator takes his seat, I will ask him does he agree with me that this bill is unconstitutional in failing to provide for a court?

Mr. KNOX. Without the slightest doubt.

Mr. RAYNER. Then I refer him to the Senator from Iowa, who disagrees with him.

Mr. KNOX. Having answered categorically the Senator's question, may I ask an answer to mine?

Mr. RAYNER. I will not only answer the Senator's question categorically, but in full.

I have over and over again in legislative bodies voted for bills that I thought perhaps were unconstitutional, without being absolutely positive about it, in order to give the courts the right to try the question. If I vote against the bill because I think it is unconstitutional and the bill does not pass, the courts do not have any right to try the question, and my judgment determines the matter. On the other hand, if the bill is unconstitutional, the courts can decide it to be unconstitutional, and I have done my duty in giving the court the right to try the question. On an important measure of this sort, with nothing else before us, on the passage of the Hepburn bill or nothing at all, I would take the Hepburn bill with all its infirmities and weakness.

Mr. KNOX. But may I not ask the Senator from Maryland would he not even be doing a higher duty if he persisted in his efforts to make the bill a constitutional one?

Mr. RAYNER. I will offer an amendment, and I suppose the Senator from Pennsylvania will offer one—there will be plenty of amendments of that sort offered without my doing so, but I will certainly offer it if no one else does—I will offer an amendment vesting in a court of competent jurisdiction the power to determine the question of unjust compensation and do all I can to get the amendment through.

I do not think there is such a conflict of opinion here in the Senate. I do not think this contest is quite as bitter as it seems to be upon its surface. I think we are pretty close to a settlement. I do not think the Senator from Iowa will object, for fear that he might be wrong, to a clause inserted in this bill providing for a court.

Mr. DOLLIVER. Mr. President, I have never objected to an affirmative statement in this bill giving the circuit court of the United States the jurisdiction which I think it has now. The thing I have objected to is to so framing the provision as to enlarge the jurisdiction of the circuit court and make it practically an appellate interstate commerce commission.

Mr. RAYNER. I agree with you entirely. I would not put in the words of the Esch-Townsend bill. I would not use the words in the President's message. I would not use the words of the Interstate Commerce Commission bill. I would not use the words "the justness or the reasonableness of the order." They mean nothing. I would use the constitutional words "unjust compensation," because you can always determine the question of unjust compensation by a comparison of rates. The best way to arrive at whether the compensation is just or not, the Supreme Court has said, is by a comparison. I want to follow the Constitution. I want to follow the fifth amendment, that Congress shall pass no law taking away private property without due process of law and without just compensation. I want to incorporate that in the body of the bill, and then I want to give the court the right to try that question, and I want to cut down these suspending orders.

Mr. ALDRICH. Does the Senator from Maryland make a dictinction between rates that are just and reasonable and those which afford just compensation?

Mr. RAYNER. I will say to the Senator from Rhode Island that that is one of the most difficult questions that could possibly be asked, to be properly answered. I make a distinction between "confiscatory" and "unjust compensation."

Mr. ALDRICH. Yes.

Mr. RAYNER. I say there is a broad distinction.

Mr. ALDRICH. There is no question about it.

Mr. RAYNER. I say a railroad can go into court and prove that it is being unjustly compensated without being able to prove that its property has been confiscated. Confiscation means forfeiture. As I recollect it comes from the Latin word which means treasury. It has the same root as the word "fiscal." It implies a forfeiture. If you ask me whether there is any difference between "unjust compensation" and "unreasonably low" I say possibly there may be a margin of difference. But it is very narrow and very difficult to define.

I think if, under the Nebraska decision, you go into the Supreme Court of the United States, the Supreme Court will say this: "People do not build railroads for amusement. They are entitled to a profit." Does anyone suppose men will expend millions of dollars in building a railroad simply to get 3 or 4 per cent on the bonds they own? The Supreme Court has said: "You must pay the operating expenses. You have to pay the interest on the bonded indebtedness. And then you must pay fair dividends on its stock." I will tell you what question they have left open. I have examined these cases very thoroughly. I want to say to the Senate, because I believe I may, that before Thompson's annotated edition appeared I annotated all the State and Federal authorities on this question for my own guidance. I came to this conclusion: If you put in this bill the definition of "unjust compensation," under the Nebraska case, you get all you want.

I will tell you what the court left open. I did not read that part of the Nebraska case. Would the Senator like me to read it? It is very interesting, and will take but a moment. The court did not pass on the question of allowing interest upon overcapitalized roads. You take a trunk line, and it buys a branch line for $5,000,000, and then it trebles and quadruples the capital to the extent of $20,000,000 or $30,000,000. They refer to that case. It is not necessary for me to read it. They state that they do not pass on a case of that kind. The difficulty is where the stock of overcapitalized roads gets into the hands of an innocent holder. Why should not the innocent holder of the stock of an overcapitalized road be entitled to dividends? I believe in having a court, and then strike out the suspending orders. You will not insist on these suspending orders. There is not a man on the other side of the House who when that question comes to issue will stand up and defend the suspending orders.

Mr. DOLLIVER. I agree with what the Senator says about the difficulty involved in retaining the equity jurisdiction of the circuit court of the United States, and I say that no provision has been attempted to limit or abridge the equity powers of the courts solely for the reason that it was the opinion of those who were interested in framing the bill that such a provision would introduce an uncertain constitutional element into the situation.

I want to add a word, if the honorable Senator from Maryland will permit me. Here is a railroad complaining of a wrong done by the Interstate Commerce Commission. It brings a petition in equity, stating that the order takes its property without due process of law; that it takes its property for the public use without just compensation; that an irreparable injury is about to be done it by the imposition of rates fixed by the order of the Commission. I want to ask my honorable friend how is it possible for Congress to send that petitioner into a court of equity after you have taken away from that court the right to preserve the status quo pendente lite. And if you can

take it away altogether, how do you propose, under our form of government, to send one litigant into court entirely free to invoke all its equity power while you send others there limited in their right, as you have suggested?

Mr. RAYNER. You are on the other side of the case now. You are in favor of keeping in the suspending orders.

Mr. DOLLIVER. I am in favor of so framing the bill that it will pass the criticism of the courts of the United States. I will say to the Senator from Maryland that he has undertaken to muss up the question by his discourse, and I am afraid that, on the whole, his discourse has not strengthened the cause of the public against the railroads.

Mr. RAYNER. I am inclined to think, with great deference, that it has cleared it up a little more than the present attitude of the Senator from Iowa—decidedly more. If the Senator from Iowa insists upon leaving in this bill the suspending orders, we might as well defeat this bill. So think we all of us on this side of the Chamber.

Mr. DOLLIVER. I will say that I have no objection to putting in any limitations you please of that character. I spent a good many hours and I may say days and nights meditating upon that aspect of the question, and if the lawyers and the constitutional experts in the Senate think that can be done, I have no objection to putting it in and will not vote against it, but I should like to have it accompanied, as the honorable Senator from Texas [Mr. BAILEY] suggested the other day, with a proviso that if the courts find it invalid, it shall not be held to invalidate other portions of this act.

Mr. RAYNER. I will say to the Senator from Iowa, and I am not revealing any secret, that I am trying to follow an amendment contemplated by the Senator from Texas, and the views I express, I am warranted in saying, are perhaps the views of the Senator from Texas, after an informal conference between us. Therefore, if he will accept those views, we can make an agreement here and now. But the trouble is that the Senator from Iowa has no authority to speak for his side at all.

Mr. DOLLIVER. I have no authority to speak for anyone but myself and the constituency I represent here.

Mr. RAYNER. I think we will be a unit, perhaps. I hope so. I can not speak for anyone but myself, but it looks very much as if we will agree upon a proposition. I am not prepared to say but that gentlemen may have some modifications to offer, but perhaps we can agree upon an amendment providing against the suspending orders, and I do not think the Democratic side of this Chamber would permit the bill to pass, if I could help it, with a provision putting it within the power of a Federal court, without affidavit, without bond, without a single qualification, to grant an order that stays the operation of the rate prescribed until the very rate expires against which the order is passed.

Mr. President, before I close, while I am on this point, let me ask another question. You have your penalties in this bill. Does the Senator from Ohio think that the imposition of these penalties is constitutional?

Mr. FORAKER rose.

Mr. RAYNER. Does the Senator from Ohio think——

Mr. TILLMAN. You mean the Senator from Iowa.

Mr. RAYNER. No. The Senator from Iowa is studying the subject of creating differences between himself and myself when no difference exists.

Mr. DOLLIVER. I did not know the Senator was alluding to me. He has invariably said "the Senator from Ohio" when he referred to me. I did not undertake to set him right on everything.

Mr. RAYNER. The truth is, you and I are together.

Mr. DOLLIVER. We will get along a little better if you would use a little more friendly expressions toward the bill. When I find a man denouncing the act of the House of Representatives and of the Senate Committee on Interstate Commerce as a fraud, I feel like saying we can get along without such help and without such defense.

Mr. RAYNER. Where have I ever said that?

Mr. DOLLIVER. In the Senate.

Mr. RAYNER. Denouncing the act of the Senate committee as a fraud? Let us get it straight.

Mr. DOLLIVER. I referred to your description——

Mr. RAYNER. The Senator from Iowa had better keep his temper.

Mr. DOLLIVER. I intend to do that.

Mr. RAYNER. I have not meant to say anything which by the remotest insinuation would reflect upon anybody, and if I am a little earnest, you must not take that as condemnation. I have given the committee credit. I think the committee has done its work splendidly. It could not have done the work any better than by placing the bill in the hands of a Democratic Senator.

Mr. DOLLIVER. I will not dispute that. But what I desire to call the attention of the Senator to is, in referring to the mechanism of this bill, he said that it amounted to a fraud. If I am mistaken about that——

Mr. RAYNER. If it will prevent any difficulty, I will withdraw that word. Will that do? I withdraw it with the best feeling in the world. Personally, there is no one for whom I have a higher feeling than for the Senator from Iowa.

Mr. FORAKER. Mr. President, I am loath to break up this colloquy, but I rejoice to see how near together the advocates of this measure are coming. [Laughter.] I think the time for me to introduce my substitute is almost here.

But I did not rise for any other purpose than to keep the promise I made to the Senator a while ago, when I told him I would send to the clerk's office of the Supreme Court and get the decision recently rendered by the Supreme Court in what is known as the "South Carolina dispensary case," in which the court had announced (and I refer to this only because it is the latest utterance on the subject) that the Constitution is to be interpreted, as I said in the remarks to which he referred, in the light of the common law and with reference to it. The framers of the Constitution being common-law lawyers, they made the Constitution with the interpretation of that law before them. At page 3 of the opinion of the Supreme Court in the case referred to occurs the following:

> It must also be remembered that the framers of the Constitution were not mere visionaries, toying with speculations or theories, but practical men, dealing with the facts of political life as they understood them, putting into form the government they were creating, and prescribing in language clear and intelligible the powers that government was to take. Mr. Chief Justice Marshall, in Gibbons *v.* Ogden (9 Wheat. 1, 188), well declared:
>
> "As men whose intentions require no concealment generally employ the words which most directly and aptly express the ideas they intend to convey, the enlightened patriots who framed our Constitution and the people who adopted it must be understood to have employed words in their natural sense and to have intended what they have said."
>
> One other fact must be borne in mind, and that is that in interpreting the Constitution we must have recourse to the common law. As said by Mr. Justice Matthews, in Smith *v.* Alabama (124 U. S., 465, 478):
>
> "The interpretation of the Constitution of the United States is necessarily influenced by the fact that its provisions are framed in the language of the English common law, and are to be read in the light of its history."
>
> And by Mr. Justice Gray, in United States *v.* Wong Kim Ark. (169 U. S., 649, 654):
>
> "In this, as in other respects, it must be interpreted in the light of the common law, the principles and history of which were familiarly known to the framers of the Constitution." (Minor *v.* Happersett, 21 Wall., 162; Ex parte Wilson, 114 U. S., 417, 422; Boyd *v.* United States, 116 U. S., 616, 624, 625; Smith *v.* Alabama, 124 U. S., 465.) "The language of the Constitution, as has been well said, could not be understood without reference to the common law." (1 Kent Com., 336; Bradley, J., in Moore *v.* United States, 91 U. S., 270, 274.)

Now, Mr. President——

Mr. RAYNER. Mr. President——

Mr. FORAKER. The Senator will bear with me just a moment.

Mr. RAYNER. Certainly.

Mr. FORAKER. All I was contending for in the remarks to which the Senator addressed himself was not that the statute under consideration was to be construed in the light of the common law and according to the rules at common law, but that the Constitution of the United States, having reference to that particular clause, the commerce clause, which I was discussing, must be construed in the light of the common law and with reference to the common law. That is the only contention I made; and I have never before, in the limited experience I have had at the bar, heard anyone question the fact that the Constitution was framed by its authors in the light of the common law and was to be interpreted according to the rules of the common law.

Mr. RAYNER. We can not agree upon that proposition. The courts will have to decide it. We have different views upon that. It is an academic question largely. I presume the Senator from Ohio and I do not agree at all on this bill. I do agree with the Senator from Iowa. I am sorry if in anything I have said I have given offense to the Senator from Iowa, because we want to welcome him to the councils of our party. We do not want to offend him when he is with us.

Mr. FORAKER. Mr. President——

Mr. RAYNER. Let me put in a word.

Mr. FORAKER. I thought the Senator had yielded the floor.

Mr. RAYNER. I have, except that I should like to read to the Senator from Rhode Island a few words, and then I will yield to you.

Mr. FORAKER. Give me a minute on this.

Mr. RAYNER. Very well.

Mr. FORAKER. I intended to quote an authority.

Mr. RAYNER. I say there is a difference between us. I can not agree with you.

Mr. FORAKER. I am not asking the Senator——

Mr. RAYNER. I may be wrong; you may be wrong.

Mr. FORAKER. I am not asking the Senator to agree with me, but I simply wished to call his attention to the latest utterance of the Supreme Court, not six weeks old.

Mr. RAYNER. I would have to put against that the best text writers in the United States, that that distinction did not exist at common law.

Mr. FORAKER. When the Senator tells me that he places against the decision of the Supreme Court of the United States an annotation by a text writer I do not wonder that he is supporting the bill that is in the hands of the Senator from Iowa and the Senator from South Carolina.

Mr. RAYNER. Of course the Senator has read all of that opinion that it is necessary to read—do not misunderstand me about this—but if you were to read the whole case with the authorities it does not bear the construction the Senator has given to it.

It would be impossible to construe the Constitution of the United States by the common law. Four-fifths of the Constitution relates to subjects that never existed at common law at all. On the very subject we are discussing now—railroads and discriminations among railroads—the decision of Marshall in Gibbons *v.* Ogden was that it is not a Constitution of definitions, it is a Constitution of enumerations. The word "commerce" does not bear the construction now that it did at common law. So you can take clause after clause of the Constitution. It is the adaptability of the different provisions of the Constitution to future conditions that makes it the instrument that it is.

But, Mr. President, I should like very much to pass from this point, because it is an academic point. Therefore I pass to another proposition. We are engaged with a practical proposition. The Senator from Rhode Island has asked me a very important question, and I want to answer it by reference to this case.

Mr. FORAKER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Maryland yield to the Senator from Ohio?

Mr. RAYNER. With pleasure.

Mr. FORAKER. The Senator has just now made another very important statement, important if it be true, that the practical effect of the Constitution is constantly changing, and commerce does not mean to-day what it meant when the Constitution was framed. I wish to call his attention to the fact that on that subject——

Mr. RAYNER. The Senator is going now into a moot discussion. Does not the Senator from Ohio think it is rather a waste of time to those of us who have read Gibbons *v.* Ogden? If you want to know why I think the Constitution has changed, I think that the Supreme Court of the United States has changed it; but I want to construe it according to the Supreme Court decisions, and not according to the common-law definition.

Mr. FORAKER. All I want to do is to call the Senator's attention to the fact that the Supreme Court has spoken on that point in that identical case in the following language:

> The Constitution is a written instrument. As such its meaning does not alter. That which it meant when adopted it means now.

I think that is a proposition I do not need to argue, and therefore the argument I made the other day which had reference to the meaning of the word "commerce" and the meaning of the words "to regulate" was entirely appropriate, whether it be taken with reference to the Constitution at the time it was adopted or be taken with reference to the present.

Mr. RAYNER. I said at the beginning that I have never read or heard a greater argument than the Senator made, but I take the liberty of believing that the Senator was wrong. I think he made a wonderful argument, however.

Mr. FORAKER. I appreciate the Senator's compliment, because——

Mr. RAYNER. No one could have spoken of the Senator more highly than myself.

Mr. FORAKER. There is no Senator I think more capable of passing a just judgment on a legal argument than the Senator from Maryland. [Laughter.]

Mr. RAYNER. Yes; I do not intend it as any mere compliment to the Senator from Ohio. I have heard the best arguments and the best lawyers at the American bar, especially in my own State. I came to the bar in the latter days of Reverdy Johnson and Steele and Wallis and men who were the greatest of their generation, and I say in the presence of the Senate I have never heard a greater argument than the Senator from Ohio delivered, and I have said it will not do to pass over that argument. I can not agree with him on the proposition that the Constitution is to be construed strictly by the principles of the common law. I believe you must invoke the common law to interpret legal definitions, but when you come to a subject-matter like commerce you can not define commerce by any principle of the common law that existed at the time the commerce clause was put in the Constitution.

Mr. FORAKER rose.

Mr. RAYNER. Now, let me answer this argument and then I will submit to any interruption at all.

> If a railroad corporation has bonded its property for an amount that exceeds its fair value, or if its capitalization is largely fictitious, it may not impose upon the public the burden of such increased rates as may be required for the purpose of realizing profits upon such excessive valuation or fictitious capitalization; and the apparent value of the property and franchises used by the corporation, as represented by its stock, bonds, and obligations, is not alone to be considered when determining the rates that may be reasonably charged.

I want the Senator from Iowa to understand that when I said I shall vote for the Hepburn bill I shall ask that we put an amendment in the Hepburn bill constituting a court. I shall vote for it, notwithstanding the suggestion of the Senator from Pennsylvania, whether there is a court put in it or not. I shall vote for an amendment providing against suspending orders. Now, you have my vote on this bill. There are some little changes in phraseology I should like to make. I shall vote for the Hepburn bill. I shall vote for an amendment constituting a court to try the question of unjust compensation. If that amendment is lost I shall vote for the bill. Then I shall vote for an amendment against the suspending orders; and I believe, without having any authority to say so, that you will find the Democratic party almost a unit upon those propositions.

Now, Mr. President, I wish to say just one word on the question of overcapitalization.

Mr. FORAKER. Before the Senator passes to that——

The VICE-PRESIDENT. Does the Senator from Maryland yield to the Senator from Ohio?

Mr. RAYNER. Certainly.

Mr. FORAKER. The Senator asked me a question a few minutes ago and the Senator from Iowa responded before I had an opportunity to answer the question. I do not know that the Senator is particular about having an answer now. If he be, I can give it now or later. The question was whether I believed the provision in the bill with respect to penalties is constitutional.

Mr. RAYNER. I beg pardon. I refer now to the Reagan case, 154 United States. I wish I had time to read that and the stock yard case, 193 United States. The Reagan case is a good decision. My position is this: Some of the business associations of Baltimore have asked me to vote against any rate-making bill.

Mr. FORAKER. Why does not the Senator do it?

Mr. RAYNER. Because I follow my own instincts and conscientious convictions, and I do not permit any organization—labor organization, business organization, or any other organization, however highly I respect them—to direct me when I am in the line of public duty.

Mr. FORAKER. Does the Senator think he is in the line of public business to-day when voting for a bill that is unconstitutional, in his judgment?

Mr. RAYNER. I vote to give the court the right. As I said to the Senator from Pennsylvania, I am not sitting in constitutional judgment on this bill. But we have passed that point. Let me get now to the penalty.

Mr. FORAKER. I only want to say to the Senator that I discussed that in the remarks I made the other day, and I am in full accord with what I understand to be his view with respect to the penalties provided in the bill.

Mr. RAYNER. But the Senator is not in accord with what I am going to say now, and I beg him not to take his seat. I am very glad he is in accord with me on something. I am glad to be able to say that. This is the first proposition we have agreed on. The Senator agrees with me that these penalties are unconstitutional. Is that correct, may I ask the Senator from Ohio?

Mr. FORAKER. I said that I thought before passing the bill with this provision about burdensome penalties in it we should add a proviso that in case of litigation they should not be allowed to accumulate. I believe, in view of what was said in the Cotting case, which I quoted at length, the Supreme Court would hold the law to be unconstitutional if we should pass it without such a proviso.

Mr. RAYNER. The Senator says if the carrier disobeys the order of the Commission he is to pay $5,000 a day.

Mr. FORAKER. Five thousand dollars for every offense. It may be a hundred times $5,000 a day.

Mr. RAYNER. Just say $5,000 a day. In three years——

Mr. FORAKER. That is the mildest possible amount.

Mr. RAYNER. In three years, by the time it would get to the Supreme Court, it would be nearly $5,000,000. In other words, it would pay $5,000,000 for the right to try a constitutional question. Now, Mr. President——

Mr. KNOX. Mr. President——

The VICE-PRESIDENT. Does the Senator from Maryland yield to the Senator from Pennsylvania?

Mr. RAYNER. I do.

Mr. KNOX. May I ask the Senator a question, because I am deeply interested in it myself, and I am perfectly certain every other Senator is equally so? He has said over and over again, and has made his meaning perfectly clear, that he would be in favor of striking out the power to suspend the order and allow the order to stand until the final decree upon the finding of the Commission. Can the Senator refer the Senate to any authority where a court of equity has jurisdiction, which, as I understand, means the power to hear and decide according to equity, which decides that in a particular case it can not do equity as equity is understood?

Mr. RAYNER. The Senator and I are closely associated, so far as sitting near each other is concerned.

Mr. KNOX. And I hope otherwise.

Mr. RAYNER. We have discussed this question, and the Senator from Pennsylvania and myself can not agree upon that proposition. It is with the greatest deference that I say my views do not agree with his views on that subject, and I will give my reasons in answer to the Senator's question. If you go into a court of original jurisdiction in the assertion of a constitutional right, you can not deprive the suitor of a constitutional incident. I will admit that proposition. If you go into a court of equity having a right to try a constitutional question, you can not deprive that court of the right to keep the property in statu quo until the question is determined. That is not this case. If I go into court and ask the court to enjoin a railroad company from tearing my house down before it has paid me the condemnation money or before it tendered me anything, that is a court of original jurisdiction, and undoubtedly the court will keep the property in statu quo until that question is determined. A court will not permit the railroad company to tear my property down, and find, when it comes to decide the question, that there is no property there. I have the decision in the case that I brought myself of the Western Union Telegraph Company in the Maryland circuit, which closes that subject. I will give the case. It is very interesting. The Pennsylvania Railroad undertook to tear down the poles of the Western Union Telegraph Company, and while the case was pending we enjoined them in the Maryland circuit. The Pennsylvania circuit permitted the Pennsylvania Railroad to tear the poles down and the New Jersey circuit was about to do the same thing, when the Supreme Court stopped it by an order. I have not time to refer to it. I have it among my papers. It is in the eighteenth transcript of the unreported cases, page 143. The circuit court of appeals of New Jersey, as I recollect, declined to stop them from tearing down the property while the case was pending. It came up in Chambers, and Mr. Justice Peckham signed the order keeping the property in statu quo; and I believe that is the law.

That is not this case. Here you have a vital distinction. Here you have a legal adjudication against the carrier. You have a body constituted by law, constitutionally constituted, with adequate jurisdiction fixing that rate. The carrier has had his trial before that body, and he is not entitled on appeal and on successive appeals to keep the property in statu quo until the final adjudication.

The Senator from Pennsylvania asks me to find a case. I give him the case in 8 Howard. I give him the case I think I gave him yesterday. I will give it to him again—in 14 Wallace and in 147 United States. The Senator from Pennsylvania does not think those cases reach the point that I am arguing.

Mr. KNOX. I have examined those cases with a great deal of care, and I do not want the Senator to understand that my suggestion was combative at all.

Mr. RAYNER. Certainly not.

Mr. KNOX. It was merely to elicit information, which, I think, we are conscientiously trying to find. I have examined those cases, and in my judgment they are not authorities for the proposition for which the Senator is contending. Those cases are purely cases of jurisdiction, and, in my mind at least, the distinction is very clear between giving the court the right to speak in a case, the right to decide a case, and saying to the court how it shall decide the case.

Mr. RAYNER. There is no one Senator whose legal opinion I respect more than that of the Senator from Pennsylvania. The Senator is one in the foremost rank of the leaders of the American bar. When the Senator told me he did not think these cases carried with them the point for which I was contending I gave them a much closer examination, and I regret to say that I can not possibly agree with the Senator from Pennsylvania. I know his views. I know his bill. The Senator has a bill that is not perhaps objectionable. The Senator's bill is almost the least objectionable that has been presented in this body. But the point I make is that the carriers had a trial. The carriers had a trial before the Commission, a legally constituted Commission, in the language of Judge Brewer; and the Commission's judgment has been against the carrier. Now, where is there any law that gives any man the right to the protection of his property in a case of appeal or review? I would ask the Senator from Pennsylvania to find me cases the other way. I obtain a judgment against the defendant. The defendant takes an appeal. Where is there any law that tells the court you must prevent execution of that judgment until the defendant is heard on appeal? They make the defendant give a bond, and if the defendant can not give a bond his property is executed upon and his property is gone when he ends his case in the appellate tribunal.

The philosophy of the law is that the suitor has had a trial in a court of competent jurisdiction. I say the carrier has had a trial before the Interstate Commerce Commission, and the Interstate Commerce Commission has decided the case against him. The property has remained intact until that decision. Now he comes into court and says to the circuit court, "You must protect my challenged rate while I am in the circuit court." Then he goes to the circuit court of appeals and says, "You must protect my challenged rate while I am in the circuit court." Then he goes, as they did in this case, to the Supreme Court of the United States, and says, "You must protect us there;" and then the three years are out and the shipper never gets the reduced rate.

I say there is no case which says that the court shall have the constitutional right to sign interlocutory decrees and suspending orders upon appeal—"review" we will call it.

Mr. KNOX. Mr. President——

The VICE-PRESIDENT. Does the Senator from Maryland yield to the Senator from Pennsylvania?

Mr. RAYNER. Cheerfully.

Mr. KNOX. I want to say again, and I am sure the Senator does not misunderstand me, I am not arguing or even suggesting anything along the line of the policy of suspending or not suspending these orders pending a decision of the court. I am trying to get at it just in the same way the Senator from Maryland so eloquently described in the opening of his discussion here to-day, as a lawyer; and I am asking in the most perfect good faith for purposes of my own information as well as for others who are seeking information upon this line. I want to know if there is any case which decides the proposition which I put to the Senator a moment ago?

Now, I comprehend his answer, but it seems to me that his answer is predicated upon the proposition that the proceeding begun in the circuit court of the United States is an appeal, and the proceeding in the circuit court of the United States is not an appeal. It is an original proceeding. If it were not an original proceeding, you could not get into the court to get redress from the action of the administrative body.

Mr. RAYNER. I am sorry that I can not accept the view that the appeal to the circuit court is an original proceeding. I can not possibly accept that view, because while it is not an appeal the Supreme Court in the Dawes and Duall Interference cases, with both of which cases my friend and myself are conversant, having held technically that you could not take an appeal but could have a review; but I can never accept the proposition that a case once tried by the Interstate Commerce Commission and the Interstate Commerce Commission acting on it, a bill in the circuit court is not a bill of review. That is what causes me trouble. It is not original.

Mr. KNOX. I want to relieve the Senator from trouble if he will allow me just a moment. I will take great pleasure in handing him—I can not do it to-night—a reference to the case in one of the Howards, where it was specifically decided that where the land commission appointed to settle titles in California, and suitors were by act of Congress given an appeal to the district court in terms. When the case got into the Supreme Court of the United States they discovered the word "appeal," and said: "We will entertain jurisdiction here, because, in fact, this was an original proceeding; otherwise no appeal would lie from the decision of the land commission." I do not know but what I have already handed it to the Senator.

Mr. RAYNER. The Senator has given me the case, and I have examined it very carefully. They drew a distinction between

a review and an appeal, and it was rather a technical distinction. I do not think the Senator from Pennsylvania, before he examined the decisions, was fully aware of that distinction. I never was. It is a very technical distinction that you can obtain a review from an administrative body, but you can not appeal. That was an early case in the court.

Mr. KNOX. I beg the Senator's pardon, but they did not say you could have a review. They said it was in the nature of an original proceeding, and it is only a review in a broader sense.

Mr. RAYNER. And in the subsequent case—the Dawes case—the case I gave the Senator, in 174 United States, and in the Interference cases, in 172 United States, they used the word "review," with no distinction between an original bill and a bill of review.

Mr. HEYBURN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Maryland yield to the Senator from Idaho?

Mr. RAYNER. Certainly.

Mr. HEYBURN. The Senator from Pennsylvania doubtless referred to the case of the United States against Ritchie, which is 17 Howard.

Mr. KNOX. That is the case.

Mr. HEYBURN. Not attempting to elaborate the Senator's presentation of it, I should like to put in the RECORD what the court said upon that question. It is only a few lines, and it illuminates the question. The court said:

> The transfer, it is true—

That is, from the board of land commissioners to the circuit court—

> is called an appeal; we must not, however, be misled by a name, but look to the substance and intent of the proceeding. The district court is not confined to a mere reexamination of the case as heard and decided by the board of commissioners, but hears the case de novo, upon the papers and testimony which had been used before the board, they being made evidence in the district court, and also upon such further evidence as either party may see fit to produce.

That case certainly marks the distinction between a review of an administrative board by a court and an original proceeding in the circuit court, because it is held in the case of Keim against the United States, in 177 U. S., page 293, that the court can not review the proceedings of an administrative board of the Government in the nature of an appeal.

Mr. RAYNER. That is the case that the Senator from Pennsylvania gave me.

Mr. ALDRICH. Will the Senator from Maryland permit me one short question?

Mr. RAYNER. Certainly.

Mr. ALDRICH. I am very glad to find myself in substantial accord with the views of the Senator from Maryland, as I unstand them, on the right of review by the courts upon the question of just compensation. I should like to ask him whether he is willing or expects to vote for a proposition which will give the shipper equvalent rights for review of rates that may be fixed by the Commission which were extortionate or unreasonable?

Mr. RAYNER. Mr. President, I do not think the Senator from Rhode Island will agree with me. I wish he would; but I do not think he will. I am perfectly willing to put these words in the bill:

> That the court shall have jurisdiction in all cases where the Interstate Commerce Commission has passed an order that does not allow just compensation.

I want to follow the constitutional words.

Mr. ALDRICH. That is for the carriers. Now, if the shippers——

Mr. RAYNER. I am not willing to go one word beyond those words. I want it just in those words.

Mr. ALDRICH. Is the Senator willing to give the shippers relief in cases of extortionate rates fixed by the Commission itself?

Mr. RAYNER. The Senator means in a case where the Commission has fixed the rates too high?

Mr. ALDRICH. Yes.

Mr. RAYNER. I am——

Mr. ALDRICH. Then I find myself practically in accord with the Senator from Maryland, and I feel as to this contention there ought to be unanimous consent, as there seems to be no difference amongst Senators.

Mr. RAYNER. Is the Senator from Rhode Island willing that the court shall have no jurisdiction beyond the question of just compensation, excluding the words "unreasonably or unjustly low," but that the sole jurisdiction of the Federal courts shall be to try the question of just compensation?

Mr. ALDRICH. I am not now undertaking to say what phraseology I would consent to.

Mr. RAYNER. But I am.

Mr. ALDRICH. I think not. I think the Senator has not his amendment in such form as he would be willing to do that.

Mr. RAYNER. Yes; I have.

Mr. ALDRICH. I thought the Senator was laying down certain general principles.

Mr. RAYNER. No.

Mr. ALDRICH. I can not very well answer the Senator's question until I can see the amendment and read it.

Mr. RAYNER. There will be an amendment saying that the court shall have the right to try the question of just compensation. I am only speaking for myself.

Mr. ALDRICH. I am only speaking for myself.

Mr. RAYNER. I have not the right to bind anyone on this side of the Chamber; but I will say that there is an amendment being looked into which absolutely does away with this suspending order. I am quite satisfied that the Senator will not agree to that proposition which gives the court the right to try the question of unjust compensation without suspending orders. The amendment constitutes the circuit court the tribunal that is to determine the question of just compensation, and strikes down the suspending order. If the Senator can get a unanimous vote on that, he can pass the bill this afternoon.

Mr. ALDRICH. Any provision that gives the shipper and carrier the right to go before the court and have the question as to the reasonableness or unreasonableness of rates determined by the court meets with my approval, and I believe will receive practically the unanimous vote of the Senate.

As to the question of the suspending order, I do not care to go into that at present.

Mr. RAYNER. That is the vital point, and that will be the test vote in this Senate. The question will be between those who are in favor of the suspending order and those who are against it. I am dead against it, and I do not expect to vote for any bill that gives to the court a right unqualifiedly to suspend these orders. I would not give the court at any step the right to do that.

Mr. ALDRICH. The Senator from Maryland is assuming a great deal, I think, in saying that he thinks that that is the point at which the division is going to take place. He certainly is assuming that this side or the other side of the Chamber have opinions which have not yet been expressed. I certainly do not want to vote for a proposition that means indefinite extension and endless litigation in this matter. I believe that all parties ought to have an opportunity to be heard and have the case promptly determined.

Mr. RAYNER. Let me ask the Senator a question, and we will settle that whole thing right here.

Mr. ALDRICH. I thought we had reached an agreement.

Mr. RAYNER. Will the Senator vote even for an amendment striking from the bill the words "suspending order?"

Mr. ALDRICH. I would want to see in what connection the words were which were to be stricken out, and what was to be inserted in place of them.

Mr. RAYNER. Let me give the connection.

Mr. ALDRICH. I do not think the Senator expects that he and I will be able here to agree upon the phraseology. I am trying to agree with the Senator, so far as I can, upon the principles which shall govern our action.

Mr. RAYNER. I understand that you have engaged to do this.

Mr. ALDRICH. The Senator from Maryland is engaging in an effort apparently to show that I must disagree with him.

Mr. RAYNER. Not at all.

Mr. KNOX. Mr. President——

The VICE-PRESIDENT. Does the Senator from Maryland yield to the Senator from Pennsylvania?

Mr. RAYNER. Yes; I yield to the Senator.

Mr. KNOX. I only want to ask if the apparent difference between the Senator from Rhode Island [Mr. ALDRICH] and the Senator from Maryland [Mr. RAYNER] is not premature? You are undertaking now to provide that the court shall not suspend the order, and you have not agreed with the Senator from Iowa [Mr. DOLLIVER] that there is to be a court.

Mr. RAYNER. That is another matter. The Senator from Rhode Island and the Senator from Pennsylvania disagree with the Senator from Iowa upon that proposition absolutely.

Mr. KNOX. I stated that there ought to be a court provided. I think that is really the only difference between the Senator from Iowa and myself, barring one or two little details, which have not been referred to. I think he and I could agree on this question of court review. As I understand, the Senator from Iowa [Mr. DOLLIVER] and the Senator from Minnesota [Mr. CLAPP] made a similar statement the other day during his speech on the floor of the Senate, and Mr. HEPBURN made the same statement on the floor of the House on the day the bill was

passed, which is that they recognize the power of the circuit court to entertain suits to set aside the orders of the Commission; that they recognize that that power is an unrestricted power. Now, I say the only difference between them and myself is—and my views are set out in the fifth section of the bill I offered—that I agree that the court has power, but I am in favor of restricting that power in the interest of the public by requiring either a cash deposit or the deposit of a bond so as to prevent frivolous appeals to the court.

Mr. RAYNER. I do not think that a bond could be made that could be sued on. I understand the Senator from Wisconsin [Mr. SPOONER] is considering an amendment of that kind to this bill for the deposit of money. Let us take the case of a bond. Who can sue on that bond? The shipper can not sue on it, because he has his freight back from the consignee. The consignee can not sue on it, because he has his freight back in the price to the consumer. It is what is known in law as an absolutely nonsueable bond.

I am rather fortunate here this afternoon. The Senator from Pennsylvania [Mr. KNOX] and myself agree upon a good many points; the Senator from Iowa [Mr. DOLLIVER] and myself agree entirely; the Senator from Rhode Island [Mr. ALDRICH] and myself seem to agree upon a point, and the only one who does not agree with anyone here is the distinguished Senator from Ohio [Mr. FORAKER]. [Laughter.]

What I want is this: I will, when the time comes, in a very modest way, if some one else does not do it, propose an amendment, though I should prefer that some one else should do it—at any rate it will be done by Senators in charge of this bill, for I am not on the committee. I call attention to this provision of the bill:

Such order shall go into effect thirty days after notice to the carrier and shall remain in force and be observed by the carrier, unless the same shall be suspended or modified or set aside by the Commission—

I have no objection to that. The bill continues:

or be suspended or set aside by a court of competent jurisdiction.

I will offer an amendment against suspending orders.

If the Senator from Rhode Island, after thinking over the matter and upon reflection, will agree to strike out these suspending orders, prohibiting the courts from passing any interlocutory orders, and then gives us a naked principle, unjust compensation within the meaning of the Constitution, I do not think there will be much difficulty in passing a bill through, whether you put a court in it or not. I had rather have a court put in. Of course, I agree with the Senator from Pennsylvania on that.

Now, Mr. President, I have stated my position. I shall vote for the Hepburn bill if I can not do any better. I have an amendment to the Hepburn bill providing that the court shall try the question of unjust compensation and nothing else, and not try the confiscatory question. I think that is against the railroads. I think that is a perfectly unmeaning phrase. Then I will vote for an amendment against the suspending order and have the courts try the question as to unjust compensation and nothing else. Then I will vote for the bill.

Mr. President, I want to say that the question here before us is a grave question. I am inclined to think that there will be an insistence—I do not know on the part of whom; I certainly do not mean to individualize—but there will be an insistence in some direction on keeping in this bill these suspending orders in some way or other—the deposit of money or the giving of a bond—to put the suspending order in. There is where the conflict is coming; there is where we shall be severed—on the suspension of these orders being put into this bill.

I have come to the conclusion that, if you suspend these orders temporarily, you suspend them finally; you suspend them during the whole three years, and that the shipper will have to make his fight all over again, and then they will be suspended for three years more. That is the vital point of the bill which has given trouble to those of us who have examined it.

Mr. KNOX. Mr. President——

The VICE-PRESIDENT. Does the Senator from Maryland yield to the Senator from Pennsylvania?

Mr. RAYNER. Certainly.

Mr. KNOX. May I say, for the Senator's information, that he has overlooked the fact that the language in the bill to which he called attention earlier, and has frequently repeated, does not mean a delay of three years. In the Fifty-seventh Congress a law was passed which, I hope I may say without any vanity, I had suggested to Congress, and had also prepared, providing that in all cases arising under the antitrust act—and I think you, Mr. President [the Vice-President in the chair], presented the bill in the Senate—the Attorney-General should certify to the circuit judges the importance of the case, whereupon it was made the duty of all the circuit judges to at once sit and hear that case with the utmost expedition, and from their decree an appeal lay to the Supreme Court of the United States.

Under the provisions of the so-called "Elkins law," that expedition act was extended to all cases arising under the interstate-commerce act. Under the provisions of the bill which we are now considering it is made the duty of the Attorney-General of the United States to so certify the circuit court in every case arising under it.

Mr. RAYNER. Mr. President, how long does the Senator from Pennsylvania think it would take to get a case through, starting with the Interstate Commerce Commission, getting it through the Interstate Commerce Commission, then through the circuit court, then through the circuit court of appeals, and finally through the Supreme Court of the United States—how long?

Mr. KNOX. To answer the Senator's question, I would say he must not start when the case gets into the Interstate Commerce Commission, but he must start when it gets out of the Interstate Commerce Commission.

Mr. RAYNER. I start when we get it into the Commission.

Mr. KNOX. That question does not arise here.

Mr. RAYNER. Well, leave that out.

Mr. KNOX. I am not here contending that the Interstate Commerce Commission moves with remarkable celerity. I do not think, however, that that question is involved here.

Mr. RAYNER. Well, leave that out.

Mr. KNOX. Your allegation is that if you allow the courts to pass upon these orders you will be three years in court. My answer to that proposition is that if the Attorney-General of the United States does his duty, as he is required to do by this statute if this bill should become a law, he will certify those cases to the circuit court under the expedition act, and they ought to be disposed of inside of sixty days.

Mr. RAYNER. Does the Senator from Pennsylvania mean to say that he can get a case tried in sixty days in the circuit court, in the circuit court of appeals, and in the Supreme Court of the United States?

Mr. KNOX. There is not any appeal to the circuit court of appeals under this proposed act. It is an appeal directly from the circuit court to the Supreme Court of the United States.

Mr. RAYNER. Under this act?

Mr. KNOX. Under the Hepburn bill, under the expedition act, under the interstate-commerce act, and under the antitrust act.

Mr. RAYNER. How long would it take to try a case? The carrier, if it desires, can appeal to the circuit court of appeals.

Mr. KNOX. I tell you it took us about thirty days to get the Northern Securities case into the circuit court.

Mr. RAYNER. I think the Senator from Pennsylvania has had much better fortune than I have had if he has been able to get a case of that sort finished in sixty days, six months, or a year and a half. Even if the circuit court had advanced the case the carrier would have the right to issue subpœnas to witnesses, to take testimony, and the whole case would have to be gone over de novo and the witnesses summoned. The Senator certainly does not think a case can be rushed through the circuit court in sixty days or through the Supreme Court, does he?

Mr. TILLMAN rose.

Mr. RAYNER. I will ask the Senator from South Carolina if he thinks such a case could be rushed through in that time?

Mr. TILLMAN. Will the Senator yield to me a moment?

Mr. RAYNER. Certainly.

Mr. TILLMAN. I want to ask the Senator from Pennsylvania [Mr. KNOX] if his conception of the facility and expedition that will obtain in these suits is true, where would any great harm come to the railroads? Suppose an order of the Commission is erroneous; suppose it is a robbery of the railroad; will they be very badly hurt in sixty or ninety days?

Mr. KNOX. I think not.

Mr. TILLMAN. Therefore, why should we worry so much about them and not worry about the people?

Mr. KNOX. I do not think you ought to worry about them. I am not. I think it minimizes the danger to the railroads and also expedites the relief to the people to have prompt decisions.

Mr. TILLMAN. As an illustration we have the cases from Titusville, Pa., involving lawsuits between the oil producers and Pennsylvania railroads—I think the Pennsylvania Railroad proper—which have been going on for seventeen years; and the litigants—that is, the producers of oil—have been pleading and begging and litigating until some of them have died while trying to get relief.

Mr. KNOX. Mr. President, I would like to state for the information of the Senator from South Carolina that I received word a few days ago from the judge of the United States district court in Pittsburg, where that litigation was pending for so

many years. He felt, of course, just a little hurt at the reflection that was made here in the Senate upon the slowness of the motions of that court. He stated that the complainants in that case had failed to make a move in the litigation for pretty nearly two years.

Mr. TILLMAN. I should think they would get tired after fifteen years. I should get tired before five years, I should think. [Laughter.]

Mr. KNOX. They were in the court, I think, less than five years, but they were in the court before the Commission for the full length of time the Senator from South Carolina has stated, as I understand.

Mr. RAYNER. Mr. President——

Mr. FORAKER. Before we——

Mr. RAYNER. I should like to conclude now.

Mr. FORAKER. Before we get away from this point——

Mr. RAYNER. I should like very much to get away from it.

Mr. TILLMAN (to Mr. RAYNER). You are doing too well to get away from it. Let them go on.

Mr. FORAKER. We are all very much indebted to the Senator from Maryland. He has enlightened us and entertained us.

Mr. RAYNER. The Senator from Iowa does not think I have enlightened him.

Mr. FORAKER. We all think the Senator has enlightened and entertained us.

What I desire to call attention to is the fact that we are not without illustrations of the relative progress that can be made before the Interstate Commerce Commission and in the courts. On December 20 last I put into the RECORD the decision and the record of the case of the Interstate Commerce Commission against numerous railways running into Chicago in what is known as the "Dressed Meat and Packing-House Products case." It appeared from that record that that case was pending almost three years, I believe, before the Interstate Commerce Commission. After they had decided it and made an order, and the railroads refused to comply with the order, the Interstate Commerce Commission brought suit in the circuit court of the United States for the northern district of Illinois on the 17th day of July, 1905. All the testimony that was taken before the Interstate Commerce Commission was retaken, a great deal of additional testimony was taken, and the final decision and decree were entered by the court, Judge Bethea, on the 20th day of November, 1905, I believe—that was only four months—and the whole case was gone over thoroughly, completely, and satisfactorily.

In the Chesapeake and Ohio and New Haven Coal case, decided only a few days ago by the Supreme Court of the United States, we have another illustration of the expedition with which these matters can be prosecuted in the courts. There the proceeding was commenced by filing a complaint before the Interstate Commerce Commission. The Interstate Commerce Commission referred it to the court under the Elkins law. I call particular attention to this because I intend to speak in a few days when I can get an opportunity and insist that if Senators want to find a remedy for the evils complained of they will find it by amending the Elkins law, and they will find it in no other way. The Interstate Commerce Commission referred that case to the court, and by amending that law all these cases would be referred to the court. That case was heard in the circuit court and, a temporary restraining order being granted immediately upon the filing of the bill, it continued until the final judgment was rendered by the Supreme Court of the United States a few weeks ago. So that the complainant had full relief from the very moment he commenced his proceeding. That proceeding was commenced before the Commission in April, 1903; passed through the Commission, they expediting it in the way indicated, and as I want to require them to expedite all such cases; it passed through the circuit court, passed through the circuit court of appeals, passed through the Supreme Court, and has passed into final judgment, all parties being granted relief not only in that case, but a great principle being finally and satisfactorily settled by the Supreme Court in that decision, namely, that common carriers shall be restricted to the business of common carriers, and shall not be allowed to acquire coal lands, engage as coal operators, and go into the business of marketing, selling, and transporting coal in competition with those who are engaged legitimately in the business.

Mr. President, there are two illustrations of how progress can be made in the court far beyond any progress that can be made before any commission, and the Senator appreciates why that is. Before the Commission, the statute says——

Mr. RAYNER. I yielded to the Senator for a question, and I think I have yielded very frequently to-day. I shall be very much obliged to the Senator if he will just let me finish what I have to say.

Mr. FORAKER. I beg the Senator's pardon.

Mr. RAYNER. I should like to finish.

Mr. FORAKER. I beg pardon; I did not know I was intruding.

Mr. RAYNER. The Senator was not intruding, but I should like to complete my remarks.

Mr. FORAKER. I shall yield at once, with an apology to the Senator.

Mr. RAYNER. Not at all. The Senator never says anything that does not enlighten and interest me. I am always instructed by what the Senator says.

Mr. FORAKER. I am glad I was able to include the cases to which I referred.

Mr. RAYNER. I am on another branch of this discussion now. I want to conclude, because there is a limit to all things.

THE RAILROAD TABLE.

One of the Interstate Commerce Commissioners, in several addresses that he has from time to time delivered at various places, has irreverently spoken of four or five gentlemen who can sit around a table in New York and dictate railroad rates throughout the entire country. I do not suppose it is revealing any secret to refer to the gentlemen who can thus sit around this table and make it respond wtih spiritualistic accuracy to their suggestions. I will admit, in response to the fervent appeals of their counsel—I am talking now about the counsel who have appeared before the committee—Mr. Morawetz, of the Atchison, Topeka and Santa Fe; Mr. Bond, from my own State, of the Baltimore and Ohio; Mr. Hines, of the Atlantic Coast Line, who I think is a very brilliant man, who has given us more information on this subject than perhaps any other; Mr. Mather, of the Rock Island; and Mr. Peck, of the Chicago, Milwaukee and St. Paul—I will admit, in response to their fervent appeals, that it would be a great pity to destroy the equilibrium or the proper balance of Messrs. Vanderbilt, Morgan, Gould, and Harriman.

Things are in such fine shape around this table that it would be a shame for any uninvited guest to break into the harmony of the scene and turn it into a Belshazzar's feast. We must not suppose that these gentlemen are indulging in any luxuries as they are sitting around this table. They are not regaling themselves in midwinter with tropical fruit from Florida groves or California vineyards, transported in the Armour Company's refrigerator cars; on the contrary, their meal is a very frugal one. They have been hard-working individuals during all of their lives, and now, after years of incessant toil and labor, at the moment when they have acquired a bare competency and are earning a fair amount of wages to keep themselves and their dependent families from want and destitution, it is a heartless and a cruel deed, I know, to unsettle their equilibrium or to deprive them of their hard-earned savings. It was sad enough, anyway, this whole scene as it presented itself to the committee. Here were the counsel of the railroads, whom I have named, all arrayed in their mourning weeds with their long, funereal briefs exhorting the committee not to take any step that would bring havoc and ruin upon their clients who have already made so many sacrifices of unselfish devotion to the interests of the public. The calamities that are in store for us as portrayed by these eminent members of the profession are something too dreadful to contemplate with composure. Joseph never prophesied the plagues of Egypt with the accuracy and precision that this formidable body of soothsayers announce the terrible succession of catastrophies that are to overtake us if we should determine upon this apparently innocent legislation, and Jeremiah never wept over the afflictions of Jerusalem with the passionate and consuming emotions that agitated their bosoms as they poured their lamentations into the ears of the distinguished chairman of the committee, who tried upon many an occasion to condole with them in their misfortunes and assuage them in the exuberant profusion of their grief.

Mr. President, sympathizing with these afflicted millionaires in the hour of their bereavement, commending to them the example of that ancestral and distinguished member of their tribe, the richest man in all the East, who, when the Chaldeans and the Sabeans fell upon his camels and sheep and oxen, proclaimed: "Naked came I into the world; naked shall I leave it." I can not help feeling, as I look upon the Senators from Ohio and Rhode Island and regard their cheerful countenances during all this trying ordeal, that they realize, just as I do, we are in the same category; that when the agony is over and we have promulgated this inhuman ordinance, the Lord will again come to the relief of Messrs. Vanderbilt and Morgan and Gould and Harriman and double their possessions as He did unto His servant Job in the land of Uz.

I want to read a short extract, only a few lines, from the first

and last chapters of the book of Job, which may afford us some consolation in this trying hour. [Laughter in the galleries.]

The VICE-PRESIDENT. The Senator from Maryland will suspend while the Chair admonishes the galleries that under the rules of the Senate they must refrain from any demonstration.

Mr. RAYNER. I read a few lines from the first chapter of the Book of Job and from the last chapter (paraphrased), which I think meet the situation:

This man was the richest man in all the East, but the Sabeans fell upon his oxen and asses, and the Chaldeans fell upon his camels, and the winds from the wilderness smote the four corners of his house.

This is from the last chapter of the Book of Job (ch. 42):

And the Lord turned the captivity of Job and his acquaintances; every man of them brought him pieces of money and earrings of gold, and the Lord doubled the possessions of Job and gave him fourteen thousand sheep, six thousand camels, a thousand yoke of oxen, and a thousand she asses, twice as much as he had before.

DISCRIMINATION IS THE ISSUE.

I want to be and must be entirely understood upon the matter of discrimination that I have talked about. I am not condemning these rates from the standpoint of the railroads or contending for a moment that the entire system can be or ought to be changed. I am looking at the subject strictly from a practical standpoint. Competition by rail and by water will continually drive down the rates of freight between terminal points, and a strictly distance standard would be absolutely ruinous to the railroad interests and to the competitive markets of the country. We can all easily understand how a railroad can be compelled to carry freight for a loss for a long distance where there is competition, and then be compelled to keep up its rates to the maximum figure where there is no competition.

When the Supreme Court of the United States in the long and short haul cases announced that the existence of bona fide competition between competing carriers was a factor which rendered conditions of shipment substantially dissimilar, it simply stated a proposition that was essential for the preservation of railroad property in the United States from confiscation.

When experts and railroad presidents and traffic managers tell us that a charge on a low grade to the Gulf ports, with returning cars loaded with freight, must be more reasonable than for distances over the mountains to the Atlantic seaports, we all concede that they are stating a proposition that no one would contradict unless he was in a benighted state of ignorance as to railroad conditions. What we require is a little common sense upon this subject. We can not pass a law that will convert the towns and hamlets of Iowa immediately into great manufacturing centers, nor frame a statute for the special benefit of a grain shipper in the city of Milwaukee; but what we can do is to take a broad view of the whole field and ascertain if we can not endow a tribunal with adequate power whenever cases occur where unnecessary discrimination is practiced to apply a remedy without inflicting any injury upon the railroad. Let me give you a homely, but at the same time a pointed, illustration from Mr. Kernan, the same witness whom I have already referred to, upon this branch of the discussion. His testimony is as follows:

For instance, you take the question of two farmers living 100 miles from Chicago, one on one railroad and one on another. They are both competitors for the foreign and domestic markets. They are on different lines and those lines are in different States. Now, the farmer at one point is charged for carrying grain to Chicago 3 cents a bushel. The farmer on the other road is charged 1½ cents a bushel. Now, that difference of 1½ cents a bushel, you see, wipes out to a certain extent the business of the farmer who has to pay 3 cents. You can not deal with that situation any way except through the Interstate Commerce Commission, which can bring both of these rates before it and enter into a consideration of these relative rates and fix them in the proper relations toward each other. It may be that the interests of one road and the form of business of one road may permit a higher rate. If that is so it will have to stand; but it may be that of these rates one is higher and the other lower than it ought to be. Those things have to be met by the power of somebody who has power to fix relative rates, and it is relative rates in this country that are troublesome.

This is a concise and forcible statement of the situation, although the present bill does not relieve it. It does not follow that the rate shall always be established upon an exact degree of equality, and it does not follow that where one shipper is at a terminal point where competition exists and another shipper is at an inland point where there is no competition that the Commission must apply the distance rate and place them both upon an equality according to the amount of mileage from the original point of shipment. What the Commission will do is not to exercise an arbitrary power and establish rates regardless of the circumstances that control the situation, but they will bring into play the power of comparison and adjustment, governed and controlled by all the circumstances that surround it, and especially subject to the rules and interpretation that the Supreme Court has given to the third and fourth sections of the existing act.

THE DEFECTS OF THE PRESENT SYSTEM.

Now, as to the defect of the present system and the legislation that is necessary to rectify it. The Interstate Commerce Commission is the most anomalous body ever created by law. It is a body that possesses no power to pass any order or decree over the most important subject within its jurisdiction. It can declare a rate to be unreasonable, but it has no authority to substitute a reasonable rate in its place. It has the right to decide that a given rate constitutes an unlawful discrimination, but it is not empowered to establish a lawful rate in its stead. If there is a dollar rate, for instance, between New York and Chicago, it can decide that the dollar rate is unreasonable and enjoin its continuance in court; but neither the Commission nor the court can declare any other rate to be reasonable and compel its acceptance by the railroad.

It can suggest that a rate of 80 cents would be a proper charge in the premises, and the court can coincide with its views; but neither the Commission nor the court can enforce the 80-cent rate or command compliance with its decree. If it sets aside the dollar rate and comes to the conclusion that the 80-cent rate is the proper charge, the railroad need not pay the slightest attention to its judgment, but can change the rate to 95 cents and ignore the decision. This is the law, and so in the maximum-rate cases the Supreme Court has interpreted it. For ten years, from 1887 to 1897, the Commission thought otherwise, and when it declared a rate unreasonable proceeded to establish another rate in its place; but when the cases came to the Supreme Court it held that its functions had ceased as soon as it declared a rate unreasonable, and that when it proceeded to determine what the rate ought to be it was functus officii. In other words, when a shipper makes complaint to the Commission and the Commission decides in his favor and the court sustains the Commission, the railroad has a right to say whether it will submit to the decision against it or whether it will challenge and defy it; and if it does submit it will be by its voluntary acquiescence and not by force of any judgment that may have been rendered against it. Is there such another tribunal upon the face of the civilized earth? Created for a certain purpose, but stripped and divested of every function, power, and process that are necessary to accomplish the object of its creation. Shall we stand still now and prolong its impotence and sullenly refuse to invest it with the power to put its decree into practical execution, or shall we inspire it with life and place in its hands the only effective instrument that can accomplish the purpose for which it exists?

That instrument is the rate-making power. We may scheme and forge and fashion, but it is not within the realm of human ingenuity to formulate any plan except the rate-making power that will remedy the defect and supply the omission. Railroad experts, railroad presidents, and counsel and traffic managers have all been importuned by the committee to devise some other method by which a practical result could be reached, but not a single one of them has any invention whatever to meet the emergency. The emergency must be met; the issue must be faced, and we must invest either a commission or the courts with an effective weapon to maintain their dignity and compel obedience to their mandates, or else tear down the whole infirm and feeble structure and let the railroads drive in triump over its ruins.

THERE IS NO RIGHT TO INITIATE RATES.

We now come to some other objections to this legislation. It is claimed that under this legislation the Interstate Commerce Commission will have the right to initiate or revise every railroad rate in the United States and establish *mere motu* a new system of rates for the entire country. If I was not somewhat familiar with the vein of humor that railroad counsel indulge in upon an occasion of this sort, when they hold court with innocent members of legislative bodies, I might be tempted to regard this protest with a serious aspect, because I am quite sure that in the seclusion of their own reflections they themselves regard it with ridicule and derision.

The House enactment provides in explicit terms that no step of this sort whatever can be taken by the Interstate Commerce Commission except upon complaint. It limits and qualifies the provisions of section 13 of the original act, and places an absolute prohibition upon the Interstate Commerce Commission from undertaking this sort of a proceeding upon their own volition. Therefore, when eminent counsel state a proposition of this sort, in view of the unambiguous language of the act, they might as well tell me that the courts of every State would have the right to take up every contract and every transfer of property that is recorded in every registration office and every tort that is committed within their knowledge against any individual in the land, and of their own volition,

without complaint, plea, or prosecution, and adjudicate and pronounce judgment upon it. It never was intended to confer upon the Interstate Commerce Commission any such power, and its limitation was expressly agreed upon in the early stages of the discussion.' Judge Clements, the chairman of the committee for railway legislation, at a convention of the National Association of Railway Commissioners held in November, 1904, then disposed of this fallacy in the following language:

That there shall be no misconception it should be again stated that the present public demand is not that the Federal Commission shall fix a low tariff of rates in the first instance, or at any time, but simply that when a rate is complained of by a shipper or community and shown to be excessive the Commission shall have authority to prescribe the reasonable rate indicated by the evidence in the particular case.

Mr. Bacon, who is claimed to be the apostle of this agitation and the commander in chief of the entire crusade—and whatever may be the motives that inspire him he is undoubtedly a man of thought and capacity—thus disposes of the contention:

I should say if they were to undertake to fix all the rates of the country as it has been given out by the railway interests that they are expected to do that it would be utterly impracticable. It would be utterly impossible for a commission sitting in Washington, or sitting in any central part of the country, to fix rates for all parts of the country. It would be an absurdity, in my opinion, for any body of men to attempt it. All that we seek is that when the rates are believed by certain individuals interested in them to be wrong these particular rates shall be brought to the attention of this particular body—you may call it a commission or whatever else you please.

CORRELATED RATES.

The next objection is that the right to establish one rate would carry with it every correlated rate and would eventually extend to all the rates on every railroad. The Senator from Minnesota [Senator CLAPP] has so fully covered that point that I read you an extract from his examination of Mr. Hiland, which demonstrates that precisely the same objection that is now made against the present proposition applies to the system that is now in vogue:

Senator CLAPP. In other words, the objection to the fixing of rates, so far as it involves the adjustment of other rates, and the continued fixing rates by the Commission, so far as those two principles are involved, apply with equal force to the existing law as to a law which went a step further and allowed the Commision in condemning one rate to prescribe a rate in lieu thereof.

Mr. HILAND. I presume that is so.

DIFFERENTIALS.

The next objection to the rate-making power is one that applies to the subject of differentials under the constitutional provision that no preference shall be given to the ports of one State over those of another.

I desire to make a distinction now which is necessary in order to fully understand this objection. The phrases discrimination and differentials have been confused, and they have both been employed as applicable to the same conditions. Nearly every witness has spoken of them indiscriminately as if they conveyed the same meaning. I have as eminent an authority as Professor Cooley for the statement that technically speaking discrimination means an advantage given to certain shippers and localities over other shippers and localities upon the same road, while the differential is applied not to the difference between the several classes of freight upon one road but to the difference in rates made by different railroads between points of shipment and ports of entry upon their respective lines.

In my professional experience I have never beheld such a disturbance as has taken place upon the simple proposition that is here involved. Counsel proceeded so far that one of the most distinguished leaders of the American bar declared to the committee that he had no doubt whatever that if the Commission were vested with the rate-making power, and attempted to preserve existing differentials or to establish new ones, it would find itself face to face with the preference clause of the Constitution; that is to say, if the Commission touches the differentials at any point whatever, or failing to touch them permits them to remain as established by the railroads, in either event it violates the Constitution of the United States, and this, notwithstanding the fact that more than half a century ago, in the Wheeling and Bolman Bridge Company case (18 Howard), the Supreme Court with unanimity declared that legislation of this character did not at all come within the purview of the Constitution, and that this clause of the Constitution had no possible reference to any incidental advantages that might result to the ports of one State over those of another from legislation of this character.

The most painful feature about this performance of counsel, however, is that this present enactment, entirely ignoring the provisions of the Esch-Townsend bill in the last Congress, rejecting the recommendations of the Interstate Commerce Commission and disregarding the original recommendations of the President, absolutely deprives the Commission from fixing or establishing minimum rates, and, therefore, unless it exercises an arbitrary power by lowering a perfectly reasonable rate, it gives it no jurisdiction whatever over differentials and no power to control the rates to competitive markets. In other words, it confines its jurisdiction to the rates upon a single railroad and gives it control inefficient though it be over discrimination upon that road, but does not confer upon it the right to adjust competitive rates upon competitive roads. The Commission must find that the carrier is charging unjust or unreasonable or unjustly discriminating or preferential rates, and in such cases of discrimination by the carrier it can fix a maximum rate, but that is the limit of its jurisdiction.

I know that it is claimed that this bill confers the right upon the Commission to adjust differentials. I say that it gives the Commission no such power. Every member of the committee in the House of Representatives has emphatically denied that there was any intention to incorporate any such grant in the bill, and there is nothing whatever in the bill that admits of such a construction. It is impossible to fix differentials unless the power was given to fix rates. The right to fix maximum rates does not carry the power. In order to reach differentials it was necessary that the bill should contain a provision that minimum rates could be established, or else a provision conferring upon the Commission the right to adjust relative rates. The fixing of a maximum rate does not answer the purpose. Let me illustrate this proposition. Suppose a rate upon one railroad was a dollar, and the rate upon another railroad was 75 cents, and the Commission lowered the dollar rate to 75 cents. The other railroad in such case could immediately lower its 75-cent rate to 50 cents, and thus maintain the differential. I know that it has been claimed that section 15, when it uses the phraseology "of unjustly discriminating or unduly preferential rates, or otherwise, in violation of any of the provisions of this act," and then proceeds to give the Commission the right to order the railroad "to cease and desist from such violation," that this gives the Commission the power to control the differential.

I can not coincide with this view, and I deny that upon any construction that can be put upon this language there is any power whatever in the Commission to adjust relative rates and strike the proper proportions between them. The ports of the United States, therefore, are not within the jurisdiction of the Hepburn Act. If there is a differential between different ports upon different lines of railroads, there is no provision of this measure that invests the Commission with the right to change it. It has a perfect right, of course, where discrimination exists upon the same line, as if a rate to an inland point compared with a rate to a terminal point is unreasonable or unjustly discriminatory, to prescribe a maximum rate; but it has no right to bring competitive roads struggling for competitive markets within its jurisdiction, and I deny in its entirety the proposition that the Commission could by any exercise of its power, direct or inferential, take away from any railroad its right to charge its own rates, unless the rate is unreasonable or unduly preferential or discriminatory upon its own line.

THE INTERSTATE COMMERCE COMMISSION IS NOW PRACTICALLY FIXING RATES.

There is, however, one feature connected with the administration of the Interstate Commerce Commission that is of the utmost importance in this discussion, and that is that according to the evidence of its bitterest opponents and according to the statement of every witness who is now opposing its investiture with the ratemaking power it has, notwithstanding the decisions of the Supreme Court, with but very few exceptions, been practically making rates in every complaint that it has considered. Senator Clapp of Minnesota, through cross-examination as skillful as any that I have ever known to be conducted in any court or forum, has brought out this fact and laid it bare before the committee. In cross-examination counsel often make the effort to confuse truthful witnesses; the Senator has no such object in view; his purpose was to extract the truth, and by the power that he has exhibited in this line he has succeeded in clearing up this subject to such an extent that there is no longer any justification for any opposition to a measure investing the Commission with a rate-making power.

Why do I say this? I say it because witness after witness, in answer to his pointed questions, has stated that whenever the Commision has held a rate to be unreasonable the railroad has always adopted the rate that the Commission has suggested. In other words, the railroads have accepted the suggestion of the Commission as a judgment and have invariably abided by its terms. If this is so—and the evidence overwhelmingly demonstrates it to be so—why do they object now to conferring upon the Commission the power to put into the form of a legal judgment a result that the railroads have always regarded and

obeyed as a practical judgment against them? If the inquiry before the Commission, for instance, was whether a dollar rate was a reasonable rate between two points, and the Commission held that it was unreasonable and suggested that a rate of eighty cents would be the proper rate, the railroads have immediately lowered the rate and put the eighty-cent rate into operation. Their officers have taken great pride, as shown by the evidence, in testifying to the fact that they have uniformly followed the suggestions of the Commission.

Why have they taken this course? There must have been a reason and a motive for it. I will give it to you; it is because the companies knew that if they trifled with the Commission and merely lowered the rate to 95 cents, in the instance that I have given, they would be brought before the Commission again and ultimately, upon continual complaints, would be compelled to reduce the rate to 80 cents.

Now, I ask in all fairness, what is the objection to empowering the Commission in the first place to declare an 80-cent rate, instead of merely suggesting it and driving it to the same point, step by step, by successive complaints? There can be no sensible objection to it, and every evil result that has been predicted by all the advocates that have been furnished by the railroad to the committee as likely to follow from the grant of such a power, inevitably and practically follows from the method of proceeding in the manner in which it is now exercised by the Commission. The truth of the matter is, then, that in conferring the rate-making power upon the Commission we are in reality only reposing in it by law a power which in practice it is exercising in every case that arises before it.

THE POWER OF THE COMMISSION AND OF THE COURTS.

I have no fear or anxiety, not the slightest, that the Commission will perpetrate any act of injustice under this measure, and I believe that the power of the courts under the fifth amendment is ample to protect the property of the carriers. If the Senate, however, should take a different view and invest the courts with the power to review the proceedings of the Commission as to the reasonableness or justness of its orders, then I shall in proper time offer an amendment that the courts complete the work that is before them and that they do not engage in the idle process of sending cases back again to the Commission without any effective order or legal suggestion as to its future action.

If, for instance, the Commission should determine that the rate of a dollar is unreasonable and lower the rate to 75 cents, and the Senate proposes to give the courts the power upon review to determine the question whether a rate of 75 cents so fixed by the Commission is just and reasonable, then I want the courts, if they reverse the action of the Commission, to determine in the case before them, with proper parties and evidence submitted and issue made up, what the maximum rate ought to be and enjoin any charge beyond it. I am not in favor of giving the courts any review, as I have already said, and now again emphasize, to reopen the proceedings of the Commission beyond the fifth amendment, but if the Senate decides that the courts shall have the right to reopen them, then I want the court to complete its work and make a final adjudication of the matter. Can this be done? I am absolutely satisfied, after an exhaustive and careful examination of the cases, that it can. No one can arrive at an intelligent conclusion upon this delicate branch of the subject except by an analytical investigation of the authorities. I know that it has been frequently said that this is conferring upon the court a legislative power.

I do not accept a word of that suggestion. On the contrary, I believe this is a power and a jurisdiction that courts of equity are constantly exercising, and to deny them this power now, if you propose to invest them with the right of review, it seems to me is an absolute anomaly and absurdity under the established equity practice of the Federal courts. It is the unfortunate use of the word legislative, as I have said, in several of the Supreme Court decisions that has given rise to all this difficulty. The Supreme Court did not mean to give to this word the definition that we give to it. What it meant was that courts should not be governed by rules of public policy and expediency and enter into the province of rate making for the railroads of the country. It never meant, and it never could have meant, that when a court in a given case sets aside an unreasonable rate, that it could not in that case decide what was a reasonable rate.

There is a whole line of authorities tending to support the proposition that I am contending for. Among them I may mention the Kingwood Coal Company case (125 Federal Reporter, p. 252), the Missouri Pacific Railroad case (189 U. S.), and principally the Ianviere case (174 Mass., 514), the last case decided by Justice Holmes, now on the bench of the Supreme Court of the United States. I adopt the reasoning of this last authority, and if you will only substitute the words "railroad rates" for "water rates" you have an enunciation of the principles for which I am contending. If you give the court simply the power to review without giving the power to adjudicate you are transferring the playground from the commission to the courts, and the trifling process that is now in vogue under the Commission will then take place under the courts, as the courts time and time again will send back to the Commission and the Commission back again to the courts the cases that come under them, without ultimate action or final decree upon the part of either the courts or the Commission.

I want to say, Mr. President, the passing of this bill will not injure a legitimate investment on this earth in the hand of an innocent holder. It might cause a temporary shock to the gentlemen who have overcapitalized these institutions, but the country will give no response of sympathy.

I believe in the honest acquisition of wealth, but I abhor its accumulation at the expense of human suffering and at the sacrifice of human rights. I sometimes shudder as I cross the path of havoc and desolation that it has caused, and I shrink in horror from every spectral monument of earthly splendor that is built upon ruined homes and broken hearts, upon penury's touching wants and labor's unrequited toil.

LET THERE BE A TRUCE BETWEEN THE RAILROADS AND THE PEOPLE.

Mr. President, this is an issue of grave importance that is before us. We are face to face with a gigantic system, a system that if it could combine its conflicting interests could, through the use of the wealth that it controls, the influence it wields, and the patronage that it dispenses, sweep a political party from the face of the earth and dominate the affairs of the people in the halls of legislation. As a rule, the men with great minds who are at the head of these concerns do not want to trample upon public rights and do not desire to arouse popular resentment or even indignation. They are not violators of the law, and are generally ready to adjust their differences with the people by the arbitrament of peaceful methods rather than by the arbitrament of the public pulse.

They know that with the populace a railroad is not an idol; they know that there is a feeling prevalent with the masses that when a railroad wants a right of way over the right of way of the people it generally sweeps to its destination like the engine on its tracks, with every impediment and obstacle removed from its path and sidetracked to facilitate its passage. The great financial intellects who control these enterprises, looking toward the horizon, may observe away off in the distance the symptoms of a storm which may perhaps be deflected from its course, but whose barely perceptible mutterings still carry a certain degree of uneasiness to their repose. They have an intuition that perhaps the day might come in this land of republican institutions when a party, tearing away from the vassalage of precedent, may, without a field marshal to direct it, inaugurate a precedent of its own and may announce upon its banners that it is the party of the people against all combinations of centralized wealth and industrial oppression.

It will not be the first time in the history of this country that parties have been suddenly ushered into existence. The Democratic party came into power almost unconsciously to itself; the Republican party had a premature birth before the period had arrived for the throes and pangs that followed instead of preceding its nativity.

And so it is that at any day, without any concert of action, without premeditated purpose, without drilling or discipline, the American people may take an erratic notion into their heads that a party to succeed must stand for a single idea and that it would be a good idea to combine them against the encroachments of monopoly that dictates its own prices at the home and fireside of the American consumer. We do not want any contest of this sort. The people do not require anything unreasonable. The intelligent masses of the American people are not deluded and misled by agitators and by demagogues, who, if they were allowed to administer their own prescriptions, would strike a deadly blow at the great monuments of commerce that have been reared upon this continent, would drive the lifeblood from individual enterprise and activity, and would inevitably succeed in bringing about the very disasters and calamities that it was their purpose to obviate.

A man who parades as the enemy of a railroad simply because it is a railroad, and, as the foe of corporate enterprise, constantly opposes every grant or privilege that these systems ask in order to efficiently perform the services exacted of them, is the curse and the bane of the Republic. So far as I am concerned, I would like to say right here that whatever interests I have are closely allied with the railroads. A single railroad, by the turning of a switch, could inflict irreparable injury upon

whatever little interests I may have or represent. Not only this, but in my profession the holdings of those with whom I come into daily contact are largely invested in railroad securities.

In view of my position I think that I am perhaps in a situation to advance a few suggestions to the officers of these roads. If I were in their place I would throw no obstacles in the way of this legislation. It is the greatest error that they could possibly commit to oppose every reformatory measure of this character. So far as values are concerned, this legislation will not affect them in the slightest degree, and there will be no radical disturbance of transportation rates.

The Interstate Commerce Commission will not dare to take any step that will depreciate the property of the people, or that will cause any extreme changes in railroad management or policy. The business interests of the country would not submit to such action, and the courts would not sanction or tolerate it. I would therefore advise the railroads, as their friend, to withdraw their agents and their counsel and their representatives from the scene of conflict and let the conflict cease. Let a truce go up between the people and the corporate interests of the country; let the corporate interests make some concessions to the rights of the public. You depend upon the people for your livelihood and your profits absolutely and entirely. Now, take them into your confidence and do not possess yourselves of the vain delusion that your railroads exist for the sole benefit of your stockholders and officers, and that the people have no rights that it is your duty to regard. If you fail to take some such advice as this, then I believe you will rue the day. I have no fear that the hour will ever come when ignorance and anarchy will prevail in this country; that thought does not disturb me. What I fear is an economic uprising of the intelligent and substantial property interests of the country against monopoly and unlawful combinations of centralized wealth. Avoid this strife! Anarchy and socialism can be regulated by law and put down by force. Intelligence, that is spreading upon the wings of lightning, can never be cowered and defeated.

What every one wants to accomplish, every one who has the welfare of his country at heart, is to prevent the extreme and radical elements of both parties from obtaining control and then forming an alliance that may threaten danger to our institutions. This is the real peril that menaces us and one way to avoid it is for corporate interests not to continually throw down the gauntlet and challenge public opinion whenever essential reforms like this are under discussion in legislative bodies. Public opinion in this country is not in favor of parcelling out the railroad franchises of the country among a few systems and giving them undisputed sway over the territory of the Union. Let me tell you, too, that when public opinion is in pursuit of an object of this sort it generally reaches its accomplishment. I have often watched the struggle.

I have seen the gladiators meet, the giant form of monopoly enter the arena boasting of its prowess and confident of its triumph, and then I have seen it quake and cower; I have seen men of sober judgment under the motive power of their convictions whom it was impossible to swerve, pressing on their pilgrimage to the shrine of public honor; I have seen the boisterous clamor of the mob silenced and suppressed and the agitator and the empiric ridiculed to oblivion; I have seen the people without leadership beaten at the polls by the disciplined forces of party organization; but one thing I have never yet observed in the whole history of American politics, and that is I have never yet known the people in the pursuit of justice to sign a treaty of capitulation, and I have never known a great principle to proclaim an ultimate surrender, and I have never yet seen the day, though the cause may be retarded and the hour may be postponed, when the lines were clearly drawn between monopoly and its victims, when the right was on the one side and the wrong was on the other, however ominous the prospect and however desperate the encounter, that the privileged clans of favoritism and oppression did not at the very first exposure and attack retreat before the allied forces of the people in the halls of legislation. [Manifestation of applause in the galleries.]

Mr. LODGE. I should like to ask the Senator from Maryland a question before he takes his seat. I noticed he said just before he closed that he would advise the officers of the railroads to strike from this bill the suspending orders. I wish to ask the Senator just what he meant by that?

Mr. RAYNER. That question has been put so many times that I do not know——

Mr. LODGE. No; the Senator misunderstands me.

Mr. RAYNER. The same question has been put at me three or four times this morning, as if I meant——

Mr. LODGE. The Senator misunderstands me.

Mr. RAYNER. I beg pardon.

Mr. LODGE. The question has not been put before. What have the railroad officers to do with this bill?

Mr. RAYNER. That question has been put to me three or four times this morning. The railroad officers have nothing to do with this bill, and I do not think any railroad officer in the country could influence the Senator from Massachusetts, or the Senator from Rhode Island, or the Senator from Ohio.

Mr. FORAKER. Then what did the Senator mean a moment ago when he referred to the Senator from Ohio and the Senator from Rhode Island——

Mr. RAYNER. Let me finish. I do not believe any railroad officer could influence any of them to swerve in the slightest from the path of public duty. I have not any such idea. I believe that the Senator and every Senator upon this floor is trying to do his duty. But I believe this: I believe that if the railroad officers and the railroad counsel and the railroads and the railroad interests were to confer to-night and unanimously agree to strike the suspending orders from the bill they would be stricken from the bill.

Mr. LODGE. I should like to ask the Senator if he thinks the railroad officers put those words into the bill?

Mr. RAYNER. I do not. But do you suppose——

Mr. LODGE. It is a bill for which the Senator proposes to vote.

Mr. RAYNER. This is a contest now between the railroads and some one else—call them what you will—either shippers or anything else. Does the Senator from Massachusetts suppose that if the railroad counsel, as representatives of the railroads, were to agree and come to me—they need not go to you; I would be glad to see them; I have no hesitation in talking with railroad counsel—does he suppose that if they were to come and say, "We are authorized to say that we do not want these words 'suspending orders;' we are ready to go into court and stand by the order of the Commission"—does the Senator think there would be much practical trouble in striking them out of the bill? Does the Senator think, notwithstanding what the railroads were to ask for, that it would still be insisted upon that those words be kept in?

Mr. LODGE. I do not regard this legislation as a question between the railroads and anybody else. I think this is a great measure of public import, affecting the entire people and all the business interests of this country, and I do not think it matters what the railroad lawyers wish or what the railroad directors or officers wish. It is for us to say here on our responsibility whether those words ought to be in the bill or not. I do not think anybody has anything to say about this bill in its present stage except the Senate, which is called upon to deal with it.

If I believed that the omission of those words would render this bill unconstitutional, I would not vote for the bill. I can not understand the position of a Senator who, believing in his conscience that a bill is against the Constitution of the United States still votes to put it on the statute books.

Mr. FORAKER. Mr. President, I rose in order to ask the Senator from Maryland why he saw fit to say in the language he employed that the Senator from Ohio and the Senator from Rhode Island bore evidences of pleasure on their faces on some account or other. I can not recall just what the account was.

Mr. RAYNER. Because——

Mr. FORAKER. I want to know why the Senator would make that kind of a remark. Does the Senator mean to imply that the Senator from Ohio has any interest whatever in any railroad, or is under any obligation to any railroad, or that he represents any special interest, or that he has aught in view except only to legislate here according to the responsibility he assumed when he took his oath of office?

Mr. RAYNER. Does the Senator from Ohio think because I said he had a cheerful countenance that that is demonstrable proof that he is connected with railroads?

Mr. FORAKER. The Senator said it in a connection which could not bear any other interpretation.

Mr. RAYNER. I put myself in the same category. I said "you and the Senator from Rhode Island and myself." I am perfectly willing to have it so. I know that you have no connection with railroads.

Mr. FORAKER. Then why is that brought in? It is not the first time that it has been mentioned, and that is the only reason why I rose to answer it. If it had been the first time, I might have thought that it had occurred in the heat of argument or was a part of the very beautiful peroration with which the Senator concluded his speech, and I might have allowed it to go by. But I heard another Senator, in concluding an argument in this body a few days ago, refer to the advocacy of special interests. I intended to ask him what he meant, but we became engaged in a colloquy and it passed out of mind.

I want to say once for all, if it is necessary to say anything at all—and it is something of a humiliation to me to say it—that I do not want any Senator to insinuate again that I have any interest in any railroad, or that I am an advocate of any special interest, or that I am influenced here in my conduct and in my arguments and in my votes by anything whatever except only a sense of duty. That I want distinctly understood.

I assume that the Senator from Maryland has no interest in any railroad. I assume that he is under no obligation to any railroad. I assume he is trying to represent the best interests of the whole people. I hope he will be willing to accord that same high purpose to myself.

Mr. RAYNER. I have done that so often this morning that it has gotten to be tiresome. I am satisfied the Senator from Ohio has not the slightest interest, except the interest of the people, in this matter. I have said that frequently. If there has been a remark in the heat of debate, a word used that the Senator seems to be sensitive about, I am not responsible for the condition of his mind upon the subject. I say here now that I think the Senator from Ohio is standing, as he conceives, for the rights of the people. I think he is contending for constitutional principles. I think he wants to pass a bill for the best interests of the people; but it can not be said, as the Senator from Massachusetts has said, that the railroads are not interested in this controversy. That is a proposition I never before heard asserted.

Mr. LODGE. I did not say they were not interested in the controversy.

Mr. RAYNER. You said they were not parties.

Mr. LODGE. I said it was not a question between the railroads and somebody else, and one set of Senators here on one side——

Mr. RAYNER. I never said that.

Mr. LODGE. And another on the other side.

Mr. RAYNER. I never said that.

Mr. LODGE. They must be if the railroads are on one side.

Mr. RAYNER. Does the Senator from Massachusetts mean to say that the railroads are not parties—not in the legal sense—to this controversy; that they have not a part in it; are not interested?

Mr. LODGE. They are not taking any part in it that I am aware of. They are the subject of the controversy.

Mr. RAYNER. If they are not taking any part in it that the Senator is aware of, then the Senator has not read a line of the examination, because hundreds of pages have been consumed by counsel on behalf of the railroads before the committee advocating their principles. If they have not taken any part in it, the Senator has not read the examination.

Mr. LODGE. They were summoned to testify.

Mr. RAYNER. Summoned?

Mr. LODGE. Yes.

Mr. RAYNER. Who summoned them; the railroads?

Mr. LODGE. No; the committee summoned them. It had the right to summon them, and they appeared. But this is not a controversy——

Mr. RAYNER. The Senator from South Carolina [Mr. TILLMAN] tells me they came of their own accord; that they were not summoned at all.

Mr. LODGE. The chairman of the committee summoned them, as I have understood.

Mr. TILLMAN. Mr. President——

Mr. LODGE. One moment. I desire to finish the few words I started to say.

Mr. FORAKER. I do not care how long I wait, but I wish to have it understood that I still have the floor.

The VICE-PRESIDENT. The Senator from Ohio has the floor. Does he yield to the Senator from Massachusetts?

Mr. FORAKER. I yield.

Mr. LODGE. Mr. President, I merely wish to repeat that I do not regard this as a controversy between the railroads on the one side and the shippers on the other. I regard it as a great question, coming up for settlement before the Congress of the United States, to be decided according to our best judgment, not in the interest of the railroads or in the interest of the shippers, or in the interest of anybody else, but for what is best for the people of the United States, and that we are here in our function as Senators, not representing railroads or shippers or special interests or anyone else, but to do what we honestly think is best for the whole country.

Mr. FORAKER. Mr. President, the Senator from Massachusetts [Mr. LODGE] has so completely made the speech I was intending to make that I will yield the floor with only another word.

It is true that railroad men and men representing railroads appeared before the committee. Why should they not appear before it? Are we to legislate about a great interest of this kind without permitting men who are interested in such property to be heard? Was it not an advantage to us to have men come who were familiar with this business to give us the benefit of their views? Are the railroad men of this country criminals? They are citizens and entitled to all the rights of other citizens.

Mr. President, I have heard a great many men in the course of my experience in public life assume to be the special representatives of the people, but I have never yet heard one assume to be such special representative who was any more the representative of the people than the average man, to say the most for him.

I do not like that assumption on the part of anybody. I have no interest, and I do not believe any other Senator here has any interest whatever, with respect to this legislation except only to make the best bill we can make to remedy the evils that are justly complained of. I think I have the best bill that has been offered. [Laughter.] I have spoken on it once, and I am going to speak on it again.

While I am going to vote for a court review when that question comes up, the Senator from Iowa [Mr. DOLLIVER] is right when he says the result will be to force two hearings where there should be only one, and to make nugatory in large degree that which it is intended the bill shall accomplish. But I have no special responsibility for this bill. I am anxious that it shall be made as good as it is possible to make it, and I am going to vote for a review, because I think that is necessary to the proper protection of these great property interests. But no matter how amended, this bill raises all kinds of troublesome questions, and must, I am sure, prove a disappointment.

Now, I think instead of having that kind of legislation, we should have the kind of legislation suggested in the measure I have presented, legislation which amounts simply to an amending of the Elkins law, in its third section. The Senator from Maryland [Mr. RAYNER] has pointed out how effective that law has proven. It is effective to prevent rebates; it is effective to prevent discriminations; and if you will amend it in the way I have suggested, it will be equally effective to prevent excessive rates; and it will do it in an expeditious way, and it will do it in a way that will be of advantage to the shipper, and the shipper will prefer it to the legislation you are proposing to enact. That section when so amended will provide that when anybody wants to make a complaint of excessive rates, or discriminations, or about a rebate, nothing more will be necessary than to call the attention of the Interstate Commerce Commission informally to it, and the Commission, without any expense to him, shall make such preliminary investigation as it may see fit to make to enable it to determine whether there be probable cause for the complaint, in which event the Commission shall send it to the court, where it shall be prosecuted in the name of the United States Government, and at the expense of the United States Government, and without any expense whatever to the shipper, where all rights under the expedition act referred to by the Senator from Pennsylvania [Mr. KNOX], as this provision will be expeditiously and efficiently determined.

It seems to me that the great trouble, as I have said heretofore in the Senate, speaking on this subject, with the shippers heretofore has been that they can not single handed and alone cope with railroads in litigation. It is unjust to a shipper. He is at too great a disadvantage, there is too much burden of expense upon him, when he is required to go out and fight before the Commission or fight in the courts a great railroad in this country. We ought to take that burden from him. Then no shipper will be afraid to challenge a rate, to challenge a rebate, to institute a proceeding to have relief finally secured in the court where there will be no clashing with constitutional principles or rules with respect to the rights of property or the rights of individuals.

I have already said, but I want to say it again while I have the attention of everybody, that I do not believe this legislation which we now have under consideration is worth the paper it is written on, if passed in this form. It is unconstitutional, Mr. President, not alone on one ground, but on half a dozen grounds. I have already pointed out some of these constitutional defects. I am going to point out other grounds on which it is, in my opinion, unconstitutional, but if it were not unconstitutional, it will prove disappointing in its consequences. I mean it will disappoint the people who want this legislation.

The shippers of this country will not under it get the relief they are seeking.

Now, why encounter all these serious questions? Why run the risk of all this disappointment when by sticking to the courts of the country, where we always have found relief, we can work out efficient remedies against every evil that has been suggested? I intend to offer, and to speak in a few days when I

get the opportunity in support of, an amendment to the third section of the Elkins law, either as a substitute for this bill or as an additional section to be added to it—an alternative section. On account of the lateness of the hour I will not enter upon an argument now. I have before me a number of authorities sustaining the competency of Congress to confer on the courts the right to enjoin, when a rate is challenged as excessive, all the excess of that rate that may be over and above the statutory standard of what is just and reasonable. The authorities, I will content myself with saying, are, to my mind, conclusive, and there is no serious legal question if that be so that could possibly arise upon that kind of legislation.

So the question I want to put to every Senator and to have every Senator think about is, whether he will vote for a bill which the Senator from Maryland says will be clearly unconstitutional, for the reason he has assigned, and which other Senators have said will be clearly unconstitutional, for the reasons they have assigned, and which I have undertaken to show is unconstitutional on half a dozen different grounds. Will we vote for that kind of a measure, and thus, if it perish in the courts, disappoint those who seek the passage of the bill, or, if it survive, disappoint the people by its remediless result?

Mr. FULTON. Mr. President, during the opening of the argument of the Senator from Maryland [Mr. RAYNER] I asked him a question, prompted by the position he took, namely, whether or not he thought that if a railroad company's rates were fixed by a commission, and those rates, it was contended, were confiscatory, the company would have no remedy in court unless a remedy were provided in the bill? I understood the Senator to say they would have no remedy unless the amount involved was $2,000. What I want to say very briefly and say in connection with his speech is this: If I believed it was necessary to the constitutionality of the bill to make some provision for a review, I certainly would stand for that proposition. Nor do I say that I will not under any circumstances stand for a review or support some provision for a proper review.

I have heard some suggestions—I do not know anything about it—that the Senator from Wisconsin [Mr. SPOONER] is preparing an amendment along certain lines. If he shall offer that amendment, or if some other person shall offer an amendment embodying what I understand will be the provisions of that, I may support it. But I do not believe that the constitutionality of any measure of this character depends upon a right of review being fixed in and incorporated into the law. The Senator from Maryland says that unless $2,000 is involved no appeal to the courts can be made. I call the Senator's attention to the fact that the provision of the judiciary act which requires that $2,000 shall be in issue in order to give a circuit court jurisdiction has not been construed by the courts to mean that actually $2,000 in money must be in controversy, but if the controversy involves a question which will reduce the value of property, if the party complaining is not protected against it, to the amount of $2,000 or more, the courts have jurisdiction. Therefore if a small rate were complained of, although it might amount to only a few dollars, as a matter of fact, in that particular instance, yet if the enforcement of that rate would decrease the value of the property of the corporation $2,000 or more, or would amount to a confiscatory rate, there would be no doubt at all about the jurisdiction of a court of equity to entertain the complaint of the corporation.

Therefore I say that the contention of the Senator that the bill would be unconstitutional because there is no provision for a review can not be sustained. It may be that the courts have to be given jurisdiction over particular cases before they can exercise it, but, Mr. President, if a person's constitutional rights are infringed, if his property is being damaged or injured or depreciated in value, and if the effect in the long run will amount to $2,000, the courts have jurisdiction, and he has a right to appeal to them.

Mr. TILLMAN obtained the floor.

Mr. NELSON. Mr. President——

The VICE-PRESIDENT. Does the Senator from South Carolina yield to the Senator from Minnesota?

Mr. TILLMAN. The Senator from Minnesota has taken his seat. I suppose he does not want to go on now. I was going to suggest, if the Senator from Minnesota wants to make a speech on the subject, that we have had too many hours—I will not say too many hours except in the sense of too many for his purpose—we have had a great deal of eloquence and some very fine and brilliant oratory and some beautiful passages at arms between distinguished lawyers, all of which I have enjoyed, and I think everybody else has; but I suggest to the Senator from Minnesota that it would be much better for him to take the floor as soon as I have said a few words, and go on in the morning. I think we have had enough——

Mr. NELSON. That is what I was about to state, that I desire to take the floor now for the purpose of addressing the Senate on the bill, and will submit my remarks to-morrow.

Mr. TILLMAN. I am glad the Senator will do that. Now, I wish to say a few words in reference to what has just occurred.

Mr. President, during my eleven years' service here I have listened to many very strong and forceful debates on legal questions, and I have always noticed that my friends of the legal profession can advance arguments pro and con with equal cogency and force on both sides of almost any question. On this question, which has been buffeted about to and fro this afternoon, I cling to the one general proposition. I will premise that by stating for the benefit of the Senator from Ohio that it is very queer, if the power which is proposed to be given to the Interstate Commerce Commission is unconstitutional, that this bill would fail as a fraud and a humbug if we put that in without we put a whole lot of other things in. But it is very strange that this very same power was exercised for ten years by that Commission without any lawyer in the United States successfully bringing a suit to declare it was unconstitutional or that the Commission did not have that right.

Mr. FORAKER. Mr. President——

The VICE-PRESIDENT. Does the Senator from South Carolina yield to the Senator from Ohio?

Mr. TILLMAN. Certainly.

Mr. FORAKER. The Senator certainly is not familiar with the decisions concerned.

Mr. TILLMAN. I am speaking of the effect. So far as the legal technicality is concerned, of course the Commission fixed the rate and then went to the court to compel obedience.

Mr. FORAKER. The question of the power of the Commission to fix rates was questioned almost from the very beginning.

Mr. TILLMAN. Nevertheless, it was never overthrown until it had been exercised for ten years.

Mr. FORAKER. Not overthrown; but what I was calling attention to was the unqualified statement of the Senator from South Carolina that for ten years that power was exercised without any lawyer in the country raising the question about its right to exercise the power.

Mr. TILLMAN. Possibly I was speaking a little too broadly to say that.

Mr. FORAKER. A good deal too broadly.

Mr. TILLMAN. I intended merely to say that the court sustained that authority in the Commission and never overthrew it until 1897.

Mr. FORAKER. The court——

Mr. TILLMAN. My legal friends and my capitalistic friends and my lawyer friends all shake their heads; but nevertheless I reiterate the statement that the Interstate Commerce Commission heard the people and granted relief by orders which were obeyed by the carriers, and when they did not obey them went to the courts and got the courts to put in force the machinery of the law and compel their obedience. It is very queer that all at once we now discover that the people can not get this relief without a whole lot of other machinery, as I said, being added to it, which will put the thing we do not know where. I cling to the horns of the altar which my friend from Maryland has erected, as to the suspension of the orders of the Interstate Commerce Commission by the court under whatever guise it may act, whether chancery or otherwise. However, we have no chancery court.

Mr. SPOONER. Equity.

Mr. TILLMAN. Equity. It is not the same thing in the United States. We in South Carolina used to have chancellors in other days, but now we have judges. It is equity. I say you want to give the court the right in equity to step forward and decree that the order of the Commission shall be suspended; and I declare if you do that you will rob the people of the chance of redress, and you bring about a condition of paralysis of this effort to relieve the people that will cause immense trouble in this country. Now, I make that prediction. The people are going to have relief.

Mr. SPOONER. The Senator said the bill would not give it.

Mr. TILLMAN. Did I not say that you could drive not only an automobile through it, but a freight train, too? [Laughter.]

Mr. DOLLIVER. My honored friend from South Carolina on one occasion told me that when he said that he had not read the bill at all.

Mr. TILLMAN. I just went on the general supposition that a bill that had had such paternity, coming as I understood, and as I said the other day, from the great legal lights who were very friendly to the railroads, must have in it some saving grace which those corporations wanted, or else they would not have brought it here.

Mr. DOLLIVER. I think it is due to myself, as well as to

my colleague, to say that the great bulk of the bill came from the Interstate Commerce Commission, and that the really great lawyer who had to do with it was the Attorney-General of the United States.

Mr. TILLMAN. And the two gentlemen from Iowa—one at this end and the other at the other end of the Capitol.

Mr. DOLLIVER. I will say to my honored friend that I have my first boast to make on this floor of being a great lawyer. I have not acquired the art of saying of one that he is the greatest lawyer in the world and of another that he is still greater, and then advancing my own opinion contradicting both.

Mr. TILLMAN. I admire the Senator's modesty much. We all know that in the bottom of his soul he thinks he is as great a lawyer as either of them. [Laughter.]

But I do not care to discuss the issue, except to say that I cling to the horns of the altar, and I plead with Senators on both sides, the lawyers on our side and on the other side, to give us this proposition, in whatever shape you choose, so that the Supreme Court will sustain it, and then we will not have the orders of the Commission suspended by any judge except by a Supreme Court judge. That is the point.

Now, I just want to say to my friend from Ohio, who made some allusion to his bill a moment ago, and, with the pride of paternity, he practically said it was the only good bill that had been introduced. He forgot that little baby of mine [laughter], and which he, along with my friend from Rhode Island, was so much in love with when it was brought modestly into this Chamber that they indicated a desire, if I would consent to put some little cloak of court review around the little infant, that they should adopt it. [Laughter.]

Mr. FORAKER. Mr. President——

The VICE-PRESIDENT. Does the Senator from South Carolina yield to the Senator from Ohio?

Mr. TILLMAN. With pleasure.

Mr. FORAKER. I said in open Senate, and it is in the RECORD, what I thought of the bill introduced by the Senator from South Carolina. I said if we were to go into the business of government rate making at all I thought his bill was the best one proposed to make such a provision. I think so yet. It is simple, it is straightforward, just like the Senator—a little blunt, a little brusque—but it gets there all the same. [Laughter.]

Mr. ALDRICH. Mr. President——

The VICE-PRESIDENT. Does the Senator from South Carolina yield to the Senator from Rhode Island?

Mr. TILLMAN. Certainly.

Mr. ALDRICH. I had equally a high opinion of the bill to which the Senator from South Carolina refers and clung to it until he deserted it himself and voted to report a bill through which he now says he can run a train of cars.

Mr. TILLMAN. Mr. President, I never deserted my infant. That poor little waif is sleeping calmly and peacefully in one of the pigeon holes of the desk of the Senator from West Virginia [Mr. ELKINS] who is the honored chairman of the Committee on Interstate Commerce. I found that there was no earthly show for the bantling before that committee, because the Senator from Rhode Island insisted that he must put his own dress on it, and I was distrustful of his friendly offices in that regard. [Laughter.]

Now, then, to return to the subject-matter in a brief way, my bill simply provided that the interstate-commerce law as originally framed, and as it was amended later on, should have incorporated in it the express power, simply and in the briefest possible words, to give the Commission the right to fix a rate, no more and no less, because the Supreme Court had declared that Congress had not given that right originally. I thought if we could amend that law, which had been litigated and illuminated by judicial opinion and decided the Commission did not have that power, though it took the court ten years to discover it, and if we would put into the law that power, we would at least give to the country that measure of substantive relief which would enable the Commission to examine into a rate, declare it was too high, and then give redress by fixing a rate which would in its judgment be just and reasonable. That is all there was about it. As I said, that bantling is sleeping peacefully.

Somebody, by some hocus pocus—I hardly know how it happened—came to us unexpectedly and in a great hurry dumped this baby in my arms. [Laughter.] It is supposed to be, or said to be, for the purpose of giving the people relief. I am suspicious of the paternity of the brat. I am suspicious of the bantling itself. But finding that the Interstate Commerce Committee would do nothing but talk and talk, that they would not take up and consider and undertake to prepare and send to the Senate a bill upon which we could agree, probably because we could not agree, as there were radical differences of opinion in the committee which made it practically impossible that we could ever agree, I thought it was best to bring this controversy into the Senate and out in the open, so that the people of the country might watch the debate, see what is said by each and every man here, and then watch how he votes, because if we do not get this thing settled in the Senate this year, and if we do not get it settled in this Congress before it expires, I do not hesitate to predict that the people will send a lower House of Congress here that will heed their demands, and in time they will send a Senate here who will do it.

Mr. DOLLIVER. Mr. President, the hour is a little late, but I want to say just a word or two.

There seems to be a curious misunderstanding of the framework of the pending bill. It is a bill to confide to the Interstate Commerce Commission legislative discretion as to fixing railway rates without undertaking to delegate the legislative power which the Constitution gives to Congress. It is inconsistent with the theory of judicial review, because, as my honored friend from Ohio said a moment ago, it certainly is ridiculous to provide for fixing these rates, after a full hearing, by the order of a great commission of business men and then turn their work over to be reviewed and corrected by a circuit judge of the United States—clothed with a sort of appellate jurisdiction over the orders of the Commission.

No provision was made in this bill for a judicial review because, as the framers of the bill interpreted the law, the Constitution and the laws of the United States give access to the circuit court of the United States for the purpose of testing the constitutionality of the orders made by the Commission. Now, my honored friend from South Carolina says that this provision for the suspension of the orders puts him on his guard and compels him to look upon the whole matter with suspicion.

Why was no provision made to abridge the equity powers of that court? Let the Senate understand that the litigant goes into that court in his own name, in an independent proceeding in equity, to defend his right of property under the Constitution of the United States. The court of equity being confronted by a petitioner claiming that his property is being taken by this order, that the order imposes upon him a rate that is ruinous to his business, destructive of his property rights under the Constitution, taking away from him the very earnings that are necessary to carry on his business, how would it be possible for Congress to say to the court in such a case, sitting to determine these constitutional rights, that it shall not have the power to preserve the status of the property pending the litigation?

Mr. CLAY. Mr. President——

The VICE-PRESIDENT. Does the Senator from Iowa yield to the Senator from Georgia?

Mr. DOLLIVER. Certainly.

Mr. CLAY. The pivotal point upon which this question seems to me to turn is, first, whether or not you shall have a court of review, and, second, whether or not the rate fixed by the Commission shall stand until set aside.

Mr. DOLLIVER. Yes.

Mr. CLAY. I wish to ask the Senator as to the first proposition, if we were to pass a law simply requiring the Commission to hear complaints and to fix reasonable and just rates, stopping there, without saying a single word about courts, is it not true that the carrier would have a right to go into the court and have determined the question as to whether or not the rate is a compensatory rate, regardless of any provision for a court?

Again, I ask the Senator if the rate fixed by the Commission is to go into effect and to stay in effect until set aside or suspended by a court, could not the bill be amended in this way: That the rate fixed by the Commission shall go into effect and stand as a proper rate until notice and a full hearing both to the shipper and carrier?

Mr. DOLLIVER. That may be all right. My own theory about it is that you can not abridge the right of a litigant in a court of equity to that equitable relief which the law administers.

Mr. CLAY. I agree with the Senator to some extent. We could not deprive the carrier of the right to go into a court of equity and set forth in a bill that the rate fixed is not a compensatory rate. I do not like the word "confiscatory." I mean to say that the carrier is entitled to a rate that is a just compensation for the services performed, and no other man ought to want any other kind of a rate.

I do not believe that we could deprive the court of the right of determining whether or not that is a compensatory rate. But can we not say to the carrier, "The rate fixed by the Commission shall stand as a proper rate until you give notice?" In

other words, the presiding judge will simply grant a rule nisi, calling for a hearing after due notice, and then determine whether or not the rate shall be set aside and enjoined. Can we not prevent its being set aside until that is done?

Mr. DOLLIVER. That may be true; but the greatest lawyer I know of on interstate-commerce questions, Mr. Kernan, who for a long time was a railroad commissioner in the State of New York, and has since that time probably tried more of these interstate-commerce cases than any other American lawyer, stated before the House committee that if you add a special burden to a litigant's standing before that court of equity you destroy the constitutionality of the act. He was speaking then of what is known as the "Cooper-Quarles bill," which bill undertook to provide that a writ of preliminary injunction might issue when it plainly appeared from the record that the rate was unlawful. He asked the committee to save the constitutionality of that law by striking out the words "plainly appeared." His theory was that every litigant in equity should stand upon the same basis in the court. It certainly is ridiculous to say that a court has the constitutional right to vacate one of these orders because it is destroying the carrier's property and at the same time can be deprived of the right to suspend it; that is to say, the power to preserve the status pending a final hearing.

I worked a good many days to frame a provision that might stand the test of the courts and would limit the right of preliminary injunction, and as a student of the question came at last reluctantly to the opinion, first, that we can not abridge the equity powers of that court, and, second, that if we do abridge them we must send every litigant into court upon the same basis, because it is a part of our institutions that everybody shall have the equal protection of the laws in the United States.

Mr. TILLMAN. Will the Senator allow me to ask him a question?

Mr. DOLLIVER. Certainly.

Mr. TILLMAN. Are not these courts statutory courts created by Congress?

Mr. DOLLIVER. They are.

Mr. TILLMAN. Have they any inherent powers——

Mr. DOLLIVER. Yes; they have——

Mr. TILLMAN. Other than those given by statute?

Mr. DOLLIVER. They have the inherent powers given them by the Constitution.

Mr. TILLMAN. I thought the Senator from Maryland read two opinions this evening which declared to the contrary, and so it appears to me on general principles. Remember, my law is cornfield law, and common sense, if I have any. It appears to me that if Congress can create these courts, as Congress has created them, therefore Congress can destroy them; that the creator can limit his creature in any way he sees fit, and if he can not that the creature has outgrown the creator, and we are at the end of our rope to give the people relief.

Mr. DOLLIVER. I am not going to quarrel with a man because his law is cornfield law.

Mr. TILLMAN. I give my common-sense view now, not a technical legal view.

Mr. DOLLIVER. But a good cornfield lawyer will occasionally glance at our fundamental charter, and my honorable friend does that, and with great effect sometimes.

It will be observed that while the creation of this court lies in Congress the judicial power extends to it by virtue of the Constitution. The Constitution provides that—

> The judicial power of the United States shall be vested in one Supreme Court and in such inferior courts as the Congress may from time to time ordain and establish.

Mr. TILLMAN. Did that judicial power carry with it the right of this court to exercise power that Congress did not want it to exercise?

Mr. DOLLIVER. I think so, but if it is not so——

Mr. TILLMAN. That is against common sense. I will never swallow any such doctrine as that.

Mr. DOLLIVER. If that is not so, what does my friend say to the proposition of sending one litigant into the court, to take another agricultural figure, with a load of hay on his back, while another goes in perfectly free to invoke the equity jurisdiction?

Mr. TILLMAN. But these are giants that are going into court, and their purpose is to get loose from the gyves of the law and trample the people in the mire.

Mr. DOLLIVER. But, curiously enough, our Supreme Court has decided that they are persons, within the meaning of that phrase.

Mr. TILLMAN. The Supreme Court is not infallible and reverses itself sometimes, and it will do it on this case before we get through with it, and you will see it.

Mr. DOLLIVER. If my honorable friend succeeds in getting that limitation in and gets the court to support it, of course it would be very agreeable to me, as I have already said.

Mr. TILLMAN. All I contend for is that we shall give the people the benefit of the doubt and leave the courts to pray over it.

Mr. DOLLIVER. But I want my honored friend to remember that his colleague, the Senator from Texas, is himself in doubt about the constitutionality of this business, and proposes to accompany the power of the court with a suggestion to the court in the law itself that we put it under grave doubts and beg the court not to destroy the whole law on its account.

Mr. TILLMAN. I say that my friend from Texas is just like all the other railroad lawyers here. He is bound by the precedents. He can not get away from the technical side of the drill through which he has been compelled to go in giving heed to decisions of the court on this, that, and the other point. I go beyond all that to the foundation principles of the Government, and hold that the Constitution did not contemplate the creation by Congress of a creature that would get beyond the power of Congress to control.

Mr. DOLLIVER. While it is true that the Senator from Texas is prone to follow judicial precedents, unfortunately that is also the practice of the courts.

Mr. TILLMAN. But I say the court has reversed itself on two or three occasions—on a hundred of them, I reckon. I have seen in some little investigations that I have made where they would wobble from one side to the other and finally they began to turn around and go back.

Mr. DOLLIVER. Then my friend has lost confidence in the law as an exact science?

Mr. TILLMAN. Has my friend from Iowa ever found any evidence in the law of an exact science?

Mr. DOLLIVER. I have found comfort in certain first principles, one of which is that you can not open a court of equity, to which everybody is to have access in defense of his property, and send one litigant into it perfectly free to invoke all its powers and limit another, so that the equity power of the court is not equally within reach of all, without violating the law of that forum which is the essence of our institutions, "the equal protection of the law."

Mr. TILLMAN. Possibly the trouble has been that the court has declared that a corporation is a person. It was a very handy thing to do, and I suppose it was necessary for it in ordinary litigation. But in this case it is the actual man and the artificial man contending for the right to live, and the actual man—the farmer, the producer, the laborer—stands here and begs Congress to give him relief.

Mr. DOLLIVER. I sympathize with that demand, and also with the zeal of my honored friend the Senator from South Carolina. I am not going to quarrel with him about his desire to limit this power.

Mr. TILLMAN. I say let us give the people the benefit of the doubt.

Mr. DOLLIVER. I regret that in his zeal for the people the Senator seems to throw a sort of cloud over the good faith and purpose of those who at the expense of a good deal of time and labor have framed these provisions of the proposed statute.

Mr. TILLMAN. Mr. President, I disclaim any such purpose with regard to the Senator from Iowa or those who are laboring with him to secure relief. I believe he is just as honest and zealous in his efforts to give the country a good law that will bring about a better condition in regard to railroads as I am. I do not claim any monopoly of patriotism or purity here, and if I have said anything to wound his feelings or make him feel that I am suspicious of his integrity of purpose——

Mr. DOLLIVER. Oh, no.

Mr. TILLMAN. I here and now disclaim it. But this Hepburn bill, as I have said, is in my charge; I am trying to feed the brat the best I can and to take care of it. I do not intend that all the railroad lawyers in the United States shall kill it if I can prevent it.

Mr. DOLLIVER. That is a good resolution, but I am having so much trouble defending this bill from its enemies that I would be delighted if I could get a little more charitable consideration of it from its friends. [Laughter.]

Mr. TILLMAN. Perhaps by the time we get some amendments in the bill which will make the brat less obnoxious to some of us and will not make him so obnoxious that his original friends will disown him we may be able to get a majority of Senators who will amend the bill in several particulars, con-

cerning two of which I have already spoken. I will see that they are presented to the Senate later on, but I will not state them now, as it is growing late. I will say to the Senator that I believe he will find at least as much zeal and earnestness of purpose among the friends of the bill on this side as on the other side. It is not a partisan measure, thank God, and I do not want partisanship to enter into it; but I say we will meet any and all men on the other side or anywhere else halfway, and more than halfway, in an effort to give the people relief, instead of, in the words of the Senator from Pennsylvania [Mr. KNOX], "offering them a stone in place of bread."

Mr. FORAKER. Will not the Senator now, before he takes his seat, tell us what those two amendments are?

Mr. TILLMAN. I have already outlined them, and I will speak of them again. I believe there ought to be incorporated in this bill a provision that no public carrier shall produce for sale and transport, in competition with private parties, coal or other necessaries of life. That is one thing that should go in the bill. There is another that would give relief to the conditions in West Virginia by compelling the through carriers or interstate roads to give connection, physical and otherwise, to grant joint rates, and enable any man who wants to engage in interstate commerce to have an outlet to the market. Those are two provisions I want incorporated in the bill.

Mr. DOLLIVER. The first of those provisions, by reason of a recent decision of the Supreme Court, is now in the law without any amendment. Of course I am in favor of that, but if I understand the decision of the Supreme Court, that is the law now. So far as the other suggestion is concerned, all of those things are at present in the bill.

Mr. TILLMAN. But they are in there in such vague and indefinite terms that I am afraid the Supreme Court would say they were only there by implication, and that court has expressly declared that no power can be given by implication. So I want it provided for in direct terms.

EXECUTIVE SESSION.

Mr. CULLOM. Mr. President, I think this debate has gone far enough, and I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 5 o'clock and 15 minutes p. m.) the Senate adjourned until to-morrow, Thursday, March 15, 1906, at 12 o'clock meridian

## NOMINATIONS.

*Executive nominations received by the Senate March 14, 1906.*

PROMOTIONS IN THE ARMY.

Lieut. Col. Charles F. Powell, Corps of Engineers, to be brigadier-general, vice Miller, to be retired from active service.

Col. John W. Bubb, Twelfth Infantry, to be brigadier-general, vice Powell, to be retired from active service.

PROMOTIONS IN THE NAVY.

Lieut. Commander Richard M. Hughes to be a commander in the Navy from the 28th day of February, 1906, vice Commander John B. Collins, promoted.

Boatswains Frank Carall and William Johnson to be chief boatswains in the Navy from the 1st day of March, 1906, upon the completion of six years' service, in accordance with the provisions of the act of Congress approved March 3, 1899, as amended by the act of April 27, 1904.

Carpenter William H. Squire to be a chief carpenter in the Navy from the 9th day of February, 1906, upon the completion of six years' service, in accordance with the provisions of the act of Congress approved March 3, 1899, as amended by the act of April 27, 1904.

Carpenters Jacob Jacobson and Lewis S. Warford to be chief carpenters in the Navy from the 20th day of February, 1906, upon the completion of six years' service, in accordance with the provisions of the act of Congress approved March 3, 1899, as amended by the act of April 27, 1904.

## CONFIRMATIONS.

*Executive nominations confirmed by the Senate March 14, 1906.*

COLLECTOR OF CUSTOMS.

Nevada N. Stranahan, of New York, to be collector of customs for the district of New York, in the State of New York.

SURVEYOR OF CUSTOMS.

James S. Clarkson, of New York, to be surveyor of customs in the district of New York, in the State of New York.

NAVAL OFFICER OF CUSTOMS.

Frederick J. H. Kracke, of New York, to be naval officer of customs in the district of New York, in the State of New York.

PROMOTIONS IN THE NAVY.

P. A. Paymaster Edward T. Hoopes to be a paymaster in the Navy from the 2d day of February, 1906.

P. A. Paymaster Walter A. Greer to be a paymaster in the Navy from the 10th day of February, 1906.

P. A. Paymaster Cecil S. Baker to be a paymaster in the Navy from the 17th day of February, 1906.

POSTMASTERS.

ALABAMA.

Blevins S. Perdue to be postmaster at Greenville, in the county of Butler and the State of Alabama.

CALIFORNIA.

Frank J. Payne to be postmaster at Sutter Creek, in the county of Amador and State of California.

IDAHO.

W. E. Kittrell to be postmaster at Burke, in the county of Shoshone and State of Idaho.

ILLINOIS.

Elijah Needham to be postmaster at Virginia, in the county of Cass and State of Illinois.

Alfred R. Wilcox to be postmaster at Minonk, in the county of Woodford and State of Illinois.

INDIANA.

George P. Alexander to be postmaster at Kendallville, in the county of Noble and State of Indiana.

John H. Cockley to be postmaster at Albion, in the county of Noble and State of Indiana.

IOWA.

Wallace G. Agnew to be postmaster at Osceola, in the county of Clarke and State of Iowa.

Daniel E. Pond to be postmaster at Monticello, in the county of Jones and State of Iowa.

KANSAS.

Alexander Barron to be postmaster at Kirwin, in the county of Phillips and State of Kansas.

William E. Hogueland to be postmaster at Yates Center, in the county of Woodson and State of Kansas.

Clement O. Smith to be postmaster at Burlington, in the county of Coffey and State of Kansas.

MICHIGAN.

Aaron W. Cooper to be postmaster at Fowlerville, in the county of Livingston and State of Michigan.

Kimbal R. Smith to be postmaster at Ionia, in the county of Ionia and State of Michigan.

Judson M. Spore to be postmaster at Rockford, in the county of Kent and State of Michigan.

MINNESOTA.

Harriet E. Morcom to be postmaster at Tower, in the county of St. Louis and State of Minnesota.

Luella T. Robey to be postmaster at Pipestone, in the county of Pipestone and State of Minnesota.

Edgar B. Shanks to be postmaster at Fairmont, in the county of Martin and State of Minnesota.

MISSOURI.

William H. Garanflo to be postmaster at New Madrid, in the county of New Madrid and State of Missouri.

Alvin Goodson to be postmaster at Carrollton, in the county of Carroll and State of Missouri.

Max V. Robinson to be postmaster at Fairfax, in the county of Atchison and State of Missouri.

NEW JERSEY.

Charles E. Gildersleeve to be postmaster at Sayreville, in the county of Middlesex and State of New Jersey.

William N. Nixon to be postmaster at Woodstown, in the county of Salem and State of New Jersey.

NEW YORK.

Joseph Ogle to be postmaster at Greenport, in the county of Suffolk and State of New York.

NORTH CAROLINA.

Brownlow Jackson to be postmaster at Hendersonville, in the county of Henderson and State of North Carolina.

TEXAS.

Robert F. Nelson to be postmaster at Gorman, in the county of Eastland and State of Texas.

WASHINGTON.

Albert S. Dickinson to be postmaster at Waitsburg, in the county of Walla Walla and State of Washington.

L. M. Hull to be postmaster at Wenatchee, in the county of Chelan and State of Washington.

George N. Lamphere to be postmaster at Palouse, in the county of Whitman and State of Washington.

## WITHDRAWAL.

*Executive nomination withdrawn March 14, 1906.*

Col. John W. Bubb, Twelfth Infantry, for appointment as brigadier-general, United States Army.

## HOUSE OF REPRESENTATIVES.

WEDNESDAY, *March 14, 1906.*

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read and approved.

### THE LATE REPRESENTATIVE CASTOR.

Mr. ADAMS of Pennsylvania. Mr. Speaker, I ask unanimous consent for the present consideration of a resolution which I send to the Clerk's desk.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent for the present consideration of a resolution which the Clerk will report.

The Clerk read as follows:

*Ordered.* That the name of Hon. GEORGE A. CASTOR, late a Member of the House of Representatives from Pennsylvania, be added to the list of memorial services to be held on Sunday, April 15, 1906.

The SPEAKER. Is there objection?

There was no objection.

The resolution was agreed to.

### LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. LITTAUER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 16472—the legislative, executive, and judicial appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the legislative appropriation bill, with Mr. OLMSTED in the chair.

Mr. LITTAUER. Mr. Chairman, I yield to the gentleman from Wisconsin [Mr. BABCOCK] such time as he desires.

Mr. LIVINGSTON. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman from Georgia rise?

Mr. LIVINGSTON. I want to have an understanding with my colleague over there [Mr. LITTAUER]. Do I understand that the gentleman is going forward on that side, or shall we on this side use some time now?

Mr. LITTAUER. There are one or two requests over here, the gentleman from Wisconsin in particular.

Mr. LIVINGSTON. I want to try to keep the time evenly divided, if possible, as we go along.

Mr. LITTAUER. We, of course, want to do the same. The gentleman from Wisconsin, however, is not very well, and desires an opportunity to be heard at this time, and accordingly I have yielded to him.

The CHAIRMAN. The Chair will state that no provision has been made by the House for the control of the time, and thus far no request has been made to the Chair for time by anybody, except the gentleman from Georgia, on that side of the House.

Mr. LIVINGSTON. I believe the understanding was that the gentleman from New York would control the time on that side and that I should control it on this side.

Mr. LITTAUER. I shall have no disposition to take more than half the time, if gentlemen on that side want to occupy it.

Mr. LIVINGSTON. The question raised by the Chair is that no one has been agreed upon to control the time.

Mr. TAWNEY. There has been no agreement as to the control of the time, and in the absence of an agreement the Chair always controls the time.

The CHAIRMAN. The Chair will be very glad to alternate between gentlemen on either side of the Hall, if they make requests for time.

Mr. LITTAUER. I have yielded to the gentleman from Wisconsin.

The CHAIRMAN. The gentleman from Wisconsin is recognized.

Mr. BABCOCK. Mr. Chairman, if the statehood bill which has recently passed the House should be enacted into law in the form it left the House, it would, in my opinion, be one of the greatest legislative outrages ever perpetrated in this country. I refer particularly to the proposed merger of Arizona and New Mexico into one State, and I believe that future events would prove it to be a serious mistake. Fortunately for the country, the Senate has amended the bill and stricken out the Territories of Arizona and New Mexico, and as it comes back to the House amended it provides for the admission of Oklahoma and Indian Territories as one State.

I heartily approve this amendment, and at a Republican conference, held early in the session, this proposition was unanimously indorsed by that conference. Not an opposing vote was cast against the proposition that is now presented to us by the Senate.

In my opinion neither Arizona nor New Mexico is at this time ready for statehood. It will be many years before New Mexico reaches the worthy stage which will entitle the people of that Territory to the rights of statehood and give them two votes in the United States Senate, on an equality with Pennsylvania, New York, Illinois, or my own State of Wisconsin. It will not be so long before Arizona is fitted to come into the Union of States, but when she does reach that stage of preparedness every consideration of justice and fair play demands that she shall take her place in the sisterhood in her own right and unhampered by a union which could almost be called miscegenation, with comparatively an alien race. If let alone, Arizona's future is assured and will be glorious. Resources of mineral wealth that hardly have been scratched on the surface; possibilities of agricultural development almost boundless, promise for the Territory growth in the future which will make Arizona one of the richest regions of the West. To yoke her with New Mexico will inevitably stunt her growth, check her development, and make her secondary to a community which does not begin to approach her in worth in any material way.

It is only natural that the people of Arizona should feel themselves entitled to the privileges of statehood and should chafe at being held out of the Union. They are ambitious folk, brothers of yours and mine, coming from all of the States of the East, pushing their fortunes in a new country and desirous of advancing them. They recall that other Territories far less worthy have been admitted, citing Nevada and Utah. They point to the fact that the great Territory of Dakota was divided into two States. Because political considerations in the past may have dictated the admission of other Territories they see no reason why other considerations should not now prevail to obtain for them a like privilege.

But is it not significant that with all this eagerness to secure the coveted prize of statehood, which would mean so much to their material development, nine-tenths of the people of Arizona are willing to defer it, and defer it indefinitely, rather than be drawn into the Union shackled to New Mexico? There are reasons geographical, racial, historical, moral, and I might also say constitutional why this outrage should not be perpetrated upon the people of Arizona. The geographical reason alone should be enough to prohibit the joining of the two Territories into one State. The combined area of New Mexico and Arizona is 235,380 square miles. With the exception of Texas, this would make the State the largest in the Union. When Texas was admitted by treaty it was provided that she should have the privilege of dividing herself at any time into five States. The two Territories are separated by deserts and mountains to a degree which would make physical jointure impossible from a practical view point. The dividing ridge comprises one of the most difficult mountain regions on this continent. Wagon roads and trails, not to speak of railroads, are almost impossible between the settled communities on either side of the Divide. Intercommunication between Arizona and New Mexico will always be difficult. The trade of Arizona goes to Los Angeles and the Pacific coast. The well-to-do people spend their vacations in California. The citizens of New Mexico trade with El Paso, Tex., and Denver, Colo. They rarely go across the Divide to the coast. Consider for a moment some of the difficulties in this country of magnificent distances.

The shortest distance from Santa Fe, N. Mex., to Yuma, Ariz., is 791 miles by rail. From Santa Fe to Phoenix the distance is 661 miles. There is scarcely a town of any importance in Arizona that is nearer to Santa Fe than Boston is to Washington. The traveler consumes twenty-eight hours' constant travel in a journey from Phoenix to Santa Fe, twenty-four hours from Tucson, and thirty-two hours from Yuma. The citizen of Yuma who had business in the capital of the proposed new State would spend fourteen hours longer in the journey than is required to go from New York to Chicago. His railroad fare would be $40.25.

This is not a small item by any means. The expense upon

the new State would be very heavy to send members of the legislature to Santa Fe and to pay the cost of transacting all the business of the government which would arise in this vast area. It must not be overlooked that the original reason for the separation of Arizona and New Mexico in 1863 was that the distances between settled communities were so great that the expense of taking part in the government of the Territory was almost prohibitive to the people living in the region now comprised by Arizona.

I desire particularly to call attention to the difference between the classes of people who inhabit the two Territories. In my opinion this racial difference is exceedingly important. Experience has shown that it is not wise to combine two distinct races under one government, where each will be striving for control of the government. The men who have built up Arizona are Americans, natives of the Eastern States. New England and New York are well represented. The Middle States have their quota in the citizenship, and the States of the Mississippi Valley have sent their young men to this rich and growing country. The population is representative of sturdy Americanism in its best form. The bulk of the population in New Mexico is of Spanish origin. Their mode of life, their thought, their customs, and even their local laws are different from those of the residents of Arizona. According to the report of the governor of New Mexico to the Secretary of the Interior for the year 1902, there are eight Spanish-Americans to five of all other races. Governor Otero once expressed the sentiment of a large number of people in New Mexico against joint statehood in the following language:

> There is no doubt that the great majority of people of New Mexico are opposed to joining New Mexico and Arizona into one commonwealth, as proposed by pending legislation. Even a small percentage who would acquiesce in such legislation prefer single and separate statehood for each Territory. This is not due to any innate animosity between the two Territories, but to the inherent differences in population, in legislation, in industries, in contour, in ideals, and from an historical and ethnological standpoint, not to mention that the consolidation of two commonwealths like New Mexico and Arizona into one is unprecedented in American history.
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> The new State would be an unnatural and an unwilling alliance. It would be the coercion of two populations which are unlike in character, in ambition, and largely in occupation. The union would be abhorrent to both. Simply because the two populations are in the Southwest the country should not suppose that they are alike or sympathetic.

It passes my comprehension how in face of such solemn warning as this the intelligent American Congress can persist in forcing upon the people of these two Territories an alliance which not only is objected to by both of them, but which it is shown by irrefutable evidence would be productive of nothing but evil. [Applause.] The people of Arizona are more bitterly opposed to the union than the citizens of New Mexico. That is due to the fact that the New Mexico folk realize that in the forced union they would derive some compensation from being in the majority, numerically. They would dominate the situation at all times. They would outvote the Arizona faction on every proposition. It would be as if Connecticut should be joined to New York—Arizona typified by Connecticut.

The legislation contemplated in this bill has been pending since April 4, 1904, when the Hamilton bill, providing for joint statehood between Arizona and New Mexico and Oklahoma and Indian Territory, was brought in. The bill was the result of a compromise among members of the House Committee on Territories, reached without consulting the wishes of the people of either Arizona or New Mexico or of their Delegates in Congress. The first bill was jammed through the House under whip and spur of a rule reported by the Committee on Rules, which limited debate, cut off intervening motions, prohibited amendments, and fixed an hour for a vote.

It failed of enactment at that session of Congress.

As soon as the people of Arizona awoke to realization that there was danger of their being consolidated with New Mexico they began to express their opposition to the proposed legislation. Their disapproval was nearly unanimous. The legislature of Arizona adopted a resolution of protest. Commercial bodies met and objected vigorously, while local officials and private citizens all joined in objection. A delegation from the Territorial Bar Association was sent to Washington to labor with Congress. On May 27, 1905, a convention was held in Phoenix to organize an anti-joint statehood league. Mayors of every city in Arizona, the county boards of supervisors, and various commercial organizations sent delegates. A bipartisan meeting of the campaign committees of the two political parties adopted resolutions. The convention unanimously adopted a set of resolutions which, since, have met with universal approval of the people of the Territory, which declared, in part:

> We profoundly believe that the union of the two Territories as one State would be inimical to the best and highest interests of both, and because of the differences in our history, laws, customs, and races, and because of the geographical division which naturally separate and divide us, such union would be particularly harmful to the people of Arizona. We believe that the complications which would inevitably result from an attempt to adjust impartially the burden of the debts of the Territories and of the various counties and municipalities thereof would result in irreconcilable differences, and that the prosperity and welfare of the various Territorial institutions would be endangered.
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> We believe that it would be impossible to adopt such a code of laws as would meet the conditions in each Territory and yet which would be just to the whole people of the proposed State.

The people of Arizona claim that the organic act creating the Territory of Arizona, passed by the Congress during Lincoln's Administration, promised them separate statehood. That act of date of February 24, 1863, provided:

> That said government shall be maintained and continued until such time as the people residing in said Territory shall apply for and obtain admission as a State on an equal footing with the original States.

Former Governor Murphy, of Arizona, an eastern man, once analyzed that declaration:

> This is a distinct promise of ultimate statehood for Arizona within her boundaries. The time when it shall be admitted is left to the discretion of Congress, but the first move must come from the people of Arizona.
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> It has been argued that this promise on the part of that Congress can not be binding on any other Congress. Strictly speaking, from a legal standpoint, this is true; but in all fairness and justice we submit that it is not morally right for Congress to force us into this union in the face of our opposition. A large number of the people of Arizona have come here from Eastern States, and with infinite labor they have built up communities which we believe are a credit to the whole country. We have wrested the land from the desert by irrigation; we have sought for and found gold, silver, copper, and other minerals valuable to the development of the industries of the United States; we have invested our capital and our lives in the success of our ventures.
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> We are not seeking now for separate statehood, but we believe that our autonomy should be preserved and that we should not be deprived forever of the hope of entering the Union as a State. Not as a tribe of Filipinos in a far distant colony, but as American citizens, we ask that Congress shall preserve our right to self-government and the privilege of working out our own destiny under our own laws and our own institutions, and not place us under the domination of a people who greatly outnumber us and who are widely different in language, in race, in laws, and in ideals.

The principal test as to whether Arizona should remain separate from New Mexico with the expectation of eventually becoming a State, so far as it affects the United States as a whole, is whether the resources of the Territory will bring a population that will convince the whole country of its fitness to take a place among the States of the Union. The citizens of the Territory are so confident that this test will decide the question in the affirmative that they are willing to wait until the development which they expect warrants admission as a separate State. I do not care to go at length into statistics of the resources of Arizona, but I would like to recite a few to refute the statements which have been made about the Territory and the misapprehension which seems to exist.

In 1905 there were more than 11,000,000 acres of land located in tracts. There were nearly 14,000,000 acres of grazing lands on the public domain. There were 26,000,000 acres in Indian and forest reserves. Of the balance of the Territory, consisting of 21,000,000 acres, the greater portion can not be reclaimed, but is marvelously rich in copper, silver, gold, and other minerals. The irrigation projects now in contemplation or under construction by the Federal Government will furnish water for many thousand acres of land which can be reclaimed by irrigation. The pine forests of Arizona cover an area of over 12,000 square miles and the value of Government timber is estimated at $300,000,000. The total yield of gold, silver, and copper from 1870 to 1894 was $156,000,000. Within the succeeding ten years the gold and silver output amounted to nearly $56,000,000, notwithstanding the great depreciation in the price of silver, and the production of copper to $120,000,000. The total farm products in 1899 amounted to $10,000,000 and the live stock was valued at $15,000,000. There is not the slightest doubt that Arizona, at her present rate of development, within ten years will be ready to claim by right membership in the sisterhood of States.

Before I close I would like to refute one charge that has been made in the course of this contest against joint statehood. It has been alleged as an ulterior motive for opposition that if statehood is defeated railroad and mining corporations will be permitted to enjoy continued immunity from adequate taxation under Territorial law. Only one answer is necessary to that: If Arizona remains a Territory the Congress of the United States has the power at all times and any time to regulate taxation in the Territory, and if the system is wrong Congress can change it. [Applause.]

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. TAWNEY having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed bills and joint resolutions of the follow-

ing titles; in which the concurrence of the House of Representatives was requested:

S. 4513. An act to authorize the Mobile Railway and Dock Company to construct and maintain bridges across Dog River and Fowl River in Mobile County, State of Alabama;

S. R. 1. Joint resolution for the erection of a monument to the memory of Dorothea Lynde Dix;

S. R. 20. Joint resolution directing the selection of a site for the erection of a bronze statue in Washington, D. C., in honor of the late Henry Wadsworth Longfellow;

S. 502. An act for the relief of James A. Russell;

S. 503. An act to reimburse James M. McGee for expenses incurred in the burial of Mary J. De Lange;

S. 581. An act authorizing and directing the Secretary of War to condemn and turn over to the State of Idaho two Krupp field guns captured from the enemy by the First Regiment Idaho Volunteer Infantry at the battle on Santa Ana, P. I., February 5, 1899;

S. 582. An act to provide for the purchase of a site and the erection of a public building thereon at Denver, in the State of Colorado;

S. 685. An act for the erection of a monument to the memory of John Paul Jones;

S. 1683. An act to provide for the purchase of a site and the erection of a public building thereon in the city of Kearney, State of Nebraska;

S. 1802. An act to regulate the use by the public of reservoir sites located upon the public lands of the United States;

S. 1831. An act to provide for the purchase of a site and the erection of a public building at Eureka, Cal.;

S. 2266. An act authorizing the Joint Committee on the Library to purchase a bust of President Zachary Taylor;

S. 2270. An act for the relief of Nicola Masino, of the District of Columbia;

S. 2286. An act to confer jurisdiction upon the circuit court of the United States for the ninth circuit to determine in equity the rights of American citizens under the award of the Bering Sea arbitration of Paris and to render judgment thereon;

S. 4168. An act to correct a typographical error in act approved July 1, 1898, entitled "An act to vest in the Commissioners of the District of Columbia control of street parking in said District;

S. 4170. An act to amend an act approved March 3, 1891, entitled "An act making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1891, and for prior years, and for other purposes;"

S. 4190. An act to amend an act entitled "An act to amend section 2455 of the Revised Statutes of the United States," approved February 26, 1895;

S. 4302. An act to amend the provision in an act approved March 3, 1899, imposing a charge for tuition on nonresident pupils in the public schools of the District of Columbia;

S. 4339. An act to amend section 4502 of the Revised Statutes of the United States, relating to bonds and oaths of shipping commissioners; and

S. 4434. An act ceding a parcel or strip of land to the city of Hot Springs, Ark., for use as a public street.

The message also announced that the Senate had passed with amendments bills of the following titles; in which the concurrence of the House of Representatives was requested:

H. R. 6009. An act to regulate the construction of bridges over navigable waters;

H. R. 10129. An act to amend section 5501 of the Revised Statutes of the United States; and

H. R. 4. An act to amend section 3646, Revised Statutes of the United States, as amended by act of February 16, 1885.

### LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

The committee resumed its session.

Mr. LITTAUER. I now yield to the gentleman from Ohio [Mr. GROSVENOR] such time as he desires.

Mr. GROSVENOR. Mr. Chairman, I desire to speak briefly upon the topic in the pending bill relating to the administration of the civil service of the Government. I am not surprised at the condition that we find in the country. I am free to say that the condition has come a little more rapidly and is a little more serious than I had myself anticipated years ago. I am taken by surprise at the magnitude of the evil existing, and while I do not care to say in the ordinary language, "I told you so," I want to point out that the difficulty does not lie in the conditions sought to be remedied by the provision in this bill.

The fact exists, and has existed for many years, that the cost of the administration of the Government through the instrumentalities controlled by the Civil Service Commission is the cause of one of the largest deficits in our public revenue. We are complaining here about expenditures, and we are afraid to appropriate money for the building of public buildings; we are becoming careful of the appropriations for the naval establishment, and honest hands are held up in holy horror at the idea of passing a ship subsidy bill which will put into the Treasury more money than it will take out in two years, and will not take out of the Treasury in ten years one-half of the money that is wasted on the civil administration of this Government in any one year of its existence. That is the sort of administration of affairs that has grown up in this country. The distinguished chairman of the Appropriations Committee shows that we pay $134,000,000 for clerical work alone, and no one doubts that one-fourth of all this can be saved if we can place our whole administration upon a business basis.

Not very long ago an Assistant Postmaster-General made the statement before one of the committees of the House that he could grow rich annually if he could be paid 40 per cent of the cost of running that institution in the city of Washington and allow him to do the work through his own process and agency.

Now, for the first time, a great committee of the House of Representatives, carefully investigating the whole subject, has come here with the most startling proposition, a proposition that it may be will be slurred over at this time—it may be there will come directly a protest in the form of personal detraction against the Members of the House of Representatives because of their attitude upon this question—but, in the long run, Mr. Chairman, it is absolutely certain that something will have to be done, somebody will have to do it, and the cry of "spoilsman" upon the one hand and the "merit system" upon the other hand will not very much longer dazzle the eyes of the American people upon the one hand and drive them to substantial hysteria on the other.

The effort being made by the Committee on Appropriations is an honest effort to meet a terrible condition of affairs and to cure it if possible, and my position is that they are upon the wrong track, or, in other words, they are on the track that leads to the central trouble in the matter, and that this proceeding—this proposition of theirs which will be temporarily of some benefit—will never cure the evil that we are laboring under. It is like cutting off twigs at the top of a dying tree in order to stimulate growth of the bole of the tree in the ground. It is going up into the branches when the evil resides down at the root of the tree.

The so-called "merit system" was introduced by a Democratic Senator in the Senate of the United States in 1883, who boldly proclaimed that he had done it and was doing it in order that he could force some Democrats into the minor offices of the Government. During the progress of the debate upon that bill Senator Hoar, of Massachusetts, than whom there was probably no man in the United States more devoted to real merit in the offices of the Government, said that he would vote for the measure, but that he considered it a crude and tentative measure. I do not attempt to give his exact words, but that was the substance of what he said. He said it would be a starting point from which wise legislation doubtless might grow up. That was in 1883. From that day to this that crude measure, admitted to be so by its friends, has stood upon the statute book of the United States. Hundreds of bills have been introduced—the outgrowth of wisdom that has come to the American Congress as time passed on. Hundreds of bills to repeal the law, to amend the law, to get rid of the evils resulting from the law—in all directions changes and amendments have been sought for.

Every one of these bills have been sent to the Committee on Reform in the Civil Service. And, strange as it may appear to a Congressman, not one of them was ever reported out. You talk about "sitting on the lid;" if ever there was a "lid" that was fastened down and strangled the intelligence of the American Congress on this mighty question, it was the lid that has been sat upon by the Committee on Civil Service Reform of this House of Representatives since 1883, for not one bill was ever brought out.

Nobody has yet dared—and I use the word without qualification—to trust the American Congress with the right to legislate upon this vital question. Sometimes we have expressed the opinion of Congress—always the opinion of dissatisfaction—by voting temporarily against the appropriation for the pay of the Civil Service Commission. Every day the friends of this strangulation proceeding have twitted us with the remark that we were trying to do an idle and foolish thing, and over and over again, for twenty years, we have begged of that committee, "Give us an opportunity and we will show you." And what has been the answer to all that we have said? They said, "You are spoilsmen; you are in favor of strangling reform; you claim that you ought to have the power to corrupt and vitiate the public places of the country." There has been no argument

upon our part, no opportunity to express our views, and we have been met only with the simple blatant, absurd, ridiculous, and brutal cry of "spoilsmen," which has come up from certain gentlemen of the intense mugwump persuasion.

There never was a Congressman since I have been a Member of this House who ever sought to restore the system that has been called by the opprobrious name of "the spoils system." Each and every utterance that has pursued many of us has been the utterance of the libeler—the shameless libeler of men who have dared in actual debate to express themselves upon this question. No Congressman in twenty years, so far as I remember, has introduced a bill to return to the "spoils system," but we have sought to have an opportunity to stay this tide that to-day has been described by both sides of this House—by the chairman of the subcommittee on our side and by the distinguished leader of the minority of the committee on the other side.

What is the underlying, fundamental principle of this system? Life tenure of office, and every trouble that the gentleman here before me from New York [Mr. LITTAUER] has described, and which the gentleman from Georgia [Mr. LIVINGSTON] has repeated, harks back to the irresponsible condition of an employee of the Government holding a life position. Now comes the report that there are 585 who are above the age of 70 years in the offices of the various Departments here in this city whom they can not or will not get rid of. Well, I do not want to get rid of them myself, and I certainly shall not vote to strike down the man whose only fault is his age. I would place myself in a most remarkable position if I should vote that a man ought not to earn more than $1,000 or $850 a year simply because his offense, and his sole offense, was that he was over 70 years of age. I am not proud of my consistency, and yet I am not so glaringly inconsistent as that. Now, what is the real trouble? I have said that it is life tenure. The experiment has been tried in other countries. What country has a civil pension? No Christian country ever upheld life tenure without a civil-pension list, and to that crisis we are rapidly coming.

If you keep men in office until they become 70 years of age and upward and become worthless, or comparatively so, if there is humanity in the Government we must create a vast civil-pension list, and that list must go on and grow—grow as this list is growing. What will be the effect now of lopping off the proportion of these clerks that is proposed by the processes of this bill? Why, you would turn back and dissipate the billows and the waves that are crushing out decent reform here for a year or two years, but it will keep coming, coming from the boundless resources of life tenure of office. This Government is founded upon the idea of rotation in office, and, as the gentleman from Georgia very well said, we have to go before a competitive campaign every two years and the President every four years and the Senators every six years, and all through our whole mighty system of free government the idea of limited term of office is the controlling principle, and yet there is ejected into this Government a principle that is diametrically and wholly and utterly opposed to the principle thus involved.

Now, I have said, Mr. Chairman, no man on this floor or in this House for twenty years has ever attempted, so far as I can remember, to go back to what is called the "spoils system." There is only just this much spoils system left in this country, and that undoubtedly will be wiped out in due time, and the Civil Service Commission, with their bugology and astronomy and chemistry, will operate on those lines. Thus far there has been left to the intelligence and patriotism and wisdom of the American Congressman the primary nomination of cadets at West Point and midshipmen at Annapolis, and it must be said that out of the product of these Congressmen's wisdom and patriotism there has come some pretty good men to the front in America. Phil Sheridan was appointed in the district I represnt—a little Irish boy carrying water to his father's men working on a canal contract—by the recommendation of a Congressman. He could not have passed a civil-service examination for an elevator in one of these public buildings. Ulysses S. Grant was sent from Ohio by old Hamar; and so on all along the line. And George Dewey and Schley and Sampson, and coming on down, all the way down through the magnificent galaxy of men who have distinguished themselves and not disgraced themselves, this Government has been in its military arm represented by the spoils system. It has all gone but that, and that is as rapidly going as possible, for Congressmen now will find out that there is a very earnest suggestion made every time you nominate a cadet or midshipman that you send him before the Civil Service Commission. I have said, and I stand by it, that the opinion of this House, that has been so often expressed and so nearly unanimously expressed, has never been in favor of overthrowing all that is valuable in the civil-service system of the United States. I would scorn to hold myself up as a man who desired to go back to the situation that Congressmen might nominate and appoint, as it were, clerks in the Departments here in Washington. Nobody has ever thought of it, but it has been taken up and falsely and viciously and wickedly and criminally and libelously hurled at the men who have stood here and fairly sought an opportunity to present to the American people their views upon the subject. I say no man in the twenty years of my service here has ever uttered such a proposition as that, and yet constantly and everywhere we have been traduced in this way.

Now, Mr. Chairman, some years ago, in the Fifty-fifth Congress, when the troubles that are now so rapidly before us were coming in every direction wise men saw that something must be done, something ought to be done so this disgraceful condition would be arrested, and after a considerable consultation something over 100 Members of this House on the Republican side held conferences one after the other and discussed as fully as possible the views of each Member as to what ought to be done with the civil service of the Government. I have said that these evils had been prophetically declared, and in order to present our views, to assure the American people that the so-called "spoilsmen" of the House of Representatives had never dreamed of any proceedings such as were being characterized, finally, after full discussion, we prepared a bill which was introduced by Mr. Evans, of Kentucky, now judge of the United States district court, and in order that I may have a starting point, and in order that I may check if possible this tidal wave of misrepresentation, I desire to have the bill read at the Clerk's desk.

The Clerk read as follows:

A bill (H. R. 5854) to modify an act entitled "An act to regulate and improve the civil service of the United States," approved January 16, 1883, and for other purposes.

*Be it enacted, etc.*, That the rules heretofore made and promulgated, or which may hereafter be made or promulgated, under the provisions of an act entitled "An act to regulate and improve the civil service of the United States," approved January 16, 1883, shall not apply to nor regulate examinations for nor the employment or appointment of any person to any office or position in the civil service of the United States, nor to removals therefrom, except the following, namely:

First, clerks (which term shall also include copyists, counters, computers, and draftsmen) who receive salaries of not less than $900 nor over $1,800 per annum in the several Departments, institutions, commissions, and bureaus in the city of Washington, D. C., and in the various public offices throughout the country in which as many as twenty-five persons, exclusive of letter carriers, are employed; second, railway mail clerks, and, third, letter carriers in cities where more than ten carriers, exclusive of substitutes, are employed: *Provided*, That the provisions of said act approved January 16, 1883, and rules made thereunder, shall not in any way apply nor be applied to the appointment or employment of special examiners in the Bureau of Pensions, nor to confidential clerks, secretaries, or stenographers of any head of any Department, institution, commission, or bureau, nor to those of any postmaster, surveyor, or collector of customs, collector of internal revenue, pension agent, appraiser of merchandise, the naval officer of any port, marshal of any district, or attorney of the United States for any district, nor to any person employed in the office of the Public Printer.

SEC. 2. That so far as said act can be construed to authorize the prescribing of rules for employments or appointments to or removals from any other position in the public service, except as provided in this act, the same is hereby repealed, and all rules which have been adopted or promulgated inconsistent with this act are hereby annulled and rescinded.

SEC. 3. That the terms of office for all persons to whose appointment the rules made or to be made under said act of January 16, 1883, may apply shall be five years from the passage of this act, and the terms of those hereafter appointed to be five years from the date of their respective appointments: *Provided*, That the provisions of this section of this act shall not in any manner abridge or interfere with the power of the proper appointing officers to reappoint, remove, transfer, reduce, or promote any such appointee, person, employee, or clerk in his discretion and as a proper regard for the good of the public service may, in his judgment, require: *And provided further*, That when any such clerk, employee, person, or appointee is removed, transferred, or reduced, the officer ordering or doing the same shall state in writing the reason and grounds therefor, and shall file such writing as a public record in his office: *And provided further*, That no such removal, reduction, promotion, or transfer shall be made for political or religious reasons.

Mr. GROSVENOR. Now, Mr. Chairman, that was the opinion, as well as we could agree upon it, of the hundred and odd Members of the House of Representatives who prepared that bill. They were, some of them, very distinguished Members of this House, men of long service and of careful study on this vital question. And the object, and the only object, that we had was to adopt an amendment to this system, not to destroy the merit features of the system, not in any manner to get rid of an examination as to fitness, but simply to get rid of the curse of the civil administration—life tenure. That is all there was of it. The bill was not perfect. It was not understood to be perfect. But the bill was a suggestion, a guideboard and warning that the rocks and shoals and the breakers that we are upon now were a short distance in the front. What

became of that bill thus brought in here by the united wisdom of more than a hundred Members of the House of Representatives? What do you think became of it? A shout went up from one end of the country to the other by the organs of bureaucracy that we were trying to go back to the old spoils system, and the Committee on Civil Service Reform took that bill, indorsed as it was by more than a hundred Members of this House, and, if they did not swear to it, they acted upon it, that we should never see it again, and we never did. They would not let us look at it. They would not bring it into the House, for that or some bill of a similar character would have passed in that House by an overwhelming majority.

What is the fundamental idea of that bill? It is to appoint the clerks—the minor places, the men who do the actual work in the Departments at Washington—for a limited period of time upon certain examination that the Department to which he was assigned should see fit to make, and then at the end of five years the term would expire. It might have been four; it might have been six. It was a suggestion of a vital principle, and it was a suggestion that would have saved us from the disgrace under which we are living to-day.

The gentleman from Georgia, whose argument yesterday I fully appreciated, is a little mistaken in one idea that he has, in my judgment. He places too high an estimate upon the question of experience of the clerk. How long do you think it would take a graduate of one of our high schools or a farmer's boy, with a log-schoolhouse education, to learn to be an efficient clerk in one of these Departments, in one of the minor places? One day would make him efficient. Show him the tools he is to use and show him what he has to do; and it is a mistake to suppose that an American young man is incompetent without long training. That has been one of the faults of this system, holding it out here through all these years that there was something occult in these Departments, something that required some enormous training, some great skill, and all these educational developments.

Again, Mr. Chairman, no greater injury can be done to nine out of ten of the young men of this country than to give them a place in one of the Governmental Departments and say to him "You are appointed for life." [Applause.] I know something about that, and I speak with more than ordinary feeling upon that point, and many of you know to what I particularly refer. If you will take an American young man with a fair, common-school education, and give him a position in the city of Washington in one of these Departments for four or five years it will benefit him. It will give him an introduction and an interest in what is going on, give him an opportunity for a broader view of the horoscope of American life, and American politics, and American Government; but when you put him there under a life-time appointment, I tell you nine out of ten—now that is a fair estimate—nine out of ten have become automatic machines, expecting to live here in the city of Washington all their lifetime, and then, having the place be firmly rooted in it, his study is to do just as little as possible and live along this, his life work.

Now, you say there is nothing to hinder a young man to go out of one of these places after having these opportunities of observation of which I have spoken. That is true. How many will do it? He has got to go out in two, four, or six years, and look about him, and he will say in a few years I have got to get out from here, I have got to hunt a place somewhere and somehow by which I can grow up into business importance.

So he will stay on, and on, and on. And, Mr. Chairman, if there is a more pitiable object on the face of the earth, to me, I do not know it, than an old superannuated clerk, with a threadbare suit and straggling gray hair and trembling form who is hanging on at his desk because there is no place for him to go. And he has become to all intents and purposes a pensioner, inadvertent to himself and inadvertent to the Government, a pensioner upon the Treasury of the United States. We are asked to turn him out. It is not the fault of the clerk who has grown old under the inducements that have been held out to him by the Government. He has been assured that he is there under a life tenure; there under the "merit system." Some considerable number of years ago two young men in the district I represent competed for a position. One of them secured the place over his competitor by a marking of about one and one-half in a hundred. The fortunate man is to-day a clerk at about $900 or $1,000 a year, with a family, a wife and children, and it is a great struggle for him to make a living. The other young fellow, who met me after his rejection, with almost tears in his eyes, is to-day an active manager in a wholesale business house in the county in which he lives at a salary four times as great as the clerk, and with an interest in the business. That is but a fair illustration.

Now, if this young man who was appointed, at the end of four or five years, had gone home with the additional learning he had got, the additional and wider observation of things he had got, then, doubtless, he would have been in a far better position than he is to-day. But you say the Government ought to have these skilled men. That was the argument of the gentleman from Georgia. Examine that bill that the builders refused, that the Jewish builders hid in their impenetrable, mysterious place of hiding [laughter], and you will find that there is the greatest possible privilege to the Government to reappoint. Then it becomes a true merit system. Give a young fellow an opportunity in four or five years and then say to the Government, "Now you can turn this man out without any detriment to his standing; let him go home; or, if you see fit, and you find that he is worth it, and want him, you can reappoint him at once."

There is the merit system; and the examination is not made before schoolmasters and scientists, but it is made in the crucial test of actual experiment, of labor performed, of work done, in the arduous accomplishment of things achieved. That is the place where his examination comes from, and then the opportunity to promote him, to send him up along the line of promotion, is right within the power of the head of the Department to which he belongs. This is the true civil service, and it is not the cry of the spoilsman. I do not believe that many of the men of this country in public life, who feel as I feel about this subject, that any two, or five of them at the most, would send the country back to the beginning of 1883, and to the place where we were before.

So, Mr. Chairman, my argument is not for the repeal of the civil-service law. It is not for the abrogation of the principle of competitive value in the public service; but it is a single proposition. Repeal the idea of life tenure in these offices, and you have cured the whole evil.

Now, Mr. Chairman, it is a good deal to ask of a soldier who served four years and a half, or nearly so, and who has seen around him these comrades of the battlefield from both the South and the North in these public places, there by no fault of theirs, legislated against. I can not vote for such a proposition as that. There is ample opportunity in this bill, I agree, to except from the sweeping purview of the law the men who have earned positions by reason of their service in the Army. And let us see now what is the record of the country—not alone of the Republican party, but of the country—upon this question. And I desire to say right here now that upon every one of these questions that involve favors to the soldiers of the Union Army, the gallant men of the South on this floor who served in the war, who are getting to be very few here now, have always stood favorable to the men who fought on the other side.

Now, let us see what we did. Away back we placed in the statute books the following:

SEC. 754. Persons honorably discharged from the military or naval service by reason of disability resulting from wounds or sickness incurred in line of duty shall be preferred for appointments to civil offices, provided they are found to possess the business capacity necessary for the proper discharge of the duties of such offices.

SEC. 1755. In grateful recognition of the services, sacrifices, and suffering of persons honorably discharged from the military and naval service of the country, by reason of wounds, disease, or the expiration of terms of enlistment, it is respectfully recommended to bankers, merchants, manufacturers, mechanics, farmers, and persons engaged in industrial pursuits to give them the preference for appointment to remunerative situations and employment.

Now, later on we had a bill here, in 1903, seeking further to benefit these discharged soldiers, and I read now from a statement made only yesterday by a distinguished member of the Grand Army of the Republic. This bill went to the Committee on Civil Service Reform, and by a process little short of what is usually known in surgery as "Cæsarean" we dragged it out of that committee and brought it into this House and passed it by an overwhelming majority.

Mr. GAINES of Tennessee. Right there I want to make an inquiry for the purpose of getting some information. I have noticed that a number of the States have permitted soldiers to be employed under civil-service laws in the State governments. Of course, those soldiers get old just as much as those employed under the Federal Government. Can the gentleman from Ohio inform the committee what the several States, or any of them, have done when such soldiers have become so old as to be absolutely inefficient? Possibly the gentleman can shed some light on the subject.

Mr. GROSVENOR. I can only speak for the State in which I live. I know nothing about the personnel of the employees of States anywhere else. As long as it has been possible to do anything for them in the way of holding these positions they

have been kept in there, and when they were too old they have been sent, if they were indigent, to a State Soldiers' Home that we have.

Mr. GAINES of Tennessee. Have we not Federal Soldiers' Homes?

Mr. GROSVENOR. Plenty of them; but while that is a great charity, and one for which I have nothing but the highest honor and respect, I had little rather that my comrade of the northern army and my friend of the southern army should live somehow at home and outside of a public institution. [Applause.]

Mr. GAINES of Tennessee. Of course, if he has a home and can maintain himself; but suppose he gets so old that it is impossible for him to do the work?

Mr. GROSVENOR. Now, Mr. Chairman, to proceed, in March, 1903, there was taken from the House Committee on Reform in the Civil Service, against the vigorous protest of the chairman, the only measure so honored during the late lamented Speaker Henderson's term, the bill to amend section 1754 of the Revised Statutes so as to apply the provision to all honorably discharged soldiers and sailors, both in matter of appointment and retention in the civil service. To show what the feeling of the House was, under a suspension of the rules this bill was passed by an overwhelming majority. Recollect that this was a bill that found its way into the committee I have been talking about and was taken by—as my friend from Missouri [Mr. CLARK] would say—by the scruff of the neck and dragged out of the committee against its protest, a very summary proceeding in the House of Representatives. Under a suspension of the rules the bill was passed by an overwhelming majority of the House and sent to the Senate, where it failed only by reason of the confusion in the closing hours of Congress. If we had got it out a little earlier, it would have been passed and become a law.

I will read it. Chapter 287, act approved August 15, 1876 (p. 120, Sup. Rev. Stat.), reads:

* * * *Provided*, That in making any reduction of force in any of the Executive Departments the head of such Department shall retain those persons who may be equally qualified who have been honorably discharged from the military or naval service of the United States and the widows and orphans of deceased soldiers and sailors.

With the following order by the President, with which all of us are familiar:

The attention of the Departments is hereby called to the provisions of the laws giving preference to veterans in appointment and retention.

The President desires that whenever the needs of the service will justify it and the laws will permit preference shall be given alike in appointment and retention to honorably discharged veterans of the civil war who are fit and qualified to perform the duties of the places which they seek or are filling.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *January 17, 1902.*

There speaks the exact sentiment, in my judgment, of the American people. Now, Mr. Chairman, I have but a few more suggestions to make. What is the attitude of the Committee on Appropriations here now on this bill? How do they stand now to the House of Representatives in view of their recommendation? Well, my judgment is, Mr. Chairman, notwithstanding all the criticism that is being made, that if they had done any less than they have done in this behalf, they would have fallen short of the high duty they owe to the country and to the House of Representatives that they represent. They have come to us with the facts. They have come here with an unvarnished history and statement of conditions, and it is left to the House of Representatives to make an effort to remedy this evil by some process that shall meet with the approval of the wisdom of the House of Representatives and trusting to the patriotism of the country to approve.

We can not go on in this way any longer, Mr. Chairman. If this House and this party does not take hold of this evil so graphically described by this committee, the country will take hold of this party and this House. The country will not stand any longer for the distribution of this enormous fund in this city and throughout the country while the intelligent, the patriotic members of the committee thus lay before the country a situation like this.

Mr. GRAFF. May I ask the gentleman a question?

Mr. GROSVENOR. Certainly.

Mr. GRAFF. I wish to say, and I think I can say it for the committee of which I am a new member, that they desire to present this evil, of such great importance and of such great proportions, to the House, and we desire to have the House discuss this matter and express its views on the subject. I would like to ask the gentleman what he thinks of the suggestion that has been made of conferring upon the Civil Service Commission the power and duty of passing upon the question of the efficiency of each clerk, and recommending the dropping of that clerk when facts demonstrate that he has reached a point where he is inefficient?

Mr. GROSVENOR. Oh, Mr. Chairman, there is no occasion for anything of that character. I do not want to be placed here on record as suggesting or approving of the extension of the power of the Civil Service Commission, or of its reduction or abolition. This question has got beyond that one. It has got into an acute condition—one that demands heroic remedies, and they ought to be applied.

Mr. GRAFF. The trouble seems to be, if the gentleman will permit me——

Mr. GROSVENOR. Certainly.

Mr. GRAFF. To find a branch of the executive government which has the nerve to perform its duty in individual cases. The ideal remedy would be to drop the clerk when he reached the inefficient point. That is the ideal remedy; but where can we find a portion of the executive department of the Government which can be safely charged with that duty with the assurance that it will be performed?

Mr. GROSVENOR. Mr. Chairman, I can not speak for the executive department of the Government, but it is enough for me to say—with all due respect—that I asked the gentleman from New York [Mr. LITTAUER] if there was no power anywhere by which this evil might have been gotten rid of step by step and he said there was not, and we know there is not. What is the use of hunting around to confer some power upon somebody else?

Why confer it upon a board that is built upon the fundamental error of this whole situation? I believe, Mr. Chairman—and I say it without any attempt at flattery of anybody—that there has been no exigency which has arisen in this country since the fatal day of September, 1901, when an evil has been brought directly to the knowledge of the President of the United States that he has not acted. Sometimes we say he acts too quickly and too vigorously. Here is an opportunity for him to act, and the American people will say, "You can not act too vigorously nor too quickly." How can he act? Fortunately the civil service does not forbid him from changing his Cabinet officers, and he does not have to have a civil-service examiner to certify to the Secretary of the Navy or the Secretary of the Treasury or to the Attorney-General. There is a little latitude yet left to the President of the United States which has not been absorbed by this all-absorbing organization, and if Theodore Roosevelt will say to the heads of those Departments just exactly what he has said upon many other occasions, "This is the right thing; you go and do it," it will be done, and I have confidence in him that when the report and the discussion which will follow reaches him he will easily adapt himself to the emergency.

So much I have said upon this question. I do not know what the proposition of the committee may be. I can not vote for the indiscriminate discharge of these old comrades of mine. I can not do it without discrediting my own self in my own estimation, and that is one of the worst things that any man can possibly do toward himself; but if some proposition can be submitted that will be practical, and that involves as little of cruelty as possible, it is the duty of the American people to rise to the occasion and aid the Committee on Appropriations to get rid of this great evil. What that may be I do not undertake to go into details about; but at last this trouble will be solved and it will not be solved by calling names, it will not be solved by Pharisees, it will not be solved by the men who cast obloquy upon those who differ with them. It will not do to trust the men who believe that they are better than anybody else. Those are the worst men in the world. It will not do to trust the men who impugn every other man's motives. Let us have the application of practical business affairs in the affairs of our Government and save it from the condition that we are now in. [Prolonged applause.]

The CHAIRMAN. The Chair has recognized the gentleman from Tennessee [Mr. GARRETT], but understands that the gentleman from Tennessee has yielded to the gentleman from Massachusetts [Mr. GILLETT].

Mr. GILLETT of Massachusetts. Mr. Chairman, I thank the gentleman from Tennessee.

Mr. Chairman, I was busy in the subcommittee of Appropriations when I was told that it might be the last opportunity for me to hear my distinguished friend from Ohio [Mr. GROSVENOR] pay his annual compliments to the committee of which I am the chairman, the Committee on Reform in the Civil Service. I wish to say for myself that nobody will regret more than I the fact that the gentleman can not annually still entertain, if not enlighten, us upon this as well as other subjects. I did not hear him begin, but when I came in he was charging the committee of which I am the chairman with making as their only defense against his charge a denunciation of him as a "spoilsman." Now, since I have been chairman of that committee, and it is

certainly half a dozen years, I am sure the gentleman will admit that I have never made that charge against him or those who sympathize with him.

Mr. GROSVENOR. Mr. Chairman, in the hurry of debate I may not have differentiated the gentleman, who has always fulfilled his office with gentleness, from some of the others who have poured out their vituperation upon the Members of the House of Representatives.

Mr. GILLETT of Massachusetts. Mr. Chairman, I was going to say that I do not remember any other Members of the House who have used that style of language. The gentleman spoke of the "organs" of the Civil Service Commission. Why, Mr. Chairman, if there is one Executive Department of this Government that has not any friends or patronage or organ it certainly is the Civil Service Commission; and when the gentleman says that we do not debate the subject he must certainly have forgotten a few years ago, when this House gave up one solid week to debate—debate as without any purpose or hope of legislation—but merely that we might all express our views. And I am always ready to debate and discuss the question.

Mr. GAINES of Tennessee. When we discussed that—as you say, so long—did we have the data before the House that the gentleman from Minnesota [Mr. TAWNEY] has brought before it, touching upon the incapacity of a great number of employees to perform their duty?

Mr. GILLETT of Massachusetts. Of course, we did not have that data. That was several years ago, and a good deal of that data was not in existence then.

Mr. GAINES of Tennessee. If the gentleman will indulge me, it seems that your committee has had a bill before it touching upon this very evil.

Mr. GILLETT of Massachusetts. Yes.

Mr. GAINES of Tennessee. Now, what was the judgment of your committee; and if you did not come to any judgment, what was your judgment then, and what is it now?

Mr. GILLETT of Massachusetts. That committee reported a bill last session upon this subject, which provided that clerks should retire at 70 years of age. It was on the Calendar of the last Congress, but was not privileged, and was never reached.

Now, Mr. Chairman, I am not going into a general discussion of this subject or occupy the time of this House in defending the general principle of our civil service. The gentleman from Ohio [Mr. GROSVENOR], I am happy to say, agrees that that general principle ought to be maintained. For myself, in maintaining that general principle, I do not now and I never have contended it produced perfect results; but my claim is that as an alternative it is so much better than the old patronage system that no man—and I am glad to see the gentleman from Ohio admits it—would like to go back to the old; and therefore the one question directly before the House now, or before the country, is, How shall we improve the present system? As far as I know, the one charge against it to-day is not that it is not infinitely better than the old system or any other system that has been suggested, but that it leads to the retention of old men in office, and the amendment my friend from New York has brought in in this appropriation bill is to remedy that. As I stated, the Committee on Reform in the Civil Service last Congress brought in a similar bill, but of course it was not privileged and not acted upon. I wish to say for myself I do not think this is at all the ideal method of meeting this subject. I do not believe to say every man shall go out at a certain age is the best method; but here again the question before the House is, What is the practical method of treating the obvious abuses? Is it possible to have any other? Is there some better method? The fault certainly is not with the law, because the law to-day allows any executive officer at any time to dispense with the services of any clerk, and if the executive officers to-day would do their duty when a clerk was inefficient they would and ought to displace him, regardless of his age, so the execution of the law would be perfect, and everyone would admit that the law effected just what was wanted; but the trouble is, officers who are heads of Executive Departments are human; they are not perfect, and they do not execute the law. A few years ago this House of Representatives recognized the danger, and, finding that some Departments were indirectly pensioning old men, we put on an appropriation bill a provision commanding every head of an Executive Department to discharge clerks who had become incompetent; yet the heads of the Departments have come before the House committees and boldly said they would not execute that law, and Members of this House have frequently justified them in that position. Why, I remember one of the heads of the Departments telling me that he was willing and expected to execute the law, but that one of the prominent Members of the House who had favored the new provision came up to him and said: "There is one man on your list who must not go out."

Now, this head of the Department said the very man who ought to go out before all others, the man who headed his list of incompetents, was this very man whom the Member of Congress said he must not discharge, and he said, "If this Member, who professes himself in favor of this very provision, comes and insists that this one chief incompetent should not be discharged, it is impossible for me to carry out that provision of the law." I suppose that is the trouble with all the heads of the Departments. I suppose if we were heads of Departments we would find that same trouble, because, as one of the chiefs of bureaus has recently said, the more incompetent a man is the more influence he is apt to have behind him.

And the most incompetent men are the men who can bring most influential pressure to bear on the heads of Departments to retain them. Consequently the heads of Departments will not live up to their duty, and therefore it is that Congress must act. As I said, I do not think that is the best way to act. I was in favor last year, in my committee, of a simple provision, that every Department of the Government shall every year discharge a certain percentage of its force. It might be a very small percentage—say 1 per cent. If we would provide that every Department of the Government should every year discharge a small percentage of its force, and discharge the men who by the efficiency record stood the lowest, I think that would remove this abuse. That would make every year a certain exodus from the Departments. It would cause every clerk to have some stimulus to do well and not to stand at the bottom. It would improve the whole Department, and it would remedy this abuse.

There are one or two so-called pension schemes which I believe in and which I prefer to this crude and harsh provision, but the rest of my committee did not agree with me, and, therefore, it seems to me there is nothing feasible before us to remedy the abuse except to accept this one proposition that is before the House, and when a person attains a certain age, to drop him.

Now, that, of course, is not scientific; that leads to injustice and hardship. There will be, of course, men of the specified age who are competent and ought to stay, but all legislation of this kind must deal with averages; it must deal with general classes and not with individuals, and, therefore, although it will work hardships, it certainly will effect the end which we are aiming at.

The gentleman from Ohio [Mr. GROSVENOR] said that this superannuation was a great abuse and if we did not do something both the country and party would suffer for it. Well, if it is a great abuse, it is worth while remedying, even at the expense of some individual suffering. We may sympathize with them, but it seems to me the end to be accomplished is far greater than the misfortune or unfairness which will accompany it.

Mr. ADAMS of Pennsylvania rose.

The CHAIRMAN. Will the gentleman from Massachusetts [Mr. GILLETT] yield to the gentleman from Pennsylvania [Mr. ADAMS]?

Mr. GILLETT of Massachusetts. Certainly.

Mr. ADAMS of Pennsylvania. I would like to ask the gentleman if he thinks it is exactly a square deal to examine people for their fitness when they enter under civil service and then to drop them at 70 years of age, irrespective of any examination or any fitness they may still have which would entitle them to remain in the service? Is that exactly a fair deal?

Mr. GILLETT of Massachusetts. I think it is perfectly fair to say to every man when he goes into the service, that when he gets to 70 years of age he will have to get out of it. I think that is fair.

Mr. ADAMS of Pennsylvania. The service is founded on competency, and they are examined to prove that they are competent when they enter, and why should they not be retained as long as they are competent?

Mr. GILLETT of Massachusetts. Theoretically, as I already said, they should be retained. It is the ideal system. That is the law to-day. To-day the law is that just as soon as they are incompetent they shall be dropped, but the law is not enforced. If the gentleman can suggest any way by which that law will be enforced, I will agree with him that it is the best plan.

Mr. ADAMS of Pennsylvania. You should have an examination to turn them out the same as you have to take them in.

Mr. GILLETT of Massachusetts. We have got a better plan than such an examination now. The law is that the head of the Department, who knows of their incompetency, shall turn them out to-day, but he does not do it. That is better than an

examination, because he has had the experience of watching them for years in his Department, and he knows better than any examination will tell whether they are competent. The gentleman's theory is quite right, of course.

Mr. ADAMS of Pennsylvania. The gentleman says that it is entirely different from the Army and Navy, because when a man is retired there on age he is retired with a pension of two-thirds pay. Here you get the best out of a man all his years, and then you drop him out without any compensation and throw him on the charity of the world.

Mr. GILLETT of Massachusetts. Mr. Chairman, I will agree that theoretically that is right. But let me say further that this appeal does not weigh very strongly with me—namely, that you are throwing a man out on the world when he is 70 years of age, after he has worked for the Government all his years, because all of these Department clerks are paid 50 per cent more than they could have gotten anywhere else. They have been treated with indulgence, and it seems to me it is fair to say to them when they get to the age of 70 they must understand that that ends their departmental life.

Mr. WILLIAMS. Does not the gentleman think that perhaps the actual cure of all this trouble will be a fixed tenure of office—a long one, perhaps—and a provision in the law that at the expiration of that fixed time a man should go out unless reappointed, and that he would not be reappointed except for some excellence in the service?

Mr. GILLETT of Massachusetts. Mr. Chairman, I have considered that problem. It has certainly much of argument in its favor, but I have concluded that it is not the best way. We can see how easy it would be for reappointments to be made, and it would become a mere perfunctory reappointment.

Mr. WILLIAMS. You might prevent that by adding to a fixed term reexamination at the end of the period by this non-partisan body that has about it nothing of the favoritism which of course is exercised by executive officers at the request of Senators and Representatives. The incumbent thus would not be eligible for reappointment unless he showed a certain degree of excellence, a superior degree of excellence to that which he had on entering the service.

Mr. GILLETT of Massachusetts. That does not seem to me the best remedy, because there would be a great probability of favoritism in the appointment, or else they would become merely perfunctory reappointments, and the whole law would amount to nothing at all. The only criticism made to-day is that the clerks become incompetent because of age. If it is a fair criticism, I do not see why this proposition does not remedy it, and whereas there will be cases of individual hardship at first I do not feel that on the whole it is unfair to clerks, who have come here and been paid much more than they would be paid in other similar branches of civil life, that when they get to the age of 65 they shall have their salaries reduced and at 70 years shall leave the service.

Mr. GAINES of Tennessee. Mr. Chairman, I desire to ask the gentleman a question.

Mr. GILLETT of Massachusetts. I yield to the gentleman.

Mr. GAINES of Tennessee. I am trying to find out what is the condition in the several States in this kind of a case. I will ask, in your State of Massachusetts, whether a soldier who has been working for the State government under the civil-service law, who has reached the age of 70 and should become wholly inefficient because of age, is he discharged, and if he is discharged what becomes of him?

Mr. GILLETT of Massachusetts. I do not know. I do not think we have any regulation as to discharge on account of age.

Mr. GAINES of Tennessee. Is he discharged when he gets to be 70 years of age?

Mr. GILLETT of Massachusetts. We have no age limit of discharge.

Mr. GAINES of Tennessee. What do you do with an employee in the civil service in your State when he becomes physically unable to attend to the affairs of his office?

Mr. GILLETT of Massachusetts. I assume that he is discharged when he can not perform his duties.

Mr. GAINES of Tennessee. I asked the gentleman from Ohio [Mr. GROSVENOR], and he informed me that they had Soldiers' Homes where they could go and live.

Mr. GILLETT of Massachusetts. Of course we have soldiers' aid all over our State, but it is only a small proportion of these who were soldiers.

Mr. GAINES of Tennessee. But because he was a soldier he is given preference, and we want to take care of him because he was a soldier, against a man who has not been a soldier.

Mr. GILLETT of Massachusetts. Certainly.

Mr. BURKE of South Dakota. I would like to ask the gentleman if the civil service has not been extended away beyond what the original law contemplated?

Mr. GILLETT of Massachusetts. That has been freely discussed. I do not know whether it has or not. I suspect some people contemplated it and a great many did not.

Mr. BURKE of South Dakota. I would like to ask the gentleman's opinion as to this particular matter of reform in the service, as to whether it should have regard to the heads of subdivisions in the classified service, and especially the subject of limitation without regard to length of service or merit either?

Mr. GILLETT of Massachusetts. I have always been one that differed with a great many others on that. I believe these higher branches ought not to be put in the civil service and ought not to stand on the same footing as the lower branches. When you know that the executive capacity is the most important of the characteristics of a man's service, that class ought to be left out of competitive appointment.

Mr. BURKE of South Dakota. Is it the opinion of the gentleman that this law is never enforced by reason of the chiefs of divisions not doing their duty as they should do it?

Mr. GILLETT of Massachusetts. I think it is not the chiefs of divisions, it is the heads of the Departments who do not do their duty.

Mr. BURKE of South Dakota. I think it was stated here yesterday, or I understood it was, that it was the heads of the divisions—perhaps it was stated the heads of the Departments and I did not catch it accurately.

Mr. GILLETT of Massachusetts. I will have to differ with the gentleman. I do not think the head of the division has the power or has charge of the responsibility of discharging the inefficient man. It is upon the head of the Department, and it is the duty of the head of the Department to find out the men who are incompetent to discharge their respective duties.

Mr. BURKE of South Dakota. But under the system the chiefs of the divisions of the Departments have much to do with it, and they have to inform the heads of the Departments with regard to the several clerks in their particular divisions as to their efficiency, and so forth.

Mr. GILLETT of Massachusetts. Unquestionably. At the same time it seems to me that under the law of Congress it is the duty of the heads of Departments to find out, as they easily could from the heads of divisions, the incompetent men and to obey the law and discharge them. They do not do it, and I should put the responsibility on the heads of Departments.

Mr. BURKE of South Dakota. Do I understand that under the law at present a man may be discharged for inefficiency without charges being preferred against him?

Mr. GILLETT of Massachusetts. Certainly. That rule, you know, about a hearing and trial was dispensed with or changed by President Roosevelt.

Mr. BURKE of South Dakota. Just recently?

Mr. GILLETT of Massachusetts. By President Roosevelt some time ago.

Mr. BURKE of South Dakota. Within the last year?

Mr. GILLETT of Massachusetts. I think so; yes.

Mr. GAINES of West Virginia. Will the gentleman permit? I understand, of course, that under the law and perhaps under the rulings of the Executive a clerk may be discharged without any cause being shown; but, as a matter of fact, do they not require, except where some emergency necessitates such discharge, that cause be shown?

Mr. GILLETT of Massachusetts. Does not who require it?

Mr. GAINES of West Virginia. Does not the executive department—does not the President require it?

Mr. GILLETT of Massachusetts. No; the President certainly does not. Very likely the head of a Department would require his head of a division to give him a reason before he would discharge a clerk. I should hope he would. It seems to me that is reasonable; but all the head of a Department has to do is to say that a man is incompetent. He can instantly be discharged, and he need not even say that.

Mr. GAINES of West Virginia. May I ask the gentleman another question? The gentleman being an advocate of the present civil-service law, what objection does he see to making the modification suggested by the gentleman from Ohio—that is to say, a tenure of office so far as clerks in the Government service are concerned?

Mr. GILLETT of Massachusetts. I, personally, think the present system is much better than that, because, it seems to me, there would always be danger of the reappointment being made through favoritism—that political feeling would come in—and that is what I think ought not to be allowed.

Mr. GAINES of West Virginia. But if it required another examination and a competitive one for reappointment——

Mr. GILLETT of Massachusetts. That would do away with that objection; but I do not see any advantage in the suggestion. I do not think the argument made by the gentleman from Ohio, for instance, that it is a good thing for a young man to come in and go into a Department for four or five or six years, is a good argument. I should think it was a bad thing for an ambitious young man to do that. It gets him in the habit of short hours, an indolent life, and as far as that goes it rather tends to kill his ambition and to unfit him for success in other branches of life, it seems to me.

Mr. GAINES of West Virginia. The gentleman certainly will admit that the present system has gotten us into a deplorable condition. Even if he believes, as I know he does, in the competitive examination system for appointment, the life tenure incident of the present civil service has got us into a deplorable state of affairs. What remedy do the particular proponents and friends of this system have to offer for this condition?

Mr. GILLETT of Massachusetts. Why, does not the suggestion of the chairman of the subcommittee [Mr. LITTAUER] offer a complete remedy? Of course the difficulty now is not with the law, but with the execution of the law.

Mr. GAINES of West Virginia. I do not believe myself that a man is always incompetent at that age.

Mr. GILLETT of Massachusetts. No, he is not; but is there any unfairness in that proposition?

Mr. GAINES of West Virginia. And it may be suggested that there are a great many incompetents who are under that age under the present system.

Mr. GILLETT of Massachusetts. Yes; and under any system there will be a great many incompetents, unquestionably. But the gentleman must remember that every one of these incompetents can be removed if the man over him wants to remove him, and that is what you can not have in every kind of service.

Mr. GAINES of West Virginia. I will not interrupt the gentleman again, but that reply seems to me to indicate the almost fatal attitude of mind of those who are particularly friendly to this sort of law, that it could be ideally enforced, but as a matter of fact it does not work.

Mr. GILLETT of Massachusetts. No; it does not work, and therefore this proposition is brought in.

Mr. BRICK. Mr. Chairman, I would like to ask the gentleman a question.

The CHAIRMAN. Does the gentleman from Massachusetts yield to the gentleman from Indiana?

Mr. GILLETT of Massachusetts. Certainly.

Mr. BRICK. I understand the gentleman has given a great deal of attention to this bill and to the difficulty that attaches to employees under the civil service, and of removing them for incompetency.

Mr. GILLETT of Massachusetts. We had hearings at the last Congress on that subject.

Mr. BRICK. And the gentleman has considered many plans for its remedy?

Mr. GILLETT of Massachusetts. Yes.

Mr. BRICK. And there have been a great number of plans and remedies presented to cure that evil?

Mr. GILLETT of Massachusetts. Yes.

Mr. BRICK. One of them, as I understood the gentleman in his speech a while ago, was that if we would drop from each Department 1 per cent, or a certain per cent, each year, that would in a way tend to remove the evil; but I would like to ask the gentleman if that would not be attended by hardships here and there?

Mr. GILLETT of Massachusetts. It would.

Mr. BRICK. Because a Department might have all good men, and some good men would have to be the lowest.

Mr. GILLETT of Massachusetts. That is true.

Mr. BRICK. Has the gentleman ever discovered a scheme that was not attended with some hardship to the individual?

Mr. GILLETT of Massachusetts. No; as I said a few minutes ago, it seems to me that individual hardships have got to give way for the public good.

Mr. BRICK. That is true everywhere, and true in the laws of nature.

Mr. GILLETT of Massachusetts. Certainly.

Mr. BRICK. I take it, then, that we will have to do the best we can to approximate a system of elimination?

Mr. GILLETT of Massachusetts. It seems to me that is certainly what we have got to do.

Mr. BRICK. Now, I would like to ask the gentleman if, under the circumstances and all of the investigations the gentleman has made, there is any more practical solution of the difficulty than the one now presented in this bill before the committee?

Mr. GILLETT of Massachusetts. It seems to me that this is a very practical remedy for it, and absolutely cures the evil.

Mr. BRICK. And every young man who goes into the service, when he is examined, knows that in twenty-five or thirty years he has got to go out, and that he must prepare himself to go out, and save money and get in a prepared condition to step out?

Mr. GILLETT of Massachusetts. Yes; and we give them a much larger compensation than is paid outside, and he has an opportunity to prepare for that.

Mr. BRICK. It has been stated here that expenses in Washington are greater than they are outside. Is that necessarily true?

Mr. GILLETT of Massachusetts. It does not seem to me that it is, although I am not a very good judge of that, perhaps.

Mr. BRICK. The gentleman does not take it, then, that with all the notice of a lifetime to everybody entering the civil service that when he reaches the age of 70, or sooner if he becomes inefficient, he shall retire—that there is any qualification of unfairness about it?

Mr. GILLETT of Massachusetts. It does not seem to me so, except, perhaps, in some individual cases there might be an injustice.

Now, Mr. Chairman, I have taken more time than I intended to from the gentleman from Tennessee.

The CHAIRMAN. The gentleman is recognized in his own right.

Mr. PRINCE. Mr. Chairman, I would like to ask the gentleman from Massachusetts a question.

The CHAIRMAN. Does the gentleman from Massachusetts yield to the gentleman from Illinois?

Mr. GILLETT of Massachusetts. I will.

Mr. PRINCE. I would like to ask the gentleman this question: Do the clerks who work outside of the Departments here in the District of Columbia receive for like services as much pay as the clerks in the Departments receive for like services?

Mr. GILLETT of Massachusetts. I do not think they do.

Mr. PRINCE. Does it cost the clerks outside of the Departments any less to live in the District of Columbia than it does the clerks in the Departments?

Mr. GILLETT of Massachusetts. I can not conceive how it should.

Mr. CLARK of Missouri. Mr. Chairman, if the gentleman will permit me——

Mr. GILLETT of Massachusetts. Yes.

Mr. CLARK of Missouri. We might as well be perfectly fair about this business.

Mr. GILLETT of Massachusetts. I hope to be.

Mr. CLARK of Missouri. I know the gentleman wants to be; it is a question of information on certain subjects and no one of us has it all. I am in favor of some remedy for this evil, as everybody knows, but as a matter of fact it does cost more to live in Washington than it does in other cities.

Mr. GILLETT of Massachusetts. The gentleman did not understand the question of the gentleman from Illinois. He asked if it cost any more for a clerk in the Department to live here than for a clerk outside the Department.

Mr. CLARK of Missouri. Of course if two men live in the same style in Washington it makes no sort of difference whether one is in the Department and one out. But the gentleman from Indiana [Mr. BRICK] asked the gentleman from Massachusetts a question and the gentleman said he didn't know about it; that was whether it cost any more to live in Washington than it cost somewhere else.

Mr. GILLETT of Massachusetts. Yes.

Mr. CLARK of Missouri. My experience is—and I take it mine is about the same as anybody else's—that it costs more to live in the city of Washington than any other place I was ever in in my life. [Laughter.] That is, to live in the same style of living. I have lived in Cincinnati, in Jefferson City, a little while in St. Louis, but generally in country places.

Taking into consideration the cost of living in the city of Washington and the cost of living in a country place, I think all will admit that the cost of living in Washington is at least double that which it will cost in a country place.

Mr. GILLETT of Massachusetts. Certainly it will be in any big city.

Mr. WILLIAMS. I understand that it costs more in New York City to live than it does in the city of Washington.

Mr. CLARK of Missouri. That is perhaps true. I would guess that it costs more to live in New York than it does to live here.

Mr. GILLETT of Massachusetts. I suppose the size of the city always adds to the expense.

Mr. CLARK of Missouri. I suppose so. An unusually large number of people board here.

Mr. BRICK. Mr. Chairman, the idea I had in the question I asked had behind it this, that I suppose that a man can live in Washington if he desires to, who is a clerk of a Department, as cheaply as he can in Chicago or Pittsburg or New York or any other large city.

Mr. GILLETT of Massachusetts. I do not suppose there can be any very material difference.

Mr. CLARK of Missouri. I doubt very much as to whether that is true. This town runs largely on the half-year plan, and every other capital runs on the same principle. You undertake to rent a house here and you have to do one of two things about it. You have to rent it by the year—and you do not need it by the year—and pay a fair rental for it, or if you simply rent it for the session you pay twice as much rent as you ought to pay. Now, I believe that rents are higher here in proportion to the size of the town than they are in any other place in the United States, unless it be at Harrisburg or some other place that is a State capital, and the whole thing is run on the same half-year plan as it is here. While I am at it I desire to ask the gentleman from Massachusetts a question about the matter. I ask this strictly for information. What is the reason that these heads of Departments can not be induced or compelled by some kind of process to discharge their duties in this matter?

Mr. GILLETT of Massachusetts. I think you must ask them for that information.

Mr. CLARK of Missouri. But the gentleman has been investigating this matter for a good long time in his committee.

Mr. GILLETT of Massachusetts. But that does not bring me into confidential relation with the heads of Departments.

Mr. CLARK of Missouri. They are simply trying to shift the doing of an unpleasant act—and that is exactly what it is—from their own shoulders to our shoulders. I am willing to assume my part of the white man's burden, but I am not willing to take up any other person's part of it.

Mr. GILLETT of Massachusetts. I suppose the difference between our duty and theirs is that we have done the general duty, and we have placed upon their shoulders the work of performing the specific, personal duty. It is a good deal harder to do that latter; to go to a man and say individually, "You must get out," than it is for us to pass a general order and say, "You must put them all out."

Mr. WILLIAMS. Mr. Chairman, in further answer to the question of the gentleman from Missouri I would suggest that the reason why these people say they can not do their duty is because we in the Senate and in the House will not let them; that we pile down upon them, and I have always been of the opinion that was once expressed by the Senator from Texas, Mr. BAILEY, that it would be a good idea to punish any Representative who went to an executive officer except when he was there at request in writing and unless he also replied in writing.

Mr. BRICK. Mr. Chairman, if the gentleman will permit me, I think I can answer as to what some of the chiefs have said whose earnest desire is for the efficiency of the service, and that something may be done. In the first place they made the statement that a man's efficiency in the Department is in the inverse ratio of his Congressional influence. In the second place, they say that while there is a general rule where they may discharge for incompetency and where they attempt to enforce it, yet the Congressmen come to them and earnestly request that these clerks be retained, and they say as a matter of fact and practically that there is only one way in the world to regulate this matter, and that is to put the chiefs of the Departments in the position that when a Congressman or Senator comes to them with pressure they will be able to say, "This is the law and we can not do anything else."

Mr. MAHON. It is the law now.

Mr. BRICK. Yes; it is the law with a loophole. The law now is that any person permanently disabled or incompetent, not temporarily sick, shall be discharged, and with the loophole "temporarily incompetent" we succumb to the pressure, and a person is reported temporarily incompetent or only partially incompetent. It comes under the word "temporarily," and, as a matter of human nature, of kindness, and weakness, they are allowed to stay, and there is no other way of remedying the evil than to make a hard and fast rule by some plan or scheme, something like the one under discussion in this appropriation bill.

Mr. GAINES of Tennessee. Will the gentleman indulge me to read a most remarkable historical statement, and, because it is remarkable, I beg the indulgence of the committee and of the gentleman from Massachusetts to allow me to read it. On page 3813 the gentleman from Georgia [Mr. LIVINGSTON] used this language yesterday:

Mr. TAWNEY. There are men in the service drawing $1,600 who are 85 years of age, who have been furloughed and have not done a stroke of work for several years.

Mr. LIVINGSTON. There are men, Mr. Chairman—and we might as well finish the sentence—who are lifted in their chair to their desk, when they go at all. Let me say to you——

Mr. BUTLER of Pennsylvania. Lifted in their chairs?

Mr. TAWNEY. And hauled to the Department day after day in carriages.

Mr. LIVINGSTON. Mr. Chairman, two years ago, I think it was, your subcommittee on this bill had the Commissioner of Pensions before us—not the present Commissioner, but the preceding one—

I believe the preceding Commissioner was Mr. Ware, of Kansas—

and we began to catechise him. He said very candidly, "I have a hundred people I do not need." "Well," we said, "as Representatives of the Government we can not, my dear man, appropriate money for those people when you do not need them." He said, "Cut them out." We asked him in what class they were, and he went through and picked out the classes and cut out a hundred clerks. We came back the next winter and found we had to appropriate for every single one of them; that not one of them had been cut out. Now, can you think it strange that your Committee on Appropriations, after trying these different plans all these years, would come up here with an arbitrary rule? Why, we asked him the question, "Why did you not do it?" He said there were two causes—one was humanity and the other was pressure. You put this in here now, strike out that clause from the bill, adopting no substitute or amendment, and go away from here, and we will have to appropriate in a deficiency act next fall for a lot of clerks that we have not appropriated for—three or four or five hundred thousand dollars which we will have to come back here next winter and take care of.

Now, that is what the gentleman from Georgia said yesterday, that after they had picked out clerks and had cut them out of the law, the Commissioner did not discharge them for two reasons, "humanity and pressure," he says.

Mr. LIVINGSTON. What point does the gentleman from Tennessee make in regard to that?

Mr. GILLETT of Massachusetts. I am much obliged to the gentleman from Tennessee for giving way to me.

Mr. GAINES of Tennessee. I will tell the gentleman. I was simply reading it as a remarkable historical statement.

The CHAIRMAN. Does the Chair understand the gentleman from Massachusetts to yield?

Mr. GILLETT of Massachusetts. I yield to the gentleman.

Mr. LIVINGSTON. I just came in and I did not know what use the gentleman was making of that statement.

Mr. GAINES of Tennessee. I read it because, as I said, it was a most remarkable statement of history—a fact that as strong a man as Mr. Ware, Pension Commissioner, could not obey the law because of humanity and because of outside pressure. The gentleman from Mississippi [Mr. WILLIAMS] had just alluded to the question of "pressure."

## MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and Mr. BURKE of Pennsylvania having taken the chair as Speaker pro tempore, a message in writing from the President of the United States was communicated to the House of Representatives by Mr. BARNES, one of his secretaries, who also informed the House of Representatives that the President had approved and signed bills of the following titles:

On March 12:

H. R. 648. An act granting a pension to Charles Falbisaner;
H. R. 2108. An act granting a pension to Mattie Settlemire;
H. R. 3250. An act granting a pension to Harrison White;
H. R. 3502. An act granting a pension to Morris Osborn;
H. R. 3983. An act granting a pension to Blanche Douglass;
H. R. 4826. An act granting a pension to Leola V. Franks;
H. R. 5711. An act granting a pension to Richard H. Kelly;
H. R. 6076. An act granting a pension to Anna M. Case;
H. R. 6400. An act granting a pension to Harry W. Omo;
H. R. 6489. An act granting a pension to Mary E. Scott;
H. R. 6613. An act granting a pension to Thomas J. Stevens,
H. R. 6859. An act granting a pension to Eva B. Koch;
H. R. 7240. An act granting a pension to Glawvina A. Pinnell;
H. R. 7636. An act granting a pension to John J. Meeler;
H. R. 9253. An act granting a pension to Vollie A. McMillen;
H. R. 9530. An act granting a pension to Catherine B. Casey;
H. R. 10457. An act granting a pension to Lizzie Bremmer;
H. R. 10459. An act granting a pension to Alta M. Westenhaver;
H. R. 10476. An act granting a pension to Charles T. Hesler;
H. R. 10483. An act granting a pension to James Gallt;
H. R. 10611. An act granting a pension to John J. Brewer;
H. R. 10967. An act granting a pension to George Larson;
H. R. 11051. An act granting a pension to Henry T. McDowell;
H. R. 11630. An act granting a pension to Harriet E. St. John;
H. R. 11846. An act granting a pension to Clara M. Thompson;
H. R. 12285. An act granting a pension to Mary C. Kirkland;
H. R. 12297. An act granting a pension to Estelle Kuhn;
H. R. 524. An act granting an increase of pension to Sylvenus A. Fay;

H. R. 650. An act granting an increase of pension to Felix G. Stidger;
H. R. 1032. An act granting an increase of pension to Seth Phillips;
H. R. 1043. An act granting an increase of pension to Horace Hounsom;
H. R. 1200. An act granting an increase of pension to John G. Parker;
H. R. 1287. An act granting an increase of pension to John D. Moore;
H. R. 1359. An act granting an increase of pension to Henry M. Robinson;
H. R. 1483. An act granting an increase of pension to Josephine E. Quentin;
H. R. 1484. An act granting an increase of pension to John L. Lovell;
H. R. 1485. An act granting an increase of pension to Susan J. Williams;
H. R. 1585. An act granting an increase of pension to George N. Dutcher;
H. R. 1658. An act granting an increase of pension to George M. Drake;
H. R. 1859. An act granting an increase of pension to George T. B. Carr;
H. R. 1889. An act granting an increase of pension to William M. Shultz;
H. R. 1902. An act granting an increase of pension to Gilbert Ford;
H. R. 1909. An act granting an increase of pension to Alexander Miller;
H. R. 1975. An act granting an increase of pension to William House;
H. R. 1978. An act granting an increase of pension to Harry C. Thorne;
H. R. 1979. An act granting an increase of pension to Amanda L. Hill;
H. R. 2048. An act granting an increase of pension to Joseph J. Cooper;
H. R. 2054. An act granting an increase of pension to Ralph A. Adams;
H. R. 2059. An act granting an increase of pension to Jerome Washburn;
H. R. 2114. An act granting an increase of pension to Benjamin F. Bibb;
H. R. 2116. An act granting an increase of pension to Daniel Hays;
H. R. 2156. An act granting an increase of pension to Rachel E. Ware;
H. R. 2174. An act granting an increase of pension to Nathaniel Buchanan;
H. R. 2204. An act granting an increase of pension to Dexter E. W. Stone;
H. R. 2306. An act granting an increase of pension to James W. Stell;
H. R. 2307. An act granting an increase of pension to Joseph Jones Martin;
H. R. 2478. An act granting an increase of pension to Asa M. Foote;
H. R. 2595. An act granting an increase of pension to Peter D. Sutton;
H. R. 2703. An act granting an increase of pension to Stephen Weeks;
H. R. 2709. An act granting an increase of pension to Julius D. Rodgers;
H. R. 2762. An act granting an increase of pension to William Chandler;
H. R. 2823. An act granting an increase of pension to Orton D. Ford;
H. R. 2849. An act granting an increase of pension to Jesse Harrison;
H. R. 2949. An act granting an increase of pension to George W. Adamson;
H. R. 2954. An act granting an increase of pension to Chauncey P. Dean;
H. R. 3193. An act granting an increase of pension to James R. Todd;
H. R. 3220. An act granting an increase of pension to Sarah Johnson;
H. R. 3230. An act granting an increase of pension to James H. Buelen;
H. R. 3315. An act granting an increase of pension to Lewis L. Daugherty;
H. R. 3342. An act granting an increase of pension to Albin L. Ingram;
H. R. 3403. An act granting an increase of pension to George A. Baker;
H. R. 3425. An act granting an increase of pension to Warren A. Blye;
H. R. 3483. An act granting an increase of pension to Lemuel P. Williams;
H. R. 3500. An act granting an increase of pension to William M. Martin;
H. R. 3544. An act granting an increase of pension to Josiah M. Grier;
H. R. 3552. An act granting an increase of pension to David F. McDonald;
H. R. 3570. An act granting an increase of pension to Susan Whorton;
H. R. 3571. An act granting an increase of pension to Eber Watson;
H. R. 3679. An act granting an increase of pension to Albert M. Hunter;
H. R. 3966. An act granting an increase of pension to Samuel Jester;
H. R. 3973. An act granting an increase of pension to Isaac P. Knight;
H. R. 4179. An act granting an increase of pension to Owen Donohoe;
H. R. 4192. An act granting an increase of pension to John C. Cavanaugh, alias John Carpenter;
H. R. 4202. An act granting an increase of pension to John C. Umstead;
H. R. 4206. An act granting an increase of pension to Isaac Henry Ober;
H. R. 4221. An act granting an increase of pension to William Foat;
H. R. 4246. An act granting an increase of pension to George D. Street;
H. R. 4685. An act granting an increase of pension to Jacob Rich;
H. R. 4741. An act granting an increase of pension to Stephen Dickerson;
H. R. 4751. An act granting an increase of pension to Joseph J. Sparling;
H. R. 4764. An act granting an increase of pension to Ahijah Brown;
H. R. 4878. An act granting an increase of pension to Isaac H. Witherwax;
H. R. 4886. An act granting an increase of pension to Marquis De Lafayette Burket;
H. R. 4957. An act granting an increase of pension to Elijah J. Snodgrass;
H. R. 4962. An act granting an increase of pension to William J. Sturgis;
H. R. 5028. An act granting an increase of pension to Samuel P. Carll;
H. R. 5163. An act granting an increase of pension to William U. Mallorie;
H. R. 5186. An act granting an increase of pension to Charles W. Fulton;
H. R. 5212. An act granting an increase of pension to Giles Q. Slocum;
H. R. 5605. An act granting an increase of pension to James S. Pelley;
H. R. 5640. An act granting an increase of pension to Abraham Mathews;
H. R. 5647. An act granting an increase of pension to Peter Wetterich;
H. R. 5656. An act granting an increase of pension to Darius H. Randall;
H. R. 5658. An act granting an increase of pension to Joseph Nichols;
H. R. 5692. An act granting an increase of pension to Henry G. Gardner;
H. R. 5708. An act granting an increase of pension to Thomas T. Fallon;
H. R. 5753. An act granting an increase of pension to Sallie H. Murphy;
H. R. 5830. An act granting an increase of pension to Sylvenus Hardy;
H. R. 5855. An act granting an increase of pension to Francis L. Brown;
H. R. 5909. An act granting an increase of pension to William H. Bynon;
H. R. 5938. An act granting an increase of pension to Edward J. McClaskey;
H. R. 5957. An act granting an increase of pension to Henry J. Steck;

H. R. 6063. An act granting an increase of pension to Maria Dyer;
H. R. 6065. An act granting an increase of pension to Charles E. Crowe;
H. R. 6085. An act granting an increase of pension to Jacob C. Rardin;
H. R. 6098. An act granting an increase of pension to Sadie A. Walker;
H. R. 6109. An act granting an increase of pension to William H. Ackert;
H. R. 6115. An act granting an increase of pension to Edward Sarlls;
H. R. 6117. An act granting an increase of pension to Elizabeth Dill;
H. R. 6133. An act granting an increase of pension to Mary Bagley;
H. R. 6137. An act granting an increase of pension to Henry S. Stowell;
H. R. 6178. An act granting an increase of pension to Carl W. Block;
H. R. 6226. An act granting an increase of pension to George Bruner;
H. R. 6340. An act granting an increase of pension to William D. Hatch;
H. R. 6398. An act granting an increase of pension to George W. Henry;
H. R. 6399. An act granting an increase of pension to David Hanna;
H. R. 6408. An act granting an increase of pension to Isaiah Queman;
H. R. 6494. An act granting an increase of pension to William Hughes;
H. R. 6516. An act granting an increase of pension to Joseph Bailey;
H. R. 6538. An act granting an increase of pension to George H. Rice;
H. R. 6565. An act granting an increase of pension to Francis M. Hatter;
H. R. 6813. An act granting an increase of pension to Emsley Kinsauls;
H. R. 6873. An act granting an increase of pension to Charles A. Phillips;
H. R. 6913. An act granting an increase of pension to John Gibbons;
H. R. 6941. An act granting an increase of pension to Alice Gearkee;
H. R. 6947. An act granting an increase of pension to Charles Washburn;
H. R. 6962. An act granting an increase of pension to Richard Phillips, jr.;
H. R. 6977. An act granting an increase of pension to Alfred S. Isaacs;
H. R. 6992. An act granting an increase of pension to Mary Duffy;
H. R. 6993. An act granting an increase of pension to John Sarvis;
H. R. 7001. An act granting an increase of pension to Andrew M. Dunham;
H. R. 7213. An act granting an increase of pension to Loucette E. Glavis;
H. R. 7222. An act granting an increase of pension to Levi J. Walton;
H. R. 7224. An act granting an increase of pension to Charles R. Ellis;
H. R. 7231. An act granting an increase of pension to Samuel O'Tool;
H. R. 7238. An act granting an increase of pension to William J. Campbell;
H. R. 7241. An act granting an increase of pension to Mary J. Allhands;
H. R. 7525. An act granting an increase of pension to William K. Spencer;
H. R. 7576. An act granting an increase of pension to George W. Brummett;
H. R. 7599. An act granting an increase of pension to William Holland;
H. R. 7600. An act granting an increase of pension to John Welch;
H. R. 7607. An act granting an increase of pension to Annie M. Smith;
H. R. 7628. An act granting an increase of pension to Lorenzo D. Stoker;
H. R. 7649. An act granting an increase of pension to William Leipnitz;
H. R. 7665. An act granting an increase of pension to Wesley J. Banks;
H. R. 7680. An act granting an increase of pension to William Shannon;
H. R. 7711. An act granting an increase of pension to Samuel Dunnan;
H. R. 7721. An act granting an increase of pension to Daniel V. Lowary;
H. R. 7750. An act granting an increase of pension to Anton Riedmuller;
H. R. 7838. An act granting an increase of pension to S. Harriet Morris;
H. R. 7941. An act granting an increase of pension to Carlon B. Osborn;
H. R. 7955. An act granting an increase of pension to Newton E. Terrill;
H. R. 7948. An act granting an increase of pension to James W. Reynolds, alias William Reynolds;
H. R. 7982. An act granting an increase of pension to Francis M. Kellogg;
H. R. 8043. An act granting an increase of pension to Lafayette Dodds;
H. R. 8044. An act granting an increase of pension to Angel Hausker;
H. R. 8061. An act granting an increase of pension to Heart Echard;
H. R. 8156. An act granting an increase of pension to Loren H. Howard;
H. R. 8169. An act granting an increase of pension to Eliza C. Jones;
H. R. 8187. An act granting an increase of pension to Silas G. Elliott;
H. R. 8213. An act granting an increase of pension to William Monteith;
H. R. 8216. An act granting an increase of pension to Philipp Cline, alias Francis Klein;
H. R. 8233. An act granting an increase of pension to Charles A. Power;
H. R. 8242. An act granting an increase of pension to John Alves;
H. R. 8251. An act granting an increase of pension to Abel S. Thompson;
H. R. 8253. An act granting an increase of pension to John Dolan;
H. R. 8288. An act granting an increase of pension to Jonathan Carr;
H. R. 8302. An act granting an increase of pension to Maurice Hayes;
H. R. 8317. An act granting an increase of pension to Eliza Thompson;
H. R. 8406. An act granting an increase of pension to Susan W. Selfridge;
H. R. 8493. An act granting an increase of pension to Sallie F. Sheffield;
H. R. 8520. An act granting an increase of pension to Alfred F. White;
H. R. 8541. An act granting an increase of pension to Edward H. Pinney;
H. R. 8556. An act granting an increase of pension to Ethan Blodgett;
H. R. 8562. An act granting an increase of pension to William Ostermann;
H. R. 8596. An act granting an increase of pension to John C. Messerschmidt;
H. R. 8649. An act granting an increase of pension to William Bode;
H. R. 8663. An act granting an increase of pension to Frederick A. Amende;
H. R. 8664. An act granting an increase of pension to Henry Wascher;
H. R. 8714. An act granting an increase of pension to George Gibson;
H. R. 8794. An act granting an increase of pension to Stout Shearer;
H. R. 8846. An act granting an increase of pension to Thomas Todd;
H. R. 8847. An act granting an increase of pension to Philip D. Thompson;
H. R. 8918. An act granting an increase of pension to Andrew J. Hull, alias Spencer J. Hull;
H. R. 8926. An act granting an increase of pension to John Keller;
H. R. 8939. An act granting an increase of pension to Sarah A. Chauncey;

H. R. 8944. An act granting an increase of pension to William H. Lorance;
H. R. 8949. An act granting an increase of pension to Albert Richard Clark;
H. R. 9051. An act granting an increase of pension to Asher S. Bouden;
H. R. 9052. An act granting an increase of pension to Jonathan Wood;
H. R. 9059. An act granting an increase of pension to Ebenezer S. Edgerton;
H. R. 9065. An act granting an increase of pension to George G. Brail;
H. R. 9077. An act granting an increase of pension to Samuel Engle;
H. R. 9104. An act granting an increase of pension to Henry Brown;
H. R. 9122. An act granting an increase of pension to Philander Bennett;
H. R. 9142. An act granting an increase of pension to Herman A. Kimball;
H. R. 9146. An act granting an increase of pension to Francis A. Jones;
H. R. 9209. An act granting an increase of pension to Stephen D. Cohen;
H. R. 9234. An act granting an increase of pension to William A. McDonald;
H. R. 9237. An act granting an increase of pension to Jacob Dachrodt;
H. R. 9279. An act granting an increase of pension to Patrick Curley;
H. R. 9351. An act granting an increase of pension to Marie G. Bonham;
H. R. 9405. An act granting an increase of pension to John Burns;
H. R. 9416. An act granting an increase of pension to Jacob M. Longsworth;
H. R. 9567. An act granting an increase of pension to Henderson Rose;
H. R. 9579. An act granting an increase of pension to John G. Harris;
H. R. 9651. An act granting an increase of pension to Charles S. Word;
H. R. 9789. An act granting an increase of pension to Josiah Nicholson;
H. R. 9795. An act granting an increase of pension to Emory Edward Patch;
H. R. 9851. An act granting an increase of pension to William G. Richardson;
H. R. 9906. An act granting an increase of pension to Hinman Rhodes;
H. R. 9929. An act granting an increase of pension to Orlean De Witt;
H. R. 10007. An act granting an increase of pension to Appleton Gibson;
H. R. 10175. An act granting an increase of pension to Matthew A. Knight;
H. R. 10216. An act granting an increase of pension to Hugh Longstaff;
H. R. 10256. An act granting an increase of pension to Daniel D. Diehl;
H. R. 10258. An act granting an increase of pension to Elias Smith;
H. R. 10266. An act granting an increase of pension to William H. Morris;
H. R. 10269. An act granting an increase of pension to Andrew Ricketts;
H. R. 10297. An act granting an increase of pension to Nicholas Hercherberger;
H. R. 10307. An act granting an increase of pension to Milton A. Saeger;
H. R. 10308. An act granting an increase of pension to Dillon F. Acker;
H. R. 10323. An act granting an increase of pension to Patrick J. Donohue;
H. R. 10362. An act granting an increase of pension to William J. Chenoweth;
H. R. 10437. An act granting an increase of pension to Casper Yost;
H. R. 10439. An act granting an increase of pension to Mary Ann Gaunt;
H. R. 10477. An act granting an increase of pension to James B. Babcock;
H. R. 10521. An act granting an increase of pension to John F. Cluley;
H. R. 10522. An act granting an increase of pension to Charles H. Everitt;
H. R. 10551. An act granting an increase of pension to Ezekial Polk;
H. R. 10552. An act granting an increase of pension to James Wilkinson;
H. R. 10564. An act granting an increase of pension to Levi N. Bodley;
H. R. 10582. An act granting an increase of pension to Oscar B. Caswell;
H. R. 10623. An act granting an increase of pension to Joseph L. Bostwick;
H. R. 10637. An act granting an increase of pension to Levi I. Shipman;
H. R. 10720. An act granting an increase of pension to Joseph F. Caldwell;
H. R. 10722. An act granting an increase of pension to William H. Flint;
H. R. 10741. An act granting an increase of pension to Thomas Clark;
H. R. 10807. An act granting an increase of pension to Jacob J. Long;
H. R. 10872. An act granting an increase of pension to Abram J. Hill;
H. R. 10883. An act granting an increase of pension to William Lee;
H. R. 10918. An act granting an increase of pension to Nathan W. Josselyn;
H. R. 10925. An act granting an increase of pension to Isaac C. Dennis;
H. R. 10954. An act granting an increase of pension to Letitia D. Watkins;
H. R. 10969. An act granting an increase of pension to Calaway G. Tucker;
H. R. 11061. An act granting an increase of pension to Reanna Pile;
H. R. 11096. An act granting an increase of pension to Sion B. Glazner;
H. R. 11101. An act granting an increase of pension to Andrew J. Baker;
H. R. 11105. An act granting an increase of pension to Michael Comer;
H. R. 11132. An act granting an increase of pension to Horace E. Lydy;
H. R. 11144. An act granting an increase of pension to Lewis Pratt;
H. R. 11145. An act granting an increase of pension to Melvin J. Lee;
H. R. 11160. An act granting an increase of pension to Lemuel Herbert;
H. R. 11205. An act granting an increase of pension to Jeremiah Spice;
H. R. 11302. An act granting an increase of pension to John R. Cotton;
H. R. 11320. An act granting an increase of pension to Adam Cook;
H. R. 11343. An act granting an increase of pension to Enoch Bolen;
H. R. 11561. An act granting an increase of pension to Egbert P. Shetter;
H. R. 11620. An act granting an increase of pension to John J. Quimby;
H. R. 11653. An act granting an increase of pension to James R. Jordan;
H. R. 11658. An act granting an increase of pension to Gould E. Utter;
H. R. 11672. An act granting an increase of pension to Franklin J. Fellows;
H. R. 11724. An act granting an increase of pension to John A. Conley;
H. R. 11777. An act granting an increase of pension to Manson B. Scott;
H. R. 11808. An act granting an increase of pension to Webster Thomas;
H. R. 11842. An act granting an increase of pension to James M. Noble;
H. R. 11908. An act granting an increase of pension to Stephen V. Sturtevant;
H. R. 11916. An act granting an increase of pension to Edward L. Kimball;
H. R. 12008. An act granting an increase of pension to James D. Blanding;
H. R. 12016. An act granting an increase of pension to James Cassady;

H. R. 12027. An act granting an increase of pension to Nathan C. Bradley;
H. R. 12038. An act granting an increase of pension to Charles H. Burleigh;
H. R. 12054. An act granting an increase of pension to Martha E. Hallowell;
H. R. 12156. An act granting an increase of pension to Edwin Billing;
H. R. 12102. An act granting an increase of pension to Wilhelmina Healey;
H. R. 12290. An act granting an increase of pension to David L. Kretsinger;
H. R. 12384. An act granting an increase of pension to Andrew Dunning;
H. R. 12388. An act granting an increase of pension to Harvey T. Dunn;
H. R. 12506. An act granting an increase of pension to John T. Howell;
H. R. 12507. An act granting an increase of pension to George W. Collier;
H. R. 12510. An act granting an increase of pension to John McWhorter;
H. R. 12583. An act granting an increase of pension to Elizabeth L. H. Labatt;
H. R. 12640. An act granting an increase of pension to Augustus Walker;
H. R. 12713. An act granting an increase of pension to Augustus F. Bradbury;
H. R. 12754. An act granting an increase of pension to William B. Eversole;
H. R. 12837. An act granting an increase of pension to Martha Miller;
H. R. 12839. An act granting an increase of pension to Kathryn G. Hayt;
H. R. 12937. An act granting an increase of pension to James Hoover;
H. R. 13037. An act granting an increase of pension to Elizabeth Jane Kearney;
H. R. 13050. An act granting an increase of pension to William G. Crockett;
H. R. 13078. An act granting an increase of pension to Elizabeth F. Partin;
H. R. 13084. An act granting an increase of pension to William Dixon;
H. R. 13129. An act granting an increase of pension to Pinkney W. H. Lee;
H. R. 13141. An act granting an increase of pension to William A. Southworth;
H. R. 13457. An act granting an increase of pension to William McCay;
H. R. 13536. An act granting an increase of pension to Peter Cline;
H. R. 13579. An act granting an increase of pension to Amon Miller;
H. R. 13582. An act granting an increase of pension to James Sutherland;
H. R. 6385. An act granting an increase of pension to Henry Hastings; and
H. R. 9944. An act granting an increase of pension to Thomas J. Martin.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

The committee resumed its session.

Mr. GARRETT. Mr. Chairman, I desire to briefly call attention to a subject which is connected, though somewhat remotely perhaps, with the particular appropriation bill which is now under consideration. It is connected with it in that if the legislation involved in the bills to which attention will be called should be enacted, it would result in the curtailment of appropriations by future Congresses in the amounts which will otherwise be necessary for the judiciary branch of the Government, but this is not its most important phase.

On the 26th of last month I introduced two bills, being H. R. 15720 and H. R. 15721, respectively. These bills are as follows:

A bill (H. R. 15720) to limit the jurisdiction of district and circuit courts of the United States.

*Be it enacted, etc.*, That the district and circuit courts of the United States shall not take original cognizance of any suit of a civil nature, either at common law or in equity, between a corporation created or organized by or under the laws of any State in which such corporations at the time the cause of action accrued may have been carrying on any business authorized by the law creating it, except the court having jurisdiction of the domicile of the corporation, except in cases arising under the patent or copyright laws, and in like cases in which said courts are authorized to take original cognizance of suits between citizens of the same State; nor shall any such suit between such a corporation and a citizen or citizens of a State in which it may be doing business be removed to any circuit court of the United States except in like cases in which such removal is authorized by the existing law in suits between citizens of the same State: *Provided*, That nothing in this act shall be so construed as to affect suits pending in the courts of the United States at the time this act shall take effect.

A bill (H. R. 15721) to amend the jurisdiction act of 1887 so as to abrogate Federal jurisdiction over State corporations when the jurisdiction is founded only on the fact that the action or suit brought is between citizens of different States.

*Be it enacted, etc.*, That the first section of an act entitled "An act to amend the act of Congress approved March 3, 1875, entitled 'An act to determine the jurisdiction of circuit courts of the United States, and to regulate the removal of causes from the State courts, and for other purposes,' and to further regulate the jurisdiction of circuit courts of the United States, and for other purposes," approved March 3, 1887, which act was corrected by an act approved August 13, 1888, entitled "An act to correct the enrollment of an act approved March 3, 1887," be, and the same hereby is, amended by striking out the words "if such instrument be payable to bearer and be not made by any corporation" in said section; and that said section be, and hereby is, further amended by adding at the end of said section the following words: "And when the jurisdiction is founded only on the fact that the action or suit is between citizens of different States, corporations shall not be deemed citizens of the State which creates them, nor be treated as such for the purposes of jurisdiction; but all corporations chartered under the laws of any State are, for the purposes of jurisdiction in the courts of the United States, declared to be citizens, residents, and inhabitants in each and every State where they have an office or an agent, or in which they carry on and conduct any part of their corporate business."

SEC. 2. That the second section of said act be, and the same is hereby, amended by striking out the period at the end of the second paragraph of said section and inserting a semicolon in place thereof and adding then the following words: "but no corporation having an agent or an office or carrying on any part of its corporate business in any State wherein suits by or against it, in the corporate name, are now pending or may hereafter be brought, shall be deemed to be a nonresident of such State so as to permit a removal of such suit or action to the circuit court of the United States solely upon the ground of its nonresidence or noncitizenship, but such corporations, for the purpose of jurisdiction in the courts of the United States and in the courts of the States, are declared to be, and shall be deemed and construed by the the courts to be, citizens, inhabitants, and residents in each State wherein they have or may, at the time of the accrual of the cause of action, have an office or agent or be engaged in carrying on any part of their corporate business or exercising any of their corporate franchises: *Provided, however*, That nothing in this act shall be so construed as to prevent corporations from removing suits or actions against them in the corporate name to the proper courts of the United States for any reason or upon any ground now fixed by law for such removal save only when the sole ground is that such corporation is a nonresident of the State where sued, or is a citizen of some State other than where sued."

These bills were, of course, referred to the Committee on the Judiciary and are now pending before that committee. The object of both bills is precisely the same, which is to abrogate the jurisdiction of United States district and circuit courts over State corporations where the sole ground of such jurisdiction is the diversity of citizenship of the parties to the litigation. There are, it is believed, two distinct lines of legislaton by which Congress can bring about this abrogation, and both of these lines are presented in these bills, the first bill being a direct and original enactment and the second bill being an amendment to an existing statute in which the jurisdictional status of corporations relative to the courts of the United States, or, to be exact, circuit and district United States courts, is declared.

I trust it may be clearly understood in the very beginning just what is the scope of the proposed legislation. It affects existing law only in so far as the question of jurisdiction depends upon the character or citizenship of the parties litigating, and affects only corporations in this regard. All other grounds of jurisdiction are left untouched.

HISTORY OF LEGISLATIVE AND JUDICIAL ACTION.

The third article of the Constitution of the United States is devoted to the judiciary. The second section of that article provides that the judicial power of the United States shall extend to nine classes of cases which are there specifically enumerated. The sixth class, that of cases between a State and citizens of another State, was eliminated or abrogated by the eleventh amendment to the Constitution, so that now there are eight classes of actions, together with such others as may arise under the fifth and fourteenth amendments, to which the judicial power of the United States extends. Omitting all except that class directly involved in the proposed bills I am discussing, and for clearness quoting the exact language of the organic law, we have this:

The judicial power shall extend to all cases between citizens of different States.

The first serious business which engaged the attention of the first Senate of the United States was the judiciary act, establishing the various courts and making provision for their jurisdiction. This act, after extensive and learned debate in the Senate and the House, was passed by both bodies, signed by the President, and became the law on September 24, 1789. It is usually referred to as the judiciary act of 1789. The eleventh section of that act provided as follows:

The circuit courts shall have original cognizance, *concurrent with the courts of the several States*, of all suits of a civil nature at com-

mon law or in equity, where the matter in dispute exceeds, exclusive of costs, the sum or value of five hundred dollars, *when the suit is between a citizen of the State where the suit is brought and a citizen of another State.*

Section 12 of that act provided that the *defendant* in any case concerning which jurisdiction was given by section 11 to the circuit courts of the United States might remove the cause from any State court in which *he* was sued to the Federal circuit court by the filing of petition alleging or setting forth the diversity of citizenship, etc.

The provisions of sections 11 and 12 of the original judiciary act, in so far as they related to jurisdiction based on diversity in citizenship, remained unchanged until the act of July 27, 1866. (Chap. 288, vol. 14, p. 306. U. S. Statutes at Large.) By this act the removal phase of the law was amended so as to provide in substance that suits, where the matter in dispute exceeds $500, brought in State courts against aliens, or by citizens of the State where brought against any citizen of said State and a citizen of another State, if the suit, in so far as it relates to the alien or nonresident defendant, is or has been instituted for the purpose of restraining or enjoining him, or if the suit is one in which there can be a final determination of the controversy, so far as it concerns him, without the presence of the other defendants as parties in the cause, then such alien defendant may remove the cause to the circuit court of the district where the suit is pending.

In 1867 the act of March 2 amended the removal law so as to provide that *either defendant or plaintiff* in a cause might, when the amount involved was more than $500, remove the same to the Federal court by making affidavit that on account of prejudice or local influence *he* had reason to believe and did believe *he* could not obtain justice in the State court. This act, which was thought to be made necessary by conditions growing out of the war of secession, did not, however, affect the removal where the sole ground was that of diverse citizenship; but in 1875 the act of March 3 (chap. 137, vol. 14, p. 470) further amended the removal act so that *either* party to the suit, where the controversy was between citizens of different States, as well as in other causes, might remove the action to the Federal court, thus putting the plaintiff on the same ground precisely as the defendant had been all along. The effect of this act was, of course, to give the plaintiff two elections. He could first sue in the State court, and if he saw that he was likely to lose there could at any time remove the action to the Federal court.

This act made some changes in the language of the statutes, but none in the meaning of the law.

The act of March 3, 1887, was amendatory of the act of 1875. This act of March 3, 1887, however, contained about twenty errors in spelling and punctuation in its enrollment, and accordingly this enrollment was corrected by the act of August 13, 1888 (being chap. 866, p. 433 of vol. 25). By the amendment contained in this act as so corrected the amount required to be involved in order for the Federal courts to have jurisdiction on grounds of diverse citizenship, as well as certain other cases, was changed from $500 to $2,000.

There was also the following change in the law: The act of 1875 provided that no circuit or district court should have cognizance of any suit founded on contract in favor of an assignee, if no assignment had been made, except in cases of promissory notes negotiable by the law merchant and bills of exchange.

The act of 1887, as corrected by the act of 1888, provides on this point as follows:

> Nor shall any circuit or district court have cognizance of any suit, except upon foreign bills of exchange, to recover the contents of any promissory note or other chose in action in favor of any assignee or of any subsequent holder if such instrument be payable to bearer *and be not made by any corporation*, unless such suit might have been prosecuted in such court to recover the contents if no assignment or transfer had been made.

This act of 1887 also repealed the provision of the act of March 3, 1875, which permitted the *plaintiff* to remove a suit on the grounds of diverse citizenship, the reason for the repeal being that having once elected his tribunal he should be bound by his election.

The act of 1887 also made a change in the language which was by many considered as quite significant at the time. The second section of the act of 1875 had provided as follows:

> That any suit of a civil nature at law or in equity, now pending or hereafter brought in any State court where the matter in dispute exceeds, exclusive of costs, the sum or value of $500, and arising under the Constitution or laws of the United States, or treaties made or which shall be made under their authority, or in which the United States shall be plaintiff or petitioner, or *in which there shall be a controversy between citizens of different States*, or a controversy between citizens of the same State claiming land under grants of different States, or controversies between citizens of a State and foreign States, citizens, or subjects, either party may remove said suit into the circuit court of the United States.

The act of 1887, as corrected by the act of 1888, provides that the second section of the act of 1875, which has just been quoted, be amended so as to read as follows:

> That any suit of a civil nature at law or in equity arising under the Constitution or laws of the United States, or treaties made or which shall be made under their general authority, of which the circuit courts are given original jurisdiction by the preceding section, which may now be pending, or which may be hereafter brought, in any State court may be removed by the defendant or defendants therein to the circuit court of the United States for the proper district.
>
> *Any other suit* of a civil nature at law or in equity of which the circuit courts are given jurisdiction by the preceding section—

And this phrase "any other suit" includes those where the ground of jurisdiction is solely diversity of citizenship, since that class is not included in the first paragraph where the classes are expressly set forth—

> and which are now pending or which may hereafter be brought in any State court may be removed into the circuit court of the United States for the proper district by the defendant or defendants therein *being nonresidents of that State.*

There being a well-understood distinction in law as well as in fact between *residence* and *citizenship*, it was believed by many of the legal profession at the time, as will appear from reading articles in the law magazines contemporary with that act, that the intention of Congress was to restrict the right of removal to nonresidents of a State wherein they were sued, and, arguing that a corporation having an office, an agent, and carrying on all or a portion of its corporate business in a State was, in the commonly accepted meaning of the term, a resident of such State, it was insisted that the act of 1887 would abrogate Federal jurisdiction over State corporations where the sole ground of such jurisdiction was technical diversity of citizenship. This view was not, however, taken by the Federal courts. Residence was construed to be the same thing, in the sense of that jurisdiction act, as citizenship.

This is all the legislation respecting the matter sought to be affected by the proposed bills.

Turning now to the judicial branch of the Government and looking to the action of the courts upon the subject, we find that in 1809, while Marshall was Chief Justice, the three cases of Hope Insurance Company, of Providence, *v.* Boardman et al.; Bank of the United States *v.* Deveaux et al., and the Maryland Insurance Company *v.* Wood, came before the court, all at the same term, and were all heard together. The controlling issue or leading question in each case was whether a corporation aggregate was a citizen in the sense of the legislation as based upon or carrying out the constitutional provisions as to jurisdiction where the controversy or suit "is between a citizen of the State where the suit is brought and a citizen of another State."

It was held by the Chief Justice and the court, in an unanimous opinion delivered by Marshall himself, that such was not the status of a corporation. The main opinion was delivered in the Deveaux case, and it was in that opinion that Marshall used the oft-quoted language:

> That invisible, intangible, and artificial being, that mere legal entity, a corporation aggregate, is certainly not a citizen, and consequently can not sue or be sued in the courts of the United States unless the rights of the members in this respect can be exercised in their corporate name. If the corporation be considered as a mere faculty, and not as a company of individuals, who, in transacting their joint concerns, may use a legal name, they must be excluded from the courts of the Union.

Following this general statement there is a minute examination into the nature and character of a corporation, and the conclusion is reached that a corporation, as such, chartered by a State, is not, for jurisdictional purposes, a citizen of that State or a noncitizen of another State, and may not in the corporate name sue a citizen of another State in the courts of the United States; but if it was made to appear as a fact that the citizens owning the stock of or composing the corporation aggregate were citizens of another State from that of the party sued, then the United States courts would have jurisdiction. In other words, the doctrine as there laid down is that where the members of a corporation are aliens or citizens of a different State from the opposite party and this fact was made to appear (presumably in the pleadings) the judiciary act of 1789 confers jurisdiction of suits to which they are parties, acting for their corporation, upon the circuit courts of the United States; but so long as the suit is in the corporate name, treating the corporation as an entity, under the opinion of Marshall, adhered to so long as he was on the bench and repeated in frequent decisions, a corporation aggregate was not a citizen in the jurisdictional sense.

This remained the law until 1844. In that year the celebrated case of the Louisville, Cincinnati and Charleston Railroad Company *v.* Letson came before the court, of which Taney was then Chief Justice. In that case the doctrine as laid down by Marshall was, to use the language of the reporter, "reviewed and controlled." Those words mean there, as of course, that the

doctrine was squarely overruled and a directly opposite construction given of the statute, which had not been changed in any respect bearing upon this question, and the doctrine since adhered to was laid down that—

A corporation created by and transacting business in a State is to be deemed an inhabitant of that State, capable of being treated as a citizen for all purposes of suing and being sued, and an averment of the fact of its creation and the place of transacting business is sufficient to give the circuit courts jurisdiction.

This doctrine was rapidly carried to its logical end wherein it was held that a corporation was conclusively presumed for jurisdictional purposes to be a citizen of the State in which it was incorporated, and the declaration was made (Kans. Pac. R. R. Co. *v.* Atchison, etc., R. R. Co., 112 U. S.), that in all cases where a Federal court can take jurisdiction of controversies between citizens, it will take jurisdiction of like controversies between corporations, or between a corporation and a citizen, and treat the corporations as citizens of the States under whose laws they were created and continue to exist.

The doctrine has been pressed still further, and the rule has been established by the Supreme Court (Nashua, etc., R. R. Co. *v.* Boston, etc., R. R. Co., 136 U. S.), though by a bare majority of that body, that where a corporation is created by the concurrent acts of two States it is foreign to both in a jurisdictional sense. This was a case where a corporation was created by concurrent acts of Massachusetts and New Hampshire. Under that decision, if that corporation be sued in a State court of New Hampshire it can remove the case to the Federal court—the amount involved being sufficient—on the ground that it is a citizen of the State of Massachusetts. If sued in Massachusetts it straightway moves the case to the Federal court, because, forsooth, it is a citizen of New Hampshire.

For something like fifty years, then, it was the uniform holding of the Supreme Court that a corporation was not a citizen in the jurisdictional sense, and for something like sixty-five years it has been held that it was such a citizen.

In endeavoring to present argument in behalf of the enactment of the legislation proposed in the bills I am discussing, it is not deemed necessary to go into the legal rightfulness or wrongfulness of the opinions of the courts. That is a mere academic question. The later opinion has been greatly criticised by the profession and was not unanimously acquiesced in by the judges in the earlier years of its promulgation, but it is not at all probable that it will ever be overturned by the court itself. The doctrine of *stare decisis* will be applied. It is a great pity that Justice Taney did not apply that in the Letson case in 1844.

CONGRESS ALONE CAN ACCOMPLISH THE RESULT.

It is only through Congressional action that this abrogation may be brought about. Under the now well-settled decisions of the Supreme Court the respective States can not accomplish the result.

Some years ago the State of Iowa, through its legislature, enacted that corporations desiring to do business in that State should file copies of their charters and secure a license from the State authority. I can not remember the precise details of the statute, but in a general way can state that under that Iowa statute it was made a condition precedent to the issuance of such license that the corporation should file an agreement that when sued in the courts of that State it would not remove such suit to the Federal courts.

Mr. WILLIAMS. And Kentucky also passed such a law.

Mr. GARRETT. And Kentucky also passed such a law, the gentleman from Mississippi suggests. I do not remember the Kentucky statute, though I am sure the gentleman from Mississippi is correct. If I mistake not, a very large number of States have passed such acts. I remember the Iowa case distinctly, however, because I saw it just a few days ago in my investigation of this question. I am sure I am not mistaken as to the State. A railroad company, I think it was, complied with the Iowa requirements and operated in that State. It was sued in the State court and immediately filed a petition for the removal of the controversy to the Federal court. The cause came before the Supreme court of the United States, and it was held that the State could not impose such a conditions under the facts of that case. I do not think this decision goes further than to hold that a State may not prevent the removal of a cause to the Federal court. The question of whether the State could enforce a forfeiture of the right to do business in its limits under such conditions has probably not been decided squarely as yet.

It being beyond the reach of State legislation, and there being no probability of the courts reversing the decisions so long acquiesced in, I repeat, Congressional action alone can give the relief.

CONGRESS HAS THE POWER.

Now, it is not supposed that there can be any serious question that Congress has the power to define the jurisdictional status of State corporations relative to the district and circuit courts. The courts have certainly never held as a constitutional proposition that corporations were, for jurisdictional purposes, the same as natural persons. Their holdings have always been in construing the statutes.

Mr. JOHNSON. Will it interrupt the gentleman if I make a suggestion?

Mr. GARRETT. Certainly not; I shall appreciate any suggestion the gentleman will be kind enough to offer.

Mr. JOHNSON. Is it not true that all Federal courts, except the Supreme Court of the United States, have only such powers as Congress sees fit to delegate to them?

Mr. GARRETT. That is correct. I thank the gentleman from South Carolina [Mr. JOHNSON] for calling my attention to that at this point.

The question, if there can be a question, is simply this: Is a corporation a citizen in the constitutional sense so as to place its status as regards court jurisdiction beyond the reach of legislative definition or declaration? The legislation proposed in my bills does not, of course, affect jurisdiction where it is a controversy between natural persons. The provision of the Constitution is that the judicial power shall extend, etc. It does not provide that such jurisdiction shall be exclusive, but leaves to the Congress the regulation of jurisdiction in all cases whatsoever except those affecting ambassadors and other public ministers and consuls and cases to which a State is a party. The exercise of the power is wholly dependent upon legislative action. The doctrine laid down in Gaines *v.* Fuentes (92 U. S., p. 10) is conclusive of that proposition.

As an instance of this, Congress made a limitation of amount involved, requiring in the first judiciary act that before there should be an application of the Federal judicial power the amount involved must be more than $500, and later provided that it must be more than $2,000. No question has ever been made, so far as I can ascertain, of the constitutional power to make this limitation. Again, in the matter of removal the Congress has limited the right of removal to one party to the suit—the defendant. It has been conclusively settled that this might be constitutionally done. By a parity of reasoning it would seem to be unquestionable that the Congress can declare the status of a corporation—an artificial entity, itself the offspring of law—relative to the courts. In construing the Constitution we must in all instances view its provisions and terms according as they were understood at the *time of its adoption*. Certainly corporations aggregate were not included in the term "he" when the Constitution was adopted.

REASONS FOR THE LEGISLATION.

If the power exists, then it becomes wholly a matter of social and civic expediency. At present the situation is most anomalous. The effect of the present law is to encourage incorporation of institutions in States other than that in which it is intended to carry on the corporate business. There are thousands and thousands of corporations that never perform a single corporate act in the State by which they are chartered, except, perhaps, to pay the secretary of state the fees for a certified copy of the charter.

Mr. WILLIAMS. Mr. Chairman, if the gentleman will permit the interruption——

Mr. GARRETT. Certainly; with pleasure.

Mr. WILLIAMS. I desire to suggest—and I don't know whether it is a fact or not—that it has been popularly reported that the State of New Jersey has several times granted powers to a corporation with the provision that that corporation should not exercise those powers in the State of New Jersey.

Mr. GARRETT. I have understood that to be a fact, but am not able to assert it positively. It is certain that the law now existing—for court construction, judicial legislation, is as effective as legislation by Congress—encourages a State to recklessness in granting charters where it is known by the State agents that the incorporation is not to operate in that State.

Mr. BEALL of Texas. Mr. Chairman, will the gentleman permit a suggestion?

Mr. GARRETT. I shall be glad to have it.

Mr. BEALL of Texas. I think it is a fact that the Southern Pacific Railroad Company is chartered under the laws of the State of Kentucky——

Mr. GARRETT. That is a fact, as I understand it.

Mr. BEALL of Texas. And that under its charter it would not be permitted to build a single mile of road in Kentucky.

Mr. GARRETT. I do not know, I will say to my friend from Texas [Mr. BEALL], about the specific provision that that company should not do business in Kentucky, but I do know that it was incorporated there and that it never had an inch of line in the State and never intended to have any there, but

was chartered after the doctrine in the case of Railroad Company *v.* Letson was promulgated for the sole purpose of taking advantage of its technical citizenship under that doctrine in order to avoid jurisdiction in the courts of any State where it did intend to do business. That is a historic fact .

This law is directly responsible for the so-called "tramp corporations" that obtain charters from some State with no intention of doing business there, with not a single person in that State owning a share in the corporation. There is an intimation in the earlier cases that the fact that generally citizens of the State were the incorporators of institutions chartered by that State had some influence in fixing the doctrine of the citizenship of the corporation itself in that State. This view was certainly not very farsighted or accurate in fact.

First, then, we may say that protection from the reckless granting of corporate charters demands this legislation.

Again, Mr. Chairman, this legislation is demanded because under the existing laws foreign corporations enjoy privileges not enjoyed by domestic institutions. I happen to hold life insurance policies in two New York companies. Those policies were written at my home by a neighbor who was an agent—and corporations, it must never be forgotten, can act only through agents—and the first premiums were paid to him. All subsequent premiums have been remitted not to New York, but to Memphis, Tenn., to a branch office of these companies. The whole original transaction, except perhaps the examination of the physician's notes respecting my physical condition—and he, by the way, is a home physician—and the possible signing of some officer's name to the policy, and all subsequent acts in regard to the transaction have been wholly carried out in Tennessee. Those companies enjoy the same rights of activity there that Tennessee companies have. Yet if the amount of my policies was a little larger, and at my death a lawsuit should become necessary to collect them, my widow or representatives would have to go 100 or more miles, if the company should so choose, to find a tribunal in which to enforce the contract. A Tennessee company, no matter what the amount, would have to answer within a few hundred yards, or, at most, within a few miles of my home.

One other illustration: Through my home town there runs a line of railway which belongs to a corporation chartered by the State of Tennessee, and which is therefore a citizen of that State. Just a few miles away another line, which belongs to a Kentucky corporation, crosses this Tennessee citizen's property. The Kentucky corporation probably has twice as many miles of road in Tennessee as has the Tennessee company. It has condemned, under the right of eminent domain granted by our State, twice as much land as has the Tennessee citizen. It employs two or three times as many persons of Tennessee to carry on its corporate business. It has the same protection from our peace officers, the same rights, immunities, and privileges under our laws. Yet if a cause of action growing out of contract or tort arise against the larger Kentucky company, the individual having such right must, if the amount be more than $2,000, pursue his remedy in an entirely different tribunal from that in which he would pursue a remedy for a like condition against the domestic company.

While studying this matter I have endeavored to secure a statement of the number of corporations that carried on their corporate business wholly or partly beyond the limits of the State which chartered them, but have been unable to get it. I venture the assertion, however, from such information as I have been able to obtain, that of all the business carried on by private corporations in the several States one-half of it is done by nonresident corporations. Half the mining business in the various States is done by corporations chartered in States other than those in which they operate, and so of electric-lighting plants and railways, gas companies, waterworks establishments, and various semipublic works.

Again, sir, the convenience of the citizenry demands this legislation. Corporations are increasing with astonishing rapidity. Every business known to men is being carried on by corporations—corporations that reach out beyond the States that charter them into other States. Our whole business, social, and educational life is being honeycombed with them. I am not complaining about that. There is no sense in fighting corporations just because they are corporations. They play an important part in the development of the country. They are necessary. But at the same time the matter of enforcing rights against them in the courts with speed and convenience must be preserved to the citizens. I was much struck with a remark of the gentleman from Kansas [Mr. CAMPBELL] the other day, when, in discussing another bill before the House, he said:

I would have the courts go to the people, not force the people to go far to the courts.

It is the boast of our race that courts of justice are always open to the citizen. It will become an idle boast—a foolish, deceiving boast—if those courts are so far removed from him, or are so congested with business as that he may not have a convenient and speedy determination of his complaints. At present, sir, it is a matter of most frequent occurrence that a part of a citizen's rights are surrendered, he prefering to give up a part rather than go from 50 to 200 and 300 miles to obtain a tribunal to try them. Then, too, litigation is very much more costly in the Federal than in the State courts. I do not know how it is in all the States, but I am sure that in my own Commonwealth the fees in her courts are from one-third to one-half less than are the fees charged—court fees, I mean—in Federal courts. Lawyers' fees, too, are higher, as a rule, in the Federal tribunals.

But the advocates of the policy proposed in these bills are sometimes met with the suggestion that if this be adopted, nonresident corporations will suffer in the State courts from prejudice and local influence. The best answer to this is that it is not true. That a certain prejudice exists against corporations, varying in intensity in different sections of the country, is not to be denied, but it as strong against domestic as against foreign institutions. The average juror never thinks whether the corporation whose rights he is trying is a domestic or a foreign establishment. If you leave the jury box and go to the courts, I protest that there is nothing in the history of the courts of the several States which justifies any suggestion that they are inferior to the Federal tribunals, either in intelligence, integrity, or impartiality.

It is true, of course, that they are elected by the people for a stated term and must be reelected to continue long in power. But when have the interests of citizens been hurt by this necessity for State judges to return at stated periods to the people for a new lease of power? For every case which can be pointed out where harm has come I believe I could point to an equally large number where harm has come because of the life tenure of Federal judges. But comparisons of wrongdoings are needless.

I am not criticizing the Federal judiciary. I am resting this case upon plain business principles—convenience to the citizens, fairness to all corporations, protection from reckless granting of charters, economy to the individual. It might also be added that it will be economy to the Government. I dare say a third, certainly a fourth, of the business now in Federal courts would not be there if this legislation should be enacted. If it be not enacted, the number of Federal judges and districts must continue to increase. The Judiciary Committee at every session is called upon to establish new districts and judgeships. Then come the calls upon the Committee on Public Buildings and Grounds. Had this law been passed shortly after the decision of the Letson case, in 1844, it is not probable that we should have needed the United States circuit court of appeals.

There is one other reason, Mr. Chairman, and it really comprehends all those I have endeavored to give. That is, the passage of this legislation would be a restoration to the several States of governmental functions which really ought to be exercised by those States. I do not think we have to get on "strict-construction" ground to favor it. Marshall certainly was not a strict constructionist. If I remember correctly, he denied being either a strict constructionist or a liberal constructionist, but desired to be known as a natural constructionist.

To one who studies the matter in the light of the political history of the country it may seem somewhat strange that Marshall, who had broadest ideas of the nationality of the United States, gave the decision which denied to corporations the quality of jurisdictional citizenship, while Taney, who was supposed to hold more sacred the rights of the States, rendered the decision which has served to deprive one department of the State government of large quantities of business which, in strict right, it does seem ought to belong to it.

It would seem, Mr. Chairman, that there is one fundamental principle of government—fundamental in such a government as ours, composed of at least three and sometimes five systems—upon which we might all, ought all, agree. Certainly it would be a safe and sound policy if we would so administer and exercise our several governmental forces as that the power of United States Government should begin only where the power of the State government must end, letting every governmental function which can be better or *as well* exercised by the States remain with the States and devoting the powers and forces of the General Government to only those questions and issues which lie beyond the scope or reach of State authority. I would go a step further. I would say that wherever the line of demarcation between State and Federal authority is shadowy and indistinct the genius of our Constitution requires

that the doubt should be resolved in favor of the State and against the Union. There, I know, is the parting of the ways with many, for the man who believes in the strongly centralized Federal Government would resolve the doubt in favor of it and against the State. But without stopping to quarrel over that matter now, these bills propose legislation that, tested by the general rule concerning which there can be no reasonable dispute, ought to pass.

Certainly the courts of the States can administer justice as well where foreign corporations are involved as they can where domestic institutions are concerned. Certainly they can determine rights with as much justice as can the Federal courts and can determine them more cheaply, more conveniently, and more quickly.

Sir, are there any of us so dull as not to realize the presence among the masses of a subtle spirit of unrest and dissatisfaction? It may be vague; we may not be able to define it or to trace it to its causes, but we must know that it exists; and it is leading us—whither? We do not know. We can not tell. As we can not always trace it to its causes, so, sir, we can not trace it to its results. We ought to know, however, that it is not to be idly passed by and scoffed at. Is it not the sound, sensible, governmental thing to do to return speedily with all the functions of government—legislative, executive, judicial—as close to the people to whom they belong as we may?

There is not, sir, a single argument to be advanced which can be fortified by sound reasoning, based either on theories of government or facts of American experience, why corporations permitted by the courtesy and comity of a State to enter its limits from another State in which they were chartered and have all the immunities and the privileges allowed domestic institutions, have, in proper cases, the sovereign right of condemning private property for their use, have the protection of the laws and the peace officers for their properties, and their agents in all respects the same as a local establishment—not one reason, Mr. Chairman, why such corporations should not, without reference to the amount involved, answer in the courts of that State on their contracts and for their torts. [Loud applause.]

Mr. PRINCE. Mr. Chairman, yesterday I called the attention of the chairman of the subcommittee who has this bill in charge to the fact that at the proper time I would offer an amendment to the bill on page 163, in line 18. The amendment that I shall offer will be as follows:

*Provided, however,* That nothing herein contained shall apply to a person who served in the Army or Navy in the civil war and was honorably discharged, or his widow.

I want this provision to apply only to those who served in the Army or the Navy during the time of the civil war who have in their possession an honorable discharge for that very meritorious service.

I give notice that at the proper time I shall offer this amendment as read, and shall ask for its adoption.

Mr. GARDNER of Massachusetts. Mr. Chairman, I want to continue the discussion of immigration which I began in this House three of four days ago, with the understanding that any amount of interruption of a fair kind is welcome.

The other day I pointed out certain things which, for the sake of lucidity, I am going to recapitulate for a few minutes. I pointed out to this House the necessity for keeping fairly in our minds the difference between the selection of immigration and the restriction of immigration. There are two schools of thought; one school believes in selective measures and the other believes in restrictive measures. The ideas of the selective school, for instance, are expressed by the bill of Senator DILLINGHAM, which provides for the exclusion of aliens of poor physique or weak-minded, and of minors whose parents remain in their country of origin.

The bill for a head tax is a restrictive bill, introduced for the purpose of cutting immigration down in numbers, absolutely irrespective of the quality of the immigrant himself.

Now, I also want to recapitulate what I said about the importation of contract labor. I made the statement that, in my opinion, not much less than two-thirds of our adult male immigration comes here under a contract expressed or implied. In support of my contention I published in the RECORD a statement made by Commissioner-General Sargent; by Mr. Campbell, of the Immigration Bureau; by Commissioner Williams, of New York, and by Inspector Marcus Braun.

I want to explain more fully to this House why it is impossible to enforce our law against the admission of contract labor: Every vessel when it comes over here has on its manifest the name of each passenger. Against the name appears the answer to a series of questions as to his destination, as to the amount of money he has in his possession, as to his occupation, and as to whether or not he has paid his own expenses in coming here.

I have often examined these manifests, and I assure you, Mr. Chairman, that in the majority of cases the answers might as well be printed on the manifest as written. After an immigrant arriving in this country has passed the medical examiners he goes before an immigration inspector. The immigration inspector stands at a table with a long line of immigrants coming up to him. Next the inspector stands a clerk with the ship's manifest, and near by an interpreter. The alien is asked the various prescribed question, his answers being compared with the manifest. Almost invariably the answers correspond precisely with that document, because at the port of embarkation or elsewhere these immigrants are schooled to give such answers as will insure their admission into the United States. I have been told by a gentleman residing in Italy, who professes, at all events, to know about the immigration question, that in the city of Genoa alone three schools exist for the instruction of immigrants whose destination is the United States. The interpreter asks the immigrant such questions as appear to him appropriate. The inspector suggests more questions. They cross-examine him in every possible way, but, if he is properly schooled, the fact that he is coming in under a contract, expressed or implied, can not be proved. As a matter of fact, last year in only about 1,000 cases was the probability of the existence of a contract fairly proved.

Mr. McNARY rose.

The CHAIRMAN. Does the gentleman from Massachusetts yield to his colleague?

Mr. GARDNER of Massachusetts. With pleasure.

Mr. McNARY. I should like to ask the gentleman from Massachusetts how the imposition of a head tax will remedy that evil?

Mr. GARDNER of Massachusetts. Mr. Chairman, I am not committed to a head tax as the only remedy. Let me answer this question by first explaining how these contracts are made, after expressing an opinion that the imposition of a head tax would take the profit out of the importation of contract labor.

For example, suppose I am a Syrian conducting a Syrian boarding house in the city of Lowell. Perhaps some mill sends down to me for hands. I furnish them at a somewhat lower rate of wages than is expected by ordinary citizen help. I find recurrent opportunities to supply the cotton mills with Syrians.

Soon I hear that another mill is about to make an extension, so I say to myself "Back there in Syria is quite a profitable mine for me." Perhaps I go to the mill treasurer and get an advance of money. Perhaps I have the money myself. I return to Syria or I send some trusted agent, very likely a Syrian resident in the United States. One or the other of us goes back to Syria and there gathers together a number of emigrants, who come out here and, either by direct route or indirect route, finally arrive at my boarding house in the city of Lowell. Now, I can hold those people in my grip for a certain time, but only for a certain time. I tell them that if they do not pay me back the money advanced I will have them arrested, that they must hand over the full wages that they get in the mill on penalty of imprisonment. In fact, I avail myself of all means that are at my command to impose on them. Everyone knows how easy it is for a stranger to break the laws or the ordinances in a land where he does not understand the language, and they are held in mortal terror of the police. So by hook or by crook I manage to keep hold of those immigrants for some little time, at all events until they join a church or are informed as to their rights, or until some rival boarding-house keeper gets them away from me.

Meanwhile I take all their wages, while I feed them and keep them alive just as I would feed and keep a horse alive that I had imported for use in a livery stable. At the end of a certain time I lose control of them, but meanwhile I have worked out all the money that I gave them for passage, all they have cost me and some more, too. Now, in answer to the question of my colleague from Massachusetts [Mr. McNARY] I contend that if I, the boarding-house keeper, am compelled to pay the United States Government $40 or some other large amount per head on each one of these laborers that I bring in, I shall have to keep them six weeks longer to work out the extra money. This, however, can not be done, as the boarding-house business is too strongly competitive. The immigrants learn their rights altogether too quickly, and the boarding-house keeper will not take the risk of the attempt to keep them for a long time. In fact, I have heard it said that there is not as much profit nowadays in importing foreigners as there used to be some years ago.

Mr. GAINES of Tennessee. Does the gentleman mean to say that there are boarding houses anywhere in the United States that carry on that kind of business?

Mr. GARDNER of Massachusetts. I do, indeed, say so.

Mr. GAINES of Tennessee. Where?

Mr. GARDNER of Massachusetts. Unfortunately, in the district I represent, as well as elsewhere.

Mr. GAINES of Tennessee. I very much regret to hear that that occurs anywhere. But now another question: Are not the steamship companies to blame for bringing over these people, very largely? Do they not disobey the law and haul those people over just like a lot of cattle? I have heard that substantially stated, and I should like to have my friend, who is so well informed on the shipping business, and almost everything else, I may say, tell me whether that is or is not true. In other words, I am informed that this is the fact: Ship companies have agents in foreign countries that go through there with a fine-tooth comb, and out of the mud and filth and every place catch these people up like a lot of hungry animals and drive them on shipboard, and having entered into some sort of a contract with them by which they pay them a little something to bring them over here like so much freight or ballast, and then turn them loose, and we make citizens of them in a few weeks.

Mr. GARDNER of Massachusetts. It is unquestionably true, Mr. Chairman, that steamship companies have a good deal to do with the difficulty. The statement of the gentleman from Tennessee is accurate except in so much as he says that they use a fine-tooth comb. The comb need not be too fine toothed. There is such a tremendous field for emigration that a fairly broad-tooth comb will fill the vessels. As to conditions on board immigrant ships, I do not know that they are so bad as the gentleman thinks. Our navigation laws require 120 cubic feet for each passenger on such vessels, not taking into account the space taken by cargo, machinery, etc.

Mr. GAINES of Tennessee. Do not the companies practically recklessly disregard the idea of bringing good citizens here, and will they not take anybody, even if he is only an animal in human shape?

Mr. GARDNER of Massachusetts. I think the only thing which induces a steamship company to select a desirable immigrant in place of an undesirable one is the danger that the steamship company will have to take the undesirable one back at its own expense if he is rejected by our inspectors.

Mr. GAINES of Tennessee. Is that law rigidly enforced?

Mr. GARDNER of Massachusetts. I think it is enforced as well as it can be, but I think its wording could be improved.

Mr. MCNARY. Mr. Chairman, will the gentleman allow me a question?

Mr. GARDNER of Massachusetts. Certainly.

Mr. MCNARY. If I understood the answer of my colleague aright to my question as to how a head tax would prevent importation of contract laborers, he practically admitted that it was not under contract labor at all; that it was not the manufacturer or employer of labor, but that it was the boarding-house keeper who brought him here in order to make a few dollars out of him. I can not see, Mr. Chairman, that there is any contract labor in that at all. If I understood him aright, it is not the employer, not the manufacturer, not the man who is in business, but a speculating boarding-house keeper. Does the gentleman regard that as being contract labor?

Mr. GARDNER of Massachusetts. A contract expressed or implied is the reading of the law.

Mr. MCNARY. Does the gentleman say that he regards the speculation of a boarding-house keeper, if such exists, as contract employment of labor, bringing him from a foreign country and making a contract or agreement to put him to work in this country from the manufacturer and employer?

Mr. GARDNER of Massachusetts. Now, the gentleman and I are both Yankees, so I am going to answer his question by asking him another. [Laughter.] Suppose the gentleman kept a livery stable and I was a contractor. I might go to him and say, "Mr. MCNARY, here is an advance of so much money. I shall require during the next summer at least sixty horses per diem for my contract business." Suppose that with the advance I directly or indirectly made, or even if I made no advance, he should import the sixty horses from Canada. Suppose, moreover, that on their arrival he should hire them out to me, would he consider that those horses were imported under a contract expressed or implied?

Mr. MCNARY. Mr. Chairman, I will answer that by saying to my colleague that his very question destroys the assumption that he previously made. He stated, if I understood him correctly, that the boarding-house keeper had to keep the men in order to get his money back. His question implies that the boarding-house keeper has previously got the money from the manufacturer or employer. Which way does the gentleman want to put it?

Mr. GARDNER of Massachusetts. Either way. [Laughter.]

Mr. MCNARY. Then I may say that evidently the gentleman will adopt any argument to suit his purpose. I do not know that either is correct. I would like to have him produce some evidence that the boarding-house keepers import the men or that the manufacturer pays the boarding-house keeper.

Mr. GARDNER of Massachusetts. If I could present the evidence, I could put them into court. But to go on, Mr. Chairman, I think the discussion has elicited the fact that we all believe that these assisted immigrants come in and that it is very hard to tell just how the trick is done. I think it is unquestionable—if the gentleman doubts it I will give him the evidence—that the best opinion of those who know about such matters is that not much less than two-thirds of the adult males that come in here are contract laborers.

Mr. MCNARY. I would like to have that evidence.

Mr. GARDNER of Massachusetts. You will find it in Monday's RECORD, included in my address on this subject delivered last Wednesday.

Mr. MCNARY. I shall do myself the honor to read the address a little later.

Mr. GAINES of Tennessee. Just a moment, Mr. Chairman. I desire to make this observation with all kindness, that we observe for the first time that when Yankee meets Yankee there is no Waterloo for either. [Laughter.]

Mr. GARDNER of Massachusetts. The gentleman from Massachusetts [Mr. MCNARY] and myself make our acknowledgments.

We have heard a great deal of criticism as to the medical examination of immigrants coming into this country. We have heard it said that in better medical examination lies the true remedy, but that the present system is too hasty. Now, I desire to explain to this House just how this examination is made. I confess that I, too, thought it too hasty until I had carefully gone into the question. Each immigrant passes by two doctors. The first one merely lifts the hat, rubs his hand over the head of the immigrant, looks him over, and passes him by. The second doctor only examines the eyes for trachoma.

Most people think that is a hasty examination. Let us see what else happens. Every man who goes by either of those surgeons who appears too stout, or too old, or has a little eruption of some kind, or has anything else not quite normal, is chalked on his coat. When he passes the second doctor that man does not go to the inspector of immigration, but he goes around into the waiting room and there is subjected to a thorough physical examination. So far as my observation is concerned, about 30 per cent of the immigrants who go through the lines are chalked for a more complete examination. When the time comes for their second physical examination all the immigrants of whom there is the slightest suspicion are then undressed to such an extent as may be necessary, doctors are called in consultation, and a thorough diagnosis is made.

Ex-Commissioner Williams two or three years ago was informed that men afflicted with certain diseases readily concealed by clothing were passing unnoticed through Ellis Island. Accordingly he gave instructions that unmarried adult males to a large number—I have heard it stated as high as 10,000—should be examined entirely nude. This was done and the results tabulated. I am informed that the complaints and disabilities so detected in the 10,000 examined nude, on being compared with the average results obtained in each 10,000 examined with their clothes on, were found practically to correspond. This, to my mind, proves that our medical examination is sufficient for all practical purposes.

Where we fall down is on our inability to detect whether a man is coming in under contract or whether a man is likely to become a public charge. We all know that aliens likely to become paupers are admitted every day; but how is an inspector to determine with any degree of certainty whether a well-schooled immigrant with $50 in his pocket is likely to become a public charge or not? Like as not he is a rascal in the old country to whom $50 riddance money and a ticket has been given.

Mr. GOULDEN. Mr. Chairman, I would ask the gentleman how he would propose to remedy that?

Mr. GARDNER of Massachusetts. Mr. Chairman, there is no remedy except by the imposition of a head tax sufficiently large. I think that would decrease their numbers very seriously.

Mr. GOULDEN. But if the rascal comes over with money in his pocket he would likely have a sufficient amount of money to pay any head tax that we might impose upon him.

Mr. GARDNER of Massachusetts. That is perfectly true, if he had enough. The more you charge him the less likely he is to come.

Mr. GAINES of Tennessee. Mr. Chairman, as I understood the gentleman from Massachusetts [Mr. GARDNER] he said a

few moments ago that the representatives of these boarding-house keepers went to Europe and entered into a contract with these immigrants.

Mr. GARDNER of Massachusetts. Not a contract in words.

Mr. GAINES of Tennessee. Some sort of an arrangement.

Mr. GARDNER of Massachusetts. They say, "We will give you a job."

Mr. GAINES of Tennessee. Clearly Congress can control contracts made between people of the several States and foreign countries.

Mr. GARDNER of Massachusetts. Of course there is no question about that if the contract can be proved. The trouble is that you can not prove it.

Mr. GAINES of Tennessee. But we may make a law so severe that they will not make those contracts.

Mr. GARDNER of Massachusetts. I have forgotten what the penalty is, but it is pretty big already.

Mr. GAINES of Tennessee. Then the law is not executed.

Mr. GARDNER of Massachusetts. Mr. Chairman, I am going to discuss, first, the restrictive remedies offered, not merely measures for the improvement in the quality of our immigration, but measures calculated to restrict the numbers coming in, whether they are good, bad, or indifferent.

First, there is a proposition before our committee introduced by the gentleman from Pennsylvania [Mr. ADAMS]. It provides that only a certain number shall come in from any one country of origin in any one year. His present bill provides that no more than 80,000 annually shall come from any country. That, of course, would include Italy, and so if it had been in force last year we should have had only 80,000 immigrants from that nation instead of 220,000.

My criticism—I do not say objection, because I do not want to pass final judgment upon anything until my committee has found what it is going to report—of the Adams bill would be this: The reports of our inspectors abroad show that certain foreign governments are directly involved in sending over these immigrants.

If we restrict the annual arrivals from Italy to 80,000, the chances are, if the Italian Government takes a hand in the matter, which it would, that we should get 80,000 of the worst instead of 80,000 of the best. That seems to be the main criticism on Mr. ADAMS'S bill. Otherwise, I like it very much for the reason that irrespective of race or country, if it had been the law last year, it would have cut down our immigration by about 500,000. That, I believe, would have been a very great benefit to this country at some time in the near future.

Another suggestion of value is contained in the bill introduced by the gentleman from Kentucky [Mr. HOPKINS]. It has also been made by other people, and has a great deal of merit. The Hopkins bill provides that every man who goes through the Immigration Bureau at Ellis Island shall show to the inspector a certain amount of money, $50 perhaps. That requirement, Mr. HOPKINS claims, will cut down the number of arrivals, and, moreover, will enable the newcomer to wait a little while and take advantage of such opportunities as may arise instead of going to work at the first job offered for very low wages. There is merit in that suggestion.

Comparatively few of our immigrants last year had more than $50 in their pockets; yet, of course, the law might be constantly evaded if boarding-house keepers and importers of contract labor should lend an alien a sum of money sufficient to pass the inspector. It is true that they might not lend it. They might think it was too great a risk to take, especially if we impose a severe penalty for such an evasion. The immigrant might refuse to give up the money if some one on board the ship informed him that the padrone would not dare exact it.

Mr. GOULDEN. Does not the gentleman from Massachusetts think that the friends of these immigrants would manage to get that $50 across the water, with the easy means of transmitting money now, so that they would come in with the $50 every time. That is my experience in connection with other matters.

Mr. GARDNER of Massachusetts. I dare say that might be the result in the case of that class of immigrants to whom I suspect that the gentleman alludes. I suppose he refers to the recent arrivals driven out of Russia. Still, there is a very great immigration coming into this country that does not come in through assistance rendered by friends or relatives, but through the assistance rendered directly or indirectly by would-be employers. In regard to the immigration to which I suppose the gentleman refers I think he is correct.

Mr. GOULDEN. Would the gentleman from Massachusetts kindly give some evidence on that point? My experience covering a number of years in watching Ellis Island closely has not been in keeping or in accord with the statement of the gentleman.

Mr. GARDNER of Massachusetts. Mr. Chairman, if it were not for the fact that there are official reporters of this debate I could give the gentleman names in my own State.

Mr. GARRETT. Would it be at all practicable to have preliminary examination at the American consulates abroad?

Mr. GARDNER of Massachusetts. That question of inspection abroad is one on which the Committee on Immigration has expended a great deal of time. Personally, I am not convinced of its utility, but I think the majority of the Immigration Committee disagrees with me on that point.

The next remedy to be considered is the educational test. Two hundred and thirty-nine thousand people over 14 years of age, who could not read and write, came into this country last year. That is to say, 239,000 people, according to their own statements. If they had been subjected to any test I have no doubt that the number of illiterates would have appeared far greater. If their statements could be verified, I should not be at all surprised to find that three hundred and fifty or four hundred thousand illiterate persons over 14 years of age were admitted last year.

Mr. GAINES of Tennessee. How soon does such a class of people as that—I mean the immigrants such as you describe—become voters in your State?

Mr. GARDNER of Massachusetts. I think five years. The gentleman should understand, however, that unless a man can read and write he can not register as a voter in my State. Even if an illiterate could register he could not master our kind of Australian ballot. All other privileges of citizenship an illiterate can obtain in Massachusetts.

Mr. GAINES of Tennessee. They have to read and write, both, in your State, and they can not vote unless they can do that, although they have registered?

Mr. GARDNER of Massachusetts. Without wishing to digress too much from the topic in hand, I might say that in our State we require a voter to register. He must be able to read and write in order to do so. Even if a man without those qualifications were permitted to register, our form of ballot would automatically prevent him from casting his vote. However, I do not desire to get into a discussion of election laws.

To go on with the question of an educational test, I am not prepared to say that a man, because he can not read and write, is a poor citizen. I do hold, however, if there is anything in the theory that a man is a better citizen if he can read and write, that a group of 400,000 men who are not illiterate will prove better citizens than a group of the same number who are absolutely uneducated. Of course, there are plenty of individual cases to the contrary which gentlemen can cite, but when we speak of large bodies of men it stands to reason that that body, every one of whom can read or write, is a better body than the one containing a large percentage of illiterates.

Mr. MCNARY rose.

The CHAIRMAN. Does the gentleman from Massachusetts [Mr. GARDNER] yield to his colleague [Mr. MCNARY]?

Mr. GARDNER of Massachusetts. Certainly.

Mr. MCNARY. On this particular point, Mr. Chairman, I would like to ask my colleague from Massachusetts if he has clearly in mind the figures of the percentage of illiteracy among immigrants during the last few years, when the immigration has been very heavy, and the percentage of illiterate among native population of this country, both black and white; and if so, how do they compare?

Mr. GARDNER of Massachusetts. I do not know. I do not think it is material to my argument. I simply say that we Americans, I believe correctly, think it is a good thing for a man to know how to read and write, and we believe he makes a better citizen for that reason.

I certainly believe that 400,000 men who can read and write constitute a better body of citizens than another group of 400,000 men, a large number of whom are absolutely uneducated. We are not discussing the exclusion of illiterate people already here. I do not assert that if we had had the educational test last year we should have cut down our immigration 400,000. We should not have done so. As an illustration, return to my boarding-house keeper. When he went over to Syria to secure twenty men, he would have secured persons who could read instead of securing men at random. It would have been more difficult, perhaps, but it could have been done.

Certainly we might not have obtained the full benefit of the educational test in regard to numbers, but, at all events, we should have obtained a better class of immigrants.

To my mind the most effective restrictive measure is a head tax. I believe we should impose a large head tax—say, $40. I shall not quarrel over the exact amount. I am simply arguing for real restriction of immigration, and I am willing to yield

my judgment to that of other gentlemen if thereby a substantial and drastic bill can be secured.

If we impose a head tax of $40, we take the profit out of the padrone's importation. That sum would be nearly a prohibitive tariff on the article which he imports. If by any chance contract labor should get in after paying that $40 head tax, at all events it must be uncommonly good labor. Even if the law is broken it would necessarily be a good deal better contract labor than we are getting in now.

This large head tax must not apply to women. I should apply it only to adult males. I believe it to be a serious moral menace to this country that under present conditions two men are coming here for every woman. A man is not a celibate by nature. If he is obliged to choose between celibacy and license he will choose the latter.

There should be an equalization of the respective numbers of the two sexes coming into this country. I totally disagree with the view of those persons who say, "Why, the less women immigrants the better, for the less they breed." If we are going to admit aliens at all, and if we believe that any immigration is proper and advantageous, for Heaven's sake let them breed in a legitimate, monogamous manner instead of at random.

Mr. SOUTHARD. Is it not a fact that in your State and in many other States the number of women greatly exceeds the men?

Mr. GARDNER of Massachusetts. Very slightly in percentage as compared to our whole population. Possibly by 75,000 out of a population of about 3,000,000.

Mr. CLARK of Missouri. About 70,000, according to the last census.

Mr. McNARY. About 70,000.

Mr. GARDNER of Massachusetts. To turn to the question of selection, I believe that all these selective bills—and we have any number of them which say that a man shall be excluded because he has poor physique, or because he is imbecile, or because he is not accompanied by his parents and is less than 17 years old—are all very well in their way. The testimony of the immigration officials, and a rough calculation which anyone might make, shows that only a few thousand would be affected by the passage of the Dillingham bill.

New selective measures are well enough, but our immigration laws to-day are pretty good so far as they concern the exclusion of aliens proved to be mentally or morally unfit. Last year 820,000 aliens came into the port of New York. Every one was examined physically, yet out of that 820,000 only 39,000 had anything the matter with them. Of that 39,000 only 12,000 had anything serious the matter with them. The others were certified for minor disabilities, from the loss of one finger upward. Over 780,000 people physically perfect came into the port of New York last year, and yet gentlemen speak of raising the physical standard as a practical measure for cutting down the number of our immigrants.

Why, if the law last year had excluded every imperfect man you would only have cut 39,000 out of 820,000 that passed through Ellis Island.

There has been a plethora of talk about the distribution of immigration. The other afternoon I tried to point out to this House that the only way to distribute immigration was in response to the laws of supply and demand. It is no use for gentlemen to say, "The people down my way want labor, but it won't come there." "We should like to have the Swedes," they say, "but the Swedes do not come." "Why not dump them there; would they not stay?" Let me tell you that if you were to dump an American in that locality and he could get better wages elsewhere he would not stay, but would take the next train away. So it would be with the immigrant.

Population in the United States has always distributed itself, and will continue to do so, wherever it is best paid and whereever employment is steadiest. Gentlemen need feel no alarm as to the scarcity of labor in the industries of their States if they will offer wages which will yield steadily as good a standard of living as the wages offered elsewhere. It does not matter whether immigration is large or small, just as sure as the sun rises and sets it will stay in the States of New York and Pennsylvania just as long as the best jobs are to be found there.

A gentleman speaking from the floor the other day suggested a plan by which the Secretary of Commerce and Labor should be authorized to forbid immigrants settling in any city or town where 30 per cent of the population is foreign born. I doubt whether that would remedy the situation; but as the gentleman is not present I shall not discuss it further. Only one other suggestion for distribution has been received, actually only one—and, mind you, every report of the Commissioner-General of Immigration for years has talked "distribution, distribution, distribution.".

Until this year, so far as I know, we have never had a distributive bill before our committee. Not one practical measure, good, bad, or indifferent, because people when they come to figure distribution out find that it is governed by natural laws. The gentleman from Pennsylvania offered his 30 per cent settlement bill, and the gentleman from California [Mr. HAYES] and I, and possibly some other gentlemen as well, have offered distributive bills. What do you think my bill and that of Mr. HAYES amounts to? Nothing more than the establishment of intelligence offices at immigrant stations.

Mr. GAINES of Tennessee. Mr. Chairman, I want to yield to the gentleman from Mississippi [Mr. WILLIAMS] such time as he desires, to have something read.

Mr. WILLIAMS. Mr. Chairman, I want to read in the time of the gentleman from Tennessee a petition to the Congress of the United States. It is:

A petition from the manufacturers of candles, wax lights, lamps, chandeliers, reflectors, snuffers, extinguishers; and from the producers of tallow, oil, rosin, alcohol, and generally of everything used for lights.

*To the honorable the Members of the Congress of the United States.*

GENTLEMEN: You are in the right way; you reject abstract theories; abundance, cheapness, and all that sort of thing concern you very little. You are entirely occupied with the interest of the producer, whom you are anxious to free from foreign competition. In a word, you wish to secure the national market to national labor.

We come now to offer you an admirable opportunity for the application of your—what shall we say? Your theory? No; nothing is more deceiving than theory. Your doctrine? Your system? Your principle? But you do not like doctrines; you hold systems in horror; and as for principles, you declare there are no such things in political economy. We will say, then, your practice; your practice without theory and without principle.

We are subjected, gentlemen of the House of Representatives, to the intolerable competition of a foreign rival who enjoys, it would seem, such superior facilities for the production of light that he is enabled to inundate our national market at so exceedingly reduced a price that the moment he makes his appearance he draws off all custom from us; and thus an important branch of American industry, with all its innumerable ramifications, is suddenly reduced to a state of complete stagnation. This rival, who is no other than the sun, carries on so bitter a war against us that we have every reason to believe that he has been excited to this course by our perfidious neighbor, England. In this belief we are confirmed by the fact that in all his transactions with this proud island of England he is much more moderate and careful than he is with us.

Our petition is that it would please your honorable body to pass a law whereby shall be directed the shutting up of all windows, dormers, skylights, shutters, curtains, vasistas, œil-de-bœufs; in a word, all openings, holes, chinks, and fissures through which the light of the sun is used to penetrate into our dwellings, to the prejudice of the profitable manufactures which we flatter ourselves we have been enabled to bestow upon the country; which country can not, therefore, without ingratitude, leave us now to struggle unprotected through so unequal a contest.

We pray your honorable body not to mistake our petition for a satire, nor to repulse us without at least hearing the reasons which we have to advance in its favor.

And first, if by shutting out as much as possible all access to natural light you thus create the necessity for artificial light is there in America an industrial pursuit which will not, through some connection with this important object, be benefited by it? If more tallow be consumed, there will arise a necessity for an increase of cattle and sheep. Thus artificial meadows must be in greater demand; and meat, wool, leather, and, above all, manure—this basis of all agricultural riches—must become more abundant.

If more oil be consumed, it will cause an increase in the cultivation of the olive tree. This plant, luxuriant and exhausting to the soil, will come in good time to profit by the increased fertility which the raising of cattle will have communicated to our fields.

Our heaths will become covered with resinous trees. Numerous swarms of bees will gather upon our mountains the perfumed treasures, which are now cast upon the winds, useless as the blossoms from which they emanate. There is, in short, no branch of agriculture which would not be greatly developed by the granting of our petition.

Navigation would equally profit. Thousands of vessels would soon be employed in the whale fisheries, and thence would arise a Navy capable of sustaining the honor of the United States and of responding to the patriotic sentiments of the undersigned petitioners, candle merchants, etc.

But what words can express the magnificence which Washington and New York will then exhibit? Cast an eye upon the future and behold the gildings, the bronzes, the magnificent crystal chandeliers, lamps, reflectors, and candelabra, which will glitter in the spacious stores, compared with which the splendor of the present day will appear trifling and insignificant.

There is none, not even the poor manufacturer of resin in the midst of his pine forests, nor the miserable miner in his dark dwelling, but who would enjoy an increase of salary and of comforts.

Gentlemen, if you will be pleased to reflect, you can not fail to be convinced that there is perhaps not one American, from the opulent stockholder of New York down to the poorest vender of matches, who is not interested in the success of our petition.

We foresee your objections, gentlemen, but there is not one that you can oppose to us which you will not be obliged to gather from the works of the partisans of "free trade." We dare challenge you to pronounce one word against our petition which is not equally opposed to your own practice and the principle which guides your policy.

Do you tell us that if we gain by this protection America will not gain, because the consumer must pay the price of it?

We answer you: You have no longer any right to cite the interest of the consumer. For whenever this has been found to compete with that of the producer you have invariably sacrificed the first. You have done this "to encourage labor," to increase the demand for labor. The same reason should now induce you to act in the same manner.

You have yourselves already answered the objection. When you were told the consumer is interested in the cheap introduction of iron, coal,

corn, wheat, cloths, etc., your answer was: "Yes; but the producer is interested in their exclusion." Thus, also, if the consumer is interested in the admission of light, we, the producers, pray for its interdiction.

You have also said: "The producer and the consumer are one." If the manufacturer gains by protection he will cause the agriculturist to gain also; if agriculture prospers it opens a market for manufactured goods. Thus we, if you confer upon us the monopoly of furnishing light during the day, will as a first consequence buy large quantities of tallow, coals, oil, resin, wax, alcohol, silver, iron, bronze, crystal for the supply of our business, and then we and our numerous contractors having become rich our consumption will be great and will become a means of contributing to the comfort and competency of the workers in every branch of national labor.

Will you say the light of the sun is a gratuitous gift, and that to repulse gratuitous gifts is to repulse riches under pretense of encouraging the means of obtaining them?

Take care, you carry the deathblow to your own policy. Remember that hitherto you have always repulsed foreign produce because it was an approach to a gratuitous gift and the more in proportion as this approach was more close. You have, in obeying the wishes of other monopolists, acted only from a half motive; to grant our petition there is a much fuller inducement. To repulse us, precisely for the reason that our case is a more complete one than any which have preceded it, would be to lay down the following equation: $+ \times + = -$; in other words, it would be multiplying absurdity by absurdity and getting worse.

Labor and nature concur in different proportions, according to country and climate, in every article of production. The portion of nature is always gratuitous; that of labor alone regulates the price.

If a Lisbon orange can be sold at half the price of a New Jersey one, it is because a natural and gratuitous heat does for the one what the other only obtains from an artificial, and consequently expensive one.

When, therefore, we puchase a Portuguese orange we may say that we obtain it half gratuitously and half by the right of labor—in other words, at half price compared to those of New Jersey.

Now, it is precisely on account of this demigratuity (excuse the word) that you argue in favor of exclusion. How, you say, could national labor sustain the competition of foreign labor when the first has everything to do and the last is rid of half the trouble—the sun taking the rest of the business upon himself? If, then, the demigratuity can determine you to check competition, on what principle can the entire gratuity be alleged as a reason for admitting it. You are no logicians if, refusing the demigratuity as hurtful to human labor, you do not a fortiori and with double zeal reject the full gratuity.

Again, when any article, as coal, iron, cheese, or cloth, comes to us from foreign countries with less labor than if we produced it ourselves, the difference in price is a gratuitous gift conferred upon us; and the gift is more or less considerable, according as the difference is greater or less. It is the quarter, the half, or the three-quarters of the value of the produce, in proportion as the foreign merchant requires the three-quarters, the half, or the quarter of the price. It is as complete as possible when the producer offers, as the sun does with light, the whole in a free gift. The question is, and we put it formally, whether you wish for America the benefit of gratuitous consumption or the supposed advantages of laborious production?

Choose, but be consistent. And does it not argue the greatest inconsistency to check, as you do, the importation of coal, iron, cheese, and goods of foreign manufacture merely because and even in proportion as their price approaches zero, while at the same time you freely admit, and without limitation, the light of the sun, whose price is during the whole day at zero?

Mr. Chairman, last night, in reading an old book which was first published at Paris in 1846, I came across this petition to the Congress of the United States. It is true that it was not addressed in the title as a petition to the Congress of the United States, but was addressed to the legislative assembly of the Republic of France, but it struck me that it was curious that even that far back the sponsors of protection were talking just exactly as they are to-day, and it struck me that also then, perhaps as now, the easiest way to get rid of the arguments made by them was by the gentle and good-humored art of ridicule. Let us call the petition which I have read "The petition of Bastiab Americanized." I have taken the liberty, in reading, to change France to America, Paris to Washington, and New York and its neighborhood to New Jersey. There is not in any of this petition for the exclusion of the competition of the pauper heat and pauper light of the sun one single, solitary argument that I have not had in my time hurled at me from the other side of the Chamber, as a refutation of "Democratic free trade arguments"—that horrible thing; and as the writer of this petition says, why should a man who puts a prohibitive tariff upon oranges because God furnishes more heat somewhere else, so as to require less labor and therefore to grow oranges cheaper and more abundantly, not put a prohibitive tariff upon the heat itself?

My friends, I have heard but one new thing lately, and that comes, strangely enough, from a Republican, the gentleman from Massachusetts [Mr. GARDNER], who just now proposes to put a tariff upon pauper labor itself. How late are you awakening to the idea that if it be right or necessary to exclude by taxation the products of what you call pauper labor in order that by making the products more scarce the price might rise, and that by reason of the price rising greater profits might be made for our manufacturers to share, if he will, with his labor? How long, I have frequently wondered, was it going to be until you had reached the idea of excluding labor, which is the source of wealth itself, because abundance of good and useful things is wealth, not their price nor their geography of production. It is the number of bushels of wheat, the number of pounds of cotton, and the number of yards of cloth, and the number of pounds of beef and pork that make people rich or poor, not the relative price of one with regard to the other. I wondered in my mind how long it was going to be before this Republican party, whose philosophy is that scarcity is wealth and that abundance is poverity, would finally come logically to the conclusion that if they were going to tax out of competition with the products of American labor the products of some other labor we ought also to tax out of competition with American labor foreign labor itself.

The only trouble, my friends, is that it is a world supply laid over as against a world demand for the labor of men that makes a world price, and that labor gets its wage just like anything else by setting off the demand for laborers against the supply of labor. That is no more illogical than the balance of your argument, and this petition is not less logical than all the other things you have been saying. I beg of you, in the words of the petitioners—these distinguished gentlemen engaged in French industries at that time, but in American industries now—not to regard their petition as satire, but as a grave and serious and logical following up of Republican practices, whereby we are taught that restriction makes riches and that abundance makes poverty; that the more things which you need you can keep away from you, or the higher you can make them sell, the better off you are. [Applause on the Democratic side.]

Mr. GAINES of Tennessee. Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman from Tennessee has forty-one minutes remaining.

Mr. GAINES of Tennessee. Mr. Chairman, recurring to the bill that is now before the committee, I feel that it is not only my duty as a citizen, but my duty as a Member of Congress under oath to try at least to walk up to the mark and do my full duty under oath as near as I can, and try and remedy the evil that we have been conjuring here with for several Congresses, and which has been so aggressively grasped and treated by the recommendations which we have before us in this bill. I have not been able to read the bill in detail, to get exactly at its words, but the debate of yesterday shows we are confronted with a very distressing condition, with an actually terrible condition, one that is shocking to every Member of this House, that is distressing to each and all of us. Men on the street stop and talk to you about it, as they did to me this morning. Go into the Departments, as I did to-day—some of the leading Departments—and they will tell you that they have employees that are wholly unfit to attend to the duties that they formerly attended to. I am very much surprised to find that in the Department of Commerce and Labor, which we just created a few days ago, a majority, I think—and if I am incorrect in this, I desire that somebody will correct me—certainly a great number of the clerks are over 65 years of age.

There are a number of columns of the names of these employees, as printed in the hearings which I have before me, but I shall not take up the time of the committee nor space in the RECORD to read to this House, but in that young Department, the most youthful of all our Departments, there are very few—I will say half a page—of the employees who have served from one to three years, and that in the next half of that page and on the other pages the employees are shown to have been in the service of the Government from twenty-five to thirty years, and they are at least 65 years years of age and over. How these aged employees were employed in such a youthful Department—and I am not criticising the Department now; I guess it obeyed the law—but how so many aged men got into that Department I am at a loss to know.

Mr. JOHNSON. Will the gentleman allow me to make a suggestion?

Mr. GAINES of Tennessee. Yes; I am trying to get all the light I can, and I am happy to get it from any source.

Mr. JOHNSON. It is because various bureaus and departments of the Government already in existence and under the operation of some other heads were transferred to the Bureau of Commerce and Labor with the aged employees.

Mr. GAINES of Tennessee. Well, now, that is one explanation, and a good one—that they took the old employees out of some other bureau or, rather, shifted some other department into this with this result in part; but I notice that in the Department of Manufactures, if I remember correctly, there are very few who had been in the service but a very few years who are very old.

Gentlemen, here is an actual condition. I want to say in passing it would be well for all of you Members to read over the hearings on this point. I have not time to go further into

them, but I am giving you some of the rough outlines so we can all, intelligently, I hope, and patriotically, and justly to the Government first, attempt to solve this matter if we can.

Let us take an assumed case. Here, say, is an old soldier—and I want to say I have just as much respect for an old soldier as any of you, and I guess I have as many kin people, and have had them ever since the day of the Revolution down to this time, as any of you, who have been old soldiers, and young ones too, all the way from 13 to 65, who have strapped on the buckle and carried their swords into the battles of this country. Now, here is an old soldier, we will say, for example, in a Department who is wholly inefficient from old age, and yet he draws his salary and sits there, of course, ready to do his duty, but wholly unable to do it. Now, as a result of that, either his work is not done—which we know is not the case, for of all governments that have ever existed in the world I think our departmental government, so far as rapidity and correctness of service is concerned, excels any in the world—you have to employ another clerk to sit by the side of that old man to do his work. Now, that is the very natural result.

Mr. KEIFER. I would like to inquire of the gentleman whether the gentleman suggests simply some possible case or has the gentleman in mind any case of the kind which the gentleman assumes?

Mr. GAINES of Tennessee. I stated to the committee I assumed a case.

Mr. KEIFER. You assumed a case?

Mr. GAINES of Tennessee. I assumed a case.

Mr. KEIFER. I only wanted to have it well understood that there are no such cases; that it would be impossible, and if it should be it could be easily corrected.

Mr. GAINES of Tennessee. Now, is that in the report? I say, with all due respect to the gentleman's word and intelligence, I do not find any such information in the record that there are no such cases. On the contrary, I will say to the distinguished gentleman from Ohio that the presumption is that my assumed statement is presumptively more correct than incorrect, because here is this investigation made by the chairman of the Committee on Appropriations [Mr. TAWNEY], and, I want to say, a faithful, intelligent, able, and courageous chairman he is, and I congratulate this House on having such a man as the gentleman from Minnesota [Mr. TAWNEY] as chairman of that committee.

Mr. KEIFER. All that may be true, but there is no reason, unless it is in the record, for your assumed existence of any such case; on the contrary, I am perfectly well advised of more than a dozen cases where the most competent men in the War Department and in the Pension Department are old soldiers.

Mr. GAINES of Tennessee. Now, Mr. Chairman, I shall assume that the gentleman from Ohio has been into all the Departments and inquired into this specific question before I shall be governed by what the gentleman so flatly states as a fact. I will state, Mr. Chairman, I have not been in the Departments, and I will state furthermore that I am not going into the Departments—unless required by law—and embarrass these dear old men by asking them how old they are and whether they attend to their duties or not. I will not do that. But I again state—I know of no case—but assumed a case, a possible case—and proceeded to show the results following in an actual case, if any.

But, Mr. Chairman, I will say that over two years, or about two years ago, when the question of pensioning these old people—men and women—was up before the House, I was approached by one of the leading Members of this House, well known to the gentleman from Ohio [Mr. KEIFER], and he asked if I would support the measure. I said no, that it would be absolutely an endless pension system if we did, and gave him my other reasons. The military pension is supposed to end some time. The Mexican pensions are ending very rapidly and the Revolutionary pensions are practically ended, because all of the soldiers are dead. But a civil pension would continue as long as we continue as a Government, because people are constantly employed in the Departments and would constantly reach the age where they were totally inefficient and have the right to draw their pension, and then resign and draw that pension. So it would continue ad infinitum, like a great Niagara rushing through the Treasury Department at all times. But that gentleman said to me, "Mr. GAINES, I am reliably informed that there are 1,765 employees in the Departments here at Washington that are wholly unable to do their work, and we have got to do something." Now, that is what he said to me. He had investigated the matter. Mr. Chairman, the gentleman from Ohio [Mr. GROSVENOR] well said to-day we are confronted with a condition that we must meet. We have a pension law—or rule, rather—Mr. Chairman, that says when "soldiers" reach a certain age—I believe it is 62, or it may be 70—I will ask the gentleman from Ohio [Mr. KEIFER]——

Mr. KEIFER. Sixty-two, 65, 68, and 70.

Mr. GAINES of Tennessee. Now, Mr. Chairman, when a soldier reaches the age of 70 the effect of that order is to say: "You are entitled to a pension." Why? "You are unable to work, worn-out." That man, Mr. Chairman, is the old hero. That is the man who was once the splendid specimen of physical and mental and military manhood—such a magnificent manhood, I may say, as the gentleman from Ohio [Mr. KEIFER] is the embodiment of to-day. But is not the gentleman an unusual exception to the rule physically and mentally, I may say? But the soldier, Mr. Chairman, is selected to be a soldier because of his splendid physique, because of his muscle and his health and his vigor and his splendid heredity. Why? Because he must suffer all the privations and take all the punishments of bad weather and half rations, possibly, and of storm and hot sun, and of the struggles of bloody fighting. But how about the great body of the people that are left behind because unable to qualify to be a soldier? From this class many Department employees are selected, already weak in strength and poor in health.

The soldier element in the Departments, I am told, is a very small element. It is bound to be very small. How about those that have not the splendid physique of the soldier to start with when he reaches the age of 70 or reaches the age of 65? Does he hold up like the soldier? I should say, naturally, no.

There are exceptions, it is true—there are exceptions to all rules—and there might be some limitation to dismissing anyone at 70.

There might be some provision put into the law by which a man when he reaches 70, if he is capable and vigorous and able to attend to his duties, might be reexamined or might be continued; but, Mr. Chairman, I contend, and I am practically safe in saying, that where these people are unable to attend to their business an assistant secretary or special clerk is put by their side to attend to the business of the clerk who from age or infirmity can not do it. Common sense would argue this is true.

Now, let us see. Here is a case right in the RECORD of yesterday. I will read from page 3813, as follows:

Mr. TAWNEY. There are men in the service drawing $1,600 who are 85 years of age, who have been furloughed and have not done a stroke of work for several years.

"Several years"—a general term. The actual facts might show he has been furloughed for ten years. There are "men"—not one man, but "men"—furloughed and can not work. Now, this came out in a colloquial debate yesterday. So there is not one case, but cases, a "circumstance," at least, a good lawyer would say—and, as I know, the gentleman from Ohio [Mr. KEIFER] is such—which tends to show that there are other cases, which fact or facts would cause us to apprehend that when these people reach the age of 70 years they are not able to master these great columns of figures and do the mental work that ought to be done. The gentleman's statement clearly shows we should reform our laws and execute them.

The Government pays these "men" thus furloughed their regular salaries. The Government must also pay for a regular clerk to do the work that these poor old "men" are unable to do. This salary to these "men" is a pension in effect—a civil pension.

Now, let us go a step further. I have been trying since yesterday to work out some means by which we can relieve the situation, but I have not had the time to do so. My heart is appealed to just as much as that of any other man. I feel very keenly the situation, but we brought it upon ourselves by permitting this civil-service life tenure. These employees came here voluntarily. They took the civil-service examinations voluntarily; they remain in this office voluntarily; they know each month, for life, they get so much salary, as the law stands; hence they spend all their salaries voluntarily, regardless of "rainy days," and when age comes on and they have nothing in the world to show for it, they expect the Government not simply to pension them and retire them. That is not the proposition. We hear that proposition made, but, gentlemen, what are you doing? You are continuing in the Departments people who are unable, presumptively, to do their work, and when they reach 70 years you say they must be turned out, and in the meantime extra help is employed to do their work. Here is a great book of names in the Department showing the immense number of people to-day who are 65 years and upward. Are they unable to work? Who says they are? No one, so far.

I will read from page 31 of the hearings of the committee.

*Employees in Washington who have reached the age of 65 years and over.*

| | Number. | Aggregate annual compensation. | Average annual compensation. |
|---|---|---|---|
| Department of Justice | 16 | $26,460.00 | $1,653.75 |
| State Department | 10 | 10,980.00 | 1,098.00 |
| Department of Agriculture | 125 | 132,652.00 | 1,061.21 |
| Navy Department | 26 | 25,310.00 | 973.23 |
| Smithsonian Institution | 8 | 9,449.50 | 1,068.42 |
| Civil Service Commission | 1 | 1,600.00 | 1,600.00 |
| Interstate Commerce Commission | 5 | 5,940.00 | 1,188.00 |
| Department of Commerce and Labor | 61 | 73,310.00 | 1,257.38 |
| Treasury Department | 410 | 525,425.00 | 1,281.52 |
| War Department | 199 | 248,148.00 | 1,246.97 |
| Post-Office Department | 75 | 100,040.00 | 1,333.86 |
| Interior Department | 431 | 575,210.00 | 1,334.60 |
| Government Printing Office | 231 | 236,512.56 | 1,023.86 |
| Library of Congress | 9 | 15,140.00 | 1,682.22 |
| Total | 1,607 | 1,986,177.06 | 1,235.95 |

This, again, gentlemen, is some evidence going to show the truth of the statement that was made to me two years ago that there were 1,765 employees in the Departments who were unable to do their work. That is "some evidence," if the statement made to me was true, and shows we must reform our Departments or more "furloughs" must be given from day to day, year to year.

Now, then, let us take the case of the soldier. If found incapable of carrying on his work we pay his salary right along, and put a clerk to do the work that he ought to do and can not do; and then what else? We are running, at a heavy expense, magnificent Soldiers' Homes all over this country, similar, I dare say, to that run as a State institution in the State of Ohio, that has always had her great soldiers and properly takes care of them when they are unable to work in private or public business. So there are three expenses—at least two—with the soldier directly—the payment of his salary, the payment of the clerk's salary, and this Home, which he can enter when he desires. He may have no home of his own. We have built and run one for him that has been builded by the hand of affection and with hearts of gratitude—a monument to soldier and nation alike. But how about the broken-down employee who has no private home? There is no home for the plain citizen employee that must at 70 leave the Department, none built in Tennessee or any State, and none built in the District of Columbia, cared for by the Federal Government, for the benefit of the citizen after he retires from the Department.

But there is one for the soldier. He is cared for by a generous and grateful public, and to be an inmate of the Soldier's Home is no disgrace, but an honor.

Now, you see, gentlemen, if he can not do his work, and he can not do it, what it will cost this Government. The Government was not made to give a man a living. It used to be the law that men held office without salary; they were compelled, as good citizens, to take charge of the office and run it pro bono publico.

Holding office vests no man with a "property" in the office. The office is created for the benefit of the people and not the officeholder.

The committee has brought in a bill that proposes to retire all employees at the age of 70. Let us go a step further. They found the disease. They found there are 1,025 employees in the Departments who if not now will soon be in such a condition that they can not carry on the business of the Government. But, gentlemen, the committee falls short of going far enough up or down to locate the cause of or seat of the disease. There is nothing better settled in medicine than if you "remove the cause of the disease you cure the disease." That is one of the axioms in medicine.

What has brought about this condition? It is by giving, under the civil-service law, life tenure, a policy that was utterly condemned and repudiated by our forefathers when they built the Constitution in 1787. Why, Mr. Hamilton wanted a king for this country, to hold office during life, and he came very near getting some such law as that embodied in the Constitution. And he wanted one House of Congress for life. Finally, after they had time and again decided the President should have one term of six or seven years and be reeligible why they compromised, to get rid of the reeligibility proposition, by agreeing to the four-year proposition, instead of six or seven, I forget which, and "silence" in the report as to the right of reeligibility, thus allowing the right of reelection every four years. Thus giving Mr. Hamilton some success in perpetuating the President but as long as the American people would reelect him.

Instead of electing him for life, as Hamilton's idea was, the law was fixed so the people could elect him every four years, or as long as the American people desired. And, Mr. Chairman, Washington himself prepared to decline a second term, and only because of peculiar exigencies of threatening foreign complications he finally yielded at the persuasion of Jefferson and Madison and others who were opposed to the plan and policy of reelecting the President; but their reason was that Washington was the impersonation practically of all that was great in this country and had more influence abroad than anybody. They said: "You are the man to settle our foreign complications; you must remain President."

He did so, but he wisely declined a third term. He served eight years and was elected—not appointed, but here are men in the Departments who have been perpetuated in our Departments for thirty-odd years, and have drawn their salaries all that time, and there is no effective way to get them out. You say they have done good work. I say yes, and got good salaries; faithful, good work, yes, but the Government was not made to give any man an office or keep him in it to make a living. It was not made for any man to make a living out of it. I do not know anybody who is making one out of it.

So, gentlemen, the committee rather suggests a cure for the immediate conditions, in 1913. Suppose we make that the law. The committee fails to suggest an ounce of prevention. It suggests no remedy for a recurrence of the "present" status; nothing to prevent its continuation.

The committee does not say that the employees hereafter shall serve six years and then retire, or ten years and then retire. There is not one suggestion, as I understand this bill, faithfully gone over and intelligently constructed as it is, there is not a scintilla of prevention of a continuation of the very trouble that is now before our door, and with which we are grappling and which appeals to our hearts and heads with such force.

If in the beginning, when we had passed our civil-service law, we had said that no man should serve in a Department longer than six years, or a givin length of time, every man, woman, and child who had come into the Departments then would have known, "Well, my head goes off at the end of six years; I will take care of my salary; I will equip myself with an education in telegraphy or stenography or typewriting, or in bookkeeping, and at the end of six years I will have a little salary saved up, or if not I then can go back to the farm or go to the manufacturing establishments. I will be a professional stenographer and typewriter; I will be a professional bookkeeper; I will be a clerk;" or, as I have known in a number of cases right in the city of Washington, young boys have come here and gone into the Departments and worked during the day and gone to school at night, and stayed here five or six years, until they were educated and have graduated in law or in something else, and then have quit Washington and gone back home, and to-day they are leading citizens, leading lawyers or business men of the State of Tennessee.

It was unfortunate, I say, gentlemen, that some such wholesome limitation was not put upon that law. Why, only a few days ago a clerk who has been here about six months said to me: "Mr. GAINES, I am going back home. This is no place for me; there is not enough latitude and longitude for me here; my actions are restrained too much; I am a mere clerk and will so remain; I want to go back to the mountains, to the bluegrass region, to the silver springs of Tennessee, where I will have all the rights and latitude and longitude that any American citizen can have. I won't throw away my life in this work."

Mr. WACHTER. Will not the gentleman admit that a good employee is more valuable at the end of six years than he is at the end of six months?

Mr. GAINES of Tennessee. Yes; and I will admit that somebody just as competent as you are or as I am can come to Congress from our country, and we are not here for life, and I am glad we are not. We are elected every two years. The people have a chance to weigh us—turn us out or not. Not so under civil service—once in, always in, until death overtakes them. There is a great difference in the elective and life appointees.

And I wish, Mr. Chairman, that it was so that we could turn out some of our other officials a little oftener than we are allowed to turn them out. It is a great weakness, I believe, in our Federal judiciary that we did not adopt the wholesome English system of appointing a judge, say, for ten years, with the legal right to be again appointed, but again confirmed by the confirmatory power. Jefferson often cited this omission and condemned it.

Mr. Chairman, time and again, out of my kindness of heart, I hope, and out of the wisdom of my head, I trust, I have advised young men to stay back in Tennessee. To cast their for-

tunes there. Come up from her rich soil under her sunshine amidst her good citizenship. Make of themselves there lawyers, doctors, preachers, farmers, school-teachers, rather than come here to draw the pittance of a little salary and fritter it away at theaters, as thousands of the people of the city of Washington do who are not able to make buckle and tongue meet. [Applause.] I know exactly what I am talking about. I have seen all this. It is a very unfortunate social condition. This is the most spendthrift city in the United States. Whether a man is rich or poor he is obliged to go to the theater regularly. He is obliged to do this because he sees the millionaires doing it. He is obliged to do that, he is obliged to do this, that, and the other, or he is not "in society." Now, Mr. Chairman, I am talking facts. I am under oath; I have a solemn responsibility before me. My duty is first to my country, the Constitution, and the flag. I challenge any man to show where in my career in Congress I have turned a deaf ear to real charity when I had a nickel to give. I challenge any man to point to a man, woman, or child, black or white, to whom I have turned an unwiling hand when I could turn it at all within the law's limit.

In this matter we should not turn our hearts into a lot of mush and let sentiment run away with us and go along here and permit a confessed disease to run its course ad infinitum, to go on forever. I say we should stop it; that we should put some limitation upon this business of holding office continually in the Departments at Washington.

Why, you will see splendid young men from all over the country come here and stay a short while; their skins get to be as fair as our sweet girls, their hands as soft as the down on the wings of night, but they soon get into fixed expensive habits. They spend all they make. They have the legal right to do it, but when old age comes they are going to be pinched, as all of us will be if we stay in Congress. Poverty will get all of us. What a sad life it is when you look back at the final days of many illustrious men who have spoken here in this Hall, long since dead and buried, lying in graves we hardly know where, buried by their friends, with nothing but a shingle to mark the spot, and that rotting down, perhaps.

We have had Cabinet officers afterwards filling little third or fourth class post-offices to keep them out of the poorhouse. I have one distinguished Democrat in mind just now—a southern man.

Gentlemen, I insist—and I say it in all kindness and candor, without the intention to be harsh or hard or to hurt anybody's feelings, without intending to be unkind to a single employee—I say this life in Washington is a life that only a rich man can pursue as it is pursued by many of these employees. It is not the life for a Department clerk. And I may say that it is not the life that the average Member of Congress should follow long, unless he expects to do otherwise than walk home or ride on a pass—and I hope to God they will stop the latter before we get away from here. [Laughter.]

So, gentlemen, we are called on now to vote for a bill that continues the cause of this condition; that continues the condition that makes the trouble; continues alive, as it were, the germ that is causing the disease which the legislative doctors are here treating without putting one ounce of extermination into the bill. The reason why they do not put some limitation into the bill—the reason why they haven't done it heretofore—is because, they say, "we can not pass it." In other words, we can not pass a law to prevent a man from holding office in a Department as long as he lives or until he gets to be 70 years of age and is unable to run the office.

What is the matter? "Pressure?" Are we afraid? Gentlemen, I have never seen the day yet. When the time comes that I shall act the moral coward toward the great people I have the honor to represent in a humble way, before I shall shirk from responsibility for fear of adverse "pressure" at the ballot box, whether that responsibility is to turn a poor man out of the Department because he can not do his duty, or deny the best friend on earth the favor that he asks for the same reason, I will take my hat and go back and surrender my credentials without stain or taint, to the great people who sent me here. [Applause.]

Go to either of the Departments and you will find men who will talk to you in whispers and say that "something ought to be done" in this matter. To-day it was whispered in my ears by one of the leaders of the Departments of this Government "that the evil must be remedied;" and yet we sit here and do nothing but turn these people out into the shock field at the age of 70, practically knowing God Almighty will take them out of the Department before then, and hence we say 1913!

If you don't put an ounce of prevention in this bill, if you don't put something into the statute to prevent the condition coming along again, of course it will continue; like Banquo's ghost, it will not down, because you don't remove the cause.

Why, look at it! Look at what the gentleman from Georgia [Mr. LIVINGSTON] said yesterday. Nobody disputes it. He says that Mr. Ware, the Commissioner of Pensions from Kansas, a gentleman and an old soldier himself, said that he could not turn out these people because of "humanity and pressure." Who is pressing? I am going to ask my friend from New York [Mr. LITTAUER], who with such punctiliousness and ability explained the bill reported to this House, what he meant by "pressure?"

Mr. LITTAUER. I mean simply the pressure which is brought to bear upon him by Members of this House and of another that the gentleman knows of.

Mr. GAINES of Tennessee. Certainly. So, gentlemen, we are ourselves accused, rightfully or wrongfully, by this Commissioner with passing a law and then going around behind the house and preventing him from executing it. I have no doubt but that "pressure" was brought to bear on the Members and then the Members pressed Mr. Ware; but, gentlemen, I do say that the exigency is upon us, and when the American people reads in the CONGRESSIONAL RECORD and the public prints the statement that comes from the lips of Mr. Ware and the gentleman from Minnesota [Mr. TAWNEY], they will rightfully ask us why we allowed this to occur and why we allow it to continue.

Mr. Chairman, I have seen some of these employees come up in their wagonettes to these Departments, and thus sit, if I mistake not, at their desks all day long, poor victims of disease. I have seen some lifted in and out of their wagons. I have seen them come up in carriages, because they are wholly unable to walk. In almost every case I believe it was an extremely old person. You let this thing go on and have it go out to the country, as it ought to go, that a few old or young men are drawing from $1,600 to $2,000 a year and are upon "furlough" at home doing nothing, and what do you think the country will think? What would the people have the right to think?

Gentlemen, I am willing to do my part in trying to relieve the situation. I confess I do not know exactly the details of the needed reform. I did not know conditions were as bad as shown. I am glad that the distinguished gentleman from Minnesota [Mr. TAWNEY], the gentleman from New York [Mr. LITTAUER], and the gentleman from Georgia [Mr. LIVINGSTON] have had the courage and the industry to bring this matter to light. I suggest that there should be some limitation placed in the law to prevent this condition from continuing, because, like the course of a mighty river, it will continue as long as a life tenure continues under civil service. The gentleman from Georgia [Mr. LIVINGSTON] suggested a proposition to appoint a civil service commission, or something was said about a civil service commission by one of the speakers yesterday, to pass upon and execute this law. Why, gentlemen, would a commission have any more courage and hardihood than we? Instead of a civil service commission it would be a civil "bird" commission, because the members of that so-called commission would have hearts like we have, hearts that can be and that were made to be reached by a crying woman and a hungry man, and hence our oaths to keep and force us to do our duty in an hour of such and all trials as lawmakers.

I do not take much to that Civil Service Commission to execute this law, or to any other board. We simply have got to put a limit on the matter and let the law execute itself. When we do that then we will have the law self-executory, and these people will be told that they are ineligible when they come within its limitations, and it will enforce itself. We have hearts ourselves, and have been guilty, it is said, of bending the timbers of the law. It seems to me that we ought to have the courage to put a law there that will not be bent or that will not be left to the discretion of any man. There are prohibitions in the Constitution against the Federal Government, against the States, and against the people. Certainly we can put a prohibition in the statute that will at least prevent Members from bending the timbers of the law and visiting this condition of things upon the American people and the American Treasury. [Applause.]

Mr. LITTAUER. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. OLMSTED, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 16472—the legislative, executive, and judicial appropriation bill—and had come to no resolution thereon.

DIVULGING OF OFFICIAL INFORMATION.

The SPEAKER laid before the House the bill (H. R. 10129) to amend section 5501 of the Revised Statutes of the United States, with Senate amendments.

The Senate amendments were read.

Mr. JENKINS. Mr. Speaker, I move that the House disagree to the amendments of the Senate and ask for a conference.

The motion was agreed to.

The SPEAKER announced the following conferees on the part of the House: Mr. JENKINS, Mr. LITTLEFIELD, and Mr. CLAYTON.

ISSUANCE OF DUPLICATE CHECKS AND WARRANTS.

The SPEAKER laid before the House the bill (H. R. 4) to amend section 3646, Revised Statutes of the United States, as amended by act of February 16, 1885, with a Senate amendment.

The Senate amendment was read.

Mr. JENKINS. Mr. Speaker, I move that the House concur in the Senate amendments.

The motion was agreed to.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 11783. An act for the establishment of town sites and for the sale of lots within the common lands of the Kiowa, Comanche, and Apache Indians in Oklahoma;

H. R. 15085. An act to set apart certain lands in the State of South Dakota to be known as the "Battle Mountain Sanitarium Reserve;"

H. R. 13548. An act to authorize the commissioners' court of Baldwin County, Ala., to construct a bridge across Perdido River at Waters Ferry;

H. R. 431. An act to open for settlement 505,000 acres of land in the Kiowa, Comanche, and Apache Indian reservations, in Oklahoma Territory;

H. R. 4459. An act authorizing the Commissioners of the District of Columbia to make regulations respecting the rights and privileges of the fish wharf;

H. R. 4469. An act authorizing the Commissioners of the District of Columbia to make regulations respecting the public hay scales; and

H. R. 10101. An act authorizing and directing the Secretary of the Interior to sell and convey to the State of Minnesota a certain tract of land situated in the county of Dakota, State of Minnesota.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 790. An act granting an increase of pension to William Benkler;

S. 1911. An act granting an increase of pension to Gunnerus Ingebretson;

S. 1905. An act granting an increase of pension to Edgar Tibbits;

S. 1889. An act granting an increase of pension to Arthur Thompson;

S. 1666. An act granting an increase of pension to George W. Beard;

S. 1645. An act granting an increase of pension to Jacob G. Orth;

S. 1634. An act granting an increase of pension to Solomon R. Ruch;

S. 1555. An act granting an increase of pension to Mary C. Bishop;

S. 1418. An act granting an increase of pension to Levi E. Cross;

S. 1399. An act granting an increase of pension to Henry Jordan;

S. 1273. An act granting an increase of pension to Eleanora A. Keeler;

S. 1357. An act granting an increase of pension to Orlando C. Pinkham;

S. 4006. An act granting an increase of pension to Charles S. Parrish;

S. 1251. An act granting an increase of pension to Peter Burns;

S. 1246. An act granting an increase of pension to William F. Wilson;

S. 4000. An act granting an increase of pension to Crosby Pyle Woodward;

S. 3036. An act granting an increase of pension to John O. Thorn;

S. 3031. An act granting an increase of pension to Frank Westervelt;

S. 3721. An act granting a pension to Mary C. Morgan;

S. 3751. An act granting an increase of pension to Daniel D. Nash;

S. 3029. An act granting an increase of pension to Delia A. Hooker;

S. 2968. An act granting a pension to George W. Hale;

S. 3933. An act granting an increase of pension to Sidney R. Smith;

S. 3932. An act granting an increase of pension to David Rankin;

S. 3905. An act granting an increase of pension to James M. Garritt;

S. 3903. An act granting an increase of pension to John McCoy;

S. 3888. An act granting an increase of pension to Susan E. Israel;

S. 3866. An act granting an increase of pension to Samuel J. Burlock;

S. 3626. An act granting a pension to Catharine Coyle;

S. 2800. An act granting an increase of pension to Albert D. Cordner;

S. 3714. An act granting an increase of pension to James Ruth;

S. 3588. An act granting an increase of pension to James Lebo;

S. 3640. An act granting an increase of pension to Oliver Brenton;

S. 3575. An act granting an increase of pension to Sargent R. Emerson;

S. 3547. An act granting an increase of pension to Stephen M. Davis;

S. 3492. An act granting an increase of pension to Catharine Bechtol;

S. 3539. An act granting an increase of pension to Dominick Cavanaugh;

S. 3475. An act granting an increase of pension to Everett S. Fitch;

S. 3474. An act granting an increase of pension to James B. Kellogg;

S. 3473. An act granting an increase of pension to La Forrest C. Darling;

S. 3310. An act granting an increase of pension to Richard M. Ogle;

S. 3472. An act granting an increase of pension to Lena Sherman;

S. 3315. An act granting an increase of pension to Henry B. Hamenstaedt;

S. 3312. An act granting a pension to Oscar F. Renick;

S. 3242. An act granting an increase of pension to Daniel Wooley;

S. 3224. An act granting a pension to Nancy A. Teeters;

S. 3199. An act granting an increase of pension to Andrew J. Coulton, alias Samuel Myers;

S. 3189. An act granting an increase of pension to Elizabeth Rutherford;

S. 3187. An act granting a pension to John Harper;

S. 3132. An act granting an increase of pension to Georgia D. Brown;

S. 3125. An act granting a pension to Parthenia W. Baker;

S. 3121. An act granting an increase of pension to John G. Blessing;

S. 3043. An act granting an increase of pension to Henry D. Hall;

S. 861. An act granting an increase of pension to Thomas O'Connor;

S. 1130. An act granting an increase of pension to Isaiah Mitchell;

S. 969. An act granting an increase of pension to Howard Ellis;

S. 859. An act granting an increase of pension to Richard T. Fried;

S. 842. An act granting an increase of pension to William A. Eggleston;

S. 836. An act granting an increase of pension to Charles A. Fay;

S. 721. An act granting an increase of pension to Orange S. Mason;

S. 4362. An act granting an increase of pension to William Fluegel;

S. 4337. An act granting an increase of pension to Barney McGirl;

S. 4226. An act granting an increase of pension to James Cain;

S. 4223. An act granting an increase of pension to Benjamin F. Peirce;

S. 4188. An act granting an increase of pension to Frank D. Smith;
S. 2840. An act granting an increase of pension to George L. Jaquith;
S. 2346. An act granting an increase of pension to John W. Reed;
S. 2868. An act granting an increase of pension to George W. Flick;
S. 2863. An act granting an increase of pension to Garrett Rourke;
S. 2735. An act granting a pension to Marceline S. Groff;
S. 2548. An act granting an increase of pension to Jesse M. Furman;
S. 2473. An act granting an increase of pension to Charles L. Noggle;
S. 2406. An act granting an increase of pension to Thomas Milliman;
S. 2393. An act granting an increase of pension to John L. Clark;
S. 2332. An act granting an increase of pension to Ashley A. Youmans;
S. 4181. An act granting an increase of pension to Margaret Hallett;
S. 4159. An act granting an increase of pension to Mary P. Johannes;
S. 4131. An act granting an increase of pension to John Connor;
S. 4100. An act granting an increase of pension to Carlton A. Wheeler;
S. 1908. An act granting an increase of pension to Francesco Del Gindice;
S. 1023. An act granting an increase of pension to Peter Shipman;
S. 784. An act granting an increase of pension to George L. Cooley;
S. 772. An act granting a pension to Jerusha Hayward Brown;
S. 725. An act granting an increase of pension to William M. Smith;
S. 716. An act granting an increase of pension to Theodore H. Hanson;
S. 4381. An act granting an increase of pension to John T. McGarraugh;
S. 4319. An act granting an increase of pension to Frederick C. Sturm;
S. 4280. An act granting a pension to Aurelia Cotten;
S. 4286. An act granting an increase of pension to Thomas J. Davies;
S. 4227. An act granting a pension to John H. McKenzie;
S. 2344. An act granting an increase of pension to Albert C. Andrews;
S. 2216. An act granting an increase of pension to David W. Magee;
S. 2250. An act granting an increase of pension to John Rauch;
S. 2182. An act granting an increase of pension to John J. Buffington;
S. 2168. An act granting an increase of pension to Isaac B. Hewett;
S. 2142. An act granting an increase of pension to Adelle D. Irwin;
S. 2153. An act granting an increase of pension to Helen B. Read;
S. 2103. An act granting an increase of pension to Lorin R. Bingham;
S. 2096. An act granting an increase of pension to Nathaniel R. Kent;
S. 2080. An act granting a pension to Ruth F. Bennett;
S. 2090. An act granting an increase of pension to Sarah E. Adams;
S. 2091. An act granting an increase of pension to John P. Bambush;
S. 1527. An act granting an increase of pension to John M. Odenheimer;
S. 1437. An act granting an increase of pension to William F. Davis;
S. 1420. An act granting an increase of pension to Sarah A. Tyler;
S. 1230. An act granting an increase of pension to Eugene Gaskill;
S. 1228. An act granting an increase of pension to Julia L. Plimpton;
S. 1227. An act granting an increase of pension to Henry J. Patterson;
S. 4187. An act granting an increase of pension to Nathaniel E. Skelton;
S. 1173. An act granting an increase of pension to James M. Fernald;
S. 1834. An act granting an increase of pension to Frederick W. Partridge;
S. 1624. An act granting an increase of pension to Peter Betz;
S. 1011. An act granting an increase of pension to John E. Woodsum;
S. 1665. An act granting an increase of pension to John C. Estes;
S. 4229. An act to authorize the sale and disposition of surplus or unallotted lands of the diminished Colville Indian Reservation, in the State of Washington, and for other purposes;
S. 2950. An act granting an increase of pension to Joseph E. Stines;
S. 2882. An act granting an increase of pension to Samuel E. Johnson;
S. 4097. An act granting an increase of pension to Julius T. Williamson;
S. 4096. An act granting an increase of pension to Norman W. Lombard;
S. 4020. An act granting an increase of pension to Henry C. Johnson;
S. 1138. An act granting an increase of pension to Albert S. Blake;
S. 4637. An act granting an increase of pension to Frederick Zimmerman;
S. 4636. An act granting an increase of pension to Henry R. Pease;
S. 4595. An act granting an increase of pension to Amos McManus;
S. 4507. An act granting an increase of pension to Joseph Chandler, jr.;
S. 4496. An act granting an increase of pension to Alphonso Brooks;
S. 4422. An act granting an increase of pension to Lindsay Kirby;
S. 1978. An act granting an increase of pension to Thomas Edsall; and
S. 2044. An act granting a pension to Solomon F. Wehr.

SENATE BILLS AND RESOLUTIONS REFERRED.

Under clause 2 of Rule XXIV, Senate bills and joint resolutions of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 4513. An act to authorize the Mobile Railway and Dock Company to construct and maintain bridges across Dog River and Fowl River in Mobile County, State of Alabama—to the Committee on Interstate and Foreign Commerce.

S. R. 1. Joint resolution for the erection of a monument to the memory of Dorothea Lynde Dix—to the Committee on the Library.

S. R. 20. Joint resolution directing the selection of a site for the erection of a bronze statue in Washington, D. C., in honor of the late Henry Wadsworth Longfellow—to the Committee on the Library.

S. 503. An act to reimburse James M. McGee for expenses incurred in the burial of Mary J. De Lange—to the Committee on Claims.

S. 581. An act authorizing and directing the Secretary of War to condemn and turn over to the State of Idaho two Krupp field guns captured from the enemy by the First Regiment Idaho Volunteer Infantry at the battle of Santa Ana, Philippine Islands, February 5, 1899—to the Committee on Military Affairs.

S. 582. An act to provide for the purchase of a site and the erection of a public building thereon at Denver, in the State of Colorado—to the Committee on Public Buildings and Grounds.

S. 685. An act for the erection of a monument to the memory of John Paul Jones—to the Committee on the Library.

S. 1683. An act to provide for the purchase of a site and the erection of a public building thereon in the city of Kearney, State of Nebraska—to the Committee on Public Buildings and Grounds.

S. 1802. An act to regulate the use by the public of reservoir sites located upon the public lands of the United States—to the Committee on the Public Lands.

S. 1831. An act to provide for the purchase of a site and the erection of a public building at Eureka, Cal.—to the Committee on Public Buildings and Grounds.

S. 2266. An act authorizing the Joint Committee on the Li-

brary to purchase a bust of President Zachary Taylor—to the Committee on the Library.

S. 2270. An act for the relief of Nicola Masino, of the District of Columbia—to the Committee on the District of Columbia.

S. 2286. An act to confer jurisdiction upon the circuit court of the United States for the ninth circuit to determine in equity the rights of American citizens under the award of the Bering Sea arbitration of Paris and to render judgment thereon—to the Committee on the Judiciary.

S. 4170. An act to amend an act approved March 3, 1891, entitled "An act making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1891, and for prior years, and for other purposes"—to the Committee on the District of Columbia.

S. 4190. An act to amend an act entitled "An act to amend section 2455 of the Revised Statutes of the United States," approved February 26, 1895—to the Committee on the Public Lands.

S. 4302. An act to amend the provision in an act approved March 3, 1899, imposing a charge for tuition on nonresident pupils in the public schools of the District of Columbia—to the Committee on the District of Columbia.

S. 4434. An act ceding a parcel or strip of land to the city of Hot Springs, Ark., for use as a public street—to the Committee on the Public Lands.

S. 4975. An act giving the consent of Congress to an agreement or compact entered into between the State of New Jersey and the State of Delaware respecting the territorial limits and jurisdiction of said States—to the Committee on the Judiciary.

S. 535. An act to amend and reenact section 1 of chapter 77 of volume 27 of the United States Statutes at Large, being "An act to provide for a term of the United States circuit and district court at Evanston, Wyo.," approved May 23, 1892—to the Committee on the Judiciary.

Senate concurrent resolution No. 17:

*Resolved by the Senate (the House of Representatives concurring)*, That there be printed 4,750 copies of the "Report on the Japanese naval medical and sanitary features of the Russo-Japanese war to the Surgeon-General, United States Navy, by Surg. William C. Braisted, United States Navy," the same to include the illustrations, of which 1,250 copies shall be for the use of the Senate, 2,500 copies shall be for the use of the House of Representatives, and 1,000 copies for the use of the Bureau of Medicine and Surgery of the Navy Department—

To the Committee on Printing.

## MESSAGES FROM THE PRESIDENT.

The SPEAKER laid before the House the following message from the President:

*To the House of Representatives:*

In compliance with the resolution of the House of Representatives of the 12th instant (the Senate concurring), I return herewith House bill No. 8494, "An act granting an increase of pension to David A. Jones."

THEODORE ROOSEVELT.

THE WHITE HOUSE, *March 14, 1906.*

Mr. LOUDENSLAGER. Mr. Speaker, I move that the message be referred to the Committee on Pensions.

The SPEAKER. The gentleman from New Jersey moves that the message be referred to the Committee on Pensions.

The question was taken, and the motion was adopted.

The SPEAKER also laid before the House the following message from the President, which was read, ordered to be printed, and referred to the Committee on Claims:

*The Senate and House of Representatives:*

I transmit herewith for the consideration of Congress a report by the Secretary of State, resubmitting a claim of the owners of the British steamship *Lindisfarne*, amounting to $158.11, for demurrage to that vessel while undergoing repairs necessitated by a collision with the U. S. Army transport *Crook* in New York Harbor on May 31, 1900.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *March 14, 1906.*

## R. L. VASQUEZ.

Mr. CASSEL. Mr. Speaker, I offer the following report by resolution from the Committee on Accounts, and move that it be adopted.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution No. 351.

*Resolved*, That the Clerk of the House is hereby authorized and directed to pay, out of the contingent fund of the House, to R. L. Vasquez the sum of $67.83, being the amount of clerk-hire allowance due the late Representative George A. Castor from February 1 to the date of his death, February 19, 1906.

The question was taken, and the resolution was agreed to.

Mr. LITTAUER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 4 o'clock and 56 minutes p. m.) the House adjourned to meet to-morrow, at 12 o'clock noon.

## EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred is follows:

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of Commerce and Labor submitting an estimate of appropriation for a relief light-vessel for the exclusive use of the twelfth light-house district—to the Committee on Interstate and Foreign Commerce, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a copy of a letter from the Chief of Ordnance, a report of tests of iron and steel and other materials for industrial purposes at Watertown Arsenal—to the Committee on Manufactures.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. FLETCHER, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 15435) to empower the Secretary of War to convey to the city of Minneapolis certain lands in exchange for other lands to be used for flowage purposes, reported the same without amendment, accompanied by a report (No. 2280); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. ADAMS, of Pennsylvania, from the Committee on Foreign Affairs, to which was referred the bill of the Senate (S. 1345) to provide for the reorganization of the consular service of the United States, reported the same with amendment, accompanied by a report (No. 2281); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BARTHOLDT, from the Committee on Public Buildings and Grounds, to which was referred the bill of the Senate (S. 2801) to withhold from sale a portion of Fort Brady Military Reservation, at Sault Ste. Marie, Mich., reported the same without amendment, accompanied by a report (No. 2282); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. LACEY, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 15513) to declare and enforce the forfeiture provided by section 4 of the act of Congress approved March 3, 1875, entitled "An act granting to railroads the right of way through the public lands of the United States," reported the same without amendment, accompanied by a report (No. 2283); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. PRINCE, from the Committee on Banking and Currency, to which was referred the bill of the House (H. R. 8124) to amend section 5136 of the Revised Statutes of the United States permitting national banking associations to make loans on real estate as security, and limiting the amount of such loans, reported the same with amendment, accompanied by a report (No. 2284); which said bill and report were referred to the House Calendar.

Mr. TYNDALL, from the Committee on the Public Lands, to which was referred the bill of the Senate (S. 2292) for the relief of certain entrymen and settlers within the limits of the Northern Pacific Railway land grant, reported the same with amendment, accompanied by a report (No. 2285); which said bill and report were referred to the House Calendar.

Mr. LACEY, from the Committee on the Public Lands, to which was referred the House joint resolution (H. J. Res. 117) extending the time for opening to public entry the unallotted lands on the ceded portion of the Shoshone or Wind Indian Reservation, in Wyoming, reported the same without amendment, accompanied by a report (No. 2286); which joint resolution and report were referred to the House Calendar.

## PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred, as follows:

By Mr. DEEMER: A bill (H. R. 16726) providing for the erection of a public building at Lock Haven, Clinton County, Pa.—to the Committee on Public Buildings and Grounds.

By Mr. McGUIRE: A bill (H. R. 16727) to appropriate the sum of $250,000 to erect a public building at Shawnee, Okla.—to the Committee on Public Buildings and Grounds.

Also (by request), a bill (H. R. 16728) setting aside and appropriating certain lands to the Territory of Oklahoma to be used for a site for a reform school for said Territory—to the Committee on the Public Lands.

By Mr. TOWNE: A bill (H. R. 16729) to regulate the appointment, number, rank, and pay of chaplains in the Navy—to the Committee on Naval Affairs.

By Mr. KLINE: A bill (H. R. 16730) to prevent the unauthorized wearing or use of badges, name, title of officers, insignia, ritual, or ceremonies of the Benevolent and Protective Order of Elks of the United States of America—to the Committee on the Judiciary.

By Mr. FLOOD: A bill (H. R. 16731) to provide that there shall be six deliveries of mail a week on all rural free-delivery routes established before April 1, 1906, and not discontinued by the Postmaster-General—to the Committee on the Post-Office and Post-Roads.

Also, a bill (H. R. 16732) to prescribe the eligibility of rural free-delivery mail carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. BURTON of eDlaware: A bill (H. R. 16733) granting pensions to officers of long, faithful, and meritorious services in the civil war from 1861 to 1865 who have been awarded medals of honor for gallant and meritorious conduct in action under act of Congress approved December 21, 1861, July 12 and 16, 1862, and March 3, 1863, and any other act or acts amendatory thereof or supplemental thereto, and who have been otherwise commended for gallant conduct in action, and for other purposes—to the Committee on Invalid Pensions.

By Mr. TAYLOR of Ohio: A bill (H. R. 16734) to provide for the burial of deceased retired soldiers of the United States Army—to the Committee on Military Affairs.

By Mr. HEARST: A bill (H. R. 16735) to further regulate commerce with foreign nations and among the States—to the Committee on Interstate and Foreign Commerce.

By Mr. MOORE: A bill (H. R. 16736) to extend the privileges of the seventh section of the act approved June 10, 1880, to the port of Houston, Tex.—to the Committee on Ways and Means.

By Mr. VAN WINKLE: A bill (H. R. 16737) to adjust the salaries of postmasters—to the Committee on the Post-Office and Post-Roads.

By Mr. KINKAID: A bill (H. R. 16738) for the resurvey of certain townships in the State of Nebraska—to the Committee on the Public Lands.

By Mr. NORRIS: A joint resolution (H. J. Res. 120) proposing an amendment to the Constitution of the United States providing for the election and term of office of Members of Congress—to the Committee on Election of President, Vice-President, and Representatives in Congress.

By Mr. BRADLEY: A resolution (H. Res. 365) referring to the Court of Claims the bill H. R. 9394—to the Committee on Claims.

## PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ALLEN of New Jersey: A bill (H. R. 16739) giving access to files, documents, and reports in the several Departments of the Government for preparation of an encyclopedia of American industries—to the Committee on the Library.

By Mr. ANDREWS: A bill (H. R. 16740) to place John Crowley on the retired list of the United States Navy—to the Committee on Naval Affairs.

By Mr. BENNET of New York: A bill (H. R. 16741) granting an increase of pension to William J. Girvan—to the Committee on Invalid Pensions.

By Mr. BOWERSOCK: A bill (H. R. 16742) for the relief of William Fletcher—to the Committee on War Claims.

By Mr. BROWNLOW: A bill (H. R. 16743) granting a pension to certain East Tennesseans engaged in the secret service of the United States during the war of the rebellion—to the Committee on Invalid Pensions.

By Mr. BURLEIGH: A bill (H. R. 16744) for the relief of Albert H. Rose—to the Committee on Military Affairs.

Also, a bill (H. R. 16745) granting an increase of pension to Judson W. Currier—to the Committee on Invalid Pensions.

By Mr. CHAPMAN: A bill (H. R. 16746) granting an increase of pension to M. S. Benson—to the Committee on Invalid Pensions.

By Mr. BELL of Georgia: A bill (H. R. 16747) granting a pension to Sherman Jacobs—to the Committee on Pensions.

Also, a bill (H. R. 16748) granting an increase of pension to Lucius C. Fletcher—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16749) granting an increase of pension to Henry A. Jones—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16750) granting an increase of pension to Caroline Corn—to the Committee on Pensions.

By Mr. GRAHAM: A bill (H. R. 16751) granting an increase of pension to Samuel Hough—to the Committee on Invalid Pensions.

By Mr. HALE: A bill (H. R. 16752) granting a pension to Martha Talley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16753) granting an increase of pension to William Mooney—to the Committee on Invalid Pensions.

By Mr. HAMILTON: A bill (H. R. 16754) granting an increase of pension to William H. Brown—to the Committee on Invalid Pensions.

By Mr. HOLLIDAY: A bill (H. R. 16755) granting an increase of pension to Logan Mize—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16756) granting an increase of pension to James Bell—to the Committee on Invalid Pensions.

By Mr. HOUSTON: A bill (H. R. 16757) for the relief of Jordan H. Moore—to the Committee on Invalid Pensions.

By Mr. LLOYD: A bill (H. R. 16758) granting an increase of pension to Robert E. Griffith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16759) to correct the military record of John T. McKee, of Kahoka, Mo.—to the Committee on Military Affairs.

Also, a bill (H. R. 16760) to correct the military record of John T. McKee—to the Committee on Military Affairs.

By Mr. LOUD: A bill (H. R. 16761) for the relief of Henry Schindehetee—to the Committee on the Public Lands.

Also, a bill (H. R. 16762) for the relief of Rear-Admiral Benjamin Peffer Lamberton, United States Navy, retired—to the Committee on Naval Affairs.

Also, a bill (H. R. 16763) waiving the age limit for admission to the Pay Corps of the United States Navy in the case of Frank Holway Atkinson—to the Committee on Naval Affairs.

Also, a bill (H. R. 16764) for the relief of Charles L. Jenney—to the Committee on Claims.

By Mr. McCLEARY of Minnesota: A bill (H. R. 16765) granting an increase of pension to Angus Campbell—to the Committee on Invalid Pensions.

By Mr. MADDEN: A bill (H. R. 16766) for the relief of the North American Transportation and Trading Company—to the Committee on Claims.

Also, a bill (H. R. 16767) for the relief of the North American Transportation and Trading Company—to the Committee on Indian Affairs.

By Mr. MANN: A bill (H. R. 16768) granting an increase of pension to Mary E. Canaan—to the Committee on Invalid Pensions.

By Mr. MOUSER: A bill (H. R. 16769) for the relief of Charles R. Van Houten—to the Committee on Military Affairs.

By Mr. RHODES: A bill (H. R. 16770) for the relief of Margaret E. Towl—to the Committee on War Claims.

Also, a bill (H. R. 16771) granting a pension to Richard Snyder—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16772) granting a pension to Paul Richt—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16773) granting a pension to James W. Eaker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16774) granting an increase of pension to George Luttrell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16775) granting an increase of pension to Lindsey Wilkins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16776) granting an increase of pension to Ira B. Timmons—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16777) granting an increase of pension to Hiram White—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16778) granting an increase of pension to Patrick Williams—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16779) granting an increase of pension to Ephriam Barks—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16780) to remove the charge of desertion from the military record of Hiram Williams—to the Committee on Military Affairs.

Also, a bill (H. R. 16781) to remove the charge of desertion from the military record of Joseph M. Gower—to the Committee on Military Affairs.

By Mr. RODENBERG: A bill (H. R. 16782) for the relief of John B. Reid—to the Committee on War Claims.

By Mr. RHINOCK: A bill (H. R. 16783) granting an increase of pension to David Kirkpatrick—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16784) granting an increase of pension to John W. Stewart—to the Committee on Invalid Pensions.

By Mr. STEPHENS of Texas: A bill (H. R. 16785) giving preference right to actual settlers on pasture reserve No. 3 to purchase land leased to them for agricultural purposes in Comanche County, Okla.—to the Committee on Indian Affairs.

By Mr. SULLIVAN of New York: A bill (H. R. 16786) granting an increase of pension to Denis O'Sullivan—to the Committee on Invalid Pensions.

By Mr. VAN WINKLE: A bill (H. R. 16787) granting an increase of pension to Catharine Dooley—to the Committee on Invalid Pensions.

By Mr. VREELAND: A bill (H. R. 16788) granting an increase of pension to George H. Coburn—to the Committee on Invalid Pensions.

By Mr. WADSWORTH: A bill (H. R. 16789) to amend the military record of Robert J. Wallace—to the Committee on Military Affairs.

By Mr. WEBB: A bill (H. R. 16790) granting an increase of pension to David C. Lamb—to the Committee on Invalid Pensions.

By Mr. WEEKS: A bill (H. R. 16791) granting an increase of pension to Eliza J. Bigelow—to the Committee on Invalid Pensions.

By Mr. WILLIAMS: A bill (H. R. 16792) to place C. W. Geddes upon retired list of the Navy with rank of first assistant engineer—to the Committee on Naval Affairs.

By Mr. KNOWLAND: A bill (H. R. 16793) for the relief of A. Boschke, civil engineer—to the Committee on War Claims.

## CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 2935) for the relief of William A. Clark—Committee on Claims discharged, and referred to the Committee on War Claims.

A bill (H. R. 12012) for the relief of Charles L. Jenney—Committee on Claims discharged, and referred to the Committee on War Claims.

A bill (H. R. 15533) granting a pension to Julian F. Toney—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 15010) granting a pension to Hansford G. Gilkeson—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 12991) granting a pension to Christopher Buckhanan—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 16542) granting an increase of pension to Samuel J. Kent—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

## PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of the Springfield (Mass.) Board of Trade, for increased clerical service in the Post-Office Department—to the Committee on the Post-Office and Post-Roads.

Also, petition of the Illinois Manufacturers' Association, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of Union No. 269, United Brotherhood of Carpenters and Joiners, for retention of the Chinese-exclusion law—to the Committee on Foreign Affairs.

Also, petition of Paul Wright et al., of New Orleans, for a uniform quarantine system for the Gulf ports—to the Committee on Interstate and Foreign Commerce.

Also, memorials of corporations, organizations, and individuals, on admission of Territories—to the Committee on the Territories.

Also, petition of organizations of railway employees, for the Bates-Penrose bill—to the Committee on the Judiciary.

By Mr. ADAMS of Pennsylvania: Petition of Spring Garden Council, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of Colonel Fred Taylor Council, No. 762, and Washington Council, No. 1, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of the State Federation of Pennsylvania Women, for preservation of Niagara Falls—to the Committee on Rivers and Harbors.

Also, petition of Lydia Darrah Council, No. 110, Daughters of Liberty, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. ADAMS of Wisconsin: Petitions of citizens of Madison, Aurora, Warren, and Berlin, Wis., against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. BABCOCK: Petition of citizens of Grant County, Wis., for an amendment of the interstate-commerce law to prevent sending cigarettes and cigarette paper into Wisconsin—to the Committee on Interstate and Foreign Commerce.

By Mr. BROOKS of Colorado: Petition of C. A. Parker et al., against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of H. S. Hergold, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. BROWNLOW: Petition of citizens of Bristol, Tenn., against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. BURLEIGH: Paper to accompany bill for relief of George F. Bachelder—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Herbert M. Blackwell—to the Committee on Invalid Pensions.

By Mr. BURTON of Delaware: Petition of Trump Bros. Machine Company, against the anti-injunction bill—to the Committee on the Judiciary.

Also, petition of John Wainright, relative to pensions for officers of long and faithful service in the civil war—to the Committee on Invalid Pensions.

Also, petition of Joseph Bancroft & Son, against the Little anti-injunction bill—to the Committee on the Judiciary.

Also, petition of Southern Branch National Home of Disabled Volunteer Soldiers, of Virginia, relative to pay of inmates on furlough—to the Committee on Military Affairs.

By Mr. COOPER of Pennsylvania: Resolution of the Uniontown Merchants' Association, favoring the Heyburn pure-food bill—to the Committee on Interstate and Foreign Commerce.

By Mr. COCKS: Petition of St. Paul's Methodist Episcopal Church, of Northport, N. Y., for the McCumber-Sperry bill—to the Committee on Alcoholic Liquor Traffic.

By Mr. DAWSON: Petition of the Council Bluffs Commercial Club, for Government lands for grazing purposes—to the Committee on the Public Lands.

Also, petition of the Davenport Academy of Science, for bill H. R. 5998—to the Committee on the Public Lands.

By Mr. DEEMER: Petition of Fishing Creek Grange, for retention of the present law of 10 cents per pound tax on imitation butter—to the Committee on Agriculture.

Also, petition of Fishing Creek Grange, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of Fishing Creek Grange, for the Hepburn rate bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of Fishing Creek Grange, for a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of Fishing Creek Grange, for the Grange good-roads bill—to the Committee on Agriculture.

By Mr. DIXON of Montana: Petition of Local Union No. 351, Painters, Decorators, and Paper Hangers, of Livingston, Mont., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. FLETCHER: Petition of the Editorial Association, against the tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of the drainage conference at Grand Forks, N. Dak., relative to drainage of land in Red River Valley—to the Committee on Irrigation of Arid Lands.

By Mr. FOSTER of Vermont: Petition of citizens of Vermont, against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of Gassetts Grange, No. 327, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of J. B. Mead Camp, Sons of Veterans, against bill H. R. 8131—to the Committee on Military Affairs.

Also, petition of citizens of Vermont, against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. FULLER: Petition of the Lake Seamen's Union, for legislation as to life-saving precautions on vessels carrying passengers—to the Committee on Interstate and Foreign Commerce.

Also, petition of W. G. Hatch, of Rockford, Ill., for the pure-food law—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Illinois Manufacturers' Association, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. HALE: Petition of Kings Mountain Council, Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of citizens of Knoxville, Tenn., against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

Also, petitions of Eureka Council, No. 3, and Poplar Creek Council, No. 15, Order United American Mechanics; New River, Clinch, Powel and Clinch River, Big Spring, Cave Creek, Morning Star, Oneida, Fork Creek, Columbia, Major, Chilhowee, Greenville, Harrison, Ivory Circle, Holston, and Wellsville Councils, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of the Jacksboro Council, No. 5, Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. HAMILTON: Petition of citizens of Van Buren County, Mich., against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. HASKINS: Petition of Green Mountain Grange, of St. Johnsbury, Vt., and West Randolph Grange, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. HENRY of Connecticut: Petition of the Twentieth Century Club and other organizations, relative to child labor in the District of Columbia—to the Committee on the District of Columbia.

By Mr. HINSHAW: Petition of citizens of Nebraska, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. HOWELL of New Jersey: Petition of the State board of agriculture, for an appropriation to exterminate the brown-tail moth—to the Committee on Agriculture.

Also, petition of the New Jersey State Federation of Women, in favor of pure food—to the Committee on Interstate and Foreign Commerce.

By Mr. HULL: Petition of General William F. Barry Garrison, No. 30, protesting against change of name of the Regular Army Union—to the Committee on Military Affairs.

By Mr. LAFEAN: Paper to accompany bill for relief of George M. Ailes—to the Committee on Invalid Pensions.

By Mr. LAWRENCE: Petition of Southwick Grange, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. LEE: Paper to accompany bill for relief of heir of David Floyd—to the Committee on War Claims.

By Mr. LLOYD: Paper to accompany bill for relief of Robert E. Griffith—to the Committee on Invalid Pensions.

By Mr. LORIMER: Petition of P. D. McGregor, for the statehood bill as passed by the Senate—to the Committee on the Territories.

Also, petition of Hibbard, Spenser, Bartlett & Co., for the statehood bill as passed by the Senate—to the Committee on the Territories.

By Mr. McCARTHY: Petition of citizens of Hartington, Nebr., against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of the Dodge County Medical Society, for the pure-food law—to the Committee on Interstate and Foreign Commerce.

By Mr. McGAVIN: Petition of the Chicago Federation of Labor, for improved service on vessels bearing passengers—to the Committee on the Merchant Marine and Fisheries.

By Mr. McKINLEY of Illinois: Petition of the Commercial, against the tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of the Woman's Club of Windsor, Ill., for an appropriation for an inquiry as to the industrial condition of women in the United States—to the Committee on Labor.

By Mr. MANN: Paper to accompany bill for relief of Mary E. Canaan—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of S. W. Tanner—to the Committee on Invalid Pensions.

By Mr. MOUSER: Petition of citizens of Ohio, against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. NORRIS: Petition of the United States Supply Company, of Omaha, against the Gilbert bill—to the Committee on the Judiciary.

Also, petition of M. E. Smith & Co., against the Gilbert bill—to the Committee on the Judiciary.

By Mr. OVERSTREET: Petition of Indianapolis manufacturers, against bill H. R. 9328—to the Committee on the Judiciary.

By Mr. PADGETT: Paper to accompany bill for relief of estate of Pinckney M. Wright—to the Committee on War Claims.

By Mr. RUCKER: Petitions of C. P. Vandiver and the Charton Courier, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. SAMUEL: Petition of Rohrsburg (Pa.) Grange, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. SIMS: Petition of citizens of Tennessee, against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. SMITH of Maryland: Petition of Methodist Protestant Christian Endeavor Society of Salisbury, Md., against sale of liquor in Government buildings—to the Committee on Alcoholic Liquor Traffic.

Also, petition of Maryland Lodge, No. 453, Brotherhood of Railway Trainmen, and Delmar Division, No. 445, Brotherhood of Railway Conductors, for bills H. R. 239 and 9328—to the Committee on the Judiciary.

Also, paper to accompany bill regulating retirement of certain veterans of the civil war—to the Committee on Military Affairs.

Also, petition of the Christian Endeavor Society of Burrsville, Md., against nullification of State liquor laws—to the Committee on the Judiciary.

By Mr. SPERRY: Petitions of the Howard Avenue Methodist Church, St. Andrew's Methodist Episcopal Church, the Olivet Baptist Church, and the South Park Methodist Episcopal Church, of New Haven, Conn., for the Hepburn-Dolliver bill—to the Committee on the Judiciary.

Also, petition of the Methodist Ministers' Association of New Haven, Conn., for the Hepburn-Dolliver bill—to the Committee on the Judiciary.

Also, petition of the Chamber of Commerce of New Haven, Conn., for a harbor of refuge at Point Judith—to the Committee on Rivers and Harbors.

Also, petition of the Woman's Club of Hartford, Conn., relative to child labor in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of Naugatuck Valley Grange, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. STEENERSON: Petitions of the Times and the Felton Tribune, against the tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of John M. Gudranger, Eric Engberg, Louis Hansen, and citizens of Minnesota, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of the Minnesota Editorial Association, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. STEVENS of Minnesota: Petition of B. K. Edwards, of St. Paul, Minn., favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of citizens of Red River Valley, for Federal drainage—to the Committee on Agriculture.

By Mr. TAYLOR: Petition of retired soldiers of the United States Army, relative to proper burial of deceased of the retired list—to the Committee on Military Affairs.

By Mr. VOLSTEAD: Resolution of the Drainage League of North Dakota, relative to drainage of land in Red River Valley—to the Committee on Irrigation of Arid Lands.

By Mr. WEBB: Petition of citizens of Catawba County, N. C., against religious legislation—to the Committee on the District of Columbia.

Also, paper to accompany bill for relief of James A. Sams—to the Committee on Military Affairs.

By Mr. WEEMS: Papers to accompany bill (H. R. 15248) for the relief of George E. O'Neel—to the Committee on Military Affairs.

## SENATE.

THURSDAY, *March 15, 1906*

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Journal of yesterday's proceedings was read and approved.

### CHIPPEWA INDIAN RESERVATION.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of the Interior submitting an estimate of appropriaion for inclusion in the Indian appropriation bill for the fiscal year 1907, for completing the necessary surveys within the Chippewa Indian Reservation in Minnesota, including expenses of examining and appraising pine lands under the provisions of the act of April 14, 1889, etc., $10,000; which, with the accompanying papers, was referred to the Committee on Indian Affairs, and ordered to be printed.

### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the amendment of the Senate to the bill (H. R. 4) to amend section 3646, Revised Statutes of the United States, as amended by act of February 16, 1885.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 10129) to amend section 5501 of the Revised Statutes of the United States, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. JENKINS, Mr. LITTLEFIELD, and Mr. CLAYTON managers at the conference on the part of the House.

### ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

S. 716. An act granting an increase of pension to Theodore H. Hanson;

S. 721. An act granting an increase of pension to Orange S. Mason;

S. 725. An act granting an increase of pension to William M. Smith;

S. 772. An act granting a pension to Jerusha Hayward Brown;

S. 784. An act granting an increase of pension to George L. Cooley;

S. 790. An act granting an increase of pension to William Benkler;

S. 836. An act granting an increase of pension to Charles A. Fay;

S. 842. An act granting an increase of pension to William A. Eggleston;

S. 859. An act granting an increase of pension to Richard T. Fried;

S. 861. An act granting an increase of pension to Thomas O'Connor;

S. 969. An act granting an increase of pension to Howard Ellis;

S. 1011. An act granting an increase of pension to John E. Woodsum;

S. 1023. An act granting an increase of pension to Peter Shipman;

S. 1130. An act granting an increase of pension to Isaiah Mitchell;

S. 1138. An act granting an increase of pension to Albert S. Blake;

S. 1173. An act granting an increase of pension to James M. Fernald;

S. 1227. An act granting an increase of pension to Henry J. Patterson;

S. 1228. An act granting an increase of pension to Julia L. Plimpton;

S. 1230. An act granting an increase of pension to Eugene Gaskill;

S. 1246. An act granting an increase of pension to William F. Wilson;

S. 1251. An act granting an increase of pension to Peter Burns;

S. 1273. An act granting an increase of pension to Eleanora A. Keeler;

S. 1357. An act granting an increase of pension to Orlando C. Pinkham;

S. 1399. An act granting an increase of pension to Henry Jordan;

S. 1418. An act granting an increase of pension to Levi E. Cross;

S. 1420. An act granting an increase of pension to Sarah A. Tyler;

S. 1421. An act granting an increase of pension to Harvey C. Brown;

S. 1437. An act granting an increase of pension to William F. Davis;

S. 1527. An act granting an increase of pension to John M. Odenheimer;

S. 1555. An act granting an increase of pension to Mary C. Bishop;

S. 1624. An act granting an increase of pension to Peter Betz;

S. 1634. An act granting an increase of pension to Solomon R. Ruch;

S. 1645. An act granting an increase of pension to Jacob G. Orth;

S. 1665. An act granting an increase of pension to John C. Estes;

S. 1666. An act granting an increase of pension to George W. Beard;

S. 1834. An act granting an increase of pension to Frederick W. Partridge;

S. 1889. An act granting an increase of pension to Arthur Thompson;

S. 1905. An act granting an increase of pension to Edgar Tibbits;

S. 1908. An act granting an increase of pension to Francesco Del Gindice;

S. 1911. An act granting an increase of pension to Gunnerus Ingebretson;

S. 1978. An act granting an increase of pension to Thomas Edsall;

S. 2044. An act granting a pension to Solomon F. Wehr;

S. 2080. An act granting a pension to Ruth F. Bennett;

S. 2090. An act granting an increase of pension to Sarah E. Adams;

S. 2091. An act granting an increase of pension to John P. Bambush;

S. 2096. An act granting an increase of pension to Nathaniel R. Kent;

S. 2103. An act granting an increase of pension to Lorin R. Bingham;

S. 2142. An act granting an increase of pension to Adelle D. Irwin;

S. 2153. An act granting an increase of pension to Helen B. Read;

S. 2168. An act granting an increase of pension to Isaac B. Hewett;

S. 2182. An act granting an increase of pension to John J. Buffington;

S. 2216. An act granting an increase of pension to David W. Magee;

S. 2250. An act granting an increase of pension to John Rauch;

S. 2332. An act granting an increase of pension to Ashley A. Youmans;

S. 2344. An act granting an increase of pension to Albert C. Andrews;

S. 2346. An act granting an increase of pension to John W. Reed;

S. 2393. An act granting an increase of pension to John L. Clark;

S. 2406. An act granting an increase of pension to Thomas Milliman;

S. 2473. An act granting an increase of pension to Charles L. Noggle;

S. 2548. An act granting an increase of pension to Jesse M. Furman;

S. 2735. An act granting a pension to Marceline S. Groff;

S. 2840. An act granting an increase of pension to George L. Jaquith;

S. 2863. An act granting an increase of pension to Garrett Rourke;

S. 2868. An act granting an increase of pension to George W. Flick;

S. 2882. An act granting an increase of pension to Samuel E. Johnson;

S. 2950. An act granting an increase of pension to Joseph E. Stines;

S. 2968. An act granting a pension to George W. Hale;

S. 3029. An act granting an increase of pension to Delia A. Hooker;

S. 3031. An act granting an increase of pension to Frank Westervelt;

S. 3036. An act granting an increase of pension to John O. Thorn;

S. 3043. An act granting an increase of pension to Henry D. Hall;
S. 3121. An act granting an increase of pension to John G. Blessing;
S. 3125. An act granting a pension to Parthenia W. Baker;
S. 3132. An act granting an increase of pension to Georgia D. Brown;
S. 3187. An act granting a pension to John Harper;
S. 3189. An act granting an increase of pension to Elizabeth Rutherford;
S. 3199. An act granting an increase of pension to Andrew J. Coulton, alias Samuel Myers;
S. 3224. An act granting a pension to Nancy A. Teeters;
S. 3242. An act granting an increase of pension to Daniel Wooley;
S. 3310. An act granting an increase of pension to Richard M. Ogle;
S. 3312. An act granting a pension to Oscar F. Renick;
S. 3315. An act granting an increase of pension to Henry B. Hamenstaedt;
S. 3472. An act granting an increase of pension to Lena Sherman;
S. 3473. An act granting an increase of pension to La Forrest C. Darling;
S. 3474. An act granting an increase of pension to James B. Kellogg;
S. 3475. An act granting an increase of pension to Everett S. Fitch;
S. 3492. An act granting an increase of pension to Catharine Bechtol;
S. 3539. An act granting an increase of pension to Dominick Cavanaugh;
S. 3547. An act granting an increase of pension to Stephen M. Davis;
S. 3575. An act granting an increase of pension to Sargent R. Emerson;
S. 3588. An act granting an increase of pension to James Lebo;
S. 3626. An act granting a pension to Catharine Coyle;
S. 3640. An act granting an increase of pension to Oliver Brenton;
S. 3714. An act granting an increase of pension to James Ruth;
S. 3721. An act granting a pension to Mary C. Morgan;
S. 3751. An act granting an increase of pension to Daniel D. Nash;
S. 3800. An act granting an increase of pension to Albert D. Cordner;
S. 3866. An act granting an increase of pension to Samuel J. Burlock;
S. 3888. An act granting an increase of pension to Susan E. Israel;
S. 3903. An act granting an increase of pension to John McCoy;
S. 3905. An act granting an increase of pension to James M. Garritt;
S. 3932. An act granting an increase of pension to David Rankin;
S. 3933. An act granting an increase of pension to Sidney R. Smith;
S. 4000. An act granting an increase of pension to Crosby Pyle Woodward;
S. 4006. An act granting an increase of pension to Charles S. Parrish;
S. 4020. An act granting an increase of pension to Henry C. Johnson;
S. 4096. An act granting an increase of pension to Norman W. Lombard;
S. 4097. An act granting an increase of pension to Julius T. Williamson;
S. 4100. An act granting an increase of pension to Carlton A. Wheeler;
S. 4131. An act granting an increase of pension to John Connor;
S. 4159. An act granting an increase of pension to Mary P. Johannes;
S. 4181. An act granting an increase of pension to Margaret Hallett;
S. 4187. An act granting an increase of pension to Nathaniel E. Skelton;
S. 4188. An act granting an increase of pension to Frank D. Smith;
S. 4223. An act granting an increase of pension to Benjamin F. Peirce;
S. 4226. An act granting an increase of pension to James Cain;
S. 4227. An act granting a pension to John H. McKenzie;
S. 4229. An act to authorize the sale and disposition of surplus or unallotted lands of the diminished Colville Indian Reservation, in the State of Washington, and for other purposes;
S. 4280. An act granting a pension to Aurelia Cotten;
S. 4286. An act granting an increase of pension to Thomas J. Davies;
S. 4319. An act granting an increase of pension to Frederick C. Sturm;
S. 4337. An act granting an increase of pension to Barney McGirl;
S. 4362. An act granting an increase of pension to William Fluegel;
S. 4381. An act granting an increase of pension to John T. McGarraugh;
S. 4422. An act granting an increase of pension to Lindsay Kirby;
S. 4496. An act granting an increase of pension to Alphonso Brooks;
S. 4507. An act granting an increase of pension to Joseph Chandler, jr.;
S. 4595. An act granting an increase of pension to Amos McManus;
S. 4636. An act granting an increase of pension to Henry R. Pease;
S. 4637. An act granting an increase of pension to Frederick Zimmerman;
H. R. 431. An act to open for settlement 505,000 acres of land in the Kiowa, Comanche, and Apache Indian reservations, in Oklahoma Territory;
H. R. 4459. An act authorizing the Commissioners of the District of Columbia to make regulations respecting the rights and privileges of the fish wharf;
H. R. 4469. An act authorizing the Commissioners of the District of Columbia to make regulations respecting the public hay scales;
H. R. 10101. An act authorizing and directing the Secretary of the Interior to sell and convey to the State of Minnesota a certain tract of land situated in the county of Dakota, State of Minnesota;
H. R. 11783. An act for the establishment of town sites and for the sale of lots within the common lands of the Kiowa, Comanche, and Apache Indians in Oklahoma;
H. R. 13548. An act to authorize the commissioners' court of Baldwin County, Ala., to construct a bridge across Perdido River at Waters Ferry; and
H. R. 15085. An act to set apart certain lands in the State of South Dakota to be known as the "Battle Mountain Sanitarium Reserve."

## PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented resolutions adopted by the legislature of Massachusetts, favoring the consolidation of the present third and fourth class rates of postage; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. GALLINGER presented a petition of the Young Men's Christian Association of Keene, N. H., praying for the enactment of legislation to remove the duty on denaturized alcohol; which was referred to the Committee on Finance.

He also presented a petition of the East Washington Heights Citizens' Association, of Washington, D. C., praying for the enactment of legislation providing for the extension into the District of Columbia of the Washington and Marlboro Electric Railway Company's line to connect with the East Washington Heights Traction Railway Company's line; which was referred to the Committee on the District of Columbia.

Mr. LODGE presented resolutions of the legislature of Massachusetts, requesting Congress to consolidate the present third and fourth class rates of postage; which were referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed in the RECORD as follows:

COMMONWEALTH OF MASSACHUSETTS,
*In the year one thousand nine hundred and six.*

Resolutions requesting Congress to consolidate the present third and fourth class rates of postage.

*Resolved*, That the general court of Massachusetts favors an amendment to the rules and regulations of the Post-Office Department of the United States Government to the effect that what is now known as third and fourth class matter be consolidated at the postage rate of 1 cent for each 2 ounces or fraction thereof.

*Resolved*, That copies of these resolutions be sent by the secretary of the Commonwealth to the presiding officers of both branches of Congress, and also to the Senators and Representatives in Congress from this Commonwealth.

In senate. Adopted March 2, 1906.
In house of representatives. Adopted in concurrence March 7, 1906.
A true copy. Attest:

WM. M. OLIN,
*Secretary of the Commonwealth.*

Mr. McCREARY presented a petition of the Ancient Order of Hibernians of Paris, Ky., praying that an appropriation be made for the erection of a monument to the memory of the late Commodore Barry; which was ordered to lie on the table.

Mr. SCOTT presented a petition of the Federation of Women's Clubs of West Virginia, and a petition of the Woman's Civic Club of Wheeling, W. Va., praying that an appropriation be made for a scientific investigation into the industrial conditions of women in the United States; which were referred to the Committee on Education and Labor.

Mr. BRANDEGEE presented a petition of the Westside Workingmen's Club, of the Twentieth Century Club, of the Hartford Social Club, of the Educational Club, of the Civic Club, of the College Club, of the Motherhood Club, of the Good Will Club, and of the Union for Home Work Club, all of Hartford, in the State of Connecticut, praying for the enactment of legislation to regulate child labor in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of the Chamber of Commerce of New Haven, Conn., praying for the enactment of legislation to reorganize the consular service; which was ordered to lie on the table.

He also presented a petition of the Chamber of Commerce of New Haven, Conn., praying for the enactment of legislation to establish forest reserves in the Southern Appalachian Mountains and in the White Mountains of New Hampshire; which was ordered to lie on the table.

He also presented a petition of the Chamber of Commerce of New Haven, Conn., praying for the enactment of legislation to create a staff of commercial attachés to be connected with American consulates; which was referred to the Committee on Commerce.

Mr. LA FOLLETTE presented a memorial of sundry citizens of Watertown, Wis., remonstrating against the passage of the so-called "parcels-post bill;" which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of sundry citizens of Reedsburg, Wis., remonstrating against the enactment of legislation to consolidate third and fourth class mail matter at the rate of 8 cents per pound; which was referred to the Committee on Post-Offices on Post-Roads.

He also presented a petition of sundry citizens of Milton, Wis., and a petition of sundry citizens of Janesville and Beloit, Wis., praying for the adoption of a certain amendment to the interstate-commerce law relative to the interstate transportation of cigarettes and cigarette papers; which were referred to the Committee on Interstate Commerce.

He also presented memorials of sundry citizens of Soldiers Grove, Blooming Grove, Rock County, Vernon County, Juneau County, Orfordville, Sauk County, Lodi, Dane County, Deerfield, Cottage Grove, Sun Prairie, and Stoughton, all in the State of Wisconsin, remonstrating against the adoption of the proposed tobacco schedule in the Philippine tariff bill; which were referred to the Committee on the Philippines.

REPORTS OF COMMITTEES.

Mr. LODGE, from the Committee on Military Affairs, to whom was referred the bill (S. 4109) to increase the efficiency of the Bureau of Insular Affairs of the War Department, reported it without amendment, and submitted a report thereon.

Mr. PENROSE, from the Committee on Commerce, to whom was referred the bill (H. R. 14808) authorizing the Choctawhatchee Power Company to erect a dam in Dale County, Ala., reported it without amendment.

Mr. WARREN, from the Committee on Military Affairs, to whom was referred the bill (S. 4957) to correct the military record of Alexander J. MacDonald, reported it with amendments, and submitted a report thereon.

Mr. ELKINS, from the Committee on Commerce, to whom was referred the bill (H. R. 4825) to provide for the construction of a bridge across Rainy River, in the State of Minnesota, reported it with amendments, and submitted a report thereon.

Mr. BLACKBURN. By direction of the Committee on Military Affairs, to whom was referred the bill (H. R. 14467) for the relief of Capt. George E. Pickett, paymaster, United States Army, I report it with an amendment correcting simply the title of the officer's name, changing it from "captain" to "major."

The VICE-PRESIDENT. The report will be placed on the Calendar.

Mr. BLACKBURN, from the Committee on Military Affairs, to whom was referred the bill (S. 4431) for the relief of Maj. George E. Pickett, paymaster, United States Army, reported adversely thereon, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. 4451) for the relief of Maj. George E. Pickett, paymaster, United States Army, reported adversely thereon, and the bill was postponed indefinitely.

Mr. OVERMAN, from the Committee on Military Affairs, to whom was referred the bill (S. 4467) removing the charge of desertion from the military record of James B. Boyd, reported it without amendment, and submitted a report thereon.

Mr. BULKELEY, from the Committee on Military Affairs, to whom was referred the bill (S. 794) to remove the charge of desertion against Robert Burnet, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. 4947) for the relief of Franklin L. Van Auken, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

Mr. WARNER, from the Committee on Military Affairs, to whom was referred the bill (S. 3638) providing for the retirement of noncommissioned officers, petty officers, and enlisted men of the Army, Navy, and Marine Corps of the United States, reported it without amendment, and submitted a report thereon.

Mr. SCOTT, from the Committee on Military Affairs, to whom was referred the bill (S. 4423) providing for the donation of condemned cannon to the University of Idaho, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 334) to correct the military record of Joseph A. Blanchard, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. 2058) to correct the military record of Stephen W. Coakley, reported adversely thereon, and the bill was postponed indefinitely.

Mr. LODGE, from the Committee on Military Affairs, to whom was referred the bill (S. 1697) confirming to certain claimants thereto portions of lands known as "Fort Clinch Reservation," in the State of Florida, reported it with an amendment, and submitted a report thereon.

Mr. FULTON, from the Committee on Claims, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 4350) for the relief of Arthur A. Underwood; and

A bill (H. R. 10584) for the relief of F. H. Driscoll.

ASSISTANT CLERK TO COMMITTEE ON COAST DEFENSES.

Mr. KEAN, from the Committee to Audit and Control the Contingent Expenses of the Senate, reported the following resolution; which was considered by unanimous consent, and agreed to:

*Resolved*, That the position of messenger to the Committee on Coast Defenses, provided for by resolution of January 23, 1902, be, and hereby is, made assistant clerk at the same compensation as that received by the messenger. This change to take effect March 16, 1906.

HEARING BEFORE COMMITTEE ON INDIAN AFFAIRS.

Mr. KEAN, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted yesterday by Mr. CLARK of Wyoming for Mr. CLAPP, reported it without amendment, and it was considered by unanimous consent, and agreed to, as follows:

*Resolved*, That the stenographer employed to report the hearing before the Committee on Indian Affairs of the Senate, February 13, 1906, on the bill (H. R. 5975) to provide for the final disposition of the affairs of the Five Civilized Tribes in the Indian Territory, and for other purposes, be paid from the contingent fund of the Senate.

TONNAGE-TAX EXEMPTIONS.

Mr. FRYE. I report back from the Committee on Commerce favorably, without amendment, the bill (S. 4885) relating to tonnage-tax exemptions, and I submit a report thereon. I should like very much to have the bill considered now.

The VICE-PRESIDENT. The bill will be read for the information of the Senate.

The Secretary read the bill, as follows:

*Be it enacted, etc.*, That so much of section 14 of the act approved June 26, 1884, entitled "An act to remove certain burdens from the American merchant marine and to encourage the American foreign trade, and for other purposes," as provides "*Provided*, That the President of the United States shall suspend the collection of so much of the duty herein imposed on vessels entered from any port in the Dominion of Canada, Newfoundland, the Bahama Islands, the Bermuda Islands, the West India Islands, Mexico, and Central America down to and including Aspinwall and Panama, as may be in excess of the tonnage and light-house dues, or other equivalent tax or taxes, imposed on American vessels by the government of the foreign country in which such port is situated, and shall, upon the passage of this act, and from time to time thereafter as often as it may become necessary by reason of the changes in the laws of the foreign countries above mentioned, indicate by proclamation the ports to which such suspension shall apply and the rate or rates of tonnage duty, if any, to be collected under such suspension," and section 12 and so much of section 11 of the act of June 19, 1886, entitled "An act to abolish certain fees for official services to American vessels, and to amend the laws relating to shipping commissioners, seamen, and owners of vessels, and for other purposes,"

as provides, "*Provided*, That the President of the United States shall suspend the collection of so much of the duty herein imposed on vessels entered from any foreign port as may be in excess of the tonnage and light-house dues, or other equivalent tax or taxes, imposed in said port on American vessels by the government of the foreign country in which such port is situated, and shall, upon the passage of this act, and from time to time thereafter as often as it may become necessary by reason of changes in the laws of the foreign countries above mentioned, indicate by proclamation the ports to which such suspension shall apply and the rate or rates of tonnage duty, if any, to be collected under such suspension: *Provided further*, That such proclamation shall exclude from the benefits of the suspension herein authorized the vessels of any foreign country in whose ports the fees or dues of any kind or nature imposed on vessels of the United States, or the import or export duties on their cargoes, are in excess of the fees, dues, or duties imposed on the vessels of the country in which such port is situated, or on the cargoes of such vessels; and sections 4223 and 4224, and so much of section 4219 of the Revised Statutes as conflicts with this section, are hereby repealed," and section 1 of the act approved April 4, 1888, entitled "An act to amend the laws relating to navigation, and for other purposes," and section 4232 are hereby repealed.

SEC. 2. That this act shall take effect on and after July 1, 1906.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. FRYE. I ask that the letter of the Secretary of Commerce and Labor accompanying the report on this bill may be printed in the RECORD. It explains the necessity of the bill.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF COMMERCE AND LABOR,
OFFICE OF THE SECRETARY,
*Washington, March 13, 1906.*

Hon. WILLIAM P. FRYE,
*Chairman Committee on Commerce, United States Senate.*

SIR: The Department has received your letter of the 7th instant, inclosing S. 4885, a bill relating to tonnage-tax exemptions. Complying with your request to furnish the committee with such suggestions as I may deem proper touching the merits of the bill and the propriety of its passage, I have to state:

The several acts proposed to be repealed provide in brief that the United States will exempt from tonnage dues vessels coming from any foreign country or place in which American vessels are exempt from tonnage dues or equivalent charges. In fact, during the fiscal year ended June 30, 1905, in ports of the United States American vessels paid $79,578.54 in tonnage dues, while foreign vessels paid $779,958.05. If the principle of reciprocal tonnage-tax exemption were generally applied American vessels would save about one dollar in tonnage taxes at home for each $10 saved to foreign vessels. In foreign ports the relative saving would be about the same, though the total amounts saved to shipping abroad would be somewhat greater, as foreign tonnage charges are, as a rule, heavier than American charges. Accordingly, the laws proposed to be repealed by the bill are a plain misapplication of the theory of reciprocity.

The countries with which, under proclamations by the President, reciprocal exemptions from tonnage dues have been established since 1885 are:

1. *Kingdom of the Netherlands.*—Foreign vessels aggregating 778,628 net tons entered the United States from ports in that Kingdom during the fiscal year ended June 30, 1904 (latest figures available). No American vessels entered from or cleared for such ports during that year. The exemption, accordingly, was worth upward of $40,000 to foreign vessels (rate 6 cents per ton) and not a dollar to American vessels.

2. *Ports in the Dutch East Indies.*—Foreign entries, 89,580 net tons; American entries and clearances, none; saving to foreign shipping (6 cents per ton), about $5,400.

3. *Copenhagen.*—Foreign entries from Denmark, 91,275 net tons; no American entries or clearances; saving to foreign shipping (6 cents per ton), about $5,400.

4. *Greytown, Nicaragua; islands of Montserrat and Guadeloupe, West Indies.*—Entries inconsiderable and not separately stated, but mostly foreign.

5. *Province of Ontario.*—Entries not separately stated. Total tonnage entries for Quebec (taxable), Ontario (exempt), and Manitoba (taxable), foreign, 3,002,266; American, 2,590,604 (rate, 3 cents for five entries a year). Value of exemption can not be stated. The actual tonnage taxes collected at lake ports on vessels from the Province of Quebec during the fiscal year 1904 was $8,829.36. The exemption of vessels from Ontario, accordingly, did not much, if any, exceed $24,000, divided about equally between American and foreign vessels.

6. *Republic of Panama.*—Vessels from the City of Panama bound to American ports on the Pacific practically without exemption stop at intermediate Central American or Mexican ports, and thus become subject to the tax at present. On the Atlantic side trade is conducted chiefly by our new Government merchant fleet of steamers. Panama, however, so far as this bill is concerned, is not of immediate consequence, as under the treaty Congress will doubtless define precisely the status of the Canal Zone as nonforeign, if not fully American.

The present importance of the bill rests on the possibility of British action. In order to obtain the reciprocal privilege a bill to abolish British light dues failed in 1903 by the close vote of 103 to 114. A similar bill on January 14, 1904, passed the House of Commons by a vote of 66 to 62, but the Government prevented its passage by the House of Lords. It is reasonably probable that in a short time British light dues will be repealed for the benefit of British shipping both at home and in the United States through exemptions from tonnage dues due to the acts to be repealed.

The bill also repeals section 4232 of the Revised Statutes, reading:

"The mail steamships employed in the mail service between the United States and Brazil shall be exempt from all port charges and custom-house dues at the port of departure and arrival in the United States if, and so long as, a similar immunity from port charges and custom-house dues is granted by the Government of Brazil."

As there have been no American mail steamers in trade with Brazil for some years, the law has long been a dead letter. Should it be revived by the establishment of an American mail line under the most favored nation clause other nations, under like conditions, might claim the right to the exemption proposed to be repealed.

The passage of the bill has been recommended in reports of the Commissioner of Navigation for some years past, and the Department concurs in the recommendation.

Respectfully, V. H. METCALF, *Secretary.*

CAPT. EJNAR MIKKELSEN.

Mr. GALLINGER. From the Committee on Commerce I report back favorably without amendment the bill (S. 4954) authorizing Capt. Ejnar Mikkelsen to act as master of an American vessel, and I submit a report thereon.

Mr. FRYE. The bill is only about five lines long, and there can not possibly be any objection to it. The Geographical Society proposes to make investigations in the Antarctic Sea, and they want this captain, who has filed his intention to become an American citizen, but can not complete his citizenship before the ship will be obliged to sail. They desire to have this man sail on a particular ship, and that ship alone, to the Antarctic Sea.

The VICE-PRESIDENT. The bill will be read for the information of the Senate.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It authorizes Capt. Ejnar Mikkelsen to act as master of any vessel of the United States purchased by him while on an expedition in her to the Beaufort Sea, any act of Congress to the contrary notwithstanding.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MISSISSIPPI RIVER DAM.

Mr. NELSON. I am directed by the Committee on Commerce, to whom was referred the bill (H. R. 15649) extending the time for the construction of the dam across the Mississippi River authorized by the act of Congress approved March 12, 1904, to report it favorably without amendment, and I ask for its present consideration. It is a very short bill.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It provides that subject to all the other provisions contained in the act of Congress entitled "An act permitting the building of a dam across the Mississippi River between the counties of Wright and Sherburne, in the State of Minnesota," approved March 12, 1904, the time limitation for the construction and completion of the dam authorized by the act shall be extended until December 31, 1908.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

REGULATION OF RAILROAD RATES.

Mr. TILLMAN. What is the order of business, Mr. President?

The VICE-PRESIDENT. Reports of standing or select committees.

Mr. TILLMAN. I can not present it as the report of a committee because it is not a regulation matter. I wish to submit a report which embodies my own opinions on the rate-regulating bill and also in connection therewith the views of the Senator from Nevada [Mr. NEWLANDS]. I present it and ask that it may be printed.

Mr. ALDRICH. Are the Senator's own views very long?

Mr. TILLMAN. No, sir; not very long.

Mr. ALDRICH. I suggest that they might be read.

Mr. TILLMAN. While I feel complimented that the Senator from Rhode Island should wish to hear my views, I think it probably would be better to have them printed, and then if Senators wish to take any interest in the matter they could follow it by having printed copies.

Mr. ALDRICH. I have naturally had, as a member of the committee, a great deal of curiosity about the Senator's personal views on the bill. I am very much interested in his present attitude with reference to the measure. Therefore I thought perhaps the Senate might desire to hear the paper read.

Mr. TILLMAN. I am perfectly willing to have it read.

Mr. ALDRICH. But if the Senator prefers to have it printed, I withdraw my suggestion.

Mr. TELLER. Let us have it read.

Mr. PATTERSON. Let it be read.

Mr. TILLMAN. Senators seem to wish to hear it. I have no objection to have it read and go into the RECORD.

The VICE-PRESIDENT. The Secretary will read the views submitted by the Senator from South Carolina.

The Secretary read as follows:

Mr. TILLMAN, having reported from the Committee on Interstate Commerce House bill 12987 without amendment, submits his views thereon as follows:

The peculiar circumstances under which this bill was reported to the Senate from the Committee on Interstate Commerce make it a difficult and somewhat embarrassing task to write a report upon it.

Instead of being amended in committee, as is usual, so as to command the indorsement and support of a majority of its members, the bill was brought into the Senate in a form not entirely satisfactory to more than two members. Party lines in the committee were broken down and the bill is in the Senate by reason of the union of five members of the minority party and three members of the majority party in Congress who concurred in reporting it favorably; and while these eight Senators are agreed as to the general purpose and scope of the bill, there are radical differences among them as to the amendments that ought to be incorporated in it to make it fully adequate to meet the demands of the business interests of the country at this time.

This lack of harmony among the supporters of the bill—it would be speaking with more accuracy to say the supporters of the policy involved in the bill—brings about the anomalous situation in which a member of the minority party in Congress is put in charge in the Senate of proposed legislation which is generally regarded throughout the country as the cherished scheme of the President, with whose general policy and principles that member is not in accord. At the same time the bill is designed to carry into effect his own long-cherished convictions and the thrice-reiterated demands of the party to which he belongs.

This condition is without precedent in our legislative history, and brings into prominence the fact that the proposed legislation is nonpartisan, and this is emphasized by the further fact that this specific bill received the unanimous support of the minority party, and only lacked seven votes of a unanimous indorsement of both parties at the other end of the Capitol. It therefore follows, if events shall prove that this measure has broken down party lines in both branches of Congress, that the conclusion will be almost inevitable that it will be framed so as to accomplish the results intended or claimed to be intended by both parties, and to this end Democrats and Republicans alike should bend all their energies and lend all that is best in them to perfecting and passing so important a piece of legislation.

There is undoubtedly a widespread demand for immediate action by Congress along this line, and the clamor for action which has been gathering force for several years is now such as to threaten a very cyclone of passionate resentment should the representatives of the people in the House and of the States in the Senate fail in any essential particular to give that relief to the country which is so earnestly demanded. Woe be unto that member of the Senate or of the House whose work in formulating this legislation shall be that of a timeserving politician without earnestness or honesty of purpose and who shall seek to belittle the question or kill the bill by subterfuge and deception. The people want the railroads regulated. The Constitution gives the power to regulate the railroads to Congress. There are many wrongs to right, many grievances to redress, and a great opportunity for beneficent legislation.

The bill as it comes to us from the House is loosely worded and capable of different interpretations, as shown by the debate already had upon it. The subject is complex and deals with one of the most, indeed the most, important matter that affects the industrial development and progress of the nation. The House has sent us a bill which many Senators believe is inadequate. It is the duty of the Senate to take it in hand and make such amendments to it as shall produce the best possible law and relieve the distress and wrong the existence of which no one will deny. In what has already been said and what shall follow the Senator in charge of the bill can claim to give expression to no opinion except his own.

THE PRESIDENT'S ATTITUDE.

The object sought to be obtained by this proposed legislation can be best outlined in the language of the President in his last annual message to Congress:

"The immediate and most pressing need, so far as legislation is concerned, is the enactment into law of some scheme to secure to the agents of the Government such supervision and regulation of the rates charged by the railroads of the country engaged in interstate traffic as shall summarily and effectively prevent the imposition of unjust or unreasonable rates. It must include putting a complete stop to rebates in every shape and form. * * *

"The first consideration to be kept in mind is that the power should be affirmative and should be given to some administrative body created by the Congress. * * *

"In my judgment, the most important provision which such law should contain is that conferring upon some competent administrative body the power to decide, upon the case being brought before it, whether a given rate prescribed by a railroad is reasonable and just, and if it is found to be unreasonable and unjust, then, after full investigation of the complaint, to prescribe the limit of rate beyond which it shall not be lawful to go—the maximum reasonable rate, as it is commonly called—this decision to go into effect within a reasonable time and to obtain from thence onward, subject to review by the courts. * * *

"A heavy penalty should be exacted from any corporation which fails to respect an order of the Commission. I regard this power to establish a maximum rate as being essential to any scheme of real reform in the matter of railway regulation. The first necessity is to secure it, and unless it is granted to the Commission there is little use in touching the subject at all."

The bill as it is presented to the Senate is the bill that was reported to the House by its Committee on Interstate Commerce and passed by that body without amendment, and it is generally supposed to embody the well-digested views of the Executive and those leaders of his party whose advice he consents to take. There are in it some essential changes of the original interstate-commerce law—the act of 1887. These are designed to place under the jurisdiction of the Commission all switches, terminal facilities, private car lines, elevators, and any and all other facilities for transportation or shipment or storing merchandise, in order to prevent the public carriers from utilizing such instrumentalities for purposes of discrimination or extortion. These amendments to the old law by those who have examined the question closely have been thought necessary to secure the best possible regulation of interstate commerce in a manner to prevent injustice and wrong to shippers.

Another important amendment is the extension of the time required for a change in rates from ten to thirty days' public notice, the requirement to be subject to modification by the Commission for good cause shown.

For information as to the parliamentary history of the bill in the House of Representatives and generaly concerning the subject discussed reference is made to the House report made by Mr. HEPBURN, from the Committee on Interstate and Foreign Commerce (Report No. 591, Fifty-ninth Congress, 1st session).

THE VITAL QUESTION.

The most radical change proposed in the new legislation is to be found in section 15, in which power is sought to be vested in the Commission "after full hearing upon a complaint made to determine and prescribe what will in its judgment be the just and reasonable and fairly remunerative rate" "to be thereafter observed in such case as the maximum to be charged," and to make an order that the same shall go into effect and remain in force for three years, which order shall "go into effect thirty days after notice to the carrier and shall remain in force and be observed by the carrier, unless the same shall be suspended or modified or set aside by the Commission, or be suspended or set aside by a court of competent jurisdiction."

Around the first provision the most earnest and exciting contention has arisen and there is great difference of opinion as to the scope of this clause and the executive powers of the Commission under it. On the one hand, it is claimed most positively that Congress can not delegate its powers to the Commission and thus authorize it to fix a rate, while on the other hand it is asserted with equal earnestness and force that this power is indisputable. Whatever may be the results of this discussion in the Senate if the bill becomes a law the final determination of the question at issue must be made by the Supreme Court. The friends of the proposed legislation feel no uneasiness on this point, but in addition there remains the equally great difference of opinion and even greater solicitude upon the question of judicial review.

For the purposes of this report the two contending ideas may be briefly considered. The friends of the proposed legislation are equally earnest with its opponents in desiring to throw every protection around the billions of capital invested in railways of the United States. There is no purpose or desire anywhere to deprive them of the fullest protection of the law or to oppress them in any way. At the same time the cries of the people are most emphatic in demanding relief for producers and shippers against injustice and wrong through oppressive rates and discrimination. It is the duty of Congress to hold an even balance between these conflicting and contending interests.

The friends of the railroads demand the suspension of the remedial order of the Commission pending judicial investigation, while the friends of the producers and shippers strenuously object to such a suspension. It is contended by the former that Congress can not limit the jurisdiction of the circuit courts, and that the right to issue an injunction suspending the rate fixed by the Commission is inherent in those tribunals. On the other hand, it is asserted with equal emphasis that the power to create all courts, other than the Supreme Court, rests alone in Congress, and that such courts being statutory are necessarily limited in their scope and power by the authority which creates them.

I myself incline most confidently to this latter view and have not the slightest doubt that it is possible to properly amend this bill so as to prohibit the circuit courts from interfering with the orders of the Interstate Commerce Commission by any interlocutory order. As has already been observed in connection with the power to fix rates, this question also must be determined by the Supreme Court should the proposed law be enacted. Amendments may be proposed to more clearly define the method of making any court review, which amendments will serve the purpose of having the order of the Commission stand pending litigation.

The Senate must determine by its vote what shall be its attitude upon the questions of court review and interlocutory suspensions. The whole question at issue as to giving relief to the producing interests of the country revolves around this feature of the bill. If any decision of the Supreme Court shall declare that Congress is powerless to grant speedy relief through a commission, it needs no prophet to tell that an outburst of surprise and indignation will sweep over the country.

Perhaps the most notable feature of the pending controversy is the fact that for ten years the Interstate Commerce Commission exercised the very power which is sought to be restored to it, and it did this without anyone presuming to deny the authority of Congress in granting the power or to impugn the justice or wisdom of its exercise by the Commission. The act creating the Interstate Commerce Commission went into effect in 1887, and it was not until 1897 that the Supreme Court, in the case of the Interstate Commerce Commission *v.* Cincinnati, New Orleans and Texas Pacific Railway Company (167 U. S., 479), decided that Congress had not granted to the Commission the power to fix remedial rates.

The original act was the result of long-continued contention on the part of the shippers and producers that they were being oppressed by the railroads, and the demand for relief culminated in such legislation. It is nine years since the decision of the Supreme Court practically repealed the law by so emasculating it that it has since been of little or no use to the people. If it was necessary in 1887, how much more necessary is it now. Let a brief comparison of conditions then and now illustrate:

NECESSITY FOR LEGISLATION.

In 1890 the railroads of the country had as follows:

| | |
|---|---|
| Mileage | 163,597 |
| Capitalization | $8,984,234,616 |
| Gross annual earnings | $1,000,000,000 |

In 1904 they had the following:

| | |
|---|---|
| Mileage | 212,243 |
| Capitalization | $13,213,124,679 |
| Gross annual earnings | $1,975,174,091 |

Or, in round numbers:

| | Mileage. | Capitalization. | Gross annual earnings. |
|---|---|---|---|
| In 1890 | 164,000 | $9,000,000,000 | $1,000,000,000 |
| In 1904 | 215,000 | 14,000,000,000 | 2,000,000,000 |

| | |
|---|---|
| Dividends in 1888 | $80,000,000 |
| Dividends in 1904 | $222,000,000 |
| Population in 1888 | 63,000,000 |
| Population in 1904 | 91,000,000 |

COMMUNITY OF INTEREST.

*Table showing "communities of interest," or steam-railroad groups of financiers controlling nearly 95 per cent of the vital steam-railroad lines and partial control of remainder.*

| Designation. | Number of corporations. | Mileage. | Capitalization. |
|---|---|---|---|
| Vanderbilt system | 132 | 21,888 | $1,169,196,132 |
| Pennsylvania system | 280 | 19,300 | 1,822,402,235 |
| Morgan system | 225 | 47,206 | 2,265,116,350 |
| Gould-Rockefeller system | | 28,157 | 1,368,877,540 |
| Harriman-Kuhn-Loeb system | 85 | 22,943 | 1,321,243,711 |
| Moore, or Rock Island system | 91 | 25,092 | 1,070,250,939 |
| | | 164,586 | 9,017,016,907 |
| New England system | 7 | 5,532 | 2,982,983,093 |
| Nominally independent and smaller systems | | 33,968 | |
| Total in 1902 | | 204,086 | 12,000,000,000 |
| Total in 1906 | | 215,000 | 14,000,000,000 |

These figures are taken from a book about trusts, written by Mr. John Moody in 1904. The following additional extracts are taken therefrom (pp. 441–442):

"We see therefore that the total vital railway mileage of this country amounts to about 177,721 miles. Of this, the six groups or 'communities of interest,' control directly 164,556 miles. They dominate and partially control the balance of 13,165 miles, and it is evidently only a question of two or three years when they will absorb most of the latter. The statement, therefore, that the 'communities of interest' dominate by direct control nearly 95 per cent of the vital railway mileage of the country is shown to be literally true. Furthermore they indirectly dominate and bid fair shortly to directly dominate the remaining 5 or 6 per cent of vital mileage, and they will also ultimately absorb or wipe out most of the 25,779 miles of small disconnected or more or less unprofitable lines.

"But there is a further fact to be noted. Not only is this enormous percentage of railway property dominated by these six groups, but these groups themselves are in many important ways linked one to the other, and the various interests which control them overlap, as it were, into each other's group or circle. In fact, the six groups, with the 'independent' allied lines, are really banded together by the closest of commercial and industrial ties. There are elements in every group which are also parts of other groups. Thus the dominating men in the Morgan group are also important factors in the Gould, Pennsylvania, and the Moore groups, and the Rockefeller-Gould interests are represented to a greater or less degree in every group and also in most of the 'independent' allied lines.

"The whole aggregation thus makes up a gigantic 'community of interest' or railroad trust, being allied together by most remarkable and intricate ties of interdependence and mutual advantage. While nominally controlled and operated by nearly 2,000 corporations, the steam railroads of the country really make up a mammoth transportation trust which is dominated by a handful of far-seeing and masterful financiers.

"The financiers who are at the head of and entirely dominate this railroad trust are J. Pierpont Morgan, John D. and William Rockefeller, W. K. and F. W. Vanderbilt, George J. Gould, A. J. Cassatt, James J. Hill, Edwin Hawley, H. H. Rogers, August Belmont, Thomas F. Ryan, and W. H. and J. H. Moore.

"Not only do these financiers dominate their respective groups, but, as stated above, the most important of them, such as Rockefeller, Morgan, Harriman, Gould, and Vanderbilt, are interested in and more or less dominate all the groups, and in this way knit together the entire railroad system of the country into this greater 'community' or 'trust.' The superior dominating influence of Mr. Rockefeller and Mr. Morgan is felt in greater or less degree in all of the groups."

Following up ever so briefly the line of thought suggested by this narrative the following impressive fact is presented for serious consideration: The gross earnings of the railroads are, in round numbers, $2,000,000,000. Their net earnings are $700,000,000.

It will thus be seen that once a year every dollar in circulation in the United States passes through the hands of the railroads, while once in three years every dollar in the United States becomes a part of their net earnings, and these net earnings equal in amount annually the entire expenditures of the United States Government. It is small wonder that, with such princely revenues, the most brilliant legal minds of the country are at their command to conduct legislation, to frame laws and to secure their passage through legislatures and Congress, and to exercise such an overmastering influence over the judiciary and executive departments, both of the States and nation, that the average citizen is almost driven to believe that the fight is hopeless and that the Government, instead of controlling the railroads, is controlled by them, and that the liberties of the people, to say nothing of their rights are in jeopardy.

It is a struggle between the actual man and the artificial man represented in the corporation; it is a struggle between man and money; it is a struggle between citizenship and capital. The final outcome will determine whether or not the people are really capable of self-government and can maintain and transmit to their posterity the priceless heritage that we have had handed down to us by our ancestors. For long years the people have waged an unequal contest, and for the most part they have been indifferent to the vital natures of the issues involved.

Many of the great newspapers of the country are owned outright by the captains of industry, who, through the manipulations of these great properties, the issue of watered stock not representing any real or honest investment, and the enjoyment of monopolies that have grown up under the fostering care of Congress, have accumulated such vast fortunes that the multimillionaires, in a few instances, are grown almost to billionaires. It is impossible to deny that this great accumulation of wealth in the hands of the few is such a menace to liberty that the honest patriot stands appalled by the outlook.

With the control of the press in many cases that great instrumentality is used to befog the issue, to deceive and mislead the people, and to create confusion in the minds of the laboring masses. Once let the people understand and know what is being done and how it is being done, a remedy will be sure and swift, and the wrongdoer will be punished, however many millions he may have stolen.

OVERCAPITALIZATION.

Equally impressive will be an examination, however brief, of the capitalization per mile of the railroads in 1886 and the capitalization in 1906. Startling facts call for explanation if it can be had. Making all due allowances for the natural increase in value of terminals located in large cities, permanent improvements in which the earnings of the roads have been invested, and every other reasonable increase in value of these great properties during twenty years, it is impossible not to reach the conclusion that there has been an immense amount of overcapitalization deliberately planned and carried out for a specific purpose; and that purpose can be no other than the foisting on the people of railroad securities which have no actual value and the only motive for whose creation and sale was to add to the gains of a coterie of multimillionaires, whose energies are now directed toward compelling the business interests of the country to "make good" by increasing the earnings of the roads with a view to paying dividends upon this fictitious valuation of the properties.

The process is well understood. The controlling element represented in the board of directors of a given railroad property meets and determines to issue more stock or more bonds, the pretense being that it is for the purpose of betterments. These are sold to the investing public at the highest price they will bring, and a large percentage of the proceeds are quietly pocketed by the inner circle of the managers, while the railroad is lucky if one-half is spent for the purpose for which they were said to be issued. The market is manipulated up or down to suit the purposes of these managers and the confiding people who have bought them as investments are in the end induced to sell their holdings at a much lower price than they paid, so that there is every opportunity under the loose legislation on this subject, or the entire lack of it in most instances, for the robbery of the masses.

This system of juggling with railroad properties has been going on for years, and all the while the real ownership and control of the transportation interests of the country have been getting into the hands of an ever-lessening number of rich men, men so rich that they do not know within a score of millions how much they own or, more properly speaking, how much they have seized from the people.

There is one question which this phase of the subject brings into great prominence and importance, and that is the relation to Congress of the increase in capitalization; whether it is the purpose of Congress to compel the business industries, for whose benefit the railroads were primarily built, to pay not dividends upon the real value of these properties, but on the fictitious value which has been sought to be placed upon them by the increased capitalization.

FAIRLY REMUNERATIVE RATE.

There is a dangerous provision in this bill which, in my judgment, ought to be stricken out, and that is in section 15, where the Interstate Commerce Commission is told "to determine and prescribe what will, in its judgment, be the just and reasonable and fairly remunerative rate," etc. The last words are too elastic and ambiguous and can be construed to mean too much that it would be harmful and dangerous for Congress to enact into a law. "Fairly remunerative rate" on what; the actual value or the fictitious value of the properties? Are railroads which now pay no dividends because of the immense amounts of watered stock to be allowed to compel the producers who use their lines to pay a dividend on the excessive capitalization? Is Congress willing to lend itself to the schemes of the railroad magnates who have brought about this condition wherein they levy tribute on the business industries of the country and compel the payment of the pound of flesh?

Every honest man is willing to treat the railroads justly and fairly, but are not the people entitled to be treated justly and fairly, too? Are we to be driven in the end to government ownership of these great highways of commerce in order to relieve the people from an intolerable condition? It is urged by some that it is too late to save the country from the consequences of this policy of spoliation; that thousands of millions of dollars of railroad securities and bonds are in the hands of innocent purchasers, and that it would be unjust to these purchasers to have their property destroyed or its value greatly reduced by legislation along this line; but it seems to me that this plea is untenable.

There can be no justice in compelling the people as a whole to pay dividends on watered stock primarily for the purpose of increasing the fortunes of men already too rich. The poor dupes who have been led to invest their savings in such stocks can better afford to lose them than to have the labor of the country saddled with the burden of paying perpetual tribute in the shape of dividends on dishonest valuations.

VIEWS OF AN ENGLISH ARISTOCRAT.

In this connection it is well to quote the opinion of a distinguished English publicist and capitalist, the late Duke of Marlborough, in an article in the Fortnightly Review of April, 1891:

"There is nothing to control the amount of share capital a group of promoters may print. They print what they please, and they issue it as the public will buy it in the market on the speculation that it is going to receive a dividend, or that the voting value of the stock is worth so much for the purpose of obtaining a control of the system.

"There is, in fact, no limit to the power of a small ring in the United States who have succeeded in obtaining a control of one of the big through systems of communication; and the control once obtained, it is a simple question of time when they will be able to swallow up everything within their reach.

"The people who are really to be wondered at, however, are the citizens of the United States, who continue to permit such a gigantic political abuse as this American railway monopoly to grow up as it is doing in the hands of a group of gigantic capitalists in New York and other great towns of America; * * * that the American public, which prides itself on its democratic institutions, should have allowed this aristocracy to grow up in its midst, which is daily becoming infinitely more powerful and infinitely more dangerous than all the feudal aristocracies of Europe put together. It was easy to get rid of the European difficulty with the guillotine, as the French did, without tearing up the foundations of all social life in the country itself. In America this financial and railway aristocracy is slowly building itself into the very bone and sinew of the people, and it will be a very difficult twentieth-century problem to know how Congress is going to deal with the matter.

"No one who has been to America can fail to be struck with the vastness of the railway interest of that country. It represents the very life and lungs of trade, and at the same time is the predominant factor in preserving political unity of interests between States separated by thousands of miles of intervening plains, rivers, and moun-

tains. The management as well as the mismanagement of these vast systems is one of the marvels of that great continent.

"These systems must continue to grow to meet the wants of increasing population and the large centers of permanent industry and manufacture that exist everywhere. It must be noted, however, that the great main arteries of these systems are now permanently marked out. It will be practically impossible to make new main routes, except at fabulous cost, with approaches to the coast. The strategical positions are seized and occupied, and whoever can possess himself to-day of a controlling interest in a main through route and allied feeders across the great central basin of the Northern States can not be deprived of a gigantic monopoly in the present and in the future."

The farseeing vision of this English aristocrat has drawn us a picture of present conditions that is startling and almost appalling. The problem has ripened much faster than even he considered it possible, and we of this Congress are brought face to face with the settlement of the question. It may not be possible at once to give the full measure of relief and to apply the remedy which is so urgently demanded, but we can take two long steps forward if we shall incorporate provisions in some legislation for compelling the fullest possible publicity in connection with all railroad expenditures and making it impossible for the conspirators, who are plotting to enslave the people, to issue stocks and bonds without value received. We must stop the printing presses from issuing fictitious shares.

All issues of railroad securities in the future on interstate-commerce railroads should be under the control of the Interstate Commerce Commission and there should be a speedy readjustment of capitalized values of these great arteries of commerce while protecting, as far as possible, the innocent holders of watered stock. It may be that these can not be protected under the law and that the holders of first-mortgage bonds and of preferred stock, who will be found in the end to be the multimillionaires who have perpetrated the scheme of injustice, will retain their advantage, while the poor dupes who have been led to buy the products of railway printing presses will lose what they have invested. Whatever else Congress does or fails to do, the producers of the country should be relieved from such danger of being compelled to make good the values of overcapitalized railroads as lurks in this innocent looking and plausible provision about "fairly remunerative rates."

THE WEST VIRGINIA SITUATION.

The necessity for granting, at some time, relief to producers and shippers in several important particulars not provided for in this bill may be wisely considered in connection with the pending discussion. There is no provision, except a most vague and indefinite one, for the anomalous and outrageous condition of affairs disclosed as existing in West Virginia. The letter of Governor Dawson of that State published in the CONGRESSIONAL RECORD of February 8 and the memorial of the Red Rock Fuel Company published in the RECORD of January 29, taken together, disclose a situation that is almost beyond belief. The railroads have seized on the vast mineral wealth of the State in its extensive coal fields and have created a monopoly in that prime necessity of life, fuel.

Landowners who wish to mine and ship their coal are denied access to market, while the roads themselves are engaged extensively in mining and shipping coal; and when private individuals or companies seek to develop their coal lands and send their product to market the railroads deny or refuse to grant them the privilege of engaging in interstate commerce. In the case of the Red Rock Fuel Company physical connection was refused. They would not permit this coal-mining company to join its track with a switch to the track of the Baltimore and Ohio Railroad and thus obtain an outlet. In other cases mines have had to shut down because of the denial of cars by the railroads. The coal output, in effect, is controlled absolutely by the railroads in their own interest, and in the case of this particular State the infamy of the situation is aggravated by the fact, which is practically proven, that the three railroad systems entering West Virginia are controlled by an outside road, the Pennsylvania.

There are many other instances in which the proof has been furnished of even more outrageous abuse of power than in the instance cited of the Red Rock Fuel Company case. Where connections between the mines of private companies were already in existence under arrangements made some years ago, the tracks have been torn up, and virtual confiscation of the property is threatened. Vested with the rights of eminent domain to construct their lines and granted liberal franchises and charters, the railroads, designed to be public carriers for the benefit of the whole people, in the last few years have become rapidly transformed into the veriest band of robbers—highwaymen who do not thrust their pistols in the faces of their victims and demand money or their lives, but who levy tribute in freight rates which are as high as the traffic will bear, deny access to market, monopolize with brazen effrontery one of the prime necessaries of life—coal—and in every way show their absolute contempt for the people and the people's rights.

The condition of affairs in West Virginia is even worse in Pennsylvania, and from every part of the country come reports that the railroads have practically already obtained control of almost all the coal lands, and where they have not bought the land itself they have obtained mineral leases and are rapidly carrying out the scheme of monopolizing the fuel supply of 85,000,000 people. In Pennsylvania it is charged that they have for years controlled absolutely the State government, and they snap their fingers in contempt at any and every effort to enforce the law and the constitution which prohibits the ownership of coal mines by public carriers. It will be a task of immense difficulty to undo the incalculable mischief and wrong that has already been done.

The plea of vested rights and the complications from the secret transfers, the purchase by holding companies and trust companies, the ramifications of partnerships and of trusteeships, and of other subtle agencies contrived by hundreds of the best legal minds in the country, whose services are at the command of these gigantic corporations, will require firmness, perseverance, and patience by Congress to grant relief from existing conditions and safeguard the public interests in the future. It is our bounden duty to amend this bill so as to compel every public carrier to give the freest possible access to market to every producer who wishes to engage in interstate commerce.

We should incorporate an amendment in the bill which will compel all railroads to make connections with any and every other railroad, public or private, and grant just and fair traffic arrangements, so as to put every producer upon an equal footing with every other producer. There should also be a provision incorporated in this bill to divorce absolutely the business of transporting freight as a public carrier and the business of producing freight to be transported. The temptation to discriminate against competitors on the part of a public carrier is too great, and it stands to reason that a producer who controls the means of transportation to market at the same time will discriminate against and will in the end destroy every competitor who is in the same business with him.

DIVORCE PRODUCTION AND TRANSPORTATION.

Inasmuch as the railroads are creatures of the State, brought into being for a specific purpose, the public welfare demands that they shall be compelled to confine their operations and content themselves with pursuing the legitimate business for which they were created and not monopolize and destroy the interests which they were made to serve. It therefore appears to me as a matter of transcendent importance and necessity that no public carrier engaged in interstate commerce shall be allowed to produce and transport any article for sale. Where a railroad owns coal lands it may and should be permitted to mine the coal which it itself consumes, but that is as far as it should be allowed to go.

In concluding this imperfect presentation of my views on this all-important subject I wish to speak a word of caution to the friends of the proposed legislation. Our full expectations may not be realized at the present session of Congress. The opponents of effective legislation are alert, have had large experience, and are thoroughly organized.

The demand of the people for relief from the oppressions and wrongs they now endure may be thwarted by the great influence of the railroad corporations. This influence has hitherto been paramount, and its representatives in the two Houses may feel that it is safe to refuse to redress the grievances and to continue the policy of noninterference. They may ignore popular clamor and either pass no bill at all or enact one that will prove wholly inadequate. They may palter with us in a double sense;

"Keep the word of promise to our ear
And break it to our hope."

Such action on their part will, in my judgment, be very unwise, and will only dam up the water. The issue will be made the paramount one in the next election, and those who are responsible for delay or inadequate legislation will find that when at last the flood gates of popular wrath and indignation are hoisted there will be some fine grinding done. If those most interested in these great properties will not consent to wise legislation to relieve the distress of the people there is danger of more radical policies and leaders coming to the front, with the result that legislation far more drastic and dangerous than anything proposed in this bill and the amendments to be offered will be enacted.

Mr. LODGE. May I ask the Senator from South Carolina how many members of the Committee on Interstate Commerce have united in the report which has just been read?

Mr. TILLMAN. I have not asked any of them to unite in it, and have stated in the report that it is my own individual report.

Mr. LODGE. I was not sure that I understood it.

Mr. TILLMAN. I have no right to report for the committee, because of the peculiar conditions which are explained in the report itself.

The VICE-PRESIDENT. The views of the Senator from South Carolina will be printed among the reports, and numbered.

Mr. TILLMAN. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the unfinished business, being the bill in relation to the regulation of railroad rates. The Senator from Minnesota [Mr. NELSON] is waiting to proceed.

Mr. GALLINGER. The Senator will allow us to conclude the morning business?

Mr. TILLMAN. Certainly; of course. I will withhold the request for the present.

The VICE-PRESIDENT. The introduction of bills and joint resolutions is in order.

BILLS INTRODUCED.

Mr MORGAN introduced a bill (S. 5115) for the relief of John Thomas Wightman; which was read twice by its title, and referred to the Committee on Claims.

Mr. WARREN introduced a bill (S. 5116) granting a pension to Georgie K. Schofield; which was read twice by its title, and referred to the Committee on Pensions.

Mr. McCREARY introduced a bill (S. 5117) granting an increase of pension to James T. Goode; which was read twice by its title, and referred to the Committee on Pensions.

Mr. GALLINGER introduced a bill (S. 5118) for the prevention of scarlet fever, diphtheria, measles, whooping cough, chicken pox, epidemic cerebro-spinal meningitis, and typhoid fever in the District of Columbia; which was read twice by its title, and, with the accompanying papers, referred to the Committee on the District of Columbia.

He also introduced a bill (S. 5119) authorizing the extension of W and Adams streets NW.; which was read twice by its title, and, with the accompanying papers, referred to the Committee on the District of Columbia.

Mr. DILLINGHAM introduced a bill (S. 5120) to give the Court of Claims jurisdiction to hear and determine claims for the payment of medical expenses of sick officers and enlisted men of the Army while absent from duty with leave or on furlough; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. DRYDEN introduced a bill (S. 5121) granting an increase of pension to James H. Haman; which was read twice by its title, and referred to the Committee on Pensions.

Mr. ELKINS introduced a bill (S. 5122) authorizing a sur-

vey of the Ohio River at Cincinnati, Ohio, for the purpose of establishing an ice harbor; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 5123) granting an increase of pension to Lucretia L. Flick (with accompanying papers);

A bill (S. 5124) granting a pension to Jacob Plybon; and

A bill (S. 5125) granting an increase of pension to Nancy A. E. Hoffman.

Mr. ELKINS introduced a bill (S. 5126) for the relief of Abraham Currance; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

He also introduced a bill (S. 5127) for the relief of Parker Burnham; which was read twice by its title, and referred to the Committee on Claims.

Mr. SIMMONS introduced a bill (S. 5128) granting a pension to Levi Buckner; which was read twice by its title, and referred to the Committee on Pensions.

Mr. KNOX introduced a bill (S. 5129) to remove the charge of desertion from the military record of Alexander Todd, and grant him an honorable discharge; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. WARNER introduced a bill (S. 5130) for the relief of George W. Ratcliff; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. LODGE introduced a bill (S. 5131) incorporating the Archæological Institute of America; which was read twice by its title, and referred to the Committee on Foreign Relations.

Mr. LA FOLLETTE introduced a bill (S. 5132) providing an appropriation for enlarging the Government building at Sheboygan, Wis.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

He also introduced a bill (S. 5133) to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon; which was read twice by its title, and referred to the Committee on Education and Labor.

Mr. CARTER introduced a bill (S. 5134) to change the name of Sixteenth street NW., in the city of Washington, D. C., to Executive avenue; which was read twice by its title, and referred to the Committee on the District of Columbia.

AMENDMENTS TO BILLS.

Mr. ANKENY submitted an amendment proposing to appropriate $1,500,000 to carry into effect the agreement of May 9, 1892, between Indians residing on the Colville Indian Reservation and the commissioners appointed by the President of the United States, relative to the cession of that portion of the Colville Reservation as the Indians might be willing to dispose of, etc., intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. FORAKER submitted four amendments intended to be proposed by him to the bill (H. R. 12987) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission; which were ordered to lie on the table, and be printed.

Mr. CARTER submitted an amendment proposing to appropriate $360 to reimburse Claude Hough for services performed and expenses incurred as stenographer and clerk for the Louisiana Purchase Exposition Commission, intended to be proposed by him to the legislative, etc., appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

He also submitted an amendment proposing to appropriate $30,000 for the purchase of heifers and bulls for the Indians on the Northern Cheyenne Indian Reservation, Tongue River Agency, Mont., etc., intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

He also submitted an amendment proposing to appropriate $11,000 for the erection of a guardhouse at Fort Keough, Mont., and also $110,000 for the erection of two double barracks at Fort Keough, Mont., intended to be proposed by him to the Army appropriation bill; which was referred to the Committee on Military Affairs, and ordered to be printed.

REPORT OF VENEZUELAN-FRENCH ARBITRATION.

Mr. DILLINGHAM submitted the following concurrent resolution; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Printing:

*Resolved by the Senate (the House of Representatives concurring),* That there be printed and bound 1,100 copies of the report of the recent Venezuelan-French arbitration, Hon. Frank Plumley, of Vermont, umpire, prepared by Jackson H. Ralston; 200 copies of which shall be for the use of the Senate, 400 for the use of the House of Representatives, and 500 for the use of the Department of State.

ENGAGEMENT AT MOUNT DAJO, ISLAND OF JOLO.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States; which was read:

*To the Senate and House of Representatives:*

I have received the following letter from the Secretary of War, respecting the recent attack by troops of the United States on Mount Dajo:

WAR DEPARTMENT,
*Washington, March 13, 1906.*

MY DEAR MR. PRESIDENT: The account of the engagement on Mount Dajo, on the island of Jolo, between our forces and a large band of Moro robbers, in which the fighting lasted for three or four days, showed such a large loss among the Moros as to give rise in a part of the public press to the criticism that there had been a wanton destruction by our troops of Moro lives, including those of women and children. Inquiries were made of me by members of the Senate and House of Representatives in respect to the matter. Accordingly I yesterday directed that the following telegram be sent to General Wood:

"It is charged that there was a wanton slaughter of Moros—men, women, and children—in the fight in Jolo at Mount Dajo. I wish you would send me at once all the particulars in respect to this matter, stating exact facts."

General Wood's answer came to-day. It seems to me to show most clearly that the unfortunate loss of life of the men, women, and children among the Moros was wholly unavoidable, in view of their deliberate use of their women and children in actual battle and their fanatical and savage desire that their women and children should perish with them if defeat were to come. They seem to have exhibited in this fight the well-known treachery of the uncivilized Mohammedan when wounded of attempting to kill those approaching for the purpose of giving aid and relief. General Wood's dispatch is as follows:

"THE MILITARY SECRETARY, *Washington:*

"In answer to Secretary of War's request for information March 12, I was present throughout practically entire action and inspected top of crater after action was finished. Am convinced no man, woman, or child was wantonly killed. A considerable number of women and children were killed in the fight—number unknown, for the reason that they were actually in the works when assaulted, and were unavoidably killed in the fierce hand to hand fighting which took place in the narrow inclosed spaces. Moro women wore trousers and were dressed, armed much like the men, and charged with them. The children were in many cases used by the men as shields while charging troops. These incidents are much to be regretted, but it must be understood that the Moros, one and all, were fighting not only as enemies but religious fanatics, believing Paradise to be their immediate reward if killed in action with Christians. They apparently desired that none be saved. Some of our men, one a hospital steward, were cut up while giving assistance to wounded Moros by the wounded, and by those feigning death for the purpose of getting this vengeance. I personally ordered every assistance given wounded Moros and that food and water should be sent them and medical attendance. In addition friendly Moros were at once directed to proceed to mountain for this purpose. I do not believe that in this or in any other fight any American soldier wantonly killed a Moro woman or child, or that he ever did it except unavoidably in close action. Action was most desperate, and was impossible for men fighting literally for their lives in close quarters to distinguish who would be injured by fire. In all actions against Moros we have begged Moros again and again to fight as men and keep women and children out of it. I assume entire responsibility for action of the troops in every particular, and if any evidence develops in any way bearing out the charges will act at once.

"WOOD."

Very sincerely, yours,

WM. H. TAFT.

The PRESIDENT.

I have made reply as follows:

"THE WHITE HOUSE,
"*Washington, March 14, 1906.*

"MY DEAR MR. SECRETARY: I have received your letter of March 13, with accompanying cable of General Wood answering your inquiry as to the alleged wanton slaughter of Moros. This answer is, of course, entirely satisfactory. The officers and enlisted men under General Wood's command have performed a most gallant and soldierly feat in a way that confers added credit on the American Army. They are entitled to the heartiest admiration and praise of all those of their fellow-citizens who are glad to see the honor of the flag upheld by the courage of the men wearing the American uniform.

"Sincerely, yours,

"THEODORE ROOSEVELT.

"Hon. WM. H. TAFT,
"*Secretary of War.*"

THEODORE ROOSEVELT.

THE WHITE HOUSE, *March 15, 1906.*

The VICE-PRESIDENT. The message will be printed and referred to the Committee on the Military Affairs.

Mr. CULBERSON. Mr. President, the message relates to the general subject of the resolution adopted by the Senate yesterday. I desire to ask if there has been any response to that resolution?

The VICE-PRESIDENT. The only messages received have been laid before the Senate.

Mr. CULBERSON. The resolution is directed to the Secretary of War and not to the President. There may have been an answer from the Secretary of War. At least, I desire to ask if there has been any?

The VICE-PRESIDENT. No answer has been received.

Mr. BACON. Mr. President, referring to the inquiry made by the Senator from Texas as to the paper read from the desk,

which the Chair correctly states to be a message from the President, it occurs to me that that could not be intended as a reply to the direction which was made to the Secretary of War, for the reason that if such were the case there would be a very grave omission in the information sought to be obtained. As I understand the resolution which was adopted by the Senate, introduced by the Senator from Texas, it related to all the circumstances which attended this occurrence, which can not be characterized otherwise, in the mildest language, than as most unfortunate and most regrettable; and the particular thing which it seems to me the Senate would desire to know would be what was the occasion for this unfortunate massacre of men, women, and children.

So far as concerns any information conveyed to us through the press, there has been nothing tending to show what was the provocation on the part of these people which led to this wholesale slaughter—and I use this language, Mr. President, which under other circumstances might be considered extreme, because we are told in the press that none escaped, and when none escaped, regardless of age, sex, or participation, it can not be correctly designated, whether justifiable or not, by any other language, certainly none less comprehensive, than the word "slaughter."

I think we are entitled to know whether it be true that there was provocation on the part of these people which justified this assault on the part of the American commander with his troops and this killing. If there was provocation for it, it is certainly proper that we should know it. Speaking for myself, in all candor and sincerity, I hope that the facts when known will show that there was provocation, and great provocation, which led to such extreme action on the part of the American commander.

Mr. LODGE. Mr. President, nothing has come from the scene of that action except the cables. The news that has appeared in the newspapers has been without exception from Manila, which is four or five hundred miles away. The only direct news has been conveyed in the cables which have been furnished by the War Department. The Secretary of War is absent in New York at this moment, I believe. I do not suppose there is any information that he could possibly give the Senate until enough time has elapsed to bring reports from the islands here. This long dispatch which has been read at the desk was a cable from General Wood, and I think it is the only full official account that has been received from the islands at all.

I have not the slightest question that as soon as the Secretary can have time to secure the information he will send it in as a matter of course, but until——

Mr. WARREN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Wyoming?

Mr. LODGE. Certainly.

Mr. WARREN. I wish to call the attention of the Senator to the fact that the resolution was introduced only yesterday.

Mr. LODGE. I know it was introduced only yesterday.

Mr. WARREN. And the Secretary of War was then absent.

Mr. LODGE. And the Secretary of War was then absent, and he is still absent.

Mr. CULLOM. The message does not make any pretense of being an answer to the resolution.

Mr. LODGE. It makes no pretense of being in answer to the resolution, and no answer can be made to the resolution until there is time to get the information from the islands. All we know about those islands in the past is that there have been bands of outlaws there and bandits who have devastated the islands in the time of the Spaniards and in our own time——

Mr. CULBERSON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Texas?

Mr. LODGE. I should like to finish my sentence.

And until we know the facts it seems to me it is just as well not to enter into a condemnation of the American soldiers and the American officers who have been charged with it. We know nothing direct, as a matter of fact, except the dispatch from General Wood, and when we do know the facts then it will be time enough to talk about massacres, if the facts justify it, which I do not believe for one moment they will.

Mr. CULBERSON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Texas?

Mr. LODGE. I am through.

Mr. CULBERSON. Mr. President, I simply desire to say, in answer to the suggestion of the Senator from Massachusetts, that that is exactly the purpose, and was the purpose, of the resolution—for the Senate to have the official correspondence, and have it before it when it undertook to consider the question presented. As a consequence, the resolution calls for copies of all official communications which have passed between the War Department and any officials of the United States in the Philippine Islands with reference to this subject. I do not assume even that all we see in the papers on the subject is correct, but the Senate is entitled to the official correspondence, and that is all the resolution seeks.

Mr. LODGE. No correspondence could have passed. There has not been time to get anything from the Philippines, except these cable dispatches.

Mr. CULBERSON. There have been official reports by cable of General Wood, commanding in the Philippine Islands, and there have been responses to those communications by the War Department, and copies of those are what we insist upon having under the resolution.

Mr. LODGE. Those have been printed, as I understand.

Mr. CULBERSON. That is all we desire.

Mr. SPOONER. Will the Senator from Texas allow me to ask him a question?

Mr. CULBERSON. Certainly.

Mr. SPOONER. Is there anything before the Senate which indicates the slightest indisposition on the part of the Secretary of War to comply fully with the Senate resolution which was passed yesterday upon this subject?

Mr. CULBERSON. Certainly not, Mr. President, and I observe from the question of the Senator that he, and I assume also that the Senator from Massachusetts, are laboring under a misapprehension as to my purpose, at least. I simply rose and stated that the message of the President referred to the same general subject covered by the resolution, and then I inquired if the Secretary of War had answered the resolution, and sat down. That is all I desired to know.

Mr. LODGE. In what I said, if the Senator will allow me, I was not replying to the Senator from Texas, whose inquiry was a perfectly proper one, and which inquiry I have no doubt will be answered the moment the Secretary of War returns from New York to the Department. He has not yet personally received it. My remarks were addressed——

Mr. CULBERSON. Very well.

Mr. LODGE. My remarks were addressed to the Senator from Georgia, who got up and began to talk about massacres and slaughters before he knew anything official whatever.

Mr. CULBERSON. That is all I have to say, Mr. President.

Mr. BACON. Mr. President, the remarks of the Senator from Massachusetts seem to be predicated upon a misapprehension of what I premised to what I said. I do not know whether or not the Senator from Massachusetts had his attention directly called to what I said in the beginning. There was a message read from the President of the United States upon this subject.

Mr. LODGE. Yes; I heard it.

Mr. BACON. The Senator from Texas then inquired whether or not it was a reply to the resolution which had been introduced by him.

Mr. LODGE. That I also heard.

Mr. CULBERSON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Texas?

Mr. BACON. With pleasure.

Mr. CULBERSON. It is not very material, but the Senator from Georgia misapprehended my inquiry. I did not assume that the message was an answer to the resolution, but I stated that, as the message referred to the same subject covered by the resolution, I desired to know whether the resolution itself had been answered by the Secretary of War; that is all.

Mr. BACON. The Senator is doubtless correct. I was not, it appears, correctly quoting him.

I simply said that it was evident that it was not intended by the President to be such answer, for the reason that it failed to cover the ground which the resolution itself contemplated; and I then went on to say that we did not simply desire to know the facts of this unfortunate occurrence, but the important thing for us to know was what led to this unfortunate and regrettable occurrence; and I went on further to say that I should myself be extremely gratified if when we got the entire facts it should be shown that there was such provocation on the part of these people as justified this wholesale killing.

Mr. President, I do not presume to pass upon the correctness of the action on the part of the commanding officer. I need not say, as reference has been made to the Secretary of War, that nobody for a moment attaches to him any responsibility for this occurrence, from the fact that we know from his own statement as published in the newspapers that he was ignorant of what

had preceded it, further than that he did have knowledge of the fact that General Wood had cabled him a few days previously that he was going to this place, where this most deplorable action occurred, and that was all the information he had of anything which preceded this unfortunate affair.

Mr. President, that it is a regrettable affair I suppose the Senator from Massachusetts will very cordially agree with me.

Mr. LODGE. I do, entirely.

Mr. BACON. That it is important that, if a matter so much to be regretted did occur, we should know why it occurred, and that we should be extremely solicitous, if there be justification for it, that we should know the fact, I presume the Senator agrees with me also. Those, with one other, are the only propositions I have suggested. First, that it is an extremely regrettable affair. Second, that it is important that we should know what was the provocation for it; and third, that it is very greatly to be hoped that when all the facts are disclosed it will be shown that there was ample justification for it.

If the Senator from Massachusetts disagrees with me on either of those three propositions, then, of course, we are at issue. If he agrees with those three propositions, we are as one.

Mr. LODGE. I agree with the Senator from Georgia in regretting that there should be any necessity for any fighting of that sort, but I am not yet prepared to condemn the American officers and Army.

Mr. BACON. Neither have I condemned them.

Mr. LODGE. I do not want to do as the Senator seems inclined to do—on taking up a new subject, take my first step by making up my mind. I want to hear the facts before I make up my mind.

DEPARTMENTAL INFORMATION AFFECTING MARKETS.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 10129) to amend section 5501 of the Revised Statutes of the United States, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. CULBERSON. I move that the Senate insist upon its amendments and agree to the conference asked for.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate, and Mr. CLARK of Wyoming, Mr. NELSON, and Mr. CULBERSON were appointed.

POSTAGE ON CERTAIN PERIODICAL PUBLICATIONS.

Mr. STONE. Mr. President, I gave notice several days ago that after the routine morning business to-day I would call up Senate resolution No. 82, instructing the Committee on Post-Offices and Post-Roads to ascertain and determine if the construction of the Post-Office Department of the law as to postage on certain publications of alumni of colleges as second-class matter, etc., is correct, etc. But after some consultation with the Senator from South Carolina [Mr. TILLMAN], and in view of the fact that the Senator from Minnesota [Mr. NELSON] is entitled to the floor and desires to proceed in the discussion of the rate bill, I wish to say that when the Senator shall have completed his remarks I will ask unanimous consent of the Senate to call up the resolution and have it disposed of.

REGULATION OF RAILROAD RATES.

Mr. TILLMAN. I move that the Senate resume the consideration of the unfinished business, being the rate bill.

The motion was agreed to, and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12987) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission.

Mr. NELSON. Mr. President, like the Senator from Massachusetts [Mr. LODGE] and the Senator from Ohio [Mr. FORAKER] my speech will be a manuscript speech, and for that reason I ask that the same courtesy be accorded to me that was accorded to those Senators when they spoke—that is, that I may not be interrupted until the close of my speech. At the close of it I shall be glad to answer any question that may be put to me so far as I may be able to answer it.

I desire further to say that in the remarks I am about to make my first purpose is to call attention to what has been accomplished in the various States of the Union in the way of securing railway-rate legislation as to local traffic. I propose to give a brief genesis of that and in connection with it the decisions of our Supreme Court and to show the judicial revolution that has taken place in that court.

ON RAILWAY RATE LEGISLATION.

The man whose chief acquaintance with the problem of railway rate legislation is derived from riding in a Pullman car, drawing dividends on railway stock, and clipping coupons from railway bonds looks at the problem in an entirely different light from the farmer, the merchant, and the shipper at a noncompetitive point who is subject to high rates and unjust discriminations. To the latter it is a continuing, ever present, and most vital issue, continually pressed home on him in his daily avocation and daily experience from which there is no retreat.

Had there never been any undue exactions or unjust discriminations, there would, in all probability, have been a scant demand for rate regulation. It is because the railways of the country, to a greater or less degree, in spite of remedial legislation, have persisted, and still persist, in their exactions and discrimination that the public come to Congress to seek protection and relief.

Why have the railways persisted and why do they still persist in evading the laws and in evading the just rights of the public? I should like to have those who are hostile to railway rate legislation explain and account for such conduct. Did the railways never offend they might justly complain of the public demand, but as long as they persist in offending they can not complain because the public seeks relief. To stigmatize those who, under such circumstances, come to Congress for relief as using "a knock-down-and-drag-out argument" is unworthy of the subject and is belittling a just cause. Even those who thus taunt the public admit that there are some evils and some wrongs to redress.

In their infancy and at the outset, when the railways first sought to secure right of way through the power of eminent domain and their right was disputed, they put their claim on the ground that it was a public enterprise and for a public use, and the courts accorded them the right on these grounds. The following early cases furnish illustrations of this: Beekman *v.* Saratoga, etc., Railway Company (N. Y., 1831; 3 Paige, ch. 45–75), in which the opinion was given by Chancellor Wallworth, and Louisville, etc., Railway Company *v.* Chappell (S. C., 1838; 1 Rice (S. C.), 383). These early cases laid down the doctrine that the railways were entitled to secure right of way through the power of eminent domain, because they were quasi public corporations and were devoted to a public service and a public use; that they were obliged to serve the public, and that they were subject, in consequence, to public control.

Chancellor Walworth, in Beekman *v.* Saratoga and Schenectady Railroad Company, says—and I may state that this is a case where resistance was made to the securing of the right of way for the company:

> The objection that the corporation is under no legal obligation to transport produce or passengers upon this road, and at a reasonable expense, is unfounded in fact. The privilege of making a road and taking tolls thereon is a franchise as much as the establishment of a ferry or a public wharf and taking tolls for the use of the same. The public have an interest in the use of the railroad, and the owners may be prosecuted for the damage sustained, if they should refuse to transport an individual, or his property, without any reasonable excuse, upon being paid the usual rate of fare. The legislature may also from time to time regulate the use of the franchise and limit the amount of toll which it shall be lawful to take, in the same manner as they may regulate the amount of tolls to be taken at a ferry, or for grinding at a mill, unless they have deprived themselves of that power by a legislative contract with the owners of the road.

The Munn case and the so-called "Granger cases" of 1876 (94 U. S.) only amplified and reiterated this doctrine and policy laid down by the early cases in New York and South Carolina in 1831 and in 1838.

As railway expansion extended from the seaboard to the Mississippi Valley at rapid pace, the public soon found that, though they were anxious to secure railroad facilities and appreciated the advantages thereof, and were willing to bear the ordinary burdens incident thereto, the exactions and discriminations, both as to persons and places, of the railways ran riot and soon became intolerable. And this resulted in the early seventies in a great uprising among the people of the upper Mississippi Valley in an effort to secure legislative relief. The people first turned for relief to their State legislature, and these responded by enacting rate laws, some operating directly upon the railways, but in most instances, after laying down general rules, through railway rate-making commissions. This was notably so in the States of Wisconsin, Iowa, Minnesota, and Illinois. The railways first resisted the enactment of these laws and then they resisted, through all legal resources, their enforcement on the ground that they were invalid and unconstitutional.

In 1831 to 1838 the railways insisted upon the right of exercising the power of eminent domain for securing right of way upon the ground that they were quasi public corporations that were rendering a public service and exercising a public duty on behalf of the state. In the seventies they insisted that they were nothing but private moneyed corporations and as such immune from public control. "These railways are the private

property of our stockholders; what business has the legislature to say how we shall perform the service and what rate we shall charge? It is utterly preposterous. The public is utterly unfit to judge of these things. Our own judgment and our own policy are all-sufficient. What business has the legislature to meddle anyway?" This was the railway slogan in those days.

From this issue cases soon came into the courts, first in the State courts, and in due course, but slowly and tardily, into the Supreme Court of the United States. That court arose to the great occasion as never before or since in all its history. In the Munn case and in the Granger railway cases of 1876 (94 U. S.) that court pronounced those grand and magnificent opinions, famous in the annals of the court. The right of public control was vindicated and placed on the broad foundations of the common law, and as to local traffic, the power was held to be plenary and final with the State legislature, and the commission by it created. This was held to be due process of law; for due process of law is not, under all circumstances nor in all cases, necessarily to be had and obtained in a court of law.

Mr. President, it is refreshing even now to quote from those grand opinions that read like gospel from the mount. And so I crave the indulgence of the Senate in order that Senators may see the common-law doctrine laid down by the Supreme Court of the United States, which from that day to this has never been overturned by the court except as to the point that the rate fixed by the legislature or the Commission was final and conclusive.

In Munn *v.* Illinois (94 U. S., 113) Chief Justice Waite says:

> It is claimed that such a law is repugnant—
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> * * * * * * *
>
> 3. To that part of amendment 14 which ordains that no State shall "deprive any person of life, liberty, or property, without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws."
>
> We will consider the last of these objections first.
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> Every statute is presumed to be constitutional. The court ought not to declare one to be unconstitutional unless it is clearly so. If there is doubt the express will of the legislature should be sustained.
>
> The Constitution contains no definition of the word "deprive" as used in the fourteenth amendment. To determine its signification, therefore, it is necessary to ascertain the effect which usage has given it when employed in the same or a like connection.
>
> While this provision of the amendment is new in the Constitution of the United States, as a limitation upon the powers of the States, it is old as a principle of civilized government. It is found in Magna Charta, and, in substance if not in form, in nearly or in quite all the constitutions that have been from time to time adopted by the several States of the Union. By the fifth amendment it was introduced into the Constitution of the United States as a limitation upon the powers of the National Government, and the fourteenth amendment as a guaranty against any encroachment upon an acknowledged right of citizenship by the legislatures of the States. * * *
>
> When one becomes a member of society, he necessarily parts with some rights or privileges which, as an individual not affected by his relations to others, he might retain. "A body politic," as aptly defined in the preamble of the constitution of Massachusetts, "is a social compact by which the whole people covenants with each citizen, and each citizen with the whole people, that all shall be governed by certain laws for the common good." This does not confer power upon the whole people to control rights which are purely and exclusively private (Thorpe *v.* R. & B. Railroad Co., 27 V. T., 143), but it does authorize the establishment of laws requiring each citizen to so conduct himself and so use his own property as not unnecessarily to injure another. This is the very essence of government, and has found expression in the maxim sic utere tuo ut alienum non lædas. From this source comes the police powers which, as was said by Mr. Chief Justice Taney in the License cases (5 How., 583) "are nothing more or less than the powers of government inherent in every sovereignty, * * * that is to say, * * * the power to govern men and things." Under these powers the Government regulates the conduct of its citizens one toward another, and the manner in which each shall use his own property, when such regulation becomes necessary for the public good. In their exercise it has been customary in England from time immemorial, and in this country from its first colonization, to regulate ferries, common carriers, hackmen, bakers, millers, wharfingers, innkeepers, etc., and in so doing to fix a maximum of charge to be made for services rendered, accommodations furnished, and articles sold. To this day statutes are to be found in many of the States upon some or all these subjects; and we think it has never yet been successfully contended that such legislation came within any of the constitutional prohibitions against interference with private property. With the fifth amendment in force, Congress, in 1820, conferred power upon the city of Washington "to regulate * * * the rates of wharfage at private wharves, * * * the sweeping of chimneys, and to fix the rates of fees therefor, * * * and the weight and quality of bread" (3 Stat., 587, sec. 7), and, in 1848, "to make all necessary regulation respecting hackney carriages and the rates of fare of the same, and the rates of hauling by cartmen and wagoners, carmen and draymen, and the rates of commission of auctioneers" (9 id., 224, sec. 2).
>
> From this it is apparent that down to the time of the adoption of the fourteenth amendment it was not supposed that statutes regulating the use, or even the price of the use, of private property necessarily deprived an owner of his property without due process of law. Under some circumstances they may, but not under all. The amendment does not change the law in this particular; it simply prevents the States from doing that which will operate as such a deprivation.
>
> This brings us to inquire as to the principles upon which this power of regulation rests, in order that we may determine what is within and what without its operative effect. Looking, then, to the common law, from whence came the right which the Constitution protects, we find that when private property is "affected with a public interest, it ceases to be juris privati only." This was said by Lord Chief Justice Hale more than two hundred years ago, in his treatise De Portibus Maris (1 Harg. Law Tracts, 78), and has been accepted without objection as an essential element in the law of property ever since. Property does become clothed with a public interest when used in a manner to make it of public consequence and affect the community at large. When, therefore, one devotes his property to a use in which the public has an interest, he, in effect, grants to the public an interest in that use, and must submit to be controlled by the public for the common good, to the extent of the interest he has thus created. He may withdraw his grant by discontinuing the use; but, so long as he maintains the use, he must submit to the control. * * *
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> From the same source comes the power to regulate the charges of common carriers, which was done in England as long ago as the third year of the reign of William and Mary, and continued until within a comparatively recent period. And in the first statute we find the following suggestive preamble, to wit:
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> "And whereas divers wagoners and other carriers, by combination amongst themselves, have raised the prices of carriage of goods in many places to excessive rates, to the great injury of the trade: Be it, therefore, enacted," etc. (3 W. & M., c. 12, p. 24; 3 Stat. L. (Great Britain), 481.)
>
> Common carriers exercise a sort of public office, and have duties to perform in which the public is interested. (New Jersey Navigation Company *v.* Merchants Bank, 6 How., 382.) There business is, therefore, "affected with a public interest," within the meaning of the doctrine which Lord Hale has so forcibly stated.
>
> But we need not go further. Enough has already been said to show that when private property is devoted to a public use it is subject to public regulation. It remains only to ascertain whether the warehouses of these plaintiffs in error, and the business which is carried on there, come within the operation of this principle. * * *
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> It is insisted, however, that the owner of property is entitled to a reasonable compensation for its use, even though it be clothed with a public interest, and that what is reasonable is a judicial and not a legislative question.
>
> As has already been shown, the practice has been otherwise. In countries where the common law prevails, it has been customary from time immemorial for the legislature to declare what shall be a reasonable compensation under such circumstances, or, perhaps more properly speaking, to fix a maximum beyond which any charge made would be unreasonable. Undoubtedly, in mere private contracts, relating to matters in which the public has no interest, what is reasonable must be ascertained judicially.
>
> But this is because the legislature has no control over such a contract. So, too, in matters which do affect the public interest, and as to which legislative control may be exercised, if there are no statutory regulations upon the subject, the courts must determine what is reasonable. The controlling fact is the power to regulate at all. If that exists, the right to establish the maximum of charge, as one of the means of regulation, is implied. In fact, the common-law rule which requires the charge to be reasonable is itself a regulation as to price. Without it the owner could make his rates at will and compel the public to yield to his terms or forego the use.
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> But a mere common-law regulation of trade or business may be changed by statute. A person has no property, no vested interest, in any rule of the common law. That is only one of the forms of municipal law and is no more sacred than any other. Rights of property which have been created by the common law can not be taken away without due process; but the law itself, as a rule of conduct, may be changed at the will or even at the whim of the legislature, unless prevented by constitutional limitations. Indeed, the great office of statutes is to remedy defects in the common law as they are developed, and to adapt it to the changes of time and circumstances. To limit the rate of charge for services rendered in a public employment, or for the use of property in which the public has an interest, is only changing a regulation which existed before. It establishes no new principle in the law, but only gives a new effect to an old one.
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> We know that this is a power which may be abused; but that is no argument against its existence. For protection against abuses by legislatures the people must resort to the polls, not to the courts.
>
> After what has already been said, it is unnecessary to refer at length to the effect of the other provision of the fourteenth amendment which is relied upon, viz, that no State shall "deny to any person within its jurisdiction the equal protection of the laws." Certainly it can not be claimed that this prevents the State from regulating affairs of hackmen or the charges of draymen in Chicago unless it does the same thing in every other place within its jurisdiction. But, as has been seen, the power to regulate the business of warehouses depends upon the same principle as the power to regulate hackmen and draymen, and what can not be done in the one case in this particular can not be done in the other.

In the case of Peik *v.* Railway Company (94 U. S., 164) Chief Justice Waite says:

> 5. As to the claim that the courts must decide what is reasonable, and not the legislature. This is not new in this case. It has been fully considered in Munn *v.* Illinois. Where property has been clothed with a public interest the legislature may fix a limit to that which shall in law be reasonable for its use. This limit binds the courts as well as the people. If it has been improperly fixed, the legislature, not the courts, must be appealed to for the change.

Mr. President, the doctrine laid down in these early cases has not been departed from except in one particular. In that case and in the Granger cases, which were heard and decided at the same term, the court practically held that the jurisdiction of the legislature in fixing rates was exclusive, and that the court had nothing to say as to whether the legislature acted within constitutional limits or not. Except as to this point the doctrine laid down in this case is still the doctrine and law of the Supreme Court.

These decisions acted as a quieting and restraining force, both upon the public and the railways. The public, conscious of the power to regulate, became more moderate and less insistent, while the railways became, for a time at least, much more considerate of the rights of the public, although they still persisted in overturning these decisions.

The first intimation of a departure from these cases came in a suggestion ten years afterwards in the so-called "Railway Commission cases," Stone *v.* Farmers', etc., Company (Miss., 1886; 116 U. S., 307). This was followed by the case of Dow *v.* Beidleman (Ark., 1887; 125 U. S., 680), in which the court assumed to pass upon the reasonableness of the rate, and held that while the income might be very small it could not be deemed confiscatory, and hence it was valid, and did not amount to a denial of "due process of law."

In the meantime the legislature of Minnesota, in the light of and relying upon the Munn and the Granger cases, had enacted a rate law, making the order of the commission final. Out of this law came the so-called "Minnesota Milk case" of 1890, the case of the Railway Company *v.* Minnesota (134 U. S., 418). Here the court clearly overruled the Munn and Granger cases and held that the rate fixed by the railway commission was not final, but was subject to review in the court upon the facts as well as the law, and that the finding of the Minnesota railroad commission was not "due process of law." Three of the judges dissented and in the dissenting opinion clearly stated that the majority of the court had overruled and departed from the doctrine of the early cases.

Mr. Justice Bradley (with whom concurred Mr. Justice Gray and Mr. Justice Lamar), dissenting, said:

> I can not agree to the decision of the court in this case. It practically overrules Munn *v.* Illinois (94 U. S., 113) and the several railroad cases that were decided at the same time. The governing principle of those cases was that the regulation and settlement of the fares of railroads and other public accommodations is a legislative prerogative and not a judicial one. This is a principle which I regard as of great importance. When a railroad company is chartered it is for the purpose of performing a duty which belongs to the State itself. It is chartered as an agent of the State for furnishing public accommodation. The State might build its railroads if it saw fit.
>
> It is its duty and its prerogative to provide means of intercommunication between one part of its territory and another. And this duty is devolved upon the legislative department. If the legislature commissions private parties, whether corporations or individuals, to perform this duty, it is its prerogative to fix the fares and freights which they may charge for their services. When merely a road or a canal is to be constructed, it is for the legislature to fix the tolls to be paid by those who use it; when a company is chartered not only to build a road, but to carry on public transportation upon it, it is for the legislature to fix the charges for such transportation.

In this case the court not only overruled those cases, but also overruled that class of cases, of which there is a considerable number, which hold that "due process of law" is not necessarily limited to a court of law or equity, but may be had and take place before another tribunal.

The term "due process of law," as found in the fourteenth amendment, has the same meaning as the term "law of the land" in Magna Charta. What the term necessarily implies has never been clearly defined by the courts. On the contrary, courts have abstained from laying down a general rule or definition as to what is or is not "due process of law." This is so stated by Mr. Justice Miller in the case of Davidson *v.* New Orleans (96 U. S., 97):

"Due process of law" is not in all cases or under all circumstances limited to proceedings in a court of law or equity. It may, in some cases and under some circumstances, be had before a board, officer, or authority, not a court. Thus it has been held that the auditing of the account of a collector of customs and certifying a balance due from him by the officers of the Treasury Department, and the levying of a distress warrant for such balance and a sale of real estate under such warrant is altogether "due process of law."

That is one of the early leading cases on the subject, the case of Murray *v.* Hoboken. (18 Howard, U. S., 274.)

The valuation of imported merchandise by custom officers as a basis and for the purpose of collecting duties, though made final and conclusive by statute, is nevertheless "due process of law." (Hilton *v.* Merritt, 110 U. S., 97.)

Proceedings for the assessment, levy, and collection of taxes, though not brought in court, are nevertheless "due process of law." (Kelly *v.* Pittsburg, 104 U. S., 78.)

That is a remarkable case. A farmer living in the outskirts of Pittsburg had a farm of 80 acres. The legislature passed a law attaching his 80 acres to the city of Pittsburg, and then, without laying out or opening any streets on it, or building any sewers, or furnishing any lights or waterworks, the assessing authorities of Pittsburg proceeded to assess the property for city improvements as though it had had these benefits, and the assessment was most outrageously high. And yet in that case the Supreme Court held that the assessment by the assessing officers was final, and that it was due process of law.

The distraint and sale of personal or real property to pay Federal income taxes is "due process of law." (Springer *v.* United States, 102 U. S., 586.)

In that case the court not only sustained that mode of procedure as due process of law, but they held what they have not held subsequently, that an income tax was a valid tax, and could be levied in the form which it was levied under the law of 1864 and 1865, if I remember correctly.

Requiring railways to pay expenses of railway commissions held to be "due process of law." (Charlotte C. & A. Co. *v.* Gibbs (S. C.), 142 U. S., 386.)

The assessment and levy of taxes by assessing officers is held to be "due process." (Glidden *v.* Harrington (Mass.), 189 U. S., 255, and many cases therein cited. In the same line are the cases Pittsburg *v.* Backus, 154 U. S., 425; King *v.* Mullins, 171 U. S., 404.)

The foregoing and many other cases of a similar nature go to show that "due process of law" is not necessarily and in all cases confined to a court of justice. It may be had before other bodies and tribunals, so long as due hearing and consideration is given the case. Taxation is taking private property for a public use against the will of the owner and the only compensation given is that which is common to the taxpayer and the non-taxpayer alike, the protection and advantages of an organized government.

The power of taxation is as open and liable to abuse as the exercise of many other powers of government, even as the rate-making power, and there is no greater necessity for judicial intervention in one case than in the other.

I do not refer to all these cases for the purpose of criticising the court, but rather for the purpose of calling attention to the judicial evolution that has taken place in connection with railway rate legislation, and to show that the court has not only reversed the Interstate Commerce Commission, but also itself, and that by its own showing it is not always infallible.

In the case of Regan *v.* Farmers L. & T. Co. (154 U. S., 395) the court laid down many important rules relative to State regulation. It held (1) that the State legislature could, under general rules, confer the rate-making power upon a so-called "railway commission;" that this was not a delegation of legislative, but merely of administrative, power, and that such a commission was merely an administrative board; (2) that a court of equity such as the circuit court of the United States could, in an original suit, pass upon the reasonableness of the rate fixed by such commission, and if the court found the rate unreasonable and unjust it could enjoin the same, but that the court could not fix or make a rate de novo, because that was a legislative function; and (3) that while the courts could enjoin the enforcement of a given rate, it could not enjoin the commission from taking further action. On the first point—that is, the delegation of legislative authority—the court said in the opinion delivered by Mr. Justice Brewer:

> There can be no doubt of the general power of a State to regulate the fares and freight which may be charged and received by a railroad or other carrier, and that this regulation can be carried on by a commission. Such commission is merely an administrative board created by the State for carrying into effect the will of the State as expressed by its legislation. * * * No valid objection, therefore, can be made on account of the general features of this act, etc.

To the same effect is the Railway Commission case, in 116 United States, 336.

Many railway rate cases have been passed upon by the State courts and by our Supreme Court, and in none of them has it ever been denied or questioned that such power, under general legislative rules, could be conferred on a railway commission.

In the following well-considered cases the point has been directly raised and decided in favor of the power:

Georgia Railway Co. *v.* Smith, 70 Ga., 694;

Chicago Railway Co. *v.* Jane, 149 Ill., 361;

State *v.* Railway Co., 38 Minn., 281;

Tilly *v.* Savannah, 5 Fed. Rep., 641, by Judge Wood. Judge Wood is one of the able circuit judges of this country; and

Chicago Railway Co. *v.* Day, 35 Fed. Rep., 866, by Justice Brewer.

So far as the Federal Government and the power of Congress is concerned, this right of delegation has been settled by the Supreme Court in the Tea case. (Buttfield *v.* Strandhan, 192 U. S., 470.)

The case last quoted, the Tea case, clearly establishes the principle that, as to interstate traffic, Congress can confer upon the Interstate Commerce Commission the like rate-making power, under general rules and regulations, as the several State legislatures have conferred upon State railway commissions in respect to local traffic or traffic wholly within a single State.

In the case of the Minneapolis and St. Louis Railway Company *v.* Minnesota (186 U. S., 257), the court decided that a State commission under legislative authority could, in the proper case, fix and make joint rates between two or more carriers, and what a State commission can do under legislative authority manifestly the Interstate Commerce Commission can do under Congressional authority. There can be no difference in princi-

ple. And there is manifestly as much occasion and necessity for such power in respect to interstate traffic as there is in respect to local traffic. Goods are as likely to be routed and carried over more than one carrier in the one case as in the other, and there can be no more intrinsic hardship in the one case than in the other, and it is difficult to see why as much and as broad relief should not be obtained in the one case as in the other.

In the case of Smythe *v.* Ames (169 U. S., 466; 1898) the court lays down the rules which govern the court in reviewing the rates fixed by the legislature or a State commission. And these rules show that the court does not, as the Senator from Ohio intimated, limit itself to mere confiscatory rates. The following quotations from the syllabus in this case specify the rules governing the court in reviewing and passing upon a legislative or commission rate. This is what the syllabus states, and it is a fair statement of what is involved in the case:

A State enactment, or regulations made under the authority of a State enactment, establishing rates for the transportation of persons or property by railroad that will not admit of the carrier earning such compensation as under all the circumstances is just to it and to the public, would deprive such carrier of its property without due process of law and deny to it the equal protection of the laws, and would therefore be repugnant to the fourteenth amendment to the Constitution of the United States.

I read further:

While rates for the transportation of persons and property within the limits of a State are primarily for its determination, the question whether they are so unreasonably low as to deprive the carrier of its property without such compensation as the Constitution secures, and, therefore, without due process of law, can not be so conclusively determined by the legislature of the State or by regulations adopted under its authority that the matter may not become a subject or judicial inquiry.

A railroad is a public highway, and none the less so because constructed and maintained through the agency of a corporation deriving its existence and powers from the State. Such a corporation was created for public purposes. It performs a function of the State. Its authority to exercise the right of eminent domain and to charge tolls was given primarily for the benefit of the public. It is, therefore, under governmental control—subject, of course, to the constitutional guaranties for the protection of its property. It may not fix its rates with a view solely to its own interests and ignore the rights of the public; but the rights of the public would be ignored if rates for the transportation of persons or property on a railroad were exacted without reference to the fair value of the property used for the public or of the services rendered, and in order simply that the corporation may meet operating expenses, pay the interest on its obligations, and declare a dividend to stockholders.

If a railroad corporation has bonded its property for an amount that exceeds its fair value, or if its capitalization is largely fictitious, it may not impose upon the public the burden of such increased rates as may be required for the purpose of realizing profits upon such excessive valuations or fictitious capitalization; and the apparent value of the property and franchises used by the corporation, as represented by its stocks, bonds, and obligations, is not alone to be considered when determining the rates that may be reasonably charged.

The basis of all calculations as to the reasonableness of rates to be charged by a corporation maintaining a highway under legislative sanction must be the fair value of the property being used by it for the convenience of the public; and in order to ascertain that value the original cost of construction, the amount expended in permanent improvements, the amount and market value of its bonds and stocks, the present as compared with the original cost of construction, the probable earning capacity of the property under particular rates prescribed by statute, and the sum required to meet operating expenses, are all matters for consideration and are to be given such weight as may be just and right in each case. What the company is entitled to ask is a fair return upon the value of that which it employs for the public convenience, and, on the other hand, what the public is entitled to demand is that no more be exacted from it for the use of a public highway than the services rendered by it are reasonably worth.

I quote thus fully from this case because this is practically the last doctrine of the court on this subject, and it shows how complete the power of review is, and it shows on what broad grounds it is put. It does not put it on the ground, as has been intimated in this Chamber, that the court can not interfere unless it is a confiscatory rate. It puts it on the broad ground that the court can interfere whenever the rate is of that character that it does not afford the railroad just compensation for its property, which is the constitutional rule.

To sum up on these points, the early cases I have quoted lay down the general fundamental and basic doctrine of the right of public regulation and control. The Minnesota Milk case and the Reagan Texas case define the limitation upon such power, and the Smyth-Ames case describes the scope of judicial review. This case (Smyth *v.* Ames, 169 U. S., 516), as well as the case of Reagan *v.* F. L. & T. Co. (154 U. S., 362), settles that the right of review exists independent of statute and establishes the principle that no legislative authority is needed to give the circuit court authority to review or pass upon the rate fixed. That power is inherent in the court by virtue of the Constitution and the laws establishing the court and can not be taken away by statute.

State legislatures have not limited the relief given to excessive rates, unjust discriminations, or undue rebates, but have given relief in many cases where the public would have been helpless and at the mercy of the railways but for such legislative relief; and this power to regulate and control by the State legislatures as to local traffic has not only been sustained as to rates, rebates, and discriminations, but also as to the following, among other, subjects:

(*a*) Compelling railways at their own expense to make proper road and street crossings (Connecticut). (Railway Co. *v.* Bristol, 151 U. S., 556.)

(*b*) Requiring railway companies to pay the salaries of State railway commissioners (South Carolina). (Railway Co. *v.* Gibbes, 142 U. S., 386.)

(*c*) Requiring railways to stop their passenger trains at county seats (Minnesota). Gladson *v.* Minnesota, 166 U. S., 427.)

(*d*) Prohibiting railways from relieving themselves from common law or statutory liability by bill of lading, contract, or receipt (Iowa). (Railway Company *v.* Solan, 169 U. S., 133.)

(*e*) Requiring track connection to be made between intersecting railways, so that loaded cars can be transferred from one intersecting road to another (Minnesota). (W. M. & P. Rwy. Co. *v.* Jacobson, 179 U. S., 287.) This is one of the most important cases.

(*f*) Requiring three passenger trains each way, if so many are run, to stop at stations of over 3,000 people (Ohio). (Lake Shore Railway Co. *v.* Ohio, 173 U. S., 285–302.)

(*g*) A law allowing double damages for stock killed through the failure of the railway company to fence has been held valid (Iowa). (Minneapolis Railway Co. *v.* Beckwith, 129 U. S., 29–36.)

(*h*) Requiring viaduct crossings to be kept in repair by a railway company. (Chicago, etc., Railway Company *v.* Nebraska, 170 U. S., 57, Nebraska.)

(*i*) Requiring a railway company to establish and maintain a station at a proper locality (Minnesota). (M. & St. L. Rwy. Co. *v.* Minnesota, 193 U. S., 52.) To the same effect is the case of Beasly *v.* Texas (191 U. S., 492).

(*k*) Prohibiting railways from abandoning stations once established (Bluffton depot case, 96 N. W. R., 81). (Twentieth Avenue, Duluth, case, 89 Minn., 363.)

Those cases never went to the Supreme Court of the United States, but were decided by the supreme court of the State of Minnesota, and the railway companies took no appeal.

It thus appears, Mr. President, that many States have secured legislative relief against excessive rates and unjust discriminations as to local traffic; and it may, with truth and justice, be said that in those States where rate-making laws have been for any length of time enforced much good has inured therefrom to the public, and no hardship and injustice has been inflicted upon the railways. The public and the railways have gotten along much better than they did before without such laws. It has proved a restraining and conservative force to both. This has been our experience in Minnesota, of which I beg leave to submit to you the following example and illustration:

MINNESOTA RAILROAD-RATE LAW AND PROCEEDINGS UNDER THE SAME.

By the act of March 5, 1885, the legislature of Minnesota created a railroad and warehouse commission of three members; first appointive, now elective.

By the act of March 7, 1887, this commission was given rate-making power in cases where complaint was made, and this power covered joint as well as single rates.

By the act of March 22, 1897, the commission was given power to move on its own initiative where good grounds existed.

Since the commission was given the rate-making power—over eighteen years ago—it has considered and disposed of the cases described in the following statement, prepared for me at my request by A. C. Clausen, secretary of the Minnesota railroad and warehouse commission.

This statement shows that the commission has considered and disposed of thirty-four cases upon complaints made by shippers or in their behalf.

Reduction of rates or other relief was granted to the satisfaction of the complainants in twenty-five of these cases by mutual agreement with the railway companies without the entry of a formal order by the commission.

In six cases the commission made orders reducing and fixing rates, and of these, three cases were appealed to the courts. One of these cases was appealed to the State district court, where it was reversed for defect of parties; one case was appealed to the State district and supreme courts and reversed in both courts, but in the meantime the railway company had made a reduction even lower than the commission originally ordered; and the third case was appealed to the State district and supreme courts, and to the Supreme Court of the United States, and the order of the commission was sustained in all the courts.

In one of the cases the relief asked for was denied, and in two cases the complaints were withdrawn.

In addition to this, the commission informally and on its own initiative, by mutual agreement with the railway companies, brought about a reduction of rates in eleven cases.

In five cases the railways made application for leave to raise rates. Three of these were coal cases, and the relief asked for was granted in whole or in part to conform with the rates on other roads. One was a lumber case, where the matter was amicably adjusted between the shipper and the railway company, and the fifth was a live-stock case, where the relief asked for was denied.

All of which goes to show that the people have gotten relief in several cases and the railways have not been harassed or oppressed.

Mr. President, this shows what the people of Minnesota know, that the effect of a railway-rate law in that State has been to afford the people relief in a great many cases, and that it has not proven harassing and oppressive to the railway companies. In fact—and that will be the result if you clothe the Interstate Commerce Commission with this power—in most cases that have any real merit, if complaint is made to the Commission and the Commission calls the attention of the carrier to that fact, if it is a just and fair complaint, the carrier will grant the necessary relief without any further litigation. That has been the experience in States where they have State railway commissions, and that will be the experience if you give the rate-making power to the Interstate Commerce Commission.

And to us, in the light of this experience, it seems, to say the least, shocking to term "revolutionary and drastic," as the Senator from Ohio in the opening of his very able speech does, the effort to give the Interstate Commerce Commission, as to interstate traffic, similar power to fix rates as is given a State railway commission as to local rates.

After many States had secured legislative relief as to local traffic, the public felt that this relief was too local and too limited, and that complete relief could not be obtained until Congress intervened and gave similar relief as to interstate traffic. In partial and incomplete obedience to this demand, Congress in 1887 passed the so-called "interstate-commerce law," establishing, among other things, a railway commission.

I need not go into details as to this law. Its provisions are familiar to most of us. For a time the public at large, as well as the Commission, supposed and believed that the Commission had the rate-making power, and this belief had a quieting, wholesome, and restraining effect. But by and by the Supreme Court dispelled this notion and belief. In 1896, nine years after the interstate-commerce law was passed, the court, in the case of Railway Company *v.* Interstate Commerce Commission (162 U. S., 184), intimated, though not expressly deciding, that the Commission had no rate-making power. But finally, one year later, in 1897, in a case in which the Commission had assumed the right to exercise the power—the case of the Interstate Commerce Commission *v.* Railway Company (167 U. S., 479)—the court expressly held that the Commission had no rate-making power. Ever since this decision the public have felt, to a greater or less extent, that Congress had not dealt fairly with them in 1887, and had not given them the full relief to which they were entitled, and they have ever since, with more or less persistence, sought to secure from Congress what they expected and supposed they had gotten in 1887—the investure of the Commission with rate-making power.

It is this relief—the relief which was omitted from the act of 1887—that is now sought in the pending bill, and the pertinent question is: Why should not Congress grant as ample a relief for interstate commerce as State legislatures have for local commerce, and has not Congress the power to grant such relief?

We are first of all confronted with the argument of the great seriousness of the case and the lack of necessity for such legislation because of the apparently low rates, as compared with the rates in other countries. Attention is also called to the great number of railway employees and the large number of bondholders and stockholders who may be affected by such legislation. No fair-minded man wants to inflict any hardship or injury on these classes. I for one am not actuated by any such purpose, and I do not believe anyone else in this Chamber is, but assume that these classes number in the aggregate, say, five or at the utmost ten million people, which I think is a most liberal estimate. Are not the other seventy-five or eighty millions of our people, who furnish the revenues and the traffic for our railways, also entitled to at least equal consideration?

On the one side stand the railways, representing their stockholders and bondholders, seeking to obtain as much revenue as possible, on the other side stand the great body of the public, furnishing the traffic and the revenue, anxious and desirous to obtain as low and fair rates as possible.

These interests will manifestly clash, to a greater or less extent. In the nature of the case they are, to some extent, adverse to each other, and disputes have arisen in the past and will often arise in the future between them. Now, is it fair, is it just, does it accord with the principle of natural justice, to make one of the parties to any controversy that may thus arise the sole judge and umpire in such a controversy? Does it not better accord with the fundamental rights of organized society and with the elemental principle of justice and fair play to provide an impartial umpire to pass upon and adjust the differences?

It is said that the rate-making power is not necessary, because rates are lower here than abroad. Granting that this is true in the aggregate, it does not follow that there may not be many isolated cases of unjust and excessive rates to be remedied and cured.

But the comparison of rates, in gross, in this country, mainly based, I might say, upon the work of Professor Meyer, of the Chicago University, with the gross rates in foreign countries is entirely fallacious, deceptive, and untrustworthy. In his estimates of rates in this country neither the carriage of mail nor express is included, items in which the proportion of the freight rate to the tonnage carried is the highest of all. Our railways receive some $44,000,000, or over, annually for carrying the mail, and the rate is based largely on the weight. No cars carrying freight of any kind earn so high a sum per car as the mail cars. Millions, too, are earned for carrying express matter. How many millions I don't know, perhaps as much as for the mails.

Then it should be borne in mind that distances are much shorter for even long-distance freight in such countries as England, Germany, and France. Most of the traffic there is carried for short distances, from 50 to 150 miles, and little of their long-distance traffic exceeds 400 or 500 miles. Now, with us it is the reverse. The great bulk of our traffic, like corn, cotton, flour, wheat and coarse grains, lumber, and coal is long-distance traffic, little of it under 500 miles and most of it from 1,000 to 1,500 miles. Such long-distance traffic of such commodities is always and of necessity at a low traffic rate. Now, it is by pooling the tonnage and revenue of such immense long-distance traffic with the high-rate short-distance traffic on other commodities, and by excluding the carriage of mail and express, that such apparent low rates for the aggregate of our traffic are figured out. The proper comparison would be to compare the short and long distance traffic in the foreign countries named with the rates of traffic of similar goods and distance in this country, and if such a comparison were made I have no doubt but what our rates are higher as a rule than abroad, and I am borne out in this by the following report made by Privy Councilors Hoff and Schwabach to the Prussian Government, which I beg leave to quote:

OUR RAILWAYS IN BAD LIGHT—PRUSSIAN RATES ARE LOWER AND FEWER PEOPLE ARE KILLED.

BERLIN, *February 11, 1906.*

Privy Councilors M. Hoff and F. Schwabach, whom the Prussian Government sent to the United States in 1904 to study American railroad systems, have just published an exhaustive work on their findings which is attracting much attention in the German press. Herren Hoff and Schwabach make many striking comparisons of the American and Prussian railroads, often to the disadvantage of the former. They quote official statistics showing that per million passengers carried the American roads killed six times and wounded twenty-nine times as many of them as the Prussian roads.

The writers found that the average passenger rate in America was 2.02 cents per mile, against 0.98 cent in Prussia, while freight rates nominally average 0.78 cent per ton mile in the United States, against 1.36 cents in Prussia. This comparison, the authors affirm, is fallacious, because it ignores some essential facts. The American statistics, they say, include freight carried for the railways themselves, while the Prussian statistics show only pay freights. On the other hand, the American statistics exclude high-class goods carried by express companies, which class is included in the Prussian figures. Furthermore, they say, the American roads receive immense sums for carrying the mails and the Prussian lines almost nothing, and besides the latter carry a volume of postal packages for which the American roads get large extra sums from the express companies.

If conditions were equalized at all on these points, Herren Hoff and Schwabach figure that the American average for freight would be 1.44 cents per ton per mile and that of Prussia 0.95.

The original cost of construction of the Prussian lines was 65 per cent higher per mile than that of the American roads.

There you have the opinion of these gentlemen who have investigated the subject and their reasons for their conclusions. I will offset that against the opinion of Professor Meyer.

It is conceded, and can not fairly be disputed, that the railways are still guilty of undue rates and undue discriminations, both as to persons and places, even since the enactment of the Elkins law. If the spirit of Mammon still tends to make the railways evade the rigid provisions of the Elkins law, how much more likely is the same spirit to tempt them to charge excessive rates when there is little or no regulative restraint.

We are all of us justified in dismissing the notion, if any such there be, that there are no wrongs to right and no evils to cure. If there were none, there would not be such universal, persistent, and long-continued demand for relief.

That Congress is the only authority that can grant full and ample relief in the premises can not with good reason be denied or questioned. The regulation of commerce is by the Constitution committed to Congress. This is the language of the Constitution:

The Congress shall have power * * * to regulate commerce with foreign nations, and among the several States, and with Indian tribes. (Sec. 8, Art 1.)

And not the courts, as the Senator from Ohio contends. And

the transportation of goods and passengers is, according to Justice Miller, commerce; and Chief Justice Marshall says:

To regulate commerce is to prescribe the rules by which commerce is to be governed.

The Supreme Court of the United States have settled, as fully as anything can be settled by judicial decisions, two propositions:

(1) That as to local or intrastate commerce, a State legislature, directly or through the intervention of a commission, has, subject to the limitation of the fourteenth amendment, the full rate-making power.

(2) That Congress has as full and complete power and control over interstate commerce as a State legislature has over local commerce, subject to the limitations of the fifth amendment, and that this includes the rate-making power as much in the one case as in the other.

In the light of the decisions of our Supreme Court, from and including the case of Gibbons *v.* Ogden down to the present day, it is clear that this power of Congress embraces the right to regulate and prescribe the rates and conditions under which interstate traffic may be conducted. It is unnecessary to quote the numerous decisions of our Supreme Court on this point. They are familiar not only to lawyers, but even to many laymen.

The fixing of rates is "prima facie," and in the first instance a legislative and administrative function, and not a judicial function. It is not the province of the court to initiate rates, but only to see that no excess, as respects the constitutional inhibition, is committed.

The only limitation and check on the power of Congress is that contained in the fifth amendment, in these words:

Nor shall any person * * * be deprived of property without due process of law; nor shall private property be taken for public use without just compensation.

This does not deprive Congress of the power to regulate; it simply provides a brake upon the exercise of that power.

The Senator from Ohio in his able argument admits that railways are subjects of rate regulation, but insists in the face of the plain provision of the Constitution which I have quoted, that the courts are the only regulating authority. The Constitution makes it plain that Congress is, prima facie, the regulating authority, and that the only province of the court is to see that Congress exercises this power in a constitutional manner or within the pale of the fifth amendment. All statutory enactments are, in some form and to some extent, rules of conduct and ultimately subject to review by the court, but because of such right of review it does not follow that Congress can not act in the first instance or that the courts should have the initiative.

The Senator from Ohio further insists that the court can grant ample relief, and hence that there is no occasion for conferring the rate-making power upon the Interstate Commerce Commission. But is this true in its practical operation—and that is really the test? The Commission, under the pending bill and the law to which it is amendatory, can not only veto as unjust an existing rate, but can prescribe a fair and just rate for the future. The court can not do this; it can only veto and enjoin an existing rate; that is the limit of its power. The court may, for example, enjoin a rate of 10 mills per ton per mile on freight from Chicago to Boston as being unreasonable. The carrier can immediately, without violating the injunction, reduce the rate one-tenth of a mill; but this rate, too, may be unreasonable and too high, and may entail another suit for its injunction. The carrier again makes a slight reduction, another one-tenth of a mill, just enough to be outside of the pale of the injunction, and this rate also is too high, and may entail another suit; and so on the process may be continued almost indefinitely. Now, it may turn out that the fair and reasonable rate in the case would be 8 mills per ton per mile; but how many rates could not the carrier make between these two extremes of 10 and 8 mills, and every one of these intermediate rates would involve a separate and distinct restraining suit, unless the shipper would silently submit to the undue and excessive rate. And thus full and ultimate relief could not be secured without a multiplicity of suits. Now, as a general rule, equity abhors a multiplicity of suits, but in this instance the court would be powerless to prevent such multiplicity.

It is only by conferring the rate-making power upon the Commission that such an injustice can be prevented. To remit the shipper to a system of relief such as I have described, and which is involved in the contention of the Senator from Ohio, would be most tantalizing, impracticable, and abortive. It would, in substance, be like passing to a hungry man asking for bread a stone. The Senator's contention makes a plausible theory, but does not solve or meet a crying condition.

The Senator from Ohio further contends that though Congress itself may make a rate it can not confer the rate-making power on a commission; that this is a delegation of legislative power, and hence not permissible. As to this contention it may be said, first of all, that if Congress can not act through a commission the power to fix rates is, for all practicable purposes, of no value. How could Congress, as constituted and as operating, enter into, investigate, and try all the details involved in rate complaints? Unless the railways reform and become more abstemious than they have been in the past there would be many cases, and it would be a physical and moral impossibility for Congress to act. This suggestion is even worse than the court suggestion of the Senator from Ohio.

The cases I have heretofore quoted establish the principle that when a legislative body lays down clearly and plainly the rules and principles of action and commits their application to a commission, that is not a delegation of legislative power, and that the commission is merely an administrative body. I have found no decision in any of the law reports—and I have made some search for them—holding a contrary view. The Supreme Court of the United States has settled the principle involved in this contention in the case of Buttfield *v.* Stranahan (192 U. S., 470), the tea case. The court has in that case gone even further than it is necessary to go in the matter involved in this legislation. In that case the board not only passed upon the quality of the tea imported to ascertain whether it conformed to the standard, but the board also fixed and made the standard. In the legislation now under consideration Congress fixes and lays down the standard, leaving only to the Commission the application of this standard to existing and supposed rates.

The doctrine contended for by the Senator from Ohio would block and stop the administrative wheels of our Government. Congress lays down general rules for the disposal of our public lands, but the Commissioner of the General Land Office and the Secretary of the Interior apply those laws under rules and regulations prescribed by them. Congress could not well ascertain and decide whether a homestead settler has complied with all the conditions requisite for final entry and patent. General rules are laid down by Congress for the collection of duties and customs, but their application and enforcement is left to collectors, boards of appraisers, and the Secretary of the Treasury, and in some cases their judgment is final.

Congress and State legislatures commit to the various municipal corporations and their various boards or councils not only administrative work but also much of a quasi legislative character. Here under the very dome of the Capitol, in this District, we have committed much important work to the three Commissioners of the District, which I have not time to describe in detail. Without the delegation of such administrative powers the Government would be at a standstill, although the legislative department were in perpetual session.

To me it is inscrutable why the railways, or some of them, seem to be in such mortal terror of having their cases passed upon by such a body as the Interstate Commerce Commission.

The question whether a given rate is reasonable and fairly remunerative is a question of fact, a business proposition, and not a question of law. I have no hostility to the courts. When I have not held public office I have lived in a rural atmosphere of law and made my living as a country lawyer.

We commit the trial of issues of fact in most important cases, involving thousands and millions of dollars, to an ordinary jury of twelve men, hardly ever experts or superior to the ordinary mass of humanity. In the case before us we commit the issue to be tried to a board of seven good men of fair business ability and experience. In integrity and business ability they will average well up with the great body of our judges. A judge may oftentimes be a great and profound lawyer, but a very poor and indifferent business man. I have known many such instances. Even the best of judges have indicated how important it is to get the aid and judgment of a good business man in such cases. In the case of Railway Company *v.* Tompkins (176 U. S., 167), a railway-rate case from South Dakota, Judge Brewer admits this. Here is what he says:

We think, therefore, there was error in the failure to find the cost of doing the local business, and that only by a comparison between the gross receipts and the cost of doing the business, ascertaining thus the net earnings, can the true effect of the reduction of rates be determined.

The question then arises, What disposition of the case shall this court make? Ought we to examine the testimony, find the facts, and from those facts deduce the proper conclusion?

It would doubtless be within the competency of this court on an appeal in equity to do this, but we are constrained to think that it would not (particularly in a case like the present) be the proper course to pursue. This is an appellate court, and parties have a right to a determination of the facts in the first instance by the trial court. Doubtless if such determination is challenged on appeal it becomes our duty to examine the testimony and see if it sustains the findings, but if the facts found are not challenged by either party then this court need not go beyond its ordinary appellate duty of considering whether such facts

justified the decree. We think this is one of those cases in which it is especially important that there should be a full and clear finding of the facts by the trial court. The questions are difficult, the interests are vast, and therefore the aid of the trial court should be had.

The writer of this opinion appreciates the difficulties which attend a trial court in a case like this. In Smyth *v.* Ames, supra, a similar case, he, as circuit judge presiding in the circuit courts of Nebraska, undertook the work of examining the testimony, making computations, and finding the facts. It was very laborious, and took several weeks. *It was a work which really ought to have been done by a master.* Very likely the practice pursued by him induced the trial judge in this case to personally examine the testimony and make the findings. We are all of opinion that a better practice is to refer the testimony to some competent master to make all needed computations and find fully the facts. It is hardly necessary to observe that, in view of the difficulties and importance of such a case, it is imperative that the most competent and reliable master, general or special, should be selected, for it is not a light matter to interfere with the legislation of a State in respect to the prescribing of rates, nor a light matter to permit such legislation to wreck large property interests.

We are aware that the findings made by the master may be challenged when presented to the trial court for consideration, and it may become its duty to examine the testimony to see whether those findings are sustained, as likewise, if sustained by the trial court, it may become our duty to examine the testimony for the same purpose. But before we are called upon to make such examination we think we are entitled to have the benefit of the services of a competent master and an approval of his findings by the trial court. As we have said, those findings may not be challenged by either party, and if so, a large burden will be taken from the appellate court.

Here is one of the ablest judges of the Supreme Court who confesses how important it is to have a case of this kind passed upon, not by the judge, but passed upon in the first instance by what we call a "master in chancery," a business man, not necessarily a lawyer. We propose in the pending legislation not one single master in chancery, but we propose to have it passed upon by seven masters in chancery—the Interstate Commerce Commission.

It has been the practice of some railway attorneys not to present their side of the case fully to the Interstate Commerce Commission—and the Supreme Court has taken occasion to criticise this practice—for the purpose of getting the Commission reversed in the court by producing further and additional evidence not presented to the Commission. In such cases, when all the facts are not fully and fairly presented and argued, the Commission can not be blamed for making mistakes. If I had a case of real merit, I should rather submit it upon the facts to the adjudication of these seven men than to a single judge of a United States circuit court or three judges on a court of appeal.

If this bill becomes a law, it will not be as difficult as heretofore for the Commission, if the facts are fully presented, to pass upon the question of rate. Heretofore it has been a question as to whether a given rate was reasonable or not; and the term "reasonable" has been applied in the same sense as the term "quantum meruit" at common law, involving a somewhat complex question. By the terms of the bill the rate fixed must not only be "just and reasonable," but it must also be "fairly remunerative." And this is a distinct gain in favor of the railways. They can now insist upon what they could not always and under all circumstances insist upon before, that the rate fixed must be a "fairly remunerative rate."

And in case of a review by the court the findings of the Commission will be of great value and assistance to the court. They will surely be of more value, of more help, and of more weight than the mere findings of a single master in chancery. It is of great advantage both to the litigants and the court to have such cases first pass through such a Commission—a body that devotes itself exclusively to such cases. To an ordinary trial judge, who must give his attention to a variety of complex cases, it is no easy matter, single and alone, to take up a complex rate case, especially if he has had no business experience or training. He is more likely to err upon a question of fact than seven intelligent men of business training and experience.

The presumption in favor of the honesty, integrity, and fairness of these men can not, with any reason, be deemed less than that of our Federal judges, who come from the same appointing power. They are, in fact and in substance, a tribunal of a high order, though not technically a court; and why some of the railways and their friends are so averse and hostile to such a tribunal I can not fully fathom or comprehend.

While the bill does not, in express terms, give the right of appeal or judicial review, such right nevertheless inheres and exists to an extent ample for all the purposes of justice.

The Interstate Commerce Commission not being a court in the strict sense of the term, an appeal, in the technical sense, as from a lower to a higher court, can not be taken. A judicial review of the rate fixed by the Commission can only be obtained in the form of an original action, instituted in the circuit court of the United States, which court, if the matter in dispute exceeds the value of $2,000, as it always would in such cases, would have ample jurisdiction under the act of March 3, 1887. (24 Stat., 552.) And if the Commission has made a rate that is not "just and reasonable and fairly remunerative"—a rate which, in the language of the fifth amendment, does not afford "just compensation," which is the only rate the Commission has authority to make—then the court has ample power to enjoin the same, both by interlocutory or temporary and by final injunction; and an interlocutory or temporary injunction can only be granted upon notice and for due cause—prima facie made out—and not as a matter of course.

The notion that the court can not intervene unless the rate fixed amounts to a confiscatory rate is unfounded. The court can always intervene and stay where the rate fixed, in the language of the fifth amendment, does not afford "just compensation." "Just compensation" must, under all circumstances, be the criterion, both for the Commission and the court.

The review amendments suggested, in one form or another, all proceed upon the same theory, the theory upon which appeals in courts are allowed, to wit, that anyone aggrieved may, without in the first instance showing any valid cause, take an appeal and get a stay of proceeding pending the trial of the appeal. This would enable the railways, indiscriminately, even if a bond or other security were required, to tie up and suspend in court for an indefinite time every rate made by the Commission as soon as made, without showing any valid ground or justification for such stay pending suit, the only ground being some form of proposed security.

No such general and unlimited right of review with stay ought, under any circumstances, to be granted without—

(1) Showing good, valid, and sufficient cause for the stay, and the cause shown should, among other things, specify to what extent the Commission rate would, in the aggregate, work a diminution from the former rate pending the period of review; and

(2) Without an ample bond or deposit of money equal in amount to the total diminution in rate alleged as a ground for stay, and such bond or deposit, in case the Commission rate is sustained, to inure to the benefit of those who have, pending the review, paid freight in excess of the Commission rate to reimburse them for such excess.

Without such conditions, an unlimited right of review, with stay during the pendency of the review proceedings with but a formal or limited security, would be equivalent to saying that no Commission rate shall be enforced or deemed valid until it has also become a court rate, a most dilatory, tantalizing, and obstructive method. It would practically entirely neutralize and destroy the rate-making power which the bill aims to confer upon the Commission. We all know at what sluggish and time-killing rate litigation ordinarily proceeds through the various courts. The practical effect would be that no Commission rate would go into effect, however valid on its merits it might be, until from one to two years after the Commission had made the order.

A third course was suggested by the Senator from South Carolina, the Senator from Texas, and also by some Senators in the discussion yesterday, to wit, to deprive the court of all power to grant a stay pending the review proceedings. This could only be done, if at all, by depriving the court of its right to grant an interlocutory injunction or stay in such cases. This is a right which has always been inherent in a court of equity, upon a proper showing, and, to say the least, I question and doubt the power of Congress to take away this right.

The granting of a temporary or interlocutory injunction is as much a part of judicial remedy as the granting of a final or permanent injunction, and to take away from the court the power to grant a temporary or interlocutory injunction, upon proper and valid grounds, I fear would be held by our Supreme Court to be unconstitutional, as a denial of "due process of law," guarded against in the fifth amendment.

It would, to my mind, be very unfortunate to inject into this most meritorious bill a provision of such doubtful and questionable validity. As an earnest and sincere friend of rate legislation I trust I may not be misunderstood or my motives questioned on this point.

As at present advised—and I have given the matter considerable consideration—I prefer the pending bill as it stands. The right of review by an original action—the only way in which a review can be had—is left untrammeled; and if the rate fixed by the Commission does not afford, in the language of the Constitution, "just compensation," it is unconstitutional and the rate can be stayed and vetoed by the court, under its inherent power as a court of equity to grant interlocutory as well as final injunction. The granting of an indiscriminate and more enlarged scope of review than this, with stay, upon no valid cause shown, would not only, as I have stated, tie up all

Commission rates in the court for an indefinite time, but would also indirectly transfer, in the first instance, a part of the rate-making power to the court. The court ought not to have greater power conferred on it—even if it could be done—than the power to see that Congress and the Commission have not transcended the limitations of the fifth amendment, for that furnishes the true and only boundary line between the legislative and the judicial departments. If Congress does not transcend this limit and boundary, what right has the court to intervene or trench, directly or indirectly, upon the power committed by the Constitution to Congress?

And now, in conclusion, allow me to add a few words about our brave, energetic, and vigilant President. He has been criticised in many quarters for the great interest he has taken in railway rate legislation. To my mind he deserves more credit for this than any other act of his Administration. Upon some questions I have not always found it so easy to agree with him as upon this. Four years ago I introduced in this body a bill giving the Interstate Commerce Commission the rate-making power, upon petition after due hearing. It seemed to receive scant attention at that time, and I found little encouragement. I make no complaint or criticism of this, but merely refer to it as an historical incident. The President has drawn the attention of Congress to this subject in a more forceful and effective way than anyone else could or would have done. There are some glasses so constructed that they gather and focus the rays of the sun upon a given subject so as to produce combustion. In like manner has the President gathered and focused the public sentiment upon this all-important, but hitherto neglected, subject, so as to produce sufficient legislative combustion, I hope, to pass this bill. For all this, a patient and long-forbearing public can not but feel, and do feel, under great obligation to him.

The House, in closer and more immediate touch with public sentiment, because they oftener and more directly have to "go to the country" than the members of this body, have, with great unanimity, responded to the call of the President and the call of the country. Can we afford to be derelict under these circumstances and on this occasion?

ADJOURNMENT TO MONDAY.

Mr. STONE obtained the floor.

Mr. ALDRICH. Before the Senator from Missouri proceeds, I should like to call the attention of the Senator from South Carolina to the fact that there are several Senators on this side of the Chamber who are preparing speeches on the pending bill and who are not yet ready to speak. So far as I know, no one here desires to speak to-morrow; and if the same condition exists on the other side, I suggest to the Senator from South Carolina that we take an adjournment until Monday. I think it would result in more substantial progress in the consideration of the matter than would any other course.

Mr. TILLMAN. I have inquired of Senators on this side to find whether any of them is ready to proceed, and I find the same condition exists here that the Senator from Rhode Island has just mentioned with respect to the other side of the Chamber; that is, that a good many are preparing and getting ready and thinking about speaking, but they are not ready to go on. I therefore see no reason why we should not give the two days between now and Monday to such preparation and study as Senators see fit, with the hope that on Monday we will resume the debate and press it actively. We are getting light every day, and I hope we will get an early vote. I do not want to press the bill unduly. Therefore it is perfectly agreeable to me to let the matter go over until Monday.

Mr. ALDRICH. All right. I think it is——

Mr. CULBERSON. Before the matter passes over, at the suggestion of the Senator from Rhode Island, if it is to pass over, I desire a moment or two.

Mr. ALDRICH. I was only going to make the motion that when the Senate adjourn to-day it be to meet on Monday next.

Mr. TILLMAN (to Mr. CULBERSON). He is not going to move that the Senate adjourn now. The Senator from Missouri is going to have full opportunity to discuss his matter.

Mr. CULBERSON. I understand, but the Senator from Missouri has kindly consented to give me a moment on the rate question.

Mr. ALDRICH. I was merely going to move that when the Senate adjourn to-day it be to meet on Monday next, not that we adjourn now.

Mr. CULBERSON. Very well.

Mr. ALDRICH. I move that when the Senate adjourns to-day it be to meet on Monday next.

The motion was agreed to.

REGULATION OF RAILROAD RATES.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12987) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission.

Mr. FORAKER. I wish to offer certain amendments to the pending bill, and I ask that they be printed and lie on the table.

The VICE-PRESIDENT. It will be so ordered.

Mr. STONE. I now yield to the Senator from Texas.

Mr. CULBERSON. With the permission of the Senator from Missouri, I will take a moment of the time of the Senate just now.

Mr. President, on Monday, during and after the close of some remarks I submitted, the Senator from Ohio [Mr. FORAKER] read an extract from the opinion of the Supreme Court in 91 United States, page 72, I believe, to the effect that the act of July 1, 1862, incorporating the Union Pacific Railroad Company, and kindred acts were not passed by Congress under its authority to regulate commerce. I suggested that the authority of Congress to pass those acts was that arising, certainly in part, under its authority to regulate commerce.

I desire to read a brief extract from the case of California *v.* Pacific Railroad Company, reported in 127 United States, the extract being at page 39 of the volume. In construes the act of July 1, 1862, to which the Senator from Ohio alluded. Said the court on that proposition:

> It can not at the present day be doubted that Congress, under the power to regulate commerce among the several States, as well as to provide for postal accommodations and military exigencies, had authority to pass these laws. The power to construct, or to authorize individuals or corporations to construct, national highways and bridges from State to State is essential to the complete control and regulation of interstate commerce. Without authority in Congress to establish and maintain such highways and bridges, it would be without authority to regulate one of the most important adjuncts of commerce. This power in former times was exerted to a very limited extent, the Cumberland or National road being the most notable instance. Its exertion was but little called for, as commerce was then mostly conducted by water, and many of our statesmen entertained doubts as to the existence of the power to establish ways of communication by land. But since, in consequence of the expansion of the country, the multiplication of its products and the invention of railroads and locomotion by steam, land transportation has so vastly increased, a sounder consideration of the subject has prevailed, and led to the conclusion that Congress has plenary power over the whole subject.

At the time the Senator from Ohio called attention to the case in 91 United States I had a note of the decision to which I have just called attention, but the book was not accessible and it was not read. I have taken occasion now to read it so as to place the question, as I think, beyond doubt, it being a later opinion than the one from which the Senator read, and it being the opinion concurred in by the entire court as then constituted.

Mr. FORAKER. Mr. President, if the Senator will bear with me just a moment, I stated at the time when I read from the opinion in 91 United States that I was aware that the Supreme Court had in some other cases used expressions such as the Senator has just now read, but I said they had not been used in the decision of any question that was before the court. The Senator will find that what he has read has no relation whatever to what was being decided by the court. It is pure obiter. The fact which, it seems to me, is absolutely controlling is the statute itself, which declares under what power the Government was proceeding, and the opinion of the Supreme Court in the case that I read from and in other cases, where the question before the court was what was the power that the Government was exercising.

POSTAGE ON CERTAIN PERIODICALS.

Mr. STONE. Mr. President, I desire, with the consent of the Senate, to call up Senate resolution 82. I ask to dispense with the reading of it—it has been read once—and to offer the modification which I send to the desk.

Mr. GALLINGER. Let the title at least be read.

The VICE-PRESIDENT. The Secretary will state the title

The SECRETARY. Table Calendar, Order of Business 9, Senate resolution 82, resolution instructing the Committee on Post-Offices and Post-Roads to ascertain and determine whether the construction of the Post-Office Department of the law as to postage on certain publications of alumni of colleges as second-class matter, etc., is correct, etc.

Mr. STONE. Mr. President, it will require only a short time to say what I think is necessary in explanation of this resolution. I would not take the time of the Senate to say anything, but ask a vote at once, except that some of my constituents are very much interested in the subject to which the resolution relates, and, if the resolution is to be adopted, I desire to put some statements of fact in the RECORD for the benefit of that committee to which it will go.

Something less than a year ago the publication of a periodical was begun at Columbia, Mo., under the auspices of the Alumni Association of the university of that State. It is a magazine in form, published quarterly. Application was made to the postmaster to have the publication admitted to the mail as second-class matter. This was referred to the Post-Office Department, and under the ruling of that Department the application was denied.

The editor of the periodical then addressed me on the subject, and I had some correspondence with him and with the Post-Office Department with regard to the matter. Soon after I came to Washington, in December, I saw the Third Assistant Postmaster-General, Mr. Madden, and his chief clerk, and discussed the subject with them, and also had some correspondence with them.

A little later I offered a resolution in the Senate, which was adopted, calling upon the Postmaster-General to inform the Senate whether under the construction he placed upon the law publications of the character indicated were excluded from the mail as second-class matter, and also to inform the Senate whether it was true that under the practice of the Department there was discrimination in the admission of some publications of this character, while others of like character were excluded.

The answer made to the resolution by the Postmaster-General was not satisfactory, it was not explicit, and the information sought was not given with that degree of candor and clearness which I think ought to have characterized the reply of a Cabinet officer. I doubt, however, if the Postmaster-General ever personally knew very much about the matter.

Mr. GALLINGER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Missouri yield to the Senator from New Hampshire?

Mr. STONE. Certainly.

Mr. GALLINGER. As I understand the matter, this resolution relates simply to periodicals published by alumni associations of colleges.

Mr. STONE. This resolution does not; it is somewhat broader than that.

Mr. GALLINGER. I think it ought to be broader. The same complaint has come to me during several years past from churches, and recently from business colleges that publish little periodicals which are sent through the mails, and likewise a recent complaint came to me from a temperance organization that was issuing a little periodical and was having it distributed, I think, through the charitable contributions of persons interested in that cause. I think the whole subject relating to publications of that character ought to be inquired into, and perhaps the Senator's resolution is broad enough for that. I hope it is.

Mr. STONE. The resolution I introduced in December, to which I adverted a moment ago, related only to these alumni publications, but this resolution, I think, is broad enough, and it was intended to be broad enough, to authorize and direct an inquiry into all kinds of publications such as the Senator from New Hampshire referred to. At least it covers all college publications.

Mr. GALLINGER. I am very glad that is the case.

Mr. STONE. And I broadened it in that way because of letters I received and interviews I had following the action taken by the Senate on my earlier resolution.

I wish to call attention, Mr. President, very briefly to the law governing the admission of second-class matter to the mails. In March, 1879, an act was passed by Congress, which I desire to read so far as it is applicable to the present consideration. I read as follows:

That mailable matter of the second class shall embrace all newspapers and other periodical publications which are issued at stated intervals and as frequently as four times a year, and are within the conditions named in sections 12 and 14 of this act.

Section 12 is not applicable to this particular question, and it is not necessary to read it. Section 14 provides as follows:

That the conditions upon which a publication shall be admitted to the second class are as follows:

First. It must regularly be issued at stated intervals, as frequently as four times a year, and bear a date of issue and be numbered consecutively.

Second. It must be issued from a known office of publication.

Third. It must be formed of printed paper sheets, without board, cloth, leather, or other substantial binding, such as distinguish printed books for preservation from periodical publications.

Fourth. It must be originated and published for the dissemination of information of a public character, or devoted to literature, the sciences, arts, or some special industry, and having a legitimate list of subscribers.

I call attention especially to this paragraph:

It must be originated and published for the dissemination of information of a public character.

I call special attention to that paragraph, because a recent departmental construction of that paragraph is the occasion for the complaints to which I am endeavoring to direct attention.

Under that law of 1879 application was made to the Post-Office Department, by publications such as the Senator from New Hampshire refers to and such as I am referring to, for admission to the mails under the pound rate. A number of such publications were admitted; but afterwards—just when I do not know, but some time before 1893—the Postmaster-General construed, or reconstrued, the law so as to very materially restrict the publications which might be admitted to the mails as second-class matter. Under this new ruling many publications which had been admitted or which might have been admitted under the former ruling were now excluded.

There was a widespread public protest against this restrictive ruling, and in 1893 a bill was introduced in the House on the subject, enlarging the provisions of the law so as specifically to admit publications by colleges, churches, literary and scientific societies, benevolent societies, etc.

While that bill was pending before the House Committee on the Post-Office and Post-Roads the committee asked the opinion of the Postmaster-General as to the wisdom of passing it, and, in a letter which he addressed to the chairman of the committee, he vigorously opposed the passage of the bill. He said it would admit a large number of publications then excluded under the departmental ruling, and he feared it would result in overburdening the mails. He said if the bill became a law it would admit as second-class matter the publications of benevolent and fraternal societies, charitable societies, societies connected with churches and religious organizations, and institutions of learning, such as colleges and universities, schools of theology, medicine, law, science, etc., and he protested against the passage of the bill.

While that bill was pending and before it was acted upon the post-office appropriation bill came before the House, and Mr. Springer, of Illinois, offered the bill, in a modified form, as an amendment to the appropriation bill. This was in 1894. The form in which Mr. Springer offered the amendment was as follows:

That from and after the passage of this act all periodical publications issued from a known office of publication at stated intervals and as frequently as four times a year by or under the auspices of a benevolent or fraternal society or order organized under the lodge system and having a bona fide membership of not less than 1,000 persons, or by a regularly incorporated institution of learning, or by or under the auspices of a trades union, and all publications of strictly professional, literary, historical, or scientific societies, including the bulletins issued by State boards of health, shall be admitted to the mails as second-class matter and the postage thereon shall be the same as on other second-class matter and no more: *Provided further*, That such matter shall be originated and published to further the objects and purposes of such society, order, trades union, or institution of learning, and shall be formed of printed paper sheets without board, cloth, leather, or other substantial binding such as distinguish printed books for preservation from periodical publications.

A point of order was made against the amendment and it was debated at length in the House. During the debate Mr. CANNON, the present Speaker of the House, said that he was a member of the Committee on Post-Office and Post-Roads in 1879, when the original act was passed; that he was chairman of the subcommittee which had that measure in charge at that time, and was also in charge of the bill while it was being considered in the House. In the course of his remarks he said:

It never entered the minds of that committee—

The Committee on Post-Office and Post-Roads—

to suppose that that legislation—

Of 1879—

would be so construed as to exclude from the mails this class of papers.

That is, such publications as were being excluded under the ruling of the Department, and for the exclusion of which the complaints were made.

The point of order was overruled by the Chair on the ground that it was a legislative interpretation or construction of the existing law and not a change of the law. The amendment proposed by Mr. Springer was agreed to, and is the present law.

Now, Mr. President, after the passage of this amendatory act of 1894 over the protest of the Postmaster-General, that officer accepted this action of Congress, as he should have done, as an instruction to him. He accepted the construction which this amendment made of the original act of 1879, and accordingly all these classes of publications were admitted into the mail and carried as second-class matter from 1894, without objection, up to about 1901. Then the Postmaster-General saw proper to change the law and the practice of the Department by a new and arbitrary ruling, under the operation of which a large number of publications which had been previously admitted were now excluded, and other publications thereafter begun, which might have been admitted, and which were entitled to admission under the previous ruling, were now denied admission as mailing matter of the second class.

With reference to the particular class of publications in which I am immediately interested—I mean these college publications—the Postmaster-General went back to the act of 1879 and construed that clause of the act, which reads "it must be originated and published for the dissemination of information of a public character," in such a way as to exclude these college magazines, on the ground that they did not meet that requirement of the law. But in doing that, Mr. President, the Postmaster-General reversed the previous ruling of the Postmaster-General, reversed the practice of the Department followed for years, and, as I think, ruled against the express letter of the law.

Mr. GALLINGER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Missouri yield to the Senator from New Hampshire?

Mr. STONE. Certainly.

Mr. GALLINGER. If the Senator will permit me, if I remember correctly the Department, too, has laid great stress upon the words in the law that they must have a bona fide list of subscribers.

Mr. STONE. Yes, sir.

Mr. GALLINGER. The law does not say how many subscribers they shall have. In one or two instances that I am familiar with they had a limited list of subscribers and then public-spirited citizens had made contributions and sent in names. But that was not recognized by the Department as meeting the requirements of the law. I have thought it was an assumption of the power on the part of the Department that was unwarranted in that particular.

Mr. STONE. In 1902 this same question was before the Senate, and a resolution not dissimilar from the one now pending was passed, calling upon the Postmaster-General for information. I desire to read a brief extract from his letter in reply to that resolution, which shows his position. He said:

> Directly answering the inquiry in the resolution, I have to say that the present position of the Post-Office Department toward publications issued by the institutions named in the resolution—

That is, publications by churches, parishes, literary and other associations, and the like—

> is that when their contents consist wholly or mainly of matter relating to those institutions, and not of matter of a *general* public character, that they do not come within the scope of the law; that is to say, they have not the inherent qualities of genuine newspapers or periodical publications "originated and published for the dissemination of information of a *public character*" in the sense contemplated by law. Hence they may not be admitted to the second class.
>
> The publications just referred to are merely *bulletins* or *circulars* for transmitting information pertaining to the institutions in whose interest they are published.

I pause to say that if that is all they were, mere circulars, there would be good reason for not admitting them as second-class matter.

> The information they contain is not of a public character in the broad sense of the statute, and usually the circulation of such alleged periodicals is almost wholly to the membership of the institutions.

That gives the reasons, as I understand them, that the Postmaster-General had for changing the practice of the Department and excluding publications that had been previously admitted under the former rulings of the Department.

Under that ruling magazines like these college periodicals were denied admission to the mail as second-class matter. This [exhibiting] is a copy of the December number of the Missouri Alumni Quarterly. It is a magazine having over seventy pages of printed matter. Nearly the whole of it, as Senators may see, is reading matter, not advertisements, and most of it is original, though there is some selected matter, and most of it is matter of general public interest. Here is another number of the same magazine [exhibiting].

Mr. President, under this later ruling of the Postmaster-General all college or school publications are excluded, except such as are published immediately under the auspices and in the interest of State universities, or by what I am told the Department denominates eleemosynary educational institutions; that is to say, institutions that are not profit-sharing institutions, such as Harvard and Yale. Publications by all other classes of colleges and by college societies are denied admission to the mails as second-class matter.

I ask Senators whether publications of this kind ought, under the terms of the law, to be admitted to the mails as second-class matter? If the construction the Postmaster-General places upon the statute is correct, then ought not the law to be changed so that publications like these I have here may be admitted? It seems to me that if the Police Gazette and Town Topics, with all its chapters of "Fads and Fancies," are admitted into the mails as second-class matter, we might admit publications issued by societies associated with our great universities and colleges.

At all events, there ought to be no discrimination in the admission of publications of the same class.

I have here what I think are, and what I assert to be, identically the same character of publications as the Missouri Alumni Quarterly. This one [exhibiting] is entitled the "Wisconsin Alumni Magazine." Senators can observe that in form, make-up, and in matter it is substantially the same as the Missouri publication.

Mr. GALLINGER. Is that magazine, I will ask the Senator from Missouri, admitted to the mails as second-class matter?

Mr. STONE. It is admitted to the mails as second-class matter. I have here the Alumni Register, printed under the auspices of the Alumni Association of the University of Pennsylvania. Here [exhibiting] is the Michigan Alumni, and here [exhibiting] are the Brown Alumni Monthly and the Harvard Graduates' Magazine. All these are going into the mails as second-class matter. They are published under the same circumstances, by the same kind of societies, and the matter in them, while not the same, of course, is of like character. Some of these magazines have been going through the mails for as long as ten or eleven years, and are going through the mails now unless they have been stopped within the last few weeks.

Mr. GALLINGER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Missouri yield to the Senator from New Hampshire?

Mr. STONE. I yield.

Mr. GALLINGER. I will ask the Senator if he has called the attention of the Post-Office Department to this matter, which looks like discrimination as between publications of various colleges; and if so, what is the explanation?

Mr. STONE. I called the attention of the Post-Office Department to it and received a letter from Third Assistant Postmaster-General Madden, in which he says:

> POST-OFFICE DEPARTMENT,
> THIRD ASSISTANT POSTMASTER-GENERAL,
> *Washington, December 7, 1905.*
>
> Hon. W. J. STONE,
> *United States Senate, Washington, D. C.*
>
> SIR: Referring to your personal call yesterday relative to the recent denial of admission of "The Missouri Alumni Quarterly" to the second class of mail matter at Columbia, Mo., I have the honor to inform you that, judged by the copy of the September, 1905, issue submitted with the application, this publication clearly comes within the class referred to in the inclosed marked copies of Circulars II and XIII as inadmissible to the second class of mail matter.
>
> The law (act of March 3, 1879) does not prohibit the admission of publications published by or for colleges, schools, etc., as a class, but only those whose scope is restricted to such an extent that they are merely local bulletins of personal information, and not information of a public character in the particular sense contemplated by the law.
>
> The claim made by the publisher that other publications apparently similar in character are passing in the mails at the second-class rates of postage is undoubtedly well founded, but this is one of the abuses of the second-class mailing privileges which this office is endeavoring to correct as speedily as the circumstances in each particular case warrant.
>
> The letter addressed to you by the editor of "The Missouri Alumni Quarterly" is returned herewith, as requested.
>
> Respectfully,
>
> EDWIN C. MADDEN,
> *Third Assistant Postmaster-General.*

And here is the circular—No. II—which Mr. Madden sent me. It is dated in 1902. It seems that an application was made to the postmaster of Chicago to have a magazine, evidently a college magazine, admitted as second-class matter. The application was referred to the Post-Office Department and denied. Mr. Madden, writing in 1902 to the postmaster at Chicago, said:

> The Department has uniformly held that publications like * * *, published by students and whose columns are composed almost entirely of purely local items concerning the students themselves, or the university, college, or school to which they are attached—no different, indeed, from newspapers or periodicals published by the employees of any mercantile establishment by themselves and for the dissemination among themselves of items of interest solely to them—are not published "for the dissemination of information of a public character" within the meaning of the law; nor are they "devoted to literature, the sciences, arts, or some special industry;" and, inasmuch as their purpose and object are not such as the provisions of the law prescribe to entitle them to the subsidized second-class rates of postage, they are, therefore, not admissible to the second class of mail matter.

Then he says:

> The claim that publications similar in character to this publication are passing in the mails as second-class matter is no doubt well founded, but the mailing thereof at the subsidized second-class rate of postage is one of the many abuses of the second-class mailing privilege which the Department is endeavoring to eradicate as speedily as possible and as the circumstances in each individual case will warrant.

Almost in the very language used in the letter to me of two or three months ago this officer admits that he knew that periodicals had been admitted which, under his new ruling, were not entitled to the privilege. Mr. President, it seems to me that after the attention of the Post-Office Department had been called to the fact that publications of this kind were going into the mails as second-class matter as much as four years ago, that ought to have been time enough to have eradicated that abuse, if it be an abuse.

When application was made by the editor of the Missouri University Alumni Quarterly last year to have that publication admitted as second-class matter, the attention of the Post-Office Department was directly called to the fact that the very publications I have exhibited here to-day were being admitted into the mails as second-class matter, and yet, when months afterwards I called upon him and wrote to him in regard to it he writes me just as he did the postmaster at Chicago four years before, that it was an abuse which would be eradicated as soon as it could be done.

I think, Mr. President, that publications of this character ought to go into the mails as second-class matter. If the Postmaster-General thinks otherwise and if the Senate thinks otherwise, then there ought certainly to be no difference of opinion or controversy as to this proposition, that every college and university and every alumni association should be treated as every other one is treated; that there should be absolute equality and impartiality in the treatment of all; and if it be true that these publications ought not to go into the mails as second-class matter, if it be true that this Missouri publication should be excluded from the privileges of the mails as second-class matter, then the other magazines of the same kind which are going through the mails should be excluded, and excluded at once; they should not be permitted to enjoy this privilege from month to month and from year to year when the mails are closed against other publications of the same kind.

I do not wish to be understood as desiring to attack the publications now going through the mails or to ask that they be shut out of the mails. I think they ought to go in, but I think the others ought to be admitted also. My insistence is that there must be impartiality in the administration of the law.

I have said enough already, but before I sit down there is one other thing. I desire to read a letter, or part of a letter, that I received from W. W. Elwang, editor of the Missouri University Alumni Quarterly.

Mr. ALLISON. Is that the magazine which is now transmitted through the mails?

Mr. STONE. It is not admitted to the mails; it is denied admission to the mails. Mr. Elwang says:

> You will, of course, be amply able to discover the weaknesses of the Post-Office Department's position, as defined in the Postmaster-General's letter. I shall not, therefore, occupy your valuable time in calling your attention to its inconsistencies. I wish now merely to add certain facts to your stock of information about our publication.

Now, I ask the Senate to listen to this:

> 1. It is a bona fide publication catering to "a genuine public."
> 2. That public can scarcely be defined as a "group of individuals having a mere personal interest in one another's affairs." That public is, rather, the entire past student corps of the university, numbering thousands of men and women, and scattered all over the globe. The magazine goes to Europe, the Philippines, Porto Rico, and most of the States. The subscribers include members of the class of 1846 and all the way down the line to 1905.
> 3. It has "a legitimate list of subscribers, as required by law." Naturally the list is not a very long one as yet—

For the first issue was only in September last—

> but it is growing all the time and now numbers over 400, at the fixed price of $1.50 per annum for four numbers—not a mere "nominal sum."

In the language of the Postmaster-General:

> 4. This is not a money-making scheme for anybody. The editor receives no remuneration. The business manager will receive $200 for his work, provided the business can clear that much during the first year. The establishment, conduct, and prosperity of the magazine is a labor of love on our part for a great and growing public institution.
> 5. Naturally, the first issue was restricted in the scope of its contents to things directly connected with the university The second number had articles more general in their nature. It is our earnest purpose to broaden our scope as our strength increases. But even now we are certainly "devoted" to "some special industry," that being education as represented and exemplified by the crown of Missouri's system of public schools, the university. We therefore claim that our magazine was distinctly "originated" and is "published for the dissemination of information of a public character."

Now, Mr. President, I do not think it necessary to enlarge upon this subject. I have said enough, and unless some Senator desires to be heard, I should like to have a vote upon the resolution.

The VICE-PRESIDENT. The resolution involves some expense, and it is the opinion of the Chair that it is necessary to refer it to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. ALLISON. I was about to make that suggestion to the Chair. I have no doubt that must be done. I think, with the Senator from Missouri, that there ought to be uniformity as respects this class of publications. I can see no reason why a publication of the University of Missouri should be excluded from the mails at the rate of 1 cent a pound and that the University of Wisconsin should have a similar magazine admitted to the mails at that rate. The only way that I can account for the discrimination is that the publication of the University of Wisconsin is an old one, and, probably, under some prior decision of the Postmaster-General, was admitted.

Mr. STONE. I have no doubt that is true.

Mr. ALLISON. And that this Missouri publication is now in its infancy. I think the number we have seen here is No. 2 of that publication.

This is a very important subject, however, taken in its larger sense. The proposition of the Senator from Missouri is that this publication, which is just beginning its career, prosperous or otherwise, has already advanced so far that it is now circulated throughout Europe and has reached the Philippines and other distant possessions of which we have more or less control.

Mr. STONE. If the Senator will permit me, that has been done at the expense to the publication of a much higher rate of postage than is charged on similar publications.

Mr. ALLISON. Yes; I understand that. Of course the object which the Senator has in view is a laudable one. It is a laudable object for the University of Missouri, and for all universities where such publications are issued—and they are of very great interest, especially to educated persons and those who desire to become so—that they should go as cheaply as possible in the mails. I agree with the Senator as to that.

But I do not agree with him that we are called upon to extend the privilege of the mails to these publications at very large expense to the Government. It would probably cost 15 cents, certainly it would cost 10 cents, to transmit a pound of this publication to the Philippines, and yet the Government would only receive for it a cent a pound.

We at this time have the largest deficiency in our postal revenues as compared with our expenditures that we have ever had. This arises, it is said, very largely from the extension of the rural delivery service. The appropriations asked for this year by the Post-Office Department, if I remember rightly, are about $10,000,000 more than the appropriations for the current year.

I think one reason why a more rigid rule is gradually being established as respects the interpretation of this law is because it is perfectly well known that this deficiency in the postal revenues arises from the fact that we carry second-class matter at about one-sixth or one-eighth of its cost; and it embraces practically the great bulk of the mails.

In another place, with which we are all familiar, this matter is being now very carefully examined in great detail, with a view, if possible, in some way to minimize this deficit.

So I think the inquiry which the Senator now proposes to institute is a very worthy one, and I should be glad to see it adopted. I should like, however, to have his consent to add to his resolution what I send to the desk.

The VICE-PRESIDENT. The amendment proposed by the Senator from Iowa to the resolution of the Senator from Missouri will be stated.

The SECRETARY. After the word "character," where it last occurs, it is proposed to insert:

> And also the cost per pound, as near as may be, of transmitting second-class matter through the mails.

Mr. ALLISON. I hope the Senator will not object to that.

Mr. STONE. I have no objection to that.

The VICE-PRESIDENT. The resolution as modified will be referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. STONE. Before that is done, Mr. President, I should like to say I have no objection to the modification, but I suppose the expense involved grows out of the second resolution empowering the committee to send for witnesses.

Mr. ALLISON. It does. That requires the resolution be referred. The first resolution, without the second, would not require a reference.

Mr. STONE. As a matter of fact, there would be no expense connected with this investigation. If there should be need for any expenditure, that could be arranged for at the instance of the committee. I would prefer to withdraw the second resolution and have the matter disposed of now.

The VICE-PRESIDENT. The Senator from Missouri withdraws the second resolution proposed by him, and asks unanimous consent for the consideration of the first resolution as modified. The Secretary will state the resolution as modified.

The Secretary read the resolution as modified, as follows:

> *Resolved*, That the Committee on Post-Offices and Post-Roads be, and hereby is, instructed to make inquiry to ascertain and determine whether, in the opinion of said committee, the construction placed upon existing law by the Post-Office Department, under which periodical publications published by university and college associations and by regularly incorporated institutions of learning are denied admission to the mails as second-class matter, is a correct construction thereof, and, second, to ascertain in what cases and to what extent discriminations and preferences have been authorized or permitted in allowing certain pe-

riodicals of the character named admission to the mails as second-class matter, while denying the like privilege to other publications of the same character; and also the cost per pound, as near as may be, of transmitting second-class matter through the mails.

The resolution as modified was agreed to.

ABANDONMENT OF WIVES AND MINOR CHILDREN.

Mr. GALLINGER. I ask unanimous consent for the present consideration of the bill (H. R. 14515) making it a misdemeanor in the District of Columbia to abandon or willfully neglect to provide for the support and maintenance by any person of his wife or of his or her minor children in destitute or necessitous circumstances.

The Secretary read the bill; and by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

Mr. SPOONER. I wish to ask the Senator who has this bill in charge about its origin—where it was drawn.

Mr. GALLINGER. As stated in a communication from the District Commissioners to us—

The bill was prepared and presented to the Commissioners by the board of managers of the Associated Charities and has the approval of the Commissioners, the corporation counsel, and other officials who would have to do with its enforcement in case it should become a law.

There are in the District, I understand, an extraordinary number of cases of abandonment of dependent wives and children, and the Associated Charities, which is doing a remarkable work here by voluntary contributions, has taken up this matter and has urged it upon me personally for several years. I said to them if they would have drawn a proper law, which I myself did not feel competent to draw, we would give it consideration. It went to the House first, and they have passed the bill. The Senator from Oregon [Mr. GEARIN], who is not here to-day, gave it very careful consideration and reported to the committee that he thought it was in good form, and that there could be no objection to it.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

TERMS OF COURT AT EUREKA, CAL.

Mr. PERKINS. I ask unanimous consent to call up for present consideration the bill (H. R. 15521) establishing regular terms of the United States circuit and district courts of the northern district of California at Eureka, Cal.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MISSISSIPPI RIVER DAM AT PIKE RAPIDS, MINNESOTA.

Mr. NELSON. I ask unanimous consent for the consideration at this time of the bill (S. 4726) permitting the building of a dam across the Mississippi River at or near Pike Rapids, in Morrison County, Minn.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

GRANT OF LANDS TO DURANGO, COLO.

Mr. PATTERSON. I ask unanimous consent to call up for present consideration the bill (S. 2188) granting to the city of Durango, in the State of Colorado, certain lands therein described for water reservoirs.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Lands with amendments.

The first amendment was, on page 2, line 13, before the word "Tempest," to strike out "local meridian" and insert "location monument;" so as to read:

United States location monument Tempest bears, etc.

The amendment was agreed to.

The next amendment was, on page 3, line 20, after the word "or, to strike out "Lake United States, or under" and insert "Lakeside Lake, subject to;" so as to read:

Reservoir No. 3, or Lake Lily, and reservoir No. 4, or Lakeside Lake, subject to any former grant or conveyance.

The amendment was agreed to.

The next amendment was, on page 3, line 7, after the word "utilize," to insert "protect from pollution;" so as to read:

And in making such improvements as may be necessary to store, utilize, protect from pollution, and enjoy the waters, etc.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MAJ. GEORGE E. PICKETT.

Mr. BLACKBURN. I ask unanimous consent for the consideration at this time of the bill (H. R. 14467) for the relief of Capt. George E. Pickett, paymaster, United States Army.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Military Affairs with an amendment, in line 4, before the name "George E. Pickett," to strike out "Captain" and insert "Major;" so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Maj. George E. Pickett, paymaster, United States Army, out of any money in the Treasury not otherwise appropriated, the sum of $1,456.17.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill for the relief of Maj. George E. Pickett, paymaster, United States Army."

DONATION OF OBSOLETE CANNON TO UNIVERSITY OF IDAHO.

Mr. HEYBURN. I ask unanimous consent for the immediate consideration of the bill (S. 4423) providing for the donation of condemned cannon to the University of Idaho.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Military Affairs with an amendment, in line 5, before the word "cannon," to strike out "condemned" and insert "obsolete;" and after the word "cannon," in the same line, to insert "with their carriages and equipments;" so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of War be, and he is hereby, authorized to turn over to the University of Idaho, at Moscow, Idaho, two obsolete cannon, with their carriages and equipments, now in possession of said University of Idaho, to become the property of the said university for ornamentation of the grounds of the said university.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill providing for the donation of obsolete cannon, with their carriages and equipments, to the University of Idaho."

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed a joint resolution (H. J. Res. 115) amending joint resolution instructing the Interstate Commerce Commission to make examinations into the subject of railroad discriminations and monopolies, and report on the same from time to time, approved March 7, 1906; in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (S. 51) to create a juvenile court in and for the District of Columbia; and it was thereupon signed by the Vice-President.

ORDER OF BUSINESS.

Mr. ALLISON. I ask for the regular order.

The VICE-PRESIDENT. The Senator from Iowa asks for the regular order.

Mr. McCUMBER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Iowa yield to the Senator from North Dakota?

Mr. ALLISON. I will for the purpose I think the Senator has in view, namely, to ask for the consideration of pension bills.

Mr. McCUMBER. I ask unanimous consent that the Senate proceed to the consideration of unobjected pension bills on the Calendar, and also unobjected bills to correct military records.

The VICE-PRESIDENT. Is there objection to the request made by the Senator from North Dakota?

Mr. FULTON. Mr. President——

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Oregon?

Mr. McCUMBER. I yield.

Mr. FULTON. I wish simply to make a report from the Committee on Claims.

The VICE-PRESIDENT. Before that is done, the Chair wishes to lay before the Senate a House joint resolution.

Mr. FULTON. Very well.

RAILROAD DISCRIMINATIONS AND MONOPOLIES.

The VICE-PRESIDENT laid before the Senate the joint resolution (H. J. Res. 115) amending joint resolution instructing

the Interstate Commerce Commission to make examinations into the subject of railroad discriminations and monopolies, and report on the same from time to time, approved March 7, 1906; which was read the first time by its title.

Mr. TILLMAN. Ordinarily, of course, the joint resolution would go to the Committee on Interstate Commerce, but it relates to a matter with which the Senate is very familiar. I spoke on it three days ago. I refer to the President's message about giving additional power to the Interstate Commerce Commission. While there was a difference of opinion, as there almost always is when I have controversies with my friends here, and I do not believe there is any necessity for any additional power, I have conferred with members of the Interstate Commerce Committee, and we would like to have the joint resolution taken up and put on its passage without reference. I ask unanimous consent that that be done.

Mr. LODGE and Mr. SPOONER. Let the joint resolution be read.

The VICE-PRESIDENT. The joint resolution will be read.

The joint resolution was read the second time at length, as follows:

*Resolved, etc.*, That joint resolution instructing the Interstate Commerce Commission to make examinations into the subject of railroad discriminations and monopolies, and report on the same from time to time, approved March 7, 1906, is hereby amended by adding the following thereto:

Ninth. To enable the Commission to perform the duties required and accomplish the purposes declared herein, the Commission shall have and exercise under this joint resolution the same power and authority to administer oaths, to subpœna and compel the attendance and testimony of witnesses and the production of documentary evidence, and to obtain full information, which said Commission now has under the act to regulate commerce, approved February 4, 1887, and acts amendatory thereof or supplementary thereto now in force or may have under any like statute taking effect hereafter. All the requirements, obligations, liabilities, and immunities imposed or conferred by said act to regulate commerce and by "An act in relation to testimony before the Interstate Commerce Commission in cases under or connected with an act entitled 'An act to regulate commerce,' approved February 4, 1887, and amendments thereto," approved February 11, 1893, shall also apply to all persons who may be subpœnaed to testify as witnesses or to produce documentary evidence in pursuance of the authority herein conferred.

The VICE-PRESIDENT. The Senator from South Carolina asks unanimous consent for the present consideration of the joint resolution. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment.

Mr. TILLMAN. Mr. President, I merely desire to say a word. I am still of the opinion that no additional power is necessary, because the Commission already has the power, but inasmuch as the President has cast suspicion on the authority, and the parties to be investigated will take advantage of that and will go into court with the great prestige of his name and influence to resist the efforts of the Commission, I think we had better pass the joint resolution so as to put the matter at rest once for all.

Mr. SPOONER. Mr. President, I am still of the opinion that the original joint resolution was entirely defective, and without the amendment made to it by the House of Representatives would have failed to accomplish the purpose which was intended by its author and by the Senate. Therefore, as it has been corrected and put in a form in which it will probably be efficient, I hope it will be passed without further delay.

The joint resolution was ordered to a third reading, read the third time, and passed.

### CUSTER COUNTY, MONT.

Mr. FULTON. Mr. President——

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Oregon?

Mr. McCUMBER. I yield.

Mr. FULTON. I am directed by the Committee on Claims, to whom was referred the bill (H. R. 4736) for the relief of the county of Custer, State of Montana, to report it favorably without amendment.

Mr. CARTER. I ask unanimous consent for the present consideration of the bill.

Mr. LODGE. A good many of us have been cut off, and I do not see why these constant exceptions should be made.

Mr. CARTER. I suggest that this is a House bill.

Mr. LODGE. We all have bills we would like to have passed.

Mr. CARTER. I withdraw the request.

The VICE-PRESIDENT. The bill will go to the Calendar.

### GALON S. CLEVENGER.

Mr. McCUMBER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 1056) granting a pension to Galon S. Clevenger having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment.

P. J. McCUMBER,
N. B. SCOTT,
JAS. P. TALIAFERRO,
*Managers on the part of the Senate.*

H. C. LOUDENSLAGER,
GEORGE R. PATTERSON,
*Managers on the part of the House.*

The report was agreed to.

### CONSIDERATION OF PENSION AND MILITARY RECORD BILLS.

Mr. McCUMBER. I now renew my request that the Senate proceed to the consideration of unobjected pension bills on the Calendar and also unobjected bills to remove military disabilities or to correct military records.

The VICE-PRESIDENT. The Senator from North Dakota asks unanimous consent that the Senate proceed to the consideration of unobjected pension cases and unobjected cases correcting military records. Is there objection? The Chair hears none, and it is so ordered.

### ALEXANDER J. M'DONALD.

Mr. GALLINGER. There is a bill correcting a military record which I would ask action upon later, but as I must necessarily leave the Chamber, I will ask that it be considered now. It was reported this morning.

Mr. McCUMBER. I yield to the Senator from New Hampshire for the purpose of calling up the bill indicated by him.

Mr. GALLINGER. I ask unanimous consent for the present consideration of the bill (S. 4957) to correct the military record of Alexander J. MacDonald. It comes under the order.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Military Affairs with an amendment, in line 5, to strike out the name "MacDonald" and insert "McDonald;" and at the end of the bill to strike out the period and insert a colon and the following:

*Provided*, That no pay, bounty, or other emoluments shall accrue by virtue of the passage of this act.

So as to make the bill read:

*Be it enacted, etc.*, That the Secretary of War be, and he is hereby, authorized and directed to correct the military record of Alexander J. McDonald, late first lieutenant, Fifth Regiment United States Artillery, and grant him an honorable discharge as of January 30, 1867: *Provided*, That no pay, bounty, or other emoluments shall accrue by virtue of the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to correct the military record of Alexander J. McDonald."

### FREDERICK BIERLEY.

The VICE-PRESIDENT. The Secretary will state the first bill in order under the unanimous-consent agreement.

The bill (H. R. 12948) granting an increase of pension to Frederick Bierley was announced as the first business in order on the Calendar, and the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to place on the pension roll the name of Frederick Bierley, late of Company G, Seventieth Regiment Ohio Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### DANIEL T. FERRIER.

The bill (H. R. 12903) granting an increase of pension to Daniel T. Ferrier was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Daniel T. Ferrier, late of Company K, Second Regiment Indiana Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### CHARLES M. PRIDDY.

The bill (H. R. 9593) granting a pension to Charles M. Priddy was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles M. Priddy, late of Company M, Nineteenth Regiment Kansas Volunteer Cavalry, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE W. JACKSON.

The bill (H. R. 7478) granting a pension to George W. Jackson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George W. Jackson, late chief musician, Twenty-third Regiment Kansas Volunteer Infantry, war with Spain.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM MILLER.

The bill (H. R. 6936) granting an increase of pension to William Miller was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Willlam Miller, late of Captain Horton's company, Third Regiment North Carolina Volunteers, Cherokee Indian disturbance, and to pay him a pension of $16 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS B. DAVIS.

The bill (H. R. 10353) granting a pension to Thomas B. Davis was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas B. Davis, late of Company I, Thirty-third Regiment United States Volunteer Infantry, war with Spain, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

VICTORIA BISHOP.

The bill (H. R. 11415) granting an increase of pension to Victoria Bishop was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Victoria Bishop, widow of Empson Bishop, late of Captain Hudson's company Tennessee Militia, war of 1812, and to pay her a pension of $16 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES SHAFFER.

The bill (S. 975) granting an increase of pension to James Shaffer was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James Shaffer, late of Company E, Second Regiment Ohio Volunteer Cavalry; Company H, One hundred and fifth Regiment Ohio Volunteer Infantry, and Company A, Thirty-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN BROWN.

The bill (S. 4689) granting an increase of pension to John Brown was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pensions laws, the name of John Brown, late of Captain Mount's company, One hundred and thirty-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN W. HALL.

The bill (S. 4146) granting a pension to John W. Hall was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John W. Hall, late enrolling officer and deputy provost-marshal ninth district of Illinois, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EDWARD M. BARNES.

The bill (S. 4233) granting an increase of pension to Edward M. Barnes was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edward M. Barnes, late first lieutenant Company A, Second Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JAMES GANNON.

The bill (S. 829) granting an increase of pension to James Gannon was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James Gannon, late of Company G, Fiftieth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM P. MARSHALL.

The bill (S. 3641) granting an increase of pension to William P. Marshall was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "and," to insert "and Company H, One hundredth Regiment Pennsylvania Volunteer Infantry;" and in line 9, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William P. Marshall, late of Company D, Ninth Regiment Indiana Volunteer Infantry, and Company H, One hundredth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LYMAN J. SLATE.

The bill (S. 3766) granting an increase of pension to Lyman J. Slate was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lyman J. Slate, late of Company H, Eighteenth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DANIEL C. EARLE.

The bill (S. 1349) granting an increase of pension to Daniel C. Earle was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike

out "thirty" and insert "twenty-four;" so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Daniel C. Earle, late of Company A, Forty-second Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOSEPH H. BEALE.

The bill (S. 341) granting an increase of pension to Joseph H. Beale was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the word "Company," to strike out the letter "B" and insert "D;" so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph H. Beale, late of Company D, Thirty-first Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ADA A. THOMPSON.

The bill (S. 3520) granting a pension to Ada A. Thompson was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ada A. Thompson, widow of Charles W. Thompson, late first lieutenant Company G, Thirty-ninth Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Ada A. Thompson."

JOHN A. STOCKWELL, ALIAS JOHN STOCKWELL.

The bill (S. 1667) granting an increase of pension to John A. Stockwell was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John A. Stockwell, alias John Stockwell, late of U. S. S. Cumberland and North Carolina, United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to John A. Stockwell, alias John Stockwell."

JAMES H. NOBLE.

The bill (S. 4324) granting an increase of pension to James H. Noble was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James H. Noble, late of Company A, Twentieth Regiment Massachusetts Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JABEZ MILLER.

The bill (S. 4325) granting an increase of pension to Jabez Miller was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jabez Miller, late of Company K, Eighteenth Regiment Connecticut Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOHN T. BROTHERS.

The bill (S. 3839) granting an increase of pension to John T. Brothers was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty-six" and insert "twenty-four;" so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John T. Brothers, late of Company I, Eighth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

NETTIE E. TOLLES.

The bill (S. 4424) granting an increase of pension to Nettie E. Tolles was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Nettie E. Tolles, widow of William R. Tolles, late lieutenant-colonel One hundred and fifth Regiment Ohio Volunteer Infantry, and to pay her a pension of $30 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LENER M'NABB.

The bill (H. R. 1809) granting a pension to Lener McNabb was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Lener McNabb, widow of Lewis W. McNabb, late captain Company K, Forty-ninth Regiment United States Volunteer Infantry, war with Spain, and to pay her a pension of $20 per month and $2 per month additional on account of each of the minor children of said Lewis W. McNabb until they reach the age of 16 years.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES WHITE.

The bill (H. R. 3811) granting an increase of pension to James White was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James White, late of Company H, Thirtieth Regiment Iowa Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY C. SPANGLER.

The bill (H. R. 8218) granting an increase of pension to Mary C. Spangler was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary C. Spangler, widow of Adam L. Spangler, late of Company C, Fourth Regiment United States Artillery, war with Mexico, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ROBERT M'ANALLY.

The bill (H. R. 2264) granting an increase of pension to Robert McAnally was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Robert McAnally, late of Company K, One hundred and fifty-fifth Regiment New York Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SELDEN C. CLOBRIDGE.

The bill (H. R. 2344) granting an increase of pension to Selden C. Clobridge was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Selden C. Clobridge, late of Company G, One hundred and fifteenth Regiment New York Volunteer Infantry, and to pay him a pension of $55 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AGNES FLYNN.

The bill (H. R. 2749) granting an increase of pension to Agnes Flynn was considered as in Committee of the Whole. It pro-

poses to place on the pension roll the name of Agnes Flynn, widow of Patrick Flynn, late of Company B, Eighty-fourth Regiment New York Volunteer Infantry, and One hundred and thirty-first Company, Second Battalion Veteran Reserve Corps, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN H. H. SANDS.

The bill (H. R. 10399) granting an increase of pension to John H. H. Sands was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John H. H. Sands, late of Company F, Seventy-first Regiment New York Volunteer Infantry, Company C, Fifth Regiment, and Company G, Seventh Regiment New Jersey Volunteer Infantry, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

KATHERINE WILLS.

The bill (S. 4106) granting an increase of pension to Katherine Wills was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-five;" so as to make the bill read:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Katherine Wills, widow of Charles W. Wills, late major One hundred and third Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LYDIA ANN JONES.

The bill (S. 337) granting an increase of pension to Lydia Ann Jones was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 9, before the word "dollars," to strike out "twenty-five" and insert "sixteen;" so as to make the bill read:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lydia Ann Jones, widow of John P. Jones, late of Company B, Ninth Regiment New Jersey Volunteer Infantry, and pay her a pension at the rate of $16 per month in lieu of that she is now receiving.

Mr. KEAN. I will state to the Senate that this widow is totally blind and, I think, is entitled to a pension of $25, as originally proposed in the bill. The amendment of the committee would give a very small sum for a person totally blind.

Mr. McCUMBER. It is almost impossible to immediately give the reasons for the rate being fixed at a certain amount. We follow rather strictly certain rules. It will be seen that this was not the war widow of a soldier, but she was married somewhere about 1870, was she not?

Mr. KEAN. She was married to the soldier September 21, 1861, and is now 69 years of age and is totally blind.

Mr. McCUMBER. Then I had in mind another bill. I will ask the Senate to pass this bill over and go on with others, and I will look at it and give the Senator the reasons for the action of the committee.

Mr. KEAN. Very well; let it be passed over without prejudice.

The VICE-PRESIDENT. The bill will be passed over without prejudice.

Mr. KEAN subsequently said: The Senator from North Dakota is now ready to return to the bill (S. 337) granting an increase of pension to Lydia Ann Jones.

The Senate, as in Committee of the Whole, resumed the consideration of the bill.

The VICE-PRESIDENT. The pending question is on the amendment of the committee, in line 8, before the word "dollars," to strike out "twenty-five" and insert "sixteen."

Mr. KEAN. I trust the Senator from North Dakota will not insist on that amendment. The widow is totally blind and is entirely destitute.

Mr. McCUMBER. I simply wish to say in reference to the amount allowed in this case that, as will be seen by the report, the soldier enlisted April 23, 1861, and served until July 31, 1861, a period of a few days more than three months. He reenlisted again in March, 1865, and served about another three months.

Mr. KEAN. When he was honorably discharged.

Mr. McCUMBER. Yes; when he was honorably discharged. So his service during the war period was probably but a little over three months.

It has been the rule of the committee to consider the length of service of a soldier as one of the features in fixing the amount of pension that will be granted to him by a private bill. The soldier would have been allowed under this showing about $30 per month. It has been our rule to grant the widow about half what would ordinarily be granted the soldier. The law itself recognizes about that distinction throughout.

I have no objection, from the Senator's statement to me a short time ago, to strike out "twenty-five" and insert in lieu thereof the word "twenty," if the Senator from New Jersey will accept it.

Mr. KEAN. I agree to that.

The VICE-PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. In line 8, before the word "dollars," it is proposed to amend the amendment of the committee by striking out "sixteen" and inserting "twenty."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM C. QUIGLEY.

The bill (S. 4180) granting an increase of pension to William C. Quigley was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William C. Quigley, late of Company K, Eighty-first Regiment Ohio Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSEPH E. SCOTT.

The bill (H. R. 550) granting an increase of pension to Joseph E. Scott was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joseph E. Scott, late of Company K, Seventy-fifth Regiment New York Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN SNOUSE.

The bill (H. R. 3418) granting an increase of pension to John Snouse was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Snouse, late of Company G, Forty-fourth Regiment Ohio Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NICHOLAS CHRISLER.

The bill (H. R. 3397) granting an increase of pension to Nicholas Chrisler was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Nicholas Chrisler, late of the Norfolk Brigade Band, United States Volunteers, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE W. MOWER.

The bill (H. R. 2443) granting an increase of pension to George W. Mower was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George W. Mower, late of Company K, Tenth Regiment Michigan Volunteer Cavalry, and to pay him a pension of $40 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JEREMIAH KINCAID.

The bill (H. R. 12565) granting an increase of pension to Jeremiah Kincaid was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jeremiah Kincaid, late of Company H, Nineteenth Regiment Kentucky Volunteer Infantry, and to pay him a pension of $40 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARTIN NOLAN.

The bill (H. R. 13165) granting a pension to Martin Nolan was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Martin Nolan, late of Company K, Sixteenth Regiment United States Infantry, and to pay him a pension of $10 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CYNTHIA A. EMBRY.

The bill (H. R. 13161) granting a pension to Cynthia A. Embry was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Cynthia A. Embry, widow of Jesse M. Embry, late of Captain Smith's company, First Regiment Texas Mounted Volunteers, war with Mexico, and to pay her a pension of $8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM EVANS.

The bill (H. R. 13166) granting an increase of pension to William Evans was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William Evans, late of Company H, Ninth Regiment Kentucky Volunteer Cavalry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS LOWRY.

The bill (H. R. 1566) granting an increase of pension to Thomas Lowry was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas Lowry, late of Company D, Second Regiment West Virginia Volunteer Cavalry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LYMAN CRITCHFIELD, JR.

The bill (H. R. 12955) granting a pension to Lyman Critchfield, jr., was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Lyman Critchfield, jr., late of Company D, Eighth Regiment Ohio Volunteer Infantry, war with Spain.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES S. RANDALL.

The bill (H. R. 12516) granting a pension to James S. Randall was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James S. Randall, minor child of James S. Randall, late of Company K, Third Regiment Kentucky Volunteer Infantry, war with Mexico, and to pay him a pension of $10 per month until he reaches the age of 16 years.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GENERAL M. BROWN.

The bill (H. R. 2614) granting a pension to General M. Brown was considered as in Committee of the Whole. It proposes to place on the pension roll the name of General M. Brown, late of Company H, Fifth Regiment Michigan Volunteer Cavalry, and to pay him a pension of $12 per month, the same to be paid to him under the rules of the Pension Bureau as to mode and time of payment without any deduction or rebate on account of former alleged overpayments or erroneous payments of pension.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LYDIA B. BEVAN.

The bill (H. R. 13282) granting a pension to Lydia B. Bevan was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Lydia B. Bevan, widow of James M. Bevan, late second lieutenant, Artillery Corps, United States Army, and to pay her a pension of $15 per month and $2 per month additional on account of the minor child of said James M. Bevan until he reaches the age of 16 years.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DAVID L. FINCH.

The bill (H. R. 628) granting a pension to David L. Finch was considered as in Committee of the Whole. It proposes to place on the pension roll the name of David L. Finch, late scout and guide, United States Volunteers, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JESSE A. THOMAS.

The bill (S. 4612) granting a pension to Jesse A. Thomas was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 8, before the word "dollars," to strike out "twenty-five" and insert "twenty-four," and in the same line, after the word "month," to insert "in lieu of that he is now receiving;" so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jesse A. Thomas, late of Company A, Eighth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Jesse A. Thomas."

FRANCIS M. LYNCH.

The bill (S. 2577) granting an increase of pension to F. M. Lynch was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "of," to strike out "F." and insert "Francis;" and in line 8, before the word "dollars," to strike out "twenty-four" and insert "twenty;" so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Francis M. Lynch, late of Company K, Seventh Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Francis M. Lynch."

THOMAS A. MAULSBY.

The bill (S. 4775) granting an increase of pension to Thomas A. Maulsby was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the word "late," to strike out "of Captain" and insert "captain;" so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas A. Maulsby, late captain, Maulsby's independent battery, Virginia Volunteer Light Artillery, and pay him a pension at the rate of $55 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PARKER PRITCHARD.

The bill (S. 2574) granting an increase of pension to Parker Pritchard was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the word "Regiment," to insert "Potomac Home Brigade;" so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Parker Pritchard, late of Company F, Second Regiment Potomac Home Brigade Maryland Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

THOMAS W. WAUGH.

The bill (S. 2575) granting an increase of pension to Thomas W. Waugh was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the word "Regiment," to insert "Potomac Home Brigade;" so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas

W. Waugh, late of Company F, Second Regiment Potomac Home Brigade, Maryland Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FRANCIS J. KEFFER.

The bill (S. 3653) granting an increase of pension to Francis J. Keffer was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Francis J. Keffer, late of Company F, United States Voltigeurs, war with Mexico, and captain Company N, Seventy-first Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ELLEN A. GIBBON.

The bill (S. 4717) granting an increase of pension to Ellen A. Gibbon was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Ellen A. Gibbon, widow of James S. Gibbon, late of Company F, One hundred and eighty-seventh Regiment Pennsylvania Volunteer Infantry, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM MAYER.

The bill (H. R. 484) granting a pension to William Mayer was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William Mayer, late of Company H, Ninth Regiment United States Infantry, and to pay him a pension of $10 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM H. BANTOM.

The bill (H. R. 485) granting an increase of pension to William H. Bantom was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William H. Bantom, late of Company E, Eighty-second Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIZABETH MURRAY.

The bill (H. R. 1569) granting a pension to Elizabeth Murray was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Elizabeth Murray, widow of Christopher Murray, late of Company K, Ninety-first Regiment Ohio Volunteer Infantry, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES WILLIAMS.

The bill (S. 2736) granting an increase of pension to James Williams was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James Williams, late of Company I, First Regiment Iowa Volunteer Infantry, and Companies F and B, First Regiment Missouri Volunteer Engineers, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

TROY MOORE.

The bill (H. R. 2245) granting an increase of pension to Troy Moore was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Troy Moore, late second lieutenant Company F, Thirty-second Regiment, and captain Company E, One hundred and fifty-second Regiment Illinois Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM MERIDETH.

The bill (H. R. 2736) granting a pension to William Merideth was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William Merideth, late of Company M, First Regiment Indiana Volunteer Cavalry, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FRED DILG.

The bill (H. R. 2244) granting an increase of pension to Fred Dilg was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Fred Dilg, late first lieutenant Company B, Ninth Regiment Illinois Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SEWALL A. EDWARDS.

The bill (H. R. 2088) granting an increase of pension to Sewall A. Edwards was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Sewall A. Edwards, late of Company C, Twenty-fifth Regiment Maine Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DAVID C. HOWARD.

The bill (S. 3893) granting an increase of pension to David C. Howard was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the word "late," to strike out "of" and insert "second lieutenant;" and in line 8, before the word "dollars," to strike out "forty" and insert "thirty;" so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of David C. Howard, late second lieutenant Company F, First Regiment Ohio Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ALFRED F. SEARS.

The bill (S. 249) granting an increase of pension to Alfred F. Sears was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "fifty" and insert "thirty;" so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alfred F. Sears, late first major First Regiment New York Volunteer Engineers, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PHILIP GAVIN.

The bill (S. 1837) granting an increase of pension to Philip Gavin was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Philip Gavin, late of the U. S. S. Boston, United States Navy, and pay him a pension at the rate of $20 per month, such pension to be in lieu of the disability and service pension he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JAMES W. LINNAHAN.

The bill (S. 4409) granting an increase of pension to James W. Linnahan was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "fifty" and insert "thirty;" so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James W. Linnahan, late of Company A, Ninety-ninth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

THOMAS CLAIBORNE.

The bill (S. 1338) granting an increase of pension to Thomas Claiborne was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas Claiborne, late first lieutenant Company D, United States Mounted Rifles, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LOUISE M. WYNKOOP.

The bill (S. 1919) granting an increase of pension to Louise M. Wynkoop was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Louise M. Wynkoop, widow of Edward W. Wynkoop, late major, First Regiment Colorado Volunteer Cavalry, and to pay her a pension of $25 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JAMES M. M'CORKLE.

The bill (S. 3676) granting an increase of pension to James M. McCorkle was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James M. McCorkle, late of Company K, First Regiment United States Veteran Volunteer Engineers, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MARY L. BURR.

The bill (S. 2953) granting an increase of pension to Mary L. Burr was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary L. Burr, widow of Lafayette Burr, late first lieutenant and adjutant, Ninth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $17 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HARRIET WILLIAMS.

The bill (S. 1105) granting an increase of pension to Harriet Williams was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Harriet Williams, widow of James E. Williams, late major, Third Regiment United States Colored Volunteer Heavy Artillery, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HANNAH C. PETERSON.

The bill (S. 4473) granting a pension to Hanna Caroline Peterson was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Hannah C. Peterson, dependent mother of Matthew R. Peterson, late major and commissary of subsistence, United States Volunteers, war with Spain, and pay her a pension at the rate of $25 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting a pension to Hannah C. Peterson."

WILLIAM E. ANDERSON.

The bill (S. 4288) granting an increase of pension to William E. Anderson was considered as in Committee on the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the words "late of," to strike out "Company" and insert "Battery;" in line 7, before the word "and," to insert "war with Mexico;" and in line 8, before the word "dollars," to strike out "thirty" and insert "twenty;" so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William E. Anderson, late of Battery H, Third Regiment United States Artillery, war with Mexico, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MARY JANE SCHNURE.

The bill (S. 3232) granting an increase of pension to Mary Jane Schnure was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary Jane Schnure, widow of John C. Schnure, late of Company F, One hundred and eighty-fourth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SYDNEY A. ASSON.

The bill (H. R. 2080) granting an increase of pension to Sydney A. Asson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Sydney A. Asson, widow of William T. Asson, late major and additional paymaster, United States Volunteers, and to pay her a pension of $20 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE C. MYERS.

The bill (H. R. 1962) granting an increase of pension to George C. Myers was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George C. Myers, late of Company H, One hundred and sixty-fifth Regiment Pennsylvania Drafted Militia Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HENRY F. LANDES.

The bill (H. R. 2091) granting an increase of pension to Henry F. Landes was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Henry F. Landes, late of Company H, One hundred and thirtieth Regiment Indiana Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN C. KEENER.

The bill (H. R. 4219) granting an increase of pension to John C. Keener was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John C. Keener, late of Company D, First Regiment North Carolina

Volunteers, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HARVEY J. FULMER.

The bill (H. R. 1553) granting an increase of pension to Harvey J. Fulmer was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Harvey J. Fulmer, late of Company I and second lieutenant Company C, Second Regiment West Virginia Volunteer Cavalry, and to pay him a pension of $36 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LIZZIE BELK.

The bill (H. R. 11416) granting an increase of pension to Lizzie Belk was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Lizzie Belk, widow of William L. Belk, late of Companies I and B, Palmetto Regiment South Carolina Volunteer Infantry, war with Mexico, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

KATE E. YOUNG.

The bill (S. 1614) granting a pension to Kate E. Young was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Kate E. Young, widow of George W. Young, late of ram Lioness, Mississippi Marine Brigade, United States Volunteers, and pay her a pension at the rate of $8 per month, and $2 per month additional on account of the minor child of said George W. Young until she reaches the age of 16 years.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MARTHA E. WARDLAW.

The bill (S. 3618) granting an increase of pension to Martha E. Wardlaw was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Martha E. Wardlaw, widow of John B. Wardlaw, late of Captain Tally's company, First Regiment Georgia Drafted Militia, Creek Indian war, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ANTOINETTE A. DARNALL.

The bill (S. 2351) granting an increase of pension to Antoinette A. Darnall was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the words "widow of," to strike out the name "Marion" and insert the letter "M.;" in line 8, before the word "and," to strike out "Spanish-American war;" and in line 9, before the word "dollars," to strike out "thirty" and insert "twenty;" so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Antoinette A. Darnall, widow of M. Duke Darnall, late paymaster's clerk, United States Navy, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HENRY W. PERKINS.

The bill (H. R. 2705) granting an increase of pension to Henry W. Perkins was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Henry W. Perkins, late of Capt. Robert Bullock's independent company, Florida Mounted Volunteers, Florida and Seminole Indian war, and to pay him a pension of $16 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ABRAHAM M. KAUFMAN.

The bill (H. R. 1137) granting an increase of pension to Abraham M. Kaufman was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Abraham M. Kaufman, late of Company C, One hundred and eighty-seventh Regiment Ohio Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM K. KEECH.

The bill (H. R. 1071) granting an increase of pension to William K. Keech was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William K. Keech, late of Company E, One hundred and twenty-fourth Regiment Pennsylvania Volunteer Infantry, Captain Myers's independent company Pennsylvania Emergency Militia Cavalry, and unassigned, Eighteenth Regiment Pennsylvania Volunteer Cavalry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARIA ELIZABETH POSEY.

The bill (H. R. 10677) granting a pension to Mary Elizabeth Posey was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Maria Elizabeth Posey, helpless and dependent daughter of Carnot Posey, late lieutenant, Company B, First Regiment Mississippi Volunteers, war with Mexico, and to pay her a pension of $8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES WILSON.

The bill (H. R. 11748) granting an increase of pension to James Wilson was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "twenty-four" and insert "twenty;" so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James Wilson, late of Company B, Seventh Regiment New York State Militia Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

ALICE B. HARTSHORNE.

The bill (H. R. 13010) granting an increase of pension to Alice B. Hartshorne was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 10, before the word "dollars," to strike out "fifty" and insert "forty;" so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alice B. Hartshorne, widow of William Ross Hartshorne, late first lieutenant and adjutant Forty-second Regiment and colonel One hundred and ninetieth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

WILLIAM H. MORROW.

The bill (H. R. 14358) granting an increase of pension to William H. Morrow was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William H. Morrow, late of Company A, Sixty-third Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ISAIAH COLLINS.

The bill (H. R. 7412) granting an increase of pension to Isaiah Collins was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Isaiah Collins, late of Company E, One hundred and fortieth Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DANIEL WARD.

The bill (H. R. 6395) granting an increase of pension to Daniel Ward was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Daniel Ward, late of Company I, Ninth Regiment West Virginia Volunteer Infantry, and Company D, First Regiment West Virginia Veteran Volunteer Infantry, and to pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALEXANDER KINNISON.

The bill (H. R. 1775) granting a pension to Alexander Kinnison was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Alexander Kinnison, late of Company M, First Regiment United States Infantry, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN M'KEEVER.

The bill (H. R. 3981) granting an increase of pension to John McKeever was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John McKeever, late of Company A, First Regiment Colorado Volunteer Infantry, and Company I, Second Regiment Colorado Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS W. SALLADE.

The bill (H. R. 3435) granting an increase of pension to Thomas W. Sallade was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas W. Sallade, late of Company K, Eleventh Regiment Pennsylvania Reserve Volunteer Infantry, and Company I, One hundred and ninetieth Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LEVI PICK.

The bill (H. R. 3553) granting an increase of pension to Levi Pick was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Levi Pick, late of Company D, Seventy-fourth Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES B. WILKINS.

The bill (H. R. 3557) granting an increase of pension to James B. Wilkins was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James B. Wilkins, late of Company K, Two hundred and eighth Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GOTTLIEB SPITZER, ALIAS GOTTFRIED BRUNER.

The bill (H. R. 14123) granting an increase of pension to Gottlieb Spitzer, alias Gottfried Bruner, was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Gottlieb Spitzer, alias Gottfried Bruner, late of Company B, Fourteenth Regiment Connecticut Volunteer Infantry, and to pay him a pension of $72 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANTHONY SHERLOCK.

The bill (H. R. 2763) granting an increase of pension to Anthony Sherlock was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Anthony Sherlock, late of Company C, Third Regiment New Hampshire Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HORACE E. BROWN.

The bill (H. R. 2766) granting an increase of pension to Horace E. Brown was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Horace E. Brown, late captain Company A, Fifteenth Regiment Vermont Volunteer Infantry, and to pay him a pension of $36 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANSEL K. TISDALE.

The bill (H. R. 2982) granting an increase of pension to Ansel K. Tisdale was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Ansel K. Tisdale, late of Company H, Thirteenth Regiment Massachusetts Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JEREMIAH CALLAHAN.

The bill (H. R. 3284) granting an increase of pension to Jeremiah Callahan was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jeremiah Callahan, late of Company E, Fourteenth Regiment Connecticut Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN FARRELL.

The bill (H. R. 2060) granting an increase of pension to John Farrell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Farrell, late of Company L, Fourth Regiment Massachusetts Volunteer Cavalry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ROSWELL J. KELSEY.

The bill (H. R. 1331) granting an increase of pension to Roswell J. Kelsey was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Roswell J. Kelsey, late of Company K, Ninth Regiment New Hampshire Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES O. TOBEY.

The bill (H. R. 3685) granting an increase of pension to James O. Tobey was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James O. Tobey, late of Company B, Thirty-first Regiment Maine Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSEPH E. MILLER.

The bill (H. R. 3698) granting an increase of pension to Joseph E. Miller was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joseph E. Miller, late of Company A, Ninth Regiment Maine Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HARRIET E. GROGAN, FORMERLY PRESTON.

The bill (H. R. 1911) granting an increase of pension to Harriet E. Grogan was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Harriet E. Grogan, formerly Preston, late nurse, Medical Department, United States Volunteers, and to pay her a pension of $20 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HIRAM WILDE.

The bill (H. R. 2100) granting an increase of pension to Hiram Wilde was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Hiram Wilde, late of Company A, Seventeenth Regiment New York Volunteer

Infantry, and to pay him a pension of $40 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JULIA A. POWELL.

The bill (H. R. 1912) granting a pension to Julia A. Powell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Julia A. Powell, widow of Albert M. Powell, late lieutenant-colonel First Regiment Missouri Volunteer Light Artillery, and captain, Thirty-first Regiment United States Infantry, and to pay her a pension of $20 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ISAAC M. WOODWORTH.

The bill (H. R. 11353) granting an increase of pension to Isaac M. Woodworth was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Isaac M. Woodworth, late of Company A, First Regiment Massachusetts Volunteer Infantry, and to pay him a pension of $40 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARTHA J. WILSON.

The bill (H. R. 11000) granting an increase of pension to Martha J. Wilson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Martha J. Wilson, widow of Braman J. Wilson, late of Company I, Ninth Regiment New Hampshire Volunteer Infantry, and to pay her a pension of $20 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES D. HUDSON.

The bill (H. R. 11536) granting an increase of pension to James D. Hudson was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty-six" and insert "forty;" so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James D. Hudson, late captain Company K, One hundred and twentieth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

JOHN H. CRANE.

The bill (H. R. 12494) granting an increase of pension to John H. Crane was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John H. Crane, late of Company A, Ninth Regiment Iowa Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BENJAMIN H. DECKER.

The bill (H. R. 3384) granting a pension to Benjamin H. Decker was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Benjamin H. Decker, late of Company M, Fifteenth Regiment New York Volunteer Engineers, and to pay him a pension of $6 per month, or such higher rate of pension as he may hereafter show himself to be entitled to, the same to be paid him under the rules of the Pension Bureau as to mode and times of payment without any deduction or rebate on account of former alleged overpayments or erroneous payments of pension.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FLORENCE B. KNIGHT.

The bill (H. R. 2006) granting a pension to Florence B. Knight was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Florence B. Knight, widow of Cyrus W. Knight, late acting assistant surgeon, United States Army, and to pay her a pension of $8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SANFORD C. H. SMITH.

The bill (H. R. 1997) granting an increase of pension to Sanford C. H. Smith was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Sanford C. H. Smith, late of Company H, Seventh Regiment Ohio Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SAMUEL P. BIGGER.

The bill (H. R. 1205) granting an increase of pension to Samuel P. Bigger was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Samuel P. Bigger, late of Company I, Sixty-first Regiment Ohio Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALPHONSO H. HARVEY.

The bill (H. R. 1058) granting an increase of pension to Alphonso H. Harvey was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Alphonso H. Harvey, late of Company A, Second Regiment Wisconsin Volunteer Infantry, and Company F, First Regiment Minnesota Veteran Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JACOB M'GAUGHEY.

The bill (H. R. 3452) granting an increase of pension to Jacob McGaughey was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jacob McGaughey, late of Company I, One hundred and forty-ninth Regiment, and Company I, One hundred and fifteenth Regiment, Indiana Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN W. BURTON.

The bill (H. R. 1243) granting an increase of pension to John W. Burton was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John W. Burton, late of Company I, Second Regiment Indiana Volunteer Cavalry, and to pay him a pension of $40 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HERMANN LIEB.

The bill (H. R. 7622) granting an increase of pension to Hermann Lieb was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Hermann Lieb, late major, Eighth Regiment Illinois Volunteer Infantry, colonel Fifth Regiment United States Colored Volunteer Heavy Artillery, and brevet brigadier-general, United States Volunteers, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SARAH A. PITT.

The bill (H. R. 2093) granting a pension to Sarah A. Pitt was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Sarah A. Pitt, former widow of Caleb C. Haney, late of Company G, Seventy-sixth Regiment Illinois Volunteer Infantry, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SARAH DUFFIELD.

The bill (H. R. 12720) granting a pension to Sarah Duffield was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Sarah Duffield, dependent mother of William H. H. Duffield, late of Company B, First Regiment Colorado Volunteer Cavalry, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE GAYLORD.

The bill (H. R. 7765) granting an increase of pension to George Gaylord was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George Gaylord, late of Company K, Eleventh Regiment Illinois Volunteer

Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HELEN P. MARTIN.

The bill (H. R. 10770) granting a pension to Helen P. Martin was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Helen P. Martin, widow of Harman H. Martin, late of Company A, One hundred and fifty-third Regiment Pennsylvania Volunteer Infantry, and to pay her a pension of $8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALICE ROURK.

The bill (H. R. 4704) granting a pension to Alice Rourk was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Alice Rourk, widow of Francis Rourk, late acting assistant surgeon, United States Army, and to pay her a pension of $8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM E. SMITH.

The bill (H. R. 2150) granting an increase of pension to William E. Smith was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William E. Smith, late of Company H, Fifth Regiment Tennessee Volunteer Infantry, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LYDIA C. WOOD.

The bill (H. R. 2151) granting an increase of pension to Lydia C. Wood was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Lydia C. Wood, widow of Gustavus A. Wood, late colonel Fifteenth Regiment Indiana Volunteer Infantry, and to pay her a pension of $30 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM T. SCANDLYN.

The bill (H. R. 1888) granting a pension to William T. Scandlyn was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William T. Scandlyn, late of Company G, Twenty-ninth Regiment United States Volunteer Infantry, war with Spain, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN R. STALCUP.

The bill (H. R. 13976) granting an increase of pension to John R. Stalcup was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John R. Stalcup, late of Captain Murray's company, Haskell's regiment Tennessee Volunteers, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NANCY F. SHELTON.

The bill (H. R. 13348) granting an increase of pension to Nancy F. Shelton was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Nancy F. Shelton, widow of William A. Shelton, late captain Company D, First Regiment Missouri State Militia Cavalry, and to pay her a pension of $17 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN REYNOLDS.

The bill (H. R. 13402) granting a pension to John Reynolds was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Reynolds, late of Company E, Fifth Regiment United States Infantry, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HENRY GUY.

The bill (H. R. 8202) granting an increase of pension to Henry Guy was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Henry Guy, late of Company G, Forty-eighth Regiment Indiana Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES M. BUSBY.

The bill (H. R. 6507) granting an increase of pension to James M. Busby was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James M. Busby, late of Company G, Twelfth Regiment Missouri Volunteer Cavalry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM F. BOTTOMS.

The bill (H. R. 8048) granting an increase of pension to William F. Bottoms was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William F. Bottoms, late of Company F, Sixtieth Regiment Illinois Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SAMUEL PRESTON.

The bill (H. R. 10632) granting an increase of pension to Samuel Preston was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Samuel Preston, late of Company I, First Regiment East Tennessee Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY J. M'CONNELL.

The bill (H. R. 8376) granting an increase of pension to Mary J. McConnell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary J. McConnell, widow of Samuel M. McConnell, late sergeant-major First Regiment Georgia Volunteers, war with Mexico, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN HAMILTON.

The bill (H. R. 10914) granting an increase of pension to John Hamilton was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Hamilton, late chaplain One hundred and fifty-fifth Regiment Illinois Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BURGESS COLE.

The bill (H. R. 7770) granting an increase of pension to Burgess Cole was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Burgess Cole, late of Company C, One hundred and first Regiment Illinois Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES D. BILLINGSLEY.

The bill (H. R. 11745) granting an increase of pension to James D. Billingsley was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James D. Billingsley, late of Companies C and A, Fourth Regiment Missouri State Militia Volunteer Cavalry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSEPH C. GRISSOM.

The bill (H. R. 12289) granting an increase of pension to Joseph C. Grissom was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joseph C. Grissom, late of Company B, Eighth Regiment Indiana Volunteer Cavalry, and captain Company H, One hundred and thirtieth Regiment Indiana Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

J. FREDERICK EDGELL.

The bill (H. R. 12391) granting an increase of pension to J. Frederick Edgell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of J. Frederick Edgell, late of Company E, Fifty-fourth Regiment New York National Guard Infantry, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM CLOUGH.

The bill (H. R. 13611) granting an increase of pension to William Clough was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William Clough, late of Captain Staple's company, Fourth Regiment Louisiana Volunteer Infantry, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DAVIS W. HATCH.

The bill (H. R. 13643) granting an increase of pension to Davis W. Hatch was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Davis W. Hatch, late of Captain Walker's independent company, Texas Mounted Rangers, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN E. BALL.

The bill (H. R. 7396) granting an increase of pension to John E. Ball was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John E. Ball, late captain Company E, Forty-ninth Regiment Missouri Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EMMA C. ANDERSON.

The bill (H. R. 1977) granting a pension to Emma C. Anderson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Emma C. Anderson, widow of Carl A. Anderson, late of Company G, Fourteenth Regiment New York Volunteer Infantry, war with Spain, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSEPH BAKER.

The bill (H. R. 1967) granting an increase of pension to Joseph Baker was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joseph Baker, late of Battery B, First Regiment New Jersey Volunteer Light Artillery, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN MONROE.

The bill (H. R. 1968) granting an increase of pension to John Monroe was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Monroe, late of Company F, One hundred and twenty-seventh Regiment New York Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM B. PHILBRICK.

The bill (H. R. 3225) granting an increase of pension to William B. Philbrick was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William B. Philbrick, late of Eighth Independent Battery, Wisconsin Volunteer Light Artillery, and to pay him a pension of $36 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MATILDA E. LAWTON.

The bill (H. R. 1440) granting an increase of pension to Matilda E. Lawton was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Matilda E. Lawton, widow of Elbridge Lawton, late chief engineer, United States Navy, and to pay her a pension of $40 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLES W. RENELL.

The bill (H. R. 1460) granting an increase of pension to Charles W. Renell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles W. Renell, late of Company L, Second Regiment New York Veteran Volunteer Cavalry, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARTHA S. CAMPBELL.

The bill (H. R. 10886) granting an increase of pension to Martha S. Campbell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Martha S. Campbell, widow of James A. Campbell, late of Company C, Second Regiment New York Volunteer Cavalry, and to pay her a pension of $20 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DELIGHT A. ALLEN.

The bill (S. 4817) granting an increase of pension to Delight R. Allen was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the name "Delight," to strike out the letter "R" and insert "A;" and in line 9, before the word "dollars," to strike out "twenty" and insert "twelve;" so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws the name of Delight A. Allen, widow of Augustus M. Allen, late of Company G, Two hundred and tenth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Delight A. Allen."

LEWELLEN T. DAVIS.

The bill (S. 1435) granting an increase of pension to L. T. Davis was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the word "of," where it occurs the first time, to strike out the letter "L" and insert "Lewellen;" so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lewellen T. Davis, late of Company D, First Regiment Delaware Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Lewellen T. Davis."

JOHN F. WHITE.

The bill (S. 4551) granting an increase of pension to John F. White was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John F. White, late of Company D, Seventy-seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EPHRAIM WINTERS.

The bill (S. 3811) granting an increase of pension to Ephraim Winters was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with

an amendment, in line 8, before the word "dollars," to strike out "twenty-four" and insert "twenty;" so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ephraim Winters, late of Company G, Fifty-fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ALBERT B. LAWRENCE.

The bill (S. 1203) granting a pension to Albert B. Lawrence was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, before the word "dependent," to insert "helpless and;" so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Albert B. Lawrence, helpless and dependent son of Edward Lawrence, late of Company G, One hundred and thirty-ninth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

THOMAS B. WHALEY.

The bill (S. 2638) granting an increase of pension to Thomas B. Whaley was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas B. Whaley, late of Company F, Eleventh Regiment Pennsylvania Reserve Volunteer Infantry, and Company I, Thirteenth Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

GEORGE THOMAS.

The bill (S. 4386) granting a pension to George Thomas was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George Thomas, late of Company G, Fifth Regiment, and Company G, Sixth Regiment, West Virginia Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CASSY COTTRILL.

The bill (S. 306) granting a pension to Cassy Cottrill was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, before the word "Cavalry," to insert "Volunteer;" so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Cassy Cottrill, widow of Augustine J. Cottrill, late of Company B, Sixth Regiment West Virginia Volunteer Cavalry, and pay her a pension at the rate of $8 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SAMUEL DERRY.

The bill (S. 1434) granting an increase of pension to Samuel Derry was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "twenty-eight" and insert "twenty-four;" so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel Derry, late of Company D, Third Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ROBERT AUCOCK.

The bill (H. R. 8275) granting an increase of pension to Robert Aucock was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Robert Aucock, late of Companies F and E, Seventy-seventh Regiment New York Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIZABETH A. MASON.

The bill (H. R. 8826) granting a pension to Elizabeth A. Mason was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Elizabeth A. Mason, widow of Peter Mason, late of Company A, Seventh Regiment West Virginia Volunteer Infantry, and to pay her a pension of $8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM H. UHLER.

The bill (H. R. 7827) granting an increase of pension to William H. Uhler was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William H. Uhler, late of Company G, First Regiment Maryland Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DANIEL DILTS.

The bill (H. R. 7883) granting an increase of pension to Daniel Dilts was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Daniel Dilts, late of Company G, Thirtieth Regiment New Jersey Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HENRY P. WILL.

The bill (H. R. 6148) granting a pension to Henry P. Will was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Henry P. Will, late of Company E, Eighteenth Regiment United States Infantry, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN W. DAVIS.

The bill (H. R. 5383) granting an increase of pension to John W. Davis was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John W. Davis, late of Company G, Sixth Regiment West Virginia Volunteer Cavalry, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DOMINICK ARNOLD.

The bill (H. R. 4989) granting an increase of pension to Dominick Arnold was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Dominick Arnold, late of Company A, Third Regiment Potomac Home Brigade Maryland Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BARNES B. SMITH.

The bill (H. R. 11259) granting an increase of pension to Barnes B. Smith was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Barnes B. Smith, late of Company I, Eleventh Regiment West Virginia

Volunteer Infantry, and to pay him a pension of $40 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE W. ELLICOTT.

The bill (H. R. 10047) granting an increase of pension to George W. Ellicott was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George W. Ellicott, late of Troop L, Sixth Regiment United States Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY EDNA CAMMERON.

The bill (H. R. 10920) granting a pension to Mary Edna Cammeron was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary Edna Cammeron, widow of Henry De Haven Cammeron, late of Troop C, New York Volunteer Cavalry, war with Spain, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALLEN E. WILLIAMS.

The bill (H. R. 11071) granting an increase of pension to Allen E. Williams was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Allen E. Williams, late of Company B, Seventh Regiment Pennsylvania Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE W. REED.

The bill (H. R. 11408) granting an increase of pension to George W. Reed was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George W. Reed, late of Company I, Two hundred and ninth Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM C. ROBISON.

The bill (H. R. 11625) granting a pension to William C. Robison was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William C. Robison, late of Company E, One hundred and thirty-second Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BENSON H. BOWMAN.

The bill (S. 4541) granting an increase of pension to Benson H. Bowman was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Benson H. Bowman, late of Company F, Ninth Regiment Kansas Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

THOMAS F. CAREY.

The bill (S. 97) granting an increase of pension to Thomas F. Carey was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, before the word "Infantry," to strike out "Volunteer;" and in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas F. Carey, late of Company F, Twelfth Regiment United States Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HENRY CRANDELL.

The bill (H. R. 8642) granting an increase of pension to Henry Crandell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Henry Crandell, late of Company C, Seventieth Regiment New York Volunteer Infantry, and Troop D, Second Regiment United States Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ISAAC L. RERICK.

The bill (H. R. 9127) granting an increase of pension to Isaac L. Rerick was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Isaac L. Rerick, late of Company E, Fourteenth Regiment Iowa Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE W. ALLISON.

The bill (H. R. 7547) granting an increase of pension to George W. Allison was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George W. Allison, late captain Company D, Seventeenth Regiment Indiana Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN P. MOORE.

The bill (H. R. 6508) granting an increase of pension to John P. Moore was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John P. Moore, late of Company A, Thirty-third Regiment Wisconsin Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN HAACK.

The bill (H. R. 6177) granting an increase of pension to John Haack was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Haack, late of Company B, Thirty-fifth Regiment Wisconsin Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FRANK CRITTENDEN.

The bill (H. R. 10827) granting an increase of pension to Frank Crittenden was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Frank Crittenden, late of Company C, Tenth Regiment Michigan Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM J. RILEY.

The bill (H. R. 10894) granting an increase of pension to William J. Riley was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William J. Riley, late of Company H, Sixth Regiment Illinois Volunteer Cavalry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ISAAC DEEMS.

The bill (H. R. 10897) granting an increase of pension to Isaac Deems was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Isaac Deems, late of Company H, Eighty-seventh Regiment Illinois Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE S. TAYLOR.

The bill (H. R. 1803) granting a pension to George S. Taylor was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George S. Taylor, late of Company M, Seventh Regiment United States Volunteer In-

fantry, war with Spain, and to pay him a pension of $30 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HANNAH A. PRESTON.

The bill (H. R. 14719) granting an increase of pension to Hannah A. Preston was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Hannah A. Preston, former widow of Eugene F. Norwood, late of Company D, Eighty-fifth Regiment New York Volunteer Infantry, and to pay her a pension of $20 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLES W. SHEDD.

The bill (S. 3035) granting an increase of pension to Charles W. Shedd was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles W. Shedd, late of Company H, Fourteenth Regiment Vermont Volunteer Infantry, and Company M, Twenty-sixth Regiment New York Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ALDEN FULLER.

The bill (S. 4124) granting an increase of pension to Alden Fuller was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Alden Fuller, late of Company C, Fifteenth Regiment Massachusetts Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MILFORD W. OXLEY.

The bill (S. 2209) granting a pension to Milford W. Oxley was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Milford W. Oxley, late of U. S. S. Franklin, United States Navy, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FRANK N. GRAY.

The bill (H. R. 8739) granting an increase of pension to Frank N. Gray was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Frank N. Gray, late of Company D. Fifty-ninth Regiment United States Colored Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIZABETH C. HOWELL.

The bill (H. R. 8836) granting an increase of pension to Elizabeth C. Howell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Elizabeth C. Howell, widow of Caleb H. Howell, late of Company D, Forty-eighth Regiment New York Volunteer Infantry, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALICE M. DURNEY.

The bill (H. R. 4257) granting an increase of pension to Alice M. Durney was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Alice M. Durney, widow of Francis Durney, late of Company D, Sixth Regiment New York Volunteer Heavy Artillery, and to pay her a pension of $16 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN G. C. MACFARLANE.

The bill (H. R. 4823) granting an increase of pension to John G. C. Macfarlane was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John G. C. Macfarlane, late lieutenant-colonel Ninety-fifth Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE SAXE.

The bill (H. R. 9887) granting a pension to George Saxe was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George Saxe, late of Company B, One hundred and second Regiment New York Volunteer Infantry, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EDGAR W. CALHOUN.

The bill (H. R. 10322) granting an increase of pension to Edgar W. Calhoun was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Edgar W. Calhoun, late of Company H, Second Regiment Connecticut Volunteer Heavy Artillery, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM H. JOSLYN.

The bill (H. R. 11196) granting an increase of pension to William H. Joslyn was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William H. Joslyn, late of Company K, Thirteenth Regiment New York Volunteer Infantry and first lieutenant Company H, Twenty-first Regiment New York Volunteer Cavalry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CLINTON A. CHAPMAN.

The bill (H. R. 11557) granting an increase of pension to Clinton A. Chapman was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Clinton A. Chapman, late of Company D, Fifteenth Regiment, and Company E, Twentieth Regiment, Massachusetts Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANNA FRANCES HALL.

The bill (S. 3254) granting an increase of pension to Anna Frances Hall was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "late," to strike out "a private in" and insert "of;" and in line 9, before the word "dollars," to strike out "thirty" and insert "twelve;" so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Anna Frances Hall, widow of Caleb Hall, late of Company E, Seventh Regiment Rhode Island Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LOUISA ARNOLD.

The bill (S. 4301) granting an increase of pension to Louisa Arnold was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 8, after the word "and," to strike out "of;" in line 9, before the word "Corps," to strike out "Relief" and insert "Reserve;" and in line 10, before the word "dollars," to strike out "thirty" and insert "sixteen;" so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Louisa Arnold, widow of Edwin W. Arnold, late of Company D, Second Regiment Rhode Island Volunteer Infantry, and Company F, Thirteenth Regiment Veteran Reserve Corps, and pay her a pension at the rate of $16 per month in lieu of that she is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ALICE A. ARMS.

The bill (S. 2077) granting an increase of pension to Alice A. Arms was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 9, before the word "dollars," to strike out

"thirty" and insert "seventeen;" and in line 10, after the word "additional," to strike out "during the minority of her son" and insert "on account of the minor child of the said Charles J. Arms until he reaches the age of 16 years;" so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alice A. Arms, widow of Charles J. Arms, late first lieutenant Company B, Sixteenth Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $17 per month in lieu of that she is now receiving, and $2 per month additional on account of the minor child of the said Charles J. Arms until he reaches the age of 16 years.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LYDIA JONES.

The bill (S. 1354) granting a pension to Lydia Jones was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "twelve" and insert "eight;" so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lydia Jones, widow of Lewis Jones, late of Company H, First Regiment Massachusetts Volunteer Cavalry, and pay her a pension at the rate of $8 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SAMUEL H. FOSTER.

The bill (S. 1012) granting an increase of pension to Samuel H. Foster was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel H. Foster, late of Company I, Tenth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

STEPHEN D. HOPKINS.

The bill (H. R. 6216) granting an increase of pension to Stephen D. Hopkins was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "twenty-four" and insert "forty;" so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Stephen D. Hopkins, late of Company I, Tenth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

JOEL S. WEISER.

The bill (S. 4228) granting an increase of pension to Joel S. Weiser was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joel S. Weiser, late of Company I, Ninth Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JACOB A. FIELD.

The bill (S. 3484) granting an increase of pension to Jacob A. Field was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the word "late," to strike out "of" and insert "first lieutenant;" so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jacob A. Field, late first lieutenant Company K, Twelfth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ALEXANDER ESLER.

The bill (S. 1415) granting an increase of pension to Alexander Esler was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alexander Esler, late of Captain Boyd's company, District of Columbia Volunteer Militia, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ANNA K. CARPENTER.

The bill (S. 3532) granting an increase of pension to Anna K. Carpenter was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty;" so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Anna K. Carpenter, widow of Thomas H. Carpenter, late captain, Seventeenth Regiment United States Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

THEODORE M'CLELLAN.

The bill (S. 1910) granting an increase of pension to Theodore McClellan was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, before the word "Infantry," to strike out "Volunteer;" so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Theodore McClellan, late of Company A, Sixth Regiment United States Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HENRY RITTENHOUSE.

The bill (H. R. 6158) granting an increase of pension to Henry Rittenhouse was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "twenty-four" and insert "twenty;" so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry Rittenhouse, late of Company G, Twenty-eighth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

JOHN N. HENRY.

The bill (S. 3524) granting a pension to John N. Henry was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "late," to strike out "of Company I" and insert "hospital steward;" in line 8, before the word "dollars," to strike out "thirty-six" and insert "thirty;" and in line 9, after the word "month," to insert "in lieu of that he is now receiving;" so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John N. Henry, late hospital steward, Forty-ninth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to John N. Henry."

SAMUEL H. HANCOCK.

The bill (S. 3987) granting an increase of pension to Samuel H. Hancock was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, before the word "Sharpshooters," to insert "Volunteer;" in line 8, before the word "Regiment," to strike out "A, Second" and insert "B, Third;" and in line 9, before the word "dollars," to strike out "forty" and insert "twenty-four;" so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel H. Hancock, late of Company A, Second Regiment United States Volunteer Sharpshooters, and Company B, Third Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DAVID TREMBLE.

The bill (S. 2033) granting an increase of pension to David Trimble was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, before the word "late," to strike out the name "Trimble" and insert "Tremble;" and in the same line, after the word "late," to strike out "of" and insert "first lieutenant and captain;" so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of David Tremble, late first lieutenant and captain Company K, Sixty-second Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to David Tremble."

AARON J. BURGET.

The bill (S. 4691) granting an increase of pension to A. J. Burget was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "of," where it occurs the first time, to strike out the letter "A" and insert "Aaron;" and in the same line, after the words "late of," to strike out "Company" and insert "Companies D and C;" so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Aaron J. Burget, late of Companies D and C, First Regiment Missouri Volunteer Engineers, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Aaron J. Burget."

AMANDA O. WEBBER.

The bill (S. 4877) granting an increase of pension to Amanda O. Webber was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Amanda O. Webber, widow of James H. Webber, late of Company K, Sixty-ninth Regiment Illinois Volunteer Infantry, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PATRICK BURK.

The bill (S. 3296) granting an increase of pension to Patrick Burk was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Patrick Burk, late of Company K, Thirty-second Regiment Wisconsin Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

GEORGE CONKLIN.

The bill (S. 3297) granting an increase of pension to George Conklin was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George Conklin, late of Company K, Sixth Regiment Minnesota Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LUTHER M. ROYAL.

The bill (S. 3835) granting an increase of pension to Luther M. Royal was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Luther M. Royal, late of Company C, First Regiment Maine Volunteer Heavy Artillery, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WALTER GREEN.

The bill (S. 3257) granting an increase of pension to Walter Green was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Walter Green, late of Company B, Second Regiment Wisconsin Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

GEORGE W. LUCAS.

The bill (S. 2102) granting an increase of pension to George W. Lucas was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George W. Lucas, late of Company D, Twenty-ninth Regiment Iowa Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MARY COBURN.

The bill (H. R. 8063) granting an increase of pension to Mary Coburn was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary Coburn, widow of William C. Coburn, late first lieutenant Company F, Eighteenth Regiment Massachusetts Volunteer Infantry, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

KATE H. KAVANAUGH.

The bill (H. R. 9235) granting an increase of pension to Kate H. Kavanaugh was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Kate H. Kavanaugh, widow of Delaney Kavanaugh, late captain Company A, and major, Sixth Regiment Indiana Volunteer Infantry, and to pay her a pension of $20 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSEPH W. FOSTER.

The bill (H. R. 7631) granting an increase of pension to Joseph W. Foster was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joseph W. Foster, late captain Company K, Forty-second Regiment Illinois Volunteer Infantry, and to pay him a pension of $36 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HEINRICK KRUMDICK.

The bill (H. R. 6918) granting an increase of pension to Heinrick Krumdick was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Heinrick Krumdick, late of Company H, Ninth Regiment Ohio Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIZA B. WILSON.

The bill (H. R. 6921) granting a pension to Eliza B. Wilson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Eliza B. Wilson, widow of William N. Wilson, late of Company H, Fifteenth Regiment Indiana Volunteer Infantry, and to pay her a pension of $8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ASA TOUT.

The bill (H. R. 5026) granting an increase of pension to Asa Tout was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Asa Tout, late of Company I, Twenty-sixth Regiment Indiana Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM H. MARSDEN.

The bill (H. R. 6453) granting an increase of pension to William H. Marsden was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William H. Marsden, late of Company E, Fourth Regiment Indiana Volunteer Cavalry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JONATHAN DAUGHENBAUGH.

The bill (H. R. 1742) granting an increase of pension to Jonathan Daughenbaugh was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jonathan Daughenbaugh, late of Company D, Forty-sixth Regiment Illinois Volunteer Infantry, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HENRY W. YATES.

The bill (H. R. 4832) granting an increase of pension to Henry W. Yates was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Henry W. Yates, late of Company D, One hundred and thirty-sixth Regiment Illinois Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSEPH H. HIRST.

The bill (H. R. 9860) granting an increase of pension to Joseph H. Hirst was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joseph H. Hirst, late of Company D, Fifty-second Regiment Ohio Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM A. BARNES.

The bill (H. R. 10217) granting an increase of pension to William A. Barnes was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William A. Barnes, late first lieutenant Company D, Twenty-fourth Regiment United States Colored Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM M'GOWAN.

The bill (H. R. 10478) granting an increase of pension to William McGowan was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William McGowan, late of Company H, Second Regiment Minnesota Volunteer Cavalry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ROBERT M. YOUNG.

The bill (H. R. 11849) granting an increase of pension to Robert M. Young was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Robert M. Young, late of Company B, Third Regiment Iowa Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS E. KEITH.

The bill (S. 2970) granting an increase of pension to Thomas E. Keith was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas E. Keith, late of Company A, One hundred and forty-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CATHARINE R. MITCHELL.

The bill (H. R. 9216) granting an increase of pension to Catharine R. Mitchell was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the words "widow of," to strike out the name "Absolom" and insert "Absalom;" so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Catharine R. Mitchell, widow of Absalom R. Mitchell, late of Company K, Fifth Regiment Louisiana Militia Infantry, war with Mexico, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

JOHN MATHER.

The bill (S. 2725) granting an increase of pension to John Mather was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "late," to strike out "sergeant" and insert "of;" and in line 8, before the word "dollars," to strike out "fifty" and insert "thirty;" so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Mather, late of Company E, Seventy-third Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DANIEL A. PROCTOR.

The bill (H. R. 8207) granting an increase of pension to Daniel A. Proctor was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Daniel A. Proctor, late of Companies A and C, Fourth Regiment Wisconsin Volunteer Cavalry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELI BRAINARD.

The bill (H. R. 8208) granting an increase of pension to Eli Brainard was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Eli Brainard, late of Company G, Ninety-fifth Regiment Illinois Volunteer Infantry, and to pay him a pension of $36 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES HINES.

The bill (H. R. 8917) granting an increase of pension to James Hines was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James Hines, late master at arms U. S. S. *Norwich* and *North Carolina*, United States Navy, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALONZO DOUGLAS.

The bill (H. R. 8161) granting an increase of pension to Alonzo Douglas was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Alonzo Douglas, late of Company A, Eighth Regiment Iowa Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALBERT H. LEWIS.

The bill (H. R. 6066) granting an increase of pension to Albert H. Lewis was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Albert H. Lewis, late of Company C, Nineteenth Regiment Ohio Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JENNIE LITTLE.

The bill (H. R. 5215) granting an increase of pension to Jennie Little was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jennie Little, widow of George E. Little, late of the band of the Forty-first Regiment Ohio Volunteer Infantry, and to pay her a pension of $16 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN P. VANCE.

The bill (H. R. 11052) granting an increase of pension to John P. Vance was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John P. Vance, late commissary-sergeant Twenty-second Regiment Kentucky Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSEPH POLLARD.

The bill (H. R. 11065) granting an increase of pension to Joseph Pollard was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joseph Pollard, late of Company G, First Regiment, and Company G, Twelfth Regiment Rhode Island Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ROSA ZURRIN.

The bill (H. R. 11078) granting a pension to Rosa Zurrin was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Rosa Zurrin, widow of John Zurrin, late of Company C, Second Regiment United States Infantry, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM E. FRITTS.

The bill (H. R. 11107) granting an increase of pension to William E. Fritts was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William E. Fritts, late of Company E, Twenty-first Regiment Indiana Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

REUBEN I. TURCKHEIM, ALIAS JOSEPH ADLER.

The bill (H. R. 12229) granting an increase of pension to Reuben I. Turckheim, alias Joseph Adler, was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Reuben I. Turckheim, alias Joseph Adler, late of Company H, Second Regiment Massachusetts Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN FOLTZ.

The bill (H. R. 12351) granting an increase of pension to John Foltz was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Foltz, late of Company F, First Regiment Ohio Volunteer Infantry, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

KATE GILMORE.

The bill (S. 4606) granting an increase of pension to Kate Gilmore was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Kate Gilmore, widow of John Gilmore, late of Company A, First Regiment Virginia Volunteer Cavalry, and One hundred and nineteenth Company, Second Battalion, Veteran Reserve Corps, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HENRY GOLDER.

The bill (S. 3222) granting an increase of pension to Henry Golder was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the words "late of," to strike out "Company B" and insert "Captain Jones's company," and in line 9, before the word "dollars," to strike out "thirty-six" and insert "twenty-four;" so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry Golder, late of Captain Jones's company, One hundred and third Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM D. JOHNSON.

The bill (S. 520) granting an increase of pension to William D. Johnson was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, before the word "and," to strike out "Troops" and insert "Volunteer Infantry;" and in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William D. Johnson, late of Company G, Third Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ARTHUR HAIRE.

The bill (H. R. 8607) granting an increase of pension to Arthur Haire was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Arthur Haire, late of Captain Morgan's company, Georgia Volunteers, Creek Indian war, and to pay him a pension of $16 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS G. MASSEY.

The bill (H. R. 7208) granting an increase of pension to Thomas G. Massey was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas G. Massey, late of Company M, Third Regiment Arkansas Volunteer Cavalry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN COLEMAN, JR.

The bill (H. R. 5615) granting an increase of pension to John Coleman, jr., was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Coleman, jr., late of Company E, Eighty-fourth Regiment New York Volunteer Infantry, and to pay him a pension of $40 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EDGAR SCHROEDERS.

The bill (H. R. 5616) granting an increase of pension to Edgar Schroeders was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Edgar Schroeders, late second lieutenant Company D, Seventy-fourth Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM O. GILLESPIE.

The bill (H. R. 5724) granting an increase of pension to William O. Gillespie was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William O. Gillespie, late of Company F, First Regiment North Carolina Volunteer Infantry, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM T. HARRIS.

The bill (H. R. 5727) granting an increase of pension to William T. Harris was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William T. Harris, late of Company D, First Regiment North Carolina Volunteer Infantry, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BENJAMIN FRENCH.

The bill (H. R. 10723) granting an increase of pension to Benjamin French was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Benjamin French, late of Company B, One hundred and second Regiment New York Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DAVID BRUCE.

The bill (H. R. 10724) granting an increase of pension to David Bruce was considered as in Committee of the Whole. It proposes to place on the pension roll the name of David Bruce, late of Company F, Seventieth Regiment New York Volunteer Infantry, and to pay him a pension of $36 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES W. BAKER.

The bill (H. R. 9955) granting a pension to James W. Baker was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James W. Baker, late of Company H, Forty-seventh Regiment United States Volunteer Infantry, war with Spain, and to pay him a pension of $6 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES HUTCHINSON.

The bill (H. R. 12396) granting an increase of pension to James Hutchinson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James Hutchinson, late of Company E, Seventy-seventh Regiment Illinois Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BENJAMIN W. VALENTINE.

The bill (S. 2667) granting an increase of pension to Benjamin W. Valentine was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "fifty" and insert "twenty-four;" so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Benjamin W. Valentine, late of Company G, Seventy-fourth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM V. VAN OSTERN.

The bill (H. R. 6401) granting an increase of pension to William V. Van Ostern was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 9, before the word "dollars," to strike out "twenty-four" and insert "thirty;" so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William V. Van Ostern, late second lieutenant Companies B and K, One hundred and eighty-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

JOHN J. HUGHES.

The bill (H. R. 4596) granting an increase of pension to John J. Hughes was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John J. Hughes, late of Company I, Second Regiment Texas Mounted Volunteers, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM COOK.

The bill (H. R. 9267) granting an increase of pension to William Cook was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William Cook, late of Troop K, United States Mounted Rifles, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN L. EDMUNDSON.

The bill (H. R. 9447) granting an increase of pension to John L. Edmundson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John L. Edmundson, late of Company E, Sixth Regiment Illinois Volunteer Cavalry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ETTA D. CONANT.

The bill (H. R. 10725) granting an increase of pension to Etta D. Conant was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Etta D. Conant, widow of William L. Conant, late first lieutenant Company F, and captain Company H, One hundred and twenty-seventh Regiment New York Volunteer Infantry, and to pay her a pension of $12 per month in lieu of that she is now receiving and $2 per month additional on account of a minor child of said officer until such child shall arrive at the age of 16 years.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLES H. CULVER.

The bill (H. R. 11742) granting an increase of pension to Charles H. Culver was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles H. Culver, late of Company F, Eleventh Regiment Michigan Volunteer Cavalry, and Company D, Twenty-third Regiment Veteran

Reserve Corps Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CALVIN D. WEATHERMAN.

The bill (H. R. 11927) granting an increase of pension to Calvin D. Weatherman was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Calvin D. Weatherman, late of Company F, First Regiment Arkansas Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY M. STARK.

The bill (H. R. 12090) granting an increase of pension to Mary M. Stark was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary M. Stark, widow of William H. Stark, late captain Company I, and lieutenant-colonel Twenty-fourth Regiment Missouri Volunteer Infantry, and to pay her a pension of $30 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARGARET LEWIS.

The bill (S. 3817) granting an increase of pension to Margaret Lewis was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Margaret Lewis, widow of Richard F. Lewis, late of Captains Coffee and Fisher's companies, Florida Volunteers, war with Mexico, and pay her a pension at the rate of $8 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JESSE ALDERMAN.

The bill (S. 1952) granting an increase of pension to Jesse Alderman was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jesse Alderman, late of Captains Hooker, Lesley, and Kendrick's companies, Florida Mounted Volunteers, Seminole Indian war, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PETER QUERMBECK.

The bill (S. 3584) granting an increase of pension to Peter Quermbeck was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Peter Quermbeck, late of Company B, Twentieth Regiment New York Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

THOMAS E. BISHOP.

The bill (H. R. 8176) granting an increase of pension to Thomas E. Bishop was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas E. Bishop, late first lieutenant Company B, Twenty-fifth Regiment New York Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES T. BUTLER.

The bill (H. R. 9248) granting an increase of pension to James T. Butler was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James T. Butler, late of Company H, First Regiment Tennessee Volunteers, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSEPH D. TATE.

The bill (H. R. 7615) granting an increase of pension to Joseph D. Tate was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joseph D. Tate, late of Company C, Fourth Regiment Arkansas Volunteer Cavalry, and to pay him a pension of $100 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HENRY R. HILL.

The bill (H. R. 7984) granting a pension to Henry R. Hill was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Henry R. Hill, late of Captain Lesley's company, Florida Mounted Volunteers, and Captain Sparkman's independent company, Florida Mounted Volunteers, Florida and Seminole Indian war, and to pay him a pension of $8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MAGGIE D. RUSS.

The bill (H. R. 13035) granting an increase of pension to Maggie D. Russ was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Maggie D. Russ, widow of Charles P. Russ, late first lieutenant, Eleventh Regiment United States Infantry, and to pay her a pension of $25 per month in lieu of that she is now receiving and $2 per month additional on account of the minor child of said Charles P. Russ until she reaches the age of 16 years.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RICHARD S. CROMER.

The bill (H. R. 9249) granting an increase of pension to Richard S. Cromer was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Richard S. Cromer, late of Company C, Second Regiment Mississippi Volunteers, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIZABETH MORGAN.

The bill (H. R. 10166) granting an increase of pension to Elizabeth Morgan was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Elizabeth Morgan, widow of Nicholas D. Morgan, late of Captain Dawson's company, First Regiment Georgia Volunteers, Creek Indian war, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS CHANDLER, ALIAS THOMAS COOPER.

The bill (H. R. 11335) granting an increase of pension to Thomas Chandler, alias Thomas Cooper, was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas Chandler, alias Thomas Cooper, late of Company E, Sixth Regiment United States Infantry, Florida Indian war, and to pay him a pension of $16 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

TILLMAN T. HERRIDGE.

The bill (H. R. 12354) granting an increase of pension to Tillman T. Herridge was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Tillman T. Herridge, late of Company B, Sixteenth Regiment United States Infantry, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE T. HILL.

The bill (H. R. 12292) granting an increase of pension to George T. Hill was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George T. Hill, late of Troop H, Second Regiment United States Cavalry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLES B. FOX.

The bill (S. 3284) granting an increase of pension to Charles B. Fox was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles B. Fox, late musician, Tenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MINARD VAN PATTEN.

The bill (S. 2973) granting an increase of pension to Minard Van Patten was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty;" so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Minard Van Patten, late of Company F, One hundred and tenth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

THOMAS MARTIN.

The bill (S. 563) granting an increase of pension to Thomas Martin was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas Martin, late of Company A, Seventy-second Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN CARPENTER.

The bill (S. 3566) granting an increase of pension to John Carpenter was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Carpenter, late of Company K, Thirtieth Regiment Iowa Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MATT FITZPATRICK.

The bill (H. R. 11687) granting an increase of pension to Matt Fitzpatrick was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Matt Fitzpatrick, late of Company C, Forty-fourth Regiment New York Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SLATER D. LEWIS.

The bill (H. R. 7229) granting an increase of pension to Slater D. Lewis was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Slater D. Lewis, late of Company C, Fiftieth Regiment Illinois Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ISAAC N. RAY.

The bill (H. R. 3255) granting an increase of pension to Isaac N. Ray was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Isaac N. Ray, late of Company A, Seventh Regiment Illinois Volunteer Cavalry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSEPH M. WEST.

The bill (H. R. 1787) granting an increase of pension to Joseph M. West was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joseph M. West, late of Company E, Fortieth Regiment Iowa Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EMELINE MALONE.

The bill (H. R. 1857) granting a pension to Emeline Malone was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Emeline Malone, widow of Thomas Malone, late of Company G, Seventh Regiment Missouri Volunteer Infantry, and second lieutenant Company I, Fifth Regiment United States Colored Volunteer Heavy Artillery, and to pay her a pension of $8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE W. BEDIENT.

The bill (H. R. 1685) granting an increase of pension to George W. Bedient was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George W. Bedient, late of Company G, Thirty-third Regiment Wisconsin Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BYARD H. CHURCH.

The bill (H. R. 11689) granting an increase of pension to Byard H. Church was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Byard H. Church, late of Company A, Fifth Regiment Ohio Volunteer Cavalry, and to pay him a pension of $40 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ISAAC J. HOLT.

The bill (H. R. 8289) granting an increase of pension to Isaac J. Holt was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Isaac J. Holt, late of Company K, Fourth Regiment Iowa Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE BLAIR.

The bill (H. R. 7223) granting an increase of pension to George Blair was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George Blair, late of Company H, Eleventh Regiment Michigan Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS G. COVELL.

The bill (H. R. 7815) granting an increase of pension to Thomas G. Covell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas G. Covell, late of Company F, Forty-sixth Regiment Illinois Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SEYMOUR COLE.

The bill (H. R. 6988) granting an increase of pension to Seymour Cole was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Seymour Cole, late of Company F, One hundredth Regiment Indiana Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

OLIVER L. KENDALL.

The bill (H. R. 5553) granting an increase of pension to Oliver L. Kendall was considered as in Committee of the Whole. It

proposes to place on the pension roll the name of Oliver L. Kendall, late second lieutenant Company I, Seventh Regiment Illinois Volunteer Cavalry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALBERT G. CLUCK.

The bill (H. R. 5564) granting an increase of pension to Albert G. Cluck was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Albert G. Cluck, late of Company G, Fifteenth Regiment Kansas Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARQUIS D. L. STALEY.

The bill (H. R. 11516) granting an increase of pension to Marquis D. L. Staley was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Marquis D. L. Staley, late of Company D, One hundred and seventy-ninth Regiment Ohio Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM W. WEST.

The bill (H. R. 4616) granting an increase of pension to William W. West was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William W. West, late of Company B, Forty-fifth Regiment Illinois Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JANE E. BULLARD.

The bill (H. R. 4759) granting an increase of pension to Jane E. Bullard was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jane E. Bullard, widow of Benjamin M. Bullard, late of Company A, One hundred and fifty-third Regiment Illinois Volunteer Infantry, and to pay her a pension of $12 per month in lieu of that she is now receiving, and $2 per month additional for each of the two minor children of the soldier until they arrive at the age of 16 years.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JEROME GOODSELL.

The bill (H. R. 4810) granting an increase of pension to Jerome Goodsell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jerome Goodsell, late of Company D, Sixty-first Regiment Massachusetts Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN A. SHERWOOD.

The bill (H. R. 4816) granting an increase of pension to John A. Sherwood was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John A. Sherwood, late of Company D, Fourth Regiment Iowa Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

STEPHEN G. SMITH.

The bill (H. R. 10271) granting an increase of pension to Stephen G. Smith was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Stephen G. Smith, late of Company A, Thirteenth Regiment Iowa Volunteer Infantry, and to pay him a pension of $40 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM J. MORGAN.

The bill (H. R. 10817) granting an increase of pension to William J. Morgan was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William J. Morgan, late of Company E, One hundred and twelfth Regiment Illinois Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SOLOMON R. TRUEBLOOD.

The bill (H. R. 11886) granting an increase of pension to Solomon R. Trueblood was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Solomon R. Trueblood, late of Company F, Sixty-fifth Regiment Indiana Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

VERELLE S. WILLARD.

The bill (H. R. 12275) granting an increase of pension to Verelle S. Willard was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Verelle S. Willard, widow of Manfred Willard, late captain Company H, Sixtieth Regiment Ohio Volunteer Infantry, and to pay her a pension of $20 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM A. MURRAY.

The bill (S. 1302) granting an increase of pension to William A. Murray was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William A. Murray, late of Company H, Thirty-second Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BENJAMIN S. MILLER.

The bill (S. 2540) granting an increase of pension to Benjamin S. Miller was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Benjamin S. Miller, late first lieutenant and quartermaster, Forty-first Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The VICE-PRESIDENT. This completes the Pension Calendar.

JOSEPH A. BLANCHARD.

Mr. KEAN. There are some bills reported from the Committee on Military Affairs to correct military records which should be considered.

The VICE-PRESIDENT. Were they reported to-day?

Mr. KEAN. There was one that was reported to-day, to correct the military record of Joseph A. Blanchard. I happen to be interested in that case.

The VICE-PRESIDENT. There was one bill to correct a military record reported to-day, which was passed upon the request of the Senator from New Hampshire [Mr. GALLINGER].

Mr. KEAN. There was also another military-record bill reported to-day which I did not ask to have considered at the time the report was made.

The VICE-PRESIDENT. It does not appear on the printed Calendar.

Mr. KEAN. No; I am aware of that Mr. President. I ask unanimous consent for the present consideration of the bill (S. 334) to correct the military record of Joseph A. Blanchard.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of War to correct the military record of Joseph A. Blanchard, late first lieutenant of Troop E, First New York Mounted Rifles, and to grant him an honorable discharge to date from July 26, 1864; but no pay, bounty, or other allowances shall become due and payable by reason of the passage of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EXECUTIVE SESSION.

Mr. McCUMBER. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 5 o'clock and 25 minutes p. m.) the Senate adjourned until Monday, March 19, 1906, at 12 o'clock meridian.

## NOMINATIONS.

*Executive nominations received by the Senate March 15, 1906.*

CONSUL.

George Eugene Eager, of Illinois, to be consul of the United States at Barmen, Germany, vice Theodore J. Bluthardt, deceased.

## CONFIRMATIONS.

*Executive nominations confirmed by the Senate March 15, 1906.*

SURVEYOR OF CUSTOMS,

Robert Calvert, of Wisconsin, to be surveyor of customs for the port of La Crosse, in the State of Wisconsin.

RECEIVER OF PUBLIC MONEYS.

George D. Orner, of Oklahoma, to be receiver of public moneys at Alva, Okla.

REGISTER OF THE LAND OFFICE.

Andrew J. Ross, of Oklahoma, to be register of the land office at Alva, Okla.

PROMOTIONS IN THE REVENUE-CUTTER SERVICE.

First Lieut. Kirtland Warner Perry to be a captain, to rank as such from March 5, 1906, in the Revenue-Cutter Service of the United States.

Second Lieut. Charles Satterlee to be a first lieutenant, to rank as such from March 5, 1906, in the Revenue-Cutter Service of the United States.

Third Lieut. George Ellender Wilcox to be a second lieutenant, to rank as such from March 5, 1906, in the Revenue-Cutter Service of the United States.

POSTMASTER.

NEW YORK.

Edward D. Tompkins to be postmaster at Middletown, in the county of Orange and State of New York.

## WITHDRAWAL

*Executive nomination withdrawn March 15, 1906.*

John Embry, of Oklahoma, to be United States attorney for the district of Oklahoma, vice Horace Speed, removed.

## HOUSE OF REPRESENTATIVES.

THURSDAY, *March 15, 1906.*

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read and approved.

WAR CLAIMS.

Mr. MAHON. Mr. Speaker, I ask unanimous consent that Thursday, the 22d instant, be set apart for the consideration of bills on the Private Calendar reported from the Committee on War Claims instead of to-morrow.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent that Thursday, the 22d instant, be set apart instead of to-morrow for consideration of bills on the Private Calendar reported from the Committee on War Claims. Is there objection? [After a pause.] The Chair hears none.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

Sundry messages, in writing, from the President of the United States were communicated to the House of Representatives by Mr. BARNES, one of his secretaries, who also informed the House of Representatives that the President had approved and signed bills of the following titles:

On March 14, 1906:

H. R. 13674. An act to amend an act entitled "An act to amend an act entitled 'An act to supplement existing laws relating to the disposition of lands, and so forth, approved March 3, 1901,' approved June 30, 1902."

On March 15, 1906:

H. R. 13673. An act to extend the provisions of the homestead laws to certain lands in the Yellowstone Forest Reserve.

RAILWAY DISCRIMINATIONS AND MONOPOLIES.

Mr. TOWNSEND. Mr. Speaker, I ask unanimous consent for the present consideration of joint resolution 115.

The SPEAKER. The gentleman from Michigan asks unanimous consent for the present consideration of a joint resolution, which the Clerk will report.

The Clerk read as follows:

Joint resolution (H. J. Res. 115) amending joint resolution instructing the Interstate Commerce Commission to make examinations into the subject of railroad discriminations and monopolies, and report on the same from time to time, approved March 7, 1906.

*Resolved, etc.*, That joint resolution instructing the Interstate Commerce Commission to make examinations into the subject of railroad discriminations and monopolies, and report on the same from time to time, approved March 7, 1906, is hereby amended by adding the following thereto:

Ninth. To enable the Commission to perform the duties required and accomplish the purposes declared herein, the Commission shall have and exercise under this joint resolution the same power and authority to administer oaths, to subpœna and compel the attendance and testimony of witnesses and the production of documentary evidence, and to obtain full information, which said Commission now has under the act to regulate commerce, approved February 4, 1887, and acts amendatory thereof or supplementary thereto now in force or may have under any like statute taking effect hereafter. All the requirements, obligations, liabilities, and immunities imposed or conferred by said act to regulate commerce and by "An act in relation to testimony before the Interstate Commerce Commission in cases under or connected with an act entitled 'An act to regulate commerce,' approved February 4, 1887, and amendments thereto," approved February 11, 1893, shall also apply to all persons who may be subpœnaed to testify as witnesses or to produce documentary evidence in pursuance of the authority herein conferred.

Tenth. The sum of $50,000 is hereby appropriated and added to the appropriation of the Interstate Commerce Commission for the present fiscal year.

The committee amendments were read, as follows:

On page 2, in line 19, after the word "dollars," insert "be, and the same;" and in line 22, after the word "appropriated," insert "out of any money in the Treasury not otherwise appropriated."

On page 2, in line 23, strike out the words "and added," and insert in lieu thereof "in addition."

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. TOWNSEND. Mr. Speaker, I understand that the Interstate Commerce Commission is ready to proceed with this investigation and are now preparing to submit estimates as to the expense of the investigation, and that the Committee on Appropriations is to look after the appropriation. I therefore move to amend the resolution by striking out lines 21 to 25, inclusive, on page 2.

The SPEAKER. The gentleman from Michigan moves to strike out the lines specified.

Mr. TAWNEY and Mr. MANN rose.

Mr. MANN. I would like to have the amendment reported to the House.

The SPEAKER. The Clerk will report the lines proposed to be stricken out.

The Clerk read as follows:

Strike out the last paragraph of the resolution, which reads as follows: "Tenth. The sum of $50,000 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, in addition to the appropriation of the Interstate Commerce Commission for the present fiscal year."

Mr. TAWNEY. Mr. Speaker, if the gentleman will yield for a moment, I wish to state for the information of the House that the Secretary of the Interstate Commerce Commission called upon the Committee on Appropriations yesterday, under direction of the chairman of the Commission, and stated that they were preparing estimates as to the cost of this investigation, and that, roughly speaking, these estimates will show that cost to be at least $150,000; that $50,000 would not be sufficient. Upon inquiry I learn that the Interstate Commerce Commission could make a reasonably certain estimate and that it will submit its estimate to the Committee on Appropriations or to Congress asking for an appropriation covering the entire investigation.

Thinking that is the better plan, for the reason that then in the future we can pass upon the expenditure of this money, we have requested that the matter be left for the Committee on Appropriations to handle. We can then provide for the entire amount estimated for by the department for this purpose and also attach certain limitations in regard to reporting the expenditures from the appropriation to Congress.

Mr. DALZELL. I desire to ask the gentleman a question. It seems to me from a cursory examination of this resolution that this is merely a reenactment of these two acts.

Mr. TOWNSEND. I would say to the gentleman from Pennsylvania that this is in accordance with the suggestion of the President of the United States.

Mr. DALZELL. I understand that.

Mr. TOWNSEND. In which he suggests that the resolution which we adopted with relation to the Interstate Commerce Commission did not through the amendment confer the power that we sought to confer upon the Commission. And, while we do not assent to the statement that the power does not already exist, we do feel that it is better, inasmuch as the President and the Attorney-General has suggested a doubt, to remove that doubt by enacting an amendment making it perfectly plain.

Mr. DALZELL. I see.

Mr. MANN. Will the gentleman yield to me for a few minutes?

Mr. TOWNSEND. Certainly.

Mr. MANN. Mr. Speaker, I do not oppose the amendment to the resolution or this amendment to this resolution; but in my judgment it is entirely unnecessary. I think the President had been badly informed when he sent to the Congress the message which he did, connected with the statement that he had signed the original resolution. Section 12 of the interstate-commerce act provides that—

> The Commission hereby created shall have authority to inquire into the management of the business of all common carriers subject to the provisions of this act, and shall keep itself informed as to the manner and method in which the same is conducted, and shall have the right to obtain from such common carriers full and complete information necessary to enable the Commission to perform the duties and carry out the objects for which it was created.

Mr. Speaker, under that section of the law the Interstate Commerce Commission under the original law had authority to inquire into every act of the common carriers whether engaged in the transportation of coal or oil or any other commodity. It was given an extensive power, as extensive as it is possible to give by words in the English language. The Commission under the act could have instituted this inquiry on its own motion under the law as it existed. The original resolution passed by this House was simply a direction to the Commission to exercise the law already upon the statute books. Full power was given to the Commission to make an investigation, to subpœna witnesses, to call before the Commission not only witnesses who are railroad officials, but witnesses who might know anything about the subject, from whatever business in life; and, in my judgment, the President was illy informed in reference to the existing law when he sent his message to Congress.

Now, personally, Mr. Speaker, I think the Commission ought to be engaged in other business. I certainly think it is wise to have an investigation at any time for the acquirement of information; but I believe with most gentlemen who have considered this subject, probably including the gentleman who now presents it to the House himself, that the Commission ought to be engaged in enforcing other provisions of the law and let somebody else investigate these charges in relation to railroads being controlled in the interest of coal and oil trusts.

Mr. CRUMPACKER. Will the gentleman allow me to ask him a question?

Mr. MANN. Why, certainly.

Mr. CRUMPACKER. Does the gentleman not get the impression from the President's message upon the Tillman resolution that the President is of the opinion that the resolution contemplated an independent investigation, both of the coal and oil industries, without any regard to transportation?

Mr. MANN. Well, I can not say what the impression of the President might be; but undoubtedly the purpose of Congress in passing the resolution was to have an investigation of the coal and oil business as related to transportation. We have another Department of the Government given the power under existing law to make an investigation of the coal and oil business apart from transportation. That is the Bureau of Corporations, in the Department of Commerce and Labor; and I understand that it has already made an investigation of the oil business, and has had under consideration an investigation of the coal combine.

Mr. CRUMPACKER. I can not understand why the President should treat the resolution in the manner that he did, unless he gave it the interpretation that I have suggested.

Mr. MANN. Well, I do not know why the President treated it as he did. From my experience of departmental methods, I suppose some $1,000 clerk in the Department of Justice gave an opinion, without knowing what the law was, that the resolution was not sufficiently broad, and this opinion, in the course of its peregrinations, reached the Attorney-General and the President and was given out. We all know that sort of thing is constantly happening. It is not the fault of any official, and certainly not of the President.

Mr. TOWNSEND. I wish to say just a word in answer to the gentleman from Illinois. I agree with the gentleman in what he has said upon the original resolution; but I believe that, inasmuch as the President has taken the position that the original resolution was not broad enough, it is evidently the part of wisdom for us to make no mistake in withholding ample authority. The Commission ought to have the power necessary to perform the duties which we impose upon it. It may have, and I am inclined to believe does have, such power now, but it will be better to reconfer it in express terms than to take any chances. And now that a doubt has been raised by so high an authority let us resolve it by passing this resolution.

The SPEAKER. The question is upon agreeing to the amendments.

The amendments were agreed to.

The joint resolution was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. TOWNSEND, a motion to reconsider the last vote was laid on the table.

## FRANKING PRIVILEGE.

Mr. SIBLEY. Mr. Speaker, I am directed by the Committee on the Post-Office and Post-Roads to submit a report in accordance with House resolution No. 120, on the subject of alleged abuses of the franking privilege. I move the adoption of the report.

The SPEAKER. The Chair understands that the resolution was referred to the Committee on the Post-Office and Post-Roads.

Mr. OVERSTREET. Mr. Speaker, a resolution of the House directed the Committee on the Post-Office and Post-Roads to make a certain investigation. That investigation has been made and the committee reports back.

The SPEAKER. The Clerk will read the report.

Mr. WILLIAMS. Mr. Speaker——

The SPEAKER. Does the gentleman desire the report to be read?

Mr. OVERSTREET. The report is not long, and it should be read.

Mr. WILLIAMS. I will ask the gentleman from Pennsylvania if this is the unanimous report of the committee?

Mr. SIBLEY. It is the unanimous report of the committee, Mr. Speaker.

The SPEAKER. The Clerk will read the report.

The Clerk proceeded with the reading of the report. Having read all except the exhibits attached thereto—

Mr. SIBLEY said: Mr. Speaker, I ask unanimous consent that further reading of the report be dispensed with and that the entire report be printed in the RECORD.

The SPEAKER. The gentleman asks unanimous consent that the report be printed in the RECORD.

Mr. SIBLEY. The report and the testimony accompanying it.

The SPEAKER. And the testimony accompanying the report. Is there objection?

Mr. MANN. Mr. Speaker, will this be printed as a document in the regular order?

The SPEAKER. It will be.

Mr. MANN. It is difficult to read in the small type in which it appears in the RECORD.

The SPEAKER. The Chair hears no objection to the request. The question is on agreeing to the motion that the committee be discharged from further consideration of the resolution.

The report was read, as follows:

[House Report No. 2332, Fifty-ninth Congress, first session.]

On January 4, 1906, the House of Representatives adopted the following resolution:

"*Resolved*, That the Committee on the Post-Office and Post-Roads be, and hereby is, instructed to investigate whether or not there are or have been abuses of the franking privilege by Members of Congress or in the name of Members of Congress."

At the time of the consideration of the resolution in the House, as appears from the RECORD of January 4, 1906, at page 673 of the CONGRESSIONAL RECORD, what purported to be an editorial printed in the Washington Post was read and made a part of the record. This editorial was in the following language:

"We quite agree that something ought to be done for the relief of the Post-Office Department. Its work is simply tremendous and, by an interesting coincidence, its usefulness is quite as great. There is no section of the governmental machinery more important or more accurately and satisfactorily conducted. But the burden put upon Mr. Cortelyou and his coadjutors can be materially lightened without impairing its efficiency. It is our opinion, indeed, that the people and the Government both would be better off if the franking privilege were abolished utterly.

"That this privilege has been outrageously abused is a fact of universal knowledge. Congressmen load the postal cars with all sorts of freight—furniture, libraries, kitchen utensils, the family wash, pianos, poultry, barnyard animals, etc., without limit. They frank a cow, a washtub, or a churn as glibly as they do a letter or a speech that no one ever heard. They go further; they lend their franks in large, uncounted bunches to societies and propagandas that would flourish on the public Treasury, as they already thrive upon the people's discontent. The whole system has been converted to the most abominable ends. It presents the perfected spectacle of graft. But its worst expression is to be found in the lumbering up of the mail cars, the preposterous

demands upon the Department's resources of transportation, and the corresponding and concurrent crippling of the postal service in all its proper and legitimate activities.

"We note the presentative of an alternative arrangement, an arrangement under the operation of which Members of Congress will receive a direct allowance for the purpose of conducting their official correspondence without cost to themselves. The expedient is most commendable. We quite agree that Members of Congress, who are but ill-paid public servants, should be spared the constant drain upon their resources involved in postage and the like. They should at least be left entirely free of artificial taxes and protected in the complete enjoyment of what small emolument has been assigned them. But this franking concession, which has grown to the proportions of insolent and predaceous graft, this should be contracted within the limits of common decency and transformed into an explicit allowance, no matter how generous and liberal it may be.

"We think there are very few Congressmen who would care to oppose this adjustment in full view of the public gaze. Why not try it, gentlemen?"

Acting under the direction of the resolution, and presuming that the editorial above referred to was the basis for said resolution, the Committee on the Post-Office and Post-Roads communicated with the Postmaster-General requesting such information as he might be able to give the committee relative to the subject-matter of the resolution. The correspondence with the Postmaster-General in full is attached hereto and made a part of this report.

The committee also requested the managing editor of the Washington Post to inform the committee of the name of the writer of the editorial, and later had before it for examination Mr. John R. McLean, managing editor of the Washington Post, and Mr. Richard Weightman, an editorial writer on the Post. The examination in full of both of these witnesses is attached hereto and made a part of this report.

In his letter to the committee the Postmaster-General said in reference to the subject-matter of the resolution:

"I have the honor to inform you that there have been from time to time instances in which, as the law was construed by the Department, franks have been improperly used, but so far as known the irregularities have been corrected promptly when attention has been drawn to them. There is no penalty for violation of the franking privilege.

"Franked matter is ordinarily under seal, and therefore is not subject to scrutiny. The recipient of the matter, judging for himself, often alleges abuse when such may not be the fact. No doubt this circumstance accounts in a measure for some of the criticism on the subject."

In the examination of both the managing editor of the Washington Post and Mr. Weightman, who admitted that he wrote the editorial in question, it appeared that neither one of these gentlemen had any information whatever of a single instance wherein any Member of Congress had at any time violated the law relative to the franking privilege. It appears that Mr. Weightman had no idea that the statements which were contained in the editorial were based upon facts, but the editorial was written in a spirit of exaggeration. The managing editor of the paper stated that he directed the publication with that idea only, and with no thought of the statements made being accepted by the reading public as statements of facts.

The committee being unable to ascertain any tangible proof which it might use as a basis for further investigation, and believing that the editorial which prompted the resolution was not founded upon facts, as admitted by its writer and the managing editor of the paper, believes no further investigation under the terms of the House resolution is necessary.

While Mr. Weightman, who wrote the editorial, may have intended it as a semihumorous editorial written in an exaggerated style, and while Mr. McLean, the managing editor of the Post, may not have thought that the editorial would be accepted as a true statement of facts, the reading public, which saw the editorial printed in the Washington Post or as copied in numerous papers throughout the country, appears to have taken the editorial more seriously.

It is unfortunate that greater care is not exercised by public journals in presenting their criticism of public men so as to base such criticism upon fact instead of fancy.

In the editorial in question the charges definitely describe misuse of the mails, specifically enumerating articles transmitted under frank by Members, and that these abuses are so common as to be a matter of "universal knowledge," and indulged in to an extent by Members of Congress that "it presents the perfected spectacle of graft."

In a message from the President of the United States, delivered to Congress under date of March 7, 1906, he says: "Publicity can by itself often accomplish extraordinary results for good, and the courts of public judgment may secure such results where the courts of law are powerless." The editor who wrote the article and the managing editor who gave it his official sanction were before the committee as witnesses and both disclaim knowledge of any facts affording basis of justification for the publishing of the editorial.

The Washington Post has not been regarded as a sensational journal. Published at the seat of Government, it is recognized generally by the press of the country as a mirror fairly reflecting events transpiring in national life more minutely than is possible by papers otherwise located. By common consent its editorial page is acknowledged as exceptionally bright, crisp, and sparkling, and the publication, taken altogether, an up-to-date journal. Its owner and managing editor is not a novice in journalism, but has successfully cultivated this field for many years, and in the domain of journalism, of business, of social and political life, has attained prominence.

Therefore, if "the court of public judgment" to which the President refers is to accomplish results for good "where courts of law are powerless," public judgment must be enlightened judgment, and must be formed upon correct and truthful presentation of facts. A misinformed and misdirected public judgment is responsible for the greatest tragedies marking human history. This article, reflecting upon the general integrity of Congress, has probably been copied in the newspapers of every Congressional district in the Federal Union, and must necessarily tend to a contempt for law; for if the public mind be imbued with the belief that those who make the laws are venal and their action "presents the perfected spectacle of graft," then the honest citizen may well doubt the permanence of free institutions or blessings to flow therefrom when the fountain sources are polluted and the people's interests so shamelessly betrayed by those empowered to stand as their representatives in public life.

There have been epochs in American journalism where the bias of partisan rancor was reflected in editorial utterances, but the editors of the past who have been illustrious in American journalism were conspicuous for their ability in the marshalling of facts, not in the manufacturing of facts.

Your committee believes and admits that all our official actions are proper subjects for criticism by the press, and that it is entitled to illuminate and enlarge upon our mistakes, but we most respectfully submit that the press which stands as the censor of official conduct and affords an opportunity for the formation of an enlightened public judgment to secure "results of good where courts of law are powerless," owe it not alone to the public, but to itself that when a general indictment is drawn, challenging the integrity of Congress, there should be a substantial basis of facts before Congress be arraigned at the bar of public opinion.

It appears by the testimony that after the publication of these charges, and when Congress had ordered the Committee on the Post-Office and Post-Roads to make investigation and determine who, if any, of its membership was guilty of these offenses, a subsequent editorial appeared in the Washington Post stating that these charges were not to be taken seriously, but rather in the spirit of pleasantry and exaggerated humor, having for its object the abolishment of the franking privilege. It is known that the original charges have been widely copied, but it does not appear that the subsequent editorial explaining that the charges were to be taken in a humorous sense has been copied by the press. Therefore the injury lies in this, that throughout the country there has been instilled the impression that the franking privilege has been abused and that Congress "presents the perfected spectacle of graft," because one of the foremost journals of the nation, in a spirit of pleasantry, has charged as a fact of "universal knowledge" that these abuses do exist.

The committee requests that it be discharged from further consideration of the subject.

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[House resolution No. 120, Fifty-ninth Congress, first session.]

*Resolved*, That the Committee on the Post-Office and Post-Roads be, and hereby is, instructed to investigate whether or not there are or have been abuses of the franking privilege by Members of Congress or in the name of Members of Congress.

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JANUARY 9, 1906.

Hon. GEORGE B. CORTELYOU,
*Postmaster-General, Washington, D. C.*

SIR: By direction of the Committee on the Post-Office and Post-Roads of the House of Representatives, I inclose herewith copy of a resolution adopted by the House of Representatives on the 4th day of January, 1906, and referred for consideration to this committee, and request that you send to me, for use of the committee, at as early a date as possible, any information which you may have relative to the use of the franking privilege by Members of Congress in violation of law.

Very respectfully,

JESSE OVERSTREET, *Chairman.*

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JANUARY 11, 1906.

Hon. GEORGE B. CORTELYOU,
*Postmaster-General, Washington, D. C.*

SIR: Supplementing my letter of yesterday to you, in reference to House resolution of January 4, 1906, I wish to say further that the committee has no intention at this time of considering the general subject of the franking privilege with reference to changes in existing law or existing practices under the law. We intend to confine the present inquiry directly to the resolution and do not desire any information except such as you may be able to give touching violations of the law by Members of Congress in the use of the franking privilege.

Yours, respectfully,

JESSE OVERSTREET, *Chairman.*

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OFFICE OF THE POSTMASTER-GENERAL,
*Washington, D. C., February 22, 1906.*

MY DEAR SIR: Referring to your letters of the 9th and 11th ultimo, with the former of which was inclosed a copy of a resolution adopted by the House of Representatives on January 4, 1906, instructing your committee to investigate "whether or not there are or have been abuses of the franking privilege by Members of Congress or in the names of Members of Congress," I have the honor to inform you that there have been from time to time instances in which, as the law was construed by the Department, franks have been improperly used, but so far as known the irregularities have been corrected promptly when attention has been drawn to them. There is no penalty for violation of the franking privilege.

Franked matter is ordinarily under seal, and therefore is not subject to scrutiny. The recipient of the matter, judging for himself, often alleges abuse when such may not be the fact. No doubt this circumstance accounts in a measure for some of the criticism on the subject.

While possibly not altogether germane to the resolution, as interpreted in your communications of the above dates, I feel that some attention should be given to the practice of permitting the use of franks by organizations in no way connected with any branch of the Government and that it should be greatly restricted, if not altogether prohibited.

Neither the resolution nor your inquiry calls for any further suggestions on this subject, but I deem it proper to invite attention to the recommendations contained in my annual report, under the head of "Government free matter," which had in view a system of accounting whereby the Post-Office Department should receive credit for work performed for the other Departments and branches of the Government. It is the judgment of this Department that such a system would correct in some degree what may not improperly be regarded as abuses of both the penalty and franking privileges.

Very respectfully,

GEO. B. CORTELYOU, *Postmaster-General.*

Hon. JESSE OVERSTREET,
*Chairman Committee on the Post-Office and Post-Roads,*
*House of Representatives.*

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JANUARY 9, 1906.

MANAGING EDITOR WASHINGTON POST,
*Washington, D. C.*

SIR: I am directed by the Committee on the Post-Office and Post-Roads, of the House of Representatives, to which committee has been referred for consideration a resolution, copy of which I herewith inclose, to request of you the name of the person who wrote the editorial appearing in a recent issue of your paper, copy of which, as appears in the CONGRESSIONAL RECORD of the day of January 4, I also inclose.

The committee desires the name of the writer for the purpose of re-

questing his appearance before the committee to testify relative to the statements made in that editorial.

Very respectfully,

JESSE OVERSTREET, *Chairman.*

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JANUARY 15, 1906.

MANAGING EDITOR, WASHINGTON POST,
*Washington, D. C.*

SIR: I have had no reply to my letter to you, under date of January 9, asking the name of the person who wrote a certain editorial in your paper.

Will you kindly advise me of the name of this gentleman, in order that I may ask him to appear before the Committee on Post-Office and Post-Roads to testify under the resolution, a copy of which I sent you in my other communication?

Very respectfully,

JESSE OVERSTREET, *Chairman.*

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JANUARY 18, 1906.

Hon. JESSE OVERSTREET: The name of the writer is Mr. Richard Weightman. If you will kindly let me know in advance of the time you will want to see him I will let him know and he will call.

Very truly,

J. R. MCLEAN.

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FEBRUARY 24, 1906.

Mr. RICHARD WEIGHTMAN,
*Washington Post, Washington, D. C.*

MY DEAR SIR: Under instructions from the Committee on the Post-Office and Post-Roads of the House of Representatives, I request that you appear before that committee at 10.30 o'clock a. m., Tuesday, February 27, to be heard with respect to the resolution of the House under date of January 4, 1906, a copy of which I herewith inclose.

Very respectfully,

JESSE OVERSTREET, *Chairman.*

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THE WASHINGTON POST,
*Washington, D. C., February 26, 1906.*

Hon. JESSE OVERSTREET, *Chairman, etc.*

DEAR SIR: I am in receipt of your favor of the 24th instant, and in reply beg to say that I shall report at the place and time mentioned, if the illness now visiting my family permits. I know nothing personally about abuses of the franking privilege and can say simply that and nothing more when I appear before the committee. It seems to me that I should not be required to leave a sick bed, where I am needed at that particular hour, merely to explain that I have nothing to say. Please believe that I have no desire to disoblige you or to exhibit anything but sincere respect for the committee. The fact is, however, that I am in some distress at home just now, and, naturally, have no burning appetite for comedy.

Very respectfully,

RICHD. WEIGHTMAN.

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MARCH 6, 1906.

Mr. JOHN R. MCLEAN,
*Managing Editor the Washington Post, Washington, D. C.*

MY DEAR SIR: I am directed by the Committee on Post-Office and Post-Roads to request your attendance at the room of the committee at the Capitol at 11 a. m., March 7, 1906.

The committee desires to interrogate you with reference to a resolution adopted by the House of Representatives on January 4, 1906, a copy of which resolution I herewith inclose, the basis for which resolution was an editorial appearing in the Washington Post, a copy of which editorial as printed in the CONGRESSIONAL RECORD of the date of January 4, 1906, I also inclose.

Very respectfully,

JESSE OVERSTREET, *Chairman.*

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Hearing before the Committee on Post-Office and Post-Roads of the House of Representatives on the resolution submitted by Mr. SIMS in regard to alleged violations of the franking privilege. Tuesday, March 7, 1906.

COMMITTEE ON THE POST-OFFICE AND POST-ROADS,
HOUSE OF REPRESENTATIVES,
*Tuesday, March 6, 1906.*

The committee met at 10.50 o'clock a. m., Hon. JESSE OVERSTREET in the chair.

The CHAIRMAN. I wish to lay before the committee a resolution, a copy of which you will find at your places, known as the "Sims resolution," which is as follows:

"*Resolved*, That the Committee on the Post-Office and Post-Roads be, and hereby is, instructed to investigate whether or not there are or have been abuses of the franking privilege by Members of Congress or in the name of Members of Congress."

Mr. Richard Weightman is present, by request, to testify in reference to matters as to which the committee directed me to inquire at the time he attends.

Mr. GRIGGS. I have never seen the editorial. I understand this hearing is based on an editorial in the Post.

The CHAIRMAN. Exactly so.

TESTIMONY OF RICHARD L. WEIGHTMAN.

The CHAIRMAN. Will you please state your name, residence, and occupation?

Mr. WEIGHTMAN. My name is Weightman, Richard; occupation, journalist, and my residence, Washington.

The CHAIRMAN. With which journal are you now associated?

Mr. WEIGHTMAN. The Washington Post.

The CHAIRMAN. How long have you been associated with it?

Mr. WEIGHTMAN. Well, with the exception of a slight absence of a few months I have been there fourteen years.

The CHAIRMAN. I will ask you to examine the CONGRESSIONAL RECORD dated January 4, which is before you, at page 673, in small type, with the heading "Abolish the franking privilege." Have you read that since entering the room?

Mr. WEIGHTMAN. Yes, sir.

The CHAIRMAN. Did that appear in the Washington Post?

Mr. WEIGHTMAN. Oh, yes.

The CHAIRMAN. Will you tell the committee who wrote that?

Mr. WEIGHTMAN. I did.

The CHAIRMAN. Will you kindly inform the committee of any facts with reference to the violation of the franking privilege referred to in that editorial?

Mr. WEIGHTMAN. No, sir.

The CHAIRMAN. Had you any facts upon which to base that editorial?

Mr. WEIGHTMAN. Not to my personal knowledge; no, sir.

The CHAIRMAN. Then I understand that the editorial is not based upon facts at all?

Mr. WEIGHTMAN. Oh, yes; but not upon my personal experience of it.

The CHAIRMAN. What facts do you mean, then?

Mr. WEIGHTMAN. If you will permit me, I will explain it in my own way.

The CHAIRMAN. Very well.

Mr. WEIGHTMAN. In the first place, an editorial writer does not go out and get his own facts; if he did he could not write editorials. His facts are brought to him by the managing editor or the proprietor and he is told to write so and so, and he does that; he takes it for granted that the facts are there. At any rate, it is none of his business.

The CHAIRMAN. Were facts given to you by anybody?

Mr. WEIGHTMAN. This was really a copy of an article that Mr. Beriah Wilkins told me to write three or four years ago; it is practically the same old story.

The CHAIRMAN. What do you refer to as the same old story?

Mr. WEIGHTMAN. The general allegations here, which, of course, anyone can see are fantastic and exaggerated and intended to be; and as long as this article was given so much prominence I don't see why the one published the next day was not given the same prominence. That is your affair, though.

The CHAIRMAN. Then, at the time you wrote this particular editorial, or any time immediately preceding it, you had no particular facts laid before you?

Mr. WEIGHTMAN. No; none except that I could write about so and so.

The CHAIRMAN. Who gave you those——

Mr. WEIGHTMAN. Originally, Mr. Wilkins.

The CHAIRMAN (continuing). Who gave you instructions to write this particular editorial?

Mr. WEIGHTMAN. Nobody. The subject came up and I went on the same facts—the same supposition or theory.

The CHAIRMAN. What do you mean by "the subject came up?"

Mr. WEIGHTMAN. There was something said about it in the papers; somebody made a speech about it.

The CHAIRMAN. Can you give this committee any information, direct or indirect, recent or remote, which would enable the committee to find any facts which you allege in this editorial?

Mr. WEIGHTMAN. Well, personally I can not, but——

The CHAIRMAN. Do you know of anybody with whom you have talked personally whom you believe could give any such information?

Mr. WEIGHTMAN. Oh, yes.

The CHAIRMAN. Please give us their names.

Mr. WEIGHTMAN. Well, Mr. Bennett has been publishing articles in the Post. They are under his own signature.

The CHAIRMAN. About the violation of the franking privilege?

Mr. WEIGHTMAN. Yes.

The CHAIRMAN. Who is Mr. Bennett?

Mr. WEIGHTMAN. Well, he is one of the writers on the Post.

The CHAIRMAN. And what was your purpose in writing that editorial?

Mr. WEIGHTMAN. Nothing at all except to do my day's work. I had no personal object.

The CHAIRMAN. Is it part of your day's work to write that Members of the Congress are violating the law when you have no facts on which to base the allegations?

Mr. WEIGHTMAN. Oh, well, you can not hold me responsible for what the Post writes.

The CHAIRMAN. Can not we hold you responsible for what you say?

Mr. WEIGHTMAN. No; it is not what I say.

The CHAIRMAN. Did you say this?

Mr. WEIGHTMAN. I am telling you that I wrote it, but as a matter of fact I can not say what I may be called upon to write for any newspaper unless I own it, and nobody can say in a well-organized newspaper except the owner and the responsible managing editor.

The CHAIRMAN. Did any managing editor tell you to write this particular editorial?

Mr. WEIGHTMAN. No; he doesn't always tell me. He told me years ago——

The CHAIRMAN. The paper has changed ownership since then?

Mr. WEIGHTMAN. Yes, sir.

The CHAIRMAN. Have you received any instructions from the present managing editor or the proprietor of this paper to write such an editorial as this?

Mr. WEIGHTMAN. No; not at all. When I am left to my own devices I naturally pursue the same course as has been pursued and advocate the same theories which have been advocated before. I hand in my editorials, and sometimes they are not published; sometimes they are amended.

The CHAIRMAN. You use this expression, after making reference to the abuse of the franking privilege:

"That this privilege has been outrageously abused is a fact of universal knowledge."

Mr. WEIGHTMAN. Yes.

The CHAIRMAN. And yet you state to the committee that you have absolutely no facts upon which to base it?

Mr. WEIGHTMAN. I say I have not personally.

The CHAIRMAN. Then the statement I have just read is not true. Is this statement true; that this privilege has been outrageously abused is a fact of universal knowledge?

Mr. WEIGHTMAN. Well, I think it is; I don't know.

The CHAIRMAN. Upon what do you base your thought that it is true?

Mr. WEIGHTMAN. Simply because it has been a matter of common talk and newspaper publication for years.

The CHAIRMAN. You think that because it has been a matter of common talk and newspaper publication it is true?

Mr. WEIGHTMAN. Not all of it; but as I am here in Washington and I——

The CHAIRMAN. What abuses of the franking privilege do you know of, of your own personal knowledge?

Mr. WEIGHTMAN. I haven't seen any, certainly.

The CHAIRMAN. Do you know of any abuse?

Mr. WEIGHTMAN. On the strict line of evidence, no; I can not say that I do.

The CHAIRMAN. Then do you say that it was true when you wrote this language:

"That this privilege has been outrageously abused is a fact of universal knowledge?"

Mr. WEIGHTMAN. I put that in for the paper to print if they wanted to.

The CHAIRMAN. I am asking you that question.

Mr. WEIGHTMAN. You see I can not assume any responsibility for the publication.

The CHAIRMAN. I am not asking that. I am asking you if the statement which you made is true.

Mr. WEIGHTMAN. I thought it was true when I wrote it.

The CHAIRMAN. And yet you can not name a single fact?

Mr. WEIGHTMAN. No, sir. I have a little decision here——

The CHAIRMAN. You say here——

Mr. WEIGHTMAN. Here is a little decision of the Postmaster-General, just rendered, on one of those things about the Reverend Crafts, who has been using franks of Members of Congress here in large quantities, and here is his decision that it is improper and unlawful. If you had asked me the day before yesterday about it, I would only have told you that I thought so; but here is the Postmaster-General's decision.

The CHAIRMAN. I will read again, Mr. Weightman, from your editorial:

"Congressmen load the cars with all sorts of freight—furniture, libraries, kitchen utensils, the family wash, pianos, poultry, barnyard animals, etc., without limit."

Do you know that of your own personal knowledge?

Mr. WEIGHTMAN. No, sir.

The CHAIRMAN. Is that statement true?

Mr. WEIGHTMAN. I think so, but I don't know it.

The CHAIRMAN. Why do you think so?

Mr. WEIGHTMAN. Because I have heard it.

The CHAIRMAN. Do you believe everything you hear?

Mr. WEIGHTMAN. No.

The CHAIRMAN. Is not that statement false, as a matter of fact?

Mr. WEIGHTMAN. I don't think so. It may be exaggerated, as I explained the next day.

The CHAIRMAN. Do you believe that any Member of Congress ever put a piano in the mail?

Mr. WEIGHTMAN. Well, I never heard that; no; but, as I told you, that is an extravagant statement.

The CHAIRMAN. I am asking you if you have ever heard of anybody putting a piano in the mail.

Mr. WEIGHTMAN. I never heard about a piano, but I have heard about sofas and furniture.

The CHAIRMAN. Did you ever hear of anybody putting a barnyard animal in the mails?

Mr. WEIGHTMAN. Not specifically.

The CHAIRMAN. Then is that statement true?

Mr. WEIGHTMAN. I don't know.

The CHAIRMAN (reading further from the editorial)—

"They frank a cow, a washtub, or a churn as glibly as they do a letter or the speech that no one ever heard."

Do you know of any Member of Congress that has ever franked a cow?

Mr. WEIGHTMAN. No, sir.

The CHAIRMAN. Was that statement true?

Mr. WEIGHTMAN. I don't know whether it was or not; perhaps not.

The CHAIRMAN. Was it not false?

Mr. WEIGHTMAN. I don't know.

The CHAIRMAN. Was there not more falsehood to it than there was truth?

Mr. WEIGHTMAN. Possibly. I don't know; I can not tell. As I don't know one thing I can not know the other very well. It all comes back to what I told you before, that the man who prints the article—publishes it—is the man to whom you should apply.

The CHAIRMAN. You say you have been connected with the Post, with a slight interval, for fourteen years?

Mr. WEIGHTMAN. Yes.

The CHAIRMAN. You know in a general way the character of the mails and the articles transmitted through the mails, do you?

Mr. WEIGHTMAN. Yes.

The CHAIRMAN. Have you ever believed that a cow was a mailable article?

Mr. WEIGHTMAN. I know of its being done in Wisconsin.

The CHAIRMAN. By mail?

Mr. WEIGHTMAN. Oh, yes.

The CHAIRMAN. Was it not by express?

Mr. WEIGHTMAN. Well, I don't know.

The CHAIRMAN. Do you mean to say that a cow was ever sent by mail in Wisconsin?

Mr. WEIGHTMAN. I understood it was franked.

The CHAIRMAN. Where did you understand it?

Mr. WEIGHTMAN. I understood——

Mr. GRIGGS. It was not a Congressman, was it?

Mr. WEIGHTMAN. No; this was a governor.

The CHAIRMAN. Does a governor have the franking privilege?

Mr. WEIGHTMAN. I don't know; everybody seems to have it. Mr. Crafts over here has it—this preacher.

The CHAIRMAN. He has not a frank.

Mr. WEIGHTMAN. He has evidently been using one.

The CHAIRMAN. That is a different proposition. I am asking you about your information on which you base this editorial.

Mr. WEIGHTMAN. I have already told you I haven't got any.

The CHAIRMAN. Did you have any when you wrote this article?

Mr. WEIGHTMAN. No more than I have told you.

The CHAIRMAN. No more than you have testified there in your answers?

Mr. WEIGHTMAN. No.

The CHAIRMAN. No information?

Mr. WEIGHTMAN. I hope you don't think I am concealing anything.

The CHAIRMAN. No; I am asking you if you have any more information than you have given us?

Mr. WEIGHTMAN. No.

Mr. SIBLEY. I hope Mr. Weightman does not think he is revealing very much.

Mr. WEIGHTMAN. I am telling you everything I know.

The CHAIRMAN. I am giving you credit for telling everything you know, but you have not displayed very much information about any facts upon which to base such an editorial.

Mr. WEIGHTMAN. I was frank about it in the first place.

The CHAIRMAN. As a matter of fact, you had not any facts of this character when you wrote it?

Mr. WEIGHTMAN. No, sir.

The CHAIRMAN. Then what was your purpose in writing it?

Mr. WEIGHTMAN. I was doing my work on the paper. You don't seem to understand that I am not responsible for what the paper prints, and this was a subject that has been before the country for years. I can find you articles like that printed three or four years ago, when Mr. Wilkins was alive. He came to me and told me to do so and so, and I supposed he knew what he was doing, and he was responsible, and not I. I took this same old subject; I saw some mention that somebody made of it in a speech. Reverend Crafts is getting active again, and I knew about——

Mr. HEDGE. You did not hear about this order you have referred to until yesterday, did you?

Mr. WEIGHTMAN. Oh, yes; and wrote about it. I didn't hear about the decision—no—until last Saturday, but the subject had been discussed in the newspapers and in the press generally.

Mr. HEDGE. You didn't have that in mind at the time you wrote this?

Mr. WEIGHTMAN. No.

Mr. HEDGE. You didn't refer to it?

Mr. WEIGHTMAN. No; not in there. The fact is that the writing of an editorial and the preparation of the news articles are two very different things.

Mr. HEDGE. You say you got your information from Mr. Bennett?

Mr. WEIGHTMAN. Yes.

Mr. HEDGE. Does he bear the same relation to the Post that you do?

Mr. WEIGHTMAN. He writes news articles and signs his name. He gives his facts; he is in a very different position from me.

Mr. HEDGE. Was Mr. Bennett connected with the Post at the time this editorial was written?

Mr. WEIGHTMAN. Oh, yes.

Mr. HEDGE. Had he written any articles on this subject?

Mr. WEIGHTMAN. That I don't know. He writes editorial and news articles, both.

Mr. HEDGE. When you say that this privilege has been outrageously abused and is a fact of universal knowledge what do you mean by "universal knowledge?"

Mr. WEIGHTMAN. You see, you are catechising me; you are asking me for definitions of words that I can not give.

Mr. HEDGE. We do not often have an opportunity of catechising so intelligent a witness. You state that this is a matter of universal knowledge?

Mr. WEIGHTMAN. I should have said, I suppose, that it is the universal belief and gossip.

Mr. HEDGE. You wish to correct that?

Mr. WEIGHTMAN. I can not correct it in the Post, but they do it frequently; it hurts my feelings, but they do it.

Mr. HEDGE. I am referring to the statement here. You are responsible for your statements made here.

Mr. WEIGHTMAN. Yes.

Mr. HEDGE. You made the statement that this was a matter of universal knowledge.

Mr. WEIGHTMAN. No; I said I should have said belief; that is what I say personally; I disclaim any responsibility.

Mr. HEDGE. You do not admit that there is any universal knowledge that you have not a share in, do you?

Mr. WEIGHTMAN. Oh, yes.

Mr. HEDGE. Universal knowledge?

Mr. WEIGHTMAN. Oh, a great deal.

Mr. GRIGGS. As I understand this examination, it is for the purpose of arriving at the names of any persons who may have been guilty of this charge in this editorial. Now, then, can you give to the committee the names of any persons who claim to know things charged in this editorial?

Mr. WEIGHTMAN. Well, Mr. Wilkins is dead, and the managing editor has gone to Chicago; he is the man that received the facts and gave us the subjects to write about; he is not here or I would refer you to him.

Mr. GRIGGS. You mean Mr. Bone, I suppose?

Mr. WEIGHTMAN. Yes; Mr. Scott Bone.

Mr. GRIGGS. Mr. Bone was not managing editor at the time you wrote this editorial?

Mr. WEIGHTMAN. No; but when I wrote the other, previously, Mr. Bone was managing editor. Mr. Bone has left the paper now.

Mr. GRIGGS. You insist, of course, that you are not responsible for anything the Post says——

Mr. WEIGHTMAN. Of course not.

Mr. GRIGGS. We understand that very well, but you understand that you are here in your personal capacity, do you not?

Mr. WEIGHTMAN. Yes, sir.

Mr. GRIGGS. Now, then, as to these charges in that editorial which are directly made against Members of Congress by name——

Mr. WEIGHTMAN. Not names.

Mr. GRIGGS. Yes; Members of Congress.

Mr. WEIGHTMAN. Oh, that way.

Mr. GRIGGS. I possibly should say by title. You do not know of any person except Mr. Beriah Wilkins and Mr. Bone—I simply want to get at facts, that is all——

Mr. WEIGHTMAN. I understand, but you confuse the situation, I think. I am here as a witness in my personal capacity, but I did not write that editorial in my personal capacity.

Mr. GRIGGS. I understand that; but you must have had some knowledge in your personal capacity?

Mr. WEIGHTMAN. I had what I thought was knowledge, but it was not universal.

Mr. GRIGGS. Now, then, give us the basis of that knowledge.

Mr. WEIGHTMAN. Oh, well, in a newspaper office, Mr. Griggs, unless I give you the whole story of the construction of a newspaper office I don't suppose I would make myself plain at all. We have three sets of people in there; one are the men who go out and get the facts, as they suppose, innocently suppose; the others are those employed to comment on them, and the other class are those who tell how to comment on the facts, those who dictate the policy of the paper. The individual writer hasn't anything to do with it. Sometimes he writes things he doesn't believe in.

Mr. GRIGGS. I understand, but the question before you and before the committee is whether you believe him——

Mr. WEIGHTMAN (interrupting). Oh, no, no; I think that was an extravagance and so wrote the next day. Mr. McLean came to me. I think I get $25 a week extra for embroidery.

Mr. GRIGGS. I think I understand.

The CHAIRMAN. You regarded this as embroidery, I understand?

Mr. WEIGHTMAN. It was embroidery of what I believed to be facts. It was put in a grotesque way and, I thought, an extravagant way, and when it was taken seriously here I wrote another article.

Mr. GRIGGS. Then you can not give us facts to reach any persons that are guilty?

Mr. WEIGHTMAN. No.

Mr. SIMS. Inasmuch as I am the man who took seriously the statements which you say now are neither true nor serious, I would like to ask you a few questions.

Mr. WEIGHTMAN. Yes, sir.

Mr. SIMS. This editorial is headed, "Abolish the franking privilege," is it not?

Mr. WEIGHTMAN. I think so.

Mr. SIMS. Did you write that?

Mr. WEIGHTMAN. Yes, sir.

Mr. SIMS. Your object in writing this article, then, was to secure the demand that you made, and that is to have the franking privilege abolished?

Mr. WEIGHTMAN. Not at all.

Mr. SIMS. Is not that the purport of the article from one end to the other—to abolish the franking privilege and have a money allowance made in lieu of it—because, on your allegation, Members of Congress abuse the franking privilege?

Mr. WEIGHTMAN. I deny that as my allegation at all; that is the Post.

Mr. SIMS. I say is not that the object of the article—to furnish an argument, based upon alleged facts, for the abolition of the franking privilege—is not that the object?

Mr. WEIGHTMAN. I fancy that is one of the objects.

Mr. SIMS. You say you "fancy." You certainly ought to be able to state what the object was, if the object is not expressed on the face of it.

Mr. WEIGHTMAN. It seems to me I have made it clear that I have no object in anything I write except to please my employer and carry out his policy.

Mr. SIMS. Now, I want to ask you if you as an editorial writer will write an article that you neither believe in nor indorse, simply because you are a salaried employee, an article touching the character of officials, high or low?

Mr. WEIGHTMAN. Is that in the form of an interrogatory?

Mr. SIMS. That is what it is.

Mr. WEIGHTMAN. I must say again, for about the tenth time, that I do not do these things in my personal capacity, and I am not going to be held responsible for them.

Mr. SIMS. But I ask you as an editorial writer, do you write an editorial alleging existence of facts which you yourself do not believe, simply because you are paid a salary.

Mr. WEIGHTMAN. I do not think I will allege anything seriously that I don't believe.

Mr. GRIGGS. I don't understand you.

Mr. WEIGHTMAN. I say I do not think I would allege anything seriously that I do not believe or that I violently disbelieve.

Mr. SIMS. Now, I want to ask you who gave you orders or directions, or whatever is your way of expressing it, to write upon this subject and to write this article?

Mr. WEIGHTMAN. Nobody.

Mr. SIMS. Was this article passed on by the managing editor, the responsible person in the Post, before it was printed?

Mr. WEIGHTMAN. Why, certainly. Nothing can go into the Post——

Mr. SIMS. Who is the responsible managing editor of the Post, or responsible head?

Mr. WEIGHTMAN. Mr. McLean is the responsible managing editor of the Post.

Mr. SIMS. Did he pass on this?

Mr. WEIGHTMAN. I don't know whether he did or not; it was published by his authority.

Mr. SIMS. And you declare you have no responsibility whatever——

Mr. WEIGHTMAN. No personal responsibility.

Mr. SIMS. When you stated here—I want to quote the exact language, and therefore I will look for it—after stating these facts with reference to Members of Congress, this article says:

"It presents the perfected spectacle of graft."

Now, is not that a charge which is very serious and affecting the character and usefulness of any Member of Congress who may be guilty?

Mr. WEIGHTMAN. Yes; I should think it would if he was guilty.

Mr. SIMS. Would you make a charge of that kind simply by direction or orders of the managing editor?

Mr. WEIGHTMAN. Why, certainly; of course I would; or else resign.

Mr. GRIGGS. I understand by that that if the managing editor were to instruct you to write an article like that and you had no knowledge of the facts that you simply use your knowledge of his knowledge of the facts or your belief in his knowledge of the facts?

Mr. WEIGHTMAN. Yes.

Mr. GRIGGS. And you would furnish the embroidery?

Mr. WEIGHTMAN. The embroidery.

Mr. SIBLEY. Right in that connection, were you ever instructed to give a sort of "roast" to the Congressmen on the franking privilege?

Mr. WEIGHTMAN. What is that?

Mr. SIBLEY. Were you ever instructed to give a "roast" to the Congressmen on the franking privilege?

Mr. WEIGHTMAN. Oh, yes; originally. I had never heard of it until it first came out some years ago, just before Mr. Wilkins got so ill. He started that——

Mr. SIBLEY. But since Mr. Wilkins's death?

Mr. WEIGHTMAN. I didn't get any specific instructions about that thing; no.

Mr. SIBLEY. On that very line, I believe you stated that you wrote this identical article at the request of Mr. Beriah Wilkins——

Mr. WEIGHTMAN. Oh, no——

Mr. SIMS. Well, upon the orders of Mr. Wilkins?

Mr. WEIGHTMAN. I said practically the same article; I didn't say specifically the same article; I didn't say that was a copy, but the same tone.

Mr. SIMS. About six years ago?

Mr. WEIGHTMAN. I think so.

Mr. SIMS. And why was it not published?

Mr. WEIGHTMAN. It was.

Mr. SIMS. It was published in the Post?

Mr. WEIGHTMAN. Yes; some things like that have been published in the Post for the last four or five years.

Mr. SIMS. Can you bring that article and incorporate it as part of your statement?

Mr. WEIGHTMAN. I don't think I can undertake to ransack the files of the Post. I have been trying to explain, and I think my statement ought to be taken——

Mr. SIMS. Your explanation was, as I understood it, that you first wrote this character of an article——

Mr. WEIGHTMAN. Many of them——

Mr. SIMS. About six years ago, upon direction of Mr. Beriah Wilkins, who was then the managing editor of the Washington Post?

Mr. WEIGHTMAN. Yes; his suggestion——

Mr. SIMS. Then you say you wrote this, being substantially the same, and put it in the Post without any direction from anyone?

Mr. WEIGHTMAN. Yes.

Mr. SIMS. Then you are responsible for writing this particular article and putting it in the Post upon your own statement, without any direction from anyone?

Mr. WEIGHTMAN. I don't think so; I handed it in to the managing editor, and it was passed on there.

Mr. SIMS. No one suggested it, though?

Mr. WEIGHTMAN. No; not there——

Mr. SIMS. Then you wrote this on your own suggestion?

Mr. WEIGHTMAN. Yes.

Mr. SIMS. Moved by your own reason for writing it?

Mr. WEIGHTMAN. Moved by carrying on the policy of the paper. The same things have been in there before——

Mr. SIMS. Is it the policy of the Post to make statements alleging them to be facts, which are false and believed to be false, as the basis of an editorial?

Mr. WEIGHTMAN. As I do not conduct the Post, and am not responsible for what appears in it, I do not think I can answer that.

Mr. SIMS. I am only asking you as to the facts, as you have referred to the policy of the Post.

Mr. WEIGHTMAN. I knew about the policy because I had written on it before.

Mr. SIMS. Was the policy of the Post, with reference to the franking privilege of Members of Congress, to write editorials upon allegations which were not true and known not to be true at the time?

Mr. WEIGHTMAN. I don't know whether they were true or not.

Mr. SIMS. My object in introducing this resolution was to get at the fact. If any Members of Congress are guilty of abuses of the franking privilege, I think we ought to know it; and if anybody has been guilty of outrageously abusing the franking privilege I think that Member ought to be expelled. You say that this privilege has been outrageously abused is a fact of universal knowledge. And yet you say you wrote this article without suggestion and without any knowledge of facts and up to this time have no knowledge of any of these allegations which you have stated? That is all I wish to ask you.

Mr. SIBLEY. I would like to ask Mr. Weightman this: By anyone has there ever been given you the name of any Congressman, or Representative, who has been guilty of abusing the franking privilege?

Mr. WEIGHTMAN. I can not remember, but there was a story—they had a nickname of him, "Boots." Somebody here had a nickname here of "Boots," because in a mail package which went under a frank and which was broken, a pair of boots came out.

Mr. SIBLEY. Was that in recent years?

Mr. WEIGHTMAN. No.

Mr. SIBLEY. A great many years ago. I think it was way back before the present franking privilege was granted. I remember something about that. Do you know of any other case within recent time?

Mr. WEIGHTMAN. No; I do not.

Mr. SIBLEY. I wondered if this present agitation of the franking privilege grew out of the transmission through the mails of articles by the Reverend Doctor Crafts.

Mr. WEIGHTMAN. It was apropos of that. I had that in mind when I wrote this article, but I didn't mention him, I think. But, as I have told you, I took all this back, so far as the serious statement is concerned, the next day.

Mr. SIBLEY. The trouble is——

Mr. WEIGHTMAN. Yes; I know——

Mr. SIBLEY (continuing). That other papers have published it, because the Post presents things very spicily. You recognize that editorial has been copied very generally throughout the press of the country——

Mr. WEIGHTMAN. The Post is copied, yes.

Mr. SIBLEY (continuing). As tending to show the demoralization existing among Members of Congress. You wrote this evidently in a semi-humorous vein?

Mr. WEIGHTMAN. I think that is obvious.

Mr. SIBLEY. And then you made a denial—that is, in another editorial—saying that it was not altogether true; but the general public, who are interested in this, have not seen the denial.

Mr. WEIGHTMAN. It has the same prominence that this had; the only trouble is that you gave this prominence and did not give the other prominence. If you had, it would not have attracted so much attention.

Mr. SIBLEY. One thing more. I want to get this clear. So far as your personal knowledge extends, and so far as anybody has ever told you of any specific violation of the franking privilege by any Member of Congress is concerned, the statements are incorrect, are they not?

Mr. WEIGHTMAN. For all I know they may be absolutely incorrect.

Mr. SIBLEY. They may be absolutely incorrect?

Mr. WEIGHTMAN. Yes; but for all I know they may be correct.

Mr. SIBLEY. So far as you know, they may be false?

Mr. WEIGHTMAN. So far as I know, they may be absolutely false, absolutely.

Mr. SIBLEY. That is all.

The CHAIRMAN. Just a question or two.

Mr. John R. McLean is now managing editor of the Post?

Mr. WEIGHTMAN. Yes.

The CHAIRMAN. And he was the managing editor at the time of this editorial?

Mr. WEIGHTMAN. Yes.

The CHAIRMAN. Did Mr. McLean direct you to write this editorial?

Mr. WEIGHTMAN. No.

The CHAIRMAN. Do you know whether or not it was ever called to his attention personally——

Mr. WEIGHTMAN. Before, no.

The CHAIRMAN (continuing). Before it was printed?

Mr. WEIGHTMAN. No.

The CHAIRMAN. I say before it was printed?

Mr. WEIGHTMAN. I don't know.

The CHAIRMAN. Personally by you?

Mr. WEIGHTMAN. No; but his local representatives must have seen it, because editorials are not put in any well-regulated paper without attention.

The CHAIRMAN. What I want to know is, did you personally confer with Mr. McLean before this was printed?

Mr. WEIGHTMAN. No, sir.

The CHAIRMAN. Did you confer with anyone?

Mr. WEIGHTMAN. No, sir.

Mr. STEENERSON. What did you do with your editorial after you wrote it?

Mr. WEIGHTMAN. There is a little wire basket that I put it in.
Mr. STEENERSON. Describe the process.
Mr. WEIGHTMAN. Everybody who writes editorials—I have worked on a lot of papers, in New Orleans and other cities—hands them to the representative of the manager, or the managing editor, or whatever he may be called; sometimes he is called the managing editor and sometimes the editor in chief, but he gives them to the head of the paper, whoever he may be, because there is always a head on the paper, for the reason that the paper can not have a policy unless somebody guides. As a writer I do not guide it, and have nothing to do with it; I put what I write in a little basket and that goes to the managing editor——
Mr. STEENERSON. Who is managing editor?
Mr. WEIGHTMAN. Mr. McLean is managing editor.
Mr. STEENERSON. So you suppose Mr. McLean did read it before it was printed?
Mr. WEIGHTMAN. I suppose he did.
The CHAIRMAN. Has any comment been made since this editorial was printed, as to whether or not it was regarded by the management of the paper as serious or comic or otherwise?
Mr. WEIGHTMAN. As I told you, the next day, or two days afterwards—I don't recollect, but within a day or two—Mr. McLean spoke to me about it, and he said it was very much to his surprise. He said he was afraid it had given offense, so better write another article explaining that it was intended for an extravagance and not for an explicit or organized statement of the facts, which I did; but unfortunately that did not seem to attract as much attention as this.
The CHAIRMAN. Then the second article you wrote, to which you refer, explaining that the first article was an exaggeration, you were directed to write by Mr. McLean?
Mr. WEIGHTMAN. He spoke to me about it; yes.
Mr. SIMS. Right there let me ask you this: This second article you refer to was not written until after the House had passed this resolution?
Mr. WEIGHTMAN. I think not.
Mr. SIMS. The article quoted had been written during the recess—in the recess before the time this resolution was introduced?
Mr. WEIGHTMAN. I don't know.
Mr. SIMS. Newspapers had copied this article all over the country before this resolution was introduced, had they not? And had you not seen them?
Mr. WEIGHTMAN. The exchanges don't pass through my hands—except a few southern papers that I look at.
Mr. SIMS. Then I suppose the impression you leave is that if Congress had not taken notice of this there would not have been any editorial coming out and explaining that the statements herein made were not true and were exaggerations?
Mr. WEIGHTMAN. I can not speak for myself, but I fancy that is the reason.
Mr. SIMS. In other words, this would have gone along and been published all over the United States that Members of Congress were violating the franking privilege if Congress had not passed this resolution so far as your paper is concerned?
Mr. WEIGHTMAN. Yes.
The CHAIRMAN. Are there any other questions to be asked of Mr. Weightman?
Mr. FINLEY. I want to ask you, are you aware that the Third Assistant Postmaster-General, in his report, recommends the abolition of the franking and penalty privileges?
Mr. WEIGHTMAN. No; I am not.
Mr. FINLEY. That is, for Members of Congress and the Departments, on page 21 of his report?
Mr. WEIGHTMAN. When did that come out—before this editorial?
Mr. FINLEY. Yes.
Mr. WEIGHTMAN. Probably that is what I wrote about. I write so much—I write so many things——
Mr. GRIGGS. That was published before Congress met.
Mr. FINLEY. This is the report of the Third Assistant Postmaster-General for the year ended June 30, 1905. He says:
"The franking and penalty privileges are, by reason of their nature, subject to abuses, a precise and accurate description of which is not possible at the present time; but in view of experience already had I feel impelled to say that the interests of the Government and of this Department would be best subserved if those two privileges were abolished altogether."
Mr. WEIGHTMAN. I suppose somebody must have put that on my desk and that is what started me. I don't know; I can not——
Mr. FINLEY. I observe that the Third Assistant, in his report to Congress, suggests to Congress whether or not it is advisable to abolish the franking privilege, as I have just read.
Mr. WEIGHTMAN. I think it is very likely that that would inspire me to write this article. I can not remember. I had no idea of giving offense.
Mr. FINLEY. The Third Assistant says, further:
"I have the honor to suggest the consideration of the question of whether or not it is advisable to recommend to Congress the abolition of the franking and penalty privileges, or, at least, the latter, and the substitution therefor of a system of appropriations to supply the needs of Members of Congress and the various Departments for postage expenses in the transaction of their official business."
I ask you this question, because the matter was brought up here in the hearings, and General Madden was examined along that line.
Mr. WEIGHTMAN. That is probably what inspired this—started me out.
Mr. SNAPP. I don't think that report was out when this editorial was written.
Mr. FINLEY. Yes; this is the report for last year.
The CHAIRMAN. At all events there is nothing in this report or in any of the reports to the Post-Office Department which would indicate that Members of Congress have been abusing the privilege.
Mr. FINLEY. No.
Mr. WEIGHTMAN. It refers there to the ease with which it can be abused. It does not say it has been done.
The CHAIRMAN. You know of no foundation in any report of the Post-Office Department of any abuse or suggestion of an abuse by Members of Congress of the franking privilege, do you?
Mr. WEIGHTMAN. No; I don't know of any. This is the first thing I have seen officially—the first thing.
Mr. SNAPP. That report could not have been out then—November 18?
Mr. FINLEY. Yes; it was out, because I received a copy.
Mr. GRIGGS. It was dated November 18.
Mr. FINLEY. They were sent before Congress convened.
Mr. GRIGGS. The report was dated November 18.
The CHAIRMAN. Are there any other questions by members of the committee?
Mr. WEIGHTMAN. I only say it is quite likely that somebody may have cut that out and put it on my desk. I constantly find things there for me to write about—memoranda or suggestions.
The CHAIRMAN. We will excuse you, Mr. Weightman, and we will excuse the reporter.

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COMMITTEE ON THE POST-OFFICE AND POST-ROADS,
HOUSE OF REPRESENTATIVES,
*Washington, D. C., March 7, 1906.*

The committee met this day at 10.30 o'clock a. m., Hon. JESSE OVERSTREET in the chair.

STATEMENT OF MR. JOHN R. M'LEAN.

The CHAIRMAN. I believe, Mr. McLean, you are the managing editor of the Washington Post?
Mr. MCLEAN. Yes, sir.
The CHAIRMAN. I will ask you to examine the CONGRESSIONAL RECORD of January 4 last, at page 673, which I hand you [submitting copy of RECORD], and the printing in small type particularly, which purports to be an editorial in your paper.
Mr. MCLEAN. Yes, sir.
The CHAIRMAN. You were managing editor of the Post at the time of that publication?
Mr. MCLEAN. Yes, sir.
The CHAIRMAN. Did you see that editorial before it was printed?
Mr. MCLEAN. Yes.
The CHAIRMAN. It came to you in the ordinary process of your organization?
Mr. MCLEAN. Yes.
The CHAIRMAN. And you passed upon it before printing?
Mr. MCLEAN. Yes.
The CHAIRMAN. Will you be kind enough to explain to the committee if you are familiar with the facts as appear to have been stated in that editorial?
Mr. MCLEAN. I know nothing of the facts.
The CHAIRMAN. When you passed upon the item for printing did you pass it with the belief that those statements were facts?
Mr. MCLEAN. No. I passed it as I would pass any general article, thinking that it meant more to be—it seemed to me an aggravated case of editorial. It was not meant to come right down to facts and to say, "These are facts," but it was a thing that had been told and talked about a little bit and commented upon by the newspapers. But as to being facts, or that the Post meant it to be that, or intended it to be accepted as that, there was nothing of it.
The CHAIRMAN. Then you merely intended to pass upon something that was current—something that——
Mr. MCLEAN. Yes; there was no intent to injure at all.
Mr. HEDGE. Was it intended to affect public opinion, Mr. McLean?
Mr. MCLEAN. No, sir. Sometimes we print an article to fill up with. [Laughter.] As I say, there was no intent to injure or damage anyone. It was a general article, and frequently you work up things, and one of the editors is asked to comment on it or criticise it or pass upon it, and sometimes things are accepted and you don't know the writer. He may be in your office, but you may not know him.
Mr. SNAPP. Did it not occur to you that such an article might reflect on Members of Congress and injure them with their constituents?
Mr. MCLEAN. No; this was meant to be general. It was not meant to reflect on any individual.
Mr. SNAPP. Does it not occur to you that exaggerated and untruthful statements of that kind against Members of Congress do hurt them in the public mind?
Mr. MCLEAN. No; it was not meant to be that. I thought the general reader would accept that as a general article. There was no individual in mind, and no particular case cited. It was only a general article.
Mr. SNAPP. How can you expect that the general reader shall discriminate as to the truth or falsity of statements of that kind when you don't do it?
Mr. MCLEAN. Probably I have a wrong impression, but I do not know——
The CHAIRMAN. Do you know of your own knowledge of any instances of the violation or abuse of the franking privilege by any Member of Congress?
Mr. MCLEAN. Not one.
The CHAIRMAN. Are there any other questions, gentlemen? I think, then, Mr. McLean, that is all.

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The following is the passage in the CONGRESSIONAL RECORD referred to above:

"ABOLISH THE FRANKING PRIVILEGE?

"We quite agree that something ought to be done for the relief of the Post-Office Department. Its work is simply tremendous, and, by an interesting coincidence, its usefulness is quite as great. There is no section of the governmental machinery more important or more accurately and satisfactorily conducted. But the burden put upon Mr. Cortelyou and his coadjutors can be materially lightened without impairing its efficiency. It is our opinion, indeed, that the people and the Government both would be better off if the franking privilege were abolished utterly.

"That this privilege has been outrageously abused is a fact of universal knowledge. Congressmen load the postal cars with all sorts of freight—furniture, libraries, kitchen utensils, the family wash, pianos, poultry, barnyard animals, etc., without limit. They frank a cow, a washtub, or a churn as glibly as they do a letter or the speech that no one ever heard. They go further—they lend their franks in large, uncounted bunches to societies and propagandas that would flourish on the public Treasury as they already thrive upon the people's discontent. The whole system has been converted to the most abominable ends. It presents the perfected spectacle of graft. But its worst expression is to be found in the lumbering up of the mail cars, the preposterous demands upon the Department's resources of transportation, and the corresponding and concurrent crippling of the postal service in all its proper and legitimate activities.

"We note the presentation of an alternative arrangement—an arrangement under the operation of which Members of Congress will receive a direct allowance for the purpose of conducting their official correspondence without cost to themselves. The expedient is most commendable. We quite agree that Members of Congress, who are but ill-paid public servants, should be spared the constant drain upon their resources involved in postage and the like. They should at least be left entirely free of artificial taxes and protected in the complete enjoy-

ment of what small emolument has been assigned them. But this franking concession, which has grown to the proportions of insolent and predaceous graft, this should be contracted within the limits of common decency and transformed into an explicit allowance, no matter how generous and liberal it may be.

"We think there are very few Congressmen who would care to oppose this adjustment in full view of the public gaze. Why not try it, gentlemen?"

Mr. SIMS. Mr. Speaker, I desire first to submit the original editorial which was the basis of these proceedings.

The editorial is as follows:

ABOLISH THE FRANKING PRIVILEGE?

We quite agree that something ought to be done for the relief of the Post-Office Department. Its work is simply tremendous, and, by an interesting coincidence, its usefulness is quite as great. There is no section of the governmental machinery more important or more accurately and satisfactorily conducted. But the burden put upon Mr. Cortelyou and his coadjutors can be materially lightened without impairing its efficiency. It is our opinion, indeed, that the people and the Government both would be better off if the franking privilege were abolished utterly.

That this privilege has been outrageously abused is a fact of universal knowledge. Congressmen load the postal cars with all sorts of freight—furniture, libraries, kitchen utensils, the family wash, pianos, poultry, barnyard animals, etc., without limit. They frank a cow, a washtub, or a churn as glibly as they do a letter or the speech that no one ever heard. They go further—they lend their franks in large, uncounted bunches to societies and propagandas that would flourish on the public Treasury as they already thrive upon the people's discontent. The whole system has been converted to the most abominable ends. It presents the perfected spectacle of graft. But its worst expression is to be found in the lumbering up of the mail cars, the preposterous demands upon the Department's resources of transportation, and the corresponding and concurrent crippling of the postal service in all its proper and legitimate activities.

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We think there are very few Congressmen who would care to oppose this adjustment in full view of the public gaze. Why not try it, gentlemen?

Mr. SIMS. I desire also to submit certain extracts from the testimony of Mr. Weightman and Mr. McLean.

The extracts are as follows:

Mr. SIMS. Inasmuch as I am the man who took seriously the statements which you say now are neither true nor serious, I would like to ask you a few questions.

Mr. WEIGHTMAN. Yes, sir.

Mr. SIMS. This editorial is headed "Abolish the franking privilege," is it not?

Mr. WEIGHTMAN. I think so.

Mr. SIMS. Did you write that?

Mr. WEIGHTMAN. Yes, sir.

Mr. SIMS. Your object in writing this article, then, was to secure the demand that you made, and that is to have the franking privilege abolished?

Mr. WEIGHTMAN. Not at all.

Mr. SIMS. Is not that the purport of the article from one end to the other, to abolish the franking privilege and have a money allowance made in lieu of it, because on your allegation Members of Congress abuse the franking privilege?

Mr. WEIGHTMAN. I deny that as my allegation at all; that is the Post.

Mr. SIMS. I say is not that the object of the article, to furnish an argument, based upon alleged facts, for the abolition of the franking privilege—is not that the object?

Mr. WEIGHTMAN. I fancy that is one of the objects.

Mr. SIMS. You say fancy. You certainly ought to be able to state what the object was if the object is not expressed on the face of it.

Mr. WEIGHTMAN. It seems to me I have made it clear that I have no object in anything I write, except to please my employer and carry out his policy.

Mr. SIMS. Now, I want to ask you if you, as an editorial writer, will write an article that you neither believe in nor indorse, simply because you are a salaried employee, an article touching the character of officials, high or low?

Mr. WEIGHTMAN. Is that in the form of an interrogatory?

Mr. SIMS. That is what it is.

Mr. WEIGHTMAN. I must say again, for about the tenth time, that I do not do these things in my personal capacity, and I am not going to be held responsible for them.

Mr. SIMS. But I ask you as an editorial writer, do you write editorials alleging existence of facts which you yourself do not believe simply because you are paid a salary?

Mr. WEIGHTMAN. I do not think I will allege anything seriously that I do not believe.

Mr. SIMS. Now, I want to ask you who gave you orders or directions, or whatever is your way of expressing it, to write upon this subject and to write this article?

Mr. WEIGHTMAN. Nobody.

Mr. SIMS. Was this article passed on by the managing editor, the responsible person in the Post, before it was printed?

Mr. WEIGHTMAN. Why, certainly. Nothing can go into the Post——

Mr. SIMS. Who is the responsible managing editor of the Post, or responsible head?

Mr. WEIGHTMAN. Mr. McLean is the responsible managing editor of the Post.

Mr. SIMS. Did he pass on this?

Mr. WEIGHTMAN. I don't know whether he did or not; it was published by his authority.

Mr. SIMS. And you declare you have no responsibility whatever?

Mr. WEIGHTMAN. No personal responsibility.

Mr. SIMS. When you stated here—I want to quote the exact language, and therefore I will look for it—after stating these facts, with reference to Members of Congress, this article says:

"It presents the perfected spectacle of graft."

Now, is not that a charge which is very serious and affecting the character and usefulness of any Member of Congress who may be guilty?

Mr. WEIGHTMAN. Yes; I should think it would if he was guilty.

Mr. SIMS. Would you make a charge of that kind simply by direction or orders of the managing editor?

Mr. WEIGHTMAN. Why, certainly; of course I would; or else resign.

Mr. SIMS. Your explanation was, as I understood it, that you first wrote this character of an article——

Mr. WEIGHTMAN. Many of them——

Mr. SIMS. About six years ago, upon direction of Mr. Beriah Wilkins, who was then the managing editor of the Washington Post?

Mr. WEIGHTMAN. Yes; his suggestion——

Mr. SIMS. Then you say you wrote this, being substantially the same, and put it in the Post without any direction from anyone?

Mr. WEIGHTMAN. Yes.

Mr. SIMS. Then you are responsible for writing this particular article and putting it in the Post upon your own statement, without any direction from anyone?

Mr. WEIGHTMAN. I don't think so; I handed it in to the managing editor, and it was passed on there.

Mr. SIMS. No one suggested it, though?

Mr. WEIGHTMAN. No; not there——

Mr. SIMS. Then you wrote this on your own suggestion?

Mr. WEIGHTMAN. Yes.

Mr. SIMS. Moved by your own reason for writing it?

Mr. WEIGHTMAN. Moved by carrying out the policy of the paper; the same things have been in there before——

Mr. SIMS. Is it the policy of the Post to make statements, alleging them to be facts, which are false and believed to be false, as the basis of an editorial?

Mr. WEIGHTMAN. As I do not conduct the Post and am not responsible for what appears in it, I do not think I can answer that.

Mr. SIMS. I am only asking you as to the facts, as you have referred to the policy of the Post.

Mr. WEIGHTMAN. I knew about the policy because I had written on it before.

Mr. SIMS. Was the policy of the Post with reference to the franking privilege of Members of Congress to write editorials upon allegations which were not true and known not to be true at the time?

Mr. WEIGHTMAN. I don't know whether they were true or not.

Mr. SIMS. My object in introducing this resolution was to get at the fact; if any Members of Congress are guilty of abuses of the franking privilege I think we ought to know it, and if anybody has been guilty of outrageously abusing the franking privilege, I think that Member ought to be expelled. You say that this privilege has been outrageously abused is a fact of universal knowledge. And yet you say you wrote this article without suggestion and without knowledge of facts, and up to this time have no knowledge of any of these allegations which you have stated. That is all I wish to ask you.

* * * * * * *

Mr. SIMS. Right there, let me ask you this: This second article you refer to was not written until after the House had passed this resolution?

Mr. WEIGHTMAN. I think not.

Mr. SIMS. The article quoted had been written during the recess—in the recess before the time this resolution was introduced?

Mr. WEIGHTMAN. I don't know.

Mr. SIMS. Newspapers had copied this article all over the country before this resolution was introduced; had they not? And had you not seen them?

Mr. WEIGHTMAN. The exchanges do not pass through my hands—except a few southern papers that I look at.

Mr. SIMS. Then I suppose the impression you leave is that if Congress had not taken notice of this there would not have been any editorial coming out and explaining that the statements herein made were not true, and were exaggerations?

Mr. WEIGHTMAN. I can not speak for myself, but I fancy that is the reason.

Mr. SIMS. In other words, this would have gone along and been published all over the United States, that Members of Congress were violating the franking privilege, if Congress had not passed this resolution, so far as your paper is concerned?

Mr. WEIGHTMAN. Yes.

STATEMENT OF MR. JOHN R. M'LEAN.

The CHAIRMAN. I believe, Mr. McLean, you are the managing editor of the Washington Post?

Mr. MCLEAN. Yes, sir.

The CHAIRMAN. I will ask you to examine the CONGRESSIONAL RECORD of January 4 last, at page 673, which I hand you [submitting copy of RECORD], and the printing in small type particularly, which purports to be an editorial in your paper.

Mr. MCLEAN. Yes, sir.

The CHAIRMAN. You were managing editor of the Post at the time of that publication?

Mr. MCLEAN. Yes, sir.

The CHAIRMAN. Did you see that editorial before it was printed?

Mr. MCLEAN. Yes.

The CHAIRMAN. It came to you in the ordinary process of your organization?

Mr. MCLEAN. Yes.

The CHAIRMAN. And you passed upon it before printing?

Mr. MCLEAN. Yes.

The CHAIRMAN. Will you be kind enough to explain to the committee if you are familiar with the facts as appear to have been stated in that editorial.

Mr. MCLEAN. I know nothing of the facts.

The CHAIRMAN. When you passed upon the item for printing did you pass it with the belief that those statements were facts?

Mr. MCLEAN. No. I passed it as I would pass any general article, thinking that it meant more to be—it seemed to me an aggravated case of editorial; it was not meant to come right down to facts and to say, "These are facts," but it was a thing that had been told and talked about a little bit and commented upon by the newspapers. But as to being facts, or that the Post meant it to be that, or intended it to be accepted as that, there was nothing of it.

The CHAIRMAN. Then you merely intended to pass upon something that was current—something that——

Mr. MCLEAN. Yes; there was no intent to injure at all.

Mr. HEDGE. Was it intended to affect public opinion, Mr. McLean?

Mr. MCLEAN. No, sir. Sometimes we print an article to fill up with. [Laughter.] As I say, there was no intent to injure or damage anyone. It was a general article; and frequently you work up things, and one of the editors is asked to comment on it or criticise it or pass upon it, and sometimes things are accepted and you don't know the writer. He may be in your office, but you may not know him.

Mr. SNAPP. Did it not occur to you that such an article might reflect on Members of Congress and injure them with their constituents?

Mr. MCLEAN. No; this was meant to be general. It was not meant to reflect on any individual.

Mr. SNAPP. Does it not occur to you that exaggerated and untruthful statements of that kind against Members of Congress do hurt them in the public mind?

Mr. MCLEAN. No; it was not meant to be that. I thought the general reader would accept it as a general article. There was no individual in mind and no particular cases cited. It was only a general article.

Mr. SNAPP. How can you expect that the general reader shall discriminate as to the truth or falsity of statements of that kind when you don't do it?

Mr. MCLEAN. Probably I have a wrong impression, but I do not know——

The CHAIRMAN. Do you know of your own knowledge of any instances of the violation or abuse of the franking privilege by Members of Congress?

Mr. MCLEAN. Not one.

Mr. SIMS. Mr. Speaker, as the author of the resolution I have naturally felt an interest in the investigation and report of the committee. The committee seem to have acted fairly and conscientiously, and have made as full a report as the evidence warranted. The excuse or explanation for the making of these charges, made by this responsible newspaper, after this resolution was introduced and acted upon, as appears from the report of the committee, was that the charges were not serious nor intended to be taken as serious; and reference is made to a second editorial on the same subject in the same paper, which has not been copied by the committee in its report; but as the evidence will show, Mr. Weightman, the editor who wrote the article, seems rather to complain that the editorial was taken seriously, saying that the second article would, as he claims, remove the impression of evil intent in the first article if it had been given the same publicity. Now, I propose to read and comment on that editorial article as I read and commented on the first, so that if there was any injustice done him he may rectify it. This is the second editorial:

AS REGARDS THE FRANKING PRIVILEGE.

We haven't the slightest doubt that the Hon. T. W. SIMS, of Tennessee, is perfectly sincere in calling for a Congressional investigation of the use or misuse that has been made of the franking privilege. Incidentally we wish to acknowledge with appropriate sentiments his very complimentary references to the Post. It occurs to us, however, to suggest that it is rather late in the day to take a solemn view of this or any other matter which has been the subject of gossip and of jest for many years. And we venture this intimation with all the more confidence because we happen to know that the records of the Post-Office Department contain, or ought to contain, large floods of detailed information for the benefit of anyone who thinks it worth while to investigate an ancient and notorious graft.

To say that we were serious in publishing the article which has stimulated Mr. SIMS to stern inquiry would be to exaggerate the situation. Of course we were not serious. Why should we be? The matter has been one of ribald comment for years. Everybody has heard of it, everybody has discussed it, nobody has denied it. Moreover, it is known of all men who keep themselves informed of public affairs that the question is one of official record—supposing the records have been scrupulously kept—and certainly of common knowledge in the Department. As we have already suggested, the only way to attack the scandal is to abolish the franking privilege altogether and to substitute a reasonable annual allowance for postage—a very liberal one, in fact—so that Members of Congress may not be called upon to deplete their meager salaries by paying postage upon mail matter for which they are not properly responsible. What the country wants in this case is not an inquisition into conditions that are as notorious as the process of the seasons, but a law that will put an end to them forever.

We would not have Mr. SIMS imagine for a moment that we object to the searchlight as such. Our object is merely to indicate the inevitable waste of time involved in that method, and point out the practical advantages of the alternative expedient we have outlined. Investigate by all means, if there be any real doubt in Congress as to the facts. Somewhere in the Post-Office Department the material for a finished chronicle is awaiting its discoverer and historian. But if the statesmen on the Hill want to stop a leak rather than amuse the public with a spectacle, they will let the past alone and make laws for the future.

So this is what, upon mature reflection, after this Congress acted upon that resolution and sent it to the committee, is given as the wiping out, the blotting out, of all criminal charge that there was in the first editorial, by simply reiterating that it was all true and that the records of the Post-Office Department would disclose and prove the facts. [Laughter.] Now, that is a strange way—to say that I charge you with being a thief and then state that it is not serious, but cite the record of conviction to prove it. I think the gentleman ought to have the benefit of his explanation of his way of not being serious in charging criminal conduct upon Members of Congress as set forth in a subsequent editorial.

Mr. STEPHENS of Texas. Will the gentleman allow me a question?

Mr. SIMS. Certainly.

Mr. STEPHENS of Texas. Is it true, as stated in the papers frequently, that some Departments have been guilty of franking furniture, safes, and desks, and other things of that kind through the mail?

Mr. SIMS. It has been charged in the papers that the Departments have been guilty of shipping freight under frank which would be cheaper to ship by express or simple freight.

Mr. STEPHENS of Texas. Does not the gentleman think that a mistake has been made, that instead of charging the committee or Members of Congress they should have charged the Departments with violating the law?

Mr. SIMS. The whole article is a charge against Members of Congress; there is nothing in it about the Departments. Now, I want to give you the benefit of the answers by one of these gentlemen. He claims, as appears from his testimony, that he wrote a similar editorial six years ago, when the Washington Post was under the charge of the Hon. Beriah Wilkins, formerly an honored Member of this House; that it was in accordance with the policy of the Post.

I do not want to do injustice to the Post or the editorial writers, but that article read on the 5th here and reread to-day has nothing on the face of it to suggest that it was not serious and intended to be true. If I was misled by not being a competent judge of such a thing, all the leading newspapers of the United States were similarly misled, for they quoted and commented upon it and reiterated it as true. Now, I want to explain to you, in the language of the managing editor, not undertaking to quote him, what he says about his responsibility.

Mr. Weightman denies all responsibility and says he wrote as he was directed, but rather gets away from it when the question comes directly to him.

I would like to ask the distinguished gentleman, if he was going to state a fact and wanted it to be accepted as a fact, what language he would undertake to use that is more specific and definite than the language used in the editorial that was quoted at the beginning of this report. But it seems that a great newspaper that appears to have a well-earned character for conservatism, certainly a great paper so far as ability of editorial writers in the treatment of large questions is concerned, will publish lightly and flippantly an article charging offenses that would disgrace any Member of this House if proven on him and then excuse the gravity of this charge simply by saying that it was general; that he called no names and pointed out no individual. I suppose he thinks that if he calls all Members of the House grafters and thieves it does not hurt, but to call a few individual Members of the House by name and to characterize them as guilty of such charges would be injurious. What would you say to a statement from a responsible newspaper that all the women in Washington are bad, but in explanation should say that they didn't mean it because they included them all? When charges are made that are general and sweeping and which apply to every Member of the House, they are certainly in results more grave and serious than to say that a particular individual is guilty, or a few individuals are guilty, and point them out, because then we could investigate and find out the truth.

I can not believe, Mr. Speaker, that the distinguished managing editor of this paper ever really read the article; that he really did not know what was in it. I do not believe that he is capable of wanting to cast upon this House that degree of contempt and disgrace that this article does on the flimsy foundation of mere rumors or mere gossip that had been floating around the Capitol, as said by his editorial writer, for many years.

I desire to call attention to an article in the Washington Post of yesterday which I highly commend. It is an article advocating self-government for the District of Columbia, to enfranchise the enslaved and enlightened freemen of this District. I believe that article is one that every Member of this House will approve, but is it not strange that a great paper should publish such an article when it flippantly publishes statements that if believed, as they were believed, would cause the people to lose confidence in the agencies of self-government? Why, Mr. Speaker, I know that the constituents of the gentleman from Pennsylvania [Mr. SIBLEY] would not believe that he was guilty, but I also know that the constituents of some gentleman from California might believe that the gentleman from Pennsylvania was guilty. But what shall we say of this when it comes at a time when agitation seems to be the rule, when it seems that the foundations of civil government are almost shaken by the threat of socialism? That an attack, serious or otherwise, should be made upon the integrity of the officials of this Government is something to me too serious to be cast aside with the mere brush of the hand. I do think that the great newspapers,

which under the law of this country enjoy the franking privilege to the extent of nearly $27,000,000 a year, ought to be a little careful when they accuse Members of Congress of abusing the franking privilege to such an extent as to constitute a moral and legal crime.

The SPEAKER. The time of the gentleman has expired.

Mr. SIMS. Mr. Speaker, I would ask the gentleman from Pennsylvania [Mr. SIBLEY] to grant me, say, five minutes more.

Mr. SIBLEY. Mr. Speaker, I yield five minutes more to the gentleman from Tennessee.

Mr. SIMS. Now, Mr. Speaker, I do not want to make a charge unexplained. It is known to everybody in this House, but perhaps not by the whole people, that newspapers are entitled to the second-class mail privileges, and that second-class mail privileges such as those newspapers enjoy cost the Government upon the lowest estimate six times as much as it gets out of it, and when it costs the Government, as I believe it did if I *am not* incorrect, $33,000,000 last year to carry second-class mail matter, and for which the Government received only $6,000,000, it may be said that the courtesies of the franking privilege given to the press of the country exceeds by millions of dollars anything that could possibly be the result of its most liberal and unjust use by Members of Congress.

That is all right, Mr. Speaker. We are making no complaint, but this article seriously demands the abolition of the franking privilege for Members of Congress. Maybe the writer of that article is correct, but suppose we go into the abolition of the franking privilege and abolish that right to the press of the country, would not there be a very large saving to the Treasury of the United States and to the taxpayer? I do not advocate such a thing as this, but before I want to strike down the franking privileges of the Members of Congress I desire to think a little of the enjoyment of that privilege by the newspapers of the country. Twelve and a half per cent is paid upon the actual cost of second-class mail matter. What are the great newspapers of the country? They are business institutions whose editors, some of them, draw princely salaries. Perhaps they are worth it, but when a great newspaper is going through the mails with ten pages of reading matter and thirty pages of advertising—going through the mails at about one-eighth of what the actual cost to the Government is—I think it is time to speak about it. I think, Mr. Speaker, that a charge of this kind, when seriously noticed by a Member of this House, should not be used in an effort to try and belittle and ruin him.

It is a little too grave. Official character is beyond value, or should be. If the people lose confidence in the integrity of the instruments of self-government selected by themselves, what then is to be done? Revolution and anarchy may follow, and there is no better way to bring this country into such a condition than to publish false, villainous, and slanderous statements and libelous charges against the officials of the Government, and especially those who are selected every two years as Members of the legislative branch of the Government. A mere whisper touching the character of a woman is often enough to damn her for life, and next to her precious character that of the official is most easily injured and damaged, and it is irreparable. The article which was published all over the United States, read and believed by thousands, many more thousands than disbelieved it, as shown by the fact the press everywhere accepted it as true, will not be followed in the same papers by the publication of this report. The injury done by such charges, lightly or seriously or otherwise made, is such as to become irreparable. Never can we fully wipe it out; never can we fully reach every one with this report who has been reached by the first publication. Somehow or other the public is disposed to read that which is of a sensational nature, that which reflects upon somebody's character. Mr. Speaker, I believe the world is getting better every day. I believe political parties are getting better every day. I believe the Republican party is better to-day than it ever was before. I believe the Democratic party is better to-day than it ever was before. I have greater confidence in our institutions, in our Government and its instrumentalities, than I ever had before, and attempts to belittle and break down the confidence of the people in the agencies of self-government I denounce as a crime against the whole people of the United States, unjustified by any facts whatever. Mr. Speaker, I ask to include this testimony I have read in full in my remarks. [Applause.]

The SPEAKER. The gentleman from Tennessee asks unanimous consent to print certain testimony in his remarks. Is there objection? [After a pause.] The Chair hears none.

Mr. SIBLEY. Mr. Speaker, I move the adoption of the report.

The SPEAKER. The question is on the motion to discharge the committee.

The question was taken, and the motion was agreed to.

MESSAGE FROM THE PRESIDENT.

Mr. LITTAUER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 16472, the legislative, executive, and judicial appropriation bill.

The SPEAKER. Pending that motion, the Chair lays before the House the following message from the President:

*To the Senate and House of Representatives:*

I have received the following letter from the Secretary of War respecting the recent attack by troops of the United States on Mount Dajo:

WAR DEPARTMENT,
*Washington, March 13, 1906.*

MY DEAR MR. PRESIDENT: The account of the engagement on Mount Dajo, on the island of Jolo, between our forces and a large band of Moro robbers, in which the fighting lasted for three or four days, showed such a large loss among the Moros as to give rise in a part of the public press to the criticism that there had been a wanton destruction by our troops of Moro lives, including those of women and children. Inquiries were made of me by members of the Senate and House of Representatives in respect to the matter. Accordingly I yesterday directed that the following telegram be sent to General Wood:

"It is charged that there was a wanton slaughter of Moros—men, women, and children—in the fight in Jolo at Mount Dajo. I wish you would send me at once all the particulars in respect to this matter, stating exact facts."

General Wood's answer came to-day. It seems to me to show most clearly that the unfortunate loss of life of the men, women, and children among the Moros was wholly unavoidable, in view of their deliberate use of their women and children in actual battle and their fanatical and savage desire that their women and children should perish with them if defeat were to come. They seem to have exhibited in this fight the well-known treachery of the uncivilized Mohammedan when wounded of attempting to kill those approaching for the purpose of giving aid and relief. General Wood's dispatch is as follows:

"The MILITARY SECRETARY, *Washington:*

"In answer to Secretary of War's request for information March 12, I was present throughout practically entire action and inspected top of crater after action was finished. Am convinced no man, woman, or child was wantonly killed. A considerable number of women and children were killed in the fight—number unknown, for the reason that they were actually in the works when assaulted, and were unavoidably killed in the fierce hand to hand fighting which took place in the narrow inclosed space. Moro women wore trousers and were dressed, armed much like the men, and charged with them. The children were in many cases used by the men as shields while charging troops. These incidents are much to be regretted, but it must be understood that the Moros, one and all, were fighting not only as enemies but religious fanatics, believing Paradise to be their immediate reward if killed in action with Christians. They apparently desired that none be saved. Some of our men, one a hospital steward, were cut up while giving assistance to wounded Moros by the wounded, and by those feigning death for the purpose of getting this vengeance. I personally ordered every assistance given wounded Moros, and that food and water should be sent them and medical attendance. In addition friendly Moros were at once directed to proceed to mountain for this purpose. I do not believe that in this or in any other fight any American soldier wantonly killed a Moro woman or child, or that he ever did it except unavoidably in close action. Action was most desperate, and was impossible for men fighting literally for their lives in close quarters to distinguish who would be injured by fire. In all actions against Moros we have begged Moros again and again to fight as men and keep women and children out of it. I assume entire responsibility for action of the troops in every particular, and if any evidence develops in any way bearing out the charges will act at once.

"WOOD."

Very sincerely, yours,

WM. H. TAFT.

The PRESIDENT.

I have made reply as follows:

"THE WHITE HOUSE,
"*Washington, March 14, 1906.*

"MY DEAR MR. SECRETARY: I have received your letter of March 13, with accompanying cable of General Wood, answering your inquiry as to the alleged wanton slaughter of Moros. This answer is, of course, entirely satisfactory. The officers and enlisted men under General Wood's command have performed a most gallant and soldierly feat in a way that confers added credit on the American Army. They are entitled to the heartiest admiration and praise of all those of their fellow-citizens who are glad to see the honor of the flag upheld by the courage of the men wearing the American uniform.

"Sincerely, yours,

"THEODORE ROOSEVELT.

"Hon. WM. H. TAFT, *Secretary of War.*"

THEODORE ROOSEVELT.

The WHITE HOUSE, *March 15, 1906.*

The SPEAKER. The message will be ordered to be printed, and referred to the Committee on Military Affairs.

JOHN H. PARKER.

The SPEAKER also laid before the House the following message from the President of the United States; which was read:

*To the House of Representatives:*

In compliance with the resolution of the House of Representatives of the 13th instant (the Senate concurring), I return herewith House bill No. 10588, entitled "An act granting an increase of pension to John H. Parker."

THEODORE ROOSEVELT.

THE WHITE HOUSE, *March 15, 1906.*

Mr. LONGWORTH. Mr. Speaker, I move that the message be referred to the Committee on Pensions.

The question was taken, and the motion was agreed to.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

The SPEAKER. The gentleman from New York moves that the House resolve itself into Committe of the Whole House on the state of the Union for the further consideration of the bill H. R. 16472.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. OLMSTED in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 16472—the legislative, executive, and judicial appropriation bill.

Mr. KEIFER. Mr. Chairman, I follow the time-honored custom of addressing the committee on a subject (H. R. 15674) not relating to appropriations at all, but I have little reluctance in doing this as the subject I shall speak on is of the supremest importance, and one, if not early considered, as the Constitution enjoins on Congress, will endanger the fundamental principle of equality upon which our Republic was founded, and which, if not upheld and perpetuated, will inevitably lead to its overthrow.

If the principle of the bill I am about to advocate is to fail, permanently, money bills will become useless; if an apportionment of representation in this body, based on the equality of American individual sovereignty can not be attained, then appropriation bills will, in time, become unnecessary.

Prodigality of the natural rights of man will not be compensated for by economy in appropriations.

Any degree of departure from sound basic principles is as dangerous in governmental affairs as in the exact sciences, and when the departure has gone so far as to demonstrate the error, only the foolish will continue to propagate it. So, when a political error, fundamental in character, has been so far pursued as to demonstrate its certain evil tendency the time is at hand to heroically apply the remedy and avert the impending certain disaster by returning to sound principles.

A republic can not now be and it never has been successfully maintained, based on inequality of citizenship. All ancient and modern attempts to establish or continue a republic founded on castes or class distinctions have signally and rightfully failed. Their wrecks are found all along the line of the ages, only to be pointed to as examples of attempts, in the name of liberty, to oppress the common people. Madame Roland, bowing before a statue of liberty, cried from the scaffold which she had just ascended from the cart that bore her to the guillotine:

Oh, Liberty, how many crimes have been committed in thy name!

It is, moreover, of supreme importance that constitutional injunctions should be obeyed and enforced, and especially where they are primary in character. Partisan heat should never arise nor be displayed over the enforcement of the Constitution. In its obedience, Members of Congress should all stand for it, coolly, calmly, and alike bound by duty and by that oath taken by each:

To support and defend the Constitution of the United States * * * bear true faith and allegiance to the same * * * without any mental reservation or purpose of evasion.

The help of God is invoked to keep this solemn oath.

The Republican party by its latest national declaration is required to enforce the Constitution relating to representation in Congress and in the electoral college; and its resplendent history even more strongly requires its enforcement, especially in the respect just stated. Its history, running over more than half a century, is studded with achievements for humanity won by upholding immutable, governmental, cardinal principles essential to the preservation of the natural rights of man. It will not now permit its decrees, written in the common blood of all the people and races, to be blotted out, and with them witness the certain overthrow of the principles of universal justice and equality upon which our Union was founded and, if perpetuated, must stand. That party will not, if the overthrow of the Union does come through departure from these principles, survive to witness the fatal day. It has the power, under God, to avert the calamity, and to preserve, perpetuate, and transmit through the ages to posterity the Republic in all its purity and accumulated strength and glory.

The special constitutional decrees of war being the work of the Republican party, and its immortal leaders being in their hallowed graves, the duty comes to their successors here and in the executive and judicial departments of the Government to fairly and impartially enforce them according to their true intent and spirit. Duty is often an exacting master, calling for unpleasant action, but those who are honored by special selection, and by their willing acceptance of high public place and responsibility, can not shield themselves from performing their duty because it may be unpleasant to perform it or for any other reason. No congressional and constitutional duty is so great that those who are charged with its performance should shrink from it.

The day of heroism and heroic deeds in statesmanship still abides, and must ever, or through political degeneracy there will soon be nobody to stand guard on the ramparts or around the citadels of the preserved, regenerated, disenthralled, and purified Union.

The preamble to the bill reads:

That whereas the Constitution of the United States, Article XIV, section 2, requires that "when the right to vote at any election for the choice of electors for President and Vice-President of the United States, Representatives in Congress, the executive and judicial officers of a State, or the members of the legislature thereof, is denied to any of the male inhabitants of such State being 21 years of age and citizens of the United States, or in any way abridged, except for participation in rebellion or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens 21 years of age in such State;" and whereas existing law (section 22, Revised Statutes United States) enacted in pursuance of said section 2 requires its enforcement by Congress as empowered by such article; and whereas the Congress is satisfied that the right of certain male inhabitants of States hereinafter named, being 21 years of age and citizens of the United States, at elections therein for some or all of said officers, has been and now is denied, or in some way abridged, in each of said States, and that the representation in the House of Representatives of the Congress of the United States in each of such States so denying or abridging such right to vote should be reduced as the fourteenth article of the Constitution and the law require, to the end that a republican form of government may be guaranteed therein, based on equal political power among the States of the United States and the Congressional districts thereof, and in the electorial college:

The bill proposes to reduce the number of Representatives in Alabama from 9 to 5, Arkansas from 7 to 5, Florida from 3 to 2, Georgia from 11 to 6, Louisiana from 7 to 3, Mississippi from 8 to 3, North Carolina from 10 to 6; South Carolina from 7 to 3, Tennessee from 10 to 8, Texas from 16 to 12, and Virginia from 10 to 8—a total reduction of 37 Representatives, and, as a consequence, a reduction of the same number in the electoral college by force of paragraph 2, Article II, of the Constitution.

The bill does not provide for the reduction in the States mentioned to the extent the votes cast therein at recent elections would warrant. At least 50 Representatives are now based on disfranchised citizens. It only provides for reduction of Representatives in such States to the number they would each be entitled to, based alone on the white voters therein or the white population thereof, although it is certain large numbers of white voters have been disfranchised in each State; and the votes cast in each would warrant a larger reduction after taking liberally into account the usual number who do not vote for ordinary and natural reasons. The Representatives provided for in the bill could be elected in each of the States named by the number of votes cast therein in 1904—Alabama, by 21,769; Arkansas, by 23,284; Florida, by 19,654; Georgia, by 21,644; Louisiana, by 17,970; Mississippi, by 19,461; North Carolina, by 38,711; South Carolina, by 18,971; Tennessee, by 30,345; Texas, by 19,500, and Virginia, by 14,100—while the average number of votes cast in the same year in the other thirty-four States to elect one Member was 41,325, and in most of them the number cast was much greater, as the accompanying table shows. The average vote to elect a Member in Illinois in 1904 was 43,059; Indiana, 52,475; New York, 43,723; Ohio, 47,828, and Missouri, 40,241, etc.

Notwithstanding the small vote in the disfranchising States, the average vote in all the States (1904) to elect a Representative was 35,025.

The bill does not undertake to provide for or in any manner regulate either white or colored suffrage in the States mentioned. That is solely a matter for the States, subject to the limitation of the fifteenth amendment.

The purpose of the bill, as it recites, is to equalize, so far as possible, political power among the several States and Congressional districts thereof, and in the electoral college, and to the end that a republican form of government may be secured in the States named.

It must be assumed that the last apportionment among the States was fairly made, according to their respective numbers, on the ratio of 194,182 inhabitants. This apportionment remains unaffected, save as to disfranchising States. If one or more States deny or abridge the right of some of its white or colored male citizens, over 21 years of age, to vote, it does not change in other States the constitutional rule of apportionment based on the number of inhabitants. The right of Congress to reduce representation applies only to a State that has disfranchised some of its natural voting citizens, and representation in the other States remains unaffected.

It is not a valid objection to a reduction of representation in one State to show that a reduction should also be made for the same or any reason in another or other States. The second section of the fourteenth amendment speaks of reducing repre-

sentation in an offending State; hence each State must be considered separately.

Necessarily some inequality as to numbers must exist in districts created by State law, but this does not result in disfranchisement, nor does it destroy the political equality of the States which results from individual disfranchisement.

This is not the time, nor is it necessary here, to show how the constitutions and laws and practices in the States named deny or in some manner abridge the right of male citizens 21 years of age to vote. That they have operated to and still do this is or should be conceded. The exact nature of the provisions of law or practices is wholly unimportant, either as affecting the inequality of political power between States and Congressional districts or the power of Congress to correct such inequality as the Constitution requires. It is not material to voters of States whose votes express only a fraction of the political power possessed by voters in disfranchising States how the inequality has been brought about. The fact is the important thing to be looked at.

Does disfranchisement exist in the States named in the bill within the meaning of the Constitution?

To the result of the operation of the State constitutional provisions and laws and practices in conducting elections we look for the answer to this controlling question.

Both white and colored voters have been denied the right to vote, or such right has been, in some manner, abridged in a substantial sense in each of the several States named. The more recent elections prove the truth of this statement in a singularly emphatic way.

I submit a table of white and colored population and voters, votes cast, etc., which will be found instructive and demonstrative:

*Table showing white and colored (negro) population and voters in each State, according to the census of 1900; present number of Representatives; also number each State would have if apportioned on white voters alone; also total number of votes cast in each State in 1902 and 1904, and average vote cast for Representative in 1902 and 1904 in each State.*

| State. | Population. | | Voters. | | Representatives. | | Votes cast. | | Average vote for each Representative. | |
|---|---|---|---|---|---|---|---|---|---|---|
| | White. | Colored. | White. | Colored. | Present apportionment. | Apportionment on white votes. | 1902. | 1904. | 1902. | 1904. |
| Alabama | 1,001,152 | 827,307 | 232,294 | 181,471 | 9 | 5 | 92,184 | 108,845 | 10,242 | 12,093 |
| Arkansas | 941,580 | 336,456 | 226,597 | 87,157 | 7 | 5 | 119,741 | 116,421 | 17,105 | 16,631 |
| California | 1,402,727 | 11,045 | 489,545 | 3,711 | 8 | 10 | 303,742 | 331,433 | 37,934 | 41,429 |
| Colorado | 529,016 | 8,570 | 181,618 | 3,215 | 3 | 4 | 187,299 | 243,683 | 62,433 | 81,227 |
| Connecticut | 892,424 | 15,226 | 275,126 | 4,576 | 5 | 6 | 159,913 | 191,116 | 31,982 | 38,228 |
| Delaware | 153,977 | 30,697 | 45,562 | 8,374 | 1 | 1 | 38,161 | 43,856 | 38,161 | 43,856 |
| Florida | 297,533 | 230,730 | 77,962 | 61,417 | 3 | 2 | 16,428 | 39,307 | 5,476 | 13,102 |
| Georgia | 1,181,294 | 1,034,813 | 277,496 | 223,073 | 11 | 6 | 87,114 | 129,867 | 7,919 | 11,803 |
| Idaho | 154,495 | 293 | 50,328 | 130 | 1 | 1 | 59,823 | 72,583 | 59,823 | 72,583 |
| Illinois | 4,794,873 | 85,078 | 1,370,209 | 29,762 | 25 | 28 | 859,974 | 1,076,497 | 34,398 | 43,059 |
| Indiana | 2,453,502 | 57,505 | 701,761 | 18,186 | 13 | 15 | 500,356 | 682,185 | 45,412 | 52,475 |
| Iowa | 2,218,667 | 12,693 | 630,665 | 4,441 | 11 | 13 | 395,412 | 485,703 | 35,946 | 44,154 |
| Kansas | 1,416,319 | 52,003 | 398,552 | 14,695 | 8 | 8 | 287,168 | 324,588 | 35,896 | 40,573 |
| Kentucky | 1,862,309 | 284,706 | 469,206 | 74,728 | 11 | 9 | 290,489 | 435,765 | 26,408 | 39,615 |
| Louisiana | 720,612 | 650,804 | 177,878 | 147,348 | 7 | 3 | 26,265 | 53,908 | 3,752 | 7,701 |
| Maine | 692,223 | 1,319 | 216,856 | 445 | 4 | 4 | 110,537 | 96,040 | 27,634 | 24,010 |
| Maryland | 952,424 | 235,064 | 260,979 | 60,406 | 6 | 5 | 197,168 | 224,224 | 32,861 | 37,370 |
| Massachusetts | 2,769,764 | 31,974 | 830,049 | 10,456 | 14 | 17 | 398,689 | 445,098 | 28,477 | 31,792 |
| Michigan | 2,398,563 | 15,816 | 712,245 | 5,193 | 12 | 15 | 402,199 | 520,451 | 33,516 | 43,370 |
| Minnesota | 1,737,086 | 4,959 | 502,384 | 2,168 | 9 | 10 | 273,112 | 292,860 | 30,345 | 32,540 |
| Mississippi | 641,200 | 907,630 | 150,530 | 197,936 | 8 | 3 | 18,058 | 58,383 | 2,257 | 7,297 |
| Missouri | 2,944,843 | 161,224 | 809,797 | 46,418 | 16 | 17 | 517,977 | 643,861 | 32,373 | 40,241 |
| Montana | 228,223 | 1,523 | 94,873 | 711 | 1 | 2 | 55,360 | 64,444 | 55,360 | 64,444 |
| Nebraska | 1,056,526 | 6,269 | 297,817 | 2,298 | 6 | 6 | 194,141 | 224,687 | 32,356 | 37,447 |
| Nevada | 35,405 | 124 | 14,652 | 70 | 1 | 1 | 11,315 | 12,118 | 11,315 | 12,118 |
| New Hampshire | 410,791 | 662 | 130,648 | 230 | 2 | 3 | 85,607 | 90,089 | 42,803 | 45,044 |
| New Jersey | 1,812,317 | 69,844 | 532,750 | 21,474 | 10 | 11 | 358,267 | 432,547 | 35,826 | 43,254 |
| New York | 7,156,881 | 99,232 | 2,145,057 | 31,425 | 37 | 44 | 1,384,116 | 1,617,770 | 37,408 | 43,723 |
| North Carolina | 1,263,606 | 624,469 | 289,263 | 127,114 | 10 | 6 | 203,514 | 206,134 | 20,351 | 20,613 |
| North Dakota | 311,712 | 286 | 93,237 | 115 | 2 | 2 | 50,326 | 80,190 | 25,163 | 40,095 |
| Ohio | 4,060,204 | 96,901 | 1,180,599 | 31,235 | 21 | 24 | 811,466 | 1,004,393 | 38,641 | 47,828 |
| Oregon | 394,582 | 1,105 | 131,261 | 590 | 2 | 3 | 90,692 | 90,171 | 43,346 | 45,085 |
| Pennsylvania | 6,141,664 | 156,845 | 1,763,482 | 51,668 | 32 | 36 | 1,094,713 | 1,234,738 | 34,209 | 38,585 |
| Rhode Island | 419,050 | 9,092 | 124,001 | 2,765 | 2 | 3 | 59,792 | 68,656 | 29,896 | 34,328 |
| South Carolina | 557,807 | 782,321 | 130,375 | 152,860 | 7 | 3 | 31,817 | 56,912 | 4,545 | 8,130 |
| South Dakota | 380,714 | 465 | 107,353 | 184 | 2 | 2 | 74,457 | 101,440 | 37,228 | 50,720 |
| Tennessee | 1,540,186 | 480,243 | 375,046 | 112,236 | 10 | 8 | 160,159 | 242,756 | 16,015 | 24,275 |
| Texas | 2,426,669 | 620,722 | 599,961 | 136,875 | 16 | 12 | 287,792 | 234,008 | 17,987 | 14,625 |
| Utah | 272,405 | 672 | 65,205 | 358 | 1 | 1 | 84,718 | 101,624 | 84,718 | 101,624 |
| Vermont | 342,771 | 826 | 108,027 | 289 | 2 | 2 | 69,927 | 51,872 | 34,963 | 25,936 |
| Virginia | 1,192,855 | 660,722 | 301,379 | 148,122 | 10 | 8 | 200,509 | 129,103 | 20,050 | 12,910 |
| Washington | 496,304 | 2,514 | 183,999 | 1,250 | 3 | 4 | 97,136 | 145,151 | 32,378 | 48,383 |
| West Virginia | 915,233 | 43,499 | 253,129 | 14,786 | 5 | 5 | 188,573 | 239,923 | 37,714 | 47,984 |
| Wisconsin | 2,057,911 | 2,542 | 567,213 | 1,006 | 11 | 12 | 365,676 | 442,649 | 33,243 | 40,240 |
| Wyoming | 89,051 | 940 | 36,262 | 481 | 1 | 1 | 25,052 | 30,655 | 25,052 | 30,655 |
| Total | 65,674,350 | 8,708,350 | 18,593,256 | 2,021,398 | 386 | 386 | 11,416,934 | 13,519,604 | 1,399,917 | 1,653,198 |

(Unless otherwise stated, the census of 1900 and the election of 1904 are hereinafter referred to.)

This table shows that Alabama, with 9 Representatives, has a white voting population of 232,294, and that the vote cast in the election of 1904 was 108,845; Arkansas, with 7 Representatives, has a white voting population of 226,597, and that the vote cast was 116,421; Florida, with 3 Representatives, has a white voting population of 77,962, and that the vote cast was 39,307; Georgia, with 11 Representatives, has a white voting population of 277,496, and that the vote cast was 129,867; Louisiana, with 7 Representatives, has a white voting population of 177,878, and that the vote cast was 53,908; Mississippi, with 8 Representatives, has a white voting population of 150,530, and that the vote cast was 58,383; North Carolina, with 10 Representatives, has a white voting population of 289,263, and that the vote cast was 206,134; South Carolina, with 7 Representatives, has a white voting population of 130,375, and that the vote cast was 56,912; Tennessee, with 10 Representatives, has a white voting population of 375,046, and that the vote cast was 242,756; Texas, with 16 Representatives, has a white voting population of 599,961, and that the vote cast was 234,008; and Virginia, with 10 Representatives, has a white voting population of 301,379, and that the vote cast was 129,103.

It thus appears that these 11 States have 98 Representatives and 120 electors and a total of white voters of 2,838,781, and that they cast 1,375,644 votes—less than one-half the number of white voters.

It will be seen that New York, with 37 Representatives and 39 electors and a white voting population of 2,145,057, cast 1,617,770 votes, above 200,000 more than were cast in the 11 named States, to elect 98 Representatives and 120 electors.

New York in 1904, in electing 37 Representatives and 39 electors, cast 1,617,770 votes, while Alabama, Arkansas, Florida, Georgia, and Louisiana, in electing 37 Representatives and 47 electors, cast 448,348 votes—less than one-third the number cast in New York.

Alabama, Arkansas, Georgia, and North Carolina together have a white population of 4,390,629 and 37 Representatives, while New York has a white population of 7,156,881 and only 37 Representatives. The four States have 45 electors.

The same four States cast in 1904, in electing the 37 Members, 564,152 votes, while New York the same year cast 1,617,770

votes to elect 37 Members—above three times as many as the four States. On the basis of white voters the four States would be entitled to 22 Members and New York to 45—more than double.

Pennsylvania in 1904, in electing 32 Representatives and 34 electors, cast 1,234,738 votes, while Alabama, Florida, Louisiana, Mississippi, and South Carolina, in electing 32 Representatives and 42 electors, cast 317,355 votes—about one-fourth the number cast in Pennsylvania.

Mississippi, Kansas, and California each has 8 Members and 10 electors. Mississippi, with 150,530 white voters, in 1904 polled 58,383 votes to elect 8, while Kansas, with 398,552 white voters, polled—same year—324,588 votes, and California, with 489,545 white voters, polled—same year—331,433 votes each to elect the same number of Representatives and electors as Mississippi. In 1902 Mississippi polled only 18,058 to elect 8 Members of the House.

Maine, with 4 Representatives and 6 electors and a white voting population of 216,856, cast 96,040 votes, while Mississippi, with a white voting population of 150,530, cast 58,383 votes and elected 8 Representatives and 10 electors.

Massachusetts, with 14 Representatives and 16 electors and a white voting population of 830,049, cast 445,098 votes, while Alabama, Arkansas, Florida, Louisiana, and Mississippi, with a white voting population of 865,261, cast 376,864 votes and elected 34 Representatives and 44 electors.

Indiana, with 13 Representatives and 15 electors and a white voting population of 701,761, cast 682,185 votes, while Florida, Louisiana, Mississippi, and South Carolina, with a white voting population of 536,745, cast 208,510 votes to elect 25 Representatives and 33 electors.

Delaware, with 1 Representative and 3 electors and a white voting population of 45,592, cast 43,856 votes, while Florida, with a white voting population of 77,962, cast 39,307 to elect 3 Representatives and 5 electors.

So Illinois, with 25 Representatives and 27 electors and a white voting population of 1,370,209, cast 1,076,497 votes, while Florida, Louisiana, Mississippi, and South Carolina, with a white voting population of 536,745, cast 208,510 votes (less than one-fifth of Illinois) to elect 25 Representatives and 33 electors.

Colorado, with 3 Representatives, cast an average vote for each of 81,227.

Montana, with 1 Representative, cast 64,444 votes.

Utah, with 1 Representative, cast 101,624 votes, and Idaho, with 1 Representative, cast 72,583 votes—in each instance much larger than the total votes cast in a number of the disfranchising States.

The white vote—Democratic—in 1872 and before disfranchisement began was much larger in Mississippi and other States in the South than the entire vote in recent years, though the white population was then much less.

Mississippi, South Carolina, Alabama, and Louisiana, with 31 Members of the House and 39 electors, having an aggregate white vote of 691,077, polled (1904) an aggregate vote of 278,048, while Ohio, having 1,180,599 white voters, polled (same year) 1,004,393 votes to elect her 21 Representatives and 23 electors—that is, the four States, with more than 300,000 less white voters and only a little more than one-fourth the actual vote cast in Ohio, elected 10 more Representatives and 16 more electors than Ohio.

Ohio in 1904, in electing 21 Representatives and 23 electors, cast 1,004,393 votes, while Arkansas, Louisiana, and South Carolina, in electing 21 Representatives and 27 electors, cast 227,241 votes—only a little more than one-fifth of Ohio's vote.

Kentucky, with a white voting population of 469,206 cast 435,765 votes (1904) to elect 11 Representatives and 13 electors, while Alabama, Arkansas, Florida, Louisiana, Mississippi, and South Carolina, with an aggregate white voting population of 995,636, cast 433,776 votes (2,000 less than Kentucky) to elect 41 Representatives and 53 electors.

Rhode Island cast 68,656 votes (1904) to elect 2 Representatives and South Carolina cast 56,912 and Louisiana 53,908 votes each to elect 7, and Mississippi cast 58,383 votes to elect 8 Representatives.

Missouri, once a slave State, cast 643,861 votes to elect 16 Representatives, while Mississippi to elect 8 Representatives cast only 58,383, less than one-eleventh the vote of Missouri. In the tenth Missouri district alone there were cast 58,533 votes, more than were cast in Mississippi or South Carolina the same year. This is true of districts in other States.

Iowa with a white voting population of 630,655 cast (1904) 485,703 votes, and Mississippi with a white voting population of 150,530 cast 58,383 votes to elect 8 Representatives, and Florida with a white voting population of 77,962 cast 39,307 votes to elect 3 Representatives, the two electing 11 Representatives, the same number as Iowa, and two more electors.

In 1902 there were many districts in which the Democrats cast a vote greater than the entire vote in Mississippi (18,058), and it failed to elect anybody. The 3d Ohio (Mr. Nevin's) district is an instance of this kind.

Many other comparisons may be made, all demonstrating the inequality among the States arising out of the constitutions, laws, and practices in disfranchising States.

Comparisons with votes in 1902 will show more strongly against such States in most cases. This is particularly true as to Florida, Louisiana, Mississippi, South Carolina, and Tennessee.

There are many single districts in natural voting States that cast more votes to elect one Member than were cast in 1902 or 1904 in the States of Louisiana, South Carolina, or Florida.

In Alabama the total vote (1904) was: First district, 6,986; second, 10,178; third, 9,265; fourth, 9,288; fifth, 13,248; sixth, 11,591; seventh, 17575; eighth, 11,744; ninth, 11,767; and the average vote therein was 12,093. In Arkansas it was: First district, 14,493; second, 14,453; third, 17,266; fourth, 15,660; fifth, 18,661; sixth, 15,319; seventh, 14,279, and the average vote therein was 16,631. In Florida it was: First district, 11,205; second, 13,882; third, 7,671, and the average vote therein was 13,102. In Georgia it was: First district, 7,368; second, 8,041; third, 6,975; fourth, 8,572; fifth, 13,147; sixth, 7,463; seventh, 14,962; eighth, 8,568; ninth, 18,813; tenth, 9,394; eleventh, 12,891, and the average vote therein was 11,806. In Louisiana it was: First district, 10,195; second, 10,750; third, 6,687; fourth, 6,325; fifth, 6,024; sixth, 6,072; seventh, 6,454, and the average vote therein was 7,701. In Mississippi it was: First district, 8,049; second, 7,279; third, 3,744; fourth, 7,135; fifth, 9,454; sixth, 5,730; seventh, 7,012; eighth, 4,934, and the average vote therein was 7,297. In North Carolina it was: First district, 16,232; second, 13,983; third, 16,141; fourth, 17,835; fifth, 28,120; sixth, 13,963; seventh, 21,628; eighth, 30,925; ninth, 23,777; tenth, 26,220, and the average vote therein was 20,613. In South Carolina it was: First district, 6,648; second, 7,845; third, 7,801; fourth, 8,735; fifth, 8,099; sixth, 8,729; seventh, 9,289, and the average vote therein was 8,130. In Tennessee it was: First district, 28,536; second, 22,097; third, 31,076; fourth, 25,076; fifth, 19,773; sixth, 17,546; seventh, 16,299; eighth, 24,847; ninth, 21,669; tenth, 17,902; and the average vote therein was 24,275. In Texas it was: First district, 14,132; second, 10,350; third, 11,427; fourth, 12,390; fifth, 12,254; sixth, 9,310; seventh, 8,147; eighth, 26,606; ninth, 12,190; tenth, 14,372; eleventh, 9,747; twelfth, 10,634; thirteenth, 17,115; fourteenth, 12,325; fifteenth, 17,401; sixteenth, 17,177, and the average vote therein was 14,625. In Virginia it was: First district, 10,157; second, 13,782; third, 14,714; fourth, 7,074; fifth, 13,686; sixth, 11,227; seventh, 14,000; eighth, 10,429; ninth, 27,604; tenth, 13,975, and the average vote therein was 12,910.

In 1902 the total vote for Representatives in most of these States was materially less; the lowest for a Member in Alabama was 5,974, and the highest 17,581; in Arkansas, lowest, 4,796, and highest, 5,817; in Florida, lowest, 4,249, and highest, 6,494; in Georgia, lowest, 2,485, and highest, 5,694; in Louisiana, lowest, 2,723, and highest, 5,882; in Mississippi, lowest, 1,146, and highest, 3,245; in North Carolina, lowest, 12,823, and highest, 29,790; in South Carolina, lowest, 3,924, and highest, 5,381; in Tennessee, lowest, 8,928 and the highest, 25,125.

Texas in the last Presidential election year polled 53,784 and Virginia 71,406 votes less than in 1902, the average vote for a Member in that year in Texas being 17,978 and in Virginia 20,050.

In no one of the States named in the bill was the average vote cast (1904) for a Representative equal to one-half the average vote cast for one in the other States. In some instances (two) it did not reach one-fifth; in others not one-fourth, and in all, save two, was below one-third.

Most of the States have a long history of disfranchisement, conclusively proving that their constitutions, laws, and plans, and the practices therein relative to elections have been effective. Some States did not get their constitutions and laws into operation until in recent years. Virginia, for example, in 1902 cast 200,509 votes, but under her later methods of disfranchisement her vote went down, in 1904, to 129,103.

The Houston Daily Post (March 7, 1906) says:

The vote of Texas dropped from 560,000 in 1892 to 235,000 in 1904, although in the latter year there were in the State 250,000 more males of voting age than in 1892. The vote of the State is steadily falling, notwithstanding the fact that the population of the State is increasing at the rate of nearly 4 per cent annually. It is scarcely probable that the total vote of the State next November will exceed 200,000, although the potential voters of the State number 1,000,000.

The vote of other States has fallen off in like manner. Where free suffrage is the rule in general, above 20 per cent of the population vote. In New York it is above and in Ohio it is about 25 per cent. So of some other States.

Assuming negroes did not vote at all in Alabama the percentage of the white population who voted in 1904 was about 10; Arkansas, about 11; Florida, about 13; Georgia, about 11; Louisiana, less than 8; Mississippi, about 9; North Carolina, about 17; South Carolina, about 10; Tennessee, less than 16; Texas, less than 10, and Virginia, less than 11 per cent. If some negroes voted in any of these States the percentage of whites who voted was proportionately less.

The severest criticism on the bill that can be fairly made is that it does not make all the reduction the facts warrant and the Constitution requires. The friends of the bill, however, prefer to err in favor of the disfranchising States. No one of the States not included in the bill, save Nevada, elected in 1902 or 1904 its Representatives with an average vote as small as would be the average vote in each of the eleven disfranchising States in electing the number of Representatives provided for in the bill if the votes cast should not exceed those of 1904, excepting Georgia, North Carolina,, and Tennessee. In general, it may be said that with the bill a law, and disfranchisement continuing as now, there will be twice as many votes to elect a Representative in the States not affected by it as in any of the States included in it.

For example, West Virginia (1904), with five Representatives and seven electors and 233,129 white voters, cast 239,923 votes, while Virginia, with 301,379 white voters, cast 129,103 votes to elect ten Representatives and twelve electors. The average number of votes cast to elect a Representative in West Virginia was 47,984, while in Virginia it was 12,910. Virginia did not poll a number equal to one-half her white voters and West Virginia polled a number in excess of her white voters. In the former State disfranchisement was effectual, in the latter it did not exist.

By the rule of numbers all citizens are given representation, but those who are disfranchised are wholly without it; and nothing justifies the transfer of their voting rights to those who disfranchise them, thereby giving them a political or voting power not possessed by voters in other States or districts. Each naturally qualified voter should exercise his own sovereign right as a citizen of the Republic, and on being deprived of this right it must remain unexercised. If he is in any manner deprived of such right by his State no right is vested in it to transfer his lost right to others of his State, thereby conferring on its voting citizens a political power in national affairs not possessed by voting citizens of other States; and this is not only against the just, reasonable, and natural principles of our Republic, founded as it was, necessarily, on the universal equality and the natural rights of all free citizens thereof, as its founders declared in all their polity as well as in the Declaration of Independence. The fourteenth amendment, in clear and express terms, requires Congress to prevent, by a defined rule of reduction of representation, this invasion of the rights of voters in States, thereby recognizing the primary rule of the founders of the Republic.

NOT REPUBLICAN IN FORM.

To concentrate the political power of a State in the hands of the few, or into the control of even a majority of its citizens, they to enjoy the power all the citizens thereof might possess, leads to that injustice between States we have pointed out, and to a form of government not republican; and, if tolerated, must lead to aristocracy, autocracy, and monarchy, wherein political slavery will necessarily prevail, and the voting citizens of a State thus governed would possess unequal political power in the choice of a President and Vice-President and Representatives in Congress.

The Constitution (sec. 4, Art. IV) provides that this shall not occur without a remedy. It reads:

> The United States shall guarantee to every State in the Union a republican form of government.

The Constitution (sec. 2, Art. IV) also provides that:

> The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States.

And section 1 of the fourteenth amendment reiterates this provision, thus:

> No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States.

These provisions are violated if certain citizens of one or more States are granted a voting power not enjoyed by citizens of other States.

And it is enjoined on Congress (sec. 8, Art. I):

> To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested in this Constitution in the Government of the United States.

The proviso that the United States shall guarantee to every State in the Union a republican form of government was fiercely assailed by those opposed to the ratification of the Constitution, but its importance was as fiercely maintained by those who framed the Constitution. This proviso is the sole one authorizing the Federal power to interfere with the polity of a State and correct a departure from republican principles by guaranteeing to it a republican form of government. This right, it was maintained, must rest somewhere, and could best be vested in a plenary way in the United States through its congressional power. The power intended to be granted by the proviso was not then denied; its wisdom and necessity only was assailed. James Madison, one of the framers of the Constitution, though conservative in his interpretation, in 1788, in the Federalist (No. 43), speaking of the importance of the proviso, says:

> In a confederacy founded on republican principles and composed of republican members, the superintending government ought clearly to possess authority to defend the system against aristocratic or monarchial innovations. The more intimate the nature of such a union may be the greater interest have the members in the political institutions of each other and the greater right to insist that the forms of government under which the compact was entered into should be substantially maintained.
>
> But a right implies a remedy, and where else could the remedy be deposited than where it is deposited by the constitution? Governments of dissimilar principles and forms have been found less adapted to a federal coalition of any sort than those of a kindred nature.

To guard against "aristocratic or monarchial innovations" or "governments [States] of dissimilar principles and forms" being joined in the same coalition were the things intended to be prevented—this to secure uniformity and to avert the danger of their falling apart through lack of harmony of purpose and to avoid dissatisfaction among the States through an unequal political national power some States and their citizens might acquire over other States and their citizens.

Cooley and other expounders of the Constitution support the Federalist.

What more certain way to bring about dissensions than to allow some States, through a small number of voting citizens, to have a greater political power than other States with a much larger number of voting citizens?

The political enslavement of some of the citizens of the United States for causes other than crime is the destruction of our boasted liberty, and enters us upon the road to aristocracy, autocracy, and monarchy, especially when the few of some States or localities usurp the rights of the whole, producing inequality of political power among voters of the several States, and in some cases among voters of districts of the same State. There are instances in North Carolina and Tennessee where the lowest vote in a district is little more than one-half of the vote in other districts; in Texas this is also the case, and in some districts the vote is less, or only about one third the vote in others of the same State.

Any abridgment of the right to vote of citizens of the United States residing in a State, for causes other than crime, constitutes an "aristocratic or monarchial innovation." Especially is this true where more than one-half the natural voters in a State are deprived of all political power, as is now confessedly the case in Mississippi and South Carolina, considering only disfranchised colored citizens therein.

Greece was undone, says Montesquieu, as soon as the King of Macedon obtained a seat among the Amphyctions.

The Roman Republic fell through an unequal exercise of political power.

The once so-called confederated republics of Germany consisted of free cities and petty states subject to different rulers, and being unequal in centralized power were inharmonious and without political cohesion and consequently impossible of perpetuation. Holland was much freer from such conditions. Switzerland's cantons were substantially equal in national affairs, though not absolutely so in local respects. She still so exists in the midst of European monarchies.

The equalizing of political power is therefore not only required by section two of the fourteenth amendment, but by primary requirements of the Constitution as originally adopted. How else is a republican form of government in each State to be guaranteed, or the citizens thereof secured "all the privileges or immunities of citizens in the several States?"

To allow a few citizens of one State to enjoy the privilege of casting their votes in electing a President and Vice-President and Representatives in Congress, while in other States double or triple the number of voters do not equal them in political power, is to regard the voters of the other States as unfit or unworthy to exercise equal political power in Federal affairs.

WHAT CONSTITUTES DISFRANCHISEMENT.

Disfranchisement is an evolution in most of the States where it exists. It commenced in the early days of reconstruction—in Kuklux days—and when election frauds were common, by

the use of tissue and other fraudulent ballots, by the shotgun policy, by dishonestly refusing registration, by failing to count or return ballots cast, by false election returns, and by intimidation through riots at the polls. Then came the more convenient and less violent methods whereby, sometimes, under the forms of law, citizens are prevented from registering, going to the polls, or voting.

The privileged few knew well that to encourage or to allow the masses of white voters to vote would result in some of them aspiring to hold offices, a right only the elect few claim for themselves.

In 1904 in Alabama, Arkansas, Georgia, Louisiana, Texas, and Virginia less than one-half of the white voters voted; and in Mississippi and South Carolina but a little more than one-third voted; in Florida just about one-half voted, and in North Carolina and Tennessee a little more than one-half voted.

It is claimed that, owing to systems of primary elections to nominate candidates, voters do not take any interest in the elections, and because there is seldom any opposition candidates to Democratic candidates but few vote. Taking this as true in general in the States named, it proves that the right of the natural voters to vote has been abridged within the meaning of the Constitution.

A State must take the consequence of conditions which prevail in it. If by its constitution, laws and manner of executing them, and the general conditions of society and the conduct of its people the rights of its citizens in considerable numbers are withheld from them, or they are generally deprived of a right they would naturally desire and seek to enjoy, especially one like the right to vote at an election for President and Vice-President, or for a Representative in Congress, then it is clear such rights are denied them, or, at least, abridged.

In the years of secession or rebellion all acts of the so-called Confederate States were unconstitutional and without warrant of legal authority, as the courts have held, yet the conditions existing, however illegally produced, entailed on such States and their people a responsibility that they could not and did not escape.

Citizenship in the United States, as guaranteed by the first section of the fourteenth amendment of the Constitution, carries with it individual sovereignty which can only be exercised through the ballot, and a denial of the ballot or any abridgment of its enjoyment in any manner by a State renders it subject to a proportionate reduction of its representation. This sovereignty is never lightly surrendered or neglected, especially by the less favored classes of our people. They are jealous of this one sovereign right which they understand they ought to be allowed to enjoy on a footing with the wealthiest or more favored class. The humblest citizens are the most reliable voters everywhere in our Republic unless causes beyond their control prevent their voting. Voting is the one right they never willingly surrender; hence when the masses of voters, white or colored, do not vote, it is because their right to enjoy that privilege has been denied or in some manner abridged. It follows that where a number less than one-half of the white voters, to say nothing of the colored voters, do not vote, it may be conclusively assumed that it is not of their own volition, but because their enjoyment of the right is in some way denied or abridged. Why Mississippi should cast only 7,297, Louisiana 7,701, and South Carolina 8,130 votes, on an average, to elect a Member of this House, while Missouri cast 40,241 and Kentucky cast 39,615 votes (all once slave), on an average, to elect a Member, can only be accounted for on this assumption. To refuse to register a voter or to refuse to accept at the ballot box a voter's ballot or to not count and return it when cast is as effectual a denial or abridgment of his right to vote as to forbid his voting by State law. Suppose no attempt was made to prevent citizens from voting and they were freely invited and encouraged to do so, yet the law of the State required or allowed returning boards to throw out such votes as they pleased, and they did so, would it still be contended that there was no denial or abridgment of the right to vote? The scheme of denial or abridgment is wholly immaterial.

The Constitution only regards the fact. If the shotgun policy which once prevailed in certain parts still prevailed as then with popular acquiescence or approval, it would also be a denial of the citizen's right to vote, or an abridgment of such right. If the people of a State persist in denying the right of large numbers of its citizens by any policy of intimidation or fraud through its election machinery or election officers, the denial is none the less effectual than if it results from State law or a constitutional provision. So the fact, appearing from year to year that only a fraction of the natural number of voters in a State actually vote, becomes convincing that the others are substantially all denied the ballot or that their right to vote is in some manner abridged.

A disfranchised voter has not the right and can not confer on another or others the right to vote for him, nor can his State. The power of the ballot is nontransferable; it can not be delegated; it admits of no agency; it is the only mode of exercising individual sovereignty by the citizen, and in its exercise there are no political or class castes, degrees, or distinctions; and by the ballot the humblest citizen of the United States is enabled to stand at the polls abreast, and as the peer, of the wealthy, the most haughty and aspiring in the Republic. With the ballot in hand, the humblest of our people stand equal by the side of those who assume superiority or supremacy, and by its power injustice and oppression may be averted, and the unworthy in high places may be cast down, the Union upheld, and the rights of man preserved and maintained when in danger. The ballot stands for law against the lawless, for official honesty against dishonesty, and without it and its equal exercise there can not long be maintained in its integrity a union of States, with a common purpose such as ours was intended to be, in fact as well as in name, and to be perpetuated through time.

The Declaration of Independence (1776) and the Articles of Confederation (1778) and the Constitution our forefathers framed (1787), were each based on the fundamental idea of equality in making and administering the laws, in the choice of executive officers, and of representatives in legislative bodies. The central idea was individual equality of citizenship; this to escape the fetters of oppression that had been forged by the King and Parliament of England.

Taxation without representation led to the Declaration of Independence, to revolution, to war, to the founding of our new great Republic, and to the Constitution of the United States for the government of a free people by a free people, under one flag, with one destiny, and to a nation now first of the powers of earth.

The defiant cry of our Revolutionary fathers was:

Millions for defense, but not one cent for tribute.

The ship of state, armored and protected by the Constitution, has ridden for above a century and a quarter the stormy billows of mighty political seas, coming at times close to danger shoals and rocks and reefs, barely escaping the doom of destruction common to all nations, monarchies, or republics that recognized or tolerated human slavery; and it was saved only by the irresistible might of Divine power, embodied and worked out through the equal rights of man as written in the original Constitution, reenforced by the three amendments—decrees of successful war—engrossed in the blood of the fallen heroes who fought for and against the natural and equal rights of humanity and for universal liberty.

If we have drifted from a safe anchorage it is our duty at the earliest time possible to take soundings anew and right the proud old ship of State and keep her on a course where she may ride in eternal safety.

Our country, thus typified, should continue to be not only first of the earth, but an example to be imitated through time by nations desiring to govern their people humanely, recognizing at all times and under all circumstances the equality of all participating in the governing power; and to be pointed to by the oppressed of all lands as a country of the free and as a warning to oppressing nations that, in God's time sooner or later to come, they too must yield to a freer and better government and grant equal liberty to their subjects or the common fate of nations founded on inequality and tyranny will come. The world is just now witnessing the defiant, autocratic, despotic empire of the Czar of Russia surrender its long continuing power of the centuries on the demand of her mighty hosts of long-oppressed subjects. The fates and God alike are inexorable.

The claim that reduction of representation can only be enforced as a punishment or to penalize a State merely because it will not allow the negro to vote, or that it should not be done because, by possibility, representation in other States should also be reduced, is unfounded. There is no such thing as penalizing a State under the Constitution. It works no wrong or injustice to enforce the Constitution, and nothing enjoined by it is sectional, and not to enforce it propagates a wrong, works unequality in, and continues injustice to States that allow the citizens of the United States residing therein to vote. These latter States are penalized by not enforcing the Constitution. To refuse or neglect to enforce the Constitution in any respect shows disregard of it, and if persisted in will lead to its destruction. That other States not mentioned in the bill should suffer a reduction of representation is not worthy of

consideration, for if such is the case then the same rule of reduction should be applied. That other guilty persons have escaped punishment has been a common complaint of offenders about to be brought to justice ever since Cain killed Abel.

But the Constitution is directed against a State which denies or abridges suffrage, and the necessity for reduction in one State does not require or authorize reduction or increase of representation in any other State or States. Save in disfranchising States, as already stated, the rule of apportionment based on numbers is unchanged. (Sec. 2, Art. XIV.)

With all the expedients at work, how are we to determine the extent of the denial or abridgment, save by actual results in normal election years? It is not pretended that if the election returns do not show that all the voting population of a State have voted, the presumption of disfranchisement arises. It is not to be presumed that all of the voting population of a State who do not vote are disfranchised, for in all the States, through usual and natural causes (such as illness, bad weather, bad roads, inconvenient voting places, natural indisposition, etc.), many do not vote who would be allowed to vote, but it is fair to presume that where the vote is unnaturally small the fault is with the State.

Recurring to the amendment we see that the denial or abridgment must be in the right to vote for President, Vice-President, Representatives in Congress, the executive and judicial officers of a State or the members of the legislature thereof. If the denial or abridgment is only as to one of the enumerated classes of officers reduction of representation in Congress is still required. Just why this was made so may not be very clear, for State, executive, and judicial officers and legislators have no direct connection with Federal officers or influence over their action. The executive of a State, however, often has the right to appoint a Senator, and legislatures elect Senators and also form Congressional districts, while the State judiciary construes election laws.

Whatever the reason may have been, it is clear that Congress is given power to reduce representation in a State when citizens with a natural right to vote are deprived of it in either of the cases named. So, even though there was no disfranchisement in a State in an election for President, Vice-President, or Members of Congress, and it existed in electing either of the State officers or legislators named, the right of reduction would still exist. This shows the great care of the framers of the amendment to secure, and how important they regarded such right. In all respects the proviso was drawn to the end that its purpose could not be defeated. To provide that reduction should follow when the right to vote is denied was evidently not deemed sufficient to accomplish the desired end, hence, later in the sentence, the words "or in any way abridged" appear. The Congress had, as the debate shows, a fixed purpose to provide for the equalization of the voting power among voting citizens of the several States in case any one or more of them denied, or in any manner abridged, suffrage therein.

Nor does the language provide that such denial shall be by lawful or unlawful methods; it is sufficient if it is accomplished in fact, with or without State law, or with or without the forms of law. If done by intimidation or by violence of communities, organized or unorganized, or by fraud, either in the common practices of dominant people of the State, or in the execution or administration by its officers of the constitutions and laws thereof relating to elections, or by other evasive methods, the result is the same as though done under the ordinary and direct forms of law, and the consequence must be the same. What boots it to the wronged voters of nondisfranchising States and districts how the disfranchising was brought about? Their rights are invaded the same, regardless of the expedients or devices resorted to.

The amendment, being benign in character (118 U. S., 356) and intended to secure personal rights, not to defeat them, is therefore entitled to a liberal construction (an established rule of construction in courts of justice) to the end that its purpose may be accomplished.

That disfranchisement may be accomplished within the meaning of section 2 of the amendment may be regarded as judicially settled by our Supreme Court in the Williams case (170 U. S., 213), wherein Mississippi's election laws were drawn in question, and involving a clause of section 1 of the fourteenth amendment relating to a denial by a State of the "equal protection of the laws" to citizens of the United States. The court held that the case (one involving jurors) as presented, or the Mississippi statute on its face, did not show a denial to the complainant of his right to the equal protection of the laws, and therefore was not entitled to the relief prayed for; yet it made clear, without dissent, that if a case had been made showing that through the administration of the election laws the plaintiff had been deprived of any right, he would have been entitled to relief.

I quote from the opinion:

> There is no charge against the officers to whom is submitted the selection of grand or petit jurors, or those who procure the lists of jurors. There is an allegation of the purpose of the convention to disfranchise citizens of the colored race, but with this we have no concern, unless the purpose is executed by the constitution or laws or by those who administer them. If it is done in the latter way, how or by what means should be shown.

This case cites and affirms the California laundry case (118 U. S., 356), wherein it is held that public authorities charged with the administration of a law or ordinance represent the State, and that they may act so unequally and oppressively "as to amount to a practical denial by the State" of the equal protection of the laws. I quote from the latter case:

> And the facts shown establish an administration directed so exclusively against a particular class of persons as to warrant and require the conclusion that, whatever may have been the intent of the ordinances as adopted, they are applied by the public authorities charged with their administration, and thus representing the State itself, with a mind so unequal and oppressive as to amount to a practical denial by the State of that equal protection of the laws which is secured to the petitioners, as to all other persons, by the broad and benign provisions of the fourteenth amendment to the Constitution of the United States. Though the law itself be fair on its face and impartial in appearance, yet, if it is applied and administered by public authority with an evil eye and an unequal hand, so as practically to make unjust and illegal discriminations between persons in similar circumstances, material to their rights, the denial of equal justice is still within the prohibition of the Constitution. This principle of interpretation has been sanctioned in 92 U. S., 259; 92 U. S., 275; 100 U. S., 339; 103 U. S., 370, and 113 U. S., 703.

The clause, however, of section 1 of the amendment requires an absolute denial of the equal protection of the laws, hence not to be compared with the clause in question in section 2, which contains the broad, qualifying words "or in any way abridged;" that is, "in any way" reduced, cut down, shortened, though not denied. Hence, if the right to vote is not actually denied, but only in some way abridged, the rule of reduction obtains.

There is not time now to review and show how the constitutions and laws and their administration operate or have operated to disfranchise white and colored citizens alike, or the varied means devised to reach that end. As an example and illustration I quote from a Mississippi supreme court case (20 So. Rep., 865) to show the many expedients resorted to:

> Within the field of permissible action under the limitations proposed by the Federal Constitution, the convention swept the field of expedients, to obstruct the exercise of suffrage by the negro race. And further the court said, speaking of the negro race: By reason of its previous condition of servitude and dependencies, this race had acquired or accentuated certain peculiarities of habit, of temperament, and of character, which clearly distinguished it as a race from the whites. A patient, docile people; but careless, landless, migratory within narrow limits, without forethought; and its criminal members given to furtive offenses, rather than the robust crimes of the whites. Restrained by the Federal Constitution from discriminating against the negro race, the convention discriminates against its characteristics, and the offenses to which its criminal members are prone.

But if the laws of a State are so ineffective, or so poorly administered, or society therein is so vicious, so disorganized, and so chaotic that large numbers of its citizens are not able, or not allowed, to enjoy the elective franchise, the State must be held to have denied or abridged the right to enjoy it. In other words, the State is so far responsible for a proper organized government within it that it can not escape consequences on the puerile plea that it does not deny or abridge natural rights to citizens of the United States by express or direct provisions of law, but only by sinister and evasive expedients, or by the unjust administration of the laws. If negroes are disfranchised as effectually by laws other than such as would discriminate against them on account of race or color, or through the wrongful administration of laws, or from violence, or fraud, or in consequence of a condition of society existing in a State, the result is the same; and the same evil effect on other States and their voters likewise results, calling as imperatively for the remedy the Constitution provides as if there was a denial or abridgment of the right to vote by express provisions of organic law. The framers of the amendment had a purpose to attain, and they used language to compass it, which can not be overridden by mere technical construction.

It is inconceivable that the great, earnest, and learned statesmen who framed the fourteenth amendment did so on the theory that it was only applicable to a State that denied or abridged the right of citizens to vote therein by open, honest, and direct proceedings, and that it was not designed to be applicable to a State that accomplished disfranchisement through fraud, chicanery, violence, indirection, by unjust and unfriendly administration of law, or without law, or by "sweeping the field of expedients to obstruct the exercise of suffrage by the negro race." To admit the latter as their theory of the constitutional provision presupposes that they framed it as a mode

of encouraging and inducing the most sinister and vicious of methods, and as a premium therefor.

The amendment had for its object the equalizing of the voting power of citizens of the different States, and to accomplish this no regard was paid to the methods used to acquire unequal power.

It is not proposed here to review the constitutions and laws of the several States. This is largely unnecessary, save, possibly, as to a few of them, as disfranchisement is openly avowed and boasted of by public officers, prominent men, and the public press in many of the States named in the bill.

A State must be held responsible for the conditions existing in it, especially in so far as they affect political rights of other States and their citizens, and this whether the conditions result from law or lawlessness.

It is said an educational test does not disfranchise, nor a poll tax. Whatever might be a defense to a personal claim for relief if one could be preferred by a disfranchised voter against officers for refusing his vote in such tests, it is certain that others in the disfranchising States can not become, individually or collectively, endowed through them with increased national political power, or that States wherein there are no such tests, and their citizens, must thereby lose a share of their political power in the Republic. What is contended for, and only that, is that a vote in one State shall count for as much in the Republic as a vote in any other State. To say a citizen should, or could, learn to read, and could or should have money and pay a poll tax does not tend to show there was no denial or abridgment of his right to vote within the meaning of the Constitution. Whatever operates to prevent suffrage in a State is a denial or abridgment of it. But an educational test in a State that is not designed to promote education, but only to disfranchise citizens, is an abridgment of the right to vote. And a poll tax that is not imposed as a means of raising revenue and not even collectible by law of parties financially responsible is simply a like abridgment. Registration laws impossible to be complied with on the part of the natural voter, taking into account his condition as to education or property, is also a denial or abridgment of his right to vote.

Laws are made with reference to existing conditions and the purposes designed to be accomplished. Their purpose and the motives of the legislators in enacting them—

> may be disclosed on the face of the acts, or be inferrable from their operation, considered with reference to the condition of the country and existing legislation.
>
> * * * * * * *
>
> The motives of the legislators, considered as the purposes they had in view, will always be presumed to be to accomplish that which follows as the natural and reasonable effect of their enactments. (170 U. S., 704, 710.)

It was the understanding, as repeatedly stated while the fourteenth amendment was under consideration in Congress, that the negro might be disfranchised because of illiteracy and for reasons other than on account of color. Senator Fessenden, of Maine, in a speech delivered while the amendment was pending in the Senate so stated, as did others. They then said they feared such disfranchisement would come, but that a consequent reduction of representation would restore and preserve equal Federal political power among the States and all the voters thereof, and might lead to the negro being educated to prepare him for suffrage.

Mr. Garfield, since President of the United States, also one of the framers of the amendment, expressed similar views (September 6, 1871).

Mr. Shellabarger, of Ohio (December 12, 1871), one of the greatest of statesmen, a profound lawyer, who brought his legal learning to bear on all important national and political questions, also a framer of the amendment, in a speech here, bore testimony as to the meaning and purpose of the amendment as understood by those who prepared it. He then said that its purpose was to secure equality here, and in the electoral college by a reduction of representation if disfranchisement came on account of educational or property qualification, or on any other account. Speaking of such qualifications he said:

> You have your choice. The design of this constitutional amendment was that the poor man, the ignorant man, the colored man, should be secured, should be guaranteed his right to vote; that the States should not deprive him of this right of representation except by taking the consequences of not having in this Hall representation for those of his class.

It follows that an administration of the constitution and laws of a State, regardless of what they are, which prevents citizens from voting, results also in such denial or abridgment. The election laws are made and executed in a State with reference to the education and property, or want of it, possessed by its citizens; so we must interpret the laws as to their intent (if that is important in the solution of this question), and especially, as here, when the intent attributed is proved by the practical result of the law's operation.

The fourteenth amendment was adopted with full knowledge of the illiteracy and poverty of colored and white persons in all the States, and of their political status and condition, also capacity and fitness to enjoy political rights and the necessity to possess them; in the light of all this the amendment must be interpreted.

But neither an educational nor property qualification, nor a poll tax, can be held to be other than disfranchising expedients. If the ability to read and write, or the ownership of $500 in value, or the payment of a $2 poll tax, could be a test free from a constitutional denial or abridgement of the citizen's right to vote, then the requirement might be that he should be able to read and write Greek, Hebrew, Sanscrit, and Latin and work all the propositions in Playfair's Euclid, or that he should own $100,000 in value of property, or should pay as a condition of voting a poll tax of $1,000 or more, or meet all three requirements combined, or others even more severe. What manner of autocracy or plutocracy would this establish? Would we still have a republic based on individual sovereignty? Who would say this would not deny or abridge the right to vote even in the most favored parts?

If inability to read and write, to possess $500 in value in property, or to pay $2 poll tax, or other like requirement, necessarily operates to prevent large numbers of citizens of a State from voting, is not the denial or abridgment as complete as it could be under any other requirment? It is therefore proper to say that anything that operates to deprive a natural voter of his right to vote is a denial or abridgment of such right.

Taking conditions into consideration the educational or property qualifications required are such that they can not possibly be complied with by large numbers of natural voting citizens. This was well understood when the requirements were made, and this impossibility was then well known to the State and its authorities. It follows that it was intended to be a denial or abridgment of the right to vote. No respectable authority goes so far as to say that an educational or property qualification or a poll tax that works disfranchisement in fact does not abridge the right to vote, within the meaning of the Constitution. The important thing is the denial or abridgment of the right to vote, not the manner of doing it.

The plea that the fault is not with the constitutions and laws of the States, but with the ignorance and poverty of the negroes and poor whites, hardly deserves attention. It is too soon after slavery to charge disfranchisement by the State on its ignorant and poor; that the disfranchised and not the State are to blame, and therefore other States and their citizens should not be allowed to complain of political inequality or have the Constitution enforced. The people constitute the State, and it, in an organized capacity, is amenable for the people's conduct and shortcomings regardless of their condition.

It is further claimed that as any State, subject only to the limitation fixed by the fifteenth amendment, may regulate the suffrage of citizens residing therein, the remedy against inequality of voting power is for each State to deny and abridge the suffrage to an extent great enough to produce political equality; that is, for all the States to vie with each other in denying or abridging the right to vote. In doing this the Hebrew, the German (as was attempted recently in Maryland), the Irishman, and those of other nationality or nativity, and the poor, are, of course, to be the victims. There are not enough colored citizens for this universal political slaughter.

The suggestion may be safely made that no candidate of any party will go, or will ever dare go, on the stump in any Congressional district in any State where suffrage is free and advocate the right or policy of a voter in other districts or States to continue to exercise two or more times as much Federal power as the voters of his own district. No matter what the previous politics of the district has been, the candidate who would do this would be beaten. The time is near at hand when in no district thus situate a candidate of any party can be elected who does not advocate equalization of representation between the States on the rule of the Constitution.

It is inconceivable that any man of any party would dare expect public support who claims his constituency is not equal in capacity and political right to that of any other district in any State. When the time comes that statesmen can successfully claim a voter in one part of the Union is superior in right to a voter in other parts, the end is near.

There is no party in this country which will ever dare declare in its platforms that it believes that voters in some sections or States of the Union ought to enjoy (as they now do) undue voting power. A party with such platforms would be without supporters.

Instead of meeting the question fairly, the Democratic party, which has always boasted that it stood for the common people and their natural rights, raise the false cry that to reduce representation as the Constitution provides would be sectional, raise the race question, promote social equality, lead to negro domination, penalize the disfranchising States, bring about negro suffrage, etc. Some few say those who seek to enforce the Constitution are prompted to it because they desire to keep up old war issues and to wave the "bloody shirt," and because they love the negro better than white people, and because people South vote the Democratic ticket, just as though, if these things were not also false, it would afford any excuse for not enforcing the Constitution, especially that part resting on principles of justice and designed to secure equality of citizenship. If there be partisan Democrats North or South who favor perpetuating the iniquitous political inequality between different sections of the Union to promote party success, the people will soon cease to support them. The good sense of the people will little longer be misled by false cries or false issues, raised to induce them to surrender their just share of political power.

To demand equal political rights for our own constituents raises no race question, does not promote social equality, does not tend to promote negro domination, does not punish disfranchising States, does not stir up war or sectional animosities, or raise the cry of "bloody shirt," or show love for the negro race above the white race, nor that the motive is to punish any State because it permits an elect few to vote the Democratic ticket only. Putting these and other like things forward, which no sane man of ordinary capacity believes true, is a confession that there is no way of fairly meeting the real question.

If the honest enforcement of the Constitution will tend to an enlarged suffrage it will be because the States may prefer to allow its white and colored now disfranchised citizens to vote rather than lose representation in Congress or the electoral college; that is, would prefer to have their own citizens vote if a select few are not permitted to vote for them and have representation based on them.

The latest claim is that the Constitution should not be enforced, though suffrage is denied because these States have only been engaged in "reforming the suffrage." Denying or abridging suffrage as a means of reforming it is, as has already been shown, undemocratic, against the principles on which our Republic was founded, autocratic and monarchial in tendency, but to superadd the right of the few to vote for the disfranchised, ignoring the universal equality of citizenship in the Union of the States, is to establish caste or class distinctions therein not justified on any principle, and which, continuing, will inevitably result in the overthrow of free government. To disfranchise citizens and then exercise all political power over or for them is to allow those not disfranchised a power, even within the State, repugnant to democratic institutions, and to extend such power over citizens of other States creates an oligarchy in the most objectionable form.

In some States peonage of the working man, regardless of race, has already arisen.

Maryland recently tried to inaugurate a scheme of disfranchisement applicable to white and colored alike, but her people called a halt. This nation is awakening to the danger impending, and its people will demand the enforcement of the Constitution and the preservation of their political rights. Political slavery will cease to exist.

It was once believed that in time certain States would so regulate suffrage as to avoid the necessity for enforcing the Constitution relating to representation in Congress, but instead State constitutions and laws have been made and so administered as to, from year to year, deny or abridge suffrage. The future promises no change.

That the South has some good laws, has established schools, and is now prospering is the slogan of some interested persons who desire to continue the unequal Federal voting power. What a plea for even a bad cause! As a premium to certain States and their elect few for not making all vicious laws, for not prohibiting common schools, and for availing themselves of sensible business methods or taking advantage of the general commercial prosperity of the country and for embracing conditions incident to freedom instead of clinging to effete ones of slavery times, it is claimed they should have the right to deny or abridge suffrage, and then, in national affairs, to vote for the disfranchised and enjoy a political power not enjoyed by citizens of other States. Has it come to this, that because certain citizens are not wholly bad they should be made superior to others who go not astray? Other States and their people have long had good laws, good public schools, and have enjoyed prosperity, and they ask no political supremacy, but seek their reward in the consciousness of having done right, and in the consequent good they derive therefrom. Such an excuse for violating the Constitution and usurping undue political power was never before advanced. In the business centers in the South, where there is great prosperity, sound commercial methods and money were imported. So of any general prosperity throughout the South.

In politics and political methods alone the disfranchising States have not advanced. History will show that lawlessness has grown rapidly in regions where election frauds and crimes exist and political rights have been withheld. There criminals are bred and thrown upon society elsewhere. Says one, What will the member from Ohio say on the subject of riots in his own city? I have no defense for lawlessness there or anywhere. There was no race or political war there, or nothing approaching it. The authorities, civil and military, protected the guilty negroes after their arrest, but the bawdy house, where they were harbored, was destroyed. Those caught in the lawless acts were put in prison, and, on trial, convicted and punished by jury and the courts. Can others say so much? The colored people there are, in general, peaceful citizens, with their own churches and Young Men's Christian Association. They send their children to the public schools, and are allowed to work side by side with white citizens in the factories and elsewhere. They sit on the juries with them without question. Neither Democrats nor Republicans assail them on account of their race or color, either in business or politics. Both parties defend and uphold them in the enjoyment of their political and other rights. Colored men guilty of crime are subject to the same condemnation as white men, no more, no less.

But is it not far from a satisfactory reason for not enforcing the Constitution of the United States to say, if even true, that one of the thousands who asks its enforcement resides in a city where a riot occurred?

FOURTEENTH NOT SUPERSEDED BY THE FIFTEENTH AMENDMENT.

The claim that the fifteenth amendment supplanted the fourteenth needs only brief notice. The necessity for and language to be used in the fifteenth amendment was under consideration when the fourteenth was framed. One or more of the States ratified the fourteenth after the fifteenth had become part of the Constitution. The two are not inconsistent. The former, among other things (sec. 1), defined citizenship in the United States, and provided that no State should make or enforce any law abridging the privileges or immunities of citizens of the United States, nor deprive any person of life, liberty, or property without due process of law, nor deny to persons within it the equal protection of the laws; then followed (sec. 2) with the rule of apportionment based on numbers with the provision for reduction of representation, each and all relating to white and colored alike. It would be just as reasonable to contend that the fifteenth took away citizenship as defined in the fourteenth, revoked the inhibition against the right of a State to abridge the privileges and immunities of citizens, or its right to deprive persons of life, liberty, or property without due process of law, or to deny to persons the equal protection of the laws, as to contend that it took away the power of Congress to reduce representation.

The fourteenth amendment defined citizenship because it had never before been defined in the Constitution, and the Dred Scott case (19 How., U. S., 393) held negroes were not citizens. All the parts of the fourteenth applied to and for the benefit of both white and colored people. The fifteenth was adopted for the sole purpose of prohibiting a State from denying the right of citizens to vote "on account of race, color, or previous condition of servitude," but it otherwise left to the States the same right they before enjoyed to regulate suffrage. This amendment also applied to all races. If it had not been so intended, color or previous condition of servitude would have only been mentioned.

It is as important in equalizing voting power among States and districts, as we have seen, that reduction of representation should be made regardless of who are denied suffrage. The fifteenth amendment left the right to regulate suffrage with the States, as though it had not been adopted, save the limitation on account of race, color, or previous condition of servitude; and they have so regarded this right. The sequel has proved abundantly the necessity of the requirement for reduction of representation to equalize Federal voting power and that disfranchisement has gone on notwithstanding the fifteenth amendment, which "does not confer the right of suffrage." (92 S. S. 214, 542.) Nothing in its language justifies the claim that it was intended to repeal the earlier amendment. Repeals by implication never arise save when a later is plainly inconsistent with an earlier enactment. Here there is no inconsistency at all. Repeals by implication are not favored when legislative enactments are involved, and never when constitutional

provisions are involved, save when one can not be enforced without plainly conflicting with another. Constitutions are made more deliberately, as a rule, than statute laws. Constitutions, as well as statutes, are required to be construed to avoid, if possible, repugnancy, and so as to give effect to all their provisions. (Potter's Dwarris, 145.)

Those who framed both amendments did not dream of their conflicting, on the contrary, regarded them as in perfect harmony, as we have seen and shall see.

The history of the amendments is instructive. Each is an evolution. The "Ohio idea" was first advanced, providing that negroes should be counted in making up representation only in States where they were permitted to vote. Then came Mr. Stevens's plan to base it on legal voters alone. Then followed Mr. Conkling's plan to apportion Representatives among States according to number, with the proviso:

That whenever in any State, the elective franchise shall be denied or abridged on account of race or color, all persons of such race or color shall be excluded from the basis of representation.

This being referred to the Joint Committee on Reconstruction, was reported back in a new form, but in substance the same; it passed the House, but, after many attempts so to amend it as to also incorporate what is now the fifteenth amendment, prohibiting disfranchisement on account of race or color, etc., it was altered and passed by both Houses in its present form, the conclusion being then reached, Southern Members aiding, to vest Congress with power to reduce representation where the right to vote was denied or in any way abridged for any cause, whether in consequence of an educational or property qualification, or on account of race, color, or previous condition of servitude. There was almost a general agreement that if inequality in voting power arose between States, Congress should have the power to adjust it.

If we keep steadily in view that the central principle embodied in the second section of the fourteenth amendment was to secure, as nearly as possible in human affairs, universal equal political power, as exercised through the elective franchise in the several States of the Union, we will avoid technical theories.

If the fifteenth amendment had prohibited an educational test or a property qualification of a voter, it would have as much effected the fourteenth as it does in its present form.

The three war amendments were proclaimed and ratified in the order of their numbers, December 18, 1865, July 28, 1868, and March 30, 1870. (Virginia ratified the fourteenth after the fifteenth had been submitted.) And substantially the same Senators and Representatives, after the fifteenth amendment was ratified, gave their understanding of the continuing existence of the fourteenth by passing a law, never repealed, dated February 2, 1872 (now section 22, R. S. U. S.), embodying the language of section 2.

When the fifteenth amendment was adopted and ratified, the necessity and importance of the rule of equalizing the political power of the States and of the voters thereof were great and well understood, and they are now still more apparent than then.

Time and again our Supreme Court has recognized the fourteenth without a suggestion that it had been in any part superseded by the fifteenth. (92 U. S., 542; 100 U. S., 313, 339, 345–9; 103 U. S., 389; 170 U. S., 213, and 118 U. S., 356.)

Justice Strong, speaking for the court, uses this language:

But the Constitution now expressly gives authority for Congressional interference and compulsion in the cases embraced within the fourteenth amendment.

He says further, in speaking of this amendment:

It is these which Congress is empowered to enforce, and to enforce against State action however put forth. Whether that action be executive, legislative, or judicial, such enforcement is no invasion of State sovereignty. No law can be which the people of the States have by the Constitution of the United States empowered Congress to enact. (100 U. S., 246, 248.)

So, to enforce the Constitution is not sectional.

REDUCTION NOT A JUDICIAL FUNCTION.

It is also claimed that notwithstanding section 5 of the fourteenth amendment empowers Congress "to enforce by appropriate legislation the provisions of the article" it is without power to act, because in so acting it would exercise a "judicial function" wholly vested in the Supreme Court and other courts of the United States. (Constitution, Art. III, sec. 1.) No conflict of power between Congress and the courts can possibly arise. Whatever power is imposed on Congress includes the right to find whatever facts are requisite to its enforcement and in doing this it exercises a legislative and not a judicial function.

If a constitutional provision requires Congress to do anything requisite to its enforcement, the fact that another tribunal is usually charged by the same instrument with the power to do the same or a like thing does not take away the constitutional duty or right of Congress to act. The President is very frequently required, both by the Constitution and the laws, to find facts precedent to executive action, and, when found, there can be no review, either as to his finding or as to the action he has based thereon. So, as to the exercise of the legislative powers of Congress, which are plainly vested in it by the Constitution. If it were true, as claimed, that all judicial power was vested in the courts by one section of the Constitution, it is equally true that another and later one gives Congress the exclusive right to do whatever is necessary, whether judicial in its nature or not, to enforce the fourteenth amendment.

What is meant by the "judicial power of the United States" need not be discussed here; it is enough to know that it does not include any Congressional power. That there are difficulties in the way of exercising a power is no argument against its existence. Congress, when it submitted, and the States, when they ratified, the amendment, understood the difficulties in the way of its execution; yet the anticipated necessity for a remedy to preserve the underlying principle of equality among the sovereign people of the States was so great that they enjoined the important duty on Congress alone.

On this question our courts have spoken.

Congress, by virtue of the fifth section of the fourteenth amendment, may enforce the prohibitions whenever they are disregarded by either the legislative, the executive, or the judicial department of the State. (100 U. S., 313, syllabi.)

In the same report (p. 345), answering talk about judicial power in the enforcement of the fourteenth amendment, and referring to the power granted to Congress by the fifth section thereof, and like sections to the other amendments, the court says:

All of the amendments derive much of their force from this latter provision. It is not said the judicial power of the General Government shall extend to enforcing the prohibitions and to protect the rights and immunities guaranteed. * * * It is the power of Congress that has been enlarged. Congress is authorized to enforce the provision by appropriate legislation. Some legislation is contemplated to make the amendments fully effective. Whatever legislation is appropriate * * * is brought within the domain of political power.

CONCLUDING REMARKS.

Some inequality arises out of apportionment by Congress to the States, and in the formation by the States of districts of unequal population, but in neither case is disfranchisement involved. Congress and State legislatures are presumed to act reasonably, thereby avoiding as far as possible any such inequality. Washington regarded the first apportionment act passed by Congress so inequitable as to require him to veto it, and thus came about, under the advice of Jefferson, Randolph, and Madison, the first veto message (April 5, 1792) under the Constitution. (Elliot's Debates, etc., vol. 4, p. 624.) This shows, that from the beginning, equality of representation was regarded as of primary importance.

The impious doctrine of the Old World was that the people were made for the kings; it is none the less impious when some of the people are regarded as made for a self-chosen few who usurp their rights, and asume to exercise them unequally against others as well.

The work of disfranchising is not so elevating in character as to ennoble those engaged in it, and to give them increased governmental Federal power.

That all political power is derived from the consent of the governed has always been the battle-cry of true Jeffersonian Democracy. What is to be said when the voice of the governed is stilled, and those who brought this state of things about assume for themselves more than their natural or equal political power in the Union?

The common cry now is, that through trusts, insurance frauds, unjust transportation rates, and the like, the people are being robbed of their estates. What is left but to rob them of their equal political sovereignty?

Time, more than sufficient, has elapsed to demonstrate that those who arrogate to themselves the right to judge who of the white and colored citizens should or should not vote intend to deny or abridge suffrage to the extreme limit. This calls for the application of the remedy the Constitution wisely provides. This remedy, it is sincerely believed, will not only be in the interest of the States that have not entered upon the work of disfranchising, but will prove to be in the interest of all the States of the Union.

The Democratic party in recent national convention seemed to declare, in good faith, for "equality before the law of all citizens." Why not favor equality "of all citizens" in making the law?

That party then declared: "We deny the right of the Executive to disregard or suspend any constitutional privilege or limitation." Why not deny the right of Congress "to disregard or suspend any constitutional privilege or limitation?"

It also, then, was in favor of guaranteeing to our citizens

when abroad, "native-born or naturalized, and without distinction of race or creed, the equal protection of the laws and the enjoyment of all the rights and privileges open to them under the covenant of our treaties." Why not guarantee to them the same equal rights in the United States?

It also demanded equal rights and self-government for the 6,961,339 Filipinos halfway around the world, which met with a concurring response by its late standard bearer (Mr. Parker), who, in his acceptance speech, asked in addition to have guaranteed to them the rights and privileges of the fourteenth amendment of the Constitution. Why not guarantee to 85,000,000 of our citizens in the States the same equal political and constitutional rights?

I am not now hoping for or expecting absolute equality in representation in our Government, but only such approach to it as may reasonably be attained, taking all the complicated conditions into account. My bill may not be perfect in that it does not even go to the danger line of doing injustice to any State or its people. The Representatives provided for by the bill will each be elected with a much less vote than was cast in 1904 in any State not named, Nevada excepted, and generally with less than one-half such vote. But of paramount importance is the recognition of the principle of equality in representation and among the voters of the Republic.

This Hall is the only place where the people in a representative capacity may be heard. The President and Vice-President are not chosen directly by the people. In twenty-one elections from and including 1824 (first year the vote was recorded) ten times a President has been chosen who had only a minority popular vote—Adams, 1824; Polk, 1844; Taylor, 1848; Buchanan, 1856; Lincoln, 1860; Hayes, 1876; Garfield, 1880; Cleveland, 1884 and 1892, and Harrison in 1888.

The Senate is based on a theory of equality in statehood.

If we maintain inequality in electing Members of this House, we shall have nothing left of true republicanism.

Daily this House rings with vehement speech about equalizing salaries of clerks and employees, especially those of old soldiers who long since furled their war flags and are now toiling—some of them with broken bodies—to earn their bread by the sweat of their furrowed and battle-scarred faces. Why not also equalize representation here and in the electoral college, as the Constitution enjoins us?

Regardless of misrepresentations and personal abuse (prompted partly by ignorance and partly by interest), I shall try to do my duty uninfluenced by them. I have the kindliest feeling for my southern fellow-citizens. I have been received by them with great kindness. I commanded in the recent war with Spain many volunteer military organizations of Southern States. I bear witness to the true spirit of patriotism and devotion to duty, to the restored Union, and to the flag, of the gallant men belonging to them. They, if the occasion had come, would have shown as great heroism as was ever shown by any men summoned to battle, and in achievement would have done honor to the brave men from whose loins they sprung. For the old Confederate soldier I have no feeling but of sympathy, respect, and kindness. No hatred or ill-will rankles in my breast toward the South. Both North and South have paid in blood, tears, and treasure the full penalty for the entailed crime of the ages—slavery. In getting rid of one dire evil, let us not nurse into life another one fraught with equal danger to the Republic.

It is suggested that because there is woman suffrage in some of the States and because some States permit persons not citizens to vote that the constitutional rule of reduction would work unequally. This can not be true, as the rule of reduction is based alone on the denial or abridgment of the right to vote of "male inhabitants * * * 21 years of age, citizens of the United States." Difficulties encountered in exercising a power do not warrant a refusal to exercise it.

It is too much to expect that in one speech all the groundless objections to Congress, or its Members, performing their constitutional duty, can be noticed.

It is wholly foreign to the question of equality of suffrage, through which, alone, equality of American citizenship can be secured and a republican form of government in States maintained, to complain of reconstruction after the civil war; or to say that the right of suffrage was originally left to be regulated by the States; or to say that they still possess that right; or to say that the disfranchising States are now only "reforming the suffrage;" or to say that in some of such States there have been schoolhouses built "upon every hill;" that population is increasing; that illiteracy has declined; that the mileage of railroads has increased; that cotton mills have sprung up, or that banking capital has increased largely, etc. These facts testify of prosperity which could not be attained while slavery existed in the South. They testify to the improved economic conditions of freedom, and do not prove that a voter in one section should have political power not possessed by a voter in other sections of our Union. Nor is it necessary for us to discuss here whether or not the fourteenth amendment "prohibits a just and fair regulation of suffrage." Nobody claims it does; but, when regulated, the amendment forbids those who are to enjoy it from voting for and having representation based on those regarded unfit to exercise the elective franchise. If unfit, this amendment regards them unfit to be counted in apportioning representation in Congress and in the electoral college, and denies those who, by reason of their assumed superior qualifications, do vote the right, in effect, to vote for the disfranchised, thereby gathering to themselves a political power not possessed by voters in States that do not believe that depriving the masses of citizens of the right to freely vote and to have their votes counted is to "reform the suffrage."

I plead for the sacredness of the Constitution and for the enforcement of all its provisions; for that first written charter of national freedom, born amid the throes of kingdoms and empires, to plant, preserve, and perpetuate civil and religious liberty in the world, and designed as a shield for the oppressed and persecuted. It came only after the flames had died out in the crater of a war waged for the equality of man before the law; its price was the blood and treasure of the patriots of the Revolution. It is also the more sacred by reason of the blood spilled and treasure expended in more recent wars for humanity to save it; equality of rights was its central principle. It was made by and for the people. Its preamble reads:

> We, the people of the United States, in order to form a more perfect Union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

A perfect union can not be formed, nor justice established, domestic tranquillity insured, common defense provided for, general welfare promoted, and the blessings of liberty to ourselves and our posterity secured by establishing and maintaining an inequality in political power by allowing a few in one State, regardless of conditions or methods, to exercise the elective franchise given to the many in other States of the Union. [Prolonged applause.]

The CHAIRMAN. The time of the gentleman has expired. The committee will informally rise to receive a message from the Senate.

### MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. MAHON having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed without amendment bill and joint resolution of the following titles:

H. J. Res. 97. Joint resolution authorizing assignment of pay of teachers and other employees of the Bureau of Education in Alaska; and

H. R. 15649. An act extending the time for the construction of the dam across the Mississippi River authorized by the act of Congress approved March 12, 1904.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 10129) to amend section 5501 of the Revised Statutes of the United States, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. CLARK of Wyoming, Mr. NELSON, and Mr. CULBERSON as the conferees on the part of the Senate.

The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House of Representatives was requested:

S. 4969. An act granting permission to Rear-Admiral C. H. Davis, United States Navy, to accept a silver cup and salver and a silver punch bowl and cups tendered to him by the British and Russian ambassadors, respectively, in the name of their Governments; and

S. 3401. An act for the relief of the executors of the estate of Harold Brown, deceased.

### LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

The committee resumed its session.

Mr. CRUMPACKER. Mr. Chairman, I ask unanimous consent that the gentleman from Ohio be permitted to conclude his remarks.

Mr. WILLIAMS. Mr. Chairman, it is the first time I have ever done it, and I hate very much to do it now, but there is but little more than an hour until the House is going to adjourn, and I shall be compelled to object.

Mr. KEIFER. It is the first time that objection has been made, that I know of. I only want about twenty minutes more.

Mr. WILLIAMS. I have no doubt the gentleman could get

through in that time, but there is only an hour left, and the gentleman from Virginia wants ten minutes and that will only leave fifty minutes.

Mr. KEIFER. There will be plenty of time after 3 o'clock.

Mr. WILLIAMS. After that time you can get in. I will be compelled to object.

Mr. KEIFER. I will give notice that the time for unanimous consent has about ceased in this House.

Mr. WILLIAMS. I should be very sorry, Mr. Chairman, if the gentleman should take that view.

Mr. KEIFER. I must take it.

Mr. WILLIAMS. I have explained the matter to the gentleman. The gentleman from Virginia needs time and I need time, and we are going to get about fifty minutes.

Mr. KEIFER. The gentleman has spoken once on this bill.

Mr. WILLIAMS. I do not want to make a speech. I only want to give some advice to the Republican caucus, and if I do not give it to-day it will be too late.

Mr. KEIFER. The gentleman has frequently been giving advice.

Mr. WILLIAMS. I will myself ask to-morrow that the gentleman may conclude his remarks, but I can not do so now.

Mr. KEIFER. Of course I have to yield to the objection. I would have concluded in about fifteen minutes more if I had the time. The gentleman knows that it is much better for me if I could close now and have it altogether, if it is possible.

Mr. WILLIAMS. I understand that, but it is absolutely necessary that we should get in what we have to say now, and I therefore object. I will be very glad to hear the gentleman conclude his remarks to-morrow. I now yield ten minutes to the gentleman from Virginia.

Mr. JONES of Virginia. Mr. Chairman, it is not my purpose to discuss the pending measure. On the contrary, I desire to devote the very few moments yielded me to some brief comment upon the subject of the message of the President of the United States, which has just been read to the House. I regret exceedingly that my time is too limited to permit a thorough discussion of so important a paper. I think I am not mistaken in saying that the cablegram of a day or two ago announcing the massacre by American soldiers of 600 Moros, many of whom were women and children, in the crater at the top of Mount Dajo, on the island of Jolo, shocked the humane and moral sensibilities of every right-thinking American citizen. Making every allowance possible on account of the intimate personal relations which exist between the President and General Wood—the known partiality of President Roosevelt for General Wood—I am still utterly at a loss to understand how the Chief Executive of this great and free Republic could find it in his heart to place his high official approval upon conduct as cruel and as inhuman as that which characterized the atrocities of the Duke of Alva in the Netherlands. A few years ago, when General Smith, known to fame as "Hell Roaring Jake Smith," issued his infamous order that all natives in the island of Samar over the age of 10 years should be treated as belligerents and shot down, the people of every civilized country were horribly shocked; but that abhorrent order, Mr. Chairman, in my estimation, is not to be compared to the massacre of innocents which the crater at the summit of Mount Dajo witnessed, and for which the commanding officer of our forces in the Philippines assumes the responsibility and seeks in this cablegram to justify. In defense of Smith it was urged by his friends that his cruel order was never put into execution, nor intended to be.

Mr. Chairman, the conduct of those who engaged in the slaughter of these women and children, and of those who may be responsible therefor, may receive official indorsement and even commendation, but it will never meet the approval of the American people unless I am woefully mistaken as to what should constitute honorable warfare. I do not believe, in the first place, that the attack made upon Moros who had taken refuge in an almost inaccessible position on a mountain top can be justified. It may have been spectacular; but it certainly showed an amazing disregard of the lives of the men who were ordered to make the assault. According to my information Mount Dajo is not only very difficult of ascent, but it stands apart and alone, and therefore could easily have been surrounded. It would have taken but a short time to have starved out and captured every man of them without the sacrifice of a single American life. But, be that as it may, the hideous fact stands out in bold relief that 600 Moros were killed as against 15 of the attacking forces, and General Wood is driven to admit that among the Moro dead there were many women and children. Not the life of a single miserable woman, nor one of a pitiful innocent child was spared! The whole tribe was exterminated. Does the world's history afford a parallel to this case?

But General Wood, who it seems did not make the ascent of the mountain until the butchery had been ended for the very lack of more victims, tells us that he is convinced there was "no man, woman, or child wantonly killed"—they were all, he says, "unavoidably" killed. The women were killed because they wore trousers, and the children being used as shields by the men naturally suffered a like fate. Then to silence forever any carping critic at home he adds "they apparently desired that none be saved." This is probably the only side of this pitiful story that will ever be given the American people. The lips of every Moro are sealed in death, and we are asked to accept General Wood's statement that the women and children were killed simply because they did not desire to be saved. For one I decline to be satisfied with such an incredible story. Such a monstrous proposition is to my mind simply unbelieveable. And feeling as I do, I am not willing that a single day shall pass by without my registering my emphatic dissent to the conclusions to which the President tells us he has arrived. In my deliberate judgment the killing of 600 men, women, and children in the crater of Mount Dajo by the troops under command of General Wood was a wanton and cruel act of butchery, and one which can not be justified and which the American people will never excuse and never forget.

Mr. Chairman, the Washington Post of this morning contains an editorial which very correctly reflects my sentiments and feelings. It should be given the widest circulation. I ask leave to incorporate it in the RECORD as a part of my remarks.

A WAR FOR CIVILIZATION.

When civilization proceeds "to stagger humanity," it calls in Francisco Pizarro or "Hell-roaring Jake" Smith, Hernando Cortez or Leonard Wood, all experts at the business. It is an old trade. Ahab practiced it on Naboth, the Jezreelite, and the Lord wreaked vengeance on that same plat. The King ordered a Te Deum for Cortez's "victory;" the President congratulates Wood on his "victory."

We have always believed that the American people will put an end to the Philippine question whenever they shall be given a good lick at it unencumbered with any other political question. It is un-American, unrepublican, undemocratic—this thing of holding people in subjection on the other side of the planet. Our country has tolerated it; never approved it.

"Hell-roaring Jake" Smith shocked all Christendom when he made proclamation to kill everybody over 10 years old. If the question could have been made paramount at the succeeding election, we would have been out of the thing by this time. General Wood says the latest butchery of men and women was because they fought so fiercely; and yet they killed but 16 of his men, while he killed 600 of theirs.

The fact is that General Wood is civilizing the Moros on the idea that there are no good Moros but dead ones. That is the way Caius Marius performed when he was down in Jugurtha's country. Lucullus, Pompey the Great, Crassus, Vespasian, Titus, Trajan, and one hundred Cæsars acted on the same principle. We have not improved on it a particle. A Roman proconsul before the birth of Christ acted precisely as General Wood acts nearly two thousand years after Christ expired on the cross for Moro as well as for American.

There is no authority in the Constitution to shoot civilization into savages on the other hemisphere. If it must be done, there are empires and kingdoms over there that believe in it and are accustomed to it. Let them do it. If we can not govern the Moros without murdering women, better that we withdraw and let them govern themselves.

Evidently General Wood is a man after the order of Strafford, and believes in "Thorough." Neither Pizarro nor Cortez could have done it more signally than he. Indeed, General Wood gave us in the shambles what "Hell-roaring Jake" ordered in a proclamation.

The Post does not state the case one atom too strongly. Believe me, this discussion has but begun, and before it is ended I doubt not that even the President himself will conclude that it was a mistaken impulse which prompted his hasty and, as I believe, wholly unwarranted approval of what will go down into history as a wanton and indefensible slaughter of defenseless women and helpless children. Who can believe that there was necessity for this wholesale massacre of women and children? What reasonable human being can believe that the killing of these poor, ignorant creatures could not have been avoided? To me it is unthinkable that the Moros charged the assaulting American columns holding their children before them as shields. Such a story is too preposterous, too monstrous to find credence in any quarter. It will not be accepted by unprejudiced and dispassionate, humane, and Christian people anywhere. From one end of civilization to the other it will be repudiated—throughout the world it will be scornfully rejected.

Mr. Chairman, excuse it as we may, the revolting story of the massacre of Mount Dajo will go down into history as the blackest stain upon the American name. A thousand years of honorable, humane, noble, and Christian conduct on the part of our American soldiery will not suffice to blot out that stain. [Applause on the Democratic side.]

Mr. WILLIAMS. Mr. Chairman, I arose for another purpose, but the remarks of the gentleman from Virginia [Mr. JONES] have suggested to me that I ought to read a little poem prepared by one of the Members of the House and handed to me not long ago. It is entitled "The Charge of the Wood Brigade," or what

the heathen call "The Massacre of Mount Daio." It reads as follows:

THE CHARGE OF THE WOOD BRIGADE; OR WHAT THE HEATHEN CALL "THE MASSACRE OF MOUNT DAJO."

Chased them from everywhere,
Chased them all onward,
Into the crater of death
Drove them—six hundred!
"Forward the Wood brigade;
Spare not a one," he said;
"Shoot all six hundred!"

"Forward the Wood brigade!"
Was there a man afraid?
Not tho' a soldier knew
Heathen had blundered.
Savages can't reply,
Heathen can't reason why
Women and children die;
Forced in the crater of death,
Forced with six hundred.

Cannon to right of them,
Cannon to left of them,
Cannon in front of them,
Volleyed and thundered.
Stormed at with shot and shell,
Women and children fell
Into the jaws of death,
Into the mouth of hell,
All told, six hundred!

Flashed all the sabers there,
Flashed as they turned in air,
Sab'ring the women there,
Charging the children while
All the world wondered.
Stifled by cannon smoke,
Men, women, children choke;
Women and children
Reel'd from the bay'net stroke,
In death not sundered;
Families slaughtered there—
All of six hundred.

Cannon to right of them,
Cannon to left of them,
Cannon in front of them,
Volleyed and thundered.
Stormed at with shot and shell,
While child and mother fell,
They that had loved so well!
Thrust into jaws of death,
Trapped into mouth of hell,
Not a babe left of them—
Left of six hundred.

What shall such blood thirst slake?
Go ask Hell Roaring Jake
Whether Wood blundered.
Honor the charge they made?
Honor the Wood brigade
For that six hundred?

[Applause on the Democratic side.]

I did not arise, Mr. Chairman, for the purpose, however, of speaking about the battle on Mount Dajo. The party of restriction, the G. O. P., the Grand Old Procrastinator, is going to hold a caucus at 3 o'clock. [Laughter and applause on the Democratic side.] This party of restriction, a party of restriction against products and men both, are going to hold a caucus "for the purpose of getting together." They restrict the membership of the caucus and do not permit me to participate in its deliberations. My only opportunity of impressing upon the Republican brethren of the House my advice and their only opportunity to hear advice of a safe and sane sort presents itself now. I was sorry a moment ago to make my first objection to unanimous consent for a Member to continue his remarks, but you will see that if I do not proceed now it will be too late to advise you tomorrow. Whatever errors you are going to commit will have been caucus committed by then, and my only hope is that you shall commit no error. That hope arises from the confident expectation that you will seriously consider the advice I am about to give you and will be guided to some extent by it.

Mr. MILLER. Will the gentleman yield?

Mr. WILLIAMS. Yes.

Mr. MILLER. I want to ask the gentleman if he has any desire to participate in this conference; and if so, if he should receive an invitation he would accept it and be bound by the action of the caucus?

Mr. WILLIAMS. I will, provided that the invitation comes with the further addition and promise that after I get there I shall not be gagged. [Laughter and applause on the Democratic side.] Such is the habit of the Republican party——

Mr. MILLER. I can only speak for myself——

Mr. WILLIAMS (continuing). Such is the habit of the Republican party in gagging philosophy and principles and practice, especially in connection with statehood matters, that I am afraid that after I get there my friend Mr. HAMILTON would move that I go "way back and sit down" and be allowed to say nothing. But for that I would go to the caucus to advise you instead of instructing you here. [Laughter.]

Mr. MILLER. I want to say to the gentleman from Mississippi that as far as I am personally concerned I would be glad to have him not only invited to the caucus, but take part in the proceedings, and I have every reason to believe that he would be bound by the action of that caucus, as he always is on all occasions in a caucus of his own.

Mr. WILLIAMS. A Republican caucus that I attend on my conditions, yes; a Democratic caucus always. Now, Mr. Chairman, to be serious, you gentlemen upon that side of the Chamber are confronted with a naked question which you can not avoid nor evade. The country knows what the question is, and you can not muddy the waters so as to fool the country about what it is. The naked question is, Shall the new State of Oklahoma, consisting of the Territories of Oklahoma and the Indian Territory, be admitted to the Union or not? You can not muddy the waters by any parliamentary device. You can not muddy the waters by any caucus action. You can not muddy the waters by any rule proposed or adopted. A bill has gone from this House to the Senate to admit two States out of four Territories. Two of the Territories, Arizona and New Mexico, making one State, the new State of Arizona, have been stricken from the bill by the Senate. The Senate had its reasons. Were they good? Were they bad? I care not. What is practically left is this naked question: Shall or shall not Oklahoma be admitted? The naked proposition with which the House of Representatives is confronted is, Shall the bill as amended by the Senate, admitting Oklahoma to statehood, pass the House of Representatives or not? The American people know that in the new State of Oklahoma there are nearly 2,000,000 people, coming from every State in the American Union—South, East, North, and West—a magnificent homogeneous population, capable of self-government to the very utmost extent, a people rich in energy, rich in resources, rich in capabilities, rich in all that goes to make up American citizenship, with no trouble about assimilability, no race question presented between Mexicans speaking the Spanish language and Americans speaking the English language, as in the proposed new State of Arizona and New Mexico; with no question of two different populations with divergent ideas, divergent traditions and ideals; no questions of difference about religion or habits of thought as would confront us in the case of making one State of Arizona and New Mexico, but a homogeneous American people nearly 2,000,000 strong.

Mr. HAMILTON. Mr. Chairman, will the gentleman yield for a question?

Mr. WILLIAMS. I do for a question.

Mr. HAMILTON. Does the gentleman from Mississippi [Mr. WILLIAMS] think the difference in language among the people in New Mexico an insuperable difficulty? If so, I desire to call the gentleman's attention to the Swiss Republic as illustrative of how three nationalities have cooperated to make one of the most successful republics of all times, in which the German, Italian, and French languages are the national tongues.

Mr. WILLIAMS. Mr. Chairman, the gentleman knows that I will have to be cut off by this proposed Republican caucus or conference, and I yielded to the gentleman only for a question. I do not think that the difference of language alone would present an insuperable objection. It did not present one in Louisiana, it does not present one in the Swiss Republic, and it has not until lately presented one in Austria-Hungary outside of Hungary itself; but there is not only the difference of language, but of race, in the case of Arizona and New Mexico. Racial characteristics are inherent and inborn, and there is always, where you put two different races together, necessarily a race antagonism. I do not desire to discuss the merits of this question that has been fully invited by us in the House and evaded by you. I desire the country to understand what you are going into caucus about. You are going into caucus for two things—to determine, first, whether you will allow the House of Representatives to vote upon the Senate proposition or not, and, secondly, upon the proposition that I have just outlined, to wit, whether you will admit Oklahoma, regardless of whether Arizona and New Mexico are admitted or not. But the chief thing you are going into conference about is to determine whether you will allow this House to vote, whether you will allow *yourselves* to vote, upon a proposition to be made to this House—a motion to concur in the Senate amendment and admit or refuse statehood to Oklahoma as a naked proposition, stripped of entangling alliance.

Mr. HAMILTON. Does the gentleman not think that we ought to go into conference? Is not that a right that we should permit ourselves?

Mr. WILLIAMS. Mr. Chairman, I am not denying the right. I am trying to tell the country what you are going into caucus to do. That is all. You are going into caucus to know *whether you can trust yourselves to handle yourselves or not.* You are

going into caucus to know whether it is safe as a Republican doctrine to leave the Members of the House of Representatives to determine this question—a House in which you have nearly a two-thirds majority—or whether it shall be determined by some rule from our triumvirate or by some parliamentary device exercised by the one-man power, the Speaker. I have heard a good deal about some parliamentary device which is to keep us from having a vote on this question—this question of admitting nearly two millions of people, who would be entitled to eight Representatives in this House; Representatives as intelligent as those from Connecticut, those from Illinois, or those from Mississippi. How will you stand before the country when you shall say, if you do, that these people, brim full of American energy and progress, shall be excluded from the American Union for at least this Congress longer, because, forsooth, two other Territories, with a different population, about whose qualifications for admission there have been arguments and doubts, can not come in? Most of the men who are standing on that side of the proposition are the men who have argued against the qualifications of Arizona and New Mexico to come into the Union, and now you are about to take the position that because these people in Arizona and New Mexico, about whose qualifications you have expressed doubts, can not come into the Union, that therefore these people in Oklahoma, about whose qualifications there is and has been expressed no doubt, also shall not come into the Union.

Now, Mr. Chairman, it is worse than that. You not only take that position, but you take the position that because these two other Territories do not want to be coupled together in one State therefore you will not let Oklahoma come into the Union.

You deny Arizona and New Mexico the right to come in separately. You decree that they shall stay out or be coupled in statehood. They decline to be coupled. You say, "All right, then Oklahoma shall stay out." How long? Until Arizona and New Mexico consent to statehood marriage. Everybody has heard about some special Speaker's ruling, to the effect that this thing would have to go to committee, where, of course, it would be smothered. I am going to file a brief on the parliamentary situation as a part of my remarks. The authorities are clear that even though there be a Senate amendment upon a House bill (and I deny that there is any in this case), which makes an appropriation of money or property which requires the amendment to go to the Committee of the Whole House, and therefore sends it first to the standing committee, that if there be another amendment from the Senate which does not make any charge upon the Treasury either in money or in land, it is always open to move to concur in that particular amendment whether you move to concur in all the amendments or not.

Mr. HAMILTON rose.

Mr. WILLIAMS. I can not yield for awhile.

Mr. HAMILTON. I simply wanted to say that would not arise until——

Mr. WILLIAMS. I would rather not be interrupted in the middle of a sentence.

Mr. HAMILTON. I started to say that would not arise until after the point of disagreement.

Mr. WILLIAMS. Ah, that is one of the things this caucus will determine——

Mr. HAMILTON. No——

Mr. WILLIAMS. Whether that course is to be pursued or not. That the Speaker of this House has power to send from his desk without consulting this House this Senate bill to your committee no man will question; that he has the right to do it I deny; and I will file a brief that shows he has not the right to do it. It was very carefully prepared by the gentleman from Alabama [Mr. UNDERWOOD] at my request and after consulting all the authorities from the beginning down to now.

Any Member of this House has the right, whether the Speaker has the power to cut him off from the right or not, to move to concur in the particular Senate amendment which cuts Arizona and New Mexico out of the bill, and to move to concur in that particular Senate amendment which requires a referendum to a vote of the people of Arizona and to a vote of the people of New Mexico to decide whether either chooses to come in jointly, even though that right may not exist as to that particular Senate amendment which provides for lieu lands already not granted, but given to be selected from. Not an acre is increased in land. There is not an additional charge upon the Treasury in money or land.

That amendment is merely a provision that in lieu of mining lands Oklahoma may select other lands. It does not make any additional appropriation either of money or land. It does not increase the amount of land one acre. It decreases the value of the land actually as a matter of fact. But even though it might be held that that particular amendment had to go to the committee because of the contention that it altered or changed an appropriation affecting lands, the same thing can not be held of these other two amendments. Now, everybody knows my personal affection for the Speaker of this House, and I am not ashamed of it either. He deserves my personal trust, regard, and affection, but I say with full knowledge of what I am saying now that if that course of sending this matter to committee without consulting the House is pursued it will be the most high-handed piece of political tyranny that ever took place from that Speaker's desk since the American Congress was organized. [Applause on the Democratic side.] And for that reason I do not believe it is going to take place. What is tyranny? It is one-man will—the one-man power checking the public will and thwarting the public power. Here is the entire United States which want Oklahoma admitted. Here is the entire Congress of the United States that wants Oklahoma admitted.

Right now, in order to demonstrate that fact, I am going to ask if there is a single man upon this floor who does not want Oklahoma admitted? If there be one, let him rise in his place. Is there one who does not want Oklahoma admitted? [A pause.] The entire body of the representatives of the people are here, and not one man rises, because there is not one who objects to the admission of Oklahoma, or who, if he objects, dares say so; and yet you are going to make a pretext out of the fact that Arizona and New Mexico have been cut out of this bill by the Senate to send this bill to the committee to be smothered, or to bring in a rule or to do something else to prevent—what? To prevent, first, the admission of Oklahoma, and, secondly and mainly, to prevent this House from having a vote upon the proposition whether this particular amendment from the Senate shall be concurred in; to prevent this House from voting on the naked proposition to admit or exclude Oklahoma. Are you going to vote to exclude Oklahoma? Directly or indirectly? Under a cover of caucus action? By the adoption of a rule? Under the cover of a parliamentary device? By not voting down any possible ruling of the Speaker contrary to express parliamentary law? Will you by caucus action bind your own hands and those of the House?

Now, the object of my conversation with you now is to persuade you not to do any of these things, gentlemen. If you do not do it, it will, of course, be because I have begged you not to do it, and argued with you not to do it. That will be the only reason why you will not do it, when you meet at 3 o'clock. It is necessary to talk to you now, because this will be my last opportunity; and I see looks of gratitude on the faces of many gentlemen on the other side for the advice that many of you now enjoy. [Laughter.] I see that the Speaker, even, is proud of the fact that I have left my side of the Chamber in a nonpartisan spirit to advise the other side of the Chamber to do justice and right, though the heavens fall.

Mr. HAMILTON. Will the gentleman permit me to interrupt him?

Mr. WILLIAMS. Certainly.

Mr. HAMILTON. The gentleman says he loves the Speaker——

Mr. WILLIAMS. Personally, not politically.

Mr. HAMILTON. As we all do. Has he ever known the Speaker of the House to deviate from the rules which govern the House of Representatives?

Mr. WILLIAMS. Well, I believe I can answer that in the Speaker's own language, "Never except when political exigencies require it." [Laughter and applause on the Democratic side.]

Mr. HAMILTON. Have you ever known of such an exigency arising?

Mr. WILLIAMS. No; seriously, I have not; and for that very reason I do not believe he is going to do it in this case, as I said a moment ago.

Now, then, I want to say a few words to some of you over there, although I am not your father confessor. You Republicans from Missouri vote to keep Oklahoma out of the Union simply because the Senate has cut out Arizona and New Mexico, and then go back to your people if you will or dare. The last thing that I respect in the world is a prophet. I am not one. But you know the condition of public sentiment in Missouri about the admission of Oklahoma. As a partisan, if I were actuated only by partisan motives, I should be glad to see you take this course, because it would result in a gain of Democratic Congressmen from the State of Missouri. You gentlemen from Kansas. You mark it. Stand here if you will and vote with your eyes open for any sort of a proposition, whether a rule or a parliamentary device, or the result of a caucus action, or what not, that cuts Oklahoma out of the Union, forsooth, because

New Mexico can not come in coupled with Arizona, that does not want to be married to her, and then go back, and see if perhaps the State of Kansas will not have a lucid interval about the time of the Congressional elections, and see if several Democratic Congressmen will not come here from Kansas, too, or if not, then other Republicans to succeed you.

The whole west of the river has its eyes on this matter, I sympathize with them, because nothing but a river, hardly, separates me from them. Everything west of the river has condemned and reprobated the idea of antagonism to the West that has been indicated by the Republican party all along the line in connection with this question in this House; in the first place, when it refused to make four States and insisted on making two. Why? Because it never wanted the West to have equal or adequate power in the Senate of the United States. The West will understand. Everybody west of the river will know that the Republican party, dominated by its northeastern forces, has been actuated by the idea to continue forever as far as possible the predominancy of the East in the United States Senate. And why should that be done? Away back many years ago somebody tried to scare old Thomas Jefferson with the suggestion that the growth of the West would result in the power of the States on the Atlantic seaboard sinking into insignificance. That farseeing seer, with a look of wisdom, made reply:

What of it? Who will the people of the West be? Our children, our grandchildren, and our great-grandchildren. Why should we be alarmed at the predominancy in the United States, in the Union, any more of our children, our grandchildren, or our great-grandchildren who have gone West, than of those of our children, our grandchildren, our great-grandchildren who have stayed East?

Now, Mr. Chairman, I ask to embody in the RECORD, instead of boring the House by reading it, this brief of the parliamentary status of this question.

The CHAIRMAN. The gentleman from Mississippi asks unanimous consent to extend his remarks by the insertion of certain matter, which he sends to the Clerk's desk. Is there objection? [After a pause.] The Chair hears none.

The statement is as follows:

STATEMENT OF THE PARLIAMENTARY SITUATION AS TO THE STATEHOOD BILL IN THE HOUSE, WITH SENATE AMENDMENTS.

The Senate has amended the statehood bill admitting Oklahoma and Indian Territory to statehood as one State and Arizona and New Mexico as another State by striking out all of those provisions of the bill that related to the admission of Arizona and New Mexico and amending those provisions of the House bill that related to Oklahoma by providing for the substitution of certain lands in lieu of school lands already allowed by the House bill to be selected by the Territory of Oklahoma, but which can not be taken on account of their being mineral lands. The question raised is whether the bill with these amendments should be referred to the Committee on Territories by the Speaker or whether it is in order to move to take it from the Speaker's table and to concur in the amendments.

As to the disposition of business on the Speaker's table, Rule XXIV, section 2, provides:

"Business on the Speaker's table shall be disposed of as follows: Messages from the Senate shall be referred to the appropriate committees without debate; reports and communications from the heads of Departments and other communications addressed to the House and bills, resolutions, and messages from the Senate may be referred to the appropriate committees in the same manner, and with the same right of correction, as public bills presented by Members; *but House bills with Senate amendments which do not require consideration in the Committee of the Whole may be disposed of at once as the House may determine,* as may also Senate bills substantially the same as House bills already favorably reported by a committee of the House and not required to be considered in the Committee of the Whole, be disposed of in the same manner on motion directed to be made by the committee."

Rule XX provides:

"That any amendments of the Senate of any House bill shall be subject to the point of order that it shall first be considered in the Committee of the Whole House on the state of the Union; if originating in the House, it would be subject to that point of order."

As to the business that it is necessary to consider in the Committee of the Whole House, Rule XXIII, section 3, provides:

"That all motions, or propositions involving a tax or charge upon the people, all proceedings touching appropriations of money, *or bills making appropriations of money or property,* or requiring such appropriation to be made, or authorizing payments out of appropriations already made, *or releasing any liability to the United States for money or property,* or referring any claim to the Court of Claims, *shall first be considered in the Committee of the Whole,* and a point of order under this rule shall be good at any time before the consideration of the bill has commenced."

There are two Senate amendments. As to the amendment of the Senate striking out all that portion of the House bill relating to Arizona and New Mexico, there can be no question that it does not come within the terms of Rule No. 23, as to matter that is required to be considered in the Committee of the Whole House. It has been held in the first session of the Forty-eighth Congress (RECORD, pages 5981 and 5985), "*that the fact that one of several Senate amendments must be considered in the Committee of the Whole does not prevent the House from proceeding with the disposition of those not subject to the point of order;*" but it has also been held in the first session of the Fifty-seventh Congress (RECORD, pages 4585 and 4586), "that Senate amendments referred to the Committee of the Whole must be considered, but not if not referred to the Committee of the Whole, although they may not be within the rule requiring such consideration." It is therefore of importance that we move to concur in the Senate amendment relating to Arizona and New Mexico before the bill is referred, as we no doubt will have a right to do under this ruling, for we can then have a vote in the House with a roll call on the main question, whereas, if the bill goes to the Committee of the Whole, there will be no opportunity to get a roll call on the main question—that is, the striking out of Arizona and New Mexico.

Now, as to the question as to whether the amendment providing for lieu lands in Oklahoma is within the terms of Rule 23, and required to be considered in the Committee of the Whole, there are two decisions that may be quoted as authorizing this reference, but I do not think that they apply. In the first session of the Fifty-first Congress (Journal, page 718; RECORD, page 5842), and the first session of the Fifty-second Congress (Journal, page 237), and the second session of the Fifty-third Congress (Journal, page 15; RECORD, page 36), it was held *that the grant to a railroad of an easement of public lands or streets belonging to the United States requires to be considered in the Committee of the Whole.* Again, in the second session of the Fifty-fourth Congress (RECORD, pages 2215 and 2216), it was held "*that the dedication of public lands to be forever used as a public park was held to be such an appropriation of public property as would come within the rule.*" (Rule 23.) These decisions clearly refer to a grant of property belonging to the United States and original grants, but are differentiated from the case under consideration, which does not make a grant, but merely provides as to the manner of selecting lands heretofore granted. In sustaining the proposition that this amendment does not have to be considered in the Committee of the Whole I find that it has been decided in the second session of the Forty-fifth Congress (Journal, page 782; RECORD, page 2203), that "*A bill changing the manner of expenditure of money already appropriated does not require consideration in the Committee of the Whole.*" *The amendment under consideration does not appropriate public lands or dispose of them, but merely changes the manner of selecting the land already allowed to be selected, and seems to me to be analogous to the above decision.*

Again, it has been held in the first session of the Fifty-first Congress (RECORD, pages 8888, 8882, and 10690) and the first session of the Fifty-sixth Congress (RECORD, page 2455) that "*legislation providing for the adjustment of liabilities to or by the Government, except references to the Court of Claims, does not come under the rule requiring consideration in the Committee of the Whole.*" It seems to me that this decision is also clearly in point, as the amendments above referred to do not make an original grant, but provide for the adjustment or mode of selecting lands that have heretofore been allowed to be selected by the Government. *In other words, it is an adjustment of the liabilities of the Government.*

Again, it has been held in the first session of the Fifty-first Congress (RECORD, page 2165) that "A bill simply granting a right of way through public lands was held not to be subject to the point of order; that it must be considered in the Committee of the Whole." Again, a case somewhat in point was decided at the first session of the Fifty-first Congress (RECORD, page 8483), that "Land belonging to the Indians, having been sold by the Government for the Indians, a bill extending the time of payment by purchasers and authorizing them to purchase additional lands of the same kind are held not to be within the rule requiring consideration in the Committee of the Whole."

As to the priority of motions, it seems to me that at this stage of the proceedings a motion made in the House to refer the Senate amendments to the Committee on Territories would have precedence of a motion to concur, but if the motion to refer was voted down, then it would be in order to vote on the motion to concur. In the second session of the Fifty-fifth Congress (RECORD, pages 839 and 840) it was held that "before the stage of disagreement has been reached, a motion to refer Senate amendments has precedence of a motion to concur."

Another question may arise, and that is, if the Speaker determines to refer the Senate amendments with the bill to the Committee on Territories of his own motion and without submitting the question to the House as to what is the best way to raise the question in the House. It has been held in the first session of the Fifty-first Congress (Journal, pages 758, 767, 770, 772, and RECORD, pages 62081, 63014, 63053, 63054, and 63064) that "*A House bill with Senate amendments having been properly referred from the Speaker's table, it was decided, nevertheless, to be in order for the House to consider an amendment to the Journal striking out the record of such reference.*" Of course if it is in order to strike out the reference to a bill properly referred, it would be in order to strike out the reference to a bill improperly referred, and if the record is stricken out of the Journal, so far as the House is concerned, the bill would be on the Speaker's table subject to the action of the House.

* * * * * * *

Mr. WILLIAMS. Now, Mr. Chairman, I shall ask the official reporters to put in asterisks right here, because I am going to enter upon another subject. The other day while speaking to the House about a bill which I had introduced, to reduce duties, wherever they were over 100 per cent, to 100 per cent, I explained that I could not then find a paper which I wanted. I furnished some of the illustrations of duties over 100 per cent from actual bills that had come in—actual importations—and furnished some other instances from a magazine. I now have the thing that I wanted to get the other day. It is from the Department of Commerce and Labor, Bureau of Statistics, "Quantities and Values of Imported Merchandise entered for Consumption in the United States for the year ending June 30, 1905," prepared by Mr. O. P. Austin, Chief of the Bureau. I need not tell you that he is a sort of Republican statistician. Outside of tobacco and spirituous liquors I find fifty-seven cases of duties above 100 per cent. I have not used any cases of tariff on tobaccos and spirituous liquors, for nearly all of them are above 100 per cent. I have not thought it fair to use them, because they have been levied partially for the purpose of countervailing an internal-revenue tax, and of course there ought to be a tariff equal to and somewhat above the internal-revenue tax. But outside of tobacco and spirituous liquors there are fifty-seven other articles. I did not quote the other day from the wool schedule. There are illustrations from the wool schedule, the carpet schedule, and various others. If the House will permit me, instead of reading these various illustrations I will hand them to the official reporters in order that they may be incorporated as a part of my remarks.

The CHAIRMAN. Is there objection?

Mr. TAWNEY. Mr. Chairman, how much of the book which the gentleman has before him does he intend to publish?

Mr. WILLIAMS. Fifty-seven rates of duties.

The CHAIRMAN. The Chair hears no objection.

The statistics referred to are as follows:

*Imported merchandise entered for consumption in the United States, including both entries for immediate consumption and withdrawals from ware house for consumption, with rates and amounts of duty collected during the year ending June 30, 1905.*

| Articles. | Rates of duty. | Quantities. | Values. | Duties. | Average. | |
|---|---|---|---|---|---|---|
| | | | | | Value per unit of quantity. | Ad valorem rate of duty. |
| Beverages, not elsewhere specified: | | | | | | *Per cent.* |
| Cherry juice and other fruit juice, not specially provided for, containing not more than 18 per cent of alcohol (gallons). | 60 cents per gallon<br>Duty remitted (Sec. 15, act July 24, 1897). | 37,074.28<br>853.00 | $19,411.00<br>283.00 | $22,244.60 | $0.523<br>.332 | 114.60 |
| Prune juice or prune wine, containing not more than 18 per cent of alcohol (gallons). | 60 cents per gallon | 51,088.90 | 26,220.00 | 30,653.34 | .513 | 116.91 |
| Chemicals, drugs, dyes, and medicines: | | | | | | |
| Boracic (pounds) | 5 cents per pound | 660,150.00 | 23,626.00 | 33,007.50 | .036 | 139.71 |
| Tannic or tannin (pounds) | 50 cents per pound | 7,652.34 | 3,108.00 | 3,826.18 | .406 | 123.11 |
| Mineral waters: | | | | | | |
| Otherwise than in such bottles, or in bottles containing more than 1 quart (gallons). | 24 cents per gallon | 11,860.28 | 2,193.00 | 2,846.47 | .185 | 129.80 |
| Vanillin (ounces) | 80 cents per ounce | 1,331.00 | 423.00 | 1,064.80 | .318 | 251.73 |
| Cotton duck, not exceeding 3½ square yards to the pound (square yards). | 4½ cents per square yard and 10 per cent. | 221.00 | 10.00 | 10.39 | .045 | 103.9 |
| Dress facings or skirt bindings, not bleached, dyed, colored, stained, painted, or printed (square yards). | 9 cents per square yard and 35 per cent. | 166.00 | 9.00 | 18.09 | .054 | 201.0 |
| Glass bottles, filled, holding less than ½ pint (gross) | 50 cents per gross | 234.21 | 115.00 | 117.10 | .491 | 101.83 |
| Cylinder, crown, and common window glass, unpolished, above 24 by 36 inches and not exceeding 30 by 40 inches (pounds). | 3½ cents per pound | 663,201.00 | 19,313.00 | 22,382.98 | .029 | 115.90 |
| Plate glass, fluted, rolled, ribbed, or rough ground, above 24 by 60 inches (square feet). | 35 cents per square foot | 9,515.67 | 2,441.00 | 3,330.48 | .256 | 133.44 |
| Plate glass, cast, polished, finished or unfinished and unsilvered: | | | | | | |
| Above 24 by 30 inches and not exceeding 24 by 60 inches (sq. ft.) | 22½ cents per square foot | 792,579.50 | 175,729.00 | 178,330.47 | .222 | 101.48 |
| Above 24 by 60 inches (square feet) | 35 cents per square foot | 265,442.69 | 66,225.00 | 92,904.93 | .249 | 140.29 |
| Plate glass, cast, polished, unsilvered, when bent, ground, obscured, frosted, sanded, enameled, beveled, etched, embossed, engraved, flashed, stained, colored, painted, or otherwise ornamented or decorated, above 24 by 60 inches (square feet). | 35 cents per square foot and 5 per cent. | 6,298.00 | 1,509.00 | 2,279.75 | .24 | 151.07 |
| Plate glass, cast, polished, silvered, and looking-glass plates, exceeding in size 144 square inches, above 24 by 30 inches and not exceeding 24 by 60 inches (square feet). | 25 cents per square foot | 484.00 | 122.00 | 121.00 | .252 | 99.26 |
| Plate glass, cast, polished, silvered, when bent, ground, obscured, frosted, sanded, enameled, beveled, etched, embossed, engraved, flashed, stained, colored, painted, or otherwise ornamented or decorated, above 24 by 60 inches (square feet). | 38 cents per square foot and 5 per cent. | 133.00 | 47.00 | 52.89 | .353 | 112.53 |
| Lead, and manufactures of—base bullion (pounds) | 2½ cents per pound | 2,927,891.00 | 61,892.00 | 62,217.68 | .021 | 100.53 |
| Marble, sawed or dressed, over 2 inches in thickness (cubic feet) | $1.10 per cubic foot | 146.50 | 150.00 | 161.15 | 1.02 | 107.43 |
| Bay rum or bay water, whether distilled or compounded (proof gallons). | $1.50 per proof gallon | 879.25 | 710.00 | 1,318.88 | .808 | 185.73 |
| Manufactures of silk: | | | | | | |
| Weight not increased beyond original weight of the raw silk (pounds). | $3 per pound | 318.29 | 911.00 | 954.87 | 2.86 | 104.82 |
| Weight not increased beyond original weight of the raw silk—reciprocity treaty with Cuba (pounds). | $3 per pound less 20 per cent. | 1.00 | 2.00 | 2.40 | 2.00 | 120.00 |
| Dyed in the piece, boiled off, or printed, containing more than 45 per cent in weight of silk (pounds). | $3 per pound | 375.63 | 1,121.00 | 1,126.88 | 2.98 | 100.52 |
| Handkerchiefs, etc., hemstitched, or imitation hemstitched, or revered or having drawn threads, or embroidered in any manner, whether with an initial letter, monogram, or otherwise, by hand or machinery, or tamboured, appliquéed, or made or trimmed wholly or in part with lace, or with tucking or insertion— | | | | | | |
| Containing more than 45 per cent in weight of silk, weight not increased beyond original weight of the raw silk (pounds). | $3 per pound and 10 per cent. | 50.00 | 71.00 | 157.10 | 1.42 | 221.27 |
| Still wines, in casks or packages other than bottles or jugs—reciprocity treaty with Italy (gallons). | 35 cents per gallon | 1,021,421.53 | 316,001.60 | 357,497.55 | .309 | 113.13 |
| Wool and hair advanced in any manner or by any process of manufacture beyond the washed or scoured condition, not specially provided for: | | | | | | |
| Valued above 40 and not above 70 cents per pound (pounds) | 44 cents per pound and 50 per cent. | 133.00 | 86.00 | 101.52 | .647 | 118.05 |
| Valued over 70 cents per pound (pounds) | 44 cents per pound and 55 per cent. | 1,438.50 | 1,352.90 | 1,377.04 | .941 | 101.78 |
| Manufactures composed wholly or in part of wool, worsted, the hair of the camel, goat, alpaca, or other animals: | | | | | | |
| Rags, mungo, flocks, noils, shoddy, and waste— | | | | | | |
| Shoddy (pounds) | 25 cents per pound | 50.00 | 5.00 | 12.50 | .10 | 250.00 |
| Wastes, top and roving (pounds) | 30 cents per pound | 20.00 | 5.00 | 6.00 | .25 | 120.00 |
| Yarns, made wholly or in part of wool, valued not more than 30 cents per pound (pounds). | 27½ cents per pound and 40 per cent. | 4,254.00 | 1,181.00 | 1,642.26 | .278 | 138.06 |
| Blankets— | | | | | | |
| Valued not more than 40 cents per pound (pounds) | 22 cents per pound and 30 per cent. | 2,022.50 | 597.46 | 624.20 | .295 | 104.48 |
| Valued more than 40 and not more than 50 cents per pound (pounds). | 33 cents per pound and 35 per cent. | 1,649.73 | 751.50 | 807.44 | .456 | 107.44 |
| More than 3 yards in length— | | | | | | |
| Valued not more than 40 cents per pound (pounds) | 33 cents per pound and 50 per cent. | 1,679.50 | 507.00 | 807.74 | .302 | 159.32 |
| Valued more than 40 and not more than 70 cents per pound (pounds). | 44 cents per pound and 50 per cent. | 7,111.50 | 4,147.00 | 5,202.56 | .583 | 125.44 |
| Cloths, woolen or worsted— | | | | | | |
| Valued not more than 40 cents per pound (pounds) | 33 cents per pound and 50 per cent. | 8,126.00 | 2,630.85 | 3,997.03 | .324 | 151.93 |
| Valued more than 40 and not more than 70 cents per pound (pounds). | 44 cents per pound and 50 per cent. | 245,066.76 | 152,694.30 | 184,176.51 | .623 | 120.62 |
| Dress goods, women's and children's, coat linings, Italian cloths, and goods of similar description— | | | | | | |
| The warp consisting wholly of cotton or other vegetable materials, with the remainder of the fabric composed wholly or in part of wool— | | | | | | |
| Valued not exceeding 15 cents per square yard— | | | | | | |
| Not above 70 cents per pound (square yards) | 7 cents per square yard and 50 per cent. | 20,257,891.75 | 2,449,536.00 | 2,642,820.45 | .121 | 107.89 |
| Above 70 cents per pound (square yards) | 7 cents per square yard and 55 per cent. | 1,122,911.50 | 154,816.00 | 163,752.66 | .138 | 105.77 |

No. 15.—*Imported merchandise entered for consumption in the United States, etc.*—Continued.

| Articles. | Rates of duty. | Quantities. | Values. | Duties. | Average. | |
|---|---|---|---|---|---|---|
| | | | | | Value per unit of quantity. | Ad valorem rate of duty. |
| Manufactures composed wholly or in part of wool, worsted, the hair of the camel, goat, alpaca, or other animals—Continued. | | | | | | |
| Dress goods, women's and children's, coat linings. Italian cloths, and goods of similar description— | | | | | | |
| The warp consisting wholly of cotton or other vegetable materials, with the remainder of the fabric composed wholly or in part of wool— | | | | | | |
| Weighing over 4 ounces per square yard— | | | | | | *Per cent.* |
| Valued not more than 40 cents per pound (pounds) | 33 cents per pound and 50 per cent. | 659.25 | $189.00 | $312.05 | $0.287 | 165.11 |
| Valued more than 40 and not more than 70 cents per pound (pounds). | 44 cents per pound and 50 per cent. | 1,934.50 | 1,199.00 | 1,450.74 | .62 | 121.00 |
| Composed wholly or in part of wool— | | | | | | |
| Valued not above 70 cents per pound (square yards) | 11 cents per square yard and 50 per cent. | 307,773.00 | 59,253.70 | 63,481.88 | .193 | 107.14 |
| Valued above 70 cents per pound (square yards) | 11 cents per square yard and 55 per cent. | 10,300,312.04 | 2,443,539.22 | 2,476,980.90 | .237 | 101.36 |
| Weighing over 4 ounces per square yard— | | | | | | |
| Valued not more than 40 cents per pound (pounds) | 33 cents per pound and 50 per cent. | 1,199.00 | 368.00 | 579.67 | .307 | 157.52 |
| Valued more than 40 and not more than 70 cents per pound (pounds). | 44 cents per pound and 50 per cent. | 479,058.50 | 333,163.00 | 377,367.24 | .695 | 113.32 |
| Valued more than 70 cents per pound (pounds) | 44 cents per pound and 55 per cent. | 1,342,301.94 | 1,303,972.00 | 1,307,797.46 | .971 | 100.29 |
| Flannels for underwear— | | | | | | |
| Valued more than 40 and not more than 50 cents per pound (pounds). | 33 cents per pound and 35 per cent. | 172.50 | 76.25 | 83.62 | .442 | 109.67 |
| Weighing over 4 ounces per square yard— | | | | | | |
| Valued more than 50 and not more than 70 cents per pound (pounds). | 44 cents per pound and 50 per cent. | 1,375.50 | 750.00 | 980.22 | .545 | 130.70 |
| Valued more than 70 cents per pound (pounds) | 44 cents per pound and 55 per cent. | 52,062.50 | 43,856.75 | 47,028.71 | .842 | 107.20 |
| Knit fabrics (not wearing apparel) valued more than 40 and not more than 70 cents per pound (pounds). | 44 cents per pound and 50 per cent. | 41.00 | 26.60 | 31.34 | .649 | 117.80 |
| Plushes and other pile fabrics— | | | | | | |
| Valued not over 40 cents per pound (pounds) | 33 cents per pound and 50 per cent. | 80.00 | 29.00 | 40.90 | .363 | 141.02 |
| Valued more than 40 and not more than 70 cents per pound (pounds). | 44 cents per pound and 50 per cent. | 483.00 | 236.00 | 330.52 | .489 | 140.05 |
| Wearing apparel—Clothing, ready-made, and articles of wearing apparel, made up or manufactured wholly or in part, not specially provided for, shawls, knitted or woven (pounds). | 44 cents per pound and 60 per cent. | 60,105.63 | 65,761.25 | 65,903.23 | 1.09 | 100.21 |
| All other manufactures wholly or in part of wool— | | | | | | |
| Valued not more than 40 cents per pound (pounds) | 33 cents per pound and 50 per cent. | 36,206.75 | 12,749.75 | 18,323.13 | .352 | 143.72 |
| Valued more than 40 and not more than 70 cents per pound (pounds). | 44 cents per pound and 50 per cent. | 46,736.52 | 27,165.00 | 34,146.57 | .581 | 125.70 |

Mr. WILLIAMS. How much time have I left, Mr. Chairman?

The CHAIRMAN. The gentleman has twenty-three minutes.

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Mr. WILLIAMS. I will ask the Official Reporters to put in another row of asterisks here, because this is another speech. I am making three speeches in one. Some gentlemen say four. The twenty-three minutes which I have will be sufficient to have the Clerk read for the edification of the House a little drama. For the explanation of Members I will say that wherever the word "octroi" is used it means the customs duty paid at the gate of a city. This is a nice little drama especially designed for the reading of protectionists, and is by Mr. Bastiat, the gentleman whose petition I presented to the House yesterday. I will ask the Clerk to read the parts indicated.

The Clerk read as follows:

*The three aldermen: A demonstration in four tableaux.*

FIRST TABLEAU.

(The scene is in the hotel of Alderman Pierre. The window looks out on a fine park; three persons are seated near a good fire.)

PIERRE. Upon my word, a fire is very comfortable when the stomach is satisfied. It must be agreed that it is a pleasant thing. But, alas! how many worthy people, like the King of Yvetot,

"Blow on their fingers for want of wood."

Unhappy creatures, Heaven inspires me with a charitable thought. You see these fine trees. I will cut them down and distribute the wood among the poor.

PAUL and JEAN. What! Gratis?

PIERRE. Not exactly. There would soon be an end of my good works if I scattered my property thus. I thing that my park is worth 20,000 livres; by cutting it down I shall get much more for it.

PAUL. A mistake. Your wood as it stands is worth more than that in the neighboring forests, for it renders services which that can not give. When cut down, it will, like that, be good for burning only, and will not be worth a sou more per cord.

PIERRE. Oh, Mr. Theorist, you forget that I am a practical man. I supposed that my reputation as a speculator was well enough established to put me above any charge of stupidity. Do you think that I shall amuse myself by selling my wood at the price of other wood?

PAUL. You must.

PIERRE. Simpleton! Suppose I prevent the bringing of any wood to Paris!

PAUL. That will alter the case. But how will you manage it?

PIERRE. This is the whole secret. You know that wood pays an entrance duty of 10 sous per cord. To-morrow I will induce the aldermen to raise this duty to 100, 200, or 300 livres, so high as to keep out every fagot. Well, do you see? If the good people do not want to die of cold, they must come to my wood yard. They will fight for my wood. I shall sell it for its weight in gold, and this well-regulated deed of charity will enable me to do others of the same sort.

PAUL. This is a fine idea, and it suggests an equally good one to me.

JEAN. Well, what is it?

PAUL. How do you find this Normandy butter?

JEAN. Excellent.

PAUL. Well, it seemed passable a moment ago. But do you not think it is a little strong? I want to make a better article at Paris. I will have four or five hundred cows, and I will distribute milk, butter, and cheese to the poor people.

PIERRE and JEAN. What, as a charity?

PAUL. Bah! Let us always put charity in the foreground. It is such a fine thing that its counterfeit is an excellent card. I will give my butter to the people and they will give me their money. Is that called selling?

JEAN. No; according to the bourgeois gentilhomme; but call it what you please, you ruin yourself. Can Paris compete with Normandy in raising cows?

PAUL. I shall save the cost of transportation.

JEAN. Very well; but the Normans are able to beat the Parisians, even if they do have to pay for transportation.

PAUL. Do you call it beating anyone to furnish him things at a low price?

JEAN. It is the time-honored word. You will always be beaten.

PAUL. Yes; like Don Quixote. The blows will fall on Sancho. Jean, my friend, you forgot the octroi.

JEAN. The octroi! What has that to do with your butter?

PAUL. To-morrow I will demand protection, and I will induce the council to prohibit the butter of Normandy and Brittany. The people must do without butter, or buy mine, and that at my price, too!

JEAN. Gentlemen, your philanthrophy carries me along with it. "In time one learns to howl with the wolves." It shall not be said that I am an unworthy alderman. Pierre, this sparkling fire has illumined your soul; Paul, this butter has given an impulse to your understanding, and I perceive that this piece of salt pork stimulates my intelligence. To-morrow I will vote myself, and make others vote, for the exclusion of hogs, dead or alive; this done I will build superb stock yards in the middle of Paris "for the unclean animal forbidden to the Hebrews." I will become swineherd and pork seller, and we shall see how the good people of Paris can help getting their food at my shop.

PIERRE. Gently, my friends; if you thus run up the price of butter and salt meat, you diminish the profit which I expected from my wood.

PAUL. Nor is my speculation so wonderful, if you ruin me with your fuel and your hams.

JEAN. What shall I gain by making you pay an extra price for my sausages, if you overcharge me for pastry and fagots?

PIERRE. Do you not see that we are getting into a quarrel? Let us rather unite. Let us make reciprocal concessions. Besides, it is not well to listen only to miserable self-interest. Humanity is concerned, and must not the warming of the people be secured?

PAUL. That is true, and people must have butter to spread on their bread.

JEAN. Certainly. And they must have a bit of pork for their soup.

ALL TOGETHER. Forward, charity! Long live philanthropy! To-morrow, to-morrow, we will take the octrol by assault.

PIERRE. Ah, I forgot. One word more, which is important. My friends, in this selfish age people are suspicious and the purest intentions are often misconstrued. Paul, you plead for wood; Jean, defend butter; and I will devote myself to domestic swine. It is best to head off invidious suspicions.

PAUL AND JEAN (leaving). Upon my word, what a clever fellow!

SECOND TABLEAU: THE COMMON COUNCIL.

PAUL. My dear colleagues, every day great quantities of wood come into Paris and draw out of it large sums of money. If this goes on we shall all be ruined in three years, and what will become of the poor people? [Bravo!] Let us prohibit foreign wood. I am not speaking for myself, for you could not make a toothpick out of all the wood I own. I am, therefore, perfectly disinterested. [Good! good!] But here is Pierre, who has a park, and he will keep our fellow-citizens from freezing. They will no longer be in a state of dependence on the charcoal dealers of the Yonne. Have you ever thought of the risk we run of dying of cold if the proprietors of these foreign forests should take it into their heads not to bring any more wood to Paris? Let us, therefore, prohibit wood. By this means we shall stop the drain of specie, we shall start the wood-chopping business, and open to our workmen a new source of labor and wages. [Applause.]

JEAN. I second the motion of the honorable member—a proposition so philanthropic and so disinterested, as he remarked. It is time that we should stop this intolerable freedom of entry, which has brought a ruinous competition upon our market, so that there is not a province tolerably well situated for producing some one article which does not inundate us with it, sell it to us at a low price, and depress Parisian labor. It is the business of the State to equalize the conditions of production by wisely graduated duties; to allow the entrance from without of whatever is dearer there than at Paris, and thus relieve us from an unequal contest. How, for instance, can they expect us to make milk and butter in Paris as against Brittainy and Normandy? Think, gentlemen, the Bretons have land cheaper, feed more convenient, and labor more abundant. Does not common sense say that the conditions must be equalized by a protecting duty? I ask that the duty on milk and butter be raised to a thousand per cent, and more if necessary. The breakfasts of the people will cost a little more, but wages will rise. We shall see the building of stables and dairies, a good trade in churns, and the foundation of new industries laid. I myself have not the least interest in this plan. I am not a cowherd, nor do I desire to become one. I am moved by the single desire to be useful to the laboring classes. [Expressions of approbation.]

PIERRE. I am happy to see in this assembly statesmen so pure, enlightened, and devoted to the interests of the people. [Cheers.] I admire their self-denial, and can not do better than follow such noble examples. I support their motion, and I also make one to include the Poitou hogs. It is not that I want to become a swineherd or pork dealer, in which case my conscience would forbid my making this motion; but is it not shameful, gentlemen, that we should be paying tribute to these poor Poitevin peasants who have the audacity to come into our own market, take possession of a business that we could have carried on ourselves, and, after having inundated us with sausages and hams, take from us, perhaps, nothing in return? Anyhow, who says that the balance of trade is not in their favor, and that we are not compelled to pay them a tribute in money? Is it not plain that if this Poitevin industry were planted in Paris it would open new fields to Parisian labor? Moreover, gentlemen, is it not very likely, as Mr. Lestiboudois said, that we buy these Poitevin salted meats not with our income, but our capital? Where will this land us? Let us not allow greedy, avaricious, and perfidious rivals to come here and sell things cheaply, thus making it impossible for us to produce them ourselves. Aldermen, Paris has given us its confidence, and we must show ourselves worthy of it. The people are without labor, and we must create it, and if salted meat costs them a little more, we shall at least have the consciousness that we have sacrificed our interests to those of the masses, as every good alderman ought to do. [Thunders of applause.]

A VOICE. I hear much said of the poor people; but under the pretext of giving them labor you begin by taking away from them that which is worth more than labor itself—wood, butter, and soup.

PIERRE, PAUL, AND JEAN. Vote! vote! Away with your theorists and generalizers! Let us vote. [The three motions are carried.]

THIRD TABLEAU: TWENTY YEARS AFTER.

SON. Father, decide; we must leave Paris. Work is slack and everything is dear.

FATHER. My son, you do not know how hard it is to leave the place where we were born.

SON. The worst of all things is to die there of misery.

FATHER. Go, my son, and seek a more hospitable country. For myself, I will not leave the grave where your mother, sisters, and brothers lie. I am eager to find, at last, near them, the rest which is denied me in this city of desolation.

SON. Courage, dear father, we will find work elsewhere—in Poitou, Normandy, or Brittany. They say that the industry of Paris is gradually transferring itself to those distant countries.

FATHER. It is very natural. Unable to sell us wood and food, they stopped producing more than they needed for themselves, and they devoted their spare time and capital to making those things which we formerly furnished them.

SON. Just as at Paris they quit making handsome furniture and fine clothes, in order to plant trees and raise hogs and cows. Though quite young, I have seen vast storehouses, sumptuous buildings, and quays thronged with life on those banks of the Seine which are now given up to meadows and forests.

FATHER. While the provinces are filling up with cities, Paris becomes country. What a frightful revolution! Three mistaken aldermen, aided by public ignorance, have brought down on us this terrible calamity.

SON. Tell me this story, my father.

FATHER. It is very simple. Under the pretext of establishing three new trades at Paris, and of thus supplying labor to the workmen, these men secured the prohibition of wood, butter, and meats. They assumed the right of supplying their fellow-citizens with them. These articles rose immediately to an exorbitant price. Nobody made enough to buy them, and the few who could procure them by using up all they made were unable to buy anything else; consequently all branches of industry stopped at once—all the more so because the provinces no longer offered a market. Misery, death, and immigration began to depopulate Paris.

SON. When will this stop?

FATHER. When Paris has become a meadow and a forest.

SON. The three aldermen must have made a great fortune.

FATHER. At first they made immense profits, but at length they were involved in the common misery.

SON. How was that possible?

FATHER. You see this ruin; it was a magnificent house surrounded by a fine park. If Paris had kept on advancing, Master Pierre would have got more rent from it annually than the whole thing is now worth to him.

SON. How can that be, since he got rid of competition?

FATHER. Competition in selling has disappeared; but competition in buying also disappears every day, and will keep on disappearing until Paris is an open field, and Master Pierre's woodland will be worth no more than an equal number of acres in the forest of Bondy. Thus, a monopoly, like every species of injustice, brings its own punishment upon itself.

SON. This does not seem very plain to me, but the decay of Paris is undeniable. Is there, then, no means of repealing this unjust measure that Pierre and his colleagues adopted twenty years ago?

FATHER. I will confide my secret to you. I will remain at Paris for this purpose; I will call the people to my aid. It depends on them whether they will replace the octroi on its old basis, and dismiss from it this fatal principle, which is grafted on it, and has grown there like a parasite fungus.

SON. You ought to succeed on the very first day.

FATHER. No; on the contrary, the work is a difficult and laborious one. Pierre, Paul, and Jean understand one another perfectly. They are ready to do anything rather than allow the entrance of wood, butter, and meat into Paris. They even have on their side the people, who clearly see the labor which these three protected branches of business give, who know how many wood choppers and cow drivers it gives employment to, but who can not obtain so clear an idea of the labor that would spring up in the free air of liberty.

SON. If this is all that is needed you will enlighten them.

FATHER. My child, at your age, one doubts at nothing. If I wrote, the people would not read; for all their time is occupied in supporting a wretched existence. If I speak the aldermen will shut my mouth. The people will, therefore, remain long in their fatal error; political parties, which build their hopes on their passions, attempt to play upon their prejudices, rather than dispel them. I shall then have to deal with the powers that be—the people and the parties. I see that a storm will burst on the head of the audacious person who dares to rise against an iniquity which is so firmly rooted in the country.

SON. You will have justice and truth on your side.

FATHER. And they will have force and calumny. If I were only young! But age and suffering have exhausted my strength.

SON. Well, father, devote all that you have left to the service of the country. Begin this work of emancipation, and leave to me for an inheritance the task of finishing it.

FOURTH TABLEAU: THE AGITATION.

JACQUES BONHOMME. Parisians, let us demand the reform of the octroi; let it be put back to what it was. Let every citizen be free to buy wood, butter, and meat where it seems good to him.

The PEOPLE. Hurrah for liberty!

PIERRE. Parisians, do not allow yourselves to be seduced by these words. Of what avail is the freedom of purchasing, if you have not the means, if labor is wanting? Can Paris produce wood as cheaply as the forest of Bondy, or meat at as low price as Poitou, or butter as easily as Normandy? If you open the doors to these rival products, what will become of the woodcutter, pork dealers, and cattle drivers? They can not do without protection.

The PEOPLE. Hurrah for protection!

JACQUES. Protection! How do they protect you, workmen? Do not you compete with one another? Let the wood dealers then suffer competition in their turn. They have no right to raise the price of their wood by law, unless they, also, by law, raise wages. Do you not still love equality?

The PEOPLE. Hurrah for equality!

PIERRE. Do not listen to this factious fellow. We have raised the price of wood, meat, and butter, it is true; but it is in order that we may give good wages to the workmen. We are moved by charity.

The PEOPLE. Hurrah for charity!

JACQUES. Use the octroi, if you can, to raise wages, or do not use it to raise the price of commodities. The Parisians do not ask for charity, but justice.

The PEOPLE. Hurrah for justice!

PIERRE. It is precisely the dearness of products which will, by reflex action, raise wages.

The PEOPLE. Hurrah for dearness!

JACQUES. If butter is dear, it is not because you pay workmen well; it is not even that you may make great profits—it is only because Paris is ill-situated for this business, and because you desired that they should do in the city what ought to be done in the country, and in the country what was done in the city. The people have no more labor, only they labor at something else. They get no more wages, but they do not buy things as cheaply.

The PEOPLE. Hurrah for cheapness!

PIERRE. This person seduces you with his fine words. Let us state the question plainly. Is it not true that if we admit butter, wood, and meat, we shall be inundated with them and die of a plethora. There is, then, no other way in which we can preserve ourselves from this new inundation than to shut the door, and we can keep up the price of things only by causing scarcity artificially.

A VERY FEW VOICES. Hurrah for scarcity!

JACQUES. Let us state the question as it is. Among all the Parisians we can divide only what is in Paris; the less wood, butter, and meat there is, the smaller each one's share will be. There will be less if we exclude than if we admit. Parisians, individual abundance can exist only where there is general abundance.

The PEOPLE. Hurrah for abundance!

PIERRE. No matter what this man says, he can not prove to you that it is to your interest to submit to unbridled competition.

The PEOPLE. Down with competition!

JACQUES. Despite all this man's declamation, he can not make you enjoy the sweets of restriction.

The PEOPLE. Down with restriction!

PIERRE. I declare to you that if the poor dealers in cattle and hogs are deprived of their livelihood; if they are sacrificed to theories, I will not be answerable for public order. Workmen, distrust this man. He is an agent of perfidious Normandy; he is under the pay of foreigners; he is a traitor and must be hanged. [The people keep silent.]

JACQUES. Parisians, all that I say now, I said to you twenty years ago, when it occurred to Pierre to use the octroi for his gain and your loss. I am not an agent of Normandy. Hang me if you will, but this

will not prevent oppression from being oppression. Friends, you must kill neither Jacques nor Pierre, but liberty if it frightens you, or restriction if it hurts you.

The PEOPLE. Let us hang nobody; but let us emancipate everybody.

Mr. LITTAUER. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. OLMSTED, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 16472—the legislative, executive, and judicial appropriation bill—and had come to no resolution thereon.

### CHANGE OF REFERENCE.

By unanimous consent, the Committee on the Judiciary was discharged from the consideration of the bill (H. R. 16730) to prevent the unauthorized wearing or use of badges, name, titles of officers, insignia, ritual, or ceremonies of the Benevolent and Protective Order of Elks of the United States of America, and the same was referred to the Committee on the District of Columbia.

### WITHDRAWAL OF PAPERS.

By unanimous consent, leave was granted to Mr. WEBB to withdraw from the files of the House, without leaving copies, the papers in the case of W. J. Roberts, Fifty-ninth Congress, no adverse report having been made thereon.

### LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. TAYLOR of Alabama, indefinitely, on account of important business.

### TOBACCO TRUST AND PAPER TRUST.

Mr. GAINES of Tennessee. Mr. Speaker, I hold in my hand the two opinions delivered by the Supreme Court in the so-called "tobacco trust" and "paper trust" cases. I ask unanimous consent that they may be printed in the RECORD.

The SPEAKER. The gentleman from Tennessee asks unanimous consent to print in the RECORD the opinions of the Supreme Court referred to. Is there objection?

There was no objection.

The opinions are as follows:

Supreme Court of the United States. No. 340. October term, 1905. Edwin F. Hale, appellant, *v.* William Henkel, United States marshal. Appeal from the circuit court of the United States for the southern district of New York. March 12, 1906.

This was an appeal from a final order of the circuit court made June 18, 1905, dismissing a writ of *habeas corpus* and remanding the petitioner Hale to the custody of the marshal.

The proceeding originated in a *subpœna duces tecum*, issued April 28, 1905, commanding Hale to appear before the grand jury at a time and place named to "testify and give evidence in a certain action now pending * * * in the circuit court of the United States for the southern district of New York, between the United States of America and the American Tobacco Company and MacAndrews & Forbes Company on the part of the United States, and that you bring with you and produce at the time and place aforesaid:"

1. All understandings, agreements, arrangements, or contracts, whether evidenced by correspondence, memoranda, formal agreements, or other writings, between MacAndrews & Forbes Company and six other firms and corporations named, from the date of the organization of the said MacAndrews & Forbes Company.

2. All correspondence by letter or telegram between MacAndrews & Forbes Company and six other firms and corporations.

3. All reports made or accounts rendered by these six companies or corporations to the principal company.

4. Any agreements or contracts or arrangements, however evidenced, between MacAndrews & Forbes Company and the Amsterdam Supply Company or the American Tobacco Company or the Continental Company or the Consolidated Tobacco Company.

5. All letters received by the MacAndrews & Forbes Company since the date of its organization from thirteen other companies named, located in different parts of the United States, and also copies of all correspondence with such companies.

Petitioner appeared before the grand jury in obedience to the subpœna, and before being sworn asked to be advised of the nature of the investigation in which he had been summoned; whether under any statute of the United States, and the specific charge, if any had been made, in order that he might learn whether or not the grand jury had any lawful right to make the inquiry, and also that he be furnished with a copy of the complaint, information, or proposed indictment upon which they were acting; that he had been informed that there was no action pending in the circuit court as stated in the subpœna, and that the grand jury was investigating no specific charge against anyone, and he therefore declined to answer: First, because there was no legal warrant for his examination, and, second, because his answers might tend to incriminate him.

After stating his name, residence, and the fact that he was secretary and treasurer of the MacAndrews & Forbes Company, he declined to answer all other questions in regard to the business of the company, its officers, the location of its office, or its agreement or arrangements with other companies. He was thereupon advised by the assistant district attorney that this was a proceeding under the Sherman Act to protect trade and commerce against unlawful restraint and monopolies; that under the act of 1903, amendatory thereof, no person could be prosecuted or subjected to any penalty or forfeiture on account of any matter or thing concerning which he might testify or produce documentary evidence in any prosecution under said act, and that he thereby offered and assured appellant immunity from punishment. The witness still persisted in his refusal to answer all questions.

He also declined to produce the papers and documents called for in the subpœna:

First. Because it would have been a physical impossibility to have gotten them together within the time allowed.

Second. Because he was advised by counsel that he was under no legal obligations to produce anything called for by the subpœna.

Third. Because they might tend to incriminate him.

Whereupon the grand jury reported the matter to the court, and made a presentment that Hale was in contempt, and that the proper proceedings should be taken. Thereupon all the parties appeared before the circuit judge, who directed the witness to answer the questions and produce the papers. Appellant still persisting in his refusal, the circuit judge held him to be in comptempt, and committed him to the custody of the marshal until he should answer the questions and produce the papers. A writ of *habeas corpus* was thereupon sued out, and a hearing had before another judge of the same court, who discharged the writ and remanded the petitioner.

Mr. Justice Brown delivered the opinion of the court:

Two issues are presented by the record in this case, which are so far distinct as to require separate consideration. They depend upon the applicability of different provisions of the Constitution, and, in determining the question of affirmance or reversal, should not be confounded. The first of these involves the immunity of the witness from oral examination; the second, the legality of his action in refusing to produce the documents called for by the *subpœna duces tecum*.

1. The appellant justifies his action in refusing to answer the questions propounded to him first, upon the ground that there was no specific "charge" pending before the grand jury against any particular person; second, that the answers would tend to criminate him.

The first objection requires a definition of the word "charge" as used in this connection, which it is not easy to furnish. An accused person is usually charged with crime by a complaint made before a committing magistrate, which has fully performed its office when the party is committed or held to bail, and is quite unnecessary to the finding of an indictment by a grand jury; or by an information of the district attorney, which is of no legal value in prosecutions for felony; or by a presentment usually made, as in this case, for an offense committed in the presence of the jury; or by an indictment which, as often as not, is drawn after the grand jury has acted upon the testimony. If another kind of charge be contemplated, when and by whom must it be preferred? Must it be in writing; and if so, in what form? Or may it be oral? The suggestion of the witness that he should be furnished with a copy of such charge, if applicable to him is applicable to other witnesses summoned before the grand jury. Indeed, it is a novelty in criminal procedure with which we are wholly unacquainted, and one which might involve a betrayal of the secrets of the grand jury room.

Under the ancient English system criminal prosecutions were instituted at the suit of private prosecutors, to which the King lent his name in the interest of the public peace and good order of society. In such cases the usual practice was to prepare the proposed indictment and lay it before the grand jury for their consideration. There was much propriety in this, as the most valuable function of the grand jury was not only to examine into the commission of crimes, but to stand between the prosecutor and the accused and to determine whether the charge was founded upon credible testimony or was dictated by malice or personal ill will.

We are pointed to no case, however, holding that a grand jury can not proceed without the formality of a written charge. Indeed, the oath administered to the foreman, which has come down to us from the most ancient times and is found in Rex *v.* Shaftsbury (8 Howell's State Trials, 769), indicates that the grand jury was competent to act solely on its own volition. This oath was that "you shall diligently inquire and true presentments make of all such matters, articles, and things as shall be given to you in charge, *as of all other matters and things as shall come to your own knowledge* touching this present service," etc. This oath has remained substantially unchanged to the present day. There was a difference, too, in the nomenclature of the two cases of accusations by private persons and upon their own knowledge. In the former case their action was embodied in an indictment formally laid before them for their consideration; in the latter case, in the form of a presentment. Says Blackstone in his Commentaries, Book IV, page 301:

"A presentment, properly speaking, is a notice taken by a grand jury of any offense from their own knowledge or observation, without any bill of indictment laid before them at the suit of the King, as the presentment of a nuisance, a libel, and the like, upon which the officer of the court must afterwards frame an indictment before the party presented can be put to answer it."

Substantially the same language is used in 1 Chitty Crim. Law, 162.

In United States *v.* Hill (1 Brock., 156), it was indicated by Chief Justice Marshall that a presentment and indictment are to be considered as one act, the second to be considered only as an amendment to the first, and that the usage of this country has been to pass over, unnoticed, presentments on which the attorney does not think it proper to institute proceedings.

In a case arising in Tennessee the grand jury, without the agency of the district attorney, had called witnesses before them, whom they interrogated as to their knowledge concerning the then late Cuban expedition. Mr. Justice Catron sustained the legality of the proceeding and compelled the witnesses to answer. His opinion is reported in Wharton's Criminal Pleading and Practice (8th ed.), section 337. He says: "The grand jury have the undoubted right to send for witnesses and have them sworn to give evidence generally, and to found presentments on the evidence of such witnesses; and the question here is whether a witness thus introduced is legally bound to disclose whether a crime has been committed, and also who committed the crime." His charge contains a thorough discussion of the whole subject.

While presentments have largely fallen into disuse in this country, the practice of grand juries acting upon notice, either of their own knowledge or upon information obtained by them, and incorporating their findings in an indictment, still largely obtains. Whatever doubts there may be with regard to the early English procedure the practice in this country, under the system of public prosecutions carried on by officers of the State appointed for that purpose, has been entirely settled since the adoption of the Constitution. In a lecture delivered by Mr. Justice Wilson of this court, who may be assumed to have known the current practice, before the students of Pennsylvania, he says (Wilson's Works, vol. II, p. 213):

"It has been alleged that grand juries are confined, in their inquiries, to the bills offered to them, to the crimes given them in charge, and to the evidence brought before them by the prosecutor. But these conceptions are much too contracted; they present but a very imperfect

and unsatisfactory view of the duty required from grand jurors, and of the trust reposed in them. They are not appointed for the prosecutor or for the court; they are appointed for the Government and for the people; and of both the Government and people it is surely the concernment that, on one hand, all crimes, whether given or not given in charge, whether described or not described with professional skill, should receive the punishment which the law denounces; and that, on the other hand, innocence, however strongly assailed by accusations drawn up in regular form, and by accusers, marshaled in legal array, should, on full investigation, be secure in that protection which the law engages that she shall enjoy inviolate.

"The oath of a grand juryman—and his oath is the commission under which he acts—assigns no limits, except those marked by diligence itself, to the course of his inquiries: Why, then, should it be circumscribed by more contracted boundaries? Shall diligent inquiry be enjoined? And shall the means and opportunities of inquiry be prohibited or restrained?"

Similar language was used by Judge Addison, president of the court of common pleas, in charging the grand jury at the session of the common pleas court in 1791:

"If the grand jury, of their own knowledge, or the knowledge of any of them, or from the examination of witnesses, know of any offense committed in the county, for which no indictment is preferred to them, it is their duty either to inform the officer who prosecutes for the State of the nature of the offense and desire that an indictment for it be laid before them; or, if they do not, or if no such indictment be given them, it is their duty to give such information of it to the court, stating, without any particular form, the facts and circumstances which constitute the offense. This is called a presentment."

The practice then prevailing with regard to the duty of grand juries shows that a presentment may be based not only upon their own personal knowledge, but from the examination of witnesses.

While no case has arisen in this court in which the question has been distinctly presented, the authorities in the State courts largely preponderate in favor of the theory that the grand jury may act upon information received by them from the examination of witnesses without a formal indictment or other charge previously laid before them. An analysis of cases approving of this method of procedure would unduly burden this opinion, but the following are the leading ones upon the subject: Ward *v.* State, 2 Mo., 120; State *v.* Terry, 30 Mo., 368; Ex parte Brown, 72 Mo., 83; Commonwealth *v.* Smyth, 11 Cushing, 473; State *v.* Walcott, 21 Conn., 272–280; State *v.* Magrath, 44 N. J. L., 227; Thompson & Merriam on Juries, secs. 615–617. In Blaney *v.* Maryland (74 Md., 153) the court said:

"However restricted the functions of the grand juries may be elsewhere, we hold that in this State they have plenary inquisitorial powers, and lawfully themselves, and upon their own motion, may originate charges against offenders, though no preliminary proceedings have been had before a magistrate, and though neither the court nor the State's attorney has laid the matter before them."

The rulings of the inferior Federal courts are to the same effect. Mr. Justice Field, in charging a grand jury in California (2 Sawy., 667), said of the grand jury acting upon their own knowledge:

"Not by rumors or reports, but by knowledge acquired from the evidence before you and from your own observations. Whilst you are inquiring as to one offense, another and a different offense may be proved, or witnesses before you may, in testifying, commit the crime of perjury."

Similar language was used in United States *v* Kimball, 117 Fed. Rep., 156–161; United States *v.* Reed, 2 Blatch., 449; United States *v.* Terry, 39 Fed. Rep., 355. And in Frisbie *v.* United States (157 U. S., 160) it is said by Mr. Justice Brewer:

"But in this country it is for the grand jury to investigate any alleged crime, no matter how or by whom suggested to them, and after determining that the evidence is sufficient to justify putting the suspected party on trial, to direct the preparation of the formal charge or indictment."

There are doubtless a few cases in the State courts which take a contrary view, but they are generally such as deal with the abuses of the system, as the indiscriminate summoning of witnesses with no definite object in view, and in a spirit of meddlesome inquiry. In the most pertinent of these cases (In re Lester, 77 Ga., 143), the mayor of Savannah, who was also ex officio the presiding judge of a court of record, was called upon to bring into the superior court the "information docket" of his court, to be used as evidence by the State in certain cases pending before the grand jury. It was held "that the powers of the body are inquisitorial to a certain extent is undeniable; yet they have to be exercised within well defined limits. * * * The grand jury can find no bill nor make any presentment except upon the testimony of witnesses sworn in a particular case, where the party is charged with a specified offense."

This case is readily distinguishable from the one under consideration, in the fact that the subpœna in this case did specify the action as one between the United States and the American Tobacco Company and the MacAndrews-Forbes Company; and that the Georgia penal code prescribed a form of oath for the grand jury, "that the evidence you shall give the grand jury on this bill of indictment (or presentment, as the case may be, here state the case) shall be the truth," etc. This seems to confine the witness to a charge already laid before the jury.

In Lewis *v.* Board of Commissioners (74 N. C., 194) the English practice, which requires a preliminary investigation where the accused can confront the accuser and witnesses with testimony, was adopted as more consonant to principles of justice and personal liberty. It was further said that none but witnesses have any business before the grand jury, and that the solicitor may not be present, even to examine them. The practice in this particular in the Federal courts has been quite the contrary.

Other cases lay down the principle that it must be made to appear to the grand jury that there is reason to believe that a crime has been committed, and that they have not the power to institute or prosecute an inquiry on the chance that some crime may be discovered. (In Matter of Morse, 18 N. Y. Criminal Rep., 312; State *v.* Adams, 2 Lea, 647, an unimportant case, turning upon a local statute.) In Pennsylvania grand juries are somewhat more restricted in their powers than is usual in other States (McCullough *v.* Commonwealth, 67 Penn. St., 30; Rowand *v.* Commonwealth, 82 Penn. St., 405; Commonwealth *v.* Green, 126 Penn. St., 531), and in Tennessee inquisitorial powers are granted in certain cases and withheld in others. (State *v.* Adams, 70 Tenn., 647; State *v.* Smith, 19 Tenn., 99.)

We deem it entirely clear that under the practice in this country, at least, the examination of witnesses need not be preceded by a presentment or indictment formally drawn up, but that the grand jury may proceed, either upon their own knowledge or upon the examination of witnesses, to inquire for themselves whether a crime cognizable by the court has been committed; that the result of their investigations may be subsequently embodied in an indictment, and that in summoning witnesses it is quite sufficient to apprise them of the names of the parties with respect to whom they will be called to testify, without indicating the nature of the charge against them. So valuable is this inquisitorial power of the grand jury that in States where felonies may be prosecuted by information as well as indictment the power is ordinarily reserved to courts of empaneling grand juries for the investigation of riots, frauds, and nuisances, and other cases where it is impracticable to ascertain in advance the names of the persons implicated. It is impossible to conceive that in such cases the examination of witnesses must be stopped until a basis is laid by an indictment formally preferred, when the very object of the examination is to ascertain who shall be indicted. As criminal prosecutions are instituted by the State through an officer selected for that purpose, he is vested with a certain discretion with respect to the cases he will call to their attention, the number and character of the witnesses, the form in which the indictment shall be drawn, and other details of the proceedings. Doubtless abuses of this power may be imagined, as if the object of the inquiry were merely to pry into the details of domestic or business life. But were such abuses called to the attention of the court it would doubtless be alert to repress them. While the grand jury may not indict upon current rumors or unverified reports, they may act upon knowledge acquired either from their own observations or upon the evidence of witnesses given before them.

2. Appellant also invokes the protection of the fifth amendment to the Constitution, which declares that no person "shall be compelled in any criminal case to be a witness against himself," and in reply to various questions put to him he declined to answer, on the ground that he would thereby incriminate himself.

The answer to this is found in a proviso to the general appropriation act of February 25, 1903 (32 Stat., 854–903), that "no person shall be prosecuted or be subject to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he may testify or produce evidence, documentary or otherwise, in any proceeding, suit, or prosecution under said acts," of which the antitrust law is one, providing, however, that "no person so testifying shall be exempt from prosecution or punishment for perjury committed in so testifying."

While there may be some doubt whether the examination of witnesses before a grand jury is a suit or prosecution, we have no doubt that it is a "proceeding" within the meaning of this proviso. The word should receive as wide a construction as is necessary to protect the witness in his disclosures, whenever such disclosures are made in pursuance of a judicial inquiry, whether such inquiry be instituted by a grand jury or upon the trial of an indictment found by them. The word "proceeding" is not a techincal one, and is aptly used by courts to designate an inquiriy before a grand jury. It has received this interpretation in a number of cases. (Yates *v.* The Queen, 14 Q. B. D., 648; Hogan *v.* State, 30 Wis., 428.)

The object of the amendment is to establish in express language and upon a firm basis the general principle of English and American jurisprudence, that no one shall be compelled to give testimony which may expose him to prosecution for crime. It is not declared that he may not be compelled to testify to facts which may impair his reputation for probity or even tend to disgrace him, but the line is drawn at testimony that may expose him to prosecution. If the testimony relate to criminal acts long since past, and against the prosecution of which the statute of limitations has run, or for which he has already received a pardon or is guaranteed an immunity, the amendment does not apply.

The interdiction of the fifth amendment operates only where a witness is asked to incriminate himself. In other words, to give testimony which may possibly expose him to a criminal charge. But if the criminality has already been taken away the amendment ceases to apply. The criminality provided against is a present not a past criminality, which lingers only as a memory and involves no present danger of prosecution. To put an extreme case, a man in his boyhood or youth may have committed acts which the law pronounces criminal, but it would never be asserted that he would thereby be made a criminal for life. It is here that the law steps in and says that if the offense be outlawed or pardoned, or its criminality has been removed by statute, the amendment ceases to apply. The extent of this immunity was fully considered by this court in Counselman *v.* Hitchcock (142 U. S., 547), in which the immunity offered by Revised Statutes, section 860, was declared to be insufficient. In consequence of this decision an act was passed applicable to testimony before the Interstate Commerce Commission in almost the exact language of the act of February 25, 1903, above quoted. This act was declared by this court in Brown *v.* Walker (161 U. S., 591) to afford absolute immunity against prosecution for the offense to which the question related and deprived the witness of his constitutional right to refuse to answer. Indeed, the act was passed apparently to meet the declaration in Counselman *v.* Hitchcock (586), that "a statutory enactment to be valid must afford absolute immunity against future prosecution for the offense to which the question relates." If the constitutional amendment were unaffected by the immunity statute, it would put it within the power of the witness to be his own judge as to what would tend to incriminate him, and would justify him in refusing to answer almost any question in a criminal case, unless it clearly appeared that the immunity was not set up in good faith.

We need not restate the reasons in Brown *v.* Walker, both in the opinion of the court and in the dissenting opinion, wherein all the prior authorities were reviewed and a conclusion reached by a majority of the court which fully covers the case under consideration.

The suggestion that a person who has testified compulsorily before a grand jury may not be able, if subsequently indicted for some matter concerning which he testified, to procure the evidence necessary to maintain his plea, is more fanciful than real. He would have not only his own oath in support of his immunity, but the notes often, though not always, taken of the testimony before the grand jury, as well as the testimony of the prosecuting officer, and of every member of the jury present. It is scarcely possible that all of them would have forgotten the general nature of his incriminating testimony or that any serious conflict would arise therefrom. In any event, it is a question relating to the weight of the testimony, which could scarcely be considered in determining the effect of the immunity statute. The difficulty of maintaining a case upon the available evidence is a danger which the law does not recognize. In prosecuting a case, or in setting up a defense, the law takes no account of the practical difficulty which either party may have in procuring his testimony. It judges of the law by the facts which each party claims, and not by what he may ultimately establish.

The further suggestion that the statute offers no immunity from prosecution in the State courts was also fully considered in Brown *v.* Walker and held to be no answer. The converse of this was also decided in Jack *v.* Kansas (199 U. S., 372), namely, that the fact that an immunity granted to a witness under a State statute would not prevent a prosecution of such witness for a violation of a Federal statute, did not invalidate such statute under the fourteenth amendment. It was held both by this court and by the supreme court of Kansas that the possibility that information given by the witness might be used under the Federal act did not operate as a reason for permitting the witness to refuse to answer, and that a danger so unsubstantial and remote did not impair the legal immunity. Indeed, if the argument were a sound one it might be carried still further and held to apply not only to State prosecutions within the same jurisdiction, but to prosecutions under the criminal laws of other States to which the witness might have subjected himself. The question has been fully considered in England, and the conclusion reached that the only danger to be considered is one arising within the same jurisdiction and under the same sovereignty. (Queen *v.* Boyes, 1 B. & S., 311; King of Sicilies *v.* Wilcox, 7 State Trials (N. S.), 1049, 1068; State *v.* March, 1 Jones (Ga.), 526; State *v.* Thomas, 98 N. C., 599.) The entire question of immunity is also exhaustively treated in Wigmore on Evidence, sections 2255–2259.

The case of United States *v.* Saline Bank (1 Pet., 100) is not in conflict with this. That was a bill for discovery, filed by the United States against the cashier of the Saline Bank, in the district court of the Virginia district, who pleaded that the emission of certain unlawful bills took place, within the State of Virginia, by the law whereof penalties were inflicted for such emissions. It was held that defendants were not bound to answer and subject them to those penalties. It is sufficient to say that the prosecution was under a State law which imposed the penalty, and that the Federal court was simply administering the State law, and no question arose as to a prosecution under another jurisdiction.

But it is further insisted that while the immunity statute may protect individual witnesses it would not protect the corporation of which appellant was the agent and representative. This is true, but the answer is that it was not designed to do so. The right of a person under the fifth amendment to refuse to incriminate himself is purely a personal privilege of the witness. It was never intended to permit him to plead the fact that some third person might be incriminated by his testimony, even though he were the agent of such person. A privilege so extensive might be used to put a stop to the examination of every witness who was called upon to testify before the grand jury with regard to the doings or business of his principal, whether such principal were an individual or a corporation. The question whether a corporation is a "person" within the meaning of this amendment really does not arise, except perhaps where a corporation is called upon to answer a bill of discovery, since it can only be heard by oral evidence in the person of some one of its agents or employees. The amendment is limited to a person who shall be compelled in any criminal case to be a witness against *himself*, and if he can not set up the privilege of a third person, he certainly can not set up the privilege of a corporation. As the combination or conspiracies provided against by the Sherman antitrust act can ordinarily be proved only by the testimony of parties thereto, in the person of their agents or employees, the privilege claimed would practically nullify the whole act of Congress. Of what use would it be for the legislature to declare these combinations unlawful if the judicial power may close the door of access to every available source of information upon the subject? Indeed, so strict is the rule that the privilege is a personal one that it has been held in some cases that counsel will not be allowed to make the objection. We hold that the questions should have been answered.

3. The second branch of the case relates to the nonproduction by the witness of the books and papers called for by the *subpœna duces tecum*. The witness put his refusal on the ground, first, that it was impossible for him to collect them within the time allowed; second, because he was advised by counsel that under the circumstances he was under no obligation to produce them; and finally, because they might tend to incriminate him.

Had the witness relied solely upon the first ground, doubtless the court would have given him the necessary time. The last ground we have already held untenable. While the second ground does not set forth with technical accuracy the real reason for declining to produce them, the witness could not be expected to speak with legal exactness, and we think is entitled to assert that the subpœna was an infringement upon the fourth amendment to the Constitution, which declares that "the right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized."

The construction of this amendment was exhaustively considered in the case of Boyd *v.* United States (116 U. S., 616), which was an information *in rem* against certain cases of plate glass, alleged to have been imported in fraud of the revenue acts. On the trial it became important to show the quantity and value of the glass contained in a number of cases previously imported; and the district judge, under section 5 of the act of June 22, 1874, directed a notice to be given to the claimants, requiring them to produce the invoice of these cases under penalty that the allegations respecting their contents should be taken as confessed. We held (p. 622) "that a compulsory production of a man's private papers to establish a criminal charge against him, or to forfeit his property, is within the scope of the fourth amendment, in all cases in which a search and seizure would be," and that the order in question was an unreasonable search and seizure within that amendment.

The history of this provision of the Constitution and its connections with the former practice of general warrants, or writs of assistance, was given at great length, and the conclusion reached that the compulsory extortion of a man's own testimony, or of his private papers, to connect him with a crime or a forfeiture of his goods, is illegal (p. 634), "is compelling a man to be a witness against himself, within the meaning of the fifth amendment, and is the equivalent of a search and seizure—and an unreasonable search and seizure—within the fourth amendment.

Subsequent cases treat the fourth and fifth amendments as quite distinct, having different histories, and performing separate functions. Thus in the case of Interstate Commerce Commission *v.* Brimson (154 U. S., 447), the constitutionality of the interstate-commerce act, so far as it authorized the circuit courts to use their processes in aid of inquiries before the Commission, was sustained, the court observing in that connection:

"It was clearly competent for Congress, to that end, to invest the Commission with authority to require the attendance and testimony of witnesses, and the production of books, papers, tariffs, contracts, agreements, and documents relating to any matter legally committed to that body for investigation. We do not understand that any of these propositions are disputed in this case."

The case of Adams *v.* United States (192 U. S., 585), which was a writ of error to the supreme court of the State of New York, involving the seizure of certain gambling paraphernalia, was treated as involving the construction of the fourth and fifth amendments to the Federal Constitution. It was held, in substance, that the fact that papers pertinent to the issue may have been illegally taken from the possession of the party against whom they are offered, was not a valid objection to their admissibility; that the admission, as evidence in a criminal trial, of papers found in the execution of a valid search warrant prior to the indictment was not an infringement of the fifth amendment, and that by the introduction of such evidence defendant was not compelled to incriminate himself. The substance of the opinion is contained in the following paragraph. It was contended that "If a search warrant is issued for stolen property and burglars' tools be discovered and seized, they are to be excluded from testimony by force of these amendments. We think they were never intended to have that effect, but are rather designed to protect against compulsory testimony from a defendant against himself in a criminal trial, and to punish wrongful invasion of the home of the citizen or the unwarranted seizure of his papers and property, and to render invalid legislation or judicial procedure having such effect."

The Boyd case must also be read in connection with the still later case of Interstate Commerce Commission *v.* Baird (194 U. S., 25), which arose upon the petition of the Commission for orders requiring the testimony of witnesses and the production of certain books, papers, and documents. The case grew out of a complaint against certain railway companies that they charged unreasonable and unjust rates for the transportation of anthracite coal. Objection was made to the production of certain contracts between these companies upon the ground that it would compel the witnesses to furnish evidence against themselves, in violation of the fifth amendment, and would also subject the parties to unreasonable searches and seizures. It was held that the circuit court erred in holding the contracts to be irrelevant and in refusing to order their production as evidence by the witnesses who were parties to the appeal. In delivering the opinion of the court the Boyd case was again considered in connection with the fourth and fifth amendments, and the remark made by Mr. Justice Day that the immunity statute of 1893 "protects the witness from such use of the testimony given as will result in his punishment for crime or the forfeiture of his estate."

Having already held that by reason of the immunity act of 1903 the witness could not avail himself of the fifth amendment, it follows that he can not set up that amendment as against the production of the books and papers, since in respect to these he would also be protected by the immunity act. We think it quite clear that the search and seizure clause of the fourth amendment was not intended to interfere with the power of courts to compel, through a *subpœna duces tecum*, the production, upon a trial in court, of documentary evidence. As remarked in Summers *v.* Mosely (2 Cr. & M., 477), it would be "utterly impossible to carry on the administration of justice" without this writ. The following authorities are conclusive upon this question: Amey *v.* Long, 9 East, 473; Bull *v.* Loveland, 10 Pick., 9; United States Express Co. *v.* Henderson, 69 Iowa, 40; Greenleaf on Evidence, 469*a*; Wigmore on Evidence, section 2264.

If, whenever an officer or employee of a corporation were summoned before a grand jury as a witness he could refuse to produce the books and documents of such corporation, upon the ground that they would incriminate the corporation itself, it would result in the failure of a large number of cases where the illegal combination was determinable only upon the examination of such papers. Conceding that the witness was an officer of the corporation under investigation, and that he was entitled to assert the rights of the corporation with respect to the production of its books and papers, we are of the opinion that there is a clear distinction in this particular between an individual and a corporation, and that the latter has no right to refuse to submit its books and papers for an examination at the suit of the State. The individual may stand upon his constitutional rights as a citizen. He is entitled to carry on his private business in his own way. His power to contract is unlimited. He owes no duty to the State or to his neighbors to divulge his business, or to open his doors to an investigation, so far as it may tend to criminate him. He owes no such duty to the State, since he receives nothing therefrom beyond the protection of his life and property. His rights are such as existed by the law of the land long antecedent to the organization of the State, and can only be taken from him by due process of law and in accordance with the Constitution. Among his rights are a refusal to incriminate himself, and the immunity of himself and his property from arrest or seizure except under a warrant of the law. He owes nothing to the public so long as he does not trespass upon their rights.

Upon the other hand the corporation is a creature of the State. It is presumed to be incorporated for the benefit of the public. It receives certain special privileges and franchises, and holds them subject to the laws of the State and the limitations of its charter. Its powers are limited by law. It can make no contract not authorized by its charter. Its rights to act as a corporation are only preserved to it so long as it obeys the laws of its creation. There is a reserved right in the legislature to investigate its contracts and find out whether it has exceeded its powers. It would be a strange anomaly to hold that a State, having chartered a corporation, to make use of certain franchises, could not in the exercise of its sovereignty inquire how these franchises had been employed, and whether they had been abused, and demand the production of the corporate books and papers for that purpose. The defense amounts to this: That an officer of a corporation, which is charged with a criminal violation of the statute may plead the criminality of such corporation as a refusal to produce its books. To state this proposition is to answer it. While an individual may lawfully refuse to answer incriminating questions unless protected by an immunity statute, it does not follow that a corporation, vested with special privileges and franchises, may refuse to show its hand when charged with an abuse of such privileges.

It is true that the corporation in this case was chartered under the laws of New Jersey, and that it receives its franchise from the legislature of the State; but such franchises, so far as they involve questions of interstate commerce, must also be exercised in subordination to the power of Congress to regulate such commerce, and in respect to this the General Government may also assert a sovereign authority to ascertain whether such franchises have been exercised in a lawful manner, with a due regard to its own laws. Being subject to

this dual sovereignty the General Government possesses the same right to see that its own laws are respected as the State would have with respect to the special franchises vested in it by the laws of the State. The powers of the General Government in this particular in the vindication of its own laws are the same as if the corporation had been created by an act of Congress. It is not intended to intimate, however, that it has a general visitatorial power over State corporations.

4. Although, for the reasons above stated, we are of the opinion that an officer of a corporation which is charged with a violation of a statute of the State of its creation, or of an act of Congress passed in the exercise of its constitutional powers, can not refuse to produce the books and papers of such corporation, we do not wish to be understood as holding that a corporation is not entitled to immunity, under the fourth amendment, against *unreasonable* searches and seizures. A corporation is, after all, but an association of individuals under an assumed name and with a distinct legal entity. In organizing itself as a collective body it waives no constitutional immunities appropriate to such body. Its property can not be taken without compensation. It can only be proceeded against by due process of law, and is protected, under the fourteenth amendment, against unlawful discrimination. (Gulf, etc., Railroad Company *v.* Ellis, 165 U. S., 150, 154, and cases cited.) Corporations are a necessary feature of modern business activity, and their aggregated capital has become the source of nearly all great enterprises.

We are also of opinion that an order for the production of books and papers may constitute an unreasonable search and seizure within the fourth amendment. While a search ordinarily implies a quest by an officer of the law, and a seizure contemplates a forcible dispossession of the owner, still, as was held in the Boyd case, the substance of the offense is the compulsory production of private papers, whether under a search warrant or a *subpœna duces tecum*, against which the person, be he individual or corporation, is entitled to protection. Applying the test of reasonableness to the present case, we think the *subpœna duces tecum* is far too sweeping in its terms to be regarded as reasonable. It does not require the production of a single contract, or of contracts with a particular corporation, or a limited number of documents, but all understandings, contracts, or correspondence between the MacAndrews & Forbes Company and no less than six different companies, as well as all reports made and accounts rendered by such companies from the date of the organization of the MacAndrews & Forbes Company, as well as all letters received by that company since its organization from more than a dozen different companies, situated in seven different States in the Union.

If the writ had required the production of all the books, papers, and documents found in the office of the MacAndrews & Forbes Company, it would scarcely be more universal in its operation, or more completely put a stop to the business of that company. Indeed, it is difficult to say how its business could be carried on after it had been denuded of this mass of material, which is not shown to be necessary in the prosecution of this case, and is clearly in violation of the general principle of law with regard to the particularity required in the description of documents necessary to a search warrant or subpœna. Doubtless many, if not all, of these documents may ultimately be required, but some necessity should be shown, either from an examination of the witnesses orally, or from the known transactions of these companies with the other companies implicated, or some evidence of their materiality produced, to justify an order for the production of such a mass of papers. A general subpœna of this description is equally indefensible as a search warrant would be if couched in similar terms. (Ex parte Brown, 72 Mo., 83; Shaftsbury *v.* Arrowsmith, 4 Ves., 66; Lee *v.* Angas, L. R. 2 Eq., 59.)

Of course, in view of the power of Congress over interstate commerce, to which we have adverted, we do not wish to be understood as holding that an examination of the books of a corporation, if duly authorized by act of Congress, would constitute an unreasonable search and seizure within the fourth amendment.

But this objection to the subpœna does not go to the validity of the order remanding the petitioner, which is therefore affirmed.

True copy. Test:

_____,

*Clerk Supreme Court United States.*

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Supreme Court of the United States. No. 341, October term, 1905. William H. McAlister, appellant, *v.* William Henkel, United States marshal. Appeal from the circuit court of the United States for the southern district of New York. March 12, 1906.

Mr. Justice Brown delivered the opinion of the court:

This case involves many of the questions already passed upon in the opinion in Hale *v.* Henkel, differing from that case, however, in two important particulars: First, in the fact that there was a complaint and charge made on behalf of the United States against the American Tobacco Company and the Imperial Tobacco Company under the so-called "Sherman Act," and, second, that the subpœna pointed out the particular writings sought for (three agreements), giving in each case the date, the names of the parties, and, in one instance, a suggestion of the contents.

The witness McAlister, who was secretary and a director of the American Tobacco Company, refused to answer or produce the documents for practically the same reasons assigned by the appellant Hale, demanding to be advised what the suit or proceeding was, and to be furnished with a copy of the proposed indictment. A copy of one of the agreements with three English companies and certified by the consul-general of the United States is contained in the record.

For reasons already partly set forth, we think that the immunity provided by the fifth amendment against self-incrimination is personal to the witness himself, and that he can not set up the privilege of another person or of a corporation as an excuse for a refusal to answer—in other words, the privilege is that of the witness himself and not that of the party on trial. The authorities are practically uniform on this point: Commonwealth *v.* Shaw (4 Cush., 594); State *v.* Wentworth (65 Maine, 234, 241); Reynolds *v.* Reynolds (15 Cox Criminal Cases, 108, 115). In New York Life Insurance Co. *v.* People (195 Ill., 430) the privilege was claimed by a corporation, but the agent of an insurance company was permitted to testify in a suit for the recovery of a statutory penalty to facts showing the performance by the corporation of the act prohibited. An elaborate history of this privilege and its limitations is given by Professor Wigmore in his recent work on Evidence, sections 2250 to 2259. Indeed, the authorities are numerous to the effect that an officer of a corporation can not set up the privilege of a corporation as against his testimony or the production of their books.

The questions are the same as those involved in the Hale case, without the objectionable feature of the subpœna, and the order of the circuit court is therefore affirmed.

True copy. Test:

_____,

*Clerk Supreme Court United States.*

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 4969. An act granting permission to Rear-Admiral C. H. Davis, United States Navy, to accept a silver cup and salver and a silver punch bowl and cups tendered to him by the British and Russian ambassadors, respectively, in the name of their Governments—to the Committee on Foreign Affairs.

S. 3401. An act for the relief of the executors of the estate of Harold Brown, deceased—to the Committee on Claims.

ENROLLED BILL SIGNED.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 51. An act to create a juvenile court in and for the District of Columbia.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills and joint resolution:

H. J. Res. 83. Joint resolution for a report, etc., upon the preservation of Niagara Falls;

H. R. 345. An act to provide for an increased annual appropriation for agricultural experiment stations and regulating the expenditure thereof;

H. R. 8107. An act extending the public-land laws to certain lands in Wyoming;

H. R. 13398. An act to amend section 4400 of the Revised Statutes, relating to inspection of steam vessels;

H. R. 15263. An act to authorize William Smith and associates to bridge the Tug Fork of the Big Sandy River, near Williamson, W. Va., where the same forms the boundary line between the States of West Virginia and Kentucky;

H. R. 8103. An act to authorize the construction of a bridge between Fort Snelling Reservation and St. Paul, Minn.;

H. R. 58. An act to prevent the unlawful wearing of the badge or insignia of the Grand Army of the Republic or other soldier organizations; and

H. R. 122. An act to require the erection of fire escapes in certain buildings in the District of Columbia, and for other purposes.

Mr. LITTAUER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 2 o'clock and 50 minutes p. m.) the House adjourned until Friday, March 16, at 12 o'clock m.

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## EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the acting secretary of the Smithsonian Institution submitting an estimate of appropriation for the work of the International Catalogue of Scientific Literature—to the Committee on Appropriations, and ordered to be printed.

A letter from the Director of the Geological Survey submitting a report on the subject of a building for the Survey—to the Committee on Public Buildings and Grounds, and ordered to be printed.

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## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. HOGG, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 15848) authorizing the sale of timber on the Jicarilla Apache Indian Reservation for the benefit of the Indians belonging thereto, reported the same with amendment, accompanied by a report (No. 2331); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BURKE of South Dakota, from the Committee on In-

dian Affairs, to which was referred the bill of the House (H. R. 9306) to authorize the sale of a portion of the Lower Brule Indian Reservation, in South Dakota, and for other purposes, reported the same with amendment, accompanied by a report (No. 2333); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. STERLING, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 239) relating to liability of common carriers by railroads in the District of Columbia and Territories and common carriers by railroads engaged in commerce between the States and between the States and foreign nations to their employees, reported the same with amendment, accompanied by a report (No. 2335); which said bill and report were referred to the House Calendar.

Mr. CAPRON, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 71) to provide a temporary home for ex-volunteer Union soldiers and sailors in the District of Columbia, reported the same with amendment, accompanied by a report (No. 2336); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

## REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. McLAIN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 4364) granting an increase of pension to George W. Neece, reported the same with amendment, accompanied by a report (No. 2288); which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON of Alabama, from the Committee on Pensions, to which was referred the bill of the House (H. R. 5488) granting a pension to Margaret E. Foster, reported the same with amendment, accompanied by a report (No. 2289); which said bill and report were referred to the Private Calendar.

Mr. DICKSON of Illinois, from the Committee on Pensions, to which was referred the bill of the House (H. R. 7232) granting a pension to Alba B. Bean, reported the same with amendment, accompanied by a report (No. 2290); which said bill and report were referred to the Private Calendar.

Mr. MACON, from the Committee on Pensions, to which was referred the bill of the House (H. R. 8319) granting an increase of pension to John Gardner Stocks, reported the same with amendment, accompanied by a report (No. 2291); which said bill and report were referred to the Private Calendar.

Mr. AIKEN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 8475) granting a pension to John F. Tathem, reported the same with amendment, accompanied by a report (No. 2292); which said bill and report were referred to the Private Calendar.

Mr. PATTERSON of Pennsylvania, from the Committee on Pensions, to which was referred the bill of the House (H. R. 8687) granting a pension to William I. Lusch, reported the same with amendment, accompanied by a report (No. 2293); which said bill and report were referred to the Private Calendar.

Mr. AIKEN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 8869) granting an increase of pension to Nathan Coward, reported the same with amendment, accompanied by a report (No. 2294); which said bill and report were referred to the Private Calendar.

Mr. MACON, from the Committee on Pensions, to which was referred the bill of the House (H. R. 9270) granting an increase of pension to Wiley B. Johnson, reported the same with amendment, accompanied by a report (No. 2295); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 9271) granting an increase of pension to Joseph Henry Martin, reported the same with amendment, accompanied by a report (No. 2296); which said bill and report were referred to the Private Calendar.

Mr. McLAIN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 10424) granting a pension to Smith Thompson, reported the same with amendment, accompanied by a report (No. 2297); which said bill and report were referred to the Private Calendar.

Mr. MACON, from the Committee on Pensions, to which was referred the bill of the House (H. R. 10449) granting an increase of pension to George B. D. Alexander, reported the same with amendment, accompanied by a report (No. 2298); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 10451) granting an increase of pension to Robert M. White, reported the same with amendment, accompanied by a report (No. 2299); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 10452) granting an increase of pension to Richard C. Daly, reported the same with amendment, accompanied by a report (No. 2300); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 10830) granting an increase of pension to Dudley Portwood, reported the same with amendment, accompanied by a report (No. 2301); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 10831) granting an increase of pension to Levi C. Bishop, reported the same with amendment, accompanied by a report (No. 2302); which said bill and report were referred to the Private Calendar.

Mr. PATTERSON of Pennsylvania, from the Committee on Pensions, to which was referred the bill of the House (H. R. 11046) granting an increase of pension to Helen G. Heiner, reported the same with amendment, accompanied by a report (No. 2303); which said bill and report were referred to the Private Calendar.

Mr. MACON, from the Committee on Pensions, to which was referred the bill of the House (H. R. 11331) granting an increase of pension to Thomas Rowan, reported the same with amendment, accompanied by a report (No. 2304); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 11332) granting an increase of pension to William F. Kenner, reported the same without amendment, accompanied by a report (No. 2305); which said bill and report were referred to the Private Calendar.

Mr. DICKSON of Illinois, from the Committee on Pensions, to which was referred the bill of the House (H. R. 12556) granting an increase of pension to Joseph W. Coppage, reported the same with amendment, accompanied by a report (No. 2306); which said bill and report were referred to the Private Calendar.

Mr. AIKEN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 12059) granting an increase of pension to Mildred W. Mitchell, reported the same with amendment, accompanied by a report (No. 2307); which said bill and report were referred to the Private Calendar.

Mr. BENNETT of Kentucky, from the Committee on Pensions, to which was referred the bill of the House (H. R. 13504) granting an increase of pension to Elizabeth Thompson, reported the same with amendment, accompanied by a report (No. 2308); which said bill and report were referred to the Private Calendar.

Mr. McLAIN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 14566) granting an increase of pension to Robert E. McKiernan, reported the same without amendment, accompanied by a report (No. 2309); which said bill and report were referred to the Private Calendar.

Mr. DICKSON of Illinois, from the Committee on Pensions, to which was referred the bill of the House (H. R. 14677) granting a pension to Reuben R. Ballenger, reported the same with amendment, accompanied by a report (No. 2310); which said bill and report were referred to the Private Calendar.

Mr. McLAIN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 14915) granting an increase of pension to Andrew W. Tracy, reported the same with amendment, accompanied by a report (No. 2311); which said bill and report were referred to the Private Calendar.

Mr. BENNETT of Kentucky, from the Committee on Pensions, to which was referred the bill of the House (H. R. 14920) granting an increase of pension to Winfield S. Bruce, reported the same with amendment, accompanied by a report (No. 2312); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 15277) granting an increase of pension to George W. Pierce, reported the same without amendment, accompanied by a report (No. 2313); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 15306) granting an increase of pension to Asa Wall, reported the same with amendment, accompanied by a report (No. 2314); which said bill and report were referred to the Private Calendar.

Mr. DICKSON of Illinois, from the Committee on Pensions, to which was referred the bill of the House (H. R. 15415) granting an increase of pension to Ann R. Nelson, reported the same with amendment, accompanied by a report (No. 2315); which said bill and report were referred to the Private Calendar.

Mr. BENNETT of Kentucky, from the Committee on Pensions, to which was referred the bill of the House (H. R. 15621) granting an increase of pension to Caleb M. Tarter, reported the same with amendment, accompanied by a report (No. 2316); which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON of Kentucky, from the Committee on Pensions, to which was referred the bill of the House (H. R. 15687) granting an increase of pension to William F. M. Reil, reported the same with amendment, accompanied by a report (No. 2317); which said bill and report were referred to the Private Calendar.

Mr. BENNETT of Kentucky, from the Committee on Pensions, to which was referred the bill of the House (H. R. 15701) granting an increase of pension to William Brown, reported the same with amendment, accompanied by a report (No. 2318); which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON of Alabama, from the Committee on Pensions, to which was referred the bill of the House (H. R. 15867) granting an increase of pension to Annie M. Stevens, reported the same with amendment, accompanied by a report (No. 2319); which said bill and report were referred to the Private Calendar.

Mr. DRAPER, from the Committee on Pensions, to which was referred the bill of the House (H. R. 15894) granting an increase of pension to Alma L. Wells, reported the same with amendment, accompanied by a report (No. 2320); which said bill and report were referred to the Private Calendar.

Mr. DICKSON of Illinois, from the Committee on Pensions, to which was referred the bill of the House (H. R. 15907) granting an increase of pension to Louis De Laittre, reported the same with amendment, accompanied by a report (No. 2321); which said bill and report were referred to the Private Calendar.

Mr. McLAIN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 16023) granting an increase of pension to Sheldon B. Fargo, reported the same with amendment, accompanied by a report (No. 2322); which said bill and report were referred to the Private Calendar.

Mr. AIKEN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 16182) granting an increase of pension to S. F. Williams, reported the same with amendment, accompanied by a report (No. 2323); which said bill and report were referred to the Private Calendar.

Mr. LONGWORTH, from the Committee on Pensions, to which was referred the bill of the House (H. R. 16215) granting an increase of pension to Mary Dagenfield, reported the same with amendment, accompanied by a report (No. 2324); which said bill and report were referred to the Private Calendar.

Mr. BENNETT of Kentucky, from the Committee on Pensions, to which was referred the bill of the House (H. R. 16250) granting an increase of pension to A. J. Mowery, reported the same with amendment, accompanied by a report (No. 2325); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 16428) granting an increase of pension to Edwin Hicks, reported the same with amendment, accompanied by a report (No. 2326); which said bill and report were referred to the Private Calendar.

Mr. AMES, from the Committee on Pensions, to which was referred the bill of the House (H. R. 16504) granting an increase of pension to Thomas W. Barnum, reported the same with amendment, accompanied by a report (No. 2327); which said bill and report were referred to the Private Calendar.

Mr. LOUDENSLAGER, from the Committee on Pensions, to which was referred the bill of the House (H. R. 16514) granting an increase of pension to John W. Barton, reported the same without amendment, accompanied by a report (No. 2328); which said bill and report were referred to the Private Calendar.

Mr. CAMPBELL of Kansas, from the Committee on Pensions, to which was referred the bill of the House (H. R. 16520) granting an increase of pension to Edward C. Farrell, reported the same with amendment, accompanied by a report (No. 2329); which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON of Alabama, from the Committee on Pensions, to which was referred the bill of the House (H. R. 3273) granting an increase of pension to Andrew J. Levi, reported the same without amendment, accompanied by a report (No. 2330); which said bill and report were referred to the Private Calendar.

## ADVERSE REPORTS.

Under clause 2, Rule XIII, adverse reports were delivered to the Clerk, and laid on the table, as follows:

Mr. WILEY of Alabama, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 7611) to remove the charge of desertion from the military record of Roswell W. Gould, reported the same adversely, accompanied by a report (No. 2334); which said bill and report were ordered laid on the table.

## PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. VOLSTEAD: A bill (H. R. 16794) to provide for the disposal of timber on certain public lands—to the Committee on the Public Lands.

By Mr. FULKERSON: A bill (H. R. 16795) to increase the pensions of Mexican war survivors—to the Committee on Pensions.

By Mr. GILL: A bill (H. R. 16796) to provide for the retirement of certain letter carriers and regulating the pay of same—to the Committee on the Post-Office and Post-Roads.

By Mr. McGUIRE (by request): A bill (H. R. 16797) establishing an additional recording district in Indian Territory—to the Committee on the Judiciary.

By Mr. CALDER: A bill (H. R. 16798) repealing a provision of section 13 of an act approved March 3, 1899, entitled "An act to reorganize and increase the efficiency of the personnel of the Navy and Marine Corps of the United States"—to the Committee on Naval Affairs.

By Mr. HEARST: A bill (H. R. 16799) to increase the salaries of the Chief Justice and the associate justices of the Supreme Court—to the Committee on the Judiciary.

By Mr. WANGER: A bill (H. R. 16800) to establish additional aids to navigation in Delaware Bay and River—to the Committee on Interstate and Foreign Commerce.

By Mr. PAGE: A bill (H. R. 16801) authorizing a public building at Lexington, N. C.—to the Committee on Public Buildings and Grounds.

By Mr. UNDERWOOD: A bill (H. R. 16802) to fix the regular terms of the circuit and district courts of the United States for the southern division of the northern district of Alabama, and for other purposes—to the Committee on the Judiciary.

By Mr. THOMAS of North Carolina: A bill (H. R. 16803) for the survey of Northeast Cape Fear River, North Carolina—to the Committee on Rivers and Harbors.

By Mr. SMALL: A bill (H. R. 16804) providing for the use of $3,000,000 of the money that would otherwise become a part of the reclamation fund for the drainage of certain lands in North Carolina and Virginia, and for other purposes—to the Committee on the Public Lands.

By Mr. ELLERBE: A bill (H. R. 16805) to build a road to the national military cemetery at Florence, S. C.—to the Committee on Military Affairs.

By Mr. HARDWICK: A resolution (H. Res. 366) instructing the Committee on Election of President, Vice-President, and Representatives in Congress to make investigations as to contributions in the national election of 1904—to the Committee on Rules.

By the SPEAKER: A memorial of the general court of Massachusetts, favoring the consolidation of third and fourth class rates of postage—to the Committee on the Post-Office and Post-Roads.

By Mr. WEEKS: A memorial of the legislature of Massachusetts, requesting Congress to consolidate the present third and fourth class rates of postage—to the Committee on the Post-Office and Post-Roads.

By Mr. SULLIVAN of Massachusetts: A memorial of the Commonwealth of Massachusetts, requesting Congress to consolidate the present third and fourth class rates of postage—to the Committee on the Post-Office and Post-Roads.

## PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ADAMS of Pennsylvania: A bill (H. R. 16806) granting an increase of pension to Henry Brenizer—to the Committee on Invalid Pensions.

By Mr. ADAMS of Wisconsin: A bill (H. R. 16807) granting an increase of pension to Isabella Ellis—to the Committee on Invalid Pensions.

By Mr. BONYNGE: A bill (H. R. 16808) granting a pension to Sadie M. Likens—to the Committee on Invalid Pensions.

By Mr. BUCKMAN: A bill (H. R. 16809) granting an increase of pension to Conrad Ditmore—to the Committee on Invalid Pensions.

By Mr. CALDERHEAD: A bill (H. R. 16810) granting a pension to Henry C. Jackson—to the Committee on Invalid Pensions.

By Mr. CHAPMAN: A bill (H. R. 16811) granting a pension to Susan T. Sailor—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16812) granting an increase of pension to Dudley McKibben—to the Committee on Invalid Pensions.

By Mr. COLE: A bill (H. R. 16813) granting an increase of pension to Charles W. Brumm—to the Committee on Invalid Pensions.

By Mr. CONNER: A bill (H. R. 16814) granting a pension to Mary J. Williams—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16815) granting an increase of pension to Sophia Griggs—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16816) granting an increase of pension to Charles M. Curtis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16817) granting an increase of pension to Samuel Wise—to the Committee on Invalid Pensions.

By Mr. DE ARMOND (by request): A bill (H. R. 16818) granting an increase of pension to David R. Walden—to the Committee on Invalid Pensions.

By Mr DICKSON of Illinois: A bill (H. R. 16819) granting a pension to John V. Sumner—to the Committee on Pensions.

Also, a bill (H. R. 16820) granting an increase of pension to Rolandus O. Longenecker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16821) granting an increase of pension to Silas Perry—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16822) granting an increase of pension to Henry Bibb—to the Committee on Invalid Pensions.

By Mr. DIXON of Indiana: A bill (H. R. 16823) for the relief of the estate of Josiah Jennison, deceased—to the Committee on War Claims.

Also, a bill (H. R. 16824) granting an increase of pension to James Waskom—to the Committee on Pensions.

Also, a bill (H. R. 16825) to correct the military record of John L. Wilson—to the Committee on Military Affairs.

By Mr. FOSTER of Vermont: A bill (H. R. 16826) to authorize the President of the United States to appoint Maj. Gen. Oliver O. Howard, United States Army, retired, to be Lieutenant-General, United States Army—to the Committee on Military Affairs.

By Mr. GILBERT of Indiana: A bill (H. R. 16827) granting an increase of pension to Nancy A. McMurray—to the Committee on Invalid Pensions.

By Mr. HARDWICK: A bill (H. R. 16828) granting an increase of pension to Georgia Ann Hughes—to the Committee on Pensions.

By Mr. HILL of Mississippi: A bill (H. R. 16829) granting a pension to Narcissa G. Short—to the Committee on Pensions.

By Mr. LESTER: A bill (H. R. 16830) for the relief of July Anderson—to the Committee on War Claims.

Also, a bill (H. R. 16831) for the relief of Plymouth Frazier, jr.—to the Committee on War Claims.

Also, a bill (H. R. 16832) for the relief of Plymouth Frazier—to the Committee on War Claims.

By Mr. LIVINGSTON: A bill (H. R. 16833) granting an increase of pension to Tenora M. Flake—to the Committee on Pensions.

By Mr. LOUD: A bill (H. R. 16834) granting an increase of pension to Allan S. Rose—to the Committee on Pensions.

Also, a bill (H. R. 16835) granting an increase of pension to Daniel G. Smith—to the Committee on Pensions.

By Mr. McCREARY of Pennsylvania: A bill (H. R. 16836) granting an increase of pension to David C. Winebrener—to the Committee on Invalid Pensions.

By Mr. MAHON: A bill (H. R. 16837) granting an increase of pension to John Rourke—to the Committee on Invalid Pensions.

By Mr. MAYNARD: A bill (H. R. 16838) granting an increase of pension to Elizabeth Whitty—to the Committee on Invalid Pensions.

By Mr. OVERSTREET: A bill (H. R. 16839) granting an increase of pension to Benjamin F. Johnson—to the Committee on Invalid Pensions.

By Mr. RICHARDSON of Kentucky: A bill (H. R. 16840) granting a pension to Lue Grundy—to the Committee on Invalid Pensions.

By Mr. SHARTEL: A bill (H. R. 16841) granting an increase of pension to Thomas J. Griffin—to the Committee on Invalid Pensions.

By Mr. SOUTHARD: A bill (H. R. 16842) granting an increase of pension to Thomas H. Thornburgh—to the Committee on Invalid Pensions.

By Mr. THOMAS of North Carolina: A bill (H. R. 16843) for the relief of the heirs of John B. Wolf, deceased—to the Committee on War Claims.

By Mr. VAN WINKLE: A bill (H. R. 16844) granting a pension to Ellen Ramsey—to the Committee on Invalid Pensions.

By Mr. WATSON: A bill (H. R. 16845) granting a pension to Martha J. Pleak—to the Commitee on Invalid Pensions.

Also, a bill (H. R. 16846) granting a pension to Ann Graham—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16847) granting an increase of pension to Reuben Smalley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16848) granting an increase of pension to John Mausner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16849) granting an increase of pension to Warren Johnson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16850) granting an increase of pension to John Virden—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16851) granting an increase of pension to Joseph A. Ellis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16852) granting an increase of pension to John W. Kennedy—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16853) granting an increase of pension to William Hare—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16854) granting an increase of pension to David P. Demree—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16855) granting an increase of pension to Col. Milton H. Peden—to the Committee on Invalid Pensions.

Also, a bill (H. R 16856) granting an increase of pension to Joseph McBride—to the Committee on Invalid Pensions

By Mr. WEISSE: A bill (H. R. 16857) granting an increase of pension to Jeremiah Y. Antrim—to the Committee on Invalid Pensions.

By Mr. WELBORN: A bill (H. R. 16858) granting a pension to E. J. White—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16859) granting a pension to John P. Maw—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16860) granting a pension to James T. Calvin—to the Committee on Invalid Pensions.

## CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 6150) for the relief of the heirs of William H. Blades—Committee on Claims discharged, and referred to the Committee on War Claims.

A bill (H. R. 11721) for the relief of the estate of Wiley J. Davis—Committee on Claims discharged, and referred to the Committee on War Claims.

A bill (H. R. 16757) for the relief of Jordan H. Moore—Committee on Invalid Pensions discharged, and referred to the Committee on Claims.

A bill (H. R. 13734) for the relief of Harriet Kyler—Committee on Claims discharged, and referred to the Committee on War Claims.

A bill (H. R. 13733) for the relief of B. F. Jamison—Committee on Claims discharged, and referred to the Committee on War Claims.

## PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of citizens of Waldron, Ill., against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. ADAMS of Pennsylvania: Petition of Loyal Council, No. 94, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of George G. Mead Post, Grand Army of the Republic, No. 1, for bill H. R. 3814—to the Committee on Invalid Pensions.

By Mr. ALEXANDER: Petition of the Musicians' Protective Association of Buffalo, N. Y., for bill H. R. 8748—to the Committee on Naval Affairs.

By Mr. ALLEN of Maine: Petition of Elmer H. Sibley and 93 others, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. ANDRUS: Petition of the Register, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. BARCHFELD: Petition of the Pennsylvania Federation of Women, relative to forest reserves in the White Mountains, etc., and for the Morris law—to the Committee on Agriculture.

Also, petition of the State Federation of Pennsylvania Women, for preservation of Niagara Falls—to the Committee on Rivers and Harbors.

Also, paper to accompany bill for relief of Richard Callaghan—to the Committee on Invalid Pensions.

Also, petition of the Fred S. Clark Company, of Cleveland, Ohio, relative to the New York and New Haven Railway discriminating in the matter of rates—to the Committee on Interstate and Foreign Commerce.

By Mr. BENNET of New York: Paper to accompany bill for relief of William J. Girvan—to the Committee on Invalid Pensions.

Also, petition of veterans of the Mexican war, for more adequate pensions—to the Committee on Pensions.

By Mr. BENNETT of Kentucky: Petition of Ornan Bogg et al., for bill H. R. 2606—to the Committee on Invalid Pensions.

Also, petition of A. M. Zigler and citizens, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, paper to accompany bill for relief of John W. Fultzer—to the Committee on War Claims.

Also, paper to accompany bill for relief of W. S. Adams—to the Committee on War Claims.

Also, paper to accompany bill for relief of estate of W. D. Jones—to the Committee on War Claims.

Also, paper to accompany bill for relief of Nimrod Pratt—to the Committee on War Claims.

Also, paper to accompany bill for relief of William H. Pope—to the Committee on War Claims.

Also, paper to accompany bill for relief of estate of T. K. Ball—to the Committee on War Claims.

Also, paper to accompany bill for relief of A. J. Henshaw—to the Committee on Military Affairs.

Also, papers to accompany bills for relief of Joseph Seagrave, Thomas Columbia, Travis Stull, Frances M. McGuire, and Robert Ross—to the Committee on Military Affairs.

By Mr. BONYNGE: Petitions of Mrs. Mercer, of the Methodist Episcopal Missionary Society, and the Presbyterian Missionary Society, against liquor selling in any building of the United States Government and against opium selling under the same jurisdiction—to the Committee on Alcoholic Liquor Traffic.

Also, petition of citizens of Laird, Colo., against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. BUCKMAN: Petition of citizens of Batavia, Todd County, Minn., against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. BURKE of Pennsylvania: Petition of the California Fruit Growers' Exchange, relative to railway rates, private cars, etc.—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Fred G. Clarke Company, of Cleveland, Ohio, relative to the New York and New Haven Railway Company discriminating in rates—to the Committee on Interstate and Foreign Commerce.

By Mr. BURLEIGH: Paper to accompany bill for relief of Hartley B. Cox—to the Committee on Invalid Pensions.

Also, petition of citizens of Maine, for the Granger good-roads bill—to the Committee on Agriculture.

By Mr. BURTON of Ohio: Petition of citizens of Cleveland, Ohio, against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. BUTLER of Tennessee: Paper to accompany bill for relief of Martha J. Netherton (previously referred to the Committee on Invalid Pensions)—to the Committee on Military Affairs.

By Mr. CHANEY: Paper to accompany bill for relief of Hiran E. Crouch—to the Committee on Invalid Pensions.

By Mr. COOPER of Wisconsin: Petition of Local Union No. 42, of Racine, Wis., American Federation of Musicians, for bill H. R. 8748—to the Committee on Naval Affairs.

By Mr. DAVIS of Minnesota: Petition of the International Association of Machinists, for bills H. R. 10069 and S. 2633—to the Committee on Naval Affairs.

Also, petition of the Minnesota Editorial Association, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. DAWSON: Petition of J. I. Grieser and 53 others, against bill H. R. 7067—to the Committee on Indian Affairs.

By Mr. DE ARMOND: Petition of the Oklahoma Enterprise, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. DICKSON of Illinois: Petition of citizens of Fayette County, against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. DIXON of Indiana: Petition of Elmer G. Tufts, of the National Grange, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of John C. Hall et al., for an experimental parcels post—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of Indiana, against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. ELLERBE: Paper to accompany bill for relief of heirs of Lucy Breeden—to the Committee on War Claims.

By Mr. FLOYD: Paper to accompany bill for relief of George W. Glenn—to the Committee on Military Affairs.

By Mr. FOSTER of Vermont: Petition of Willis N. Cady, of the National Grange, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. GARRETT: Paper to accompany bill for relief of P. W. Cook (previously referred to the Committee on Invalid Pensions)—to the Committee on Pensions.

Also, paper to accompany bill for relief of Tennie L. Smith—to the Committee on Invalid Pensions.

By Mr. GILL: Petition of citizens of Maryland, against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

Mr. GILLETT of Massachusetts: Petition of Horace Mann, of Athol, Mass., against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. GRAHAM: Paper to accompany bill for relief of Samuel B. McLean—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of James A. Duff—to the Committee on Invalid Pensions.

Also, petition of the Fred G. Clark Company, of Cleveland, Ohio, relative to discrimination in railway freight rates by the New York, New Haven and Hartford Railway Company—to the Committee on Interstate and Foreign Commerce.

Also, petition of the California Fruit Growers' Exchange, relative to private car lines, railway rates, etc.—to the Committee on Interstate and Foreign Commerce.

By Mr. GOULDEN: Petition of the Central Federated Union of New York City, for two battle ships for construction at the Brooklyn Navy-Yard—to the Committee on Naval Affairs.

By Mr. GRONNA: Petition of Aug. Peterson, of Harvey, N. Dak., for bills H. R. 14846 and 8793—to the Committee on Banking and Currency.

Also, petition of C. L. Timmerman, of Mandan, N. Dak., for bill H. R. 8973—to the Committee on Banking and Currency.

Also, petition of the board of county commissioners of Dickey County, N. Dak., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. HAMILTON: Petition of citizens of Barry County, Mich., against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of citizens of Allegan County, Mich., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of citizens of Van Buren County, Mich., against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. HARDWICK: Paper to accompany bill for relief of Georgia Ann Hughes—to the Committee on Pensions.

By Mr. HASKINS: Petition of the Connecticut Valley Pomona Grange, of South Woodstock, Vt., and Eureka Grange, No. 296, of Coventry, Vt., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. HAYES: Petition of the Japanese and Korean Exclusion League for retention of the Chinese law—to the Committee on Foreign Affairs.

By Mr. HIGGINS: Petitions of the Union for Home Work, the Good Will Club, the Motherhood Club, the College Club, the Civic Club, the Educational Club, the Social Settlement Club, the Twentieth Century Club, and the West Side Workingmen's Club, of Hartford, Conn., for regulation of child labor in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of the Chamber of Commerce of New Haven, Conn., for a staff of commercial attachés in the consular service—to the Committee on Foreign Affairs.

Also, petition of the Chamber of Commerce of New Haven, Conn., for reform in the consular service—to the Committee on Foreign Affairs.

Also, petition of the Chamber of Commerce of New Haven, Conn., for a forest reservation in the White Mountains—to the Committee on Agriculture.

By Mr. HOAR: Petition of P. P. Lane et al., against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. HOPKINS: Paper to accompany bill for relief of R. L. Davis—to the Committee on Pensions.

By Mr. HOWELL of Utah: Petition of citizens of New York

and vicinity, for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

By Mr. HUFF: Petition of Loyal Council, No. 314, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of J. B. Saams Camp, No. 148, Sons of Veterans, Pennsylvania Division, against bill H. R. 8131—to the Committee on Military Affairs.

Also, petition of D. K. Artman, of Connellsville, Pa., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, paper to accompany bill for relief of William Conner (previously referred to the Committee on Invalid Pensions)—to the Committee on Military Affairs.

By Mr. JENKINS: Petition of citizens of Ladysmith, Wis., against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. LITTLEFIELD: Petition of citizens of Bath, Me., against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. LIVINGSTON: Petition of the Atlanta Chamber of Commerce, for an appropriation for continuance of fast mails—to the Committee on the Post-Office and Post-Roads.

By Mr. LONGWORTH: Petition of citizens of Ohio and late teamsters in the service of the United States during the civil war, relative to pensions—to the Committee on Invalid Pensions.

By Mr. LORIMER: Petition of D. E. Humphrey, of Chicago, for the Senate statehood bill—to the Committee on the Territories.

By Mr. McMORRAN: Petition of citizens of Lapeer and Detroit, Mich., against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. NEEDHAM: Petition of R. C. Kells, of the Chamber of Commerce of Sutter County, Cal., for an appropriation to stop the pear blight—to the Committee on Agriculture.

Also, petition of A. E. Yoell, for retention of the present Chinese law—to the Committee on Foreign Affairs.

By Mr. NORRIS: Petition of citizens of Culbertson, Nebr., against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of the Nebraska Cement Users' Association, relative to the proper use of cement as established by Government investigation—to the Committee on Appropriations.

Also, petition of the George H. Lee Company, of Omaha, Nebr., against the Gilbert bill—to the Committee on the Judiciary.

By Mr. OVERSTREET: Paper to accompany bill for relief of Benjamin F. Johnson—to the Committee on Invalid Pensions.

Also, petition of citizens of Indianapolis, Ind., against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of the Wood-Weaver Printing Company, of Indianapolis, against the Little and Gilbert bills—to the Committee on the Judiciary.

Also, petition of E. D. Classon, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. PAYNE: Petition of citizens of Osceola County, for bills H. R. 8104 and 8105—to the Committee on Ways and Means.

Also, paper to accompany bill for relief of William Barber—to the Committee on Invalid Pensions.

By Mr. POLLARD: Petition of citizens of College View, Nebr., against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. POWERS: Petition of the Savings Bank Association of Maine, against bill H. R. 48—to the Committee on the Post-Office and Post-Roads.

By Mr. RICHARDSON of Alabama: Paper to accompany bill for relief of estate of Susan W. Shackelford—to the Committee on War Claims.

Also, petition of citizens of Huntsville, Ala., against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. RIVES: Petition of many citizens of New York and vicinity, for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

By Mr. ROBERTS: Petition of citizens of Melrose, Mass., against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. SHACKLEFORD: Petition of citizens of Boone County, Mo., against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. SMITH of Illinois: Petition of citizens of Herrin, Ill., relative to bill H. R. 3122—to the Committee on the District of Columbia.

By Mr. SMITH of Kentucky: Paper to accompany bill for relief of James Hoover—to the Committee on Invalid Pensions.

By Mr. SMITH of Texas: Petition of citizens of Buffalo Gap, Tex., against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. WM. ALDEN SMITH: Petitions of citizens of Michigan, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. SULLIVAN of Massachusetts: Petition of the Warren Avenue Baptist Church, of Boston, against conditions in the Kongo Free State—to the Committee on Foreign Affairs.

By Mr. THOMAS of North Carolina: Paper to accompany bill for survey of Northeast River, North Carolina, from Hallsville to Goshen—to the Committee on Rivers and Harbors.

By Mr. VAN WINKLE: Paper to accompany bill for relief of Catharine Dooley—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Katharine Encke—to the Committee on Invalid Pensions.

By Mr. VREELAND: Petition of citizens of Ellicottville, N. Y., against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of citizens of Ellenburg Center, N. Y., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of E. P. Fenner, of Pleasant Valley, N. Y., for the pure-food law—to the Committee on Interstate and Foreign Commerce.

By Mr. WADSWORTH: Petition of the Independent Order of Good Templars of Jeddo, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. WEEMS: Paper to accompany bill for relief of Charles Williams—to the Committee on Invalid Pensions.

By Mr. WOOD of New Jersey: Petition of Local Union No. 45, Sanitary Pressers, of Trenton, N. J., against coming of Chinese—to the Committee on Foreign Affairs.

Also, paper to accompany bill for relief of William Kelly—to the Committee on Invalid Pensions.

Also, petition of citizens of Trenton, N. J., against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

## HOUSE OF REPRESENTATIVES.

### FRIDAY, *March 16, 1906.*

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read and approved.

#### REGULATION OF CONSTRUCTION OF BRIDGES OVER NAVIGABLE WATERS.

The SPEAKER laid before the House the bill (H. R. 6009) to regulate the construction of bridges over navigable waters, with Senate amendments.

The Senate amendments were read.

Mr. MANN. Mr. Speaker, by direction of the Committee on Interstate and Foreign Commerce, I move to concur in the Senate amendments.

The SPEAKER. The gentleman from Illinois moves to concur in the Senate amendments.

The question was taken; and the motion was agreed to.

#### LEASING LANDS TO THE P. F. U. RUBBER COMPANY IN LA PLATA COUNTY, COLO.

Mr. BROOKS of Colorado. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 16381) which I send to the Clerk's desk.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 16381) leasing and demising certain lands in La Plata County, Colo., to the P. F. U. Rubber Company.

Whereas all the present commercial sources of supply for caoutchouc, or india-rubber gum, are wholly without the boundaries of the United States and wholly within the Tropics; and

Whereas the multifold uses of rubber make its economical production a matter of national necessity; and

Whereas within the past two years it has been discovered that a hitherto worthless weed growing in the higher altitudes of the Rocky Mountain States may, with proper treatment, yield a rubber gum of good quality; and

Whereas the P. F. U. Rubber Company has erected a factory at Durango, in the State of Colorado, for treating this weed and extracting the gum, and has, after an exhaustive search extending over several States and Territories, determined that the plant has reached its highest development (so far as the percentage and quality of its gum is concerned) in the specimens found on the tract of desert land described below: Therefore

*Be it enacted, etc.*, That the following-described tract of land, situated in the county of La Plata, in the State of Colorado, to wit, the fractional section 3 U; lots 1, 2, and 3 of fractional section 4 U; east half and east half of west half of section 9 U; west half and west half

of east half of section 10 U; southwest quarter of southwest quarter of section 11 U; west half of west half of section 14; all of sections 15 and 16; east half of northeast quarter and south half of section 17; east half of southwest quarter, southeast quarter, and north half of section 20; north half of northeast quarter, southwest quarter of northeast quarter, northwest quarter of southeast quarter, and west half of section 21; west half of section 28; southeast quarter of section 29; all of section 32, and west half of section 33, containing 5,410.55 acres, more or less, all in township 34 north, range 11 west, New Mexico principal meridian, Colorado, excepting therefrom lands covered by any valid subsisting right, be, and is hereby, set apart and withdrawn from entry or settlement under any of the land laws of the United States. And the Secretary of the Interior is hereby authorized, directed, and empowered to lease and demise to the P. F. U. Rubber Company, a Michigan corporation, and its successors and assigns, for and during the full period of ten years from and after the approval of this act, for its and their sole and exclusive use, for the purpose, however, of an experimental farm on which to plant, improve, and harvest said plant or weed, or similar rubber-producing plants or shrubs, with permission to the said P. F. U. Rubber Company, its successors and assigns, to erect and construct thereon such buildings, machinery, and fences, and to construct and make such ditches, flumes, canals, roads, telegraph, telephone, and power-transmission lines, tracks, and trails over the said lands and over and upon the public lands adjacent thereto, as may be necessary or proper for the uses and purposes herein set forth, subject, however, to the power and right in the Secretary of the Interior to require the removal, change or location, character, or nature of any of the said structures or improvements, and with full power, right, and authority to gather and collect said plants, shrubs, and weeds, and remove the same, and also to make any beneficial use of said lands not inconsistent with the limitations and conditions herein contained, in furtherance only, however, of the uses and purposes of said experimental farm. The said lease to be in consideration of such annual rental therefor as the Secretary of the Interior may, in his discretion, deem best, the amount thereof for the term of said lease to be fixed and determined prior to the execution thereof, and the compensation thereunder to be received to be held by the Secretary of the Interior for the use and benefit of the Southern Ute Indians. And it shall be further stipulated in said lease that said P. F. U. Rubber Company shall, in so far as it may be reasonably practicable so to do, employ and prefer in the work and labor to be done on said premises suitable and competent Indians, without limiting the rights of the said P. F. U. Company to employ such other labor as may at any time be necessary or expedient to carry on said operations.

SEC. 2. That the President of the United States may at any time during said period of ten years, at his discretion, terminate and cancel this lease by revoking the same and the annulling thereof in case the said experiment proposed or the use to be made of said lands shall be unsatisfactory to the Secretary of the Interior; or the President may, in his discretion, convey all of said lands, or any part thereof, by patenting the same to said rubber company, its successors and assigns, in fee and absolutely without restrictions, upon payment to the United States of America of $1.25 per acre therefor, for the sole and exclusive use and benefit, however, of the Southern Ute Indians.

SEC. 3. That nothing herein contained shall grant or convey or be held to grant or convey to said company, its successors or assigns, during such time as it or they may hold said lands under the lease hereby authorized, any right, license, or privilege to take or remove from said premises, or any part thereof, any growing timber, stone, clay, ore, metals, or minerals of any kind or nature whatsoever, saving except such timber and stone as may be necessary for the immediate use of said company, its successors and assigns, in the building, erection, or maintenance of such fences, flumes, ditches, roads, telephone, telegraph, and power transmission lines, buildings, and machinery: *Provided, however,* That no patent shall issue for the said land or any part thereof until the Secretary of the Interior shall ascertain by such examination, prospecting, and mineral tests as he may deem necessary and proper the existence of any valuable and merchantable deposits of coal or other mineral upon such premises; and any such merchantable deposits of coal or other mineral so determined, together with the right of ingress or egress, shall be excluded from said patent. The right of entry and egress for the purposes of such examinations and tests shall further be reserved in said lease.

SEC. 4. That the rights and privileges hereby granted shall not be sold, assigned, transferred, or conveyed to any person or persons, firm, or corporation whatsoever, save and except upon the express permission in writing of the Secretary of the Interior. And in case of any violation of this provision the lease and privileges hereby granted shall at once and forever cease and determine.

The committee amendments were read, as follows:

Strike out the preamble; on page 3, line 6, strike out the word "said" and insert "the," and in line 6, page 3, after the word "weed," insert "known as the pinguay weed;" in line 15, page 3, strike out the word "or" and insert the word "of," and in line 24, page 3, after the word "best," insert "at not less than 3 cents an acre," and on page 4, line 20, after the words "America of," insert "not less than," and on page 5, line 4, strike out the word "saving" and insert "save and."

The SPEAKER. Is there objection?

Mr. UNDERWOOD. Mr. Speaker, reserving the right to object——

Mr. SHACKLEFORD. Mr. Speaker, reserving the right to object, I would like to ask the gentleman, has this bill been reported unanimously by a committee?

Mr. BROOKS of Colorado. This bill has been unanimously reported by the Committee on Public Lands—that is, there is no dissenting report. It is favorably reported by the Secretary of the Interior, the Secretary of Agriculture, and the Indian Commissioner.

Mr. SHACKLEFORD. Have you submitted the matter to the Speaker and explained it to him?

Mr. BROOKS of Colorado. Yes.

Mr. SHACKLEFORD. And obtained his consent?

Mr. BROOKS of Colorado. Yes.

Mr. SHACKLEFORD. Will the gentleman yield me ten minutes?

Mr. BROOKS of Colorado. There is no time allowed, as I understand it.

Mr. GAINES of Tennessee. Mr. Speaker, I have an amendment which I wish to offer and unless it is accepted I shall object to unanimous consent myself.

Mr. STEPHENS of Texas. I would like to ask the gentleman what kind of a plant these people propose to grow?

Mr. BROOKS of Colorado. It is a succulent plant containing in the root a gum similar to and answering many of the purposes of india rubber, and in the arts it can be used for any purpose for which fairly good rubber can be used. The question of difficulty is in the extraction of the rubber and the growth and development of the plant so there will be a uniform rubber content. As at present grown some plants have a very small rubber content and some a very considerable one and all these questions have to be investigated.

Mr. STEPHENS of Texas. What I desire to get at is this. Does the use of the plant which you propose to put it to in this bill destroy the plant entirely?

Mr. BROOKS of Colorado. Yes; the whole plant is torn up by the roots and is then put in a macerating machine and the rubber extracted in that way.

Mr. STEPHENS of Texas. Then I will ask this question: Is it not a permanent injury to the lands of the Indians to destroy this rubber plant which has a value?

Mr. BROOKS of Colorado. No; because the plant reproduces itself from the small roots left in the ground and that is the way in which the plant is grown. The top is pulled up and then the plant reproduces itself in about three years—or the period of maturity is about three years.

Mr. STEPHENS of Texas. Then the gentleman does not think it will be a permanent injury to the land?

Mr. BROOKS of Colorado. On the contrary, the Department of Agriculture thinks it will be of benefit to the land if it is possible to cultivate and secure its reproduction under definite conditions and in a scientific and successful manner.

Mr. STEPHENS of Texas. Another question. I see a reference here to coal. Is it the intention of the bill that the coal shall also pass to this rubber company in the land?

Mr. BROOKS of Colorado. The intention of the bill is that all minerals shall be excluded.

Mr. STEPHENS of Texas. That all minerals shall be excluded?

Mr. BROOKS of Colorado. Yes.

Mr. STEPHENS of Texas. I will ask the gentleman this question. I have been trying for years to get for American prospectors and American miners the right to go on the Indian reservations to develop the precious metals, believing that it would be for the benefit of the entire people of the United States. Why is it that a rubber company shall be allowed to go upon this reservation to get rubber, or anybody to get any other kind of material, and these American miners must be barred from going on the land for the same things?

Mr. BROOKS of Colorado. Forthis reason, if there is any distinction, I would reply. This is a new and special thing, and is of interest to the whole American people. Now, the growth of rubber has become smaller and smaller year by year, and the demand for it greater. The exigencies of the situation are increasing. We imported last year about 75,000,000 pounds of rubber, and the price has increased something like 300 per cent in the last few years. In other words, we are gradually developing a shortage of rubber, and under such corcumstances it has seemed wise to the committee and wise to the Department to which this bill was referred to give this small encouragement to he development of a very important industry, and it is appulied to only a very small tract of useless nonagricultural land.

Mr. STEPHENS of Texas. How many acres are involved in this bill?

Mr. BROOKS of Colorado. A little more than 5,000. It is high mesa land, seven or eight thousand feet high; above any irrigation ditch and above the possibilities of irrigation, where there are no artesian wells and streams. It is absolutely arid. This land has been opened for settlement twenty years, nearly twenty-five years, and during all that time, in that vicinity, there has been only one location by a homesteader.

Mr. STEPHENS of Texas. Does not the gentleman think that the prospector should have the same right given him to go in and develop all that country, to search for gold or silver or other valuable minerals as any rubber company?

Mr. BROOKS of Colorado. That question is not involved in this discussion.

Mr. STEPHENS of Texas. Does not the gentleman think it a bad precedent to set for Congress to permit a certain company, a rubber company or any other company, to go into a reservation and exploit it, and the very same lawmaking body refuse to report a bill to this House permitting prospectors, individual

citizens of the United States, to do the very same thing in effect?

Mr. BROOKS of Colorado. I think the gentleman is speaking from a misapprehension. This is not a reservation. It has been open for more than twenty years.

Mr. STEPHENS of Texas. It is Indian land.

Mr. BROOKS of Colorado. No; it has been opened up and the proceeds of it go to the Southern Utes, and will be covered into the Southern Ute fund under the treaty with them.

Mr. STEPHENS of Texas. The funds go to the Indians?

Mr. BROOKS of Colorado. But the land has been opened to location for years. It is open to entry and appropriation under the public-land laws; anybody who wants them can go in and take these lands to-day, and it has been opened for twenty-five years.

Mr. STEPHENS of Texas. Congress has the right to control it; so it has with the minerals. I shall not object to the gentleman's bill. The method is all that I am objecting to.

Mr. GAINES of Tennessee. Will the gentleman yield to me a moment to read an amendment I desire to offer?

Mr. BROOKS of Colorado. I yield to the gentleman from Tennessee.

Mr. GAINES of Tennessee. Mr. Speaker, this is a rubber enterprise. Rubber is a very valuable and a very useful article, though "rubber-necking" is not. To avoid, Mr. Speaker, this infant rubber concern from being either partly purchased or crushed out by the great rubber trust of the United States, and almost the balance of the world, I am going to offer a proposed amendment as a new section, which I feel quite sure my friend will accept, to read thus:

That all rights acquired hereby shall revest in the United States in the event that said company, or its successor or successors, shall enter into, directly or indirectly, any trust, combine, company, or other concern operating or existing contrary to the antitrust act of July 2, 1890, entitled "An act to protect trade and commerce against unlawful restraints and monopolies," and its amendments.

To this amendment, Mr. Speaker, I take it that the gentleman has no objection.

Mr. BROOKS of Colorado. I have no objection to the consideration of the amendment.

Mr. GAINES of Tennessee. Do you accept it?

Mr. BROOKS of Colorado. No; I do not.

Mr. GAINES of Tennessee. Then I shall object to the consideration of the bill.

Mr. BROOKS of Colorado. I want to say to the gentleman from Tennessee that I have no objection to the consideration of his amendment. I am perfectly willing that it be considered. As the mover of the bill, however, I do not want to accept it.

Mr. GAINES of Tennessee. I want to say in answer that the gentleman in interest in this concern, about its being a part of or controlled by the rubber trust, he said to me he much feared that the rubber trust would paralyze and destroy this concern. Now, I am trying to protect this concern from the rubber trust and to protect this concern from itself going into the monopoly and great combination in the rubber business.

Mr. BROOKS of Colorado. The gentleman does not mean to say that the proponents of this measure fear that this interest is controlled by the rubber trust? On the contrary——

Mr. GAINES of Tennessee. On the contrary, the gentleman said that he feared the rubber trust.

Mr. BROOKS of Colorado. On the contrary, if they have any fear they fear the rubber trust.

Mr. GAINES of Tennessee. That is exactly what I said, and nothing more.

Mr. BROOKS of Colorado. I do not think the amendment is necessary or proper at this time.

Mr. GAINES of Tennessee. I do think it is.

Mr. BROOKS of Colorado. I am perfectly willing that the House should vote on this amendment.

Mr. GAINES of Tennessee. Admissions, undisputed, came out before the Public Lands Committee, of which I have the fortune or misfortune to be a member; the laws in land matters out West have not been enforced until the last twelve or fifteen months, when the President of the United States took charge of the situation, and one man was convicted out there and fined and sentenced to imprisonment, but a special marshal, the defendant's lawyer, carried him to a club out in Omaha and kept him there six hours as the imprisonment that he had to serve. That is the way they administer the law out there, and that being the case I have offered this amendment in the utmost good faith to say that when this concern is gobbled up by the rubber trust then all the rights you acquire in this matter shall revert to the United States. It is a perfectly fair proposition, and I will not consent to consideration unless it is accepted.

Mr. SHACKLEFORD. Mr. Speaker——

Mr. BURNETT. I desire to make an inquiry of the gentleman, who is a member of the committee.

Mr. BROOKS of Colorado. I yield to the gentleman from Missouri [Mr. SHACKLEFORD].

Mr. SHACKLEFORD. I have not had an opportunity to look into the merits of this bill as I should like to have done. I oppose its passage at this time. I oppose the manner in which it is brought here rather than because of any defect in the bill itself. Mr. Speaker, how has this bill come before the House for consideration? As the record is being made up, it will appear that the gentleman from Colorado of his own motion, in his own right, moved the consideration of his bill. In that respect the record will not reveal the truth. The gentleman was not recognized until he had first surrendered his constitutional rights as a representative of the people and crept into your private room, Mr. Speaker, there to supplicate you to extend to him your grace.

No Member can submit any matter to a vote of the House until he shall have first sought and found favor in your sight. The Constitution contemplates that the Speaker shall be the servant of the House. In defiance of the Constitution you have made yourself its master. You have organized every committee so that no bill can be reported without your consent. Unless you are willing no Member can move to discharge a committee from the consideration of a bill and take it up in the House. You subject the rights and destinies of this great people to the dictates of your own unbridled will. Who stands to-day between a progressive, enlightened people and the statehood to which they are entitled? You, sir; only you. You crack your whip and a majority of this House cowers at your feet. You turn your thumbs down and the House deals the deathblow to prostrate, bleeding Oklahoma. I read in the morning paper:

Uncle Joe has given it out flatfooted that he will not permit the House to concur in the Senate amendments on the statehood bill.

What a horrible announcement to be made in a free country!

Mr. TAWNEY. Mr. Speaker, I make the point of order that the gentleman is not speaking to the question before the House.

The SPEAKER. The Chair was not able to hear the remarks of the gentleman and does not know whether that point of order was well taken or not.

Mr. SHACKLEFORD. Mr. Speaker, I will state——

Mr. TAWNEY. Mr. Speaker——

Mr. BROOKS of Colorado. Mr. Speaker, I protest against the character of the gentleman's remarks.

The SPEAKER. Gentlemen will suspend and cease conversation. This is a request for unanimous consent, and all talk proceeds by unanimous consent. Does the gentleman object?

Mr. TAWNEY. I object.

Mr. PAYNE. Mr. Speaker——

The SPEAKER. The gentleman from New York——

Mr. SHACKLEFORD. Mr. Speaker, I make the point of order that that objection comes too late. The Speaker asked if there was objection, and there was none.

The SPEAKER. One moment. The gentleman from Texas reserved the right to object. Now, as is usual in cases where unanimous consent is asked, gentlemen desire explanations, and by unanimous consent the explanation proceeds. It is quite in the power of any Member——

Mr. SHACKLEFORD. Will the Speaker allow me to correct him in that particular——

The SPEAKER. One moment. It is quite in the power of any Member at any time to object, and if the objection is made to further talk and not withdrawn, that is equivalent to an objection to consideration.

Mr. LACEY. Mr. Speaker——

Mr. SHACKLEFORD. Will the gentleman permit me to make a statement of the position, as I understand it?

Mr. LACEY. Perhaps the Chair overlooked——

Mr. SHACKLEFORD. I insist I have the floor, Mr. Speaker.

Mr. PAYNE. Mr. Speaker, I move that when the House adjourns to-day——

Mr. SHACKLEFORD. Mr. Speaker, I have the floor.

Mr. LACEY. I make the point of order that this bill is before the House by unanimous consent. The objection made by the gentleman from Texas [Mr. STEPHENS] has been withdrawn, and that being withdrawn, the bill is before the House.

Mr. GAINES of Tennessee. I want to state to the gentleman that I reserved the right to object.

Mr. LACEY. The record does not so show.

Mr. BROOKS of Colorado. I yielded to the gentleman from Missouri [Mr. SHACKLEFORD] for the purpose of speaking to the bill, not for the purpose of attacking the Speaker. The gentleman from Missouri then began to speak in a manner which seemed to me quite out of order to other purposes than the bill.

Mr. SHACKLEFORD. No; I am not doing that.

Mr. BROOKS of Colorado. The gentleman from Minnesota then objected to the tenor of the remarks of the gentleman from Missouri. I submit that the bill is now before the House. The gentleman from Texas formally withdrew his objection, and that is the only objection that was made promptly.

The SPEAKER. The gentleman from Colorado will see, if he will stop and consider for a moment, that where legislation is had by unanimous consent, under the practice that prevails in the House, that consent can not be had by inference. The Chair must put the question for unanimous consent, and that unanimous consent must be given before the bill has rights for consideration.

Mr. SHACKLEFORD. Was not that done, Mr. Speaker?

The SPEAKER. It was not done.

Mr. BROOKS of Colorado. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BROOKS of Colorado. As I understand the present situation, this bill was read and reported and the gentleman from Texas [Mr. STEPHENS] then reserved the right to object, and interrogated me with reference thereto. Afterwards he withdrew his objection. The consideration of the bill then went on for some few minutes before any other step was taken adverse to its consideration. I raise the point that the right to object has been waived under these circumstances.

The SPEAKER. The Chair will have to say to the gentleman from Colorado that in the judgment of the Chair that point is not well taken.

Mr. BURNETT. Mr. Speaker, I desire to say that I was on my feet to reserve the right to object, and have an explanation.

The SPEAKER. By unanimous consent that may be had. Does the gentleman from Colorado yield?

Mr. SHACKLEFORD. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. SHACKLEFORD. I had the floor in a regular way, and in what way do they get rid of me? [Laughter.]

The SPEAKER. The gentleman can not have the floor for one second of time, under this kind of proceeding, if any Member objects.

Mr. TAWNEY. Mr. Speaker, I object to the consideration.

ADJOURNMENT OVER.

Mr. PAYNE. Mr. Speaker, I move that when the House adjourn to-day it adjourn to meet on Monday next.

The motion was agreed to.

LEGISLATIVE, JUDICIAL, AND EXECUTIVE APPROPRIATION BILL.

Mr. LITTAUER. Mr. Speaker, I move that the House now resolve itself into Committee of the Whole House on the state of the Union for the further consideration of House bill 16472.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. OLMSTED in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 16472, the legislative, judicial, and executive appropriation bill.

Mr. WILLIAMS. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. WILLIAMS. I rise for the purpose of asking unanimous consent that the gentleman from Ohio, General KEIFER, be permitted to conclude the remarks which he was making on yesterday.

The CHAIRMAN. During the session of yesterday the gentleman from Ohio [Mr. KEIFER], having spoken one hour, had not concluded his remarks. The gentleman from Mississippi asks unanimous consent that the gentleman from Ohio may have time to conclude his remarks. Is there objection? [After a pause.] The Chair hears none.

Mr. HOUSTON. Mr. Chairman, I have been much interested in the speeches made on the floor of this House on the subject of immigration. I find that there are a number of bills that have been introduced on that subject, and that the Committee on Immigration has devoted a great deal of time and labor and thought to an investigation of this subject. I believe that there is need for protection against the present immigration, at least, much of it that has come to our shores of recent years. This is a form of protection that I subscribe to. I do not believe in that protection that is alleged to be the result of the exercise of the taxing power. This is not protection; it is rather discrimination. If it protects any class or any interest, it is done at the expense of others, or rather at the expense of the whole people. The taxing power has been said by very high authority to be the power to destroy, but it certainly will not be claimed to be the power to create. Legislation can not create wealth. You can not add to the volume of wealth by the passage of laws. This is accomplished only by the exercise of brain and muscle; and this is necessarily so in the economy of nature, and has been since the divine injunction, that man shall live by the sweat of his brow.

But we have the right, and it is our duty as the lawmaking power, to pass laws to protect our people along certain lines. We have a right to resist invasion that threatens the peace and welfare of our country in whatever form it may come. We have a right to exercise the legislative power of this country to this end.

IMMIGRATION.

When we learn from the report of the Commissioner-General of Immigration that the immigration to our shores for the year 1905 was 1,026,499 we are at once confronted with the importance of this question. Since the year 1820, the first date of a definite report of the immigration to this country, there has been an increasing tide of immigration, variable it is true, but generally increasing. It has caused apprehension in the minds of many of our people at various times as this tide has increased. Notably was this so in the fifties, but the amount of this immigration in former years was such as to make it a question of minor importance when compared to the present tide that is coming to our shores.

Whatever views may have obtained heretofore as to the necessity or righteousness of restricting immigration, the immigration of to-day has assumed such proportions that the conviction is forced upon us that if something is not done to restrict the character and amount of this immigration the welfare of our people will be jeopardized and our institutions if not imperiled will at least be beset with greater burdens in working out the great problems resting upon us in developing the social and civil fabric of the American Republic.

The importance of this question is emphasized when we come to consider the character and class of immigration that is at present coming to our country. An examination of the statistics shows that those coming up to the last twenty-five years were a class of people that were by nature possessed with instincts kindred to our own and with more aptitude for our institutions. They were in the main the same race of people to which we belong; they came from the land whence our fathers came; they were possessed of energy, courage, and lofty purpose, and in every way fitted to assimilate with our ideas and conditions and become valuable additions to our citizenship. The Englishman and Scotchman and the Irishman and the German and many others of northern Europe have been and still are welcome as we would welcome our own, for we descended from them, and we would be untrue to our own lineage not to give them welcome.

The statistics set out in the report of the Commissioner-General in his report portray with great force the situation that confronts the American people. It is not my purpose to set out these statistics, setting forth in detail the immigration to this country, but only to speak generally of the facts that they portray. In fact it is unnecessary for me to give a detailed statement of these figures or to set out these statistics in detail, since my colleague from Kentucky [Mr. HOPKINS], in his most able presentation of this question, has set these statistics out in such a clear and instructive manner that all the information necessary to an understanding of this question clearly appears in his concise and exhaustive presentation of them as they already appear in the RECORD as a part of his forcible and eloquent discussion of this subject. From these figures it appears that notwithstanding the enactment of several statutes restrictive and prohibitory of immigration the very evils they sought to check have increased rather than diminished even since the enactment of the general law on the subject in 1903. Since then the tide of immigration has increased, and the greatest portion of this tide has been of the class most undesirable.

Notwithstanding the interest this question has attracted from time to time, the first law passed by Congress restricting immigration was in 1875. Since that time several acts along this line have been passed, prominent among them the Chinese-exclusion act and the contract-labor law, and in 1903 a general law was passed.

The law of 1903 has been ineffective to an extent in avoiding the evils or the dangers that may come to us from an overflowing tide of immigration. It has done much to restrain and check the coming of those enumerated in section 2 of that act, yet the purpose and intention of that act has been accomplished only to a limited extent. The spirit for gain and greed for money is responsible for evasions of this law and for much of the undesirable immigration.

These laws have been avoided and violated in various ways,

largely by efforts to secure contract laborers in violation of law and by steamship lines working through their agents to increase the number of immigrants for the purpose of transporting them, thus making money out of their coming.

Inducements offered by corporations for the purpose of getting cheaper laborers, which is a virtual defiance of our contract-labor law, has done much to render these laws ineffective.

The love for gain at all hazards, regardless of the laws and the interest of our people, has been a prolific source of much of this tide of the class of people so ill suited to our conditions and so unadaptable to our conditions and theories of government.

The report of the Commissioner-General of Immigration discloses the fact of movements on foot and schemes put in practice by foreign countries encouraging their people to come to America, not for the purpose of becoming citizens or uniting their destiny with ours, but for the purpose of gathering spoils, accumulating money, and carrying it back to their native land. In that report he says:

> Seventy-five per cent of the aliens who worked for three or four years in the industrial centers of our Eastern States return to their native land with an average saving of about $1,000, having spent not one penny more in this country than was absolutely necessary to keep life together according to their own frugal customs and habits. Every one of such returning aliens is, in a measure, an agent in inducing about ten others to do likewise. I repeat most emphatically that this sort of emigration is not only viewed with friendly eyes by some European governments, but is positively fostered and helped along. On this sort of traffic governments collect taxes and corrupt officials make money.

While the development of our material prosperity is not the first consideration by far, yet, even economically considered, there can be no advantage to our country from a body of laborers who remain as strangers among us and consume but few of our products and at the same time export the great bulk of their earnings to the countries from which they came.

There may be a financial benefit to certain property interests and manufacturers, who profit by their cheap labor; but the consideration that should shape our governmental policy should not regard special interests, or be directed wholly to our material development. Our aim should be more to develop men than to exploit lands and increase our industries.

No man measures up to the full standard of American citizenship who is not a home builder. The ideal citizen is the one who has a vine and fig tree of his own, and around this center has been developed in our country the noblest manhood and womanhood in Christendom. But these sojourners, who are here for a time only, to gather spoil, in a sense to prey upon us in that they take their earnings and their pay that is given in fair exchange for their labor and add it not to the wealth of our country, but hurry it back to their home country.

Mr. GOULDEN. Mr. Chairman, will the gentleman permit an interruption?

The CHAIRMAN. Does the gentleman from Tennessee yield?

Mr. HOUSTON. Yes.

Mr. GOULDEN. Mr. Chairman, I would like to ask the gentleman from Tennessee for some evidence that the men coming in—the aliens who come to our shores—do not remain here and do not spend their earnings here. The gentleman makes the assertion that they take their earnings abroad and spend them there or that they send their earnings abroad. I would like to have the gentleman tell us where he obtains those particular facts, if they are facts.

Mr. HOUSTON. Mr. Chairman, those facts I gather from the report of the Commissioner-General of Immigration. We gather these statements from the report of Inspector Braun, from men who have been studying this question and at work as officials in this part of the Government service, and are presumably better informed as to the real condition of affairs than anybody else. They make these statements, and I take it this is as good authority as can be offered on the subject.

Mr. GARDNER of Massachusetts. Mr. Chairman, will the gentleman permit an interruption?

The CHAIRMAN. Does the gentleman yield?

Mr. HOUSTON. Yes.

Mr. GARDNER of Massachusetts. Is it not true that the reports of the steamship companies show that something like nearly 325,000 passengers went back in the steerage last year, and does not that fact alone indicate that a very large proportion of these people do return to the country of their origin?

Mr. HOUSTON. Mr. Chairman, I understand that to be true, and I think the conclusion stated by the distinguished gentleman from Massachusetts [Mr. GARDNER] is necessarily true.

Mr. GOULDEN. Mr. Chairman, I would like to have the gentleman from Tennessee [Mr. HOUSTON] or the distinguished gentleman from Massachusetts [Mr. GARDNER] inform this House what evidence they have that those 325,000 who returned were immigrants who landed here in the last year or two, and if the number did not include those who had been here for perhaps twenty years? Will the gentleman kindly give us some evidence on that point?

Mr. HOUSTON. Mr. Chairman, it does not matter that they come within the last few months or within the last twenty years. They have come and they have returned; whether they have come recently or some years ago does not make any difference. They may have stayed here but one year or two years gathering the substance of our people to the extent they could, by means of their economical ways and methods, to send to the land of their nativity. They may have stayed here ten years or longer. The longer they stayed, if it was to gather our substance and carry it away, the worse it is for us.

Mr. GOULDEN. Mr. Chairman, I would also like to ask the gentlemen whether they have any evidence or proof of the fact that those 325,000 who returned were all aliens or men who had landed on our shores from foreign soil? Did that number not include those who had become American citizens who went abroad—men who made their money under our beneficent laws and went abroad to spend that money and enjoy it in visiting their old country?

Mr. HOUSTON. Mr. Chairman, that class of passengers to which the gentleman from New York refers do not, as a rule, go as steerage passengers. [Laughter.]

Mr. GOULDEN. Mr. Chairman, one other question, and then I think I am through. Does the State from which the gentleman comes, and particularly the district that he represents—the Fifth Tennessee—need men, and especially unskilled laborers or agricultural laborers; and if so, how can he get them except by immigration?

Mr. HOUSTON. Mr. Chairman, in my State and in my section we could give employment to a larger number of laborers than we have now, perhaps. Every honest, industrious laborer in our country can find employment and at remunerative wages. We might give employment to a number more than we have, but I do not understand it to be the chief end and aim of man or of any country to employ all the laborers possible at any given time. It is not necessary that all the material should be developed at once or that all the labor that could be handled should be brought into operation at once. We have proceeded in my section along conservative lines. We have developed our industries gradually. We have populated our country gradually, but steadily. There is no decrease in population there. The birth rate is keeping up. I repeat that we can perhaps employ more, but we do not need to import them in large numbers. Good people coming to us from any country are quite welcome, and they can find profitable employment there, but we are not specially suffering for want of more people.

Mr. GOULDEN. I would ask the gentleman if he has any aliens now in his State or district, or any people of alien race?

Mr. HOUSTON. Yes, Mr. Chairman, we have an alien race there, as a result, to say the least of it, of a great national mistake made in the earlier days of this Republic—I might say a national wrong, but for which the people of my country or the South were not responsible originally. And we are suffering to-day as a consequence and as a result of this national blunder. The system that was fostered and built up in our country many years ago by the bringing here of this race was wrong and can be viewed now as nothing else than a great national error. I want to say further that while we have this alien race among us we are equal to the occasion. We are solving the difficulties that confront us with this alien race under very difficult conditions at the first I grant you, but we are able to meet them and we are maintaining our institutions, we are caring for these people, we are giving them protection under the law, we are teaching them to understand their real status and know their real rights as citizens, and they have confidence in us that they will be protected as such; but, sir, it will not improve conditions in my country where this alien race is to bring other discordant elements there, and for other irritating influences to be put in operation. Not at all; let us solve that question ourselves as best we may. We can do it; we are doing it.

Mr. GOULDEN. Will the gentleman allow a question? What are the principal industries in your district; in what are your people principally engaged?

Mr. HOUSTON. Well, sir, my country is strictly an agricultural country. The principal industry is farming.

Mr. GOULDEN. I want to say, if you will allow me, that I am a farmer myself.

Mr. HOUSTON. You look like a good man, and you are probably a good farmer.

Mr. GOULDEN. I think the great difficulty in this country is to get labor for agricultural purposes. It simply can not be done. I know it is in the State of Maryland, where I own two farms.

Mr. HOUSTON. I did not understand the gentleman's question.

Mr. GOULDEN. That is simply a statement; the difficulty is to secure farm laborers, and I take it it is so all over the United States, in your district as well as other sections of the country.

Mr. HOUSTON. Well, we are getting along fairly well. There is no stress upon us along that line. We are raising farmers and farm workingmen, and the more we can keep our own sons on the farm the better it is for them and for our country.

In addition to those prohibited in section 2 of the act of 1903, should we not take steps toward limiting the number that are to come? The vicious and the criminal class are a confessed menace to any civilized country. Large numbers of a class of people unadapted to an understanding of our institutions and unfitted to an assimilation with our national instincts of character will become a menace to our institutions whenever that number is large enough. What think you of our capacity to absorb and educate to our ways and notions of government 1,065,000 a year? Does this not approach the danger line? Is it not a warning to us that troubles are gathering that call for action to protect our nationality and to prevent hazard to the welfare of our own people? At the ratio of increase for the past five years it has been estimated that we would reach a density of population in the next hundred and thirty-six years that would equal that of China proper, which is considered the limit of the density of population. However this may be, it is far better to build up a nation strong in civic and domestic virtue and happiness than to overcrowd and densify our population. On this point the report of the Commissioner-General of Immigration says:

What will be the effect if the present phenomenal immigration continues is a question that is constantly being asked. With regard more particularly to quantity the question may be answered by the following illustration: China proper is the thickly populated portion of the Chinese Empire and is the country popularly thought of as practically representing the limit of density of population. At the present rate of immigration, say 1,000,000 per annum, and the present rate of natural increase (14.66 per cent per decade) the United States would reach the density of China proper in about four generations, or, more particularly, in one hundred and thirty-six years, at which time we would have a population of 950,000,000. This is in no sense an estimate of future population; it is simply an answer to the mathematical problem as to how long it will take to reach a density of population equal to the estimated density of China proper, with an annual immigration of 1,000,000, at the present rate of natural increase, and represents the present pace.

Mr. Chairman, this has ever been a hospitable land. We have received the stranger within our gates and treated him as a friend and brother; but the law of self-preservation is the first law of nature, and whenever the welfare of our national family is imperiled we should protect it from the invasion of every danger in whatever guise it should come, even to the turning away of our own fellow-man. We should be generous to the stranger, but he that does not provide for his own household is worse than an infidel. I believe in missionary work, and I subscribe to the practice of giving our substance and time and labor to the betterment of mankind in all lands and among all races, to their elevation, their civilization, and their christianization; but let us preserve our own national household and cherish and build up our own superb citizenship unto the full measure of its glory.

From an examination of these statistics that I have alluded to we see that the immigration that is coming to us from those countries of northern and western Europe, more nearly akin to us and more congenial to our ideas of government, has not increased, but rather diminished, within the last few years, and that those coming from the countries of southern and eastern Europe, that are less in accord with our form of government and more difficult of assimilation with our ideas of civilization, are largely on the increase. The most desirable are coming in smaller numbers and the less desirable are coming in far greater numbers.

The last report of the Commissioner-General of Immigration (pp. 109 and 110) says:

A change in the source of immigration, it will be seen, however, commenced about 1882, and has assumed enormous proportions during the past eight years, until now 70 per cent of our immigration comes from Slavic and Iberic countries of southern and eastern Europe, 700,000 having arrived from those countries during the past year, among whom were great numbers of illiterate aliens of different races, customs, and standards.

Further on he says:

With the continuance of present conditions, it will be seen, the time will come when the new element, containing 70 per cent from southeastern Europe, will outnumber the old, which eventually can hardly mean less than a changed nationality.

So, Mr. Chairman, in viewing this question to-day it presents in no respect the aspect that it did in former years. In the earlier days of our country those that came here were indeed our own kith and kin—of the same blood and race. They entered into fellowship and communion with our own people, and were among the best and bravest of the pioneers of our civilization. But the bulk of those that come to-day enter into no communion with our own people in a social or civil way. They are isolated, or, rather, segregated, in societies apart from us. While among us, they are not of us, and add nothing to the great community of interest of the nation's welfare.

If they were to mix with our people to a large extent, it would be the mixing of incongruous elements and the formation of a heterogeneous society in which American ideals would not prosper.

So, viewed in any aspect, most of the present-day immigration is not beneficial, but damaging to America, and should be checked by every just and righteous method.

This report of the Commissioner-General discloses the fact, before mentioned, that this undesirable immigration is largely due to the methods of steamship companies and their agents that ply their unlawful practice of getting immigrants for the gain of transportation. This is a species of graft that they have employed, another instance of special interests seeking their profit at the expense of the great mass of the people.

Mr. GOULDEN. Will the gentleman allow a question right there?

The CHAIRMAN. Does the gentleman from Tennessee yield to the gentleman from New York.

Mr. HOUSTON. I do.

Mr. GOULDEN. How would you check that, may I be allowed to ask?

Mr. HOUSTON. I will come to that a little later—to that very question.

Mr. BENNET of New York. Will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman from Tennessee yield to the gentleman from New York?

Mr. HOUSTON. Yes, sir.

Mr. BENNET of New York. I want to assure the gentleman I am merely asking for information. Does the gentleman hold that immigration from southern Italy, the Jewish immigration from Austria, and the Slavic immigration also from Austria is the most undesirable immigration?

Mr. HOUSTON. I will answer that by saying this, that so far as I am able to judge—and I confess I am not thoroughly acquainted with these peoples and their customs—I think it is less desirable than the character of immigration that came to this country in the first fifty or seventy-five years of our Republic, and I want to say right here that I do not take to the idea of excluding a race per se. I do not take to the idea of putting a ban on any nationality or race of people. That idea does not find favor in my mind. [Applause.] However, in the exercise of our preference as to who should come we must prefer the best. I will say we do know that those who come from northern Europe are more in accord with us, more adapted, I will say, to our institutions, more acquainted with us, and can more readily, I think, become proper citizens of this Republic. I, however, say I do not take to the idea of putting any ban on any special race or nationality; however, circumstances may justify even that, if it comes to a matter of self-preservation.

The question of restricting immigration is a grave one and one calling for the exercise of judicious and conservative statesmanship, because of our duties to mankind, as well as our duty to our own nation, and we should approach the consideration of it with a conservative regard for the rights of our fellowman as well as our own, but when we come to consider it in that broader sense of our relation to our fellow-men we are justified in the conclusion that it is our duty to first of all pursue that course that is best for our own national family. It may be said that this involves a degree of selfishness, but patriotism demands that we should be selfish enough to love and serve our own country first and that the welfare of our people should be first considered.

Mr. Jefferson, in his notes on Virginia, in speaking of the question of immigration—and, mind you, the immigration that came at that time was of the same blood and stock as the American people—said:

The present desire of America is to produce a rapid population by as great importation of foreigners as possible, but is this founded in good policy? Are there no inconveniences to be thrown into the scale against the advantages expected from the multiplication of numbers by the importation of foreigners? It is for the happiness of those united in society to harmonize as much as possible in matters which they must of necessity transact together. Civil government being the sole object of forming societies, its administration must be conducted by common consent.

Every species of government has its specific principles. Ours perhaps are more peculiar than any other in the universe. It is a composition of the freest principles of the English constitution with others derived from natural right and reason. To this nothing can be more

opposed than the maxims of absolute monarchies; yet from such we expect the greatest number of immigrants. They will bring with them the principles of the government they have imbibed in early youth, or, if able to throw them off, it will be in exchange for an unbounded licentiousness, passing, as is usual, from one extreme to another. *It would be a miracle with them to stop precisely at the point of temperate liberty.*

Right here, Mr. Chairman, I stop in this quotation long enough to say that the history of our present day demonstrates the truth of this, that may now be regarded as a prophecy from Thomas Jefferson. Many of the troubles that have grown up have been from the reckless disregard of the rights of others that have been exhibited by this class of aliens who have been banded and aggregated together in many of our cities. Some of the serious troubles we have had come right from that source, and have come from this very spirit of license to which he refers. It would be a miracle——

Mr. BENNET of New York. Will the gentleman yield?

The CHAIRMAN. Does the gentleman from Tennessee yield to the gentleman from New York?

Mr. HOUSTON. Yes, sir.

Mr. BENNET of New York. Will the gentleman state any specific instances which have occurred from the immigration of the last twenty-five years of the evils which it appeared Jefferson foretold?

Mr. HOUSTON. What is your question?

Mr. BENNET of New York. As I understood your quotation from Jefferson, he prophesied that in the future there would be trouble because of admitting these aliens who came from monarchies?

Mr. HOUSTON. Yes, sir.

Mr. BENNET of New York. Do I understand the gentleman's remark to be limited in its scope or to refer to aliens who came to us from the beginning?

Mr. HOUSTON. Well, what part of my remarks?

Mr. BENNET of New York. Your last remark.

Mr. HOUSTON. I say we have instances in this country that have fulfilled this prophecy; that we have had aliens coming to this country who seem to understand liberty to mean license, who have caused serious troubles. I might refer you to the trouble we had in New Orleans in the last few years; to the recent conspiracy to assassinate Governor Pennypacker, of Pennsylvania, and Governor Patterson, of Ohio; to the Haymarket riot, and a number of other troubles in this country.

Mr. SMITH of Kentucky. To Czolgosz.

Mr. BENNET of New York. But he was born in Indiana.

Mr. SMITH of Kentucky. He was of foreign parentage.

Mr. BENNET of New York. I have not yet got to the point where I would call a man born in Indiana an alien.

Mr. SMITH of Kentucky. I do not mean that he was not born in the United States, but his family had not been in this country long.

Mr. HOUSTON. I will go on with this quotation from Jefferson. It is from the prophet and from the gospel of Democracy.

Their principles with their language they will transmit to their children. In proportion to their number they will share with us in the legislation. They will infuse into it their spirit, warp and bias its direction, and render it a heterogeneous, incoherent, distracted mass.

And further on he says:

Is it not safer to await with patience for the attainment of population desired or expected? May not our Government be more homogeneous, more peaceable, more reliable?

The pertinency of these questions apply with double force now when we come to consider the character of the immigration of the present day as compared with that to which Mr. Jefferson alluded. And I shall make another quotation from the paper that is edited and directed by W. J. Bryan, a disciple of Jefferson, and one of the soundest living exponents of the principles of free government. [Applause.]

I quote as follows:

The question is whether we are going to build up a strong, independent, upright, and patriotic people, and develop a civilization that will exert a helpful influence on all the world or whether we are going to be a greedy, grasping nation, forgetful of high ideals and concerned only in the making of money. Aside from present-day pretexts, Chinese immigration is defended by those who believe that a universal brotherhood requires us to welcome to our shores all peoples of all lands. This is the sentimental argument advanced in favor of Chinese immigration. There is no more reason why we should construe brotherhood to require the admission of all people to our country than there is that we should construe brotherhood to require the dissolution of family ties. The family is a unit; it is the place where character and virtue and usefulness are developed, and from the family a good or evil influence emanates. It is not necessary nor even wise that the family environment should be broken up or that all who desire entrance should be admitted to the family circle. In a larger sense, a nation is a family; it is the center for the cultivation of national character, national virtue, and national usefulness. A nation is under no obligation to the outside world to admit anybody or anything that would injuriously affect the national family. In fact, it is under obligation to itself not to do so. The influence of the United States will be more potent for good if we remain a homogeneous nation, with all citizens in full sympathy with all other citizens.

Mr. Chairman, to furnish a home for the oppressed and an asylum for the unfortunate of every land is beautiful in sentiment and commendable in deed were we able to do so without sacrificing our own. When we approach that point we must stop and, if necessary, exercise the right of self-defense. At this point I want to call your attention to a statement in the report of the Commissioner-General of Immigration (p. 48):

INDUCEMENTS TO IMMIGRATION.

The figures presented by the statistical reports for the year under consideration have now attained such dimensions as to challenge painstaking consideration of their import. It is impossible that such an influx can fail to produce material effects upon the institutions of this country, as it is doing upon the population. What such effects will probably be in the long run it is not within the proper scope of this report to discuss, but attention is drawn to the subject to show that, if it is a public desire to establish some reasonable limitation on immigration, some restriction that will materially lessen the volume of the current until by actual experience assurance is secured of the safety of the institutions of the country under such an unexampled strain, it is to make a new departure in legislating upon alien immigration. It is no longer sufficient to close the door upon certain classes, manifestly undesirable additions to any community. The aliens who are forbidden admission to the United States by section 2 of act of March 3, 1903, are as objectionable to the communities in which they were born and of which they have always formed a part as they are to us. It can not be denied, however, that of such as are not expressly excluded by law there are many aliens enter into the United States who, if not individually open to objection on the score of physical, mental, or moral defects admitted of all men, are yet of such totally alien, if not repugnant, character and genius as to raise a doubt whether they will in the present or the succeeding generation become assimilated in customs and ideals to the people of this country. This view has found expression as yet in legislation affecting aliens of but one race. That solitary instance, however, is a recognition of the principle that the public welfare at this stage of the world's development demands the intervention of the law-making branch of the Government to prevent an unrestricted irruption of elements hostile to our institutions, if not incapable of comprehending them.

The difficulties and embarrassments that have been experienced in the administration of that unique legislation, however, suggests the expediency of first attempting by other means to check the enormous and miscellaneous immigration now pouring practically without check as to numbers into our seaports and across our land borders. The Government has control, through its authority over our ports, of transportation agencies by which aliens are brought to this country, and unless it be conceded that our commercial interest is paramount to all other considerations and clothes those great corporations which are its vehicles with a sanctity of right which it is impious to question or restrict, the natural and sensible recourse from the present dangers is to place some reasonable restriction upon them.

Mr. Chairman, the argument is made that the demand for labor to develop our great resources is such that we should encourage all this immigration; but, Mr. Chairman, the development of our material resources is not the chief end and aim of man or of this nation. The building, developing, and elevating of our social and civil fabric in its purity and grandeur is more than adding to the volume of our wealth; more important it is to develop man and society and free government and maintain them in their purity than to build up our natural wealth. In the course of time we will have peopled this continent; a population will come under the blessings of Providence the offspring of our own race and people that will fill the vacant places and develop and build up our resources. Our population may become so dense that the struggle for existence will be difficult. It is true that the science and ingenuity of man will develop new resources, will bring the forces of nature into operation to supply the wants of man, but there is a limit to all things. Already we hear talk of the physical degeneration of our race. Among the causes enumerated for this is the overcrowding of people with its attending evils. It has been shown that the death rate increases in startling proportions wherever condensation takes place. I can see no reason why we should hasten the day for a struggle for existence to take the place of natural progress and development. I know the commercial spirit of this age; but I maintain that the rapid accumulation and building up of our national wealth is not the paramount object of this nation, but rather the developing of a virtuous, contented, and happy people. [Applause.]

I confess I do not like some of the methods suggested to restrict immigration. The head tax is distasteful to my mind; it is ineffective, too, in preventing immigration for the reason that steamship companies who by their agents and various methods work up these alien immigrants from other countries will pay this head tax, and it is but a lessening of their profits rather than a restriction of immigration. It may be a frown on honest poverty. The man without the money to pay the head tax might be as honest and as capable of developing into a good citizen as his more fortunate brother who possesses the head tax. The poor man is not only entitled to every consideration that his more fortunate brother is, but deserves our sympathy

more, and may possess, as before stated, the elements of manhood and good citizenship.

The educational test is not satisfactory, because it is in a sense unjust to the illiterate, and his illiteracy may be no evidence of his depravity or inferiority.

The work of transportation lines and steamship companies and other agencies of our own people, working up immigration for the mere gain of their passage fare, is one of the worst evils to contend with. These and their coworkers, who are endeavoring to evade the contract-labor law, are the agencies that bring us the worst class of immigrants. The man of energy and courage, that strikes out on his own nerve to seek his fortune in a new land, is much more likely to make a desirable citizen of his adopted country than those that are herded up like dumb driven cattle and brought here by men just for the purpose of exploiting their business. The argument has been made, based upon the statement of Government officials, that a very large amount of the immigration is the result of the work of those seeking to evade the contract-labor law. If these unjust and unlawful methods could be stopped, we would be relieved of the most undesirable parts of this immigration, and it will check those that are coming in largest numbers, according to the report of the immigration inspector. If this traffic in immigration, practiced by grafters and spoilsmen, in bringing a class regardless of their character could be stopped, much would be done toward solving this question. Then we might still welcome the honest man—the poor man, illiterate though he be—if he is one who realizes that he is made in the image of his Maker, and comes to us inspired by a love for liberty and a desire to learn our institutions and become a part of our nation. [Applause.]

Mr. GOULDEN. Mr. Chairman, I would like to ask the gentleman a question.

Mr. HOUSTON. I yield to the gentleman.

Mr. GOULDEN. When you speak of the "immigration inspector" to whom do you allude?

Mr. HOUSTON. I am talking about Mr. Braun—Marcus A. Braun.

Mr. GOULDEN. The gentleman is aware that that party has resigned; that he was discredited by the Department of Commerce and Labor; that his statements are greatly exaggerated, if not entirely untrue?

Mr. HOUSTON. I am not aware that his statements have been discredited by anybody.

Mr. GOULDEN. So I am informed.

Mr. HOUSTON. I understand he has got in some trouble.

Mr. GOULDEN. He has resigned under fire.

Mr. HOUSTON. He has resigned; but the facts that he sets forth in his report have not been met or proven to be untrue.

Mr. GOULDEN. I think they are untrue, largely.

Mr. HOUSTON. This large influx that has been instanced by these officials comes as a result of the evasion of this law, according to their statements, and it does seem to me that their statement is the best authority we have so far. That law ought to be enforced; if it is insufficient it ought to be amended. It ought to be strengthened; severer penalties ought to be attached to it [applause], and if by this means we can stop this part of the present-day immigration, that would go a long way in affording the needed relief.

I am aware, Mr. Chairman, of the difficulties which confront us when we undertake to control the action of these transportation lines and steamship companies in the great tide that they are bringing here. It is a difficult matter, as is well known in this House and in this Government, to regulate and control transportation companies. That question in a different form has been agitating this House, and is now agitating the other end of this Capitol, and has been since the meeting of this Congress. But I believe that in the exercise of our proper legislative functions we can pass laws to control and regulate transportation lines and foreign and interstate commerce; and if that is done much will be accomplished toward holding immigration within proper limits.

Mr. GARRETT. Will the gentleman yield to me for a minute?

Mr. HOUSTON. Yes, sir.

Mr. GARRETT. I see that the gentleman has given considerable thought to this question. I would like to ask whether my colleague thinks it would be possible or practicable to adopt a system of examination at the American consulates before the immigrant comes here? Has my colleague studied that phase of the question?

Mr. HOUSTON. I will say that I have studied that feature of the question as best I could with the light before me, and it occurred to me at first that that would be a most feasible way to prevent and restrict a great deal of immigration, but, upon further investigation, the difficulties of putting that into practical operation are very considerable. If, however, it could be done, it would reach the very point where succor is needed most, and I hope that some method of that sort may be established and put on foot by which we can have an inspection and an examination at the the foreign ports before they start to this country. I hope that the committee may evolve some method of that sort that will give relief.

Now, Mr. Chairman, I believe in the method of selecting the best, as far as we can. I believe that we should restrict and restrain those that are not so good, as far as we can. After an investigation of this subject I am aware that there is much difficulty attending this legislation—much difficulty to procure legislation that will accomplish this end—but I hope that this committee that is giving so much labor and thought to this question may report a measure that will produce the relief that the country stands so much in need of, to my mind. Let us select the best to the extent that we can. Let us restrain the undesirable to the extent that we can, and if these methods fail, then this nation must meet the question fairly and squarely and close our doors when it becomes necessary for our own preservation. If we can not control the actions of steamship companies in bringing immigrants from foreign lands, we can meet their vessels at our own ports and deny them entrance; and whenever the tide of immigration becomes so great as to be a menace to our country, then we should, I say, restrict immigration from all lands and all countries, if it is necessary to protect our own people. That is our duty. We have a right to protect ourselves against an invasion of any kind, either an armed force or one coming in the guise of peace. We have a right to quarantine against pestilence and disease, and it is right to do so. We have a right to exercise every safeguard as a nation to protect our people from any evil that threatens us whenever that protection is needed; and, I say, if these restrictive methods, these selective methods, fail, then we must meet the question and adopt such measures as will preserve our own nation and its best welfare. [Prolonged applause.]

Mr. LITTLEFIELD. Mr. Chairman, perhaps a trifle out of the usual order, I should like to have the attention of the committee while I discuss some things that relate to the legislative, executive, and judicial appropriation bill. I shall not detain the committee for any great length of time in any event, but a little bit later I want to call attention to what seems to me to be a prevailing abuse, and that is the apparently irresistible tendency upon the part of the legislative body not only to increase salaries injudiciously, but to continue to increase the personnel of the service of the United States.

I was very much interested in the remarks of the chairman of the Appropriations Committee, and the gentleman in charge of this bill also, indicating that they had begun to discover conditions that were not entirely agreeable in connection with the service of the Government in that regard. I very heartily approve the suggestions of the gentlemen representing the committee in a general way in relation to the superannuation of the Government employees, and I am perfectly willing to follow them in any reasonable and appropriate legislative manner in correcting what may be to some extent an abuse. Yet, at the same time, Mr. Chairman, I submit that the analysis upon which I am about to engage a little later will demonstrate that the superannuation of employees is by no means the greatest evil under which we labor. In my judgment, sir, the superannuation of employees is a trifle compared with unnecessary and unrequired men in the Government service.

Now, it is not my purpose to discuss that question even in detail, or to allude to any particular official, either by way of the creation of an office or by the increase of salary. It is my desire to present the concrete practical situation, in order that the chairmen of the various committees and that the House may appreciate the condition into which we have developed along these lines.

Of course, we all full well appreciate the practical situation, that it is almost impossible for us to turn about anywhere without being asked, not only for the creation, perhaps, of an office in the Government service, but for the increase of a salary; and these applications are very difficult to withstand. Now, I want to say, Mr. Chairman, that this subject, in my judgment, has not received the attention to which its magnitude entitles it. The civil-service salary list is to-day about $133,913,363, and that by no means includes the charge upon the public Treasury of the public officials in the public service.

I want to say now, on the threshold of what I have to say, that the President of the United States, apprehending this situation and realizing as he apparently has—although in the immense multitude of details involved in the discharge of his

duties it is unreasonable to expect him to have a knowledge of details—the President, realizing the condition connected with the public service, has appointed what is known as the Keep commission, which is intended to regulate and investigate three or four bureaus for the purpose of ascertaining whether or not the service now being rendered by those bureaus can not be rendered by less men, at a less expense, in a more economical way, and without the possible duplication of the Government service.

I asked the distinguished gentleman from Georgia [Mr. LIVINGSTON] if that did not tend in the direction indicated by the suggestions of the committee, and he rather blew that Commission aside as if it was a matter of no consequence whatever.

Now, I do not know what that Commission up to date has accomplished, but I do wish to say that, in my judgment, the appointment of that committee on the part of the President of the United States, without legislative suggestion or reminder, was a step in the right direction, and I believe that that Commission to-day, Mr. Chairman, has accomplished valuable and useful results with very trifling expense to the Treasury of the United States.

Now, that is a step, I say, in the right direction. I do not wish to be understood, in the suggestions I am going to make, as being opposed to the increase of salaries or to the creation of offices, because I am not, under proper condition. I am prepared now to vote, notwithstanding these conditions, for an increase of any salary where the increase is reasonable and fairly required, no matter who the officer may be. I am prepared to vote and sustain the committee in any offices necessary for the proper discharge of the executive functions of this Government. And yet, at the same time, I think this committee will be satisfied when I give them this analysis that we must exercise very much more conservative care and caution than has been exercised heretofore.

I am going to call attention to the analysis of the situation from 1889 until now. In 1888 and 1897 we had some legislation that required the clerks of the appropriations committees on the part of the House and the Senate to report an analysis of the appropriation bills for each session at the close of the session.

These clerks made these reports. I want to stop here now to say that I have had very material assistance in the investigation of the question that I am now discussing by the very efficient and valuable clerk of the Appropriations Committee of this House—Mr. Courts—one of the most—I won't say the most efficient, because that would be an invidious distinction as to the other clerks—but I do not hesitate to say that he is one of the most valuable and efficient servants that this House of Representatives has. He is an absolute encyclopedia upon the fiscal operations of this Government. I have had occasion to ask him a great many questions, and I have never found him wanting in any particular. [Applause.]

Now, in the discharge of this very important duty—and, by the way, I doubt very much, so far as practical results are concerned, whether any member of this House or Senate has availed himself of the information disclosed by these men as a result of this statute—under these statutes these gentlemen have collected with these clerks and prior clerks since 1888 these statistics and summaries, and one of the items is "New offices created, and salaries therefor;" another item is "Offices, salaries of which have been omitted, with the amount of reduction." Another item is "Offices, the salaries of which have been increased, with the amount of such increase." Another is "Offices, the salaries of which have been reduced, with the amount of such reduction."

Now, I will give the House the benefit of the work of these gentlemen. Since 1889—1889 being for the fiscal year ending in 1890—offices created aggregated a charge on the Treasury of $1,469,779. The offices omitted were $135,172, showing a net increase in 1889 of $1,334,607.

Now, I will not go into the details, but I will give the results, because, unfortunately, in every year from 1889 up to 1905 there has been an immense increase, and I will read them. I will put this list in the RECORD. In 1890 the increase was $2,686,229. In 1891 an increase of $2,264,234; in 1892, $375,919; in 1893, $1,033,233; in 1894, $1,044,606; in 1895, $1,621,176; in 1896, $886,095; in 1897, $1,057,366; in 1898, $55,557,906.

Of course, the Members will understand that that was the war year, involving extraordinary and unusual expenditure and a necessary large increase.

In 1899, $13,953,096; in 1900, $5,132,663; in 1901, $21,955,221; in 1902, $7,165,272; in 1903, $14,330,297; in 1904, $14,306,147, and in 1905, $10,450,695.

A statement more in detail is as follows:

*New offices created and the salaries thereof, and offices the salaries of which have been omitted, with the amount of the reduction, prepared in compliance with an act approved October 19, 1888.*

[Statutes at Large, vol. 25, p. 587.]

| Year. | Created. | Omitted. | Net increase. |
|---|---|---|---|
| 1889 | $1,469,779 | $135,172 | $1,334,607 |
| 1890 | 2,896,848 | 210,619 | 2,686,229 |
| 1891 | 2,404,718 | 140,484 | 2,264,234 |
| 1892 | 819,539 | 463,620 | 375,919 |
| 1893 | 1,272,022 | 238,789 | 1,033,233 |
| 1894 | 2,466,473 | 1,421,867 | 1,044,606 |
| 1895 | 2,257,334 | 636,158 | 1,621,176 |
| 1896 | 1,479,499 | 593,404 | 886,095 |
| 1897 | 1,319,064 | 261,697 | 1,057,366 |
| 1898 | 55,935,876 | 377,880 | 55,557,996 |
| 1899 | 14,812,127 | 857,071 | 13,953,056 |
| 1900 | 7,258,981 | 2,124,318 | 5,132,663 |
| 1901 | 22,656,674 | 701,453 | 21,955,221 |
| 1902 | 8,481,571 | 1,316,180 | 7,165,272 |
| 1903 | 15,333,248 | 1,002,951 | 14,330,297 |
| 1904 | 16,151,706 | 1,845,559 | 14,306,147 |
| 1905 | 11,331,039 | 880,344 | 10,450,695 |

Now, I submit, Mr. Chairman, that that is not a record of which any one of us should feel entirely proud. Every one of these creations of office and offices omitted have been reported to this House from time to time by some committee who examined these questions. I do not purpose criticising the committees, but I do wish to suggest that these facts are such—and I am going to give an average in just a moment—that should require the committees before they report these bills creating these offices to examine with great care these departments for the purpose of advising us whether these creations of office are necessary. The average net increase per year from 1889 to 1897 was $1,367,052. The average net increase per year from 1902 to 1905—four years—was $11,563,102. In other words, in four years we have created offices in appropriation bills to the extent of $46,242,408. Now, I think the time has come when the committees and the House should halt upon the threshold of this question. I desire to say this: That there have been unusual expenditures during the last four or five years that to a certain extent will account for some of these offices created. We have had the rural free delivery. I have not been able, because it is partly beyond the power of any one man to investigate all the details involved in this situation, to give to the House or to the Committee of the Whole the aggregate amount of increased charge upon the public Treasury by the rural free delivery. I believe in the rural free delivery, so far as that is concerned. I may say right here that the creation of offices in the postal service for this very last year carried in the appropriation bill ending July 1, 1906—that the balance was $2,439,300, and in a large degree I have no doubt that was due to the rural free-delivery service.

Mr. TAWNEY. Mr. Chairman, I will say for the information of the gentleman from Maine that the rural free-delivery service is $11,767,678.04.

Mr. LITTLEFIELD. That should be charged up against the $46,242,408?

Mr. TAWNEY. Yes.

Mr. SMITH of Iowa. Mr. Chairman, the gentleman from Maine [Mr. LITTLEFIELD], I believe, is the chairman of the Committee on Expenditures in the Agricultural Department?

Mr. LITTLEFIELD. Yes; I believe I have the honor.

Mr. SMITH of Iowa. Mr. Chairman, it was my privilege to call attention, in a general way, to the very matters of which the gentleman is complaining and to suggest that these committees should be vitalized and should investigate these expenditures in the several Departments of the Government, in order that thereby the appropriating committees would be able to tell whether the expenditures were unnecessary and excessive or not; but there are here the Committee on Appropriations, the Committee on Naval Affairs, the Committee on Military Affairs, and the Committee on the Post-Office and Post-Roads that have charge of nearly all of the appropriations of the Government. Does the gentleman think it is possible for these great committees to not only pass upon what is necessary to expend for the future, but to make that exhaustive examination into the expenditures of all of the nine great Departments of the Government especially to determine whether there has been waste in the past fiscal year in these Departments or not?

Mr. LITTLEFIELD. Mr. Chairman, I will say very frankly that I do not know, but I doubt whether it is. I have not undertaken yet, and I said distinctly that I did not undertake, to criticise the committees, although I do say that these offices that have been created have been created by the committees reporting these appropriation bills. If the gentleman desires me

to be entirely frank, it seems to me that when the committees report bills creating offices they ought to be able to be certain that the public service requires it. It may be that the public service requires to-day about eight times the creation of offices it did from 1889 to 1897. I do not say that it does not. I have not been able to find anybody—and I have made careful inquiry—that can give me reasons for this large increase, except in the line of the rural free delivery and two other Departments. And I desire to call attention to a new bureau which we created, making the Census Bureau permanent. We have also created the Department of Commerce and Labor. That has also made a very large extra charge upon the Treasury. Now, I have no doubt that the rural free-delivery service and the making permanent the Census Bureau, which is perfectly legitimate, I believe, and also the making of this Department of Commerce and Labor, has to a large degree been responsible for a great deal of this apparent large expense, but I doubt if they account for all of the increases.

Now, a little further in relation to the Committee on Expenditures——

Mr. SMITH of Iowa. Will the gentleman permit me to make a suggestion in that connection before he passes from that?

Mr. LITTLEFIELD. Certainly.

Mr. SMITH of Iowa. I take it I will be sustained by the record when I say that in no instance has an additional clerk been allowed or an additional office been created without the head of a Department or bureau or division coming before the committee and explaining the absolute necessity for the additional force in his branch, but unfortunately it is beyond the power of those four committees, charged as they are with the primary duty of determining how much is needed for the next fiscal year, to make that critical examination into the work done in every branch of the public service, which now costs approximately eight hundred millions a year, and to know whether or not they need this additional force or that somebody already employed in the public service is not doing his full share of work. The work of ascertaining the amount needed for the future is so great as to preclude sufficient examination by the same committees of the wisdom of past expenditures. Now, if your committee and the other committees of like character would assume the burden of ascertaining the wisdom of past expenditures and furnish the light of that information to these appropriating committees, you would greatly aid these committees in the discharge of their duties and enable them to discharge them much better and with greater economy. [Applause.]

Mr. LITTLEFIELD. The gentleman's statement can not embarrass the gentleman now addressing the committee, because until within the last few weeks he has not been in a position to do this very useful work.

Mr. SMITH of Iowa. I beg the gentleman's pardon; I had no thought of seeking to embarrass him, and if the gentleman had listened——

Mr. LITTLEFIELD. I have listened.

Mr. SMITH of Iowa. To my remarks on the fortification bill he would know I acquitted these committees of all responsibility for this failure to investigate the Departments, but urged that the committees be vitalized for the future and hereafter do the work which properly belongs to them.

Mr. LITTLEFIELD. Now, if I understand the gentleman, it is this: The gentleman's proposition is the Committee on Appropriations have unloaded this responsibility on committees heretofore known as "innocuous" committees——

Mr. SMITH of Iowa. Not at all.

Mr. LITTLEFIELD. That these committees not being vitalized—the committees on expenditures in the various Departments—that because of that these small committees have never done anything heretofore, and I do not know that they have. I am now chairman of one, and I will take the advice of the gentleman and give it very ample consideration; but, as I now understand it, it is because the committees on expenditures in the various Departments have not heretofore made an investigation and relieved the Committee on Appropriations of a great burden they have been continually reporting new offices again and again, and now under the shelter of this proposition——

Mr. SMITH of Iowa. May I——

Mr. LITTLEFIELD. Let me finish. And they now shelter themselves under the proposition, they have talked to somebody about it, and the man stated that such office was necessary, or such an increase was necessary. That is what I understand to be the substance of the gentleman's statement.

Mr. SMITH of Iowa. I acquitted the gentleman's committee, and I trust the gentleman wants to be fair with the other committees. I stated these appropriating committees, in my judgment, exhausted every possible effort upon their part to ascertain what expenditures were necessary for the future, took testimony, had extensive hearings, but it was impracticable since the expenditures of the Government had arisen to $800,000,000 a year for those few committees to make as exhaustive an examination of the past as ought to be made, and therefore the hour had come when committees like that of which the gentleman from Maine is chairman ought to be vitalized and ought to come to the assistance of the appropriating committees and ought to furnish information to them that would assist them in the discharge of their duties.

Mr. LITTLEFIELD. I want to say this in fairness to the gentleman. I think the gentleman states the question from the view point of his committee fairly.

Mr. BURLESON. Is it not a fact that the Committee on Expenditures in the Post-Office Department made an effort a few years ago, when the Department was rife with corruption, to make an investigation of the character indicated by the gentleman from Iowa, and did not this House refuse to permit the investigation of the expenditures in the Post-Office Department?

Mr. LITTLEFIELD. I am not able to state about that, but I presume the gentleman making the statement knows the basis upon which he makes it. I do not personally know what the fact is, but I want to say——

Mr. GAINES of West Virginia. Is it not a fact that was only done when the Department of Justice was investigating the delinquencies of the Post-Office Department to which the gentleman from Texas refers? Was not the action of the House taken because the House did not want to embarrass the Department of Justice when it was after those people in a criminal way?

Mr. LITTLEFIELD. I have not any doubt the gentleman from West Virginia states the situation correctly. Personally I have no recollection about the details. There is no controversy between myself and the gentleman from Iowa so far as his committee is concerned. I relieve it so far as I am concerned of any desire to criticise. I have not any doubt he states exactly the situation. Now, if the solution of this really is these committees which have fallen into innocuous desuetude; if the real and proper solution is for these committees to make an investigation, that is one thing. I am ready to aid in that.

On the other hand, there is no doubt that this is the situation which we ought to take care of. I think that the gentlemen on the various appropriation committees are better qualified, with their knowledge of the subject, to suggest the proper method. If the gentleman suggests a commission to ascertain what the conditions are, why that would be another proposition. Now I will yield to the gentleman from Ohio.

Mr. GROSVENOR. I was only going to inquire, if the Appropriations Committee can not do it—they have not got the time to do it and can not do it—and the Committee on Expenditures in the Treasury Department can not, and you are all acquitting each other of any negligence and issuing bills of health to each other, what are you talking about? [Laughter.] What are you here for? [Renewed laughter.]

A MEMBER. Where are you at?

Mr. SMITH of Iowa. Will the gentleman permit me to answer that?

Mr. LITTLEFIELD. I will first answer it. In the first place, I will say, so far as I am concerned, I have made no assertion that we can not do it, but a gentleman on the Appropriation Committee suggests that. I suggest this to the gentleman from Ohio, that I have said that if the solution of this is to vitalize these committees that, so far as I am concerned, I will try to help vitalize them. I think that should satisfy the gentleman.

Mr. GROSVENOR. That puts you all right.

Mr. LITTLEFIELD. The gentleman does not feel embarrassed about that?

Mr. GROSVENOR. That is a double bill of health.

Mr. LITTLEFIELD. Precisely; that leaves us without any criticism whatever.

Mr. SMITH of Iowa. I was about to say that the rule is not specific in requiring your committee to make investigation. It is very doubtful under its language whether you have the right to do anything but to consider legislation.

Mr. LITTLEFIELD. Whether we have the right to.

Mr. SMITH of Iowa. Whether you have the right to. There is no provision of the rule requiring you to do it, in my judgment, under the rule, after a careful examination of it. Now, this is not a reflection upon these Committees on Expenditures in the Departments. It is not a reflection upon any other committee, except as it may be a reflection on us that we can not do

everything in the limited time we have. It is impossible for them to make a sufficiently careful scrutiny on all these expenditures in the nine Departments, and somebody else ought to do it, and furnish the result to those committees primarily charged with the duty, not of ascertaining how the money has been spent, but how much must be appropriated for the next fiscal year.

Mr. LITTLEFIELD. So that the Committees on Expenditures are acquitted, because the gentleman says they have never had any power in connection with this question. I have just stated, and now the gentleman from Iowa has stated practically the same thing with reference to the various appropriations committees, and all I said was that I wanted to call attention to these facts in order that all these committees, so far as they can, shall give a more careful scrutiny to these propositions when they come before them. That is all I did say and that is all I do say. Now I will yield to the gentleman from Texas.

Mr. STEPHENS of Texas. I belong to the Committee on Expenditures in the Department of Justice, and have for the past six years. During all that time there has never been a bill submitted to the committee. Now, I desire to know from the gentleman how it is possible for us to pass upon anything unless it is sent to us under the rules of the House?

Mr. LITTLEFIELD. It may not be.

Mr. STEPHENS of Texas (continuing). We have no right to investigate anything. Of course, I am a member of the minority, and we can not originate anything, and I would like to know the means by which we are to enter into this investigation.

Mr. PAYNE. I will ask the gentleman if there is anything in the rule which would prohibit a Member of the House from introducing a bill and having it referred to the committee, if he is looking around for jurisdiction.

Mr. STEPHENS of Texas. I am a member of the minority.

Mr. TAWNEY. Let me ask the gentleman a question. Is it not a fact that the law requires the heads of the Departments to annually submit to Congress an itemized statement of the expenditures of all the appropriations, and is not that statement presented in the form of a document and sent to all of these committees on expenditures of the various Departments, and has any one of these committees ever taken the trouble to examine these statements?

Mr. STEPHENS of Texas. We have never been called together, up to date, I believe. [Laughter.] I do not understand why, unless it is because——

Mr. TAWNEY. Has the gentleman ever seen one of the reports submitted to his Committee on Expenditures in the Department of Justice?

Mr. STEPHENS of Texas. I never have. The matter has never been called to our attention.

Mr. TAWNEY. As a matter of fact, there is an itemized statement furnished to the House by the head of each of the Departments of all the expenditures and all the appropriations that are made, including permanent appropriations; and they are referred under the rules of the House to the Committees on Expenditures of the various Departments referred to.

Mr. PAYNE. Will the gentleman from Maine object to my reading from the rule a statement of the jurisdiction of these committees?

Mr. LITTLEFIELD. I have not the slightest objection.

Mr. STEPHENS of Texas. I desire to ask how the minority of a committee can call the committee together when the chairman does not do it, the chairman, under the rules of the House, having control of the committee through the majority?

Mr. TAWNEY. Has the gentleman ever called for one of these reports, or inquired in his committee room whether they were there or not?

Mr. STEPHENS of Texas. I can read the Book of Estimates as well as anyone.

Mr. TAWNEY. This is not an estimate. This is a report of actual expenditures. Has the gentleman ever seen one?

Mr. STEPHENS of Texas. What can we do with it when we read it?

Mr. PAYNE. I thought the gentleman from Maine yielded to me.

Mr. LITTLEFIELD. I did; and that gives you an opportunity to obtain the floor, if you can. I can not secure the floor for you. I can only yield to you.

Mr. PAYNE. I will endeavor to obtain the floor through the recognition of the Chairman.

The CHAIRMAN. The gentleman from Maine yields to the gentleman from New York.

Mr. PAYNE. I want to read from the rules:

The examination of the accounts and expenditures of the several Departments of the Government and the manner of keeping the same; the economy, justness, and correctness of such expenditures; their conformity with appropriation laws; the proper application of public moneys; the security of the Government against unjust and extravagant demands; retrenchment; the enforcement of the payment of moneys due to the United States; the economy and accountability of public officers; the abolishment of useless offices; the reduction or increase of the pay of officers, shall all be subjects within the jurisdiction of the nine standing committees on the public expenditures in the several Departments, as follows:

Then follow these nine distinguished committees. Now, if the gentleman will allow me to say in that same connection, in the Forty-eighth Congress I had the distinguished honor of being one of the minority members of the Committee on Expenditures in the Interior Department, and that committee was sufficiently vitalized to make an examination of some affairs in the Interior Department, and we did make an examination and report and submitted it to the House; and the gentleman who was then known as the "watch dog of the Treasury" (I refer to the late gentleman from Indiana, Mr. Holman, who was so long chairman of the Committee on Appropriations) said that that was one of the most valuable reports that ever came to the House and that it saved a great deal of money. Now, that committee, in one little branch of the Government which was under its jurisdiction, undoubtedly saved the Government considerable money by this investigation. I only cite this rule and this example in order to encourage the gentleman from Maine——

Mr. LITTLEFIELD. To go and do likewise.

Mr. PAYNE. To encourage him in welldoing, and I hope he will go into all these questions of which his committee has jurisdiction, and that we will hear something from him in the future that will tend to reduce these increased expenditures.

Mr. LITTLEFIELD. The committee that the gentleman from Maine is on does not happen to have jurisdiction of all subjects.

Mr. PAYNE. No; only one of them, and I think he will be busy enough with that.

Mr. SHERLEY. Mr. Chairman, will the gentleman yield to me?

Mr. SMITH of Iowa. May I offer a suggestion, Mr. Chairman?

Mr. LITTLEFIELD. I yield for a moment.

Mr. SHERLEY. I want to suggest to the gentleman, in order to get all precedents before the House, whether he knows what the action of the House was when the chairman of the Committee on Expenditures in the Post-Office Department in the last Congress undertook to get jurisdiction of an investigation of that Department?

Mr. LITTLEFIELD. That question has already been put, and I simply state this, if the gentleman from Kentucky will allow me, that personally I have no recollection of the details of the incident. I think that is the same report to which the gentleman from West Virginia referred, suggesting that it was likely to interfere with some prosecutions.

Mr. TAWNEY. The House ruled that the Committee on Expenditures in the Post-Office Department did not have jurisdiction of the resolution.

Mr. PAYNE. That was a resolution to investigate, and the House did not give to that committee the authority to investigate, but the rules seem to give that authority to the committee.

Mr. TAWNEY. The House referred the resolution to the Committee on the Post-Office and Post-Roads.

Mr. SMITH of Iowa. Mr. Chairman, I desire to call the attention of the gentleman from Maine and of the House to the fact that while the gentleman from New York correctly read a portion of Rule XI, I do not think——

Mr. LITTLEFIELD. I hope the gentleman does not intimate that he left out a part of it.

Mr. WANGER. He left out the vital part of it.

Mr. SMITH of Iowa. I do not think the reading correctly gives the meaning of the rule, and, therefore, I wish to read the heading of this rule:

RULE XI.—POWERS AND DUTIES OF COMMITTEES.

All proposed legislation shall be referred to the committees named in the preceding rule, as follows, viz: Subjects relating—

Then follows the part read by the gentleman from New York. That is, it may well be said, that this rule says that all proposed legislation upon the subjects within the jurisdiction of these committees is referred to the committees. Consequently it is a matter of grave doubt, in view of the first paragraph of this rule, whether the committee had the right to do what the Committee on Expenditures in the Interior Department so commendably and successfully did do. Now, my contention is that all doubt as to the duties of these committees should be done away with by an addition to this rule specifically providing

that it shall be the duty of each of these committees upon its own motion to annually investigate all expenditures in the Departments under its charge and report all abuses to the House.

Mr. PAYNE. Mr. Chairman, will the gentleman from Maine allow me to ask the gentleman from Iowa a question in the time of the gentleman from Maine?

Mr. LITTLEFIELD. Certainly.

Mr. PAYNE. I understand the interpretation of the rule by the gentleman from Iowa that any bill relating, for instance, to retrenchment in the Treasury Department would be referable to this Committee on Expenditures in the Treasury Department.

Mr. SMITH of Iowa. I so understand it.

Mr. PAYNE. Having jurisdiction of such a bill, why hasn't the committee just as much right to call in any gentleman from the Treasury Department and have an examination in regard to that as has the Committee on Appropriations in regard to any legislation that they have?

Mr. SMITH of Iowa. I would not be prepared to say that it had not the right, but when you go on and say it is the duty of this committee annually to conduct an independent investigation of its Department when there is nothing in the rule except so far as the jurisdiction of proposed legislation, then I am prepared to acquit these gentlemen who all of these years have been neglectful—if that is the proper word—of conducting such investigation.

Mr. PAYNE. I agree that if no bill of that kind is referred to them of course they have no jurisdiction to examine, but still, as members of the committee and as Members of the House, there may be possibly incumbent upon them a duty to introduce a bill and refer it to the committee in order to get jurisdiction. The gentleman will understand me that I am not finding fault with the committees.

Mr. SMITH of Iowa. Does the gentleman realize that if the rule required an independent investigation and report we would have the benefit, at every Congress, in every Department, of an investigation similar to the one conducted by the gentleman from New York which was so valuable to the Interior Department?

Mr. PAYNE. Oh, I was only a minority member of the subcommittee then.

Mr. LITTLEFIELD. Well, Mr. Chairman, I am glad to get the judgment of my distinguished friend from Iowa [Mr. SMITH], for I know him to be one of the best lawyers in the House. I will take his suggestions under prayerful consideration and examine them with reference to this question.

Mr. SAMUEL W. SMITH. Will the gentleman allow me?

Mr. LITTLEFIELD. Certainly.

Mr. SAMUEL W. SMITH. Is the gentleman going to name the offices that have been unnecessarily created, as he thinks?

Mr. LITTLEFIELD. No; I am not going into that detail. It is impossible for me to go into the details. If the several committees that report appropriations, numbering seventeen or eighteen members each, with a half a dozen subcommittees, can not get at these details when they have before them the subjects for investigation, it is certainly more difficult for one man to investigate all the various questions and undertake to specify as to the offices. We have to rely on the committees for that purpose. I am going to briefly call attention and I will put in the RECORD an analysis of the appropriation bill for 1906. I call attention to a few of the larger items. In the Treasury Department the offices created in excess of those omitted amounts to $136,460. That is the added charge on the Treasury. In the Department of Commerce and Labor the excess of offices created against those omitted was $79,080.

Mr. TAWNEY. The gentleman is speaking of current appropriations?

Mr. LITTLEFIELD. No; in the appropriation bill of last year. I will call attention to this pending bill later, because this particular bill is entirely in line with my suggestions and conservative. I will say that it omits more offices than it creates. The Committee on Appropriations, in my judgment, is entitled to a great deal of credit for the effective work that it has done all along this line. The chairman has been efficient, and he has been seconded by every man on the committee.

While on that point I will call attention to what they have done. They have made a reduction in the charge on the Treasury for this year in the aggregate of something like $76,506.25, so that this particular bill that is pending here now is not subject to this criticism.

Instead of creating more offices than it omits, it omitted more than it created, $76,506.25, as stated by the chairman, and the committee certainly are entitled to the thanks of the House for the work that they have done in that direction.

I desire now to call attention to a few of these items in the bill for 1906—that is, the bill passed in 1905. I have already called attention to the increases in the postal service, giving that amount of $2,439,339. In addition to that the Post-Office Department had an increase of something like $43,450. Then the District of Columbia had offices created amounting to $149,950, and omitted $2,165, showing a net increase of $147,785.

The military establishment showed an increase last year of $39,210, and for this year in the military establishment the increase in salaries—that is, the increase, taking the balance of offices created as against those omitted—is $72,900, as compared with $39,210 for last year. Now, the chairman of the Committee stated, and I have no doubt that it is true, that every one of them is necessary; and I may say right here, in connection with the military bill, there is an increase in salaries in the military bill this year which has already passed the House of something like $60,000.

Mr. TAWNEY. Mr. Chairman, I desire to state to the gentleman from Maine [Mr. LITTLEFIELD] that as the bill passed the House those increases were stricken out.

Mr. LITTLEFIELD. I am going to call attention to that. As the bill passed the House the items were stricken out of the bill, aggregating more than $300,000, upon the ground, as I understand it, that they were appropriations made for offices that had not been created by any affirmative law, but that were simply continued from year to year in the appropriation bills. My analysis here is made upon the basis that those offices will probably be put back in another body, and that the bill will come back here practically as it entered the House, and I understand the increase to be necessary.

I desire now to call attention to one other item. The naval establishment had offices created as against offices omitted of $1,253,893. Without taking any more time of the committee, I will insert in my remarks here this detailed list of offices created and omitted.

I desire now to call attention to the Indian bill.

Mr. STEPHENS of Texas. Mr. Chairman, I think I can explain that very briefly. The Indian Territory matters have been causing a great deal of trouble.

Mr. LITTLEFIELD. I have not reached that yet.

Mr. STEPHENS of Texas. And that was the reason for the increase of the number of offices.

Mr. LITTLEFIELD. I will explain that when I reach it.

Mr. STEPHENS of Texas. After this year that will be stopped. These tribes will go out of existence, and I hope the Indian Territory will become a part of the State of Oklahoma.

Mr. LITTLEFIELD. I will insert here a detailed statement of offices created and offices omitted for the fiscal year 1906:

| | Created. | Omitted. | Reduction. |
|---|---|---|---|
| Legislative, executive, and judicial | $12,500 | | |
| House of Representatives | 18,000 | $7,400 | |
| Library of Congress | 720 | | |
| Executive office | 8,000 | 9,000 | |
| Civil Service Commission | 41,000 | | |
| Department of State | 4,900 | | |
| Treasury Department | 159,880 | 23,420 | |
| Supervising Architect | | | $125,000 |
| Collecting internal revenue | | | 250,000 |
| Independent, Treasury | 14,150 | 2,000 | |
| Mints and assay offices | | | 2,000 |
| Mints and assay offices | 14,850 | 6,200 | |
| Government in the Territories | 3,000 | | |
| Mints, assay office, increase wages | 98,000 | | |
| War Department | 58,540 | 5,600 | |
| Public buildings and grounds | 2,400 | | |
| State, War, and Navy Department building | 2,100 | 1,860 | |
| Navy Department | 13,840 | 6,500 | |
| Department of the Interior | 32,400 | 33,700 | |
| Post-Office Department | 76,000 | 32,550 | |
| Department of Justice | 6,300 | | |
| Department of Commerce and Labor | 98,920 | 19,840 | |
| Judicial | 56,000 | | |
| Department of Agriculture | 492,620 | 158,350 | |
| District of Columbia | 149,950 | 2,165 | |
| Sundry civil | 43,920 | 960 | |
| Diplomatic and consular service | 67,620 | 37,080 | |
| Military establishment | 41,710 | 2,500 | |
| Military Academy | 9,050 | 900 | |
| Naval establishment | 1,263,012 | 9,119 | |
| Indian Department | 1,200 | 1,800 | |
| Postal service | 2,770,100 | 330,800 | |

Now, Mr. Chairman, I have an analysis, taken from the work of these two clerks of these committees, of the salaries that have been increased and reduced since 1889. I here insert the summary for seventeen years.

*Summary of offices the salaries of which have been increased and reduced, and the net increase in each case.*

| Year. | Increased. | Reduced. | Net increase. |
|---|---|---|---|
| 1889 | $36,486 | $1,387 | $35,099 |
| 1890 | 141,295 | 1,808 | 139,487 |
| 1891 | 111,018 | 1,820 | 109,198 |
| 1892 | 273,849 | 31,120 | 192,729 |
| 1893 | 51,894 | 22,750 | 29,144 |
| 1894 | 33,741 | 27,800 | 5,941 |
| 1895 | 39,506 | 18,328 | 21,178 |
| 1896 | 30,970 | 1,680 | 29,290 |
| 1897 | 6,814 | 400 | 6,414 |
| 1898 | 103,470 | 1,760 | 101,710 |
| 1899 | 135,188 | 1,658 | 133,529 |
| 1900 | 41,974 | 1,410 | 40,564 |
| 1901 | 83,173 | 8,100 | 75,073 |
| 1902 | 118,576 | 13,120 | 105,456 |
| 1903 | 204,952 | 600 | 204,352 |
| 1904 | 79,926 | 400 | 79,526 |
| 1905 | 42,975 | 1,500 | 41,475 |

The average increase per year—and I do not find, by the way, any year when there was more decrease than increase—for seventeen years was $79,371.

Now, in the Indian bill this year there is an increase in one item alone of $98,205, and it is entirely true, as suggested by the gentleman from Texas [Mr. STEPHENS], that that was rendered necessary by the fact that a large number of Indian police that are necessarily employed in the Indian Territory have heretofore been employed, as they say, at a very small rate of wage, which was very inadequate compensation. It was necessary to raise it from $15 to $25. Am I correct in that, I will ask the gentleman from Texas?

Mr. STEPHENS of Texas. Yes; the gentleman is correct.

Mr. LITTLEFIELD. Still, of course, the raise occurs, so that in one bill we have in this session increased salaries of more than the average of all the bills for seventeen years. Now, the legislative, executive, and judicial appropriation bill, which is now pending before the House, has a net increase of $8,530. The salaries increased in the military bill, which has already passed the House, amounted to $60,000 for the item of contract surgeons for the year 1907, making an aggregate of $166,730 increase of salaries with these three appropriation bills that have already passed, as against an average increase for seventeen years of about $79,000.

Now, I shall not take any further time of the committee in discussing this general question, but I think these facts coming from these records should put us all upon inquiry. If it is the judgment of the House that these conditions should be investigated by these committees on expenditures in the Departments, well and good——

Mr. COOPER of Wisconsin. Mr. Chairman, will the gentleman permit an interruption there?

Mr. LITTLEFIELD. Yes.

Mr. COOPER of Wisconsin. I have been in conversation here with the gentleman from Pennsylvania, and we would like to know if we understood correctly what the gentleman from Maine stated concerning the increased appropriations for salaries in the District of Columbia. Was it $147,000?

Mr. LITTLEFIELD. That was offices created. The new offices created in the District of Columbia in the appropriation bill for 1906, as against the offices omitted, was $147,785.

Mr. COOPER of Wisconsin. Does that mean the increase of the salary list in this District?

Mr. LITTLEFIELD. It does.

Mr. COOPER of Wisconsin. Why was that and what was it for?

Mr. LITTLEFIELD. I can not tell you. I have not had time to examine the District of Columbia appropriation bill. I simply say that the analysis made by these clerks shows that in the District of Columbia for 1906 the offices created amounted to $149,950. That is the charge upon the Treasury.

Mr. COOPER of Wisconsin. Those are new offices?

Mr. LITTLEFIELD. Yes; and the offices omitted amounted to $2,165, making a net increase of offices created of $147,785.

Mr. COOPER of Wisconsin. Well, now, has the gentleman from Maine any idea as to what that increased expense relates?

Mr. LITTLEFIELD. No; I have not had time to examine these various appropriations in detail.

Mr. COOPER of Wisconsin. This increase in the salary list of almost a hundred and fifty thousand dollars a year is only in the District of Columbia?

Mr. LITTLEFIELD. It is an increase in offices, and that is a charge on the Treasury, and that is the result of the analysis of the clerks.

Mr. CRUMPACKER. What does it cover—school-teachers, policemen, and all other classes of service?

Mr. LITTLEFIELD. It is new offices; it is not increases in salary; it is new offices, and covers everything in that line.

Mr. CRUMPACKER. Extension of the police, education, and everything?

Mr. LITTLEFIELD. Certainly. Let me state right here, so the gentleman will get the answer before he questions me further: As I have said, I think, a half dozen times, I have not undertaken to examine the details of any of these appropriation bills. It is simply impossible for a man to be sufficiently advised of the circumstances under which the appropriations are made without having all opportunities and spending a vast amount of time to reach an intelligent judgment, and I have not examined the details in relation to the District of Columbia appropriation bill. I am simply giving to the House what these clerks give as the basis of this analysis.

Mr. CRUMPACKER. Now, one might very reasonably infer from the character of the gentleman's criticisms and from the character of other speeches which have been made in relation to the administration of this Government that it is reeking with corruption, that it is rotten from center to circumference, and yet I undertake to say that there is not a man in this House or a member of any committee who can put his finger on any single additional office and say it is not necessary. I want to say that there has not been a single additional office created, but that some committee has at the time investigated the question carefully and thoroughly and reached a conclusion that it was essential to the proper administration of the public service. I want to say I do not like to have the impression go out to the country that the administration at Washington is so altogether rotten and indefensible. This impression would seem to result from speeches which have been made on this bill.

Mr. LITTLEFIELD. Now, let me say this to the gentleman——

Mr. CRUMPACKER. Now, I want to know what the gentleman's remedy is?

Mr. LITTLEFIELD. The gentleman from Indiana can not put that kind of an assertion into the mouth of the gentleman from Maine. I have repeatedly during this short address, if the gentleman has been here to hear it, declaimed any such criticism. I deny that the Government is subject to the charge the gentleman undertakes to put in my mouth. It does not lie in the mouth of the gentleman from Indiana, when I simply call attention here for the purpose of asking the committees to carefully scrutinize these appropriations, to state that I am making a charge of corruption against the Government of the United States. If he knows what the English language means, and he has heard me use it, he knows that with propriety he can not stand here and make that insinuation against me. I simply said that in my judgment the conditions are such that it requires an investigation, and when the gentleman undertakes to put into my mouth the assertion that the Departments are reeking with corruption, I repudiate the assertion, and the gentleman knows he has not any right to make that suggestion. There is not a word I have said, there is not a figure I have produced that is honorably and fairly entitled to that construction from any man on this floor, Republican or Democrat, and I do not propose to submit to that kind of an insinuation from any man on this floor. You can not put words into my mouth in that way, I tell you that. [Applause.]

Mr. CRUMPACKER. Now, if the gentleman will permit. I have listened here to this debate, and I saw the attempt on the part of one committee after another to prove an alibi, and I thought each one succeeded, each one disclaimed the blame of the existing condition of things revealed in the figures disclosed by the gentleman from Maine, and each one put the responsibility on somebody else. Now, I think my remarks taken down by the Reporter will bear me out in the statement that I made no such charge, but I said these criticisms without pointing to any specific instances of maladministration will go throughout the country and carry with them the impression that the civil administration of the Government is altogether rotten and that it ought to be reorganized from top to bottom. I said that impression would go out over the country from the character of criticisms in this House without pointing out something at least that would justify criticisms like the gentleman has made. What is the object of his animadversions upon the Administration if it is not to show that something is wrong? What is his purpose if it is not to demonstrate to the House and the country the bad condition of the Administration? Will the gentleman answer that?

Mr. LITTLEFIELD. Yes. I have answered it half a dozen times in the speech I have made. Now, if the gentleman from Indiana, under the excitement that seems to perturb him, has in mind any gentleman who has made that kind of criticism and spoken about corruption in these Departments, let him ad-

dress his kind and courteous remarks to those gentlemen and reserve that kind of criticism for the people to whom it belongs. I have stated it over and over again in the course of this speech that I called attention to this condition solely for the purpose of calling the attention of the committees to these conditions and urging increased care and caution upon them in reporting bills creating offices and increasing salaries. Now, I challenge the gentleman—and I will not change the RECORD, if the Reporters have been able to get my remarks—I challenge him to find a word that I have uttered here that is in any sense a criticism of improper or corrupt conduct on the part of any man connected with the Government of the United States. Has it reached the pass that a man can not call attention to facts for the purpose of arresting the attention of Congress in order that we may act intelligently, judiciously, and properly in respect to appropriations without being subject to such violent insinuation, without cause, and which almost reaches the dignity of abuse, from a man ordinarily so kind as my distinguished friend from Indiana?

Mr. BUTLER of Pennsylvania. Will the gentleman submit to an interruption?

Mr. LITTLEFIELD. Certainly.

Mr. BUTLER of Pennsylvania. As I understood the gentleman, he stated that last year in the District of Columbia there were created offices making a tax upon the Government to the extent of $150,000—nearly that, as I understood the figures. If so, will the gentleman now answer the question and please tell us what these increases of offices in the District were, where they are, or has the gentleman any record that would show that?

Mr. LITTLEFIELD. I have no detailed analysis of the record.

Mr. BUTLER of Pennsylvania. The gentleman will understand the drift of my question. It is whether these are increases in the District that have grown up in several years? It may be that there were increases that have extended over several years.

Mr. LITTLEFIELD. I have never gone over it in that detail. I can only say that they aggregated, in all the Departments, in 1905—that is this year that we were talking about—$10,456,695, and in 1904, $14,306,147, and for 1903, $14,333,297. Now, I have not gone into the details, because it would take too much time to go into them, and it would be impossible without the expenditure of a vast amount of time, which I did not have at my command, to get an intelligent understanding of the details.

Mr. LOUDENSLAGER. Do I understand the gentleman directly to say that the increase in the official salaries in the Navy Department in the year 1905 was $1,200,000?

Mr. LITTLEFIELD. The figures that I get from the analysis are these: Offices created, amounting to $1,263,012. I understand that covers the whole Department.

Mr. LOUDENSLAGER. That includes the men in the service?

Mr. LITTLEFIELD. I have no doubt it does. This includes the full charge that is made upon the Treasury by the Department. Everything in the line of an increase from the men in the service up.

Mr. TAWNEY. Will the gentleman permit an inquiry? You spoke of a number of increases of salaries on positions in the District of Columbia, and the inference from your remarks has been that the Committees on Appropriations in previous Congresses, are largely responsible for this increase. Have you taken into consideration the fact that during every Congress we are enacting laws, reported from the legislative committees of the House, creating these offices for which the Committee on Appropriations must necessarily appropriate the salaries?

Mr. LITTLEFIELD. Unquestionably.

Mr. TAWNEY. So that it is not all due to increases reported in the appropriations, but that they are largely due to legislation enacted by Congress; and therefore Congress is responsible for the increases, and not the Committee on Appropriations.

Mr. LITTLEFIELD. I am not undertaking to say that they were. I am glad to have the gentleman make that suggestion in order that it may go into the RECORD. Undoubtedly a large number of these increases have been and are made in this way. They were the result of legislation that has passed the House, and the committee were obliged to provide for it. Over and over again I have said I have no criticism to make upon the committees of the last session or the committee of this session. I have repeated that, I think, eight or ten times.

Mr. SAMUEL W. SMITH. Does the gentleman know of any offices that have been created by the legislative committee of the House for the District of Columbia that were not necessary?

Mr. TAWNEY. I am not saying or assuming that there were any offices created that were not necessary, but I simply call your attention to this distinction, for the reason that the House might, from the remarks of the gentleman from Maine, get the impression that all of these increases were reported in the appropriation bills, and that the several committees having jurisdiction over appropriations were solely responsible for the increases. It is for that reason and that reason alone that I have called attention to this distinction between increase created by appropriation bills and those created by laws passed by Congress.

Mr. LITTLEFIELD. Precisely so; and now I will say this, that I make no question so far as the various committees having charge of appropriations are concerned. I have said this, and I am going to conclude what I have to say with this suggestion, and a final suggestion, and that is that while it may be true that these committees have not time to make these investigations, I have said that, in my judgment, there are a great many men in the official service that are unnecessary there. That would be undoubtedly inherent, from the very nature of the case, in so large a service. No man could reasonably expect that the Government of the United States could carry on its affairs and have its service absolutely narrowed down to the men who are absolutely necessary. But my proposition has been that the conditions of increase have been so much and so large that it behooves us to see that we carefully scrutinize these questions.

Finally, allow me to say that the President of the United States, leading in this, as he has led in a great many other very important questions, started, as he well might, as a man considerate of the public service, desiring to see it well and economically administered, himself began, as he had a right to begin, this inquiry, and he is entitled to the credit therefor. I do not know but that some supersensitive gentleman like the gentleman from Indiana [Mr. CRUMPACKER] may intimate that President Roosevelt, when he appointed the Keep Commission, assumed that there was gross corruption in the Departments, and therefore appointed the Commission. Well, I think if anyone does make that suggestion, the distinguished gentleman who now occupies the White House can well take his chances before the country on the proposition that, as the Chief Executive of a great country, the head of all these Executive Bureaus, he, on his own motion and his own suggestion, began to look around and see, so large has this establishment grown, whether or not it could not be reorganized on a sounder business basis, and some of its expenses eliminated, and some of its officials made unnecessary.

He is entitled to commendation therefor not only by the House and the Senate, but by the country, and I stand behind him absolutely on that proposition. And I call attention to these conditions in order to show that the President himself had ample occasion for his action and that we should now, if we can, place all the Executive Departments on a sound, legitimate, business basis; and so far as I am concerned, Mr. Chairman, I am ready to cooperate with him and with any Member of this House, and so far as I can I will discharge to the extent of my ability whatever duties may be devolved upon me in connection with the question of ascertaining just exactly what, if anything, need be done in order to get the best business results at the lowest possible expenditure; and I say that no Member of this House on either side can justly charge me in connection with this analysis or statement with any other purpose or any other desire. And with these suggestions, Mr. Chairman, I leave these estimates with the committee.

Mr. WANGER. Would not the gentleman from Maine like to have the explanation of the incident referred to by the distinguished gentleman from New York [Mr. PAYNE] supplemented by the further information that the special investigation made by that Committee on Expenditures was made, not simply under the rule, but was made pursuant to a resolution adopted by the House directing the investigation to be made? I think the gentleman from New York will concede that.

Mr. PAYNE. That is certainly so.

Mr. LITTLEFIELD. If that be true, it differentiates it in that respect from all the other committees that have similar duties, because the committee was simply doing what the House specially instructed it to do, and I am very glad to get the suggestion of the gentleman from Pennsylvania.

Mr. WANGER. And when the Committee on Expenditures in the War Department reported that condition of affairs which led to the presentation of articles of impeachment against then Secretary of War Belknap, again it was pursuant to a resolution adopted by the House directing it to make that investigation.

Mr. LITTLEFIELD. I am very greatly obliged to the gentleman from Pennsylvania, because I was certainly uninformed in relation to these very important matters.

Mr. HEPBURN. I would like to ask the gentleman from

Maine if there is a necessity for any parliamentary method to be adopted by this House of ascertaining with perfect accuracy the rightfulness of all expenditure in the Departments? Have we not standing committees of this House who are charged, each one of them, with looking into the matters of expenditures in the Department for which they are appointed? There are nine of these standing committees, and probably not one of them has had a session during this Congress. It is the duty of these committees to investigate these matters, and if there are wrongs, if there are mistakes, are not the distinguished gentlemen who are at the head of these committees responsible for it? They have the power to make these investigations. It is their duty to make them, and there is no possible excuse for their existence except that they discharge those duties.

Mr. LITTLEFIELD. I will say that the distinguished gentleman from Iowa is on hand, but he is a little behindhand. [Laughter.] We have been receiving, if the committee will indulge me a moment, a great deal of information on precisely these lines, and there are a great many Members here who seem to be inspired with the same curiosity that has inspired the gentleman from Iowa. [Laughter.] Whether or not it will produce fruitful results I do not quite know. I have endeavored to assert with more or less earnestness and perspicuity that so far as I was concerned I was ready to do whatever was my appropriate duty in that regard. I thank the committee for its attention. [Applause.]

MESSAGE FROM THE SENATE.

The committee informally rose; and the Speaker having taken the chair, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed with amendments bills of the following titles; in which the concurrence of the House of Representatives was requested:

H. R. 6401. An act granting an increase of pension to William Van Ostern;

H. R. 9216. An act granting an increase of pension to Catherine R. Mitchell;

H. R. 6216. An act granting an increase of pension to Stephen D. Hopkins;

H. R. 6158. An act granting an increase of pension to Henry Rittenhouse;

H. R. 11536. An act granting an increase of pension to James D. Hudson;

H. R. 14467. An act for the relief of Capt. George E. Pickett, paymaster, United States Army;

H. R. 13010. An act granting an increase of pension to Alice B. Hartshorne; and

H. R. 11748. An act granting an increase of pension to James Wilson.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 11886. An act granting an increase of pension to Solomon R. Trueblood;

H. R. 12275. An act granting an increase of pension to Verelle S. Willard;

H. R. 13035. An act granting an increase of pension to Maggie D. Russ;

H. R. 9249. An act granting an increase of pension to Richard S. Cromer;

H. R. 10166. An act granting an increase of pension to Elizabeth Morgan;

H. R. 11335. An act granting an increase of pension to Thomas Chandler, alias Thomas Cooper;

H. R. 12354. An act granting an increase of pension to Tillman T. Herridge;

H. R. 12292. An act granting an increase of pension to George T. Hill;

H. R. 11687. An act granting an increase of pension to Matt Fitzpatrick;

H. R. 7229. An act granting an increase of pension to Slater D. Lewis;

H. R. 3255. An act granting an increase of pension to Isaac N. Ray;

H. R. 1787. An act granting an increase of pension to Joseph M. West;

H. R. 1857. An act granting an increase of pension to Emeline Malone;

H. R. 4596. An act granting an increase of pension to John J. Hughes;

H. R. 1685. An act granting an increase of pension to George W. Bedient;

H. R. 11689. An act granting an increase of pension to Byard H. Church;

H. R. 8289. An act granting an increase of pension to Isaac J. Holt;

H. R. 7223. An act granting an increase of pension to George Blair;

H. R. 7815. An act granting an increase of pension to Thomas G. Covell;

H. R. 6988. An act granting an increase of pension to Seymour Cole;

H. R. 5553. An act granting an increase of pension to Oliver L. Kendall;

H. R. 5564. An act granting an increase of pension to Albert G. Cluck;

H. R. 11516. An act granting an increase of pension to Marquis D. L. Staley;

H. R. 4616. An act granting an increase of pension to William W. West;

H. R. 4759. An act granting an increase of pension to Jane E. Bullard;

H. R. 4810. An act granting an increase of pension to Jerome Goodsell;

H. R. 4816. An act granting an increase of pension to John A. Sherwood;

H. R. 10271. An act granting an increase of pension to Stephen G. Smith;

H. R. 10817. An act granting an increase of pension to William J. Morgan;

H. R. 9267. An act granting an increase of pension to William Cook;

H. R. 9447. An act granting an increase of pension to John L. Edmundson;

H. R. 10725. An act granting an increase of pension to Etta D. Conant;

H. R. 11742. An act granting an increase of pension to Charles H. Culver;

H. R. 11927. An act granting an increase of pension to Calvin D. Weatherman;

H. R. 12090. An act granting an increase of pension to Mary M. Stark;

H. R. 8176. An act granting an increase of pension to Thomas E. Bishop;

H. R. 9248. An act granting an increase of pension to James T. Butler;

H. R. 7615. An act granting an increase of pension to Joseph D. Tate;

H. R. 7984. An act granting an increase of pension to Henry R. Hill;

H. R. 15521. An act establishing regular terms of the United States circuit and district courts of the northern district of California at Eureka, Cal.;

H. R. 13402. An act granting a pension to John Reynolds;

H. R. 8202. An act granting an increase of pension to Henry Guy;

H. R. 6507. An act granting an increase of pension to James M. Busby;

H. R. 8048. An act granting an increase of pension to William F. Bottoms;

H. R. 10632. An act granting an increase of pension to Samuel Preston;

H. R. 8376. An act granting an increase of pension to Mary J. McConnell;

H. R. 10914. An act granting an increase of pension to John Hamilton;

H. R. 7770. An act granting an increase of pension to Burgess Cole;

H. R. 11745. An act granting an increase of pension to James D. Billingsley;

H. R. 13348. An act granting an increase of pension to Nancy F. Shelton;

H. R. 10724. An act granting an increase of pension to David Bruce;

H. R. 9955. An act granting a pension to James W. Baker;

H. R. 12396. An act granting an increase of pension to James Hutchinson;

H. R. 8607. An act granting an increase of pension to Arthur Haire;

H. R. 7208. An act granting an increase of pension to Thomas G. Massey;

H. R. 5615. An act granting an increase of pension to John Coleman;

H. R. 5616. An act granting an increase of pension to Edgar Schroeders;

H. R. 5724. An act granting an increase of pension to William O. Gillespie;

H. R. 5727. An act granting an increase of pension to William T. Harris;

H. R. 10723. An act granting an increase of pension to Benjamin French;

H. R. 11065. An act granting an increase of pension to Joseph Pollard;
H. R. 11078. An act granting a pension to Rosa Zurrin;
H. R. 11107. An act granting an increase of pension to William E. Fritts;
H. R. 12229. An act granting an increase of pension to Reuben I. Turckhein, alias Joseph Adler;
H. R. 12351. An act granting an increase of pension to John Foltz;
H. R. 4832. An act granting an increase of pension to Henry W. Yates;
H. R. 9860. An act granting an increase of pension to Joseph H. Hirst;
H. R. 10217. An act granting an increase of pension to William A. Barnes;
H. R. 10478. An act granting an increase of pension to William McGowan;
H. R. 11849. An act granting an increase of pension to Robert M. Young;
H. R. 8207. An act granting an increase of pension to Daniel A. Proctor;
H. R. 8208. An act granting an increase of pension to Eli Brainard;
H. R. 8917. An act granting an increase of pension to James Hines;
H. R. 8161. An act granting an increase of pension to Alonzo Douglas;
H. R. 6066. An act granting an increase of pension to Albert H. Lewis;
H. R. 5215. An act granting an increase of pension to Jennie Little;
H. R. 11052. An act granting an increase of pension to John P. Vance;
H. R. 8063. An act granting an increase of pension to Mary Coburn;
H. R. 9235. An act granting an increase of pension to Kate H. Kavanaugh;
H. R. 7631. An act granting an increase of pension to Joseph W. Foster;
H. R. 6918. An act granting an increase of pension to Heinrick Krumdick;
H. R. 6921. An act granting a pension to Eliza B. Wilson;
H. R. 5026. An act granting an increase of pension to Asa Tout;
H. R. 6453. An act granting an increase of pension to William H. Marsden;
H. R. 1742. An act granting an increase of pension to Jonathan Daughenbaugh;
H. R. 12948. An act granting an increase of pension to Frederick Bierley;
H. R. 12903. An act granting an increase of pension to Daniel T. Ferrier;
H. R. 9593. An act granting a pension to Charles M. Priddy;
H. R. 7478. An act granting a pension to George W. Jackson;
H. R. 6936. An act granting an increase of pension to William Miller;
H. R. 10353. An act granting a pension to Thomas B. Davis;
H. R. 11415. An act granting an increase of pension to Victoria Bishop;
H. R. 1809. An act granting a pension to Lener McNabb;
H. R. 3811. An act granting an increase of pension to James White;
H. R. 8218. An act granting an increase of pension to Mary C. Spangler;
H. R. 2264. An act granting an increase of pension to Robert McAnally;
H. R. 2344. An act granting an increase of pension to Selden C. Clobridge;
H. R. 2749. An act granting an increase of pension to Agnes Flynn;
H. R. 10399. An act granting an increase of pension to John H. H. Sands;
H. R. 550. An act granting an increase of pension to Joseph E. Scott;
H. R. 3418. An act granting an increase of pension to John Snouse;
H. R. 3397. An act granting an increase of pension to Nicholas Chrisler;
H. R. 2443. An act granting an increase of pension to George W. Mower;
H. R. 4704. An act granting a pension to Alice Rourk;
H. R. 2150. An act granting an increase of pension to William E. Smith;
H. R. 2151. An act granting an increase of pension to Lydia C. Wood;
H. R. 1888. An act granting a pension to William T. Scandlyn;
H. R. 13976. An act granting an increase of pension to John R. Stalcup;
H. R. 3452. An act granting an increase of pension to Jacob McGaughey;
H. R. 1243. An act granting an increase of pension to John W. Burton;
H. R. 7622. An act granting an increase of pension to Hermann Lieb;
H. R. 2093. An act granting a pension to Sarah A. Pitt;
H. R. 12720. An act granting a pension to Sarah Duffield;
H. R. 7765. An act granting an increase of pension to George Gaylord;
H. R. 10770. An act granting a pension to Helen P. Martin;
H. R. 12289. An act granting an increase of pension to Joseph C. Grissom;
H. R. 12391. An act granting an increase of pension to J. Frederick Edgell;
H. R. 13611. An act granting an increase of pension to William Clough;
H. R. 13643. An act granting an increase of pension to Davis W. Hatch;
H. R. 7396. An act granting an increase of pension to John E. Ball;
H. R. 1977. An act granting a pension to Emma C. Anderson;
H. R. 1967. An act granting an increase of pension to Joseph Baker;
H. R. 1968. An act granting an increase of pension to John Monroe;
H. R. 3225. An act granting an increase of pension to William B. Philbrick;
H. R. 1440. An act granting an increase of pension to Matilda E. Lawton;
H. R. 1460. An act granting an increase of pension to Charles W. Renell;
H. R. 10886. An act granting an increase of pension to Martha S. Campbell;
H. R. 8275. An act granting an increase of pension to Robert Aucock;
H. R. 8826. An act granting a pension to Elizabeth A. Mason;
H. R. 7827. An act granting an increase of pension to William H. Uhler;
H. R. 7883. An act granting an increase of pension to Daniel Dilts;
H. R. 6148. An act granting a pension to Henry P. Will;
H. R. 5383. An act granting an increase of pension to John W. Davis;
H. R. 10894. An act granting an increase of pension to William J. Riley;
H. R. 10897. An act granting an increase of pension to Isaac Deems;
H. R. 1803. An act granting a pension to George S. Taylor;
H. R. 14719. An act granting an increase of pension to Hannah A. Preston;
H. R. 8739. An act granting an increase of pension to Frank N. Gray;
H. R. 8836. An act granting an increase of pension to Elizabeth C. Howell;
H. R. 4257. An act granting an increase of pension to Alice M. Dourney;
H. R. 4823. An act granting an increase of pension to John G. C. MacFarlane;
H. R. 9887. An act granting a pension to George Saxe;
H. R. 10322. An act granting an increase of pension to Edgar W. Calhoun;
H. R. 11196. An act granting an increase of pension to William H. Joslyn;
H. R. 11557. An act granting an increase of pension to Clinton A. Chapman;
H. R. 8642. An act granting an increase of pension to Henry Crandell;
H. R. 9127. An act granting an increase of pension to Isaac L. Rerick;
H. R. 7547. An act granting an increase of pension to George W. Allison;
H. R. 6508. An act granting an increase of pension to John P. Moore;
H. R. 6177. An act granting an increase of pension to John Haack;
H. R. 10827. An act granting an increase of pension to Frank Crittenden;
H. R. 4989. An act granting an increase of pension to Dominick Arnold;
H. R. 11259. An act granting an increase of pension to Barnes B. Smith;

H. R. 10047. An act granting an increase of pension to George W. Ellicott;
H. R. 10920. An act granting a pension to Mary Edna Cammeron;
H. R. 11071. An act granting an increase of pension to Allen E. Williams;
H. R. 11408. An act granting an increase of pension to George W. Reed;
H. R. 11625. An act granting a pension to William C. Robison;
H. R. 2705. An act granting an increase of pension to Henry W. Perkins;
H. R. 1137. An act granting an increase of pension to Abraham M. Kaufman;
H. R. 1071. An act granting an increase of pension to William K. Keech;
H. R. 10677. An act granting a pension to Maria Elizabeth Posey;
H. R. 484. An act granting a pension to William Mayer;
H. R. 485. An act granting an increase of pension to William H. Bantom;
H. R. 1569. An act granting a pension to Elizabeth Murray;
H. R. 2245. An act granting an increase of pension to Troy Moore;
H. R. 2736. An act granting a pension to William Merideth;
H. R. 2244. An act granting an increase of pension to Fred Dilg;
H. R. 2088. An act granting an increase of pension to Sewall A. Edwards;
H. R. 2080. An act granting an increase of pension to Sydney A. Asson;
H. R. 1962. An act granting an increase of pension to George C. Myers;
H. R. 2991. An act granting an increase of pension to Henry F. Landis;
H. R. 4219. An act granting an increase of pension to John C. Keener;
H. R. 1553. An act granting an increase of pension to Harvey J. Fulmer;
H. R. 11416. An act granting an increase of pension to Lizzie Belk;
H. R. 12565. An act granting an increase of pension to Jeremiah Kincaid;
H. R. 13165. An act granting a pension to Martin Nolan;
H. R. 13161. An act granting a pension to Cynthia A. Embry;
H. R. 13166. An act granting an increase of pension to William Evans;
H. R. 1566. An act granting an increase of pension to Thomas Lowry;
H. R. 12955. An act granting a pension to Lyman Critchfield;
H. R. 12516. An act granting a pension to James S. Randall;
H. R. 2614. An act granting a pension to General M. Brown;
H. R. 13282. An act granting a pension to Lydia B. Bevan;
H. R. 628. An act granting a pension to David L. Finch;
H. R. 14358. An act granting an increase of pension to William H. Morrow;
H. R. 7412. An act granting an increase of pension to Isaiah Collins;
H. R. 6395. An act granting an increase of pension to Daniel Ward;
H. R. 1775. An act granting a pension to Alexander Kinnison;
H. R. 3081. An act granting an increase of pension to John McKeever;
H. R. 3435. An act granting an increase of pension to Thomas W. Sallade;
H. R. 3553. An act granting an increase of pension to Levi Pick;
H. R. 3557. An act granting an increase of pension to James B. Wilkins;
H. R. 14123. An act granting an increase of pension to Gottlieb Spitzer, alias Gottfried Bruner;
H. R. 2763. An act granting an increase of pension to Anthony Sherlock;
H. R. 2766. An act granting an increase of pension to Horace E. Brown;
H. R. 2982. An act granting an increase of pension to Ansel K. Tisdale;
H. R. 3284. An act granting an increase of pension to Jeremiah Callahan;
H. R. 2060. An act granting an increase of pension to John Farrell;
H. R. 1331. An act granting an increase of pension to Roswell J. Kelsey;
H. R. 12494. An act granting an increase of pension to John H. Crane;
H. R. 3384. An act granting a pension to Benjamin H. Decker;
H. R. 2006. An act granting a pension to Florence B. Knight;
H. R. 1997. An act granting an increase of pension to Sanford C. H. Smith;
H. R. 1205. An act granting an increase of pension to Samuel P. Bigger;
H. R. 1058. An act granting an increase of pension to Alphonso H. Harvey;
H. R. 3685. An act granting an increase of pension to James O. Tobey;
H. R. 3698. An act granting an increase of pension to Joseph E. Miller;
H. R. 1911. An act granting an increase of pension to Harriet E. Grogan;
H. R. 2100. An act granting an increase of pension to Hiram Wilde;
H. R. 1912. An act granting an increase of pension to Julia A. Powell;
H. R. 11353. An act granting an increase of pension to Isaac M. Woodworth;
H. R. 11000. An act granting an increase of pension to Martha J. Wilson;
H. J. Res. 115. Joint resolution amending joint resolution instructing the Interstate Commerce Commission to make examinations into the subject of railroad discriminations and monopolies, and report on the same from time to time, approved March 7, 1906; and
H. R. 14515. An act making it a misdemeanor in the District of Columbia to abandon or willfully neglect to provide for the support and maintenance by any person of his wife or of his or her minor children in destitute or necessitous circumstances.

The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House of Representatives was requested:

S. 1302. An act granting an increase of pension to William A. Murray;
S. 2540. An act granting an increase of pension to Benjamin S. Miller;
S. 2973. An act granting an increase of pension to Minard Van Patten;
S. 563. An act granting an increase of pension to Thomas Martin;
S. 3566. An act granting an increase of pension to John Carpenter;
S. 3284. An act granting an increase of pension to Charles B. Cox;
S. 3817. An act granting an increase of pension to Margaret Lewis;
S. 1952. An act granting an increase of pension to Jesse Alderman;
S. 3584. An act granting an increase of pension to Peter Quermbeck;
S. 2667. An act granting an increase of pension to Benjamin W. Valentine;
S. 4606. An act granting an increase of pension to Kate Gillmore;
S. 3222. An act granting an increase of pension to Henry Golder;
S. 520. An act granting an increase of pension to William D. Johnson;
S. 4424. An act granting an increase of pension to Nettie E. Tolles;
S. 4106. An act granting an increase of pension to Katherine Wills;
S. 337. An act granting an increase of pension to Lydia Ann Jones;
S. 4180. An act granting an increase of pension to William C. Quigley;
S. 3035. An act granting an increase of pension to Charles W. Shedd;
S. 4124. An act granting an increase of pension to Alden Fuller;
S. 2209. An act granting a pension to Milford W. Oxley;
S. 1614. An act granting a pension to Kate E. Young;
S. 3618. An act granting an increase of pension to Martha E. Wardlaw;
S. 2351. An act granting an increase of pension to Antoinette A. Darnall;
S. 2725. An act granting an increase of pension to John Mather;
S. 2970. An act granting an increase of pension to Thomas E. Keith;
S. 4228. An act granting an increase of pension to Joel S. Weiser;

S. 3484. An act granting an increase of pension to Jacob A. Field;
S. 1415. An act granting an increase of pension to Alexander Esler;
S. 3532. An act granting an increase of pension to Anna K. Carpenter;
S. 1910. An act granting an increase of pension to Theodore McClellan;
S. 3524. An act granting a pension to John N. Henry;
S. 3987. An act granting an increase of pension to Samuel H. Hancock;
S. 2033. An act granting an increase of pension to David Trimble;
S. 3254. An act granting an increase of pension to Anna Frances Hall;
S. 4301. An act granting an increase of pension to Louisa Arnold;
S. 2077. An act granting an increase of pension to Alice A. Arms;
S. 1354. An act granting a pension to Lydia Jones;
S. 1012. An act granting an increase of pension to Samuel H. Foster;
S. 4691. An act granting an increase of pension to A. J. Burget;
S. 4877. An act granting an increase of pension to Amanda O. Webber;
S. 3296. An act granting an increase of pension to Patrick Burk;
S. 3297. An act granting an increase of pension to George Conklin;
S. 3835. An act granting an increase of pension to Luther M. Royal;
S. 3257. An act granting an increase of pension to Walter Green;
S. 2102. An act granting an increase of pension to George W. Lucas;
S. 975. An act granting an increase of pension to James Shaffer;
S. 4689. An act granting an increase of pension to John Brown;
S. 4146. An act granting a pension to John W. Hall;
S. 4233. An act granting an increase of pension to Edward M. Barnes;
S. 829. An act granting an increase of pension to James Gannon;
S. 3641. An act granting an increase of pension to William P. Marshall;
S. 3766. An act granting an increase of pension to Lyman J. Slate;
S. 1349. An act granting an increase of pension to Daniel C. Earle;
S. 3419. An act granting an increase of pension to Joseph H. Beale;
S. 3520. An act granting a pension to Ada A. Thompson;
S. 1667. An act granting an increase of pension to John A. Stockwell;
S. 4324. An act granting an increase of pension to James H. Noble;
S. 4325. An act granting an increase of pension to Jabez Miller;
S. 3839. An act granting an increase of pension to John T. Brothers;
S. 4817. An act granting an increase of pension to Delight T. Allen;
S. 1435. An act granting an increase of pension to L. T. Davis;
S. 4551. An act granting an increase of pension to John F. White;
S. 3811. An act granting an increase of pension to Ephraim Winters;
S. 1203. An act granting a pension to Albert B. Lawrence;
S. 2638. An act granting an increase of pension to Thomas B. Whaley;
S. 4386. An act granting a pension to George Thomas;
S. 306. An act granting a pension to Cassy Cottrill;
S. 1434. An act granting an increase of pension to Samuel Derry;
S. 4424. An act granting an increase of pension to Nettie E. Tolles;
S. 4106. An act granting an increase of pension to Katherine Wills;
S. 337. An act granting an increase of pension to Lydia Ann Jones;
S. 4180. An act granting an increase of pension to William C. Quigley;
S. 3653. An act granting an increase of pension to Francis J. Keffer;
S. 4717. An act granting an increase of pension to Ellen A. Gibbon;
S. 3893. An act granting an increase of pension to David C. Howard;
S. 249. An act granting an increase of pension to Alfred F. Sears;
S. 1837. An act granting an increase of pension to Philip Gavin;
S. 4409. An act granting an increase of pension to James W. Linnaham;
S. 1338. An act granting an increase of pension to Thomas Claiborne;
S. 2736. An act granting an increase of pension to James Williams;
S. 1919. An act granting an increase of pension to Louise M. Wynkoop;
S. 3676. An act granting an increase of pension to James M. McCorkle;
S. 2953. An act granting an increase of pension to Mary L. Burr;
S. 1105. An act granting a pension to Harriet Williams;
S. 4473. An act granting a pension to Hannan Caroline Peterson;
S. 4288. An act granting an increase of pension to William E. Anderson;
S. 3232. An act granting an increase of pension to Mary Jane Schnure;
S. 4612. An act granting a pension to Jesse A. Thomas;
S. 2577. An act granting an increase of pension to F. M. Lynch;
S. 4775. An act granting an increase of pension to Thomas A. Maulsby;
S. 2574. An act granting an increase of pension to Parker Pritchard;
S. 2575. An act granting an increase of pension to Thomas W. Waugh;
S. 334. An act to correct the military record of Joseph A. Blanchard;
S. 97. An act granting an increase of pension to Thomas F. Carey;
S. 2188. An act granting to the city of Durango, in the State of Colorado, certain lands therein described for water reservoirs;
S. 4957. An act to correct the military record of Alexander J. McDonald;
S. 4954. An act authorizing Capt. Ejnar Mikkelsen to act as master of an American vessel;
S. 4885. An act relating to tonnage-tax exemptions;
S. 4726. An act permitting the building of a dam across the Mississippi River at or near Pike Rapids, in Morrison County, Minn.;
S. 4423. An act granting an increase of pension to C. E. Du Bois; and
S. 4541. An act granting an increase of pension Benson H. Bowman.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 1056) granting a pension to Galon S. Clevenger.

### SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 4180. An act granting an increase of pension to William C. Quigley—to the Committee on Invalid Pensions.
S. 4228. An act granting an increase of pension to Joel S. Weiser—to the Committee on Invalid Pensions.
S. 4233. An act granting an increase of pension to Edward M. Barnes—to the Committee on Invalid Pensions.
S. 4288. An act granting an increase of pension to William E. Anderson—to the Committee on Pensions.
S. 4301. An act granting an increase of pension to Louisa Arnold—to the Committee on Invalid Pensions.
S. 4324. An act granting an increase of pension to James H. Noble—to the Committee on Invalid Pensions.
S. 4325. An act granting an increase of pension to Jabez Miller—to the Committee on Invalid Pensions.
S. 4386. An act granting a pension to George Thomas—to the Committee on Invalid Pensions.
S. 4409. An act granting an increase of pension to James W. Linnahan—to the Committee on Invalid Pensions.
S. 4424. An act granting an increase of pension to Nettie E. Tolles—to the Committee on Invalid Pensions.
S. 4473. An act granting a pension to Hannah C. Peterson—to the Committee on Pensions.

S. 4541. An act granting an increase of pension to Benson H. Bowman—to the Committee on Invalid Pensions.

S. 4551. An act granting an increase of pension to John F. White—to the Committee on Invalid Pensions.

S. 4606. An act granting an increase of pension to Kate Gilmore—to the Committee on Invalid Pensions.

S. 4612. An act granting an increase of pension to Jesse A. Thomas—to the Committee on Invalid Pensions.

S. 4689. An act granting an increase of pension to John Brown—to the Committee on Invalid Pensions.

S. 4691. An act granting an increase of pension to Aaron J. Burget—to the Committee on Invalid Pensions.

S. 4717. An act granting an increase of pension to Ellen A. Gibbon—to the Committee on Invalid Pensions.

S. 4775. An act granting an increase of pension to Thomas A. Maulsby—to the Committee on Invalid Pensions.

S. 4817. An act granting an increase of pension to Delight A. Allen—to the Committee on Invalid Pensions.

S. 4877. An act granting an increase of pension to Amanda O. Webber—to the Committee on Invalid Pensions.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 4. An act to amend section 3646, Revised Statutes of the United States, as amended by act of February 16, 1885; and

H. R. 15649. An act extending the time for the construction of the dam across the Mississippi River authorized by the act of Congress approved March 12, 1904.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WACHTER, from the Committee on Enrolled bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 4469. An act authorizing the Commissioners of the District of Columbia to make regulations respecting the public hay scales;

H. R. 15085. An act to set apart certain lands in the State of South Dakota, to be known as the "Battle Mountain Sanitarium Reserve;"

H. R. 4459. An act authorizing the Commissioners of the District of Columbia to make regulations respecting the rights and privileges of the fish wharf;

H. R. 431. An act to open for settlement 505,000 acres of land in the Kiowa, Comanche, and Apache Indian reservations, in Oklahoma Territory;

H. R. 13548. An act to authorize the commissioners' court of Baldwin County, Ala., to construct a bridge across Perdido River at Waters Ferry;

H. R. 11783. An act for the establishment of town sites, and for the sale of lots within the common lands of the Kiowa, Comanche, and Apache Indians in Oklahoma; and

H. R. 10101. An act authorizing and directing the Secretary of the Interior to sell and convey to the State of Minnesota a certain tract of land situated in the county of Dakota, State of Minnesota.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

The committee resumed its session.

Mr. JOHNSON. Mr. Chairman, I have very little concern with the parliamentary question as to what committee should investigate and report upon the matters which the gentleman from Maine has been discussing. I have a very strong conviction, however, that the Committee on Appropriations has shown that great inequalities exist in the Departments; that unwarranted extravagances are found there, and that it is the duty of this House to remain in session until these inequalities are corrected and these abuses and extravagances wiped out.

The leaders of this House can always devise ways and means to carry into effect their purposes. If you want to correct these abuses you can do it. You can find the appropriate committee; you can find the appropriate ways and the proper remedies.

Two or three days ago I inquired of the gentleman from Georgia [Mr. LIVINGSTON] if the Committee on Appropriations had done anything to equalize the salaries in the various Departments and bureaus—if they had made any provision in this appropriation bill to correct the abuses which they have discovered—and the gentleman from Georgia replied that it would take three months to straighten out all those matters, and asked me the question if I was willing to stay here three months to do it. I want to say, as I said then, "Yes, I am willing that the American Congress should sit until next December rather than it should adjourn and leave undisposed of the business that devolves upon it."

You have decided long ago that the tariff can only be revised by its friends. You have decided that you will not revise it at this session of the Congress. Then if you go away from here without correcting the abuses that the Appropriations Committee has developed, you deliberately say that you will not correct them for at least two years.

Now, I want to ask you what business man, what man on this floor, if acting in a matter concerning his private affairs, discovered abuses and extravagances, and the wrongs that the Appropriations Committee has brought to our attention, would not proceed instantly to correct them? If you had a private business which was suffering from bad management and from extravagance, you would proceed instantly to correct the evils. You are sitting here as trustees of the American people; you hold the purse strings of the Treasury; you are bound by every principle of law, you are bound by every principle that governs honorable men, to exercise yourselves in the public behalf more readily than you would in your own. It would be an insult to the intelligence of any man who is responsible for the management in his house to say that that man would quietly let the abuses in his private business go uncorrected for two years. Yet if you adjourn this Congress without correcting these abuses, that is what it means—that you are willing to let the public business go without your attention. A court of chancery can not reach you. If it could it would hold you to a stricter responsibility for your conduct in the management of trust affairs than it would in the management of your individual affairs. Why, I read in the paper this morning that the Speaker of this House, in a Republican conference, stated that you had three months that you could spend here in order to force the unholy alliance between Arizona and New Mexico.

Yet gentlemen of the House of Representatives, are you not willing to stay here three months in order to protect the public Treasury? Are you not willing to be faithful to the trust that has been imposed upon you? What does this showing reveal? Unfortunately, Mr. Chairman, in the multiplicity of our duties few Members read the hearings. But these hearings show that in every bureau there are clerks sitting side by side performing similar service, some getting a salary of $900 a year and others a salary of $1,800 or $2,000 a year. They show that in every Department and every bureau these inequalities exist. Yet we are told that they must go on because, forsooth, we lack time; that it would take time to correct this abuse. These reports show another thing, and if they do not show it the fact can be easily ascertained, that they have bureaus and chiefs and assistant chiefs and chief clerks and janitors in every Department of the Government until they are positively in one another's way. There is not a first-class business man in all the country who would not reduce the force in every bureau almost from 25 to 50 per cent, and yet year after year the heads of these Departments go before the Committee on Appropriations with the same old song; they want an increase in the force and an increase in pay. I was reading in the hearings the other day the remarkable statement from some of the heads of these Departments that unless the salaries were increased they could not keep their help. I wondered if by some chance the Civil Service Commission, that great body which the gentleman from Ohio [Mr. GROSVENOR] admires so much, had snatched from the American stage the grimmest humorists that the world ever knew. These heads of bureaus one by one testified before the Committee on Appropriations that unless the salaries were raised they could not keep their force. You gentlemen over there who have something to do with patronage will enjoy the joke, but a little further investigation revealed the fact that it was not humor but that it was solemn truth. How does it become so? It is because one bureau is bidding against another. In every bureau of every Department of this Government the United States is the only employer of labor, and yet these bureaus are competing with one another. One bureau goes to clerks in some other Department and offers to increase their wages if they will come over to that bureau. Now, I do not know what you are going to do, I do not know how you are going to do it, but, as I have said, the leaders of this House know how to do what they want to do. You ought to stop these bureaus and Departments from competing one against the other. You ought to stop one bureau chief from taking the help out of some other bureau.

Mr. TAWNEY. Mr. Chairman, if the gentleman will permit me, if he has read this bill he has observed that the committee has reported a provision for the accomplishment of that identical purpose by prohibiting the transfer from one Department to another Department until the clerk desiring the transfer has served at least three years in the Department from which he desires to be transferred.

Mr. JOHNSON. Mr. Chairman, I thank the gentleman from Minnesota. My remarks are based on the hearings. I intended before I took my seat to express my appreciation of his indus-

try and zeal in this matter. The only complaint that I have to make—and that is not against the Committee on Appropriations—is that the committee has not gone far enough toward the correction of this abuse; but they have submitted the matter to this House, and I believe that if the House will show a disposition to accept the reforms that they have recommended, we can then go forward with other reforms. Now, I want to say further, in response to what the gentleman from Minnesota [Mr. TAWNEY] has said, that we ought not only to prohibit clerks from being transferred from one Department to another, so as to break up this abuse, but we ought to equalize the compensation of the clerks so that they will have no incentive to go from one Department to another.

Mr. LIVINGSTON. Reorganize and reclassify.

Mr. JOHNSON. Reorganize and reclassify the whole service—wipe out these disbursing officers. Every place they can get three or four or a half dozen clerks together to attend to some correspondence or something else, they come to Congress and want us to make a bureau out of it. Then, when it is made a bureau, they want a chief and an assistant chief and a chief clerk and a disbursing officer, and so it goes all along the line. I want some committee of this House to reorganize and reclassify all the Departments and all the employees. We should wipe out these various disbursing officers and let money be paid from the Department in which the clerks are employed. Certainly one disbursing officer in charge of a Department would be ample.

Mr. TAWNEY. The gentleman certainly knows that that is the system at the present time. The disbursements made by each Department are made by a disbursing officer appointed by the head of the Department, or who has been promoted by him to that office.

Mr. PALMER. Does the gentleman think that that is good practice?

Mr. TAWNEY. I do not. I think the practice is subject to criticism. I think we ought to have a central disbursing bureau under the jurisdiction and responsible to the head of the Treasury Department, and that disbursing office ought not to be responsible to the head of the administrative Department which expends the money.

Mr. JOHNSON. Mr. Chairman, I think that is a good suggestion. It seems to me that one officer ought to be able to pay everybody.

Mr. TAWNEY. I will say this: There is this criticism that you would meet, and I question whether any committee could put through a provision of that kind, and for the reason that all of the Department clerks here insist that they should be paid their monthly or semimonthly compensation in currency and not in checks. With a central disbursing office it would be necessary to disburse in the form of checks, which, in my judgment, the Government ought to do. But the sentiment of this city would be so overwhelmingly against it it would be a question of whether or not the Members would have the courage to stand up against it.

Mr. JOHNSON. In response to the gentleman from Minnesota, I admit it may be more convenient for the clerks, but what I want to do is that thing which is best for the American people and the public Treasury, and I do not think anybody will resign because he has to receive a check instead of currency. If so, I am satisfied we could fill his place from the State of Maryland. [Applause.] There are a thousand applications for every vacancy. Now, Mr. Chairman, in these remarks I have not imputed anything to the Departments except negligence and extravagance. I read in the hearings before the Appropriations Committee where a gentleman who draws a salary of $4,500 from the United States Treasury, and how much outside I do not know, testified that he paid $900 a year for the hire of a horse for the use of the Library. Well, gentlemen, that is at least a want of common business sense. Nine hundred dollars for the hire of a horse! Now, when such things as that are taking place, do you not think it is time for somebody to go down and find out how this money is being spent and why it is being spent? That is what I want this House to do. I said a while ago that every chief and every head of a Department, almost without exception, who comes before a committee asks for two things, an increase in his force and an increase in pay. I believe it would paralyze the Committee on Appropriations if a man coming down before them told them he had more force than he needed. You gentlemen will remember that in 1898 the United States engaged in a little spat with Spain. We increased the Army very suddenly from about 25,000 to 100,000 men. It was necessary to place a large temporary force in the War Department, several hundred clerks, not under the operation of the civil service. We did not have time to get them that way. The war with Spain is over, the Army has been reduced to 60,000 men, and yet the temporary force which was put in the War Department in 1898 remains there to this day, and more than that, in addition to that they have had an increase in force——

Mr. LIVINGSTON. May I suggest to the gentleman from South Carolina that that temporary force has been covered into the regular force a while ago?

Mr. JOHNSON. Oh, I understand that.

Mr. PALMER. What odds does it make whether they are covered in or not?

Mr. LIVINGSTON. I want to say in addition to that there have been no appointments made in the War Department for quite a while.

Mr. JOHNSON. I should think not.

Mr. LIVINGSTON. Where resignations and deaths occurred they were filled a long while ago from that temporary roll. I want to say another thing in connection with it, that the Secretary of War is on record as saying that that temporary force was one of the best forces he ever had there.

Mr. JOHNSON. Well, that is an argument against civil service; I am not talking about civil service now. Now, Mr. Chairman, when I got up here I did not know what I was going to say, but I want to say I want this Congress to do its duty, and you know if you do not do it at this time you can not do it at the short session, and I presume at the long session of the Sixtieth Congress you will want to revise the tariff, and you will not have time to do it then.

Mr. SMITH of Kentucky. I would like to suggest to the gentleman from South Carolina that another party will probably revise the tariff in the long session of the Sixtieth Congress.

Mr. JOHNSON. My friend from Kentucky suggests, and it is a very happy suggestion, as he makes that kind always, that another party in the Sixtieth Congress will revise the tariff. [Applause on the Democratic side.] I hope that this Fifty-ninth Congress will relieve us of the great burden of having to revise both the tariff and the Departments. Now, Mr. Chairman, there is another thing to which I want to call attention—I do not know to what extent it is carried on, but it is immaterial whether it is great or small, it is wrong. The testimony before the Committee on Appropriations shows that some people are farming out offices. Now, if there is one principle that is obnoxious to all good people it is for a man to farm out a public office; yet the testimony shows that some of these Capitol employees, who get $60 a month to discharge certain duties, go down and pay some darky a dollar and a half a week to discharge those duties for them. You can all find out if you will read this testimony.

One other thing, Mr. Chairman, and that is the age limit. The papers have criticised it very severely. It seems to me, Mr. Chairman, that if a man knew when he went into the public service that at the end of a certain time, whether it be two years or seven years or twenty years, he would be compelled to step out and mingle again with the private citizenship of this country, it would be a good thing for him. Not in any spirit of unfriendliness to the people in the Departments, but because my observation told me that many of them became mere machines and absolutely lost their individuality and their personality, I have invariably advised young men in my district to stay out of these Departments.

I think it is a good thing for them to know that some day they will go out. It will teach them self-reliance; teach them economy. They will make some provision for old age and a rainy day. The only trouble is that when this civil-service law was first enacted it did not provide a fixed period of eight or ten years, after which an employee would go out; and then, if they could work their way back, let them do it.

Sometimes people tell me, talking about Members of Congress, that two years is too short a time; it looks like it ought to be four. My reply to them is that the men who founded this Government were wise in their day and generation. They provided that the representatives of the people should constantly go back to the people and give an account of their stewardship. If the people have succeeded in electing a public servant of high mind and high character, who is faithful, they can return him as often as they will. If, on the other hand, they are being misrepresented, it is fortunately so that they will not be misrepresented long. So that every two years we go back to our people to give an account of our stewardship; to let the people pass on our fitness for office. Why, in this great democracy of ours, where equality of opportunity is held out to every man, why should one class of people hold office for life? One of the Presidents of the United States, after he had served in that great office, went back to the State of Virginia and accepted the humble position of a country magistrate, and in doing so he ennobled the Presidency of the United States and he ennobled

American citizenship. But we have got a class around here who absolutely believe that they ought to be held in office for twenty, thirty, forty, or fifty years—as long as they live—whether they render any service or not.

Now, this committee has acted in a humanitarian way. It has provided a time in the future. They are not cutting off these old people now, but at a time in the future the ax will fall. That gives them seven years in which to make preparation for coming years. Joseph, down in the land of Egypt, having foresight of the intention and purposes of the Almighty, laid up during seven years of plenty enough to feed all the world in seven years of want. Let them prepare in the years of plenty for the years to follow. Let those who are now in the Departments or who may hereafter go there understand that in this great democracy of equal citizenship they must some day go back to the body of the people whence they came.

So, Mr. Chairman, I have taken just thirty-five minutes more than I intended. I am obliged to the committee for its attention. [Loud applause.]

Mr. TAWNEY. Mr. Chairman, if there is nobody that wishes to occupy any time now, I will move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. OLMSTED, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 16472—the legislative, executive, and judicial appropriation bill—and had come to no resolution thereon.

WITHDRAWAL OF PAPERS.

Mr. GILLETT of Massachusetts, by unanimous consent, obtained leave to withdraw from the files of the House, without leaving copies, the papers in the case of Warren V. Howard (H. R. 15926, Fifty-eighth Congress, third session), no adverse report having been made thereon.

GALON S. CLEVENGER.

Mr. LOUDENSLAGER. Mr. Speaker, I desire to submit a conference report, and to have it printed in the RECORD under the rule.

The SPEAKER. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (S. 1056) granting a pension to Galon S. Clevenger.

The conference report and statement are as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 1056) granting a pension to Galon S. Clevenger, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment.

H. C. LOUDENSLAGER,
GEO. R. PATTERSON,
*Managers on the part of the House.*
P. J. MCCUMBER,
N. B. SCOTT,
JAS. P. TALIAFERRO,
*Managers on the part of the Senate.*

*Statement to accompany report of committee of conference on disagreeing vote of the two Houses on the bill (H. R. 1056) granting a pension to Galon S. Clevenger.*

This bill originally passed the House with the provision that the claimant should be pensioned subject to the provisions and limitations of the pension laws, as provided by section 4720 of the Revised Statutes, United States, according to the degree of his disability, but was amended in the Senate so as to allow a rating of $20 per month.

The result of the conference is that the Senate recedes from its amendment at $20 per month, and your conferees recommend that the bill pass as it originally passed the House.

H. C. LOUDENSLAGER,
GEO. R. PATTERSON,
*Managers on the part of the House.*

FINAL DISPOSITION OF THE AFFAIRS OF THE FIVE CIVILIZED TRIBES IN THE INDIAN TERRITORY.

Mr. CURTIS. Mr. Speaker, I desire to present the conference report on the bill H. R. 5976, to have it printed in the RECORD under the rule.

The Clerk read as follows:

A bill (H. R. 5976) providing for the final disposition of the affairs of the Five Civilized Tribes in the Indian Territory, and for other purposes.

The SPEAKER. The conference report will be printed under the rule.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. TAWNEY. Mr. Speaker, by agreement with the gentleman from Georgia, I ask unanimous consent that general debate on the legislative, executive, and judicial appropriation bill be concluded on Monday at half past 2 o'clock.

Mr. LIVINGSTON. With the understanding that the time between 12 and half past 2 is not to be consumed by some other foreign matter.

The SPEAKER. The Chair will call the attention of gentlemen to the fact that Monday is suspension day. However, the House may dispense with that.

Mr. TAWNEY. I will change the form of my request, Mr. Speaker, and ask unanimous consent that when the House goes into Committee of the Whole House on the state of the Union for the further consideration of the legislative, executive, and judicial appropriation bill that general debate be concluded in two hours thereafter.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

LIEUTENANT-GENERAL OF THE ARMY.

Mr. PRINCE. Mr. Speaker——

The SPEAKER. The gentleman from Illinois.

Mr. PRINCE. Mr. Speaker, I call for the regular order.

The SPEAKER. The gentleman demands the regular order, which is the call of committees.

The Committee on Military Affairs was called.

Mr. PRINCE. Mr. Speaker, I call for the consideration of the pending measure, and move the previous question upon the bill and amendments to and including the passage.

Mr. GROSVENOR. Mr. Speaker, the gentleman agreed that I should have the right to offer an amendment.

The SPEAKER. One moment. The Clerk will report the title of the bill. The Chair is under the impression that it is the unfinished business.

The Clerk read as follows:

A bill (H. R. 15744) to abolish the office of Lieutenant-General of the Army of the United States.

Mr. GROSVENOR. I raise the question of consideration against that bill.

The SPEAKER. The recollection of the Chair is that the question of consideration was pending, and a division was being taken. As many as are in favor of considering the bill will say "aye;" those opposed, "no."

The question being taken, on a division (demanded by Mr. GROSVENOR) there were—ayes 70.

Pending the taking of the negative vote—

Mr. PRINCE said: Mr. Speaker, so that there may be no misunderstanding, I do not care to call the previous question upon the bill and amendments. If anybody desires to offer an amendment to the bill, I am perfectly willing that the amendment or amendments may be submitted to the House for its consideration.

The SPEAKER. But this is the question of consideration.

Mr. PRINCE. I think there was a misunderstanding, and I want to be fair with the gentleman from Ohio [Mr. GROSVENOR].

Mr. GROSVENOR. Mr. Speaker, let us take the vote.

The negative vote was taken.

The SPEAKER. On this question the ayes are 70 and the noes are 28.

Mr. GROSVENOR. No quorum, Mr. Speaker.

The SPEAKER. Evidently not a quorum present. The doors will be closed——

Mr. LITTAUER. Mr. Speaker, I move that the House do now adjourn.

Mr. PRINCE. Mr. Speaker, a call of the House is in order.

The SPEAKER. But the gentleman from New York moves that the House do now adjourn. That vote will have to be taken first.

The question being taken, the Speaker announced that the noes appeared to have it.

Mr. LITTAUER and Mr. COCKRAN demanded a division.

The House divided; and there were—ayes 43, noes 88.

Accordingly the House refused to adjourn.

Mr. PRINCE. Mr. Speaker, there is so much noise and confusion in the House that I fear Members do not understand the situation.

The SPEAKER. By unanimous consent, the Chair will again say that the order is under the rule in the absence of a quorum, the question being as to whether the bill called up as unfinished business shall be considered. Upon that motion the want of a quorum was developed, and under the rule the Chair has ordered the doors to be closed, the Sergeant-at-Arms to bring in absentees, and the Clerk to call the roll. Those favoring consideration will vote "aye," and those opposing consideration will vote "no."

The question was taken; and there were—yeas 140, nays 32, answered "present" 21, not voting 191, as follows:

YEAS—140.

| | | | |
|---|---|---|---|
| Aiken | Foster, Vt. | Lee | Randell, Tex. |
| Allen, Me. | Gaines, Tenn. | Lever | Reynolds |
| Bartlett | Gaines, W. Va. | Lewis | Rhinock |
| Beall, Tex. | Garner | Littauer | Rhodes |
| Bell, Ga. | Garrett | Littlefield | Richardson, Ala. |
| Bennett, Ky. | Gill | Livingston | Richardson, Ky. |
| Bonynge | Gillespie | Lloyd | Rives |
| Brantley | Glass | Lovering | Sherley |
| Broocks, Tex. | Graff | McCleary, Minn. | Sims |
| Broussard | Granger | McCreary, Pa. | Small |
| Brownlow | Gregg | McKinney | Smith, Cal. |
| Burke, Pa. | Hamilton | McLain | Smith, Ill. |
| Burleson | Hay | McMorran | Smith, Ky. |
| Butler, Pa. | Hayes | Macon | Smith, Md. |
| Byrd | Hedge | Madden | Smith, Tex. |
| Campbell, Kans. | Heflin | Mann | Snapp |
| Capron | Henry, Conn. | Miller | Southall |
| Chaney | Henry, Tex. | Mondell | Southwick |
| Chapman | Higgins | Moore | Spight |
| Clark, Fla. | Hogg | Mouser | Stephens, Tex. |
| Clark, Mo. | Houston | Mudd | Sterling |
| Clayton | Howard | Needham | Sullivan, Mass. |
| Cooper, Pa. | Howell, N. J. | Norris | Tawney |
| Cooper, Wis. | Howell, Utah | Otjen | Thomas, N. C. |
| Crumpacker | Hunt | Padgett | Tirrell |
| Dale | Jones, Va. | Page | Underwood |
| Darragh | Kennedy, Nebr. | Palmer | Wachter |
| Davey, La. | Kennedy, Ohio | Patterson, N. C. | Wallace |
| Dawson | Ketcham | Patterson, Pa. | Webb |
| De Armond | Kinkaid | Patterson, S. C. | Weisse |
| Dixon, Ind. | Kitchin, Wm. W. | Perkins | Wiley, Ala. |
| Edwards | Knopf | Pollard | Wiley, N. J. |
| Ellerbe | Lacey | Pou | Williams |
| Field | Landis, Chas. B. | Prince | Wilson |
| Floyd | Lawrence | Rainey | Wood, N. J. |

NAYS—32.

| | | | |
|---|---|---|---|
| Adams, Pa. | Cousins | Hepburn | Overstreet |
| Bennet, N. Y. | Cushman | Hughes | Payne |
| Birdsall | Dalzell | Keifer | Samuel |
| Brick | Denby | Longworth | Smith, Iowa |
| Brooks, Colo. | Driscoll | Loud | Smyser |
| Brown | Gardner, N. J. | Murdock | Southard |
| Cockran | Graham | Olcott | Weems |
| Conner | Grosvenor | Olmsted | Wood, Mo. |

ANSWERED "PRESENT"—21.

| | | | |
|---|---|---|---|
| Burton, Ohio | Gillett, Mass. | Robertson, La. | Wanger |
| Curtis | Jenkins | Shackleford | Wharton |
| Davis, Minn. | Johnson | Sheppard | The Speaker |
| Deemer | Loudenslager | Smith, Samuel W. | |
| Finley | McGavin | Sperry | |
| Foss | Meyer | Steenerson | |

NOT VOTING—191.

| | | | |
|---|---|---|---|
| Acheson | Dunwell | Kahn | Roberts |
| Adams, Wis. | Dwight | Keliher | Robinson, Ark. |
| Adamson | Ellis | Kitchin, Claude | Rodenberg |
| Alexander | Esch | Klepper | Rucker |
| Allen, N. J. | Fassett | Kline | Ruppert |
| Ames | Fitzgerald | Knapp | Russell |
| Andrus | Flack | Knowland | Ryan |
| Babcock | Fletcher | Lafean | Schneebeli |
| Bankhead | Flood | Lamar | Scott |
| Bannon | Fordney | Lamb | Scroggy |
| Barchfeld | Foster, Ind. | Landis, Frederick | Shartel |
| Bartholdt | Fowler | Law | Sherman |
| Bates | French | Le Fevre | Sibley |
| Bede | Fulkerson | Legare | Slayden |
| Beidler | Fuller | Lester | Slemp |
| Bingham | Garber | Lilley, Conn. | Smith, Wm. Alden |
| Bishop | Gardner, Mass. | Lilley, Pa. | Smith, Pa. |
| Blackburn | Gardner, Mich. | Lindsay | Sparkman |
| Boutell | Gilbert, Ind. | Little | Stafford |
| Bowers | Gilbert, Ky. | Lorimer | Stanley |
| Bowersock | Gillett, Cal. | McCall | Stevens, Minn. |
| Bowie | Goebel | McCarthy | Sullivan, N. Y. |
| Bradley | Goldfogle | McDermott | Sulloway |
| Brundidge | Goulden | McKinlay, Cal. | Sulzer |
| Buckman | Greene | McKinley, Ill. | Talbott |
| Burgess | Griggs | McLachlan | Taylor, Ala. |
| Burke, S. Dak. | Gronna | McNary | Taylor, Ohio |
| Burleigh | Gudger | Mahon | Thomas, Ohio |
| Burnett | Hale | Marshall | Towne |
| Burton, Del. | Hardwick | Martin | Townsend |
| Butler, Tenn. | Haskins | Maynard | Trimble |
| Calder | Haugen | Michalek | Tyndall |
| Calderhead | Hearst | Minor | Van Duzer |
| Campbell, Ohio | Hermann | Moon, Pa. | Van Winkle |
| Candler | Hill, Conn. | Moon, Tenn. | Volstead |
| Cassel | Hill, Miss. | Morrell | Vreeland |
| Cocks | Hinshaw | Murphy | Wadsworth |
| Cole | Hitt | Nevin | Waldo |
| Cromer | Hoar | Parker | Watkins |
| Currier | Holliday | Parsons | Watson |
| Davidson | Hopkins | Patterson, Tenn. | Webber |
| Davis, W. Va. | Hubbard | Pearre | Weeks |
| Dawes | Huff | Powers | Welborn |
| Dickson, Ill. | Hull | Pujo | Williamson |
| Dixon, Mont. | Humphrey, Wash. | Ransdell, La. | Woodyard |
| Dovener | Humphreys, Miss. | Reeder | Young |
| Draper | James | Reid | Zenor |
| Dresser | Jones, Wash. | Rixey | |

During the calling of the roll the following occurred:

Mr. GROSVENOR. Mr. Speaker, I ask unanimous consent that the question of consideration be agreed to and that the demand for the call of the House be withdrawn. The question will then be upon the passage of the bill.

Mr. PRINCE. A parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore (Mr. OLMSTED). The gentleman will state it.

Mr. PRINCE. If the question of consideration is withdrawn, does it leave the question of a quorum in the House pending?

Mr. GROSVENOR. There is a quorum.

Mr. PRINCE. The question I desire to ask is this: Assuming that the request of the gentleman from Ohio is granted by the House, that it still leaves this measure unfinished for disposition in the House?

The SPEAKER pro tempore. The present occupant of the Chair thinks that the Speaker, having declared that there was no quorum, and the rule now being in operation to secure a quorum, no other business is in order until a quorum is developed.

Mr. GROSVENOR. Is not there a quorum present now by the roll call?

The SPEAKER pro tempore. Not so far.

Mr. PRINCE. Then I call for the regular order.

The Clerk proceeded and completed the calling of the roll.

The following pairs were announced:

For the session:

Mr. CURRIER with Mr. FINLEY.
Mr. MORRELL with Mr. SULLIVAN of New York.
Mr. WANGER with Mr. ADAMSON.
Mr. SHERMAN with Mr. RUPPERT.
Mr. BRADLEY with Mr. GOULDEN.

Until further notice:

Mr. DOVENER with Mr. SPARKMAN.
Mr. GARDNER of Michigan with Mr. JOHNSON.
Mr. HITT with Mr. LITTLE.
Mr. FREDERICK LANDIS with Mr. BRUNDIDGE.
Mr. JONES of Washington with Mr. RANSDELL of Louisiana.
Mr. CROMER with Mr. ZENOR.
Mr. ANDRUS with Mr. SULZER.
Mr. RODENBERG with Mr. REID.
Mr. DAVIDSON with Mr. HUMPHREYS of Mississippi.
Mr. BURTON of Ohio with Mr. BUTLER of Tennessee.
Mr. MCCALL with Mr. ROBERTSON of Louisiana.
Mr. ALEXANDER with Mr. LAMAR.
Mr. GILBERT of Kentucky with Mr. LILLEY of Pennsylvania.
Mr. LILLEY of Connecticut with Mr. SHEPPARD.
Mr. BARTHOLDT with Mr. SHACKLEFORD.

For this day:

Mr. BURLEIGH with Mr. CLARK of Florida.
Mr. LAFEAN with Mr. RUCKER.
Mr. HILL of Connecticut with Mr. RIXEY.
Mr. GREENE with Mr. MCNARY.
Mr. GILLETT, of California with Mr. LAMB.
Mr. FASSETT with Mr. JAMES.
Mr. DWIGHT with Mr. HOPKINS.
Mr. WOODYARD with Mr. TRIMBLE.
Mr. DRESSER with Mr. HILL of Mississippi.
Mr. DRAPER with Mr. HEARST.
Mr. DAWES with Mr. GUDGER.
Mr. BURKE of South Dakota with Mr. TAYLOR of Alabama.
Mr. BATES with Mr. GOLDFOGLE.
Mr. BANNON with Mr. GARBER.
Mr. ACHESON with Mr. BOWERS.
Mr. BABCOCK with Mr. BANKHEAD.
Mr. POWERS with Mr. PUJO.
Mr. SCOTT with Mr. HARDWICK.
Mr. THOMAS of Ohio with Mr. LESTER.
Mr. BARCHFELD with Mr. FITZGERALD.
Mr. DEEMER with Mr. KLINE.
Mr. KAHN with Mr. LINDSAY.
Mr. CALDER with Mr. WATKINS.
Mr. HOLLIDAY with Mr. FLOOD.
Mr. HUFF with Mr. CANDLER.
Mr. HULL with Mr. ROBINSON.
Mr. WALDO with Mr. BURNETT.
Mr. KNAPP with Mr. MAYNARD.
Mr. FRENCH wtih Mr. KELIHER.
Mr. BOUTELL with Mr. GRIGGS.
Mr. WM. ALDEN SMITH with Mr. MOON of Tennessee.
Mr. JENKINS with Mr. BOWIE.
Mr. CASSEL with Mr. DAVIS of West Virginia.
Mr. CURTIS with Mr. TALBOTT.
Mr. FOSS with Mr. MEYER.
Mr. WATSON with Mr. TOWNE.
Mr. VREELAND with Mr. VAN DUZER.
Mr. PEARRE with Mr. SLAYDEN.
Mr. MCKINLEY of Illinois with Mr. RYAN.
Mr. LE FEVRE with Mr. RUSSELL.

On this vote:
Mr. HALE with Mr. MCDERMOTT.
Until Monday:
Mr. WEEKS with Mr. STANLEY.
Until Tuesday:
Mr. TOWNSEND with Mr. LEGARE.
For ten days:
Mr. BISHOP with Mr. BURGESS.

Pending the announcement of the vote, the following occurred:

Mr. OLMSTED. Mr. Speaker, I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. OLMSTED. Mr. Speaker, I would inquire, if it is proper, how many are now present?

The SPEAKER. The Chair is informed that 192 are now present.

Mr. OLMSTED. Then, Mr. Speaker, I make the point that that constitutes a quorum of the House, and if the Chair will indulge me for a moment, I desire to be heard.

Mr. PAYNE. Mr. Speaker, how can the gentleman raise that point until the vote is announced?

The SPEAKER. The Chair has stated that there are 192 who have answered to their names, voting aye, no, or present.

Mr. OLMSTED. Mr. Speaker, the statute fixing the number of Members provides for the election of 386, and I understand that 386 were chosen. Two of those Members, one from Pennsylvania, Mr. Castor, and one from Virginia, Mr. Swanson, are not now Members of Congress. The gentleman from Pennsylvania is dead, and the gentleman from Virginia, who was sworn in, has resigned. They are clearly no longer Members of this House. Two persons who were chosen to be Members have never been sworn. They have never qualified. They have not become Members of this House. That, therefore, leaves the membership of this House at 382, of which number 192 constitute a quorum. The Constitution provides that a majority of each house shall constitute a quorum. That, of course, raises the question, what is the "House?" That question has been discussed frequently here in earlier days and in the other Chamber. The question arose during the civil war, when a certain section of the country did not elect and send Representatives to the United States Congress. The statute provided for a much larger number, but only 183 Members had been chosen, of whom 92 were present. Mr. Speaker Grow announced that 92 constituted a quorum. Mr. Vallandigham, of Ohio, made the point of order that it did not, but after debate and after ruling by Mr. Speaker Grow, Mr. Vallandigham concurred. Mr. Speaker Grow did not go so far as to decide whether a Member who had been chosen, but had not been sworn, would be considered a Member of the House. In the ascertainment of a quorum it was necessary that he should decide for the purposes of the case before him, but I understand that after debate it was held in a similar case in the Senate that a person elected but not sworn is not to be considered. The present rule of the Senate, originally adopted upon the recommendation of a committee of very able Senators, including Senator Edmunds, of Vermont, distinctly specifies that "a majority of Senators duly chosen and sworn" shall make a quorum. Three hundred and eighty-four Members have been "chosen and sworn," but one having died and one having resigned, there are living but 382, and a majority, or 192, constitutes a quorum. Much more might be said, but it seems unnecessary to consume time at this late hour. I submit, Mr. Speaker, that the House now consists of 382 Members and that 192 is a constitutional quorum.

Mr. GROSVENOR. Mr. Speaker, this question came up in a former House when Mr. Reed was the Speaker, following a ruling that had been made by the speaker of the house of representatives in Ohio, which was upheld by the supreme court of the State, being the rule just stated by the gentleman from Pennsylvania [Mr. OLMSTED], which now stands.

The SPEAKER. The gentleman will suspend for a moment. The gentleman from Mississippi, Mr. BYRD, having entered the Chamber, makes 193 present.

Mr. GROSVENOR. Well, Mr. Speaker, that settles the question. I was going to say that I believe the gentleman is right, but that I hope the Chair would not have to make a ruling.

The SPEAKER. If the House will indulge him for a moment, the Chair will say that he would be glad to hear the gentleman if the question was presented, and that he is inclined to believe that he would be prepared to rule upon the question when it arises. [Laughter.]

The result of the vote was then announced, as above recorded.

The SPEAKER. The gentleman from Illinois [Mr. PRINCE] is recognized.

Mr. PRINCE. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. PRINCE. Mr. Speaker, if I should yield to the gentleman from Ohio [Mr. GROSVENOR] for the sole and express purpose, without debate, to offer an amendment to the bill, would I lose control of the floor?

Mr. GROSVENOR. Mr. Speaker, I hope the gentleman will not put such a question as that.

The SPEAKER. The Chair is informed that the bill has not yet been reported to the House. The Clerk will report the bill.

The Clerk read as follows:

*Be it enacted, etc.*, That the office of Lieutenant-General of the Army of the United States shall be, and the same is hereby abolished.

With the following amendment:

Strike out all after the enacting clause and insert the following:
"That when the office of Lieutenant-General shall become vacant it shall not hereafter be filled, but said office shall cease and determine."

The SPEAKER. The gentleman from Illinois is entitled to the floor for one hour. In that time he can make any motion that he sees proper to make during his hour. If he yields the floor for an amendment——

Mr. PRINCE. I will yield one minute——

The SPEAKER. One moment; in answer to the parliamentary inquiry of the gentleman from Illinois the Chair has been referred to the following precedent: A Member who yields the floor to another to offer an amendment loses his right to reoccupy. Now, the gentleman, it occurs to the Chair, may yield the floor to the gentleman from Ohio on the condition that it is for an amendment only without the right to occupy his hour. The gentleman from Ohio would have to agree to accept the floor on that condition, or the gentleman can yield the floor absolutely, and then the Chair would have to recognize the gentleman from Ohio.

Mr. PRINCE. Mr. Speaker, as I have the floor I do not want to take any chances. [Laughter.] I move the previous question on the bill and amendment up to and including its final passage and ask unanimous consent——

Mr. SMITH of Iowa. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. SMITH of Iowa. I wish to ask whether under the rules it would be in order to ask unanimous consent that the gentleman from Illinois might yield for the purpose indicated to the gentleman from Ohio without waiving his right to the floor?

The SPEAKER. Why, surely.

Mr. SMITH of Iowa. I then ask unanimous consent that the gentleman from Illinois have leave to yield to the gentleman from Ohio for the purpose of offering an amendment, without surrendering the right of the gentleman from Illinois to the floor.

Mr. WILLIAMS. And to that request I object, Mr. Speaker.

The SPEAKER. Is there objection?

Mr. WILLIAMS. Mr. Speaker, I object.

The SPEAKER. The gentleman from Mississippi objects.

Mr. PRINCE. I move the previous question upon the bill and the amendment up to and including its final passage, and pending that motion I ask unanimous consent that the gentleman from Ohio may submit to the House for its consideration his amendment, or I will offer the amendment myself.

Mr. GROSVENOR. If the gentleman will hear my statement there is no need of that. If the gentleman will yield to me one minute of time.

Mr. PRINCE. You can have it on the understanding I do not lose the floor.

Mr. GROSVENOR. In that time I can say all that I desire to say about it, and then you can retake the floor and do what you please.

Mr. PRINCE. With that understanding I will yield one minute.

The SPEAKER. The gentleman from Illinois yields one minute of time to the gentleman from Ohio.

Mr. GROSVENOR. Mr. Speaker, I offer the following amendment to the amendment proposed by the committee:

In line 5 of the printed bill, after the word "when," insert the words "after October 12, 1906."

The SPEAKER. The Clerk will report the amendment to the amendment.

The Clerk read as follows:

After the word "when" insert "after October 12, 1906."

Mr. GROSVENOR. Now, Mr. Speaker, the whole effect of this amendment, if it is agreed to, is to put an end to the Lieutenant-General's office after the 12th day of October. The effect of that bill will be to permit General Corbin to take the place to which he is already designated on the 12th day of April and retire, as he will do, in the early days of August, and then permit General MacArthur to take the place of Lieutenant-General, and then the office ceases. That is all I have to say.

The SPEAKER. Upon this bill and amendments the gentleman from Illinois moves the previous question to the final passage of the bill.

The question was taken; and the previous question was ordered.

The SPEAKER. Now, there are twenty minutes on a side for debate, and if gentlemen care to occupy the time the Chair will recognize the gentleman from Illinois.

Mr. GROSVENOR. I do not want any debate. I am willing to have a vote now. [Cries of "Vote!" "Vote!"]

Mr. WILLIAMS. Mr. Speaker, I understand there are twenty minutes on a side for discussion.

The SPEAKER. The gentleman is correct.

Mr. WILLIAMS. Mr. Speaker, I wish to address myself to the amendment.

The SPEAKER. The Chair will recognize the gentleman from Mississippi; although, if he claims it, the Chair will recognize the gentleman from Illinois. The gentleman does not seem to claim the time.

Mr. PRINCE. I reserve my time, and yield five minutes to the gentleman from Mississippi, if he desires that much.

Mr. WILLIAMS. Mr. Speaker, I hope that the amendment of the gentleman from Ohio will not be accepted by the House. The gentleman from Ohio has just disclosed the fact that the only motive behind his amendment is to make an exception of two men. If it is right in principle to abolish the Lieutenant-Generalcy, it ought to prevail; if it is a wrong idea, it ought to go down by the votes of this House. The declaration that we are opposed to the further continuance of the office of Lieutenant-General, with a condition that a couple of pets of the gentleman from Ohio or anybody else, or even parliamentary pets, shall have an opportunity to occupy the office for a little while and retire with the rank on half pay, seems to be a self-stultification. I hope if the amendment of the gentleman from Ohio is accepted, that this amendment as amended may be voted down by the House; because if it be right to abolish this Lieutenant-Generalcy—and I think it is—as a general proposition in the name of general righteousness and the discipline of the Army, then it is wrong to continue it for a certain limited time in order that certain parliamentary pets may enjoy the office and its emoluments. [Cries of "Vote!"]

Mr. GROSVENOR. Just a few words in reply. I want to say that General Corbin has been ordered home from the Philippines. He has come home and has been ordered to take command of the department at St. Louis, with a notification to him from the War Department that at once upon the retirement of General Bates he will be promoted to the office of Lieutenant-General in confromity with the command that he has already assumed. Now, then, MacArthur follows. The last two major-generals of the volunteer service who will occupy this position, and they will both of them be promoted in a very few months. Now, a vote of this House to cut off this promotion to these gentlemen, to these grand soldiers in the Army, will amount to a vote of condemnation and rebuke. If these men had not been designated, if the War Department had not given official notification to the world, there could not have been very much said upon this point, and then the suggestion of the gentleman from Mississippi would be correct.

Mr. WILLIAMS. Will the gentleman yield to me?

Mr. GROSVENOR. Certainly.

Mr. WILLIAMS. What right had the War Department to forestall legislative action by giving that sort of notice?

Mr. GROSVENOR. I can only say that it is a long-established custom. General Corbin was in command in Manila, and the War Department certainly has a right to use the ordinary means that an individual would who was about to move from one place to another. Now, there is nothing else in this amendment. Just that. I certainly have presented it fairly to the House, and I hope that the House will not take the rugged course of cutting off these officers, these two fine officers, now, under these circumstances, but will put in the law just what I am entirely willing shall go into it, to repeal the Lieutenant-Generalship. [Cries of "Vote!"]

The SPEAKER. The question is on agreeing to the amendment to the amendment.

The question was taken; and the Speaker announced that the ayes seemed to have it.

Mr. WILLIAMS. Division!

The House divided; and there were—ayes 79, noes 100.

Mr. GROSVENOR. I make the point of no quorum, Mr. Speaker.

Mr. PRINCE. We may as well get at it. I call for a call of the House.

Mr. GROSVENOR. I will withdraw that, and ask for the yeas and nays.

The SPEAKER. The gentleman from Illinois demands the yeas and nays.

Mr. PRINCE. Let the Speaker first see the number in the House. I will withdraw that for a moment.

Mr. GROSVENOR. I would renew it anyway.

The SPEAKER. This gives the yeas and nays and the call of the House at the same time.

Mr. UNDERWOOD. Mr. Speaker, it is the well-established rule in this House that when the roll has just been called and the Speaker has just announced that a quorum is present, that it is then to be assumed that a quorum is still present.

Mr. GROSVENOR. I demand the yeas and nays.

The SPEAKER. The Chair will state, in reply to that statement of the gentleman from Alabama, that there was only one in excess of a quorum, if that was the number, and that one might drop out in fifteen minutes.

Mr. UNDERWOOD. It was that many.

Mr. GROSVENOR. I withdraw the point of no quorum and demand the yeas and nays upon the vote.

The yeas and nays were ordered.

The question was taken: and there were—yeas 77, nays 88, answered "present" 16, not voting 202, as follows:

YEAS—77.

| | | | |
|---|---|---|---|
| Adams, Pa. | Denby | Loud | Payne |
| Allen, Me. | Driscoll | Lovering | Pearre |
| Bates | Gardner, N. J. | McCleary, Minn. | Pollard |
| Bennet, N. Y. | Graff | McCreary, Pa. | Rives |
| Birdsall | Graham | McGavin | Samuel |
| Bonynge | Grosvenor | McKinney | Small |
| Brooks, Colo. | Hamilton | McMorran | Smith, Cal. |
| Brownlow | Hedge | Madden | Smith, Ill. |
| Burke, Pa. | Henry, Tex. | Miller | Smith, Samuel W. |
| Burton, Ohio | Higgins | Mondell | Southwick |
| Campbell, Kans. | Hogg | Mouser | Sterling |
| Capron | Howell, Utah | Mudd | Sulloway |
| Chapman | Keifer | Murdock | Tirrell |
| Cockran | Kennedy, Ohio | Needham | Weems |
| Conner | Ketcham | Norris | Wharton |
| Cooper, Wis. | Knopf | Olcott | Wilson |
| Cousins | Lacey | Olmsted | Wood, N. J. |
| Dalzell | Landis, Chas. B. | Otjen | |
| Dawes | Littauer | Overstreet | |
| Dawson | Longworth | Patterson, Pa. | |

NAYS—88.

| | | | |
|---|---|---|---|
| Aiken | Edwards | Kennedy, Nebr. | Rhodes |
| Bartlett | Ellerbe | Kinkaid | Richardson, Ala. |
| Beall, Tex. | Field | Kitchin, Wm. W. | Richardson, Ky. |
| Bell, Ga. | Floyd | Lawrence | Sherley |
| Brantley | Foster, Vt. | Lee | Sims |
| Broocks, Tex. | Gaines, Tenn. | Lever | Smith, Ky. |
| Broussard | Gaines, W. Va. | Lewis | Smith, Md. |
| Brown | Garner | Livingston | Smith, Tex. |
| Burleson | Garrett | Lloyd | Snapp |
| Byrd | Gill | McLain | Southall |
| Chaney | Gillespie | Macon | Spight |
| Clark, Fla. | Glass | Moore | Stephens, Tex. |
| Clark, Mo. | Granger | Padgett | Sullivan, Mass. |
| Clayton | Gregg | Page | Tawney |
| Crumpacker | Hay | Patterson, N. C. | Thomas, N. C. |
| Cushman | Hayes | Patterson, S. C. | Underwood |
| Dale | Heflin | Pou | Wallace |
| Darragh | Henry, Conn. | Prince | Webb |
| Davey, La. | Houston | Rainey | Weisse |
| Davis, Minn. | Howard | Randell, Tex. | Wiley, Ala. |
| De Armond | Howell, N. J. | Reynolds | Wiley, N. J. |
| Dixon, Ind. | Jones, Va. | Rhinock | Williams |

ANSWERED "PRESENT"—16.

| | | | |
|---|---|---|---|
| Brick | Deemer | Jenkins | Robertson, La. |
| Cooper, Pa. | Finley | Johnson | Shackleford |
| Curtis | Foss | Meyer | Sheppard |
| Davidson | Hunt | Palmer | Wanger |

NOT VOTING—202.

| | | | |
|---|---|---|---|
| Acheson | Burton, Del. | Fowler | Hoar |
| Adams, Wis. | Butler, Pa. | French | Holliday |
| Adamson | Butler, Tenn. | Fulkerson | Hopkins |
| Alexander | Calder | Fuller | Hubbard |
| Allen, N. J. | Calderhead | Garber | Huff |
| Ames | Campbell, Ohio | Gardner, Mass. | Hughes |
| Andrus | Candler | Gardner, Mich. | Hull |
| Babcock | Cassel | Gilbert, Ind. | Humphrey, Wash. |
| Bankhead | Cocks | Gilbert, Ky. | Humphreys, Miss. |
| Bannon | Cole | Gillett, Cal. | James |
| Barchfeld | Cromer | Gillett, Mass. | Jones, Wash. |
| Bartholdt | Currier | Goebel | Kahn |
| Bede | Davis, W. Va. | Goldfogle | Keliher |
| Beidler | Dickson, Ill. | Goulden | Kitchin, Claude |
| Bennett, Ky. | Dixon, Mont. | Greene | Klepper |
| Bingham | Dovener | Griggs | Kline |
| Bishop | Draper | Gronna | Knapp |
| Blackburn | Dresser | Gudger | Knowland |
| Boutell | Dunwell | Hale | Lafean |
| Bowers | Dwight | Hardwick | Lamar |
| Bowersock | Ellis | Haskins | Lamb |
| Bowie | Esch | Haugen | Landis, Frederick |
| Bradley | Fassett | Hearst | Law |
| Brundidge | Fitzgerald | Hepburn | Le Fevre |
| Buckman | Flack | Hermann | Legare |
| Burgess | Fletcher | Hill, Conn. | Lester |
| Burke, S. Dak. | Flood | Hill, Miss. | Lilley, Conn. |
| Burleigh | Fordney | Hinshaw | Linney, Pa. |
| Burnett | Foster, Ind. | Hitt | Lindsay |

| | | | |
|---|---|---|---|
| Little | Nevin | Sherman | Townsend |
| Littlefield | Parker | Sibley | Trimble |
| Lorimer | Parsons | Slayden | Tyndall |
| Loudenslager | Patterson, Tenn. | Slemp | Van Duzer |
| McCall | Perkins | Smith, Iowa | Van Winkle |
| McCarthy | Powers | Smith, Wm. Alden | Volstead |
| McDermott | Pujo | Smith, Pa. | Vreeland |
| McKinlay, Cal. | Ransdell, La. | Smyser | Wachter |
| McKinley, Ill. | Reeder | Southard | Wadsworth |
| McLachlan | Reid | Sparkman | Waldo |
| McNary | Rixey | Sperry | Watkins |
| Mahon | Roberts | Stafford | Watson |
| Mann | Robinson, Ark. | Stanley | Webber |
| Marshall | Rodenberg | Steenerson | Weeks |
| Martin | Rucker | Stevens, Minn. | Welborn |
| Maynard | Ruppert | Sullivan, N. Y. | Williamson |
| Michalek | Russell | Sulzer | Wood, Mo. |
| Minor | Ryan | Talbott | Woodyard |
| Moon, Pa. | Schneebeli | Taylor, Ala. | Young |
| Moon, Tenn. | Scott | Taylor, Ohio | Zenor |
| Morrell | Scroggy | Thomas, Ohio | |
| Murphy | Shartel | Towne | |

No quorum.

The following additional pairs were announced:

For balance of this day:

Mr. WACHTER with Mr. BUTLER of Tennessee.

Mr. MANN with Mr. MCDERMOTT.

Mr. BUTLER of Pennsylvania with Mr. WOOD of Missouri.

Mr. DAVIDSON. Mr. Speaker, I understand I am paired with the gentleman from Mississippi [Mr. HUMPHREYS]. I want to withdraw my vote and to answer "present."

Mr. CURTIS. Mr. Speaker, I am advised that I am paired for the rest of the day. If so, I desire to withdraw my vote and to vote "present."

The result of the vote was announced as above recorded.

Mr. GROSVENOR. No quorum, Mr. Speaker.

Mr. PAYNE. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore (Mr. LONGWORTH). The gentleman will state it.

Mr. PAYNE. The previous question having been ordered on this bill to its passage, will it come up on the next legislative day as unfinished business?

The SPEAKER pro tempore. The Chair is of the opinion that it would.

Mr. PAYNE. Then, Mr. Speaker, I move that the House do now adjourn.

Mr. PRINCE. Mr. Speaker, upon that vote I call for the yeas and nays.

Mr. PAYNE. It will come up Monday anyway.

Mr. PRINCE. We might just as well finish it now as at any other time.

The yeas and nays were ordered.

The question was taken; and there were—yeas 68, nays 92, answered "present" 9, not voting 214, as follows:

YEAS—68.

| | | | |
|---|---|---|---|
| Adams, Pa. | Dawson | Knowland | Olmsted |
| Bates | Denby | Lacey | Otjen |
| Bennet, N. Y. | Driscoll | Landis, Chas. B. | Overstreet |
| Birdsall | Foster, Vt. | Littauer | Palmer |
| Bonynge | Gaines, W. Va. | Longworth | Payne |
| Brick | Gillett, Mass. | Loud | Smith, Iowa |
| Burke, Pa. | Graff | Lovering | Smith, Samuel W. |
| Burton, Ohio | Graham | McCleary, Minn. | Smyser |
| Campbell, Kans. | Grosvenor | McCreary, Pa. | Southwick |
| Capron | Hamilton | McKinney | Steenerson |
| Cockran | Hedge | McMorran | Sulloway |
| Cooper, Wis. | Henry, Conn. | Madden | Tawney |
| Cousins | Hepburn | Miller | Tirrell |
| Crumpacker | Higgins | Mouser | Wanger |
| Cushman | Keifer | Mudd | Weems |
| Dale | Kennedy, Ohio | Murdock | Wilson |
| Dalzell | Ketcham | Olcott | Wood, N. J. |

NAYS—92.

| | | | |
|---|---|---|---|
| Aiken | Gaines, Tenn. | Lever | Richardson, Ky. |
| Allen, Me. | Garner | Lewis | Rives |
| Bartlett | Garrett | Livingston | Sherley |
| Beall, Tex. | Gill | Lloyd | Sims |
| Bede | Gillespie | McGavin | Small |
| Bell, Ga. | Glass | McLain | Smith, Ill. |
| Broocks, Tex. | Granger | Macon | Smith, Ky. |
| Broussard | Gregg | Moore | Smith, Md. |
| Brown | Hay | Norris | Smith, Tex. |
| Burleson | Hayes | Padgett | Snapp |
| Byrd | Heflin | Page | Southall |
| Chaney | Henry, Tex. | Patterson, N. C. | Spight |
| Chapman | Hogg | Patterson, Pa. | Stafford |
| Clark, Mo. | Houston | Patterson, S. C. | Stephens, Tex. |
| Clayton | Howard | Pollard | Sullivan, Mass. |
| Darragh | Howell, Utah | Pou | Thomas, N. C. |
| Davey, La. | Hunt | Prince | Underwood |
| Davis, Minn. | Jones, Va. | Rainey | Webb |
| De Armond | Kennedy, Nebr. | Randell, Tex. | Weisse |
| Dixon, Ind. | Kinkaid | Reynolds | Wharton |
| Ellerbe | Kitchin, Wm. W. | Rhinock | Wiley, Ala. |
| Field | Knopf | Rhodes | Wiley, N. J. |
| Floyd | Lee | Richardson, Ala. | Williams |

ANSWERED "PRESENT"—9.

| | | | |
|---|---|---|---|
| Cooper, Pa. | Deemer | Johnson | Shackleford |
| Curtis | Finley | Robertson, La. | Sheppard |
| Davidson | | | |

NOT VOTING—214.

| | | | |
|---|---|---|---|
| Acheson | Edwards | Kitchin, Claude | Robinson, Ark. |
| Adams, Wis. | Ellis | Klepper | Rodenberg |
| Adamson | Esch | Kline | Rucker |
| Alexander | Fassett | Knapp | Ruppert |
| Allen, N. J. | Fitzgerald | Lafean | Russell |
| Ames | Flack | Lamar | Ryan |
| Andrus | Fletcher | Lamb | Samuel |
| Babcock | Flood | Landis, Frederick | Schneebeli |
| Bankhead | Fordney | Law | Scott |
| Bannon | Foss | Lawrence | Scroggy |
| Barchfeld | Foster, Ind. | Le Fevre | Shartel |
| Bartholdt | Fowler | Legare | Sherman |
| Beidler | French | Lester | Sibley |
| Bennett, Ky. | Fulkerson | Lilley, Conn. | Slayden |
| Bingham | Fuller | Lilley, Pa. | Slemp |
| Bishop | Garber | Lindsay | Smith, Cal. |
| Blackburn | Gardner, Mass. | Little | Smith, Wm. Alden |
| Boutell | Gardner, Mich. | Littlefield | Smith, Pa. |
| Bowers | Gardner, N. J. | Lorimer | Southard |
| Bowersock | Gilbert, Ind. | Loudenslager | Sparkman |
| Bowie | Gilbert, Ky. | McCall | Sperry |
| Bradley | Gillett, Cal. | McCarthy | Stanley |
| Brantley | Goebel | McDermott | Sterling |
| Brooks, Colo. | Goldfogle | McKinlay, Cal. | Stevens, Minn. |
| Brownlow | Goulden | McKinley, Ill. | Sullivan, N. Y. |
| Brundidge | Greene | McLachlan | Sulzer |
| Buckman | Griggs | McNary | Talbott |
| Burgess | Gronna | Mahon | Taylor, Ala. |
| Burke, S. Dak. | Gudger | Mann | Taylor, Ohio |
| Burleigh | Hale | Marshall | Thomas, Ohio |
| Burnett | Hardwick | Martin | Towne |
| Burton, Del. | Haskins | Maynard | Townsend |
| Butler, Pa. | Haugen | Meyer | Trimble |
| Butler, Tenn. | Hearst | Michalek | Tyndall |
| Calder | Hermann | Minor | Van Duzer |
| Calderhead | Hill, Conn. | Mondell | Van Winkle |
| Campbell, Ohio | Hill, Miss. | Moon, Pa. | Volstead |
| Candler | Hinshaw | Moon, Tenn. | Vreeland |
| Cassel | Hitt | Morrell | Wachter |
| Clark, Fla. | Hoar | Murphy | Wadsworth |
| Cocks | Holliday | Needham | Waldo |
| Cole | Hopkins | Nevin | Wallace |
| Conner | Howell, N. J. | Parker | Watkins |
| Cromer | Hubbard | Parsons | Watson |
| Currier | Huff | Patterson, Tenn. | Webber |
| Davis, W. Va. | Hughes | Pearre | Weeks |
| Dawes | Hull | Perkins | Welborn |
| Dickson, Ill. | Humphrey, Wash. | Powers | Williamson |
| Dixon, Mont. | Humphreys, Miss. | Pujo | Wood, Mo. |
| Dovener | James | Ransdell, La. | Woodyard |
| Draper | Jenkins | Reeder | Young |
| Dresser | Jones, Wash. | Reid | Zenor |
| Dunwell | Kahn | Rixey | |
| Dwight | Keliher | Roberts | |

So the House refused to adjourn.

The following additional pairs were announced:

For the balance of the day:

Mr. BROOKS with Mr. BRANTLEY.

The SPEAKER pro tempore. Upon this question the yeas are 68, the nays are 92, answering present 9, and the House declines to adjourn. The House having refused to adjourn, the question recurs on the amendment to the amendment. A quorum having failed to vote on that question, the Chair, in accordance with the rules, directs the doors to be closed, the Sergeant-at-Arms to bring in absentees, and the Clerk will call the roll. As many as are in favor of the amendment to the amendment, will, when their names are called, answer "aye," and those opposed will answer "no;" those not voting will answer "present."

The question was taken; and there were—yeas 78, nays 82, answered "present" 14, not voting 210, as follows:

YEAS—78.

| | | | |
|---|---|---|---|
| Adams, Pa. | Driscoll | Littauer | Rives |
| Allen, Me. | Gaines, W. Va. | Longworth | Smith, Ill. |
| Babcock | Gardner, N. J. | Loud | Smith, Iowa |
| Bates | Gilbert, Ind. | Lovering | Smith, Samuel W. |
| Bennet, N. Y. | Graff | McCleary, Minn. | Smyser |
| Birdsall | Grosvenor | McCreary, Pa. | Southard |
| Bonynge | Hamilton | McGavin | Southwick |
| Brick | Hedge | McKinney | Steenerson |
| Burton, Ohio | Hepburn | McMorran | Sterling |
| Campbell, Kans. | Higgins | Miller | Sulloway |
| Capron | Hinshaw | Mouser | Tawney |
| Chapman | Hogg | Mudd | Taylor, Ohio |
| Cole | Howell, Utah | Murdock | Tirrell |
| Cooper, Wis. | Keifer | Norris | Weems |
| Cousins | Kennedy, Ohio | Olcott | Wharton |
| Crumpacker | Ketcham | Olmsted | Wood, N. J. |
| Dalzell | Knapp | Overstreet | Woodyard |
| Dawson | Knopf | Patterson, Pa. | The Speaker |
| Denby | Lacey | Payne | |
| Dickson, Ill. | Landis, Chas. B. | Pollard | |

NAYS—82.

| | | | |
|---|---|---|---|
| Aiken | Clark, Fla. | Floyd | Hay |
| Bartlett | Clark, Mo. | Foster, Vt. | Hayes |
| Beall, Tex. | Clayton | Fulkerson | Heflin |
| Bell, Ga. | Cushman | Gaines, Tenn. | Houston |
| Broocks, Tex. | Darragh | Garner | Howard |
| Broussard | Davis, Minn. | Garrett | Howell, N. J. |
| Brown | De Armond | Gillespie | Jones, Va. |
| Burleson | Dixon, Ind. | Glass | Kennedy, Nebr. |
| Burnett | Dixon, Mont. | Granger | Kinkaid |
| Byrd | Ellerbe | Gregg | Kitchin, Wm. W. |
| Chaney | Field | Hardwick | Lamb |

| | | | |
|---|---|---|---|
| Lee | Page | Richardson, Ky. | Thomas, N. C. |
| Lester | Patterson, N. C. | Sherley | Underwood |
| Lever | Patterson, S. C. | Sims | Wallace |
| Lewis | Pou | Smith, Ky. | Webb |
| Livingston | Prince | Snapp | Weisse |
| Lloyd | Rainey | Southall | Wiley, N. J. |
| Macon | Randell, Tex. | Spight | Williams |
| Maynard | Reynolds | Stafford | Young |
| Moore | Rhinock | Stephens, Tex. | |
| Padgett | Rhodes | Sullivan, Mass. | |

ANSWERED "PRESENT"—14.

| | | | |
|---|---|---|---|
| Cooper, Pa. | Finley | Hunt | Sheppard |
| Curtis | Foss | Johnson | Wanger |
| Davey, La. | French | Robertson, La. | |
| Deemer | Gillett, Mass. | Shackleford | |

NOT VOTING—210.

| | | | |
|---|---|---|---|
| Acheson | Edwards | Knowland | Robinson, Ark. |
| Adams, Wis. | Ellis | Lafean | Rodenberg |
| Adamson | Esch | Lamar | Rucker |
| Alexander | Fassett | Landis, Frederick | Ruppert |
| Allen, N. J. | Fitzgerald | Law | Russell |
| Ames | Flack | Lawrence | Ryan |
| Andrus | Fletcher | Le Fevre | Samuel |
| Bankhead | Flood | Legare | Schneebeli |
| Bannon | Fordney | Lilley, Conn. | Scott |
| Barchfeld | Foster, Ind. | Lilley, Pa. | Scroggy |
| Bartholdt | Fowler | Lindsay | Shartel |
| Bede | Fuller | Little | Sherman |
| Beidler | Garber | Littlefield | Sibley |
| Bennett, Ky. | Gardner, Mass. | Lorimer | Slayden |
| Bingham | Gardner, Mich. | Loudenslager | Slemp |
| Bishop | Gilbert, Ky. | McCall | Small |
| Blackburn | Gill | McCarthy | Smith, Cal. |
| Boutell | Gillett, Cal. | McDermott | Smith, Md. |
| Bowers | Goebel | McKinlay, Cal. | Smith, Wm. Alden |
| Bowersock | Goldfogle | McKinley, Ill. | Smith, Pa. |
| Bowie | Goulden | McLachlan | Smith, Tex. |
| Bradley | Graham | McLain | Sparkman |
| Brantley | Greene | McNary | Sperry |
| Brooks, Colo. | Griggs | Madden | Stanley |
| Brownlow | Gronna | Mahon | Stevens, Minn. |
| Brundidge | Gudger | Mann | Sullivan, N. Y. |
| Buckman | Hale | Marshall | Sulzer |
| Burgess | Haskins | Martin | Talbott |
| Burke, Pa. | Haugen | Meyer | Taylor, Ala. |
| Burke, S. Dak. | Hearst | Michalek | Thomas, Ohio |
| Burleigh | Henry, Conn. | Minor | Towne |
| Burton, Del. | Henry, Tex. | Mondell | Townsend |
| Butler, Pa. | Hermann | Moon, Pa. | Trimble |
| Butler, Tenn. | Hill, Conn. | Moon, Tenn. | Tyndall |
| Calder | Hill, Miss. | Morrell | Van Duzer |
| Calderhead | Hitt | Murphy | Van Winkle |
| Campbell, Ohio | Hoar | Needham | Volstead |
| Candler | Holliday | Nevin | Vreeland |
| Cassell | Hopkins | Otjen | Wachter |
| Cockran | Hubbard | Palmer | Wadsworth |
| Cocks | Huff | Parker | Waldo |
| Conner | Hughes | Parsons | Watkins |
| Cromer | Hull | Patterson, Tenn. | Watson |
| Currier | Humphrey, Wash. | Pearre | Webber |
| Dale | Humphreys, Miss. | Perkins | Weeks |
| Davidson | James | Powers | Welborn |
| Davis, W. Va. | Jenkins | Pujo | Wiley, Ala. |
| Dawes | Jones, Wash. | Ransdell, La. | Williamson |
| Dovener | Kahn | Reeder | Wilson |
| Draper | Keliher | Reid | Wood, Mo. |
| Dresser | Kitchin, Claude | Richardson, Ala. | Zenor |
| Dunwell | Klepper | Rixey | |
| Dwight | Kline | Roberts | |

No quorum.

The Clerk announced the following pairs:

For the session:

Mr. LOUDENSLAGER with Mr. RICHARDSON of Alabama.

For this question:

Mr. DAVEY of Louisiana with Mr. COCKRAN.

For the balance of the day:

Mr. GILLETT of Massachusetts with Mr. LESTER.

During the call of the roll the following occurred:

Mr. PRINCE. Mr. Speaker, I would like to know just on what the roll is now being called.

The SPEAKER pro tempore. On the amendment to the amendment, a quorum not having voted.

Mr. PAYNE. Mr. Speaker, I demand the regular order.

Mr. PRINCE. As I understand it, Mr. Speaker, the last roll call was upon the motion to adjourn.

The SPEAKER pro tempore. But we have had a roll call prior to that, and that roll call disclosed the fact that a quorum was not present.

Mr. PRINCE. Mr. Speaker, I ask that for the information of the House the Speaker announce the purpose of this roll call.

Mr. GROSVENOR. Mr. Speaker, I demand the regular order.

The SPEAKER pro tempore. The gentleman from Ohio demands the regular order.

Mr. PRINCE. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. PRINCE. When the names are called, do I understand that those voting "yea" are voting in favor of the amendment submitted by the gentleman from Ohio [Mr. GROSVENOR]?

The SPEAKER pro tempore. The Chair so understands it.

Mr. PRINCE. And those voting "no" are against the amendment?

The SPEAKER pro tempore. Yes.

Mr. WILLIAMS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WILLIAMS. Has the Sergeant-at-arms been ordered to bring in the absentees?

The SPEAKER. The order was made when the doors were closed.

Mr. GAINES of West Virginia. Mr. Speaker, I move that the House do now adjourn, and pending that motion I ask unanimous consent that I may be permitted to make a brief statement.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia that he be permitted to make a brief statement. [After a pause.] The Chair hears none.

Mr. GAINES of West Virginia. Mr. Speaker, I voted against the amendment to the amendment. I desire to say, and I think others feel the same way, that we have not feeling enough on this matter to justify keeping us here any longer, and I am constrained to warn gentlemen that they would better let the House adjourn.

Mr. CRUMPACKER. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. A parliamentary inquiry can only be by unanimous consent; nothing can interrupt a roll call except by unanimous consent. Is there objection? [After a pause.] The Chair hears none.

Mr. CRUMPACKER. If the House should adjourn now what would be the parliamentary status of the bill?

The SPEAKER. The bill is out of the morning hour when the previous question is ordered. It would be the first order of business after the reading of the Journal on Monday.

Mr. GAINES of Tennessee. A parliamentary inquiry, Mr. Speaker. Did not the Speaker state that next Monday would be suspension day and presumptively nothing else could be done?

The SPEAKER. The Chair will state to the gentleman the Chair supposes that a motion might be made to suspend the rules and come in ahead of this, but it would require recognition for that purpose.

Mr. GAINES of Tennessee. I simply repeat what the Speaker repeated to the House more than an hour ago warning us that Monday was suspension day.

Mr. WILLIAMS. Mr. Speaker, I ask unanimous consent to say one word——

The SPEAKER. Without objection, the gentleman will proceed. [After a pause.] The Chair hears no objection.

Mr. WILLIAMS. I desire to say one word in reply to the gentleman from West Virginia. I would feel very much about this as the gentleman from West Virginia expressed himself, but I know that the same—or rather I think, at any rate, that the same—influence will inaugurate another filibuster later on, and we might as well have it out now.

Mr. DALZELL. Regular order, Mr. Speaker.

The SPEAKER. The regular order is the motion to adjourn, and that requires under the rule a second. All gentlemen will be seated. As many as are in favor of seconding the motion to adjourn will rise and stand until counted.

The question was taken.

The SPEAKER. Upon this motion for a second the ayes are 74, and the noes are 74, and the Chair votes aye to authorize a second.

So the motion to adjourn was seconded.

The SPEAKER. The question is upon the motion to adjourn.

The question was taken.

The SPEAKER. The Chair is in doubt. As many as are in favor of the motion will rise and stand until counted. [After counting.] Upon this vote the ayes are 76 and the noes are 75, and the House stands adjourned——

Mr. WILLIAMS. Tellers, Mr. Speaker——

The SPEAKER. The Chair——

Mr. WILLIAMS. The Chair was a little quick, but I was a little quicker.

The SPEAKER. The Chair was about to declare the House adjourned, and practically the sentence was finished when his ear caught, it seemed, a demand for tellers and it seems to the Chair that it is in time. [Laughter and applause.] As many as are in favor of taking a vote by tellers will rise and stand until counted. [After counting.] Evidently a sufficient number, and the gentleman from West Virginia [Mr. GAINES] and the gentleman from Mississippi [Mr. WILLIAMS] will take their places as tellers.

The House divided; and the tellers reported—ayes 63, noes 87.

So the House refused to adjourn. [Applause.]

Mr. PRINCE. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. PRINCE. Is there any way by which unanimous consent can be obtained that this House can now adjourn and let

this be the pending measure, without any disposition to delay it, and to take a straight vote on Monday morning?

The SPEAKER. If the House adjourns, the first matter that would come up Monday morning would be upon this motion, because the previous question has been ordered on the bill to its passage.

Mr. PRINCE. Then I move that the House do now adjourn. I do not want to punish anybody. This is not a life-and-death matter. I have not brought this trouble on.

The SPEAKER. The gentleman from Illinois moves that the House do now adjourn. That requires a second. As many as favor seconding the motion to adjourn will rise and stand until counted.

The question was taken; and there were—ayes 94, noes 13.

So the motion to adjourn was seconded.

The motion was agreed to.

Accordingly, and in accordance with the order heretofore adopted, the House (at 6 o'clock and 53 minutes p. m.) adjourned until Monday, March 19, 1906, at 12 o'clock noon.

## EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred, as follows:

A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the Acting Attorney-General, submitting an estimate of appropriation for publication of Opinions of the Attorney-General—to the Committee on Appropriations, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the Commissioners of the District of Columbia submitting an estimate of appropriation for collection and disposal of garbage, ashes, etc.—to the Committee on Appropriations, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, submitting an estimate of appropriation for scales at ports of entry—to the Committee on Appropriations, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of St. Andrew's Lodge, No. 18, Free and Accepted Masons, of Cynthiana, Ky., against The United States—to the Committee on War Claims, and ordered to be printed.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. SHERMAN, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 15737) to empower the Court of Claims to determine the value of certain legal services to Cherokee Indians by blood, reported the same with amendment, accompanied by a report (No. 2337); which said bill and report were referred to the House Calendar.

Mr. FRENCH, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 15506) authorizing the patenting of certain lands to school district No. 57, Nez Perces County, Idaho, reported the same with amendment, accompanied by a report (No. 2338); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SMITH of California, from the Committee on the Public Lands, to which was referred the House joint resolution (H. J. Res. 118) accepting the recession by the State of California of the Yosemite Valley grant and the Mariposa Big Tree Grove, and including the same, together with fractional sections 5 and 6, township 5 south, range 22 east, Mount Diablo meridian, California, within the metes and bounds of the Yosemite National Park, and changing the boundaries thereof, reported the same without amendment, accompanied by a report (No. 2339); which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

Mr. STEVENS of Minnesota, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 1830) for the removal of the quarantine station at San Diego, Cal., and to acquire a new site, and for other purposes, reported the same with amendment, accompanied by a report (No. 2341); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. VREELAND, from the Committee on Naval Affairs, to which was referred the bill of the House (H. R. 5276) relating to appointments to the Naval Academy, and for other purposes, reported the same without amendment, accompanied by a report (No. 2343); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CAMPBELL of Kansas, from the Committee on the District of Columbia, to which was referred the bill of the Senate (S. 2623) for the extension of Euclid street, in Meridian Hill, District of Columbia, reported the same without amendment, accompanied by a report (No. 2348); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

## REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. DAWES, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 2997) for the relief of Capt. Sidney F. Shaw, reported the same without amendment, accompanied by a report (No. 2342); which said bill and report were referred to the Private Calendar.

## ADVERSE REPORTS.

Under clause 2, Rule XIII, adverse reports were delivered to the Clerk, and laid on the table, as follows:

Mr. SLAYDEN, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 4589) for the relief of James G. Clay, reported the same adversely, accompanied by a report (No. 2340); which said bill and report were ordered laid on the table.

Mr. PRINCE, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 8170) for the relief of James J. Bennett, reported the same adversely, accompanied by a report (No. 2344); which said bill and report were ordered laid on the table.

He also, from the same committee, to which was referred the bill of the House (H. R. 9198) to amend and correct the records of Company D, Seventh Regiment Provisional Enrolled Missouri Militia, by including the name of Valentine Fraker therein, with the dates of his enlistment and discharge, reported the same adversely, accompanied by a report (No. 2345); which said bill and report were ordered laid on the table.

Mr. DAWES, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 5818) to correct the military record of David Hurlburt, reported the same adversely, accompanied by a report (No. 2349); which said bill and report were ordered laid on the table.

## PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. VAN WINKLE: A bill (H. R. 16861) to adjust salaries of postmasters—to the Committee on the Post-Office and Post-Roads.

By Mr. OLMSTED: A bill (H. R. 16862) to provide for the cancellation of certificates of naturalization fraudulently procured or improperly issued, and prescribing a penalty for the use of such canceled certificates or issuing a duplicate thereof—to the Committee on Immigration and Naturalization.

By Mr. KEIFER: A bill (H. R. 16863) to remodel and enlarge the Government building at Springfield, Ohio—to the Committee on Public Buildings and Grounds.

By Mr. WILLIAMS: A bill (H. R. 16864) to reduce the duties on works of art imported into the United States—to the Committee on Ways and Means.

Also, a bill (H. R. 16865) affecting duties on hides, leather, harness, and other articles made of leather—to the Committee on Ways and Means.

By Mr. SHERMAN: A bill (H. R. 16866) to prohibit the shipment of gunpowder and other explosive or inflammable substance on railroads engaged in interstate commerce by deceptive marking, invoice, or shipping order, and providing penalties therefor—to the Committee on Interstate and Foreign Commerce.

By Mr. PATTERSON of Pennsylvania: A bill (H. R. 16867) appropriating $10,000 to enlarge and improve the public building at Pottsville, Pa.—to the Committee on Public Buildings and Grounds.

By Mr. BABCOCK: A bill (H. R. 16868) for the prevention of scarlet fever, diphtheria, measles, whooping cough, chicken pox, epidemic cerebro-spinal meningitis, and typhoid fever in

the District of Columbia—to the Committee on the District of Columbia.

By Mr. SHERMAN: A bill (H. R. 16869) increasing the limit of cost of the public building at Little Falls, N. Y.—to the Committee on Public Buildings and Grounds.

By Mr. MOUSER: A bill (H. R. 16870) declaring a portion of the Scioto River, Ohio, nonnavigable—to the Committee on Interstate and Foreign Commerce.

By Mr. WANGER: A bill (H. R. 16871) to secure the Government of the United States against unjust demands by postmasters to be paid or credited with the amount of losses resulting from burglary, fire, or other unavoidable casualty—to the Committee on Expenditures in the Post-Office Department.

Also, a bill (H. R. 16872) to promote economy in the administration of the Post-Office Department—to the Committee on Expenditures in the Post-Office Department.

By Mr. WACHTER: A bill (H. R. 16873) to establish additional aids to navigation in Fort McHenry channel from Chesapeake Bay to Baltimore—to the Committee on Interstate and Foreign Commerce.

## PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BARTHOLDT: A bill (H. R. 16874) granting a pension to Edward Howard—to the Committee on Invalid Pensions.

By Mr. BRICK: A bill (H. R. 16875) granting an increase of pension to J. K. Hart—to the Committee on Invalid Pensions.

By Mr. BURKE of Pennsylvania: A bill (H. R. 16876) granting a pension to James Boone—to the Committee on Invalid Pensions.

By Mr. CHANEY: A bill (H. R. 16877) for the relief of the heirs of John Bowling, deceased—to the Committee on War Claims.

By Mr. CHAPMAN: A bill (H. R. 16878) granting an increase of pension to James B. Adams—to the Committee on Invalid Pensions.

By Mr. DICKSON of Illinois: A bill (H. R. 16879) for the relief of Peter Helfman—to the Committee on Claims.

Also, a bill (H. R. 16880) granting an increase of pension to Samuel E. Tuttle—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16881) granting an increase of pension to Joel R. Youngkin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16882) granting an increase of pension to Isaac F. Morrison—to the Committee on Invalid Pensions.

By Mr. DIXON of Indiana: A bill (H. R. 16883) for the relief of Alva C. Peckham—to the Committee on Military Affairs.

By Mr. ESCH: A bill (H. R. 16884) granting an increase of pension to William D. Woodcock—to the Committee on Invalid Pensions.

By Mr. FOSTER of Indiana: A bill (H. R. 16885) for the relief of William K. Whitsett—to the Committee on War Claims.

Also, a bill (H. R. 16886) granting a pension to James W. Murray—to the Committee on Pensions.

By Mr. FOSTER of Vermont: A bill (H. R. 16887) granting an increase of pension to Darwin Johnson—to the Committee on Invalid Pensions.

By Mr. GARDNER of New Jersey: A bill (H. R. 16888) granting an increase of pension to Susan G. Maken—to the Committee on Invalid Pensions.

By Mr. HALE: A bill (H. R. 16889) for the relief of George Marion Gaut—to the Committee on War Claims.

Also, a bill (H. R. 16890) granting an increase of pension to Robert A. Patterson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16891) granting an increase of pension to Theodore S. Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16892) granting an increase of pension to Alexander Arnold—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16893) granting an increase of pension to Andrew G. Kitts—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16894) granting an increase of pension to John W. Fielden—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16895) granting an increase of pension to William M. Baker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16896) granting an increase of pension to George W. Arms—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16897) granting an increase of pension to A. J. Pedigo—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16898) granting an increase of pension to William H. Hubble—to the Committee on Pensions.

Also, a bill (H. R. 16899) to remove the charge ot desertion against George Washington—to the Committee on Military Affairs.

By Mr. HEPBURN: A bill (H. R. 16900) granting an increase of pension to Robert B. Vermilya—to the Committee on Invalid Pensions.

By Mr. HOWARD: A bill (H. R. 16901) for the relief of Matthew McDaniel—to the Committee on War Claims.

By Mr. HOWELL of Utah: A bill (H. R. 16902) granting an increase of pension to Dennis Winn—to the Committee on Pensions.

By Mr. HUNT: A bill (H. R. 16903) for the relief of Charles H. Sloan—to the Committee on War Claims.

By Mr. CHARLES B. LANDIS: A bill (H. R. 16904) granting an increase of pension to William H. Little—to the Committee on Invalid Pensions.

By Mr. LORIMER: A bill (H. R. 16905) granting a pension to Anna E. Marble—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16906) granting an increase of pension to Charles Malm—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16907) granting an increase of pension to Clarke S. Cole—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16908) granting an increase of pension to William P. Burdick—to the Committee on Invalid Pensions.

By Mr. McNARY: A bill (H. R. 16909) granting an increase of pension to Mary J. Litchfield—to the Committee on Invalid Pensions.

By Mr. MILLER: A bill (H. R. 16910) granting an increase of pension to Robert C. Miller—to the Committee on Invalid Pensions.

By Mr. MURDOCK: A bill (H. R. 16911) granting an increase of pension to John L. Bower—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16912) granting an increase of pension to Joseph E. Norris—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16913) granting an increase of pension to Roman Wolf—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16914) granting an increase of pension to George W. Reed—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16915) granting an increase of pension to Orange Bugbee—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16916) granting an increase of pension to Laban H. Johnson—to the Committee on Invalid Pensions.

By Mr. PAGE: A bill (H. R. 16917) for the relief of the estate of L. G. Smith, deceased—to the Committee on War Claims.

By Mr. PAYNE: A bill (H. R. 16918) granting a pension to Matilda J. Williams—to the Committee on Invalid Pensions.

By Mr. PEARRE: A bill (H. R. 16919) granting a pension to Mary H. Newman—to the Committee on Invalid Pensions.

By Mr. REYNOLDS: A bill (H. R. 16920) for the relief of Abram Cullin and Robert Barclay—to the Committee on War Claims.

Also, a bill (H. R. 16921) granting an increase of pension to J. B. Stalb—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16922) granting an increase of pension to William H. Hawkins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16923) to remove the charge of desertion from the record of Augustus Thomas—to the Committee on Military Affairs.

Also, a bill (H. R. 16924) to remove the charge of desertion from the record of Richard Mowry—to the Committee on Military Affairs.

By Mr. RHODES: A bill (H. R. 16925) granting a pension to Johanne Lange—to the Committee on Pensions.

By Mr. RICHARDSON of Kentucky: A bill (H. R. 16926) granting a pension to Lue Grundy—to the Committee on Invalid Pensions.

By Mr. SAMUEL: A bill (H. R. 16927) granting a pension to Caroline Gottshall—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16928) granting an increase of pension to Margaret Horncastle—to the Committee on Invalid Pensions.

By Mr. SCROGGY: A bill (H. R. 16929) granting an increase of pension to James H. Scott—to the Committee on Invalid Pensions.

By Mr. SHEPPARD: A bill (H. R. 16930) granting a pension to Virginia A. Hilburn—to the Committee on Pensions.

By Mr. SLAYDEN: A bill (H. R. 16931) granting a pension to Cornelia Mitchell—to the Committee on Pensions.

By Mr. SMITH of California: A bill (H. R. 16932) granting an increase of pension to Washburn Underhill—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16933) granting an increase of pension to Louis Weiland—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16934) granting an increase of pension to Manasses M. Flory—to the Committee on Invalid Pensions.

By Mr. SMITH of Maryland: A bill (H. R. 16935) for the relief of John H. Cox and John H. Ford, copartners, trading as Ford, Cox & Co.—to the Committee on Claims.

By Mr. STEPHENS of Texas: A bill (H. R. 16936) granting an increase of pension to Sherwood F. Culberson—to the Committee on Pensions.

By Mr. WACHTER: A bill (H. R. 16937) granting an increase of pension to Eliza Mills—to the Committee on Invalid Pensions.

By Mr. WEBB: A bill (H. R. 16938) granting a pension to Patty Ray—to the Committee on Pensions.

Also, a bill (H. R. 16939) granting an increase of pension to Patterson Reese—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16940) to correct the military record of John Shelton—to the Committee on Military Affairs.

By Mr. WOOD of Missouri: A bill (H. R. 16941) granting a pension to Thomas H. Hogan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16942) granting a pension to Freda Burow—to the Committee on Pensions.

Also, a bill (H. R. 16943) granting an increase of pension to John C. Farrell—to the Committee on Invalid Pensions.

## CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Claims was discharged from the consideration of the bill (H. R. 1439) for the relief of the heirs of Asa O. Gallup, and it was referred to the Committee on War Claims.

## PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of Springfield (Mass.) Board of Trade, favoring the passage of S. 1345—to the Committee on Foreign Affairs.

By Mr. ADAMS of Pennsylvania: Petition of the Philadelphia Naval Veterans' Association, for bill H. R. 3814—to the Committee on Naval Affairs.

Also, petition of Federal Council, No. 19, Daughters of Liberty, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petitions of Melissa J. Couch; Volunteer Council, No. 13, and General John C. Fremont Council, No. 32, Daughters of Liberty, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. BABCOCK: Petition of George Fitzsimmons, for the pure-food bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of the General Federation of Women's Clubs, for investigation as to woman's industrial condition in the United States—to the Committee on Labor.

By Mr. BARCHFELD: Papers to accompany bill (H. R. 8780) granting an increase of pension to Abraham M. Barr—to the Committee on Invalid Pensions.

By Mr. BARTLETT: Petition of R. J. Redding, director of the Georgia experiment station, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. BROWN: Petition of Henry Hamden Camp, Sons of Veterans, against bill H. R. 8131—to the Committee on Military Affairs.

By Mr. BURLEIGH: Paper to accompany bill for relief of William B. Thomas—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Judson W. Currier—to the Committee on Invalid Pensions.

By Mr. BURLESON: Petition of citizens of Texas, against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

Also, paper to accompany bill for relief of John Pound—to the Committee on Pensions.

By Mr. BURTON of Delaware: Petition of Local Union No. 311, A. F. M., of Wilmington, Del., for bill H. R. 8748—to the Committee on Labor.

Also, petition of citizens of Delaware, against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. CHANEY: Petition of William McCoy et al., against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of W. M. Dawley et al., against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. CHAPMAN: Petition of C. L. Weaver et al., of Illinois, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. COOPER of Wisconsin: Petition of the Woman's Christian Temperance Union of Portage, Wis., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of Katherine L. Purnell, of Kenosha Chapter, for preservation of Niagara Falls—to the Committee on Rivers and Harbors.

Also, paper to accompany bill for relief of Kirk W. Tanner—to the Committee on Invalid Pensions.

By Mr. COUSINS: Petition of citizens of Olin, Iowa, against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. CRUMPACKER: Petition of the Tippecanoe County Medical Society, for the Hepburn pure-food bill—to the Committee on Interstate and Foreign Commerce.

By Mr. CURRIER: Petition of Claremont Grange, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. DALZELL: Petition of citizens of Alachua County, Fla., for bills H. R. 8104 and 8105—to the Committee on Ways and Means.

By Mr. DAVIDSON: Petition of E. V. Higgins, against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of Henry Hamden Camp, No. 2, against bill H. R. 8131—to the Committee on Military Affairs.

By Mr. DAWSON: Petition of Hand in Hand Lodge, No. 183, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. DEEMER: Petition of citizens of Burtville, Pa., against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. DIXON of Indiana: Petition of John A. Polk and the Cochran Chair Company, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. DIXON of Montana: Petition of citizens of Montana, against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. ESCH: Petition of the Buffalo Chamber of Commerce, relative to the merchant marine, favoring the Gallinger bill—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the Wisconsin Lumber Dealers' Association, of Sauk City, Wis., for repeal of the duty on white-pine lumber—to the Committee on Ways and Means.

Also, petition of John Van Loon et al., for a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. FLETCHER: Petition of the Garfield Republican Club, of Minneapolis, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. FOSTER of Vermont: Petition of Bridport (Vt.) Grange, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of Bridport (Vt.) Grange, for national aid for highways—to the Committee on Agriculture.

Also, petition of Bridport (Vt.) Grange, for a parcels post—to the Committee on the Post-Office and Post-Roads.

Also, petition of Bridport (Vt.) Grange, for retention of the tax on imitation butter—to the Committee on Agriculture.

Also, petition of Neshobe Grange, of Brandon, and Prospect Grange, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. FULLER: Petition of L. M. Chamberlin, of Ottawa, Ill., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of the National Board of Trade, for bill H. R. 529—to the Committee on the Merchant Marine and Fisheries.

By Mr. GARDNER of Massachusetts: Petition of the Massachusetts legislature, for an amendment to the postal laws for third and fourth class mail matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of the Springfield Board of Trade, for the consular bill (S. 1345) and for a larger appropriation for clerk hire in the postal service—to the Committee on Foreign Affairs.

Also, petition of Warren Avenue Baptist Church, of Boston, relative to the Kongo Free State—to the Committee on Foreign Affairs.

By Mr. GILLETT of Massachusetts: Petition of the Warren Avenue Baptist Church, of Boston, relative to matters in the Kongo Free State—to the Committee on Foreign Affairs.

Also, petition of Royalston (Mass.) Grange, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. GILLESPIE: Petition of citizens of Texas, against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. GOLDFOGLE: Petition of many citizens of New York and vicinity for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

By Mr. HAMILTON: Petition of citizens of Allegan County, Mich., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. HARDWICK: Petition of Local Union No. 25, Brotherhood of Painters, Decorators, and Paper Hangers of America, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. HASKINS: Petition of Edwin D. Clayton et al., against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. HENRY of Connecticut: Petition of the New Haven Chamber of Commerce, favoring bill S. 1545—to the Committee on Foreign Affairs.

Also, petition of the Chamber of Commerce of New Haven, for forest reservations in the White Mountains and the Appalachian Mountains—to the Committee on Agriculture.

By Mr. HERMANN: Petition of citizens of Lane County, Oreg., against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. HIGGINS: Petition of citizens of Windham, Conn., against bills H. R. 3022 and 10510—to the Committee on the District of Columbia.

By Mr. HINSHAW: Petition of citizens of Aurora, Nebr., against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. HOWELL of Utah: Paper to accompany bill for relief of Dennis Winn—to the Committee on Invalid Pensions.

By Mr. HUMPHREY of Washington: Petition of the National Grange, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. LANDIS: Petition of citizens of Sheridan, against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. LAWRENCE: Petition of the Warren Avenue Baptist Church, of Boston, Mass., relative to matters in the Kongo Free State—to the Committee on Foreign Affairs.

Also, petitions of Shelburne and Heath granges, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. LEVER: Petition of business firms of St. Louis, Mo., to revoke the fraud order by the Postmaster-General—to the Committee on Rules.

By Mr. LINDSAY: Petition of R. T. Wilson & Co., of New York, for bill H. R. 15846—to the Committee on Interstate and Foreign Commerce.

Also, petition of St. Martin's Church of the Most Holy Trinity, against bill H. R. 7067—to the Committee on Indian Affairs.

Also, petition of John Young, against free distribution of seeds—to the Committee on Agriculture.

Also, petition of business houses and individuals, relative to the fraud order by the Postmaster-General—to the Committee on Rules.

Also, petition of R. J. Caldwell, against the Gilbert bill—to the Committee on the Judiciary.

Also, petition of the Manufacturers' Association of Brooklyn, N. Y., for bill H. R. 10091—to the Committee on Patents.

Also, petition of the Central Confederated Union of New York, in behalf of the construction of battle ships at the navy-yard in Brooklyn—to the Committee on Naval Affairs.

Also, petition of T. Howard Mason and the Buffalo Chamber of Commerce, for the Gallinger bill—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Maud Nathan, of New York, for the Hepburn pure-food bill—to the Committee on Interstate and Foreign Commerce.

By Mr. LIVINGSTON: Petition of citizens of the United States, for purchase of the painting of Joint Commission of the Senate and House on the Construction of the Congressional Library—to the Committee on the Library.

By Mr. LORIMER: Petition of Franklin McVeagh & Co., for Senate bill relative to Oklahoma and Indian Territory—to the Committee on the Territories.

Also, petition of R. C. Sherrard, for admitting the United Forester as second-class mail—to the Committee on the Post-Office and Post-Roads.

Also, petition of the National Bank of the Republic and Carson, Pirie, Scott & Co., for the Senate bill for the admission of Oklahoma and Indian Territory—to the Committee on the Territories.

By Mr. McGAVIN: Petition of the Chicago Historical Society, for preservation of the U. S. frigate *Constitution*—to the Committee on Naval Affairs.

Also, petition of the Chicago Commercial Association, for an appropriation for an Indian supplies warehouse in Chicago—to the Committee on Appropriations.

By Mr. McKINLEY of Illinois: Petition of the Chicago Historical Society, for preservation of the U. S. frigate *Constitution*—to the Committee on Naval Affairs.

By Mr. McNARY: Petition of the Massachusetts State Board of Trade, for repeal of the duty on hides—to the Committee on Ways and Means.

By Mr. MAHON: Paper to accompany bill for relief of John Rourke—to the Committee on Invalid Pensions.

By Mr. MARSHALL: Petition of N. A. Hoisington, for the pure-food bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of citizens of North Dakota, relative to affairs in the Kongo Free State—to the Committee on Foreign Affairs.

By Mr. MARTIN: Petition of citizens of South Dakota, against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. MILLER: Petition of citizens of Eureka, Kans., against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. MOUSER: Petition of Wyandott Council, No. 95, Junior Order United American Mechanics, for restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of many citizens of New York and vicinity, for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

Also, petition of R. A. Hunsinger and Charles M. Miller, of Fremont, Ohio, against bill H. R. 12973—to the Committee on Foreign Affairs.

Also, petition of the Mirror, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. MURDOCK: Petition of citizens of Kansas, against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. NORRIS: Petition of the Concrete Stone Company, of Nebraska, for continuance of the investigation by the Government of structural material—to the Committee on Appropriations.

Also, petition of the Nebraska State Association of Commercial Clubs, against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of Nebraska, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. OLMSTED: Petition of the Woman's Club, of Mechanicsburg, Pa., for preservation of Niagara Falls—to the Committee on Rivers and Harbors.

Also, petition of the Wednesday Club, of Millersburg, Pa., for forest reservation in the White Mountains and the Appalachian Mountains—to the Committee on Agriculture.

Also, petition of the Wednesday Club, of Millersburg, Pa., for preservation of Niagara Falls—to the Committee on Rivers and Harbors.

Also, petition of the Wednesday Club, of Millersburg, Pa., and the Fortnightly Club, of Carlisle, Pa., for forest reserves in Minnesota—to the Committee on Agriculture.

Also, petition of the Woman's Club, of Mechanicsburg, Pa., for forest reservation in New Hampshire and the Appalachian Mountains of the South—to the Committee on Agriculture.

Also, petition of the Woman's Club, of Mechanicsburg, Pa., for forest reserves in Minnesota—to the Committee on Agriculture.

Also, petition of the Star Independent, against the tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of the Fortnightly Club, of Carlisle, Pa., for forest reservation in New Hampshire and the South—to the Committee on Agriculture.

By Mr. OVERSTREET: Petition of Pierre Van Sickle and A. A. Chamness, of Mooreland, Ind., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. PAGE: Paper to accompany bill for relief of L. G. Smith—to the Committee on War Claims.

By Mr. RAINEY: Petition of C. L. Weaver et al., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. REYNOLDS: Paper to accompany bill for relief of Jacob Chamberlain—to the Committee on Invalid Pensions.

Also, petition of the Hollidaysburg (Pa.) Book Club, for

preservation of Niagara Falls—to the Committee on Rivers and Harbors.

Also, petition of the Hollidaysburg (Pa.) Book Club, for forest reservation in the White Mountains—to the Committee on Agriculture.

Also, paper to accompany bill for relief of Abram Cullin and Robert Barclay—to the Committee on Invalid Pensions.

By Mr. ROBERTS: Petition of the Massachusetts State Board of Trade, for repeal of the tax on hides—to the Committee on Ways and Means.

By Mr. SHEPPARD: Petition of citizens of Cass County, Tex., against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. SLAYDEN: Paper to accompany bill for relief of Cornelia Mitchell—to the Committee on Invalid Pensions.

By Mr. SMYSER: Petition of Joseph Gunther Camp, No. 514, Sons of Veterans, of Glenmont, Ohio, against bill H. R. 8131—to the Committee on Military Affairs.

By Mr. SPERRY: Petition of mates, owners, and navigators of vessels of New Haven, Conn., for dredging in Quinnipiac River a channel 12 feet deep and 200 feet wide between the Ferry street and Grand avenue bridges—to the Committee on Rivers and Harbors.

Also, petition of the Chamber of Commerce of New Haven, Conn., for consular reorganization—to the Committee on Foreign Affairs.

Also, petition of the Chamber of Commerce of New Haven, Conn., for Government forest reserves in the White Mountains, and the Appalachian Mountains of the South—to the Committee on Agriculture.

Also, petition of the Chamber of Commerce of New Haven, Conn., for the creation of a staff of commercial attachés to diplomatic service—to the Committee on Foreign Affairs.

By Mr. STERLING: Paper to accompany bill for relief of E. P. Chadwick—to the Committee on Invalid Pensions.

Also, petition of citizens of Durand, Ill., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. TAWNEY: Petition of citizens of Dodge Center, Minn., against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. TIRRELL: Petition of many citizens of New York and vicinity, for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

Also, petition of the National Association of Brass Manufacturers, against the Gilbert bill—to the Committee on the Judiciary.

By Mr. WADSWORTH: Petition of the Chamber of Commerce of Buffalo, N. Y., for the Gallinger shipping bill—to the Committee on the Merchant Marine and Fisheries.

By Mr. WANGER: Petition of the Montgomery County Woman's Suffrage Association, for preservation of Niagara Falls—to the Committee on Rivers and Harbors.

Also, petition of the State Federation of Pennsylvania Women, for Government forest reservations in the White Mountains and the Appalachian Mountains of the South—to the Committee on Agriculture.

Also, petition of the State Federation of Pennsylvania Women, favoring passage of the Norris law—to the Committee on Agriculture.

## SENATE.

### MONDAY, *March 19, 1906.*

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Secretary proceeded to read the Journal of the proceedings of Thursday last, when, on request of Mr. GALLINGER, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

#### ENGAGEMENT AT MOUNT DAJO.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of the 14th instant, all reports and other communications between the War Department and the officials of the Philippines respecting the recent attack by troops of the United States on Mount Dajo; which, with the accompanying papers, was referred to the Committee on Military Affairs, and ordered to be printed.

#### PENSIONS FOR INSANE SOLDIERS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, relative to the payment and disposition of pension moneys due to inmates of the Government Hospital for the Insane; which was referred to the Committee on Pensions, and ordered to be printed.

#### FINDINGS OF THE COURT OF CLAIMS.

The VICE-PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of Charles Shroeder, administrator of Samuel G. City, deceased, *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of The Trustees of the Trinity Lutheran Church, of Stephens City, Va., *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of The Trustees of the Methodist Episcopal Church South, of Kernstown, Va., *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of The Trustees of the Cumberland Presbyterian Church of Clifton, Tenn., *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of The Trustees of the Methodist Episcopal Church South, of Suffolk, Nansemond County, Va., *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

#### FRENCH SPOLIATION CLAIMS.

The VICE-PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims set out in the findings by the court relative to the vessel ship *Liberty*, William Caldwell, master; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims set out in the findings by the court relative to the vessel ship *Bristol*, Edward Smith, master; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims set out in the findings by the court relative to the vessel schooner *Union*, Micajah Lunt, master; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims set out in the findings by the court relative to the vessel sloop *Abigail*, Silas Jones, master; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the amendments of the Senate to the bill (H. R. 6009) to regulate the construction of bridges over navigable waters.

#### ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolution, and they were thereupon signed by the Vice-President:

H. R. 4. An act to amend section 3646, Revised Statutes of the United States, as amended by act of February 16, 1885;

H. R. 15649. An act extending the time for the construction of the dam across the Mississippi River authorized by the act of Congress approved March 12, 1904; and

H. J. Res. 97. Joint resolution authorizing assignment of pay of teachers and other employees of the Bureau of Education in Alaska.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of the Massachusetts State Board of Trade, of Boston, Mass., praying for the repeal of the duty of 15 per cent ad valorem on imported hides; which was referred to the Committee on Finance.

Mr. PLATT presented a petition of the Independent Order of Good Templars of Jeddo, N. Y., and the petition of James P. Knowles, of Smyrna, N. Y., praying for the enactment of legislation to remove the duty on denaturized alcohol; which were referred to the Committee on Finance.

He also presented a petition of sundry citizens of New York City, N. Y., praying for the passage of the so-called "Philippine tariff bill;" which was referred to the Committee on the Philippines.

He also presented a petition of Local Union No. 13, Musicians' Protective Union, of Troy, N. Y., praying for the enactment of legislation to prohibit Government musicians from competing with civilian musicians; which was referred to the Committee on Naval Affairs.

He also presented a memorial of the Woman's Christian Temperance Union of Berkshire, N. Y., and a memorial of the Woman's Christian Temperance Union of Bethlehem, N. Y., remonstrating against the repeal of the present anticanteen law; which were referred to the Committee on Military Affairs.

He also presented a petition of the New York Florists' Club, of New York City, N. Y., praying for the enactment of legislation to prohibit the free distribution of seeds; which was referred to the Committee on Agriculture and Forestry.

Mr. GALLINGER presented the petition of D. C. Remich, of Littleton, N. H., and the petition of Caroline M. Martin, of Dover, N. H., praying for the enactment of legislation to remove the duty on denaturized alcohol; which were referred to the Committee on Finance.

He also presented petitions of the Woman's Club of Plymouth, of the New Century Club of New Boston, of the Woman's Club of Hillsboro Bridge, and of the Woman's Club of Tilton and Northfield, all in the State of New Hampshire, praying that an appropriation be made for a scientific investigation into the industrial conditions of women in the United States; which were referred to the Committee on Education and Labor.

He also presented a petition of the New Hampshire State Federation of Women's Clubs, praying that an appropriation be made for the training of teachers to instruct deaf children before they are of school age; which was referred to the Committee on Education and Labor.

He also presented a petition of the Michigan Audubon Society, of Detroit, Mich., praying for the enactment of legislation to prohibit the killing of wild birds and animals in the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. SCOTT presented a memorial of the Clarksburg Bar Association, of Clarksburg, W. Va., remonstrating against the enactment of legislation authorizing the holding of semiannual sessions of the district court for the northern district of West Virginia at Philippi, in that State; which was referred to the Committee on the Judiciary.

He also presented a petition of the Fortnightly Club, of Wheeling, W. Va., and a petition of the Woman's Literary Club of Parkersburg, W. Va., praying for an investigation into the industrial conditions of women in the United States; which were referred to the Committee on Education and Labor.

Mr. KEAN presented a memorial of Ellsworth Camp, No. 32, New Jersey Division, Sons of Veterans, United States Army, of Union Hill, N. J., remonstrating against the enactment of legislation to prohibit the wearing of the uniform of the Army, Navy, Marine Corps, or Revenue Service; which was ordered to lie on the table.

He also presented petitions of the New Jersey State Federation of Women's Clubs, of Jersey City, N. J.; of the Athenian Club, of Rahway, N. J., and of the Clio Club, of Roselle, N. J., praying for the enactment of legislation to investigate the industrial conditions of women in the United States; which were referred to the Committee on Education and Labor.

He also presented a petition of the congregation of the First Congregational Church of Verona; of F. R. Austin, of Tuckerton; of R. B. Moore, of Vineland, and of S. O. Rusly, of Mt. Freedom, all in the State of New Jersey, praying for the enactment of legislation to remove the internal-revenue tax on denaturized alcohol; which were referred to the Committee on Finance.

He also presented a petition of the American Sawmill Machinery Company, of Hackettstown, N. J., praying for the enactment of legislation authorizing the Government to assume charge of the quarantine regulations of the Gulf ports; which was referred to the Committee on Public Health and National Quarantine.

He also presented the memorial of John Schmalz Sons, of Hoboken, N. J., and the memorial of R. J. Caldwell, of New York City, N. Y., remonstrating against the passage of the so-called "anti-injunction bill;" which were referred to the Committee on the Judiciary.

He also presented a petition of Local Division No. 387, Brotherhood of Locomotive Engineers, of Camden, N. J., and a petition of Liberty Lodge, No. 99, Brotherhood of Railroad Trainmen, of Jersey City, N. J., praying for the passage of the so-called "employers' liability bill," and also the "anti-injunction bill;" which were referred to the Committee on Interstate Commerce.

He also presented a petition of the New Jersey Congress of Mothers, of Riverton, N. J., praying that an appropriation be made for the training of teachers to instruct deaf children before they are of school age; which was referred to the Committee on Education and Labor.

He also presented a memorial of the Essex Trade Council, of Newark, N. J., remonstrating against any reduction of the tariff on harness and saddlery; which was referred to the Committee on Finance.

He also presented the petition of Frank D. Esterbrooks, of Perth Amboy, N. J., praying for the enactment of legislation to apply a portion of the proceeds of the sales of public lands to the endowment of schools or departments of mines and mining in connection with State colleges; which was referred to the Committee on Mines and Mining.

Mr. BURNHAM presented a petition of the Woman's Christian Temperance Union of Hollis, N. H., and a petition of the Woman's Christian Temperance Union of Wilton, N. H., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

He also presented the petition of Elizabeth A. Marsh, of North Nottingham, N. H., praying for the adoption of a certain amendment to the postal laws relative to fraud orders; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of George E. M. Carleton, of Malden, N. H., praying for the enactment of legislation granting an increase of pension to pensioners in certain classes; which was referred to the Committee on Pensions.

He also presented a petition of Good Will Council, No. 4, Junior Order of United American Mechanics, of Plaiston, N. H., praying for the enactment of legislation to restrict immigration; which was referred to the Committee on Immigration.

He also presented petitions of D. C. Reinich, of Littleton; of D. H. Goodell, of Antrim; of the Young Men's Christian Association of Keene; of Rev. V. G. Langdale, of Epping, and of Caroline M. Martin, of Dover, all in the State of New Hampshire, praying for the enactment of legislation to remove the duty on denaturized alcohol; which were referred to the Committee on Finance.

He also presented a petition of the New Hampshire Federation of Women's Clubs, praying that an appropriation be made for the training of teachers to instruct deaf children before they are of school age; which was referred to the Committee on Education and Labor.

He also presented petitions of the Woman's Club of Tilton and Northfield; of the New Century Club, of New Boston; of the Woman's Club of Hillsboro Bridge; of the Woman's Club of Plymouth, and of the New Hampshire Federation of Women's Clubs, of Concord, N. H., praying that an appropriation be made for a scientific investigation into the industrial conditions of women in the United States; which were referred to the Committee on Education and Labor.

Mr. GAMBLE presented petitions of Rev. Charles W. Zech and sundry other citizens of Groton, S. Dak., praying for the enactment of legislation to remove the duty on denaturized alcohol; which were referred to the Committee on Finance.

He also presented a petition of the National Consumers' League, of New York City, N. Y., praying for the enactment of legislation to regulate child labor in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a paper to accompany the bill (S. 4784) granting an increase of pension to Lemuel Cross; which was referred to the Committee on Pensions.

Mr. PERKINS presented a petition of the Presbyterian Ministerial Association of Los Angeles, Cal., praying for the enactment of legislation prohibiting the sale of intoxicating liquors in Government buildings and grounds; which was referred to the Committee on Public Buildings and Grounds.

He also presented a memorial of the board of supervisors of Tehama County, Cal., remonstrating against the diversion of water from the Sacramento River to such an extent as to interfere with navigation; which was referred to the Committee on Irrigation.

He also presented petitions of the Board of Trade of Redlands, the Board of Trade of Carona, the Citrus Protective League of California; the Board of Trade of Huntington Beach, the Chamber of Commerce of Azusa, the Riverside Fruit Exchange, of Riverside; the Ontario-Cucamonga Fruit Exchange, of Upland; the San Antonio Fruit Exchange, of Pomona, and of sundry other organizations of fruit growers, all in the State of California, praying for the passage of the so-called "Hepburn railroad-rate bill;" which were ordered to lie on the table.

He also presented a petition of the Chamber of Commerce of San Diego, Cal., praying for the enactment of legislation authorizing loans to be made to the Reclamation Service; which was referred to the Committee on Irrigation.

He also presented petitions of Local Union No. 1496, United Brotherhood of Carpenters and Joiners of America, of Fresno, Cal.; of Richard Marshall, Joseph C. Heymen, G. H. Flint, B. A. Terry, W. L. Rowbey, Daniel J. McHugh, and Charles Marshall, all of San Francisco; of W. H. Smith, and sundry other citizens of San Jose, all in the State of California, praying for the enactment of legislation to restrict immigration; which were referred to the Committee on Immigration.

Mr. BURROWS presented a petition of sundry citizens of Branch County, Mich., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which was referred to the Committee on Privileges and Elections.

He also presented a petition of the Brotherhood of Locomotive Firemen of Alpoena, Mich., praying for the passage of the so-called "employers' liability bill;" which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Essex Grange, Patrons of Husbandry, of Maple Rapids, and a petition of sundry citizens of Wolverine and Moshervilie, all in the State of Michigan, praying for the passage of the so-called "railroad rate bill;" which were ordered to lie on the table.

He also presented a memorial of sundry citizens of Olivet, Mich., remonstrating against the enactment of legislation to establish a parcels-post system; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Royal Grange, Patrons of Husbandry, of Corey, and a petition of sundry citizens of Mosherville, in the State of Michigan, praying for the enactment of legislation to establish a parcels post; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Royal Grange, Patrons of Husbandry, of Corey, Mich., and a petition of sundry citizens of Mosherville, Mich., praying for the retention of the present tax on oleomargarine; which were referred to the Committee on Agriculture and Forestry.

He also presented a petition of Essex Grange, Patrons of Husbandry, of Maple Rapids, and a petition of sundry citizens of Resparia, in the State of Michigan, praying for the removal of the tax on denaturized alcohol; which were referred to the Committee on Finance.

He also presented a petition of the Franklin Avenue Presbyterian Church and of the First Methodist Episcopal Church, of Lansing, Mich., praying for an investigation of the existing conditions in the Kongo Free State; which were referred to the Committee on Foreign Relations.

He also presented a memorial of sundry citizens of Lansing, Mich., remonstrating against the enactment of legislation to establish a postal savings bank system; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of the Racine Boat Manufacturing Company, of Muskegon, Mich., remonstrating against the enactment of legislation providing for the licensing of motor boats; which was referred to the Committee on Commerce.

He also presented a petition of the City National Bank, of Lansing, Mich., praying for the enactment of legislation to enable national banks to loan one-tenth of their capital stock and surplus; which was referred to the Select Committee on National Banks.

He also presented a petition of Local Division No. 1, of Delta, Ancient Order of Hibernians, of Escanaba, Mich., praying that an appropriation be made for the erection of a monument to the memory of the late Commodore John Barry; which was referred to the Committee on the Library.

Mr. WARNER presented sundry papers to accompany the bill (S. 5032) granting a pension to Daisy Crowninshield Stuyvesant; which were referred to the Committee on Pensions.

Mr. DRYDEN presented a memorial of Ellsworth Camp, No. 32, New Jersey Division, Sons of Veterans, of Union Hill, N. J., remonstrating against the enactment of legislation to prohibit the wearing of the uniform of the Army, Navy, Marine Corps, or Revenue Service; which was ordered to lie on the table.

He also presented the petition of Rev. John R. Pratt, of Verona, N. J., and a petition of sundry citizens of Mount Freedom, N. J., praying for the enactment of legislation to remove the duty on denaturized alcohol; which were referred to the Committee on Finance.

He also presented a petition of the State Board of Agriculture, of Trenton, N. J., praying for the enactment of legislation to prevent the spread of the gypsy and brown-tail moths from Massachusetts and other States; which was referred to the Committee on Agriculture and Forestry.

He also presented the memorial of R. J. Caldwell, of New York City, N. Y., remonstrating against the passage of the so-called "anti-injunction bill;" which was referred to the Committee on the Judiciary.

He also presented a petition of the Medical Society of New Jersey, of South Orange, N. J., praying for the enactment of legislation to establish a laboratory for the study of the criminal, pauper, and defective classes; which was referred to the Committee on Education and Labor.

He also presented a petition of the General Federation of Women's Clubs of New York City, N. Y., praying that an appropriation be made for a scientific investigation into the industrial conditions of women in the United States; which was referred to the Committee on Education and Labor.

He also presented a petition of the New Jersey Congress of Mothers, of Riverton, N. J., praying that an appropriation be made for the training of teachers to instruct deaf children before they are of school age; which was referred to the Committee on Education and Labor.

He also presented a petition of Local Union No. 306, United Brotherhood of Carpenters and Joiners of America, of Newark, N. J., and a petition of the legislative committee of the American Federation of Labor, of Washington, D. C., praying for the enactment of legislation to restrict immigration; which were referred to the Committee on Immigration.

Mr. FORAKER presented petitions of Honor Council, No. 9, of Dayton; Warwick Council, No. 117, of Tuscarawas; Youngstown Council, No. 51, of Youngstown; Helping Hand Council, No. 31, of Springfield; Andrew Jackson Council, No. 6, of Goshen; Fidelity Council, No. 215, of Fidelity; Middle Branch Council, No. 262, of Middle Branch; Bookwalter Council, No. 263, of Bookwalter; Bethlehem Council, No. 79 of Bethlehem; Western Star Council, No. 340, of Sidney; Brookville Council, No. 325, of Brookville; Arcanum Council, No. 149, of Arcanum; Pride of the Northwest Council, No. 32, of Findlay; General Fremont Council, No. 14, of Beallsville; Shelby Council, No. 64, of Shelby; Clifton Council, No. 217, of Clifton; Attica Council, No. 317, of Attica; Ludlow Council, No. 175, of Ludlow; Star City Council, No. 277, of Miamisburg; Newtown Council, No. 230, of Newtown; Lincoln Council, No. 16, of Massillon; James G. Blaine Council, No. 33, of Trimble; James A. Garfield Council, No. 118, of Canton; Williamsburg Council, No. 114, of Williamsburg; Lebanon Council, No. 19, of Lebanon; Kyger Council, No. 154, of Kygerville; High Cliff Council, No. 183, of Antiquity; Sunshine Council, No. 34, of Osborn; McDermott Council, No. 266, of McDermott; Gallipolis Council No. 269, of Gallipolis; Magnetic Council, No. 21, of Bellbrook; Woodstock Council, No. 201, of Woodstock; Pleasant Hill Council, No. 86, of Pleasant Hill; Grand Council, No. 336, of Bellefontaine; Degraff Council, No. 139, of Degraff; Washington Council, No. 12, of Canton; Rushsylvania Council, No. 296, of Rushsylvania; Star Spangled Banner Council, No. 170, of New Richmond; Muskingum Council, No. 40, of Marietta; West Manchester Council, No. 128, of West Manchester; Imperial Council, No. 88, of South Solon; Wyandot Council, No. 95, of Nevada; Fairfield Council, No. 237, of Highland; Falls Council, No. 221, of East Monroe; Potsdam Council, No. 176, of Potsdam; Vienna Royal Council, No. 15, of Vienna; Wayne Township Council, No. 227, of Good Hope; Nova Council, No. 235, of Nova; Seneca Council, No. 53, of Fostoria; Addyston Council, No. 91, of Addyston; Seneca Chief Council, No. 292, of Melmore; Price Hill Council, No. 210, of Cincinnati; Highland Council, No. 204, of New Petersburg; Tremont City Council, No. 111, of Tremont City; Camp Washington Council, No. 49, of Cincinnati; Norwalk Council, No. 159, of Norwalk; Thomas Jefferson Council, No. 100, of North Industry; Cincinnatus Council, No. 8, of Cincinnati; Guiding Star Council, No. 133, of St. Bernard; Westwood Council, No. 129, of Cincinnati; Mayflower Council, No. 81, of Jeffersonville; Harri-

son Council, No. 148, of Harrison; Capitol City Council, No. 196, of Columbus; Germantown Council, No. 243, of Germantown; Xenia Council, No. 67, of Xenia; Scipio Council, No. 332, of Republic; Amity Council, No. 37, of South Lebanon; Delisle Council, No. 214, of Delisle; New Straitsville Council, No. 223, of New Straitsville; Favorite Council, No. 200, of Piqua; Steubenville Council, No. 144, of Steubenville; Bowersville Council, No. 246, of Bowersville; Victory Council, No. 180, of Miami; Lost Creek Council, No. 52, of Conover; G. W. Hirst Council, No. 132, of New Weston; William McKinley Council, No. 218, of Canton; Fairmount Council, No. 155, of Cincinnati; Star Council, No. 106, of Galion; Patrick Henry Council, No. 24, of Canton, Benton Ridge Council, No. 321, of Benton Ridge; Armory Council, No. 50, of Cincinnati; Purity Council, No. 98, of Mansfield; Miami Council, No. 7, of Dayton; Bethel Council, No. 187, of Donnellsville; New Era Council, No. 229, of Cincinnati; Madison Council, No. 17, of Madisonville; Chester Council, No. 127, of West Chester; Joel Hooker Council, No. 1, of Clinton; Girard Council, No. 150, of Girard; Catawba Council, No. 167, of Catawba; Southern Ohio Council, No. 289, of Cincinnati; Lakeside Council, No. 120, of Perry; Eagle Council, No. 4, of Shawnee; Lone Star Council, No. 197, of Cincinnati; General Putnam Council, No. 20, of Dennison; Pleasant Ridge Council, No. 212, of Pleasant Ridge; Valley Council, No. 140, of McConnelsville; John A. Logan Council, No. 119, of Nelsonville; Star City Council, No. 277, of Miamisburg; Troy Council, No. 191, of Troy; Rockwood Council, No. 105, of Rockwood; Addison Council, No. 207, of Christiansburg; Harvey Rice Council, No. 211, of Cleveland; Sycamore Council, No. 333, of Sycamore; Empire Council, No. 68; of Fletcher; Walnut Hills Council, No. 125, of Cincinnati; Woodward Council, No. 49, of Cincinnati; Diamond Council, No. 5, of Wellsville; Hannibal Council, No. 28, of Hannibal; Martins Ferry Council, No. 39, of Martins Ferry; Buckeye Council, No. 20, of Senecaville; Laurie Council, No. 185, of Ruby; Bucyrus Council, No. 184, of Bucyrus; Lewisburg Council, No. 22, of Lewisburg; Ohio Valley Council, No. 21, of Bellaire; Blanchester Council, No. 134, of Blanchester; Rawson Council, No. 46, of Rawson; Samuel J. Randall Council, No. 96, of Youngstown; Lime City Council, No. 206, of Marion; Wilmington Council, of Wilmington, Junior Order United American Mechanics; Local Union No. 2, of Cincinnati, and Local Union No. 86, of Lancaster, United Brotherhood of Carpenters and Joiners of America; Guernsey Council, No. 73, of Cambridge; Shining Star Council, No. 97, of Coshocton; Victor Council, No. 79, of Byesville, Order United American Mechanics; Catawba Lodge, No. 572, of Belfast, and Catawba Lodge, No. 349, of Catawba, Independent Order of Odd Fellows; Lodge No. 61, of Salem, and Lodge No. 98, of Columbus, Iron Molders' Union; Maple City Council, No. 38, of Norwalk; Noble Council, No. 88, of Shelby, Daughters of America; Iron City Union, No. 9435, of Ironton, American Federation of Labor; Put-in-Bay Subdivision, No. 208, of Springfield, Brotherhood of Locomotive Engineers; the Commercial Club of Galion; Local Union No. 249, of Mansfield, Journeymen Tailors' Union of America; The Glass Bottle Blowers' Association, Branch No. 20, of Zanesville; Abadlo Tribe, No. 31, Improved Order of Red Men, of Hemlock; Local Union No. 172, of Martins Ferry, International Union of Steam Engineers; Galion Tent, No. 407, of Galion, Knights of the Maccabees; Division No. 98, Amalgamated Association of Street and Electric Railway Employees of America, of Akron; 59 citizens of Canton; 29 citizens of Cambridge; 23 citizens of Wellsville; 3 citizens of Peebles; 15 citizens of Bell; 6 citizens of Hillsboro; 42 citizens of Cincinnati; 6 citizens of Wellston; 2 citizens of Marietta; 2 citizens of Miamisburg; 2 citizens of North Baltimore; 10 citizens of Glass; 2 citizens of Williamsburg; 3 citizens of Gettysburg; 2 citizens of Nelsonville; 2 citizens of Good Hope, and of sundry citizens of Mansfield, Dayton, Gallipolis, Jamestown, North Lawrence, Clarington, Antiquity, Ashland, Troy, and Shelby, all in the State of Ohio, praying for the rigid enforcement of immigration regulations and the enactment of such additional laws as will afford protection against the depressing industrial effect of the unrestricted admission of foreigners to the United States; which were referred to the Committee on Immigration.

Mr. HEMENWAY presented a memorial of Post H, Travelers' Protective Association, of Vincennes, Ind., and a memorial of the Indiana Retail Merchants' Association of Fort Wayne, Ind., remonstrating against the passage of the so-called "parcels-post bill;" which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of the St. John's Benevolent Society, of Vincennes, Ind., remonstrating against the enactment of legislation to prohibit the use of Indian trust funds for the purpose of educating Indian children in sectarian schools; which was referred to the Committee on Indian Affairs.

He also presented memorials of the Indianapolis Musicians' Protective Association, the Musicians' Protective Association of Terra Haute, the Musicians' Protective Association of La Porte, and the Musicians' Protective Association of Marion, all in the State of Indiana, remonstrating against the enactment of legislation authorizing enlisted musicians to compete with civil musicians; which were referred to the Committee on Naval Affairs.

Mr. CULLOM presented petitions of the Ladies' Education Society of Jacksonville, of the Woman's Club of Decatur, of the Woman's Sunday Culture Club of Harrisburg, of the Woman's Club of Flora, of the Portia Club of Argyle Park, of Chicago, and of the Woman's Club of Wilmette, all of the General Federation of Women's Clubs in the State of Illinois, praying for an investigation into industrial conditions of the working women of the country; which were referred to the Committee on Education and Labor.

Mr. DOLLIVER presented a petition of sundry citizens of La Porte City, Iowa, praying for the ratification of international arbitration treaties; which was referred to the Committee on Foreign Relations.

He also presented the petition of W. D. Elwell and sundry other citizens of Ames, Iowa, and a petition of the congregation of the Plymouth Church, of Des Moines, Iowa, praying for an investigation of the existing conditions in the Kongo Free State; which were referred to the Committee on Foreign Relations.

He also presented a memorial of the Commercial Club of Keokuk, Iowa, remonstrating against the passage of the so-called "parcels-post bill;" which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the congregation of the Presbyterian Church, of Fort Dodge, Iowa, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

He also presented a petition of the Academy of Sciences of Davenport, Iowa, praying for the enactment of legislation to create the Mesa Verde National Park, in the State of Colorado; which was ordered to lie on the table.

He also presented petitions of Kate Shelley Lodge, No. 204, Brotherhood of Railroad Trainmen, of Boone; of Sanhorn Division, No. 117, Brotherhood of Locomotive Engineers, of Mason City; of Lakeview Lodge, No. 28, Brotherhood of Railroad Trainmen, of Creston, and of Local Lodge No. 737, Brotherhood of Railroad Trainmen, of Ottumwa, all in the State of Iowa, praying for the passage of the so-called "employers' liability bill" and also the "anti-injunction bill;" which were referred to the Committee on Interstate Commerce.

He also presented petitions of the Postville Cooperative Company, of Postville; of the Farmers' Institute, of Graettinger, and of the Farmers' Grain Dealers' Association, of Mason City, all in the State of Iowa, praying for the passage of the so-called "Hepburn-Dolliver railroad rate bill;" which were ordered to lie on the table.

Mr. BRANDEGEE presented petitions of sundry citizens of Willington; of the congregation of the First Baptist Church of Waterford, and of the congregation of the Methodist Church of Willimantic, all in the State of Connecticut, praying for the enactment of legislation to prevent nullification of State liquor laws and no license ordinances by original packages and other interstate commerce acts; which were referred to the Committee on Interstate Commerce.

He also presented a petition of the Woman's Club of Seymour, Conn., and a petition of the Wednesday Club, of Norwich, Conn., praying that an appropriation be made for a scientific investigation into the industrial conditions of women in the United States; which were referred to the Committee on Education and Labor.

He also presented a petition of the National Consumers' League, of New York City, N. Y., praying for the enactment of legislation to establish a children's bureau in the Department of the Interior; which was referred to the Committee on Education and Labor.

He also presented a petition of Preston City Grange, Patrons of Husbandry, of Preston, Conn., and a petition of the Master House Painters and Decorators' Association of Massachusetts, praying for the enactment of legislation to remove the duty on denaturized alcohol; which were referred to the Committee on Finance.

He also presented a petition of the Orange Grange, Patrons of Husbandry, of Orange, Conn., praying for the passage of the so-called "Hepburn railroad rate bill," and also the so-called "parcels-post bill;" which was ordered to lie on the table.

INTERNATIONAL EXPOSITION AT MILAN, ITALY.

Mr. GALLINGER. I present some matter in reference to the intended International Exposition at Milan, Italy, which is of public interest. I move that it be printed as a document.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. HANSBROUGH, from the Committee on the Library, to whom was referred the bill (H. R. 13783) to provide souvenir medallions for the Zebulon Montgomery Pike Monument Association, asked to be discharged from its further consideration, and that it be referred to the Committee on Finance; which was agreed to.

He also, from the Committee on Agriculture and Forestry, to whom was referred the bill (S. 4284) granting to the State of Wisconsin the residue of unappropriated and unreserved public lands within said State as an addition to the State forest reserve of said State, asked to be discharged from its further consideration, and that it be referred to the Committee on Public Lands; which was agreed to.

Mr. GALLINGER, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 11275) increasing the penalty for certain offenses in the District of Columbia, reported it without amendment, and submitted a report thereon.

Mr. GALLINGER. There is on the Calendar, Order of Business 1181, being Senate bill 2877, increasing the penalty for certain offenses in the District of Columbia. The bill is identical with the one I have just reported, and I move that it be indefinitely postponed.

The motion was agreed to.

Mr. GALLINGER, from the Committee on the District of Columbia, to whom was referred the bill (S. 4833) to amend an act entitled "An act permitting the Washington Market Company to lay a conduit and pipes across Seventh street west," approved February 23, 1905, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 3482) to provide for the paving of a portion of Florida avenue between P and Q streets NW., city of Washington, D. C., reported it with amendments, and submitted a report thereon.

Mr. CLARK of Wyoming, from the Committee on the Judiciary, to whom was referred the bill (S. 536) amending the act of August 3, 1892, clause 361, entitled "An act fixing the fees of jurors and witnesses in the United States courts in certain States and Territories" (27 Stat. L., p. 347), reported it with amendments, and submitted a report thereon.

Mr. DRYDEN, from the Committee on the Library, to whom was referred the Senate concurrent resolution (No. 16) accepting the invitation to attend the celebration of the two hundredth birthday anniversary of Benjamin Franklin and appointing representatives to the same, reported it with an amendment, and submitted a report thereon.

Mr. McCUMBER, from the Committee on Pensions, to whom was referred the bill (S. 4360) granting an increase of pension to John P. Dunn, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 3300) granting an increase of pension to Lorenzo D. Huntley;

A bill (S. 4279) granting an increase of pension to Fannie E. Malone; and

A bill (S. 1975) granting an increase of pension to Mary E. Dugger.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 4186) granting an increase of pension to Samuel G. Roberts;

A bill (S. 487) granting an increase of pension to William Sprouse;

A bill (S. 2790) granting an increase of pension to William J. Millett;

A bill (S. 3525) granting an increase of pension to Robert G. Harrison;

A bill (S. 4110) granting an increase of pension to Absalom Wilcox;

A bill (S. 3985) granting an increase of pension to Matilda E. Nattinger; and

A bill (S. 3984) granting an increase of pension to Sarah E. Yockey.

Mr. McCUMBER (for Mr. ALGER), from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 4917) granting an increase of pension to Alfred B. Chilcote;

A bill (S. 4309) granting a pension to Adele Jeanette Hughes; and

A bill (S. 4622) granting an increase of pension to Isaiah McDaniel.

Mr. McCUMBER (for Mr. ALGER), from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 4102) granting an increase of pension to John Broadwell;

A bill (S. 3024) granting an increase of pension to David S. Trumbo;

A bill (S. 4088) granting an increase of pension to Charles E. Chapman;

A bill (S. 4258) granting an increase of pension to James F. Hackney;

A bill (S. 1407) granting a pension to John McCaughn;

A bill (S. 4432) granting an increase of pension to James Drewry; and

A bill (S. 2832) granting a pension to Susan Pennington.

Mr. McCUMBER (for Mr. ALGER), from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 1406) granting an increase of pension to Moses Hill;

A bill (H. R. 14086) granting an increase of pension to Daniel Pence;

A bill (H. R. 14098) granting a pension to Mary Winfrey;

A bill (H. R. 13697) granting an increase of pension to William Shoemaker;

A bill (H. R. 12443) granting an increase of pension to Nathaniel Southard;

A bill (H. R. 14642) granting a pension to James P. Himes;

A bill (H. R. 15062) granting an increase of pension to Thomas Sparrow;

A bill (H. R. 14834) granting an increase of pension to Ruth J. McCann; and

A bill (H. R. 13028) granting an increase of pension to Mary E. Bennett.

Mr. SCOTT, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 3465) granting an increase of pension to John T. Vincent;

A bill (S. 3493) granting an increase of pension to Thomas Reed;

A bill (S. 5016) granting an increase of pension to Charles G. Polk; and

A bill (S. 524) granting an increase of pension to Lestina M. Gifford.

Mr. SCOTT, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 4548) granting a pension to Hannah Elizabeth Wilmer, widow of Edwin Wilmer, and to the orphan children of said soldier; and

A bill (S. 3821) granting an increase of pension to Henry Wilhelm.

Mr. SCOTT, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 15199) granting an increase of pension to John T. Cook;

A bill (S. 5121) granting an increase of pension to James H. Haman;

A bill (H. R. 12900) granting an increase of pension to James D. Havens;

A bill (H. R. 12403) granting a pension to Lydia A. Fiedler;

A bill (H. R. 13584) granting an increase of pension to Anna M. Jefferis;

A bill (H. R. 14669) granting an increase of pension to Anna H. Wagner;

A bill (H. R. 14092) granting a pension to Frances Coyner;

A bill (H. R. 14937) granting an increase of pension to William S. Nagle;

A bill (H. R. 14287) granting an increase of pension to Martha Brooks; and

A bill (H. R. 15941) granting a pension to Lydia A. Keller.

Mr. BURNHAM, from the Committee on Pensions, to whom was referred the bill (S. 2689) granting an increase of pension to Alonzo M. Bartlett, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 2094) granting an increase of pension to Rodney W. Torrey; and

A bill (S. 4556) granting an increase of pension to William Jandro.

Mr. BURNHAM, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 920) granting an increase of pension to Abraham S. Brown;

A bill (S. 3812) granting an increase of pension to Truman R. Stinehour;

A bill (H. R. 13610) granting an increase of pension to James Hann;

A bill (H. R. 14639) granting an increase of pension to Sarah J. Merrill;

A bill (H. R. 10753) granting an increase of pension to Jacob Keller;

A bill (H. R. 14112) granting an increase of pension to Andrew J. Baker;

A bill (H. R. 14748) granting an increase of pension to William F. Burks;

A bill (H. R. 12417) granting an increase of pension to Samuel G. Raymond;

A bill (H. R. 13005) granting an increase of pension to Robert R. Wilson; and

A bill (H. R. 14768) granting a pension to Orlando W. Frazier.

Mr. SMOOT, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 4683) granting an increase of pension to William McCann;

A bill (S. 2733) granting an increase of pension to Charles Crismon; and

A bill (S. 1250) granting an increase of pension to John W. Halley.

Mr. SMOOT, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 1248) granting a pension to Elizabeth B. Bean; and

A bill (S. 326) granting an increase of pension to Nancy G. Beasley.

Mr. SMOOT, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 14140) granting an increase of pension to Josephine M. Cage;

A bill (H. R. 14988) granting an increase of pension to James B. Cox;

A bill (H. R. 14694) granting an increase of pension to Samuel R. Dummer;

A bill (H. R. 13712) granting an increase of pension to Caroline D. Scudder;

A bill (H. R. 13034) granting an increase of pension to Frederick Hildenbrand;

A bill (H. R. 12584) granting an increase of pension to William R. Guion;

A bill (H. R. 13341) granting an increase of pension to Robert C. Pate; and

A bill (H. R. 12578) granting an increase of pension to John B. Craig.

Mr. SMOOT, from the Committee on Claims, to whom was referred the bill (S. 3241) to reimburse Ulysses G. Winn for money erroneously paid into the Treasury of the United States, reported it with an amendment, and submitted a report thereon.

Mr. BURKETT, from the Committee on Pensions, to whom was referred the bill (S. 558) granting an increase of pension to Abijah Chamberlain, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 11691) granting an increase of pension to John Clark;

A bill (H. R. 11690) granting an increase of pension to Lewis Lowry;

A bill (H. R. 14277) granting an increase of pension to George S. Scott;

A bill (H. R. 14327) granting an increase of pension to Amelia Nichols;

A bill (H. R. 13798) granting an increase of pension to Alida King;

A bill (H. R. 13136) granting an increase of pension to William Gaynor;

A bill (H. R. 13148) granting an increase of pension to William Davis;

A bill (H. R. 13587) granting an increase of pension to August Frahm; and

A bill (H. R. 12455) granting an increase of pension to John Jacoby.

Mr. PILES, from the Committee on Pensions, to whom was referred the bill (S. 4972) granting an increase of pension to Sarah E. Hull, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 98) granting an increase of pension to Doris Florence Clegg; and

A bill (H. R. 13151) granting a pension to Christopher C. Harlan.

Mr. PILES, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 7331) granting an increase of pension to Henry Porter;

A bill (H. R. 14258) granting an increase of pension to John S. Miles;

A bill (H. R. 12643) granting an increase of pension to William H. Franklin;

A bill (H. R. 12795) granting an increase of pension to Henry Stimon;

A bill (H. R. 13417) granting an increase of pension to John W. Bookman;

A bill (H. R. 14653) granting an increase of pension to Sophronia Lofton;

A bill (H. R. 13826) granting an increase of pension to Frank S. Pettingill; and

A bill (H. R. 14367) granting an increase of pension to Lemuel O. Gilman.

### HEARINGS BEFORE COMMITTEE ON AGRICULTURE AND FORESTRY.

Mr. KEAN, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. PROCTOR on the 6th instant, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

*Resolved*, That the Committee on Agriculture and Forestry be, and is hereby, authorized to employ a stenographer from time to time, as may be necessary, to report such testimony as may be taken by the committee or its subcommittees in connection with matters before them, to have the same printed for its use, and such stenographer be paid out of the contingent fund of the Senate.

### BILLS INTRODUCED.

Mr. PETTUS introduced a bill (S. 5135) for the relief of the Mitsui Bussan Kaisha; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

He also introduced a bill (S. 5136) to amend the act creating the Spanish Treaty Claims Commission, approved March 2, 1901; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. TALIAFERRO introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 5137) granting a pension to Frederick C. R. Reimer; and

A bill (S. 5138) granting a pension to Jane Metts.

Mr. LATIMER introduced a bill (S. 5139) granting a pension to William D. Willis; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Public Buildings and Grounds:

A bill (S. 5140) providing for the erection of a public building at the city of Aiken, S. C.; and

A bill (S. 5141) to provide for the erection of a public building at Sumter, S. C.

Mr. GALLINGER introduced a bill (S. 5142) granting an increase of pension to William H. Coy; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. McCUMBER introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 5143) granting an increase of pension to Eugene V. McKnight; and

A bill (S. 5144) granting an increase of pension to Morgan H. Weeks.

Mr. RAYNER introduced a bill (S. 5145) for the relief of The Hannis Distilling Company; which was read twice by its title, and referred to the Committee on Finance.

He also introduced a bill (S. 5146) granting a pension to Mary J. McLeod; which was read twice by its title, and referred to the Committee on Pensions.

He also (by request) introduced a bill (S. 5147) amending section 4886 of the Revised Statutes of the United States of 1901, relating to patents; which was read twice by its title, and referred to the Committee on Patents.

Mr. FORAKER introduced a bill (S. 5148) granting an increase of pension to Mildred McCorkle; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Military Affairs:

A bill (S. 5149) to grant an honorable discharge to William C. Haskell; and

A bill (S. 5150) for the relief of Theodore D. McCaddon.

Mr. KEAN introduced a bill (S. 5151) for the adjudication of the claim of Henry A. V. Post by the Court of Claims; which was read twice its title, and referred to the Committee on Claims.

Mr. MILLARD introduced a bill (S. 5152) granting an increase of pension to Holoway W. Kinney; which was read twice by its title, and referred to the Committee on Pensions.

Mr. SUTHERLAND introduced a bill (S. 5153) granting additional lands adjacent to its site to the University of Utah; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. BURROWS introduced a bill (S. 5154) to refund legacy taxes illegally collected; which was read twice by its title, and referred to the Committee on Finance.

Mr. BURROWS (for Mr. ALGER) introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 5155) granting an increase of pension to Charles H. Van Duzen;

A bill (S. 5156) granting an increase of pension to Granville F. North;

A bill (S. 5157) granting an increase of pension to Charles F. Sanscrainte;

A bill (S. 5158) granting an increase of pension to Andrew J. Fosdick;

A bill (S. 5159) granting an increase of pension to James W. Walsh; and

A bill (S. 5160) granting an increase of pension to Albert Robinson.

Mr. HEMENWAY introduced a bill (S. 5161) granting an increase of pension to John Shields; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PERKINS introduced a bill (S. 5162) to provide for the purchase of a site for a public building at Honolulu, Hawaii; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. GAMBLE introduced a bill (S. 5163) granting an increase of pension to John Marah; which was read twice by its title, and referred to the Committee on Pensions.

Mr. FULTON introduced a bill (S. 5164) granting an increase of pension to William Favorite; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CULBERSON introduced a bill (S. 5165) to amend the act creating the Spanish Treaty Claims Commission, approved March 2, 1901; which was read twice by its title, and, with the accompanying paper, referred to the Committee on the Judiciary.

He also (by request) introduced a bill (S. 5166) for the relief of the heirs of James C. Lipscomb; which was read twice by its title, and referred to the Committee on Claims.

Mr. WARNER introduced a bill (S. 5167) granting an honorable discharge to Jacob W. Demory; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 5168) granting an increase of pension to Alexander Younger;

A bill (S. 5169) granting an increase of pension to James A. Price;

A bill (S. 5170) granting an increase of pension to Catherine R. Rice;

A bill (S. 5171) granting an increase of pension to Jennie H. Marshall;

A bill (S. 5172) granting an increase of pension to John M. Du Puy;

A bill (S. 5173) granting an increase of pension to William S. Garrett; and

A bill (S. 5174) granting an increase of pension to Isaac McCandlass.

Mr. BURKETT introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 5175) granting an increase of pension to J. F. Kemble; and

A bill (S. 5176) granting an increase of pension to Louis C. Janes.

Mr. CULLOM introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 5177) granting a pension to Georgia K. Schofield;

A bill (S. 5178) granting an increase of pension to George W. Easton; and

A bill (S. 5179) granting an increase of pension to Laban S. Babbitt (with accompanying papers).

Mr. SCOTT introduced a bill (S. 5180) for the relief of the trustees of Trinity Protestant Episcopal Church, of Martinsburg, W. Va.; which was read twice by its title, and referred to the Committee on Claims.

Mr. PILES introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Commerce:

A bill (S. 5181) to authorize the construction of a bridge across the Snake River between Whitman and Columbia counties, in the State of Washington;

A bill (S. 5182) to authorize the construction of a bridge across the Columbia River between Franklin and Benton counties, in the State of Washington; and

A bill (S. 5183) to authorize the construction of a bridge across the Columbia River between Douglas and Kittitas counties, in the State of Washington.

Mr. KITTREDGE introduced a bill (S. 5184) to authorize the construction of a bridge across the Missouri River between Walworth and Dewey counties, in the State of South Dakota; which was read twice by its title, and referred to the Committee on Commerce.

Mr. FRYE introduced a bill (S. 5185) granting an increase of pension to Blaney C. Allen; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BRANDEGEE introduced a bill (S. 5186) granting an increase of pension to Robert Staplins; which was read twice by its title, and referred to the Committee on Pensions.

### REGULATION OF RAILROAD RATES.

Mr. LODGE. Mr. President, I desire to give notice that on Thursday next, immediately after the routine morning business, with the permission of the Senate, I will speak in regard to the amendment which I have offered to House bill 12987.

### AMENDMENTS TO BILLS.

Mr. LODGE submitted an amendment providing that the act approved April 15, 1904, entitled "An act to regulate shipping in trade between ports of the United States and ports or places in the Philippine Archipelago, between ports or places in the Philippine Archipelago, and for other purposes," shall not take effect until July 1, 1909, intended to be proposed by him to the Army appropriation bill; which was referred to the Committee on Military Affairs, and ordered to be printed.

Mr. HEYBURN submitted an amendment proposing to fix the compensation of the clerk to the Committee on Manufactures at $2,220 per annum, intended to be proposed by him to the legislative, executive, and judicial appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. McCUMBER submitted an amendment proposing to appropriate $29,200 for the Wahpeton Indian School, North Dakota, intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. BURKETT submitted an amendment proposing to appropriate $15,000 for the extension of experimental forest planting on forest reserves, intended to be proposed by him to the agricultural appropriation bill; which was referred to the Committee on Agriculture and Forestry, and ordered to be printed.

Mr. KITTREDGE submitted an amendment authorizing the issuance of a patent in fee simple to Julia Picotte, Yankton Sioux allottee, for land heretofore allotted to her, intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. FLINT submitted an amendment proposing to appropriate

$10,000 for the relief of the widows and minor children of Capt. Charles W. Dakin and Thomas J. Hennessy, members of the San Francisco fire department, who lost their lives fighting a fire on board the U. S. Army transport *Meade*, intended to be proposed by him to the Army appropriation bill; which was referred to the Committee on Military Affairs, and ordered to be printed.

He also submitted an amendment proposing to appropriate $150,000 for completing the equipment of military posts with the necessary lighters, launches, and yawls for submarine-mine work, etc., intended to be proposed by him to the Army appropriation bill; which was referred to the Committee on Military Affairs, and ordered to be printed.

He also submitted an amendment proposing to appropriate $100,000 to purchase for the Indians in California now residing on reservations which do not contain land suitable for cultivation, and for Indians who are not now upon reservations in that State, suitable tracts or parcels of land and water rights in that State, etc., intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. LONG submitted an amendment authorizing the Secretary of the Interior to issue patents in fee, severally, to Massie Chandler and Nannie Chandler, Kiowa, Comanche, and Apache Indian allottees, for lands heretofore allotted to them in the Territory of Oklahoma, etc., intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

He also submitted an amendment authorizing the Secretary of the Interior to issue patents in fee, severally, to No-wa-hi, Darwin Hayes, Red Plume and Shoe, Cheyenne and Arapahoe Indians, for not to exceed 40 acres of land heretofore allotted to them in the Territory of Oklahoma, etc., intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

He also submitted an amendment authorizing the Secretary of the Interior to issue a patent in fee simple to Bud Chandler, a member of the Kiowa, Comanche, and Apache tribes of Indians for lands heretofore allotted to him, etc., intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

### REVENUE FOR THE PHILIPPINE ISLANDS.

Mr. LODGE. The hearings held before the Committee on the Philippines on the bill to amend the act temporarily to provide revenue for the Philippine Islands, and for other purposes, have so far been printed only for the use of the committee. I move that the hearings be printed as a document.

The motion was agreed to.

### HEARINGS BEFORE COMMITTEE ON EDUCATION AND LABOR.

Mr. DOLLIVER submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

*Resolved*, That the Committee on Education and Labor be, and the same is hereby, authorized to employ a stenographer from time to time, as may be necessary, to report such hearings as may be had on bills or other matters pending before said committee, and to have the same printed for the use of the committee, and that such stenographer be paid out of the contingent fund of the Senate.

### LIEU FOREST RESERVE LANDS.

Mr. HANSBROUGH submitted the following resolution; which was considered by unanimous consent, and agreed to:

*Resolved*, That the Secretary of the Interior be, and he is hereby, directed to furnish to the Senate, on the first Monday in December, 1906, the names of the persons, firms, and corporations who conveyed or relinquished to the Government of the United States lands within the limits of Government forest reserves, and who duly recorded the same in the proper county, prior to the act of March 3, 1905, and who had prior to said act failed to select other public lands in lieu of the lands so conveyed or relinquished, or who have failed, through no fault of their own, to obtain patents to lands selected by them in lieu of lands so conveyed or relinquished, as provided by the act of June 4, 1897, and who can not on account of said act of March 3, 1905, make such selection; and also report the number of acres so conveyed or relinquished.

That in order to procure such information, the Secretary of the Interior is hereby authorized and directed to require all such persons, firms, and corporations to file in the Land Department, within a time to be by him designated, such proofs of their conveyance or relinquishment as he may prescribe; and he is further authorized and directed to make such further orders, rules, and regulations as may be necessary to procure the information hereby required.

### THE FIVE CIVILIZED TRIBES.

Mr. CLAPP. I present the conference report on the bill (H. R. 5976) to provide for the final disposition of the affairs of the Five Civilized Tribes in the Indian Territory, and for other purposes. I understand that the Senator from Texas [Mr. BAILEY] desires to address the Senate this morning on the rate bill, and if the report will not lose its place I ask that it may lie on the table and be printed.

The VICE-PRESIDENT. The report is a privileged one. It will be printed and lie on the table.

The report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5976) to provide for the final disposition of the affairs of the Five Civilized Tribes in the Indian Territory, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 3, 8, 14, 15, 16, 28, 29, 34, 44, and 59.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 4, 6, 7, 9, 10, 12, 13, 17, 22, 23, 25, 30, 31, 32, 35, 36, 37, 39, 40, 42, 47, 49, 50, 51, 52, 53, and 57; and agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: Strike out the word "ninety," in the first line on page 2, and insert in lieu thereof the word "sixty;" strike out the word "ninety," in the fourth line of page 2, and insert in lieu thereof the word "sixty;" and the Senate agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: Strike out the words "or freedmen," on line 16 of page 2; and the Senate agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: Strike out all after the word "date," in line 14, on page 3, down to and including the words "United States," on line 21, and insert in lieu thereof the following: "*Provided, however*, That the decision of the Commissioner to the Five Civilized Tribes on a question of fact shall be final;" and the Senate agree to the same.

Amendment numbered 18: That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment as follows: Insert after the word "heirs," in line 24 on page 5, the following: "and in case any allottee shall die after restrictions have been removed, his property shall descend to his heirs;" and the Senate agree to the same.

Amendment numbered 19: That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment as follows: Insert after the word "contests," in line 10 of the sixth page, the following: "pending before the Commissioner to the Five Civilized Tribes or the Department of the Interior;" and the Senate agree to the same.

Amendment numbered 20: That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment as follows: Strike out all of section 6, commencing with line 11 on page 6, down to and including line 2 on page 8, and insert in lieu thereof the following:

"SEC. 6. That if the principal chief of the Choctaw, Cherokee, Creek, or Seminole tribe, or the governor of the Chickasaw tribe, shall refuse or neglect to perform the duties devolving upon him, he may be removed from office by the President of the United States, or if any such executive become permanently disabled, the office may be declared vacant by the President of the United States, who may fill any vacancy arising from removal, disability, or death of the incumbent, by appointment of a citizen by blood of the tribe.

"If any such executive shall fail, refuse, or neglect, for thirty days after notice that any instrument is ready for his signature, to appear at a place to be designated by the Secretary of the Interior and execute the same, such instrument may be approved by the Secretary of the Interior without such execution, and when so approved and recorded, shall convey legal title, and such approval shall be conclusive evidence that such executive or chief refused or neglected after notice to execute such instrument.

"*Provided*, That the principal chief of the Seminole Nation is hereby authorized to execute the deeds to allottees in the Seminole Nation prior to the time when the Seminole government shall cease to exist."

And the Senate agree to the same.

Amendment numbered 21: That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment as follows: Insert after the word "auction," in line 11, on page 9, the following: "or by sealed bids;" and the Senate agree to the same.

Amendment numbered 24: That the Senate recede from the amendment of the Senate numbered 24, and agree to the same with an amendment as follows: Strike out the words "dissolution of the several tribal governments of the Choctaw, Chickasaw, Cherokee, Creek, and Seminole tribes, all records and files of said tribes" and insert in lieu thereof the following: "the first day of June, nineteen hundred and six, all records and files of the Choctaw, Chickasaw, Cherokee, Creek, and Seminole tribes." And the House agree to the retention of the new matter added by the Senate, from line 4 to line 13, inclusive, on page 11; and as agreed to the amendment reads as follows:

"SEC. 9. That upon June 1, 1906, all records and files of the Choctaw, Chickasaw, Cherokee, Creek, and Seminole tribes shall, under direction of the Secretary of the Interior, be removed and deposited with such Government officer or officers as he may designate, and the Secretary of the Interior is authorized to make such rules and regulations as he may deem necessary respecting the removal, deposit, preservation, and inspection of such records. If any officer or member of any of said tribes, or other person having any of such records or files in his possession, fail or refuse to deliver in the manner directed by the Secretary of the Interior, or shall willfully mutilate or destroy any part thereof, such person shall be deemed guilty of a misdemeanor.

"Upon dissolution of said tribal governments all causes then pending in any tribal court shall be transferred to the United States courts in Indian Territory by filing the papers therein with the clerk of the proper district, after which such causes shall proceed to final determination as if originally instituted in said United States court. The disbursements, in the sum of one hundred and eighty-six thousand dollars, to and on account of the loyal Seminole Indians, by James E. Jenkins, special agent appointed by the Secretary of the Interior, and by A. J. Brown as administrator de bonis non, under an act of Congress approved May thirty-first, nineteen hundred, appropriating said sum, be, and the same are hereby, ratified and confirmed: *Provided*, That this shall not prevent any individual from bringing suit in his own behalf to recover any sum really due him."

Amendment numbered 26: That the Senate recede from the amendment of the Senate numbered 26, and agree to the same with an amendment as follows: Insert after the word "retaining," in line 9, on page 12, the following: "tribal educational officers, subject to dismissal by the Secretary of the Interior, and;" insert after the word "funds," in line 15, on page 13, the following: "*Provided*, That hereafter clerks and deputy clerks of United States courts in the Indian Territory who are ex officio recorders of recording districts in said Territory shall be allowed, out of the fees received for the recording and filing of instruments, twenty-five per cent in addition to the sum for compensation and actual expenses for clerk hire now provided by law;" and the House agree to the same.

Amendment numbered 27, incorrectly printed "21:" That the Senate recede from the amendment of the Senate numbered 27, and agree to the same with an amendment as follows: Insert after the word "five," in line 14, on page 14, the following: "and all such taxes levied and collected after the thirty-first day of December, nineteen hundred and five, shall be refunded;" insert after the word "shall," in line 22, on page 14, the words: "willfully and fraudulently;" insert after the word "punish," in the second line, on page 15, the following: "by a fine of not exceeding five thousand dollars or by imprisonment not exceeding five years, or by both such fine and imprisonment;" and the House agree to the same.

Amendment numbered 33: That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment as follows: Insert after the word "law," in line 12, on page 16, the following: "*Provided*, That the Secretary of the Interior be, and he is hereby, authorized to ascertain and report by the opening of the next session of Congress if he can secure an agreement with the Choctaw and Chickasaw Indian tribes to have said coal lands set aside for school purposes, or report a plan for the sale and disposition of said lands;" and the Senate agree to the same.

Amendment numbered 38: That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment as follows: Strike out the words "Secretary of the Interior is," in line 21 on page 17, and insert in lieu thereof the following: "Principal chief of the Choctaw Nation and the governor of the Chickasaw Nation are, with the approval of the Secretary of the Interior;" strike out the words "his direction," in line 24 on page 17, and insert in lieu thereof the following: "The direction of the Secretary of the Interior;" and the Senate agree to the same.

Amendment numbered 41: That the Senate recede from the amendment of the Senate numbered 41, and agree to the same with an amendment as follows: Strike out from lines 19, 20, and 21 on page 19 the words "upon the dissolution of the tribal governments of the Choctaw, Chickasaw, Cherokee, Creek, and Seminole tribes;" and the House agree to the same.

Amendment numbered 43: That the House recede from its disagreement to the amendment of the Senate numbered 43, and agree to the same with an amendment as follows: Strike out the words "one hundred and sixty," in line 3 on page 21, and insert in lieu thereof the following: "Forty;" and the Senate agree to the same.

Amendment numbered 45: That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment as follows: Strike out the words "and the same may be pleaded by such party defendants as a counterclaim or set-off," in lines 6 and 7 on page 23; strike out the word "amount," in line 7 on said page and insert in lieu thereof the word "balance;" insert after the word "such," in line 9 on page 23, the words "tribe or;" and the Senate agree to the same.

Amendment numbered 46: That the House recede from its disagreement to the amendment of the Senate numbered 46, and agree to the same with an amendment as follows: Strike out all of section 19, commencing with line 11 on page 23, down to and including line 12 on page 25, and insert in lieu thereof the following:

"SEC. 9. That all restrictions upon alienations and leasing of lands of Indian allottees of the Choctaw, Chickasaw, Cherokee, Creek, and Seminole tribes of less than full blood are, except as to homesteads, hereby removed on and after the first day of July, nineteen hundred and six: *Provided*, That nothing in this act contained shall be construed or held to authorize the leasing of such lands for oil, gas, or other mineral without the approval of the Secretary of the Interior, and no such lease shall have any validity until so approved; that no full-blood Indian of any of said tribes shall have power to alienate, sell, dispose of, or encumber in any manner any of the lands allotted to him for a period of twenty-five years from and after the passage and approval of this act, unless such restriction shall, prior to the expiration of said period, be removed by act of Congress; and for all purposes the quantum of Indian blood possessed by any member of said tribes shall be determined by the rolls of citizens of said tribes approved by the Secretary of the Interior: *Provided, however*, That such full-blood Indians of any of said tribes may lease any lands other than homesteads for more than one year under such rules and regulations as may be prescribed by the Secretary of the Interior; and in case of the inability of any full-blood owner of a homestead, on account of infirmity or age, to work or farm his homestead, the Secretary of the Interior, upon proof of such inability, may authorize the leasing of such homestead under such rules and regulations: *Provided further*, That conveyances heretofore made by members of any of the Five Civilized Tribes subsequent to the selection of allotment and subsequent to removal of restriction, where patents thereafter issue, shall not be deemed or held invalid solely because said conveyances were made prior to issuance and recording or delivery of patent or deed; but this shall not be held or construed as affecting the validity or invalidity of any such conveyance, except as hereinabove provided; and every deed executed before, or for the making of which a contract or agreement was entered into before the removal of restrictions, be, and the same is hereby, declared void: *Provided further*, That all lands upon which restrictions are removed shall be subject to taxation, and the other lands shall be exempt from taxation as long as the title remains in the original allottee."

And the Senate agree to the same.

Amendment numbered 48: That the House recede from its disagreement to the amendment of the Senate numbered 48, and agree to the same with an amendment as follows: Insert after the words "period of" in line 23 of page 25 the words "more than," and strike out the words "or more" where they occur in said line; and the Senate agree to the same.

Amendment numbered 54: That the House recede from its disagreement to the amendment of the Senate numbered 54, and agree to the same with an amendment as follows: Strike out the word "shall" in line 23 on page 27, and insert in lieu thereof the word "may;" and the Senate agree to the same.

Amendment numbered 55: That the House recede from its disagreement to the amendment of the Senate numbered 55, and agree to the same with amendments as follows:

Strike out the words "electric railway," in line 4, on page 29.

Insert the word "purchase" after the word "condemnation," in line 24, on page 29.

Insert, after the word "act," in line 11, on page 30, the following: "*Provided*, That the purchase from and agreements with individual Indians, where the right of alienation has not heretofore been granted by law, shall be subject to approval by the Secretary of the Interior."

Strike out the words "electric railway," in line 12, page 30.

Insert after the word "Tribes," in line 9, on page 31, the following: "Whenever any such dam or dams, canals, reservoirs, and auxiliary steam works, pole lines and conduits are to be constructeed within the limits of any incorporated city or town in the Indian Territory, the municipal authorities of such city or town shall have the power to regulate the manner of construction therein, and nothing herein contained shall be so construed as to deny the right of municipal taxation in such cities and towns."

And the Senate agree to the same.

Amendment numbered 56: That the House recede from its disagreement to the amendment of the Senate numbered 56, and agree to the same with an amendment as follows: Strike out lines 13 to 25, inclusive, on page 31, all of page 32, and lines 1 to 5, inclusive, on page 33, and insert in lieu thereof the following:

"SEC. 26. That in addition to the powers now conferred by law, all municipalities in the Indian Territory having a population of over two thousand, to be determined by the last census taken under any provision of law or ordinance of the council of such municipality, are hereby authorized and empowered to order improvements of the streets or alleys, or such parts thereof as may be included in an ordinance or order of the common council, with the consent of a majority of the property owners whose property, as herein provided, is liable to assessment therefor for the proposed improvement; and said council is empowered and authorized to make assessments and levy taxes, with the consent of a majority of the property owners whose property is assessed, for the purpose of grading, paving, macadamizing, curbing, or guttering streets and alleys, or building sidewalks upon and along any street, roadway, or alley, within the limits of such municipality, and the cost of such grading, paving, macadamizing, curbing, guttering, or sidewalk constructed, or other improvements under authority of this section, shall be so assessed against the abutting property as to require each parcel of land to bear the cost of such grading, paving, macadamizing, curbing, guttering, or sidewalk as far as it abuts thereon, and in the case of streets or alleys to the center thereof; and the cost of street intersections or crossings may be borne by the city or apportioned to the quarter blocks abutting thereon upon the same basis. The special assessments provided for by this section and the amount to be charged against each lot or parcel of land shall be fixed by the city council or under its authority, and shall become a lien on such abutting property, which may be enforced as other taxes are enforced under the laws in force in the Indian Territory. The total amount charged against any tract or parcel of land shall not exceed twenty per centum of its assessed value, and there shall not be required to be paid thereon exceeding one per centum per annum on the assessed value and interest at six per centum on the deferred payments.

"For the purpose of paying for such improvements the city council of such municipality is hereby authorized to issue improvement scrip or certificates for the amount due for such improvements, said scrip or certificates to be payable in annual installments and to bear interest from date at the rate of six per centum per annum, but no improvement scrip shall be issued or sold for less than its par value. All of said municipalities are hereby authorized to pass all ordinances necessary to carry into effect the above provisions, and for the purpose of doing so may divide such municipality into improvement districts."

Insert after the word "taken," in line 18, on page 33, the words "within sixty days."

Strike out all of page 34 and lines 1 and 2 of page 35.

And the Senate agree to the same.

Amendment numbered 58: That the House recede from its disagreement to the amendment of the Senate numbered 58, and agree to the same with an amendment as follows: Strike out lines 14 to 20 inclusive, on page 35, and insert in lieu thereof the following: "That the tribal existence and governments of the Choctaw, Chickasaw, Cherokee, Creek, and Seminole tribes or nations are hereby continued in full force and effect for all purposes authorized by law, until otherwise provided by law; but the tribal council or legislature in any of said tribes or nations shall not be in session for a longer period than thirty days in any one year: *Provided*, That no act, ordinance, or resolution (except resolutions of adjournment) of the tribal council or legislature of any of said tribes or nations shall be of any validity until approved by the President of the United States: *Provided further*, That no contract involving the payment or expenditure of any money or affecting any property belonging to any of said tribes or nations made by them or any of them or by any officer thereof, shall be of any validity until approved by the President of the United States;" and the Senate agree to the same.

Change the numbering of the last section of the bill to read "SEC. 29."

MOSES E. CLAPP,
P. J. MCCUMBER,
FRED T. DUBOIS,
*Managers on the part of the Senate.*

J. S. SHERMAN,
CHARLES CURTIS,
JNO. H. STEPHENS,.
*Managers on the part of the House.*

### REGULATION OF RAILROAD RATES.

The VICE-PRESIDENT. The Calendar under Rule VIII is in order.

Mr. PERKINS. If neither the Senator from Kentucky [Mr. MCCREARY] nor the Senator from Texas [Mr. BAILEY] wishes to speak at this time, I will ask unanimous consent that the Senate proceed to the consideration of House bill 14171, being the bill making appropriations for fortifications.

Mr. MCCREARY rose.

Mr. TILLMAN. I move that the Senate proceed to the consideration of the unfinished business.

Mr. PERKINS. I will withdraw my request.

The VICE-PRESIDENT. The Senator from California withdraws his request. The question is on the motion of the Senator from South Carolina.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12987) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission.

Mr. MCCREARY. Mr. President, the bill under consideration demands and should receive calm and serious consideration. It presents problems that are difficult to solve, and I shall try in a plain and practical way to discuss the merits and the issues involved.

We are living in the greatest age of the world's history, and our Republic ranks among the first, and is recognized as a world power. Progress, improvement, and advancement are seen everywhere throughout our country.

New conditions and general improvement require new laws. The pending bill is to meet the demands of the times. It is comprehensive in its bearing on industrial and commercial affairs and far-reaching in its effect on the interests of the people. It proposes legislation to regulate railroad rates for interstate transportation, and confers upon the Interstate Commerce Commission the power to investigate upon complaint a given rate, and if the rate is found to be unjust and unreasonable to establish a just, reasonable, and fairly remunerative maximum rate in its stead, and enforce it.

Three national Democratic platforms have demanded legislation in principle similar to that contained in the bill under consideration. The President of the United States, in his last annual message, recommended railroad rate legislation on similar lines. The United States House of Representatives, composed of 386 Members, almost unanimously passed the bill under consideration, there being but seven negative votes, and the people, with a unanimity and enthusiasm unprecedented, are demanding legislation on the lines indicated.

The demand for railroad rate legislation on the lines set forth in the bill under consideration has been increasing. For years the people of the United States have been patient. They know that railroads have been and are of immense benefit, and that they are indispensable, and that their usefulness can scarcely be estimated, and that they have done more than any other industrial force for the enlightenment of our people and the development of our country. The people also know that they have rights, and that they have generously aided the railroads and made them profitable; that without their patronage and their products and their aid the owners of the railroads would be without profit or encouragement; therefore there should be justice and fairness to the people and justice and fairness to the railroads. Every producer and every shipper should be treated alike, and there should be "equal and exact justice to all, and special privileges to none."

### IMMENSITY AND IMPORTANCE OF RAILROADS IN THE UNITED STATES.

If we deal with the railroad rate question fairly and justly, we will promote the happiness and prosperity of millions of people, and if we deal with it harshly and unfairly we may

cause commercial and financial disaster almost beyond computation. There is no other business in our country which approximates the magnitude and importance of our railroad transportation system, and there is no country in the world in which railroads have so much power, employ so many men, require so much capital, have such earnings, expenses, and mileage as in our country.

There are more miles of railroads in the United States than there are in Europe, Asia, and Africa combined, and nearly one-half of the railroad mileage of the world is in our great country.

In fifty-five years the growth of the present railway system of the United States has been marvelous. It reached in 1850 only 9,021 miles. According to the report of the Interstate Commerce Commission of 1905 the total operated railroad mileage in the United States on June 30, 1904, was 212,243 miles. The gross earnings and income of the railroads in the United States for that year were $2,188,108,081, or about $6,000,000 per day; locomotives in the service of the railways, 46,743; total number of cars of all classes, 1,798,561; the number of persons on the pay rolls of the railways of the United States for that year was 1,396,121, and the wages and salaries paid to railroad officers and employees for the year 1904 was $817,598,810, and the par value of the amount of railway capital outstanding on June 30, 1904, was $13,213,124,679, representing the capitalization of $64,265 per mile for the railways in the United States, and paying an annual taxation of over $60,000,000.

When it is remembered that the total railway mileage in European Russia is 32,967; in Germany, 28,102 miles; France, 26,950 miles; Austria-Hungary, 22,634 miles; United Kingdom, 22,634 miles; Japan, 4,495 miles; China, 1,176 miles, and Africa, 15,560 miles, we see how far the United States leads the great nations of the world in railroad mileage and in immense power and influence of railroads.

RAILROADS IN AMERICA HAVE HAD FOUR AGES.

Mr. President, it has been well said that railways in America have had four ages, first, the age of construction, next the age of competition, then the age of combination, which is to be followed by the age, which the pending bill illustrates, of Government regulation, and we are also confronted by the fifth age known as Government ownership of railroads. I predict that if we do not meet this question at this time in a broad and just manner, the people will find some way to put upon the statute books more stringent and more radical laws, not only for Government rate making and Government regulation, but they may seek Government ownership of the great railroad lines conducting an interstate commerce business, so that while we are now confronted with Government regulation we may be confronted soon with Government ownership.

During the ages of construction of railroads and competition the people were much pleased with the improved conditions and with the great facilities furnished for travel and trade and commerce. They vied with each other in their aid to railroad building; cities and counties bonded themselves to raise money to build railroads; States gave liberal encouragement; the National Government appropriated 190,000,000 of acres of the public lands for the benefit of railroads, that they might extend their lines across our country from the Atlantic to the Pacific Ocean.

The ages of construction and competition were succeeded by combination, and the people became justly alarmed, for the age of combination culminated, according to the statement of Hon. Martin A. Knapp, chairman of the Interstate Commerce Commission in seven large systems, known as the Vanderbilt, Hill, Harriman, Pennsylvania, Atlantic Coast, Southern, and Rock Island system, controlling 70 per cent of the entire mileage, and three-fourths of the traffic and of the earnings and of the valuations of our country's railroads, and the remaining 30 per cent, or about one-third of the mileage is made up of short systems absolutely dependent upon the main systems for existence and practically under their control.

Mr. President, in order to show how combination has superseded competition in the management of railways in the United States, I present the following analysis of railroad systems, which has been furnished me:

1. The Vanderbilt system, comprising the New York Central, the Lake Shore and Michigan Southern, the Michigan Central, the Cleveland, Cincinnati, Chicago and St. Louis, the Pittsburg and Lake Erie, and the Lake Erie and Western.

2. The Pennsylvania system, practically controlling the Baltimore and Ohio Railroad, the Chesapeake and Ohio Railway, and the Norfolk and Western Railway, and holding jointly with the New York Central a controlling interest in the Philadelphia and Reading, which in turn controls the Central Railroad of New Jersey.

3. The Gould system, comprising the Wabash Railroad; the Missouri Pacific Railway; the St. Louis, Iron Mountain and Southern; the Texas and Pacific; the St. Louis Southwestern; the International Great Northern; the Wheeling and Lake Erie; the West Virginia Central; the Denver and Rio Grande, and the Western Maryland.

4. The Harriman lines, including the Southern Pacific, Central Pacific, Union Pacific, Oregon Short Line, Oregon Railway and Navigation Company, with large interests in the Illinois Central, the Chicago and Alton, and Kansas City Southern.

5. The Hill system, embracing the Great Northern Railway, the Northern Pacific Railroad, and the Chicago, Burlington and Quincy Railway.

6. The Rock Island system, including the Chicago, Rock Island and Pacific; the St. Louis and San Francisco; the Chicago and Eastern Illinois, and the Choctaw, Oklahoma and Gulf.

7. The Southern Railway system, the same interests controlling nearly all the important railways of the South.

Mr. President, it is clear to every thinking man that the time has come for more effective and broader supervision of common carriers. The great power of railroad corporations, the immensity of their business in every department, the fact that competition which prevailed in 1887 and which acted as a check and a restraint against unreasonable rates, has been to a great extent suppressed or destroyed, and that the tendency of railroads is toward consolidation into gigantic systems, and that the result of such consolidation will be the elimination of competition, which has done so much for the benefit of the people, makes it absolutely necessary for the Federal Government to assert its power and have government regulation as provided in the pending bill.

GOVERNMENT REGULATION OF RAILROAD RATES.

The movement in regard to Government regulation of railway rates is not a new movement. As far back as 1886 the Cullom Commission was appointed, and that Commission developed some remarkable and interesting conditions. The "act to regulate commerce" was enacted in 1887, and under that law the Interstate Commerce Commission proved very beneficial, and many of the evils which had existed before were abated or eradicated. For ten years the authority of the Commission to modify and reduce an established rate and to enforce a reasonable rate for the future was not questioned, but in 1897 the Supreme Court of the United States decided in the case of Interstate Commerce Commission against Texas and Pacific Railroad Company (167 U. S., 479) that no such authority had been granted the Commission by the act creating it.

The Interstate Commerce Commission, however, still had the power of investigation, and could hear complaints as to rates and declare whether the rate was unreasonable, but had no power to make its findings effective. Then came the passage of the Elkins Act in 1903, which aimed mainly at rebates and discriminations, but its enactment did not destroy rebates or give the full relief desired. In this connection I may say that the marvelous wisdom and foresight of the framers of the Federal Constitution again becomes conspicuous. Although at that time the steam engine had not been invented, and no one had ever dreamed of interstate commerce, by means of the greatest railroad system in the world, the framers of the Constitution furnished the basis for the legislation we are now seeking to enact by declaring, "Congress shall have power to regulate commerce with foreign nations and among the several States." Under this section of the Constitution it is clear that the founders of our Government placed the management of interstate commerce in all is branches under national control, and all that is required now is a proper law to enforce the declarations of the founders of our Government.

The bill under consideration provides—

First. That every common carrier subject to the provisions of this act shall print and keep open to public inspection schedules showing the rates, fares, and charges for the transportation of passengers and property, which any such common carrier has established, and which are enforced at the time upon its route.

Second. That the Commission is hereby authorized to require annual reports from all common carriers subject to the provisions of this act and from the owners of all railroads engaged in interstate commerce as defined in this act, to prescribe the manner in which such reports shall be made, and to require from such carriers specific answers to all questions upon which the Commissioners may need information.

Third. All charges made for any service rendered or to be rendered in the transportation of passengers or property as aforesaid, or in connection therewith, shall be just and reasonable; and every unjust and unreasonable charge for such service or any part thereof is prohibited and declared to be unlawful.

Fourth. That the power and scope of the Commission is extended over such subjects as private cars and refrigerators, terminals, private switches, elevator charges, and over the various devices now used to grant or secure rebates, drawbacks, or discriminations.

These provisions are important, but need no discussion; and they are subordinate to the great pivotal provision, which is the power given the Interstate Commerce Commission to fix a just and reasonable and fairly remunerative maximum rate and make it effective.

I will read the section of the bill in full, which has been discussed so much and around which the contention with reference to rate regulation has been so strenuously raging:

That the Commission is authorized and empowered, and it shall be its duty, whenever, after full hearing upon a complaint made as provided in section 13 of this act, or upon complaint of any common carrier, it shall be of the opinion that any of the rates, or charges whatsoever, demanded, charged, or collected by any common carrier or carriers, subject to the provisions of this act, for the transportation of persons or property as defined in the first section of this act, or that any regulations or practices whatsoever of such carrier or carriers affecting such rates, are unjust or unreasonable, or unjustly discriminatory, or unduly preferential or prejudicial, or otherwise in violation of any of the provisions of this act, to determine and prescribe what will, in its judgment, be the just and reasonable and fairly remunerative rate or rates, charge or charges, to be thereafter observed in such case as the maximum to be charged; and what regulation or practice in respect to such transportation is just, fair, and reasonable to be thereafter followed; and to make an order that the carrier shall cease and desist from such violation, to the extent to which the Commission find the same to exist, and shall not thereafter publish, demand, or collect any rate or charge for such transportation in excess of the maximum rate or charge so prescribed, and shall conform to the regulation or practice so prescribed. Such order shall go into effect thirty days after notice to the carrier and shall remain in force and be observed by the carrier, unless the same shall be suspended or modified or set aside by the Commission or be suspended or set aside by a court of competent jurisdiction.

Mr. President, in support of the power granted to the Interstate Commerce Commission in the section just read, I call attention to the fact that all the great nations of the earth, except France and the United States, have adopted some Government system for the control of railroad rates.

In Great Britain the board of trade has control or regulates within certain limits the railroads.

Section 31 of the railway and canal traffic act (1888) provides that if a man thinks a railway is charging him an unfair or unreasonable rate for the goods he sends by it, or is in any way treating him in an unfair or unreasonable manner, he may complain to the board of trade, and that department, if the complaint seems reasonable, will call upon the railway for an explanation of its action. Further, the railway and canal commissioners, by section 10 of the same act, are empowered to hear and determine any dispute as to the legality of any toll, rate, or charge for merchandise traffic, and to enforce payment of so much as they decide to be legal.

In France the railroads are operated by private companies, which generally have concessions from the state or province.

In Germany, Russia, Italy, Switzerland, Austria-Hungary, and Belgium the railroads are mostly owned and operated by the government. There are some private lines, but they are under government control.

SUPREME COURT ON THE POWER OF CONGRESS TO DELEGATE RAILROAD RATE MAKING POWER TO A COMMISSION.

I shall not consume much time in demonstrating the right of the Government to regulate railroad rates. The railroads, which have so largely taken the place of the highways of ancient times and the public roads of modern times, although not built by the community, nevertheless perform the functions of the public highways, and those who operate them are common carriers.

The Supreme Court of the United States has decided, in the case of Smyth against Ames (169 U. S. Reports, p. 467)—

A railroad is a public highway, and none the less so because constructed and maintained through the agency of a corporation deriving its existence and powers from the State. Such a corporation was created for public purposes. It performs a function of the State. Its authority to exercise the right of eminent domain, and to charge tolls was given primarily for the benefit of the public. It is, therefore, under governmental control, subject, of course, to the constitutional guaranties for the protection of its property. It may not fix its rates with a view solely to its own interests and ignore the rights of the public; but the rights of the public would be ignored if rates for the transportation of persons or property on a railroad were exacted without reference to the fair value of the property used for the public or of the services rendered, and in order simply that the corporation may meet operating expenses, pay the interest on its obligations, and declare a dividend to stockholders.

In the case of Interstate Commerce Commission *v.* Railway Company (167 U. S., 479) the Supreme Court of the United States, discussing the right of Congress to appoint a Commission to make railroad rates, said there were three obvious and dissimilar courses open for consideration. Congress might itself prescribe the rate, or *it might commit to some subordinate tribunal this duty*, or it might leave with the companies the right to fix rates subject to regulations, restrictions, and the rule of common law that rates must be reasonable.

In the Interstate Commerce case just cited the question of the constitutional right of Congress to delegate to a commission a rate-making power is not directly involved, yet the court holds in the words of the opinion that "Congress may commit to some subordinate tribunal this power."

More than half the States of the United States have statutes delegating to commissions rate-making power. Cases arising under these statutes have repeatedly been in the district courts and circuit courts and the Supreme Court of the United States, and the courts have always held these statutes valid and constitutional. There are thirty-two State railroad commissions, twenty-four of which have power to make rates, as follows:

Alabama-Arkansas, after giving railroads ten days' notice.

California, are effective after twentieth day of service on railroads.

Florida, after giving notice and hearing all parties interested.

Georgia, joint rates can be made only after hearing, with thirty days' notice.

Illinois, after furnishing railroads with printed copies of schedule.

Indiana-Iowa, must give two weeks' notice after revising maximum rate.

Kansas, can raise rates only after six days' public notice.

Kentucky, after ten days' notice and hearings of railroads.

Louisiana-Maine, after due notice and hearing of railroads.

Minnesota-Mississippi, after ten days' notice to railroads.

Missouri, New Hampshire, and North Carolina, corporation commission, with powers to fix rates subject to right of railroads to file exceptions within ten days and be heard.

North Dakota, after notice to all parties and hearing.

South Carolina, thirty days' notice before rates become effective.

South Dakota, after ten days' public notice and hearing.

Tennessee, after ten days' notice to railroads.

Texas, after ten days' notice to all interested parties, with hearing. Emergency freight rates after three days' notice to railroads.

Mr. President, it has been asserted that if Congress is authorized to prescribe rates of international transportation it must be so by explicit enactment and can not delegate that power to a commission. There are many cases in which it has been held that a State statute regulating railroad rates and charges is constitutional. In the case of Stone *v.* F., L. & T. Co. (116 U. S., 307, 324, and 336) rates were fixed by a commission. This case was affirmed by the Supreme Court of the United States. In this case not only the constitutionality of the statute, but the right to delegate the rate-making authority was presented.

In the case of New York and New England Railroad Company *v.* Bristol (161 U. S., 556–571) the court said:

Railroads are subject to such legislative control as may be necessary to protect the public against danger, injustice, and oppression, and this control may be exercised through a board of commissioners.

In the case of Georgia Banking Company *v.* Smith (138 U. S., 174) the State railroad commission law was attacked, and the Supreme Court of the United States said:

The supreme court of the State held, on application for an injunction, that this delegation of authority by the legislature to the commission to prescribe what shall be reasonable and just rates for transportation within its limits was a proper exercise of its own power to provide protection to its citizens against unjust rates and to prevent unjust discrimination; and it was expected, not that the legislature would itself make specific regulation as to what should in each case be a proper charge, but that it would simply provide the means by which such rates should be ascertained and enforced.

The statute of the State of Texas, which gave to the commission the right to fix and regulate railroad rates, was vigorously attacked, but the Supreme Court of the United States held, in the case of Reagan *v.* Farmers' Loan and Trust Company (154 U. S., 362), that the act was valid and constitutional, and that the commission created thereby was an administrative board exercising functions properly delegated.

In the same case the Supreme Court of the United States also said:

There can be no doubt of the general power of a State to regulate fares and freights which may be charged and received by railroads or other carriers and that this regulation can be carried on by a commission; such a commission is merely an administrative board created by the State for carrying into effect the will of the State as expressed by its legislature.

There are many other cases, but to enumerate them would be tedious and unnecessary.

I think it is clear that if a State legislature can delegate railroad rate-making power to a commission and authorize the commission to determine and prescribe rates and regulations

for railroads in the State, then the delegation by Congress of such authority to the Interstate Commerce Commission is lawful.

It has been well said that "the Supreme Court of the United States has settled as fully as anything can be settled by judicial decisions two propositions. First, that as to local commerce a State legislature directly or through the intervention of a commission has, subject to the limitation of the fourteenth amendment, the full rate-making power; second, that Congress has as full and complete power and control over interstate commerce as a State legislature has over local commerce, subject to the limitations of the fifth amendment, and that this includes the rate-making power as much in the one case as in the other."

Mr. President, the only limitation and check on the power of Congress is that contained in the fifth amendment to the Constitution, as follows:

Nor shall any person be deprived of property without due process of law, nor shall private property be taken for public use without just compensation.

But this does not deprive Congress of the power to regulate. If Congress can not act through a commission, the power to fix rates is for all practical purposes of no avail. Congress as constituted, and as the business is conducted, can not manage the investigation and look after the numerous details involved in rate complaints.

THE MANNER AND CONDITION OF REGULATING RAILROAD RATES.

Assuming, therefore, that Congress has the right to prescribe rates or to delegate that power to a commission there only remains for consideration the manner and condition of that regulation. The bill under consideration prescribes the manner and condition by giving to the Commission the right, upon complaint against any rate, to determine if that rate is just and reasonable, and if not, to fix a just and reasonable and fairly remunerative maximum rate and to make the same effective.

There should also be strong and ample power for the enforcement of the law for the regulation of commerce, and the President in his last annual message represented public sentiment when he declared:

The Government must, in increasing degree, supervise and regulate the workings of the supervision of railways engaged in interstate commerce; and such increasing is the only alternative to an increasing of the present evils on the one hand or a still more radical policy on the other. The most important legislative act now needed, as regards the regulation of corporations, is this act to confer on the Interstate Commerce Commission the power to revise rates and regulations, the revised rate to go at once into effect and stay in effect unless and until the court of review reverses it.

In our country at the present time we are confronted by three propositions:

Government regulation of railroad rates.

Government ownership of railroads.

Indorsement of existing railroad laws as being sufficient for the demands of the times.

I support the first proposition. In my opinion, the just and equitable way is for railroad companies to fix their own rates and charges and then, by proper legislation, the Interstate Commerce Commission be authorized and empowered to hear all complaints and determine what is a just and reasonable and fairly remunerative rate, and enforce it according to the provisions of the pending bill.

I believe that Congress has the power under the Federal Constitution to regulate commerce with foreign nations and among the several States, and that Congress possesses under the power to regulate commerce the power to fix the rate of transportation, because transportation is commerce, and that Congress can delegate this power to fix rates to the Interstate Commerce Commission under a statute requiring the Commission to fix just and reasonable and fairly remunerative rates. The transportation of goods and passengers is, according to Justice Miller, commerce; and Chief Justice Marshall says:

To regulate commerce is to prescribe the rules by which commerce is to be governed.

There are some who say the bill is unconstitutional. I do not agree with them. The bill has been carefully considered by the Interstate Commerce Commissioners, all of whom are lawyers of ability and experience, and most of whom have had much experience in considering the questions presented in the bill. The bill has also been discussed and considered at length in the House of Representatives, and there are many able lawyers in that body, and I have confidence in the opinions of the Members of the House of Representatives and the members of the Interstate Commerce Commission, who, with great unanimity, indorse the bill now under consideration.

NEITHER UNCONSTITUTIONAL NOR DISASTROUS.

The constitutionality of the bill can be determined by a court of competent jurisdiction after it becomes a law. If the bill is unconstitutional it should be known as speedily as possible, and if our Government is so limited by the Federal Constitution that it can not regulate interstate commerce in the manner provided in the bill so as to protect the rights of the people, then the Federal Constitution will have to be amended in the interest of the people. I believe, however, the act passed will be within the scope of the Constitution.

It has also been alleged that the passage of this act will bring disaster to railroads. I do not believe this. Disaster did not ensue in twenty-four States where railroad commissions exercised powers not only of regulation but also of limitation. Disaster did not follow the passage of the act to regulate commerce in 1887. During the ten years from 1887 to 1897, in which the Interstate Commerce Commission actually exercised the power of fixing rates, 45,000 miles of railroad were constructed in our country, and the fact that for eight years after the passage of the act of 1887, the railroad companies did not judicially challenge the powers of the Interstate Commerce Commission to fix rates under that act, proves that they did not believe that they were seriously injured or hampered by the right of rate supervision then claimed and exercised.

President Ingalls, of the Cleveland, Cincinnati, Chicago and St. Louis Railroad Company, who is an authority on the management of railroads, and who has been connected for more than a quarter of a century with great and important lines of railroads, recently said:

I do not look for any unfavorable effect from Federal rate supervision on the earnings and conditions of the railroads.

It is a significant fact also that the gross earnings of the railroads of the United States in 1895 were $1,075,371,662, and the gross earnings in 1904 were $1,975,174,091, a net increase of $899,802,629, or an increase in nine years of 83 per cent, and that within that time the operating expenses increased from $725,720,415 in 1895 to $1,338,896,253 in 1904, being an increase of $613,175,838, or 84 per cent, and that the net earnings in 1895 were $349,651,047, and in 1904 were $636,277,838, an increase of $286,626,791, or 81 per cent. The increased receipts seem to be due mainly to the immense increase of business.

Mr. President, the bill under consideration, if it becomes a law, and I am sure it will with but few changes, will be beneficial in many respects, some of which I have already tried to enumerate, and it will also be beneficial because it will enable a test to be made as to the power of Congress over interstate commerce and common carriers, and it will give the people an adequate forum and a disinterested tribunal where upon complaint they can obtain redress from extortions or abuses in making of rates, and where the most powerful railroad officials will be subject to the same regulations as the humblest citizens.

REVIEW BY THE COURTS.

I present no objection to the right of review by the courts if it does not interfere with the authority of Congress in the matter of rates or hamper the Commission or defeat or render ineffective the lawful purposes and orders of the Commission, as provided in the pending bill.

The bill does not in express terms give the right of appeal or judicial review. Such right, nevertheless, it is believed, inheres and exists to an extent sufficient for all the purposes of justice. As the Interstate Commerce Commission is not a court, and appeals could not be taken in a judicial form from a lower to a higher court, therefore a judicial review of the rate fixed by the Commission would be obtained by an original action instituted in the circuit court of the United States, which court, if the matter in dispute exceeds $2,000, would have jurisdiction.

I agree with the senior Senator from Texas [Mr. CULBERSON], who said in his very able and interesting speech:

As the grounds of judicial interposition are constitutional, there is in my judgment no necessity for embodying the right of judicial review in this bill. The right of judicial review exists by virtue of the Constitution, and a statute may not add to or subtract from it.

Mr. President, under the fifth amendment to the Constitution, unless the rates made by Congress or by the Interstate Commerce Commission were of such a character as deprived the companies of their property without due process of law or amounted to a taking of property for public use without just compensation, the courts could not interfere, and the Senator from Texas [Mr. CULBERSON] was correct in saying that if the bill undertakes affirmatively to limit or deny the constitutional right of review, that provision of the bill would be void, although the other part of the bill might stand and be effective.

It is a matter of grave concern in considering this bill that by interlocutory orders in certain cases the orders of the Interstate Commerce Commission may be suspended pending litigation, and in this way much delay may ensue, and reviewable as well as unreviewable orders of the Commission may be held in abeyance until final decree.

It has been said that the way to avoid this danger will be found in taking from the Federal courts, created by Congress, the right to suspend the orders of the Commission in all cases.

This can only be done, if it can be done at all, by depriving the court of its right to grant an interlocutory injunction in such cases, a right which we have been accustomed to believe is inherent in a court of equity upon a proper showing. If Congress can do this, would it be right to do it? Would it be a wise act? The authority of Congress in the matter of rates should not be interfered with and the lawful purposes and orders of the Commission should not be unnecessarily delayed or rendered ineffective and I want proper legislation on these lines. I have read with much interest the cases referred to by the junior Senator from Maryland [Mr. RAYNER], relating to this question, and I now read an extract from the case of Sheldon et al. against Sill, in 8 Howard, page 448, which has been affirmed in a case in 18 Wallace and again reaffirmed by the Supreme Court of the United States in 147 United States Reports:

That "the judicial power of the United States shall be vested in one Supreme Court and such inferior courts as the Congress may from time to time ordain and establish." The second section of the same article enumerates the cases and controversies of which the judicial power shall have cognizance, and, among others, it specifies "controversies between citizens of different States."

* * * * * * *

Congress may withhold from any court of its creation jurisdiction of any of the enumerated controversies. Courts created by statute can have no jurisdiction but such as the statute confers. No one of them can assert a just claim to jurisdiction exclusively conferred on another or withheld from all.

The Constitution has defined the limits of the judicial power of the United States, but has not prescribed how much of it shall be exercised by the circuit court; consequently, the statute which does prescribe the limits of their jurisdiction can not be in conflict with the Constitution, unless it confers powers not enumerated therein.

* * * * * * *

Such has been the doctrine held by this court since its first establishment. To enumerate all the cases in which it has been either directly advanced or tacitly assumed would be tedious and unnecessary.

The case in 18 Wallace, the case of the Sewing Machine Companies, contains the following:

Circuit courts do not derive their judicial power immediately from the Constitution, as appears with sufficient explicitness from the Constitution itself, as the first section of the third article provides that "the judicial power of the United States shall be vested in one Supreme Court and in such inferior courts as the Congress may from time to time ordain and establish." Consequently the jurisdiction of the circuit court in every case must depend upon some act of Congress, as it is clear that Congress, inasmuch as it possesses the power to ordain and establish all courts inferior to the Supreme Court, may also define their jurisdiction.

Mr. OVERMAN. I should like to ask the Senator from Kentucky a question.

The VICE-PRESIDENT. Does the Senator from Kentucky yield to the Senator from North Carolina?

Mr. McCREARY. Certainly.

Mr. OVERMAN. Instead of taking away from the courts entirely this equity jurisdiction, would it not be better and fairer to all parties to provide that no interlocutory order should be issued by any court upon any ex parte affidavit or any ex parte petition without notice being given to the adverse party?

Mr. McCREARY. The Senator from North Carolina embodies in his question the substance of an amendment which, I understand, he will probably offer to the bill, and I have this to say about that amendment:

Of the amendments on the subject referred to which have been discussed, I regard the amendment offered or suggested by the Senator from North Carolina [Mr. OVERMAN] as one of the best that I have heard. His amendment, as I understand, adds after the word "jurisdiction," in line 9, page 11, these words:

But no interlocutory order or decree shall be made by any court until ten days' notice shall be given to the adverse party, and until petition and answer filed, and a full hearing of the whole matter in controversy.

The bill now provides that after complaint has been made and after the Commission has determined and prescribed "what will, in its judgment, be the just and reasonable and fairly remunerative rate or rates, charge or charges, to be thereafter observed in such case as the maximum to be charged;" and after the Commission has made an order that "such order shall go into effect thirty days after notice to the carrier and shall remain in force and be observed by the carrier, unless the same shall be suspended or modified or set aside by the Commission or be suspended or set aside by a court of competent jurisdiction."

Now, the Senator from North Carolina proposes to add there:

But no interlocutory order or decree shall be made by any court until ten days' notice shall be given to the adverse party and until petition and answer filed and a full hearing of the whole matter in controversy.

That would mean, of course, that the order of the Commission should remain in force until notice was given to the adverse party and until petition and answer filed and a full hearing of both sides. That is a very important amendment which has been suggested by the Senator from North Carolina. I never saw it until last night. I regard it as one of the best amendments that I have read or which has been suggested. But it is too important for me, upon short notice and before it has even been presented in the Senate, to come to any conclusion on it.

Mr. President, I do not regard this bill——

Mr. KEAN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Kentucky yield to the Senator from New Jersey?

Mr. McCREARY. Certainly.

Mr. KEAN. Will the Senator from Kentucky kindly tell me what that amendment is?

Mr. McCREARY. I read it before the Senator from New Jersey came in, but I will read it again.

Mr. KEAN. Has the amendment been offered or printed?

Mr. McCREARY. I stated that it had not been offered.

Mr. KEAN. Then it is a secret agreement?

Mr. McCREARY. There has been no agreement about it. It has been discussed a good deal, and the Senator from North Carolina informed me that he expected to introduce it.

Mr. KEAN. I should be glad to hear it read again.

Mr. McCREARY. He proposes to add, after the word "jurisdiction," in line 9 on page 11 of the bill, which the Senator will remember is that part of the bill where the order of the Commission is referred to and where it is said:

Such order shall go into effect thirty days after notice to the carrier and shall remain in force and be observed by the carrier, unless the same shall be suspended or modified or set aside by the Commission or be suspended or set aside by a court of competent jurisdiction—

He proposes to add these words:

But no interlocutory order or decree shall be made by any court until ten days' notice shall be given to the adverse party and until petition and answer filed and a full hearing of the whole matter in controversy.

That is the amendment to which I referred.

Mr. President, I do not regard this bill as free from criticism, but it is in the right direction, and it provides much needed legislation which time and experience will greatly improve. There are amendments which if adopted will improve the bill, but I desire it to be understood that whether the amendments are agreed to or not agreed to I shall vote for the bill under consideration, which has already passed the House of Representatives.

We have before us grave and important legislation. We are trying to solve a problem which has been growing in magnitude for years. We are face to face with a gigantic system, which though powerful is indispensable to our country's progress and development. There should be harmony and good feeling between the people and railroad corporations. They are mutually dependent the one upon the other, and there should be justice and fairness on both sides. There should be a thorough understanding between them as to their relations, their rights, and their interests.

I believe the passage of the pending bill will help to bring them more in harmony and accord, and this legislation will not injure a legitimate investment nor bring disaster to a solitary individual, but will solve problems and regulate interstate commerce in such a way as will please the people and help the rail roads to prosper.

Mr. BAILEY. Mr. President, I had not intended to discuss any phase of this question until a suitable time came for me to discuss every phase of it. But the suggestion which I made in the Senate something like ten days ago with respect to the power of Congress to limit the right of inferior Federal courts to issue preliminary injunctions has been so widely discussed and has been so pointedly assailed by some that I feel required to make not only a fuller statement of my views, but to bring to the attention of the Senate the numerous decisions of the highest court in this land sustaining in Congress the power which I have urged it to exercise.

If the matter had simply been discussed throughout the country, or if my view had only been combated in the Senate, I could very well defer my reply until I come to discuss all of the questions involved in the pending bill. But as it seems to me that there is a persistent and deliberate effort on the part of certain newspapers not only to make it appear that I have advanced an unconstitutional proposition, but also to make it appear that it is so obviously unconstitutional that a majority of the Senators with whom I have the honor to associate on this side of the Chamber have rejected it, I have determined to address myself to that question now.

Only this morning the Washington Post prints something like a column account of a social gathering at which it correctly says this matter was discussed, and then it incorrectly declares:

Senator BAILEY'S proposition to amend the bill so as to deprive the inferior courts of the power to issue restraining orders, pending judicial review of the rate fixed by the Interstate Commerce Commission,

did not develop the strength it had been thought it would have. This does not necessarily mean that the Texas Senator will not urge his proposed amendment, or even that Senator TILLMAN, as the floor leader for the majority of the Committee on Interstate Commerce, will not support the Bailey proposition. The spirit of the discussion, however, seemed to indicate the likelihood that a majority of the Democratic Senators are not favorably inclined to Mr. BAILEY'S contention that Congress can deny to the courts the power to grant temporary injunctions.

Mr. President, I do not question that the reporter who wrote that believed it, but I deny that he had any sufficient reason for believing it. I am satisfied that he did not derive from any Senator any information upon which he could predicate that statement, because, as it is precisely the opposite of the truth, I assume that no Senator would give him such information. Whether the man who wrote that and similar articles is persistently and deliberately trying to create in the public mind the opinion that a majority of the friends of this legislation do not believe it competent for Congress to abridge the powers of the courts, or whether the reporter believes what he writes, is not material to the country. The material fact is that such publications are misleading and untruthful. It did not appear yesterday and it will not appear at any stage of this proceeding, when the matter is carefully and fairly considered, that a majority of this side will doubt or deny the power of Congress to abridge the jurisdiction of inferior Federal courts in the issuance of preliminary injunctions.

There has been an effort to argue that in some way, which my mind has never yet been able to comprehend, there is a difference between the power of Congress over what is known as the equity jurisdiction of the courts and the power of Congress over their jurisdiction in matters at law. I am not unmindful, Mr. President, that such an opinion has found a wide acceptance among the lawyers of the country, and I have heard it asserted repeatedly in my experience at the bar; but I have never known a good lawyer who did not, upon mature consideration, abandon it, no matter how frequently or how positively he had asserted it.

Sir, there is not one sentence, there is not one line, there is not one word in the Constitution which justifies an attempt to distinguish between the power of Congress over proceedings in equity and the power of Congress over proceedings at law in the inferior courts of the United States.

The third article of the Constitution invests the judicial power of the United States in these words:

> The judicial Power of the United States shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish. The Judges, both of the supreme and inferior Courts, shall hold their Offices during good Behaviour, and shall, at stated Times, receive for their Services a Compensation which shall not be diminished during their Continuance in Office.

The second section of the third article defines and distributes, so far as the Constitution itself distributes, the judicial power of the United States, and its language is this:

> Section 2. The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority; to all cases affecting ambassadors, other public ministers, and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more States; between a State and citizens of another State; between citizens of different States; between citizens of the same State claiming lands under grants of different States, and between a State, or the citizens thereof, and foreign States, citizens, or subjects.

Of course, the Senate will recall that the eleventh amendment restricts the jurisdiction in suits against a sovereign State.

Following that definition of the judicial power and in the same section comes the only constitutional effort to distribute it, and it is expressed as follows:

> In all cases affecting ambassadors, other public ministers, and consuls, and those in which a State shall be a party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions and under such regulations as the Congress shall make.

Thus, Mr. President, we discover that the investiture of the judicial power, that the definition of the judicial power, and that the distribution of the judicial power are precisely the same with respect to the law as with respect to the equity powers of the courts; and no living man can find in those provisions any warrant for the claim that Congress may exercise a power over one which it can not exercise over the other. The power, whatever it may be, is exactly the same. It is conferred in the same sentence and in the very same words.

Mr. President, another remarkable contention must be maintained in order successfully to assail the amendment which I have suggested. The objectors must convince the Senate that while Congress has power to change the rule of decision, and may alter or repeal the rules of property which that court is charged to administer, it stands powerless to change a mere rule of practice. To state the proposition is to refute it.

Fortunately we are not left to decide this question upon the weight of such poor argument as I may be able to advance. Fortunately there is a line of decisions running from 4 Dallas to 106 U. S., in which this precise question has been considered by that court in more than a dozen cases, and decided by that court the same way in every case, and decided, too, by the unanimous judgment of the court. I do not believe that a power of Congress has ever before been doubted or denied in either House which has been so often, so unanimously, and so explicitly recognized and affirmed by the highest court of the Republic.

The first case—in fact, the first two cases—will be found in 4th Dallas. They were both decided in 1799, and some of those who made the law which those cases construed had participated in the convention which framed the Constitution under which the law was made. In the first judiciary act Congress provided that an injunction in certain cases should only be issued upon notice. In the case of New York *v.* The State of Connecticut this very question was passed upon by the court, and the court begins its brief opinion in these words:

> The prohibition contained in the statute, that writs of injunction shall not be granted without reasonable notice to the adverse party or his attorney extends to injunctions granted by the Supreme Court or the circuit court, as well as to those that may be granted by a single judge. (4 Dallas, p. 2, N. Y. *v.* Conn.)

Under the common law the court had what is now so freely described as the inherent power to issue an injunction without notice, but the lawmakers of that day said it should not be issued without notice, and the Supreme Court of the United States sustained that statute.

Next comes the case of Turner *v.* The Bank of North America, also reported in this same volume, which contains the reports of the supreme court of Pennsylvania, as well as the decisions of the Supreme Court of the United States. These cases were decided before the seat of the Government was moved from the city of Philadelphia and while the same reporter for the Supreme Court of the United States served as the reporter for the supreme court of Pennsylvania, and the decisions of the two courts are printed in the first four volumes known as Dallas's Reports.

This very argument of the inherent power of the court to exercise the jurisdiction as defined in the Constitution was made at the bar in the case of Turner *v.* Bank of North America. The two attorneys who argued that case have left imperishable names at the American bar. One was Ingersoll and the other Rawle, the author of an excellent treatise upon the Constitution. In the course of his argument to the court Mr. Rawle asserted:

> It is, then, to be remarked—

And bear in mind, Mr. President, he was assailing the constitutionality of an act of Congress limiting the jurisdiction of the circuit courts of the United States, and in support of that position Mr. Rawle pressed this argument:

> It is, then, to be remarked, that the judicial power is the grant of the Constitution, and Congress can no more limit, than enlarge the constitutional grant. In the second section of the third article, the Constitution contemplates the parties to the controversy as alone raising the question of jurisdiction, and if the existing controversy is "between citizens of different States" the judicial power of the United States expresly extends to it.

The reporter here incorporates a printer's mark and in a footnote he reproduces the queries addressed by the Chief Justice and by Judge Chase to the learned counsel. The query of the Chief Justice was in these words:

> How far is it meant to carry this argument? Will it be affirmed that in every case to which the judicial power of the United States extends the Federal courts may exercise a jurisdiction, without the intervention of the legislature, to distribute and to regulate the power?

Judge Chase interposed in this language, which was afterwards quoted with approval by the Supreme Court:

> The notion has frequently been entertained that the Federal courts derive their judicial power immediately from the Constitution; but the political truth is that the disposal of the judicial power (except in a few specified instances)—

And he obviously refers there to the original jurisdiction of the Supreme Court of the United States—

> belongs to Congress. If Congress has given the power to this court, we possess it, not otherwise; and if Congress has not given the power to us, or to any other court, it still remains at the legislative disposal. Besides, Congress is not bound, and it would, perhaps, be inexpedient to enlarge the jurisdiction of the Federal courts to every subject in every form which the Constitution might warrant.

I need not tell the Senate that Judge Chase was an ardent Federalist, ready always to assert the rights and powers of Federal courts. It will be remembered that he administered the alien and sedition laws with such severity in his court that the House of Representatives presented articles of impeachment against him before the Senate.

The question arose again in the case of the United States *v.*

Hudson, reported in 7th Cranch. Hudson was indicted under the common law for libeling the President and the Congress of the United States. He charged that Congress had voted and that the President had approved a payment to Napoleon of $2,000,000 for the French Emperor's permission to negotiate a treaty with Spain. For this publication he was indicted, and upon a demurer to the indictment the circuit court certified the question to the Supreme Court. In the course of its opinion the Supreme Court said:

Of all the courts which the United States may, under their general powers, constitute, one only, the Supreme Court, possesses jurisdiction derived immediately from the Constitution, and of which the legislative power can not deprive it. All other courts created by the General Government possess no jurisdiction but what is given them by the power that creates them and can be vested with none but what the power ceded to the General Government will authorize them to confer.

Here the court plainly and unequivocally lays down the doctrine that while Congress can not confer greater jurisdiction on the inferior Federal courts than is defined in the Constitution it can confer less.

Another case reported in this same volume is McIntire *v.* Wood. In that case they sought a mandamus to compel the register of a land office to issue final certificates of purchase, but the application as denied in the following language:

This court is of opinion that the circuit court did not possess the power to issue the *mandamus* moved for. Independent of the particular objections which this case presents, from its involving a question of freehold, we are of opinion that the power of the circuit courts to issue the writ of *mandamus* is confined exclusively to those cases in which it may be necessary to the exercise of their jurisdiction. Had the eleventh section of the judiciary act covered the whole ground of the Constitution there would be much reason for exercising this power in many cases wherein some ministerial act is necessary to the completion of an individual right arising under laws of the United States, and the fourteenth section of the same act would sanction the issuing of the writ for such a purpose. But although the judicial power of the United States extends to cases arising under the laws of the United States, the legislature have not thought proper to delegate the exercise of that power to its circuit courts, except in certain specified cases. When questions arise under those laws in the State courts, and the party who claims a right or privilege under them is unsuccessful, an appeal is given to the Supreme Court, and this provision the legislature has thought sufficient at present for all the political purposes intended to be answered by the clause of the Constitution which relates to this subject. (McIntire *v.* Wood, 7 Cranch, p. 504.)

The eleventh section referred to defined the jurisdiction of the court as to the cases of which it might take cognizance, and the fourteenth section authorized the circuit court to issue writs of mandamus only in cases where such writs were necessary to the exercise of such jurisdiction. The court thus held that writs of mandamus could be issued only as and when authorized by Congress.

The question arose again in the case of Cary *v.* Curtis, reported in the third volume of Howard's reports, and it is impossible to conceive a case more directly in point. I beg the Senate to listen while I read all of the opinion which relates to this particular question. Let us remember that they were contending in that court then, just as it is being contended in this Senate now, that the Federal courts derive their power from the Constitution and that Congress can not limit or abridge it.

It is contended, however, that the language and the purposes of Congress, if really what we hold them to be declared in the statute of 1839, can not be sustained, because they would be repugnant to the Constitution, inasmuch as they would debar the citizen of his right to resort to the courts of justice. The supremacy of the Constitution over all officers and authorities, both of the Federal and State governments, and the sanctity of the rights guaranteed by it, none will question. These are *concessa* on all sides. The objection above referred to admits of the most satisfactory refutation. This may be found in the following positions, familiar in this and in most other governments, viz: That the Government, as a general rule, claims an exemption from being sued in its own courts. That although, as being charged with the administration of the laws, it will resort to those courts as means of securing this great end, it will not permit itself to be impeaded therein, save in instances forming conceded and express exceptions. Secondly, in the doctrines so often ruled in this court that the judicial power of the United States, although it has its origin in the Constitution—

Precisely as every other power exercised by any other Department of this Government has its origin in the Constitution.

Although it has its origin in the Constitution, is, except in enumerated instances, applicable exclusively to this court dependent for its distribution and organization, and for the modes of its exercise entirely upon the action of Congress, who possess the sole power of creating the tribunals (inferior to the Supreme Court) for the exercise of the judicial power, and of investing them with jurisdiction either limited, concurrent, or exclusive, and of withholding jurisdiction from them in the exact degrees and character which to Congress may seem proper for the public good. To deny this position would be to elevate the judicial over the legislative branch of the Government, and to give to the former powers limited by its own discretion merely.

It follows, then, that the courts created by statute must look to the statute as the warrant for their authority; certainly they can not go beyond the statute, and assert an authority with which they may not be invested by it, or which may be clearly denied to them. This argument is in no wise impaired by admitting that the judicial power shall extend to all cases arising under the Constitution and laws of the United States. Perfectly consistent with such an admission is the truth that the organization of the judicial power, the definition and distribution of the subjects of jurisdiction in the Federal tribunals, and the modes of their action and authority, have been, and of right must be, the work of the legislature. The existence of the judicial act itself, with its several supplements, furnishes proof unanswerable on this point. The courts of the United States are all limited in their nature and constitution, and have not the powers inherent in courts existing by prescription or by the common law. (Cary *v.* Curtis, 3 Howard, 244, 245, Rapalje's edition.)

The question arose next in the case of Sheldon et al. *v.* Sill, reported in the 8th volume of Howard. Here again they attacked the constitutionality of an act of Congress because it abridged the power of the Federal court. What answer did the court make to that contention? By a unanimous judgment they decided against it. The court in that case reiterated what it had said in the other cases, and absolutely declared that it would be tedious and unnecessary to review all the cases in which they had decided this precise question. Here is the language of the court:

It must be admitted that if the Constitution had ordained and established the inferior courts, and distributed to them their respective powers, they could not be restricted or divested by Congress. But as it has made no such distribution, one of two consequences must result: either that each inferior court created by Congress must exercise all the judicial powers not given to the Supreme Court or that Congress, having the power to establish the courts, must define their respective jurisdictions. The first of these inferences has never been asserted and could not be defended with any show of reason, and if not, the latter would seem to follow as a necessary consequence. And it would seem to follow, also, that, having a right to prescribe, Congress may withhold from any court of its creation jurisdiction of any of the enumerated controversies. Courts created by statute can have no jurisdiction but such as the statute confers. No one of them can assert a just claim to jurisdiction exclusively conferred on another or withheld from all.

The Constitution has defined the limits of the judicial power of the United States, but has not prescribed how much of it shall be exercised by the circuit court; consequently the statute which does prescribe the limits of their jurisdiction can not be in conflict with the Constitution, unless it confers powers not enumerated therein.

Such has been the doctrine held by this court since its first establishment. To enumerate all the cases in which it has been either directly advanced or tacitly assumed would be tedious and unnecessary.

The court then addresses itself to the old case of Turner *v.* The Bank of North America, and quotes with approval the interruption of Judge Chase, to which I referred a few moments ago.

The next case is what is known as the Sewing Machine Companies case, and is reported in the 18th volume of Wallace's reports. The court there reiterates its former views in these words:

Circuit courts do not derive their judicial power immediately from the Constitution as appears with sufficient explicitness from the Consitution itself, as the first section of the third article provides that "the judicial power of the United States shall be vested in one Supreme Court and in such inferior courts as the Congress may from time to time ordain and establish." Consequently the jurisdiction of the circuit court in every case must depend upon some act of Congress, as it is clear that Congress, inasmuch as it possesses the power to ordain and establish all courts inferior to the Supreme Court, may also define their jurisdiction. Courts created by statute can have no jurisdiction in controversies between party and party but such as the statute confers. Congress, it may be conceded, may confer such jurisdiction upon the circuit courts as it may see fit, within the scope of the judicial power of the Constitution, not vested in the Supreme Court, but as such tribunals are neither created by the Constitution nor is their jurisdiction defined by that instrument, it follows that inasmuch as they are created by an act of Congress it is necessary, in every attempt to define their power, to look to that source as the means of accomplishing that end. Federal judicial power, beyond all doubt, has its *origin* in the Constitution—

Exactly as all other Federal power has—

but the organization of the system and the distribution of the subjects of jurisdiction among such inferior courts as Congress may from time to time ordain and establish within the scope of the judicial power, always have been, and of right must be, the work of the Congress. (Case of the Sewing Machine Companies, 18 Wallace, p. 577.)

The question arose again in the case, the Insurance Company *v.* Dunn, reported in 19th Wallace. Here again they were assailing an act of Congress upon the ground that it abridged the power of the court, and this is the language of the court:

Of the constitutionality of this act we entertain no doubt. The question is not an open one in this court. A few remarks will be sufficient to dispose of the subject. The third article of the Constitution declares that the judicial power of the United States shall be vested in one Supreme Court and in such inferior courts as Congress may from time to time establish, and that it shall extend, among other things, to "controversies" "between citizens of different States." As regards the inferior courts authorized to be established, Congress may give them such jurisdiction, both original and appellate, within the limits of the Constitution, as it may see fit to confer. How their appelate jurisdiction shall be exercised is not declared. The whole subject is reitted to the unfettered discretion of Congress. (Insurance Co. *v.* Dunn, 19 Wallace, p. 226.)

Mr. OVERMAN. May I interrupt the Senator?

The VICE-PRESIDENT. Does the Senator from Texas yield to the Senator from North Carolina?

Mr. BAILEY. Certainly.

Mr. OVERMAN. I am inclined to agree with the Senator from Texas on that question, but in reading this morning I saw the expression, "courts have a natural equity jurisdiction." Suppose the act of Congress should give to a court jurisdiction

of the subject-matter and the suitor, in order to protect his property, should ask for injunctive relief to save his property from irreparable injury. The court having been given jurisdiction over the subject-matter, can not the aid of equity be invoked to help adjust the rights fairly and equitably?

Mr. BAILEY. I will answer the Senator with the decision of the Supreme Court in the case of Fink *v.* O'Neil, reported in the 106th volume of U. S., and which presents even a stronger case than that suggested by him.

A judgment had been obtained by the United States against O'Neil and others, in the Federal court, and the marshal was proceeding to sell the homestead of O'Neil, which, according to the laws of Wisconsin, was exempt. It was contended, however, by the Government that exemptions could not be pleaded against a sovereign. That contention was admitted. But the court held that the law of Congress regulating the issuance of executions rendered it necessary to follow the law of Wisconsin, and that case distinctly and completely negatives this doctrine of inherent powers, as it is now asserted. It decides that Congress can regulate and limit the right of courts to issue final executions, and surely the Senator from North Carolina will concede that in doing that the court more than supports the view which I am presenting. Who can doubt that a power which can regulate and restrict the right to issue final executions to enforce judgments already rendered can also regulate and restrict the right to issue preliminary injunctions? I especially commend to the Senator from North Carolina this language of the court.

> This conclusion can not be avoided by the consideration which has been urged upon us, that the process acts do not limit the sovereign rights of the United States, upon the principle that the sovereign is not bound by such laws, unless he is expressly named. These laws are the expression of the sovereign will on the subject, and are conclusive upon the judicial and executive officers to whom they are addressed; and as they forbid the issue of an execution in every case, except subject to the limitations which they mention, and as there is no authority to issue an execution in any case whatever, except as conferred by them, the sovereign right invoked is left without the means of vindication. The United States can not enforce the collection of a debt from an unwilling debtor, except by judicial process. They must bring a suit and obtain a judgment. To reap the fruit of that judgment they must cause an execution to issue. The courts have no inherent authority to take any of these steps except as it may have been conferred by the legislative department, for they can exercise no jurisdiction except as the law confers and limits it.

What does the Senator from North Carolina say to that statement?

Mr. OVERMAN. As I stated I am inclined to agree with the Senator, and must confess that the authority he reads rather confirms me that he is right in his contention.

Mr. FULTON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Texas yield to the Senator from Oregon?

Mr. BAILEY. I do.

Mr. FULTON. I do not wish to disturb the Senator right now, but——

Mr. BAILEY. Not at all.

Mr. FULTON. I wish to invite his attention to a point, and the way it impresses me in order, if it does not disturb his line of argument, that he may explain the doubt or difficulty that is in my mind. It seems to me that the line of cases he has been citing and has been reading from go to establish, first, the propositions that in the matter of the distribution of power among the courts that Congress shall create it is purely within the discretion of Congress whether or not it will invest a court it creates with this jurisdiction or with that. In other words, Congress may say whether the courts shall exercise jurisdiction in a particular case or not, and then, vesting it with the jurisdiction, it may prescribe the manner of practice and the mode of proceeding. But that goes simply to regulating the practice, which we all understand differs entirely from the real questions at issue or the real merits of the controversy. The manner of conducting a trial, the mode of practice, is one thing; the real heart of the controversy is another.

By the Constitution judicial power is vested in the courts—the Supreme Court and such inferior courts as Congress may from time to time create. Judicial power extends to cases at law and in equity. Now, if judicial power extends to cases in equity, and a party has a case in equity, and the Congress says that a case in equity shall be tried before this court, the question I ask the Senator is this: Is not that party entitled, being relegated to that forum, to have his case in equity tried according to the law in such manner as will protect his constitutional rights.

Mr. BAILEY. According to the law of Congress; that is my answer.

Mr. FULTON. But suppose that law of Congress——

Mr. BAILEY. If the Senator will permit me to finish reading this quotation probably it will afford him a better answer.

Mr. FULTON. I was going to ask for information, if the Senator will permit me a moment——

Mr. BAILEY. Yes.

Mr. FULTON. Suppose the law of Congress says a circuit court can try this case in equity, but it can give no relief; could Congress do that?

Mr. BAILEY. Of course it could. Congress could abolish every inferior court in the United States to-morrow.

Mr. FULTON. True; but suppose it gives a court of equity jurisdiction, can it deny that court power to grant relief?

Mr. BAILEY. It only gives it jurisdiction to be exercised in such manner as Congress prescribes.

Mr. FULTON. Suppose it does——

Mr. BAILEY. Let me finish this.

Mr. FULTON. Very well.

Mr. BAILEY. I want the Senator to hear this. I see the Senator has not examined this case.

Mr. FULTON. I do not know that I have read that case.

Mr. BAILEY. The Senator has not, for if he had examined it he is too good a lawyer to have missed its point. It decides that Congress gave the court the power to hear and determine the cause; to render a judgment, and yet it could not issue execution on that judgment except in the manner Congress had provided. If there is any power more inherent in a court than all others, except alone the power to punish for contempt, it is the power to issue execution to enforce its judgment; and yet the court has expressly declared, in the opinion from which I have just read, that Congress can limit or destroy that power. The court continues beyond what I had read, when interrupted by the Senator from North Carolina [Mr. OVERMAN] and the Senator from Oregon [Mr. FULTON], and repeats the declaration of Justice Daniel in the case of Cary *v.* Curtis. It proceeds as follows:

> And if the laws in question do not permit an execution to issue upon a judgment in favor of the United States, except subject to the exemptions which apply to citizens, there are no others which confer authority to issue any execution at all. For, as was said by Mr. Justice Daniel in Corey *v.* Curtis (3 How., 236, 245), the courts of the United States are all limited in their nature and constitution, and have not the powers inherent in courts existing by prescription or by common law.

Can the Senator from North Carolina or the Senator from Oregon ask for authority more directly in point. The Federal court had heard and determined the case, and yet no execution could issue except in the manner which Congress had prescribed.

Mr. FULTON. Now, will the Senator allow me to ask him a question?

Mr. BAILEY. Yes.

Mr. FULTON. I will say to the Senator it seems to me that the distinction between that case and the one we have in mind is this: What property shall be subject to execution after a judgment shall be rendered is purely a matter of public policy, to determine which power is reposed in the legislature; and, of course, the legislature can limit that, but the Constitution directly and specifically protects citizens in the enjoyment of certain rights. One of those is that their property may not be taken without due process of law. There is a constitutional prohibition against certain action.

Mr. BAILEY. Will the Senator——

Mr. FULTON. In a moment.

Mr. BAILEY. Very well.

Mr. FULTON. Congress establishes a court and gives to that court the power to try suits in equity. One of the known powers of equity, indeed the strong arm of the court of equity since its foundation, clear back to the very organization of courts of equity, is the power of injunction to prevent a threatened injury. Therefore, in this case, the Constitution prohibits the taking of property without due process of law, and prevents the taking of private property for public use without just compensation. A party comes into court and says, "They are taking my property without due process of law, they are taking it and appropriating it, and now I appeal to the court to protect me by an injunction," and you answer, "It is true the Constitution has said that your property may not be appropriated and you may not be deprived of it, except by due process of law or having just compensation, yet the Congress has rendered the court powerless to prevent it because we can not issue an injunction." Now, then, can Congress accomplish indirectly what it can not do directly? Can it so provide that a citizen may be deprived of his property without due process of law or without just compensation by directly depriving the courts of power to issue a writ of injunction?

Mr. BAILEY. Mr. President, the very section of the Constitution which the Senator invokes, the due process of law provision, declares that no person shall be deprived of life, liberty, or property without due process of law. Does the Senator from Oregon hold that it violates that constitutional provision for the Government to arrest a man and confine him in jail

to await the final judicial determination of whether he is guilty or not? They do that nearly every day. They arrest a man upon a charge, they imprison him upon an indictment to await judicial determination of his guilt or innocence. All I ask is that when the railroad commission says "this is a fair rate," that it shall stand until a full judicial inquiry has been made and an ascertainment of its injustice found. Will the Senator contend that the rights of property are more sacred than personal liberty of the citizen?

Mr. FULTON. No, Mr. President.

Mr. BAILEY. Then he is not right——

Mr. FULTON. A railroad is entitled to exactly the same right that any citizen has.

Mr. BAILEY. Of course, but——

Mr. FULTON. And we can not make a different rule applicable to the railroad on the trial of its case than we can make applicable to any citizen. They are entitled to equal protection under the law.

Mr. BAILEY. The Senator confuses the fifth amendment with the fourteenth amendment of the Constitution. There is no constitutional guaranty of the equal protection of the law by the Federal Government. The fourteenth amendment to the Constitution forbids a State to deny the equal protection of its laws to any person within its jurisdiction, but the fifth amendment, which controls this matter, imposes no such limitation upon the power of Congress.

Mr. HEYBURN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Texas yield to the Senator from Idaho.

Mr. BAILEY. When I finish my reply to the Senator from Oregon I will yield to the Senator from Idaho.

I contend that it is an affront to the common sense of the American people to tell them that under the law a citizen may be apprehended upon a mere charge and lodged in prison to await the action of the grand jury, and then upon an indictment he may be kept incarcerated in jail to await a judicial inquiry into his innocence or guilt—that all of this may be done without violating the citizen's guaranty against the deprivation of his liberty without due process of law; and yet that it deprives a railroad of its property to compel it to wait for a full and fair judicial inquiry. The railroad, like everybody else, is entitled to a trial, but they can be made to wait for a full and fair trial.

Now I yield to the Senator from Idaho.

Mr. HEYBURN. Mr. President, the Senator seems to have passed, for the time being at least, the consideration of the point to which I desired to direct an inquiry; and that was as to the source of the power vested in the Supreme Court and in the other courts of the United States. It is, perhaps, the primary question for consideration in determining how much and of what character the review in this case shall take, or rather how much power of review shall be given and the character that it shall take.

I understood the Senator to say—I may have misunderstood him—that whatever power the Supreme Court had it derived from Congress.

Mr. BAILEY. Oh, no; I did not say anything of the kind.

Mr. HEYBURN. Well, in substance.

Mr. BAILEY. No; I did not say it in substance. I did not approach saying it in substance or in shadow. The Senator probably has used the words "Supreme Court" when he meant the inferior courts.

Mr. HEYBURN. Well, I was going to call the attention of the Senator and the Senate to the language in reference to the two classes of courts and to the construction that Justice Story placed upon that language in the Virginia case of Martin *v.* Hunter.

Mr. BAILEY. I am familiar with that case. I know enough of it to know that it does not apply to this question at this point.

Mr. HEYBURN. Of course, if the Senator does not desire to be interrupted, I will not interrupt him, but I will reserve the presentation of this idea until I can do it in my own time. It seemed, however, to be pertinent to the consideration that the Senator was giving to the question at that time.

Mr. BAILEY. I yield to the Senator from Idaho for that purpose.

Mr. HEYBURN. The question has been made, you might say, taken up or mooted, several times, and Senators have expressed themselves upon this principle, and it seems to me that we might just as well give it a little consideration at this time in passing. There is no other case reported that so clearly draws the distinction between the divided—we may say divided—jurisdiction of the United States Supreme Court as does this case of Martin *v.* Hunter, in which Justice Story had under consideration the direct question as to the character of its jurisdiction, and he expressed it in this way. The question was whether or not Congress was bound to confer the jurisdiction upon the inferior courts that is provided for in section 2 of Article III of the Constitution, and the Supreme Court held it was not optional with Congress to create these courts and establish their jurisdiction, but that Congress must do it. That is what Justice Story says. Here is his language:

> Let this article be carefully weighed and considered—

Referring to this article of the Constitution—

> Let this article be carefully weighed and considered. The language of the article throughout is manifestly designed to be mandatory upon the legislature.

They spoke of Congress as the legislature in those days, as they did all through the proceedings of the convention that framed the Constitution.

> Its obligatory force is so imperative that Congress could not, without a violation of its duty, have refused to carry it into operation.

That is, this power of creating such inferior courts as Congress was authorized to create by the Constitution and prescribe their jurisdiction. The court says:

> The judicial power of the United States *shall be vested*—

Those last three words being italicized—

> The judicial power of the United States *shall be vested* (not may be vested) in one Supreme Court and in such inferior courts as Congress may, from time to time, ordain and establish.

Those are the courts that are to have original jurisdiction for the purpose of enforcing the provisions of the legislation which is proposed at this time—those inferior courts that Justice Story says it is obligatory upon Congress to create, not optional. Then he proceeds:

> Could Congress have lawfully refused to create a Supreme Court, or to vest in it the constitutional jurisdiction?

The principal subjects of the jurisdiction of the Supreme Court are not to be vested in it by Congress, but they are vested in it in specific terms by the Constitution. But, in addition to that power, Congress may invest the Supreme Court with certain powers and functions both as to the power to hear and determine, as well as to the manner of doing it. Justice Story says further:

> The judges, both of the Supreme and inferior courts, *shall hold*—

And he emphasizes it—

> their offices during good behavior, and *shall* at stated times—

Mr. BAILEY. I do not really want that case injected into my speech, because the Senator misapprehends what Judge Story meant. Judge Story merely meant that it was the duty of Congress to do this, but he did not mean that, if Congress did not do it, there was any power in the courts to enforce it. I will thank the Senator to withhold that decision.

Mr. HEYBURN. I will only say then—and I shall not interrupt the Senator longer than to say it—

The VICE-PRESIDENT. The Senator from Texas declines to yield.

Mr. HEYBURN. I understood the Senator yielded for the purpose of allowing me to round out what I was going to say.

Mr. BAILEY. I yield to the Senator.

Mr. HEYBURN. I only desire to say that I think upon a proper occasion I shall be able to make clear to the mind of the Senator from Texas that Justice Story did mean to say just what I say he meant to say; and I shall take occasion to inject this decision into the argument, because it is a complete answer to the position that the Senator has taken this morning.

Mr. BAILEY. Mr. President, of course the Senator from Idaho thinks what he says, but upon a better reflection he will change even his mind about that.

Mr. HEYBURN. Well, Mr. President——

Mr. BAILEY. The truth of it is——

Mr. HEYBURN. I hope the Senator will yield long enough for me at least to answer that reflection.

Mr. BAILEY. That is no reflection.

Mr. HEYBURN. Well, it is that class of reflection that is intended, and succeeds in bringing a little laugh from the galleries. The Senator from Idaho is not a novice in the consideration of these questions, and is entitled to be considered as understanding, or, at least, is presumed to understand, these legal questions perhaps as well as his juniors at the bar.

Mr. BAILEY. Well, it is not age that determines wisdom. [Laughter.]

Mr. President, I do not intend to engage in a political discussion as to whether it was the duty of Congress to confer upon the courts all the jurisdiction which the Constitution authorizes it to confer. I am confining myself to the judicial contention that the inferior courts can exercise no power not conferred upon them by Congress.

The Senator from Idaho, I take it, will not complain that the present law denies the right of a suitor to resort to a Fed-

eral court where less than $2,000 is involved; and yet the Constitution says the jurisdiction "shall extend to *all cases*,"—not to all cases involving $2,000 and more, but "to *all cases*." The original judiciary act drew the line at $500, but the Constitution draws no line; it fixes no limitation upon the jurisdiction of the Federal courts according to amount; but every judiciary act in the history of the Government has recognized the power of Congress to exclude from judicial cognizance in the Federal courts cases below a certain amount.

Now, Mr. President, I return from this digression to the question whether Federal courts have inherent powers. That they have inherent powers in a sense is true; that is, if you create a Federal court, and do not expressly forbid it to exercise certain powers, it possesses them by virtue of its creation. Such is the power to issue an execution to enforce its judgment; such is the power to punish summarily for contempt; and yet the books are full of cases which affirm the power of Congress to prohibit this right of the court to issue execution or to punish for contempt, except according to the statute.

When the Supreme Court expressly has decided that Congress can regulate the power of a circuit court to issue an execution, in God's name how can a lawyer contend that Congress can not regulate the right of that court to issue a mere interlocutory decree? How vastly more important to the due administration of justice that the court shall issue executions to enforce its final and deliberate judgment than it is that they issue a mere interlocutory decree! The opinion which holds that Congress can prescribe and limit the court's right to issue executions was unanimous. It was not by a vote of 5 to 4 nor 6 to 3, but all—the entire court—concurred in saying that the courts of the United States have no inherent power to enforce their own judgments against the limitations imposed by the act of Congress.

But, Mr. President, conclusive as that, in my judgment, is, there is yet a stronger case. In 19th Wallace is reported the case of Ex parte Robinson, and here is the language of the court, the opinion being delivered by Mr. Justice Field:

> The power to punish for contempts is inherent in all courts; its existence is essential to the preservation of order in judicial proceedings, and to the enforcement of the judgments, orders, and writs of the courts, and consequently to the due administration of justice. The moment the courts of the United States were called into existence and invested with jurisdiction over any subject they became possessed of this power. But the power has been limited and defined by the act of Congress of March 2, 1831. The act, in terms, applies to all courts; whether it can be held to limit the authority of the Supreme Court, which derives its existence and powers from the Constitution, may perhaps be a matter of doubt. But that it applies to the circuit and district courts there can be no question. These courts were created by act of Congress. Their powers and duties depend upon the act calling them into existence, or subsequent acts extending or limiting their jurisdiction. The act of 1831 is, therefore, to them the law specifying the cases in which summary punishment for contempts may be inflicted.

Can anything be plainer? The court declares the power to punish contempt is inherent in all courts; and yet it sustains a most important abridgment of that power. When it describes the power to punish for contempt as inherent the court plainly and only means that it is power which the court possesses by virtue of its creation, but which may be limited and controlled by statute.

Mr. President, within the memory of all here the Senate has passed, by a practically unanimous vote, a bill to take from the courts of the United States the power to punish summarily in all cases of constructive contempt, and to confer upon the citizen so accused the right of a trial by jury. That was when the labor organizations of the country were protesting against the denial of the right of a trial by jury through the agency of the Federal courts, which issued injunctions in order that they might punish summarily for contempt, instead of trying men by a jury for conspiracy. This matter had reached a stage of such gross abuse that, as I recall it, the Judiciary Committee of the Senate, at the head of which then stood the venerable Senator from Massachusetts, Mr. Hoar, long honored for his great learning not only in the Senate but throughout the entire country, preceived the necessity of some check.

My recollection is that a unanimous report from the Judiciary Committee affirmed the power of Congress to withdraw from the Federal court the right to punish for constructive contempt, and committed such offenses to trial by a jury of the country. Senators concede the power of Congress to restrict and control the issue of execution; they concede the power of Congress to restrict and control the right to punish for contempt, yet they deny the power of Congress to regulate the issuance of preliminary injunctions. The court says that the act of 1831 limited the power of all Federal courts to punish for contempt, and yet it holds that act to be a valid exercise of the power of Congress.

That act of 1831 has a curious history. A Missouri judge punished a St. Louis lawyer oppressively and unjustly for criticising through the public press some of his opinions. He proceeded so outrageously and so oppressively that the spirit of self-respect and love of justice, which dominates always the American bar, revolted, and they brought the conduct of the judge to the attention of the House of Representatives, where they asked that he be impeached in the name of justice. The House preferred articles of impeachment against him. The Senate tried him. Of course the Senate acquitted him. Except in two instances it has acquitted every man who has been tried upon articles of impeachment, and of the two excepted cases one was a crazy man while the other was absent. They tried Judge Peck. He was acquitted, but his conduct was so monstrous and unjust that the American Congress testified its abhorrence of the abuse of the power to punish for contempt by enacting the law of 1831. That act has passed under judicial review in other cases, and has been sustained. In the case of Savin, reported in 131 U. S., the court declared:

> The act of 1789 did not define what were contempts of the authority of the courts of the United States in any cause or hearing before them, nor did it prescribe any special procedure for determining a matter of contempt. Under that statute the question whether particular acts constituted a contempt, as well as the mode of proceeding against the offender, was left to be determined according to such established rules and principles of the common law as were applicable to our situation. The act of 1831, however, materially modified that of 1789, in that it restricted the power of the courts to inflict summary punishments for contempt.

Again, in the same volume and in almost the very next case, where Cuddy was the petitioner, the court said:

> The only effect of this limitation is to narrow the field for the exercise of their general power, as courts of superior jurisdiction, to punish contempts of their authority.

Mr. President, it is neither true as a matter of law, nor is it true as a matter of fact, that I am seeking to deprive any railroad of its property without a just compensation. All I am contending for is that the rate which the Commission, after a full hearing, has said is a fair one shall stand until condemned by the final judgment of a court upon a full investigation of the case.

What rate is more apt to be just and fair—the rate fixed by the railroad, inspired by its selfish desire to increase its earnings, or the rate established by an impartial tribunal? The railroad managers, under their view of their duty and their situation do not owe as much to the public in the way of just rates as they owe to their stockholders in the way of dividends and profits.

Let us suppose that they have abandoned the old, remorseless, and indefensible rule of laying all that the traffic will bear, and that they now employ the juster practice of demanding only a fair compensation for their service. Let us assume that they are both honest and diligent in striving to arrange their charges with a view of doing justice to the public as well as to their stockholders, we can not still be blind to the fact that the men who fix those rates have a selfish interest which will lead the most enlightened and most upright among them to favor themselves against their patrons.

On the other hand, here is a great Commission constituted by the law, composed of men of high character and great ability, charged with the high duty of doing justice—justice alike to the railroad and to the shipper. No thought of self enters into their calculation; all they do is done in the name of the Government and for the sake of justice. And yet we are told that the rates fixed by such a tribunal may be and perhaps ought to be suspended by a judge and the railways left to collect the rate imposed by their own selfishness and measured too often by their own greed.

Again, Senators, I put the question to you—what rate is more apt to be right—the one fixed by the railroad or the one fixed by the Commission? If the rate fixed by the Commission is more apt to be right, in the name of justice and on behalf of the people, I demand that that rate shall stand until finally adjudged by the court to be unjust.

They tell us that we ought not to confer this rate-making power on the Commission because it is a task of surpassing difficulty and delicacy. I agree that it is a difficult and delicate task. I agree that it ought to be performed only by men qualified for such a work; and yet with an argument like that on their lips they demand that a Federal judge, who, though he may know everything about the law may know nothing at all about freight rates, shall have the right to set aside a schedule fixed by a commission of experts, and that he may do so upon an ex parte hearing and without any investigation of the case.

Ah, Senators, you had better be candid with the people. If when they ask for bread you intend to give them a stone, be brave and honest with them and refuse to give them anything. Give what they want or give them nothing, and let us try this issue anew before that great jury of American voters.

That the courts will abuse the power which you propose to leave with them is a moral certainty. Mr. President, I have here a letter written to me by a reputable lawyer in the State of Florida, whose knowledge especially qualifies him to speak upon the subject, and I ask the Senate to hear how a Federal judge has despised and trampled upon the plainest principles of justice. This lawyer says:

The Florida railroad commission enforces its orders by mandamus instituted originally in the supreme court of the State, and yet Judge Pardee has enjoined the Florida railroad commission and all of the State officials from instituting suit in the supreme court of the State by mandamus to compel the Louisville and Nashville Railroad Company to reduce its passenger fare from 4 cents to 3 cents per mile in Florida, and this injunction was granted upon the affidavit of the vice-president of the Louisville and Nashville Railroad to the effect that the Louisville and Nashville property in Florida is worth at least $5,200,000—this high valuation being essential to their case—and the State produced an affidavit made by the same man one month and twenty-eight days prior to his swearing to the bill, in which affidavit he had sworn that the identical property was not worth exceeding $1,700,000; and yet on this man's affidavit the State was temporarily restrained from instituting mandamus proceedings in the supreme court of Florida to enforce compliance with the rate.

Not only, Mr. President, has this inferior Federal court denied the right of the State to enforce an unjust rate, but they have restrained the State from resorting to its highest court to settle the question of whether a given rate is just or not; and that restraining order was issued upon the bill of the railroad, sworn to by its vice-president. Because I seek to withhold from a judge an oppressive and extraordinary power like that, shall I be arraigned before the country and charged with having proposed to violate the Constitution, and to deprive a carrier of its property without the due process of law?

Mr. President, I have no desire to oppress the railroads. My whole object is to prevent the railroads from oppressing the people, and that I believe to be the unanimous desire of Senators who sit on this side of the Chamber. I do not know what view others may take about this question, but if I stand alone I intend to submit to the Senate the question whether it will allow a Federal court to exercise such an arbitrary, extraordinary, and oppressive power as has been exercised by Judge Pardee, as related in the letter which I have read. It can do no man any harm, or at least it can do no man any injustice, to say that until there shall be a full and fair judicial determination of the question, the rate established by the Interstate Commerce Commission shall be the lawful one.

Mr. ALDRICH. Will the Senator from Texas allow me to ask him a question?

Mr. BAILEY. Certainly.

Mr. ALDRICH. As I understand the views of the Senator from Texas, he is in favor of having a full and fair judicial determination finally of the question whether the rates fixed furnish just compensation or not?

Mr. BAILEY. I am. I have never seen the hour, and I sincerely trust I will never see the time, when I can be clamored into closing the doors of the courts against any person, natural or corporate. The right to a trial is not only sacred under the Constitution, but it was sacred before the Constitution was adopted. If you could destroy the Constitution, and if by burning its parchment you could release us from our obligation to obey its limitations, I should still stand here contending for the right of every man to have his day in court. But, Mr. President, the right to a day in court, the right to have a fair and an impartial trial, does not embrace the right of allowing an arbitrary Federal judge to set aside without sufficient inquiry the deliberate judgment of a competent and impartial board.

The Senator from Rhode Island [Mr. ALDRICH] and every other Senator in this Chamber, I trust, credits me with a proper respect for the law. I not only respect the law, but I respect the courts, and I sometimes think I go too far in yielding my own opinion to theirs. That I should yield obedience to their decrees is to be expected, but I doubt if good citizenship requires us to receive their reasoning as conclusive, although we must accept their conclusions as binding.

After all the judge, when elevated to the bench, is still the same man, with the same infirmities and limitations, both of character and intellect, that he was when he sat in the Senate or served his country in an humbler sphere. I believe that the man who for selfish or political purposes creates a distrust of the courts does his country an irreparable injury; and yet the injury he does is not half so great as the injury done by that man who would teach us a debasing belief in the infallibility of courts.

Courts make mistakes; they make honest mistakes; and self-respecting American citizens are entitled to examine them and candidly to express their opinion about them. While I rejoice to say that I do not believe there is to-day a man on our Supreme Bench who would prostitute his great office to an unworthy purpose, I do not extend that confidence to the entire judiciary of the United States. I frankly declare my belief that there are inferior judges who will abuse this great power if you leave it with them, and therefore I insist that it shall be taken from them.

Mr. TILLMAN. Mr. President, the Senator from Maryland [Mr. RAYNER] has kindly called my attention to two opinions of the Supreme Court which the Senator from Texas has not quoted.

Mr. BAILEY. Will the Senator permit me?

The VICE-PRESIDENT. Does the Senator from South Carolina yield to the Senator from Texas?

Mr. TILLMAN. Certainly.

Mr. BAILEY. I will say that there are not less than six or eight which I have not quoted. I would not have the Senate or the Senator suppose that I have exhausted all of them, because there are still six or eight, all affirming the doctrine, which decisions I could have laid before the Senate.

Mr. TILLMAN. We want to put that doctrine or heresy or whatever it is to sleep. So we will pile up opinions. Here is one from the Sewing Machine case, October term, 1873 (18 Wallace, 577):

Circuit courts do not derive their judicial power immediately from the Constitution, as appears with sufficient explicitness from the Constitution itself, as the first section of the third article provides that "the judicial power of the United States shall be vested in one Supreme Court and in such inferior courts as the Congress may from time to time ordain and establish." Consequently the jurisdiction of the circuit court in every case must depend upon some act of Congress, as it is clear that Congress, inasmuch as it possesses the power to ordain and establish all courts inferior to the Supreme Court, may also define their jurisdiction. Courts created by statute can have no jurisdiction in controversies between party and party but such as the statute confers. Congress, it may be conceded, may confer such jurisdiction upon the circuit courts as it may see fit, within the scope of the judicial power of the Constitution, not vested in the Supreme Court, but as such tribunals are neither created by the Constitution nor is their jurisdiction defined by that instrument, it follows that inasmuch as they are created by an act of Congress, it is necessary, in every attempt to define their power, to look to that source as the means of accomplishing that end. Federal judicial power, beyond all doubt, has its origin in the Constitution, but the organization of the system and the distribution of the subjects of jurisdiction among such inferior courts as Congress may from time to time ordain and establish, within the scope of the judicial power, always have been, and of right must be, the work of the Congress.

Here is another, from 147 United States, October term, 1892:

It must be admitted that if the Constitution had ordained and established the inferior courts and distributed to them their respective powers they could not be restricted or divested by Congress; but, as it has made no such distribution, one of two consequences must result—either that each inferior court created by Congress must exercise all the judicial powers not given to the Supreme Court, or that Congress, having the power to establish the courts, must define their respective jurisdictions. The first of these inferences has never been asserted, and could not be defended with any show of reason, and if not, the latter would seem to follow as a necessary consequence. And it would seem to follow also that, having a right to prescribe, Congress may withhold from any court of its creation jurisdiction of any of the enumerated controversies. Courts created by statute can have no jusisdiction but such as the statute confers. No one of them can assert a just claim to jurisdiction exclusively conferred on another or withheld from all. (Holmes *v.* Goldsmith, 147 U. S., p. 158.)

Mr. HEYBURN. Mr. President, I agree with the conclusion of the Senator from Texas [Mr. BAILEY] as to the thing to be done. The first consideration which confronts us is how to do it; what will effectuate the purpose to be accomplished. That is the important question at this time. I think there is practically a unanimity of opinion here that there is to be legislation which will authorize the Interstate Commerce Commission to fix and regulate railroad tariff rates. I think that is agreed upon. I think there is an overwhelming sentiment, not only in this body, but in the country, that this shall be done.

Now, when we face a proposition of that kind, the first thing is to determine what we can do; to determine the extent of our power. Any cautious man in entering upon an enterprise, whether it be business or whether it be of this character, must first know the limitations that surround him.

I believe that Congress can invest the Interstate Commerce Commission with power to fix rates for transportation companies doing an interstate business; I believe that as an abstract proposition. But that is not the whole question. The question then is, To what extent shall we exercise this power? and that must be followed by, In what manner will we exercise it? It is, I think, conceded that the Interstate Commerce Commission is to be vested with the power of fixing maximum rates of transportation. The difference of opinion seems to center around the method of exercising that right—the details. That the decision of the Interstate Commerce Commission can be made final I do not believe for a moment. In the absence of any legislation on our part, the Supreme Court of the United States has the inherent power to enforce or protect the personal rights and the property rights conferred by the Constitution upon the individual or the combination of individuals. It has

that inherent right. We can neither extend it nor take it away from the court.

For convenience we have established minor courts, but if we were to abolish them to-day, we could not destroy the right that is given to the people under the provision of the Constitution which creates the third of the coordinate branches of the Government. We appeal to the circuit courts to-day because we have created them as a medium of convenience, but had we not created them, the enforcement of the rights of the individual would have remained where the Constitution placed it—in the Supreme Court; and if the rights of the individual were invaded, in the absence of other courts the party whose rights were thus invaded would go into the Supreme Court for their enforcement. Otherwise what function does this third of the coordinate branches of the Government perform? It would be a mere name. Its powers are defined and its purpose is defined in the Constitution.

Section 1 of Article III says:

> The judicial power of the United States shall be vested in one Supreme Court and in such inferior courts as the Congress may from time to time ordain and establish.

The first is an absolute grant and creation of power. The second clause of the sentence is an alternative one, resting upon the action of Congress. Then section 2 says:

> The judicial power shall extend to all cases in law and equity—

What judicial power? The judicial power which has just been vested in the Supreme Court of the United States.

> The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority; to all cases affecting ambassadors, other public ministers and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party—

We are proposing by this legislation that the United States shall be a party in every case of litigation. We are providing that the controversies shall be between the United States and the shipper, so that this second section of Article III of the Constitution has a direct reference to the class of cases that we are providing for.

> To controversies between two or more States; between the State and the citizens of another State; between citizens of different States.

Enumerating the jurisdiction that is conferred by the Constitution, that jurisdiction, so far as the United States Supreme Court is concerned, is vested by the Constitution and Congress can neither extend it nor diminish it. It is coordinate in authority with us. It derives no part of its virility, no part of its existence, none of its power from a coordinate branch. Its powers were conferred by the Constitution.

But the same sections of the Constitution provide that we may create other courts and that we may confer jurisdiction upon them. That was merely the exercise of farsight, that as the country grew and controversies multiplied it would be necessary to relieve this main tribunal of the burdens of interpreting and applying the law in all cases in all parts of the country. The necessity was so obvious that it was left to Congress to deal with as a growing proposition.

Now, Mr. President, as to this right and the manner of exercising it, as has been suggested by the Senator from Texas [Mr. BAILEY], there is a clamor which goes to the extent of demanding that we shall deprive the litigants in these controversies over the reasonableness and unreasonableness of a freight rate of the right to appeal to a court to determine whether or not the parties are within their legal rights. That is the clamor. We are not here to yield to public clamor. We are here to exercise a responsible judgment, to be guided by the individual intelligence that is possessed by each member of this body. We are here to legislate within the limitations of our constitutional rights. We are here to give heed to the call of the people, but we are not here to be led beyond the lines of our power or our jurisdiction by reason of any call or clamor.

Without any legislation upon this question an individual who had been wronged or deprived of his right to fair treatment at the hands of a common carrier had a right to go into the courts of either the United States or the State and recover damages against the party infringing his rights. That was his common-law right. The statute added nothing to the right of a party who had been wronged in this way.

Mr. President, all that the statute did was to provide the method, to provide the machinery for more conveniently exercising the right of the individual. The proposition to-day, crystallized, is, "Shall we make a more adequate provision for the enforcement of a right that existed at common law?" That is all there is before this body or before Congress in regard to this class of legislation. The question is, Shall we provide a more adequate manner, a more convenient method for the enforcement of a right that has always existed under civilized government such as ours, and if we shall, to what extent shall we go?

Now, the courts have the inherent constitutional power to enforce their orders. Having jurisdiction, we can not deprive a court that has jurisdiction of a subject-matter by virtue of the Constitution of the right to enforce its decrees. Cases have been read, instances have been cited, where courts have said, in speaking of the particular case before us, that it had or had not the right because Congress had or had not given it the power. But those cases are to be distinguished from a case where the subject-matter of the controversy is whether or not the party is being deprived of his constitutional right.

Of course, as every lawyer knows, you must in every instance know the subject-matter before the court before you can correctly apply or interpret the decision of the court. Some of the cases that have been read this morning were cases where the matter in controversy was not the determination of the rights the individual or the party litigant had under the Constitution, but were cases where the subject-matter of the controversy was a statutory right that had been conferred subject to the statutory limitations contained in the act.

Mr. President, legislation upon the subject of the regulation of commerce between the States is rather a forced consideration. The framers of the Constitution never for a moment dreamed that that provision would be used for the purposes for which we are seeking to use it to-day. There were no railroads, and there was no question of rates before the people. The discussion in the Constitutional Convention centered around the question whether or not the people of one State should be allowed to impose a duty upon the goods and merchandise coming from another State over their borders. The questions that are being discussed to-day, the principles that are being invoked to-day, never glinted in the discussion of that question for a moment.

But as Chief Justice Marshall has said, it was the intention of the framers of the Constitution that it should be sufficiently elastic and expanding and growing to meet the changing conditions of a growing civilization. That is true. I think the man would be narrow, indeed, who in this age would undertake to oppose the application of a principle of deduction from the provisions of the Constitution simply because the like conditions did not exist at that time.

Mr. President, we can not deprive the court having jurisdiction of the constitutional rights of a party from staying the hand that attempts to take them from the party. We can not by legislation or by failing to enact any law say that the court, vested by the Constitution with the interpretation and the application of the law of the country, shall not prevent the provisions of the Constitution from being violated so far as it prohibits the taking of private property from the individual. We may pass a law and place it upon the statute books, saying that the court shall not restrain the destruction of a man's rights under the Constitution, and the court will say that our act was void. The court will say, "We are the guardians of the constitutional rights of the parties, and whenever they invoke our aid for their enforcement we invest them with that power."

Congress may enact laws, but it must enact them within the limitations of the Constitution, and when Congress forgets or fails to perform that duty the court will say, "Your enactment is void." The court will say to Congress, "Certain rights are invested or certain powers are given the courts by the Constitution; you can not and may not take them from the court. You can not prevent us by any law that you may enact from exercising jurisdiction over the subjects that are intrusted to our jurisdiction by the Constitution. They are enumerated. This right is within that class."

Now, I think it is usually admitted—and it was admitted by Senators who are in favor of the pending bill—that these constitutional rights are probably sufficient of themselves. I think the Senator from Iowa [Mr. DOLLIVER] assented to the proposition, if he did not confess it, that in the absence of any legislation the right of review exists and that we might rest upon that and be content with it.

The question is, Shall we do it? The question is, Shall we rest upon the constitutional right of inquiry and control over this question or shall we at the demand of the people be more specific and formulate and even at the expense of reasserting the constitutional questions express a method for the enforcement of this law? Now, that is the question.

Mr. President, even though it be conceded that the constitutional provisions are in themselves sufficient to enable the courts to protect the individual rights of property, I see no reason why Congress may not on this occasion, under the circumstances surrounding the consideration of this question, reincorporate in the proposed law the principles of the Constitution

as they are found within that document and as they are expressed in the decisions of the courts of this law. That will relieve the people of any uncertainty or doubt as to the intention of Congress. It will probably save the necessity of going to the Supreme Court for the purpose of learning that which we can just as well tell them in the text of this statute.

With me it is more a question of expediency in legislation than anything else. Believing, as I do, that the constitutional power of the courts to review the acts of the administrative body is already sufficient and would meet every emergency, I am willing, I am more than willing, in the abundance of caution, if I may apply that term, upon the appeal of the people for a definite statement of their rights, to relieve them from the necessity of inquiring again of the courts as to what they are. I am willing and I believe that it is the part of wisdom on the part of Congress to clearly express the right of review, and then, having done that, to prescribe such limitations as will insure against delay, and as will insure against a miscarriage of justice by reason of the length of time which must elapse for the consideration of such a question by the courts.

I do not think it proper or appropriate to provide for an appeal from an executive or administrative body to a court. I do not tnink it appropriate to provide a remedy through the medium of an appeal. It must be provided through the medium of that other class of writs, more mandatory in character, more prompt in their action—the writ of mandamus, or the writ of injunction, or the writ of review.

Now, those writs came into use for the purpose of expediting matters originally. That was their purpose. The writ of injunction is intended to stay the hand of the spoiler until the law can act with more deliberation. The writ of mandate was intended to command an executive officer, or an officer subject to such a writ, to do something without waiting to determine whether or not it ought to be done as a matter of last consideration. The writ of review was to avoid the necessity and inconvenience of the delay incident to an appeal.

So I say the right of appeal here is not necessary and it is not an appropriate remedy. But we should give by express provisions in this bill the right to consider the action of the board of commissioners through the medium of a writ of a mandate, a mandamus rather, or a writ of injunction, or a writ of review.

Then the next consideration is how prompt shall that be. I would be in favor of limiting it to the shortest practicable time for the preparation and consideration of that kind of a question. When we have done that we will have met the requirements of the people of this country.

I do not know, Mr. President, whether the people are going to derive as much profit and satisfaction and happiness from the enactment of this legislation as they think they are. I am afraid they are going to be disappointed. But we are here as the representatives of the people. We owe them a certain measure of concession, even though we may be sure that we are right. When not violating our principles or doing violence to our judgment, it is appropriate as their representatives that we should give heed to their cry for relief.

It is conceded that to a certain extent a condition of evil exists; that to a certain extent the people's rights are being infringed by these agencies that were created by the law for the purpose of serving the people.

Now, it only follows that we shall, as I said, without doing violence to our conscience or our duty, within those limitations, grant them the greatest measure of relief. Let the bill provide that, upon the decision of the Interstate Commerce Commission, that board, in the name of the United States, at the expense of the United States, shall represent the injured party, and that they may do it by an appropriate remedy—by injunction, if injunction is necessary, to stay the hand of the spoiler; by a writ of mandamus, if the parties are obdurate and refuse to act, or by a writ of review, if it is merely a question of bringing it up, as by certiorari—but let the bill provide that this remedy shall be, as I said, exercised by the officers of the United States in the appropriate jurisdiction; and I would provide that those steps should be taken and consummated with thirty days from the rendition of the decision.

The only difference between that and existing conditions is that it would be done at the expense of the United States and in the name of the United States, and that the Government would be a party to the litigation. It would come within that provision I have just read—section 2 of Article III of the Constitution. Suits wherein the Government is a party have a status peculiar to themselves in the courts. They have rights, so far as convenience and procedure are concerned, that are valuable to them and tend to expedite the hearing.

Let this statute, when it is enacted, provide that these suits, brought in the name of the Government of the Unied States and at its expense, for the benefit not only of the party whose interests were particularly before the board, but of all persons belonging to that class, shall be brought into the court by this speedy procedure and a rule established, and after the rule is established as to a certain class of shippers or a certain class of merchandise or a certain condition or set of conditions, the law can be enforced by writ of mandate, because the principle will be established and the court will hold it res adjudicata, as having been passed upon.

There is a great evil which has been permitted by Congress that has grown up. I had not intended to discuss it at this time, but I want to refer to it as a part of my remarks. I have taken some pains to gather some data in regard to it that ought to be of interest to any legislative body considering this question. I telegraphed for it and received it only since last Saturday. I have it here.

The Interstate Commerce Commission has not been a benefit to the people of this country. It has not been a benefit to the consumers of this country. It may have been a convenience to the shippers; it may have been at times a convenience to the transportation companies; but it has not been of any benefit to the consumers, and they constitute about 90 per cent of all the people. It has resulted in converting the seaboard towns in this country into tollgates. It has resulted in accumulating around the margin or border of this country an undue proportion or share of the wealth of the country by its discrimination under the long and short haul clause; by that ruling which enabled the transportation companies to charge the people in the State which I represent on this floor the rate to the Pacific coast plus the local rate back—700 or 800 or even a thousand miles—to some of our shipping points. Under the plea that this discrimination was necessary because of the enforced competition between water and rail navigation the Interstate Commerce Commission, with its varying personality, has construed the laws of Congress as they were never intended to be construed; the Interstate Commerce Commission and the courts having an imperfect understanding of the question. Congress undertook to cure existing evils, and instead of curing them—the existing evils, resting upon the then decision of the courts—they emphasized them. They gave them not only the prestige of the courts' decision before the enactment of the law, but they gave them the prestige of the interpretation which the courts placed upon the enactment of Congress.

Let me call your attention to what they are doing under the guise of avoiding the evils of competition between water and rail. I could have obtained this information perhaps here in Washington. I wanted it from the ground.

Take hardware. In a country like ours that is a very large item. It amounts to a vast traffic in our country. Sometimes in the equipment of a single mill it will amount to a quarter of a million dollars; there will be train loads of this material. From Cincinnati and common points to our central point of shipment the rate is $1.25 per hundred, and to the Pacific coast 80 cents. Where is the water competition between Cincinnati and coast points?

Take canned goods—an article of consumption to a very large extent. From Chicago to our points of shipment the rate is $1.35; to the coast 95 cents. I am merely calling attention to this matter that we may see how the present legislation has operated in the interpretation that has been placed upon it.

Take dry goods. From Chicago to Spokane the rate is $3.60 per hundred, while from Chicago to the coast it is $3 per hundred; on agricultural implements from Chicago to Spokane the rate is $1.65, while from Chicago to the coast it is $1.35.

Now take Boise. While the rate on first-class freight from Chicago to Portland is $3, the rate from Chicago to Boise is $3.30 per hundred. There is not even railroad competition there, for there is only one transcontinental railroad.

Mr. DOLLIVER. How do they explain that?

Mr. HEYBURN. They do not explain it. They simply say, "We have the power."

Now, while we are regulating freight rates, let us see to it that we legislate wide enough and broad enough to prevent that. This difference in freight amounts to millions of dollars to our people every year. You take the difference of 80 cents a hundred in rates on standard articles, in which the shipments are so large, and figure that up on a carload——

Mr. DOLLIVER. Mr. President, will the Senator yield to me for just a moment?

Mr. HEYBURN. Certainly.

Mr. DOLLIVER. Would the fact that these goods that go out there would go to New York or to the coast have anything to do with the fixing of the rate from Chicago to the coast? Might

not that arise out of the competition between New York and Chicago?

Mr. HEYBURN. But how is there any competition between New York and Chicago with Boise, Idaho?

Mr. DOLLIVER. I refer to the rate to the coast.

Mr. HEYBURN. I know that the rate to the coast would, of course, be based upon the rate to New York by water transportation.

Mr. DOLLIVER. What I want to get at is, is there any reason in basing the rate from Chicago to the coast upon the rate from New York to the coast? For example, if it costs more for dry goods from Chicago to the coast than it does to New York, would not that operate to transfer Chicago's business to New York?

Mr. HEYBURN. That is one of the reasons they give; but there is absolutely no foundation for it, because that presupposes that these goods could and would go by water from New York, by the way of Panama or by the way of Cape Horn, to the Pacific coast. But you take the class of goods here that can not possibly be shipped that way, and you would have to ship them from New York, plus the freight from Chicago to New York, in order to compete with the other rate to Seattle or Portland or any other coast point.

Mr. DOLLIVER. I would say to the Senator that I have often been struck with those rates as entirely wanting in what appeared to me to be equity and fairness toward those interior points; but I find that most of them have been justified by the Interstate Commerce Commission, and I think that many of them, the most extreme cases, have been justified by the courts. What I wanted to get at was what explanation was given to the people in the intermountain country regarding this?

Mr. HEYBURN. They have not deigned to give any explanation, except such as the people of that intermountain country get through the newspapers and through the discussion of these questions in Congress and elsewhere. We are inquiring why it is in that country, and have been for a long time, and we should like to have an answer.

Mr. DOLLIVER. Mr. President, referring to the pending bill, I would say that it is entirely adequate to protect Boise, Idaho, upon the showing that the rate from Chicago to Boise is exorbitant. The power under this bill is expressly confided to the Commission to reduce that rate to a reasonable maximum.

Mr. HEYBURN. Yes; but I want to be sure that this bill is going to afford an adequate remedy. That is the reason I have injected this question at this time. I want to be quite sure that that Commission is equipped by the provisions of this bill to remedy these evils, evils which enable the carriers to haul oil from Chicago to Portland for 90 cents, and from Chicago to Boise, 515 miles this side of Portland, for $1.53½. We want the Commission to be clothed with power, and we want them to be blessed with the disposition to grant relief against that condition.

Those are only instances. I have here complete schedules of freights I have received from out there of comparative rates. Why is it, and where is the competition that justifies them in charging us a higher rate per hundred from Boise to Chicago, than they do from Portland to Chicago? Chicago is not a seaport town; Chicago does not present the proposition of competition between water transportation and railroads, nor even that between competing railroads, because there is only one railroad to Boise, and there is not another competing railroad within about 500 miles of Boise, and yet they do it.

I want to be quite sure that when we have enacted this law it will be sufficient to meet the necessities of the people. We want the provision as to review to possess the elements of promptness and certainty, and that it shall be limited within a period that the courts usually consider sufficient in which to deal with these questions, such as injunctions, mandamuses, and that class of relief. I want the bill to express it. Notwithstanding the fact that I believe, as was said in the decision I started to read during my interruption of the Senator from Texas [Mr. BAILEY], that the Constitution itself is broad enough, yet inasmuch as it would necessitate that the people should go to the court to have that right again defined and limited and applied, let the statute say so. It can do no harm. We have reenacted the Constitution of the United States in the Revised Statutes over and over again, perhaps fifty times; and there was never at all any delicacy about doing it. It does not hurt the Constitution, and it certainly is a balm of relief to the minds of the people.

The people are demanding it. I do not say that because of the frenzy of the country upon this question. I have not been much influenced by that; but I believe the people are entitled to have their representatives sometimes give heed to their homely wisdom, which represents the composite knowledge and intelligence of the entire country.

Just what provision will best do that is something to be yet determined in this body; but I hope to see those in charge of of this bill that has been reported by the committee, known as the "Hepburn-Dolliver bill," agree to the incorporation in the bill of a provision that will meet the suggestions that I have made of a quick, prompt, and efficient review, that shall not be by appeal, but which shall be through the medium of those quicker processes known to the courts for the enforcement of the orders of a board.

As I have said before, an appeal is no appropriate remedy for reviewing the order of an executive or a legislative tribunal, because an appeal implies the going up from one judicial tribunal to another. But let us review their action, inasmuch as we are going to have legislation upon this subject, by the most speedy method that will respect in the fullest measure the constitutional rights of the transportation companies and of the people.

I say again a word of warning. The people are going to be very much disappointed in the result of this legislation. But that is not new. That condition has often presented itself to the people of this country. The people—and when I say "the people" I mean the consumers of this country—are going to be much disappointed over the result of this legislation. Why do I say that? In the neighboring State of Washington—we live only 125 miles from that State—for years the political parties of that State have been disrupted over the question of a railroad commission; it has divided conventions; it has broken up political affiliations; there have been many heartburnings and dissensions and charges of corruption and rapacity.

In the last campaign the issue was fought out and the people secured the election of a legislature favorable to the creation of a railroad commission that should have just such powers as this bill is going to confer upon the Government railway commission. It was said during the campaign that the people were in agony because of the injustice, the discrimination, and the oppression under which they were living. They were told that these rates were exorbitant, and such rates were pointed out with circumstantial particularity during the campaign, and it was explained how the rates between these points and other points should be adjusted. You would have supposed that as soon as the commission was installed in office the people would be found standing in line at its doors asking for a redress of their complaints and wrongs, and yet that commission met at the city of Spokane, the very hotbed of this agitation, remained in session eight days, and there was not a single complaint presented to them. Their presence there was advertised in the papers; the commission went to the leading merchants and shippers and said, "We are here to do what we can to redress your wrongs," but there was not in eight days a single complaint made to the commission, and they adjourned and went away.

Mr. TILLMAN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from South Carolina?

Mr. HEYBURN. Certainly.

Mr. TILLMAN. Will the Senator please inform us what that commission was?

Mr. HEYBURN. The railroad commission of the State of Washington.

Mr. TILLMAN. Oh!

Mr. HEYBURN. An ex-Senator from the State of Washington is here. I saw him in the Chamber a little while ago, and I think he will confirm the statement I have just made.

Mr. TILLMAN. I do not doubt it at all.

Mr. HEYBURN. I have talked with that gentleman about it. It was a source of astonishment only to those people who had been carried away by the enthusiasm of agitators. That was all. The people were led to believe that they were suffering from great wrongs, until they felt all the pain and agony that would have accompanied the existence of such wrongs; each man thought that his neighbor was sick, and when you came to sift it down and the doctor was in the household ready to apply the remedy there was nobody sick, and he went home.

I do not mean to say that there are not many questions to be settled and determined by a commission such as that or such as the Interstate Commerce Commission. I do not mean to say that there is not a field of usefulness within which such a commission may act, but I do mean to say that we do not want to be carried away by any false wave of enthusiasm in legislating upon this question. We do not want to believe or allow ourselves to believe that the people are suffering in the death throes of their prosperity for this class of legislation and have

our minds agitated and act as though there was reason for precipitate haste in doing this.

Let us consider it well. First, establish the primary object to be attained, then determine on the best method of attaining it. That is the orderly way to proceed. Let us give the people legislation upon this subject; let us prescribe the character of review that shall be given to the action of that board, and then let us see to it that, so far as it lies within our power, that board shall be composed of men who are capable and competent to deal with this question.

I do not know that I shall have anything further to say during this discussion; but I did feel impelled to-day, because of the discussion of the intricate legal problems that are wrapped around and around this main consideration until the spirit of it is hid and smothered within words and theories—I felt impelled to unwrap it from those bandages, and, if I could, do something toward laying bare the real issue, the real question that we have got to decide.

Mr. President, the power is beyond doubt. It is merely a question of how we shall exercise it.

Mr. KEAN. Mr. President, if the Senator from South Carolina [Mr. TILLMAN] does not desire to go on with the pending bill any further to-day, and as I understand the Senator from California [Mr. PERKINS] does not want to go on with the fortifications appropriation bill, I shall move that the Senate proceed to the consideration of executive business.

Mr. TILLMAN. That is perfectly agreeable to me. I wish to conform to the wishes of Senators who desire to speak, and as nobody else has signified an intention to speak to-day, I shall not object to the Senator's proposition.

Mr. GALLINGER. Will the Senator from New Jersey withhold his motion for a moment?

Mr. KEAN. Certainly.

Mr. GALLINGER. Mr. President, the only opportunity we have in this body to legislate for the District of Columbia is on occasions such as this. In the other House they have one day in each week for the consideration of District business, but here we have no set time. I now ask unanimous consent for the present consideration of Order of Business 1413, being Senate bill 4426.

Mr. TILLMAN. I ask that the unfinished business may be temporarily laid aside, so that it will retain its place.

The VICE-PRESIDENT. Without objection, it is so ordered.

### INSANE CRIMINALS IN THE DISTRICT OF COLUMBIA.

Mr. GALLINGER. I ask unanimous consent for the present consideration of the bill (S. 4426) to amend section 927 of the Code of Law for the District of Columbia, relating to insane criminals.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to amend section 927 of an act entitled "An act to establish a Code of Law for the District of Columbia, approved March 3, 1901, as amended by the acts approved January 31 and June 30, 1902, so as to read as follows:

SEC. 927. *Insane criminals.*—When any person tried upon an indictment or information for an offense is acquitted on the sole ground that he was insane at the time of its commission, that fact shall be set forth by the jury in their verdict; and whenever a person in indicted or is charged by an information for an offense, and before trial or after a verdict of guilty, prima facie evidence is submitted to the court that the accused is then insane, the court may cause a jury to be impaneled from the jurors then in attendance on the court or, if the regular jurors have been discharged, may cause a sufficient number of jurors to be drawn to inquire into the insanity of the accused, and said inquiry shall be conducted in the presence and under the direction of the court. If the jury shall find the accused to be then insane, or if an accused person shall be acquitted by the jury solely on the ground of insanity, the court may certify the fact to the Secretary of the Interior, who may order such person to be confined in the hospital for the insane, and said person and his estate shall be charged with the expense of his support in the said hospital. The person whose sanity is in question shall be entitled to his bill of exceptions and an appeal as in other cases.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

### FISH-CULTURAL STATION IN NEBRASKA.

Mr. BURKETT. I ask unanimous consent for the present consideration of the bill (S. 4236) to establish a fish-cultural station at Neligh, Nebr.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported by the Committee on Fisheries with an amendment, in line 8, after the word "at," to strike out "Neligh, Antelope County, Nebr.," and insert "a point to be selected by the Secretary of Commerce and Labor;" so as to make the bill read:

*Be it enacted, etc.*, That the sum of $25,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated for the establishment of a fish-cultural station in the State of Nebraska, including purchase of site, construction of buildings and ponds, and equipment, said station to be located at a point to be selected by the Secretary of Commerce and Labor.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to establish a fish-cultural station in the State of Nebraska."

### ARTHUR A. UNDERWOOD.

Mr. WARREN. I ask unanimous consent for the present consideration of the bill (S. 4350) for the relief of Arthur A. Underwood.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to appropriate $277.48 to pay Arthur A. Underwood, for expenses incurred en route to and from the national rifle competition, which was held at Sea Girt, N. J., August 24 to September 9, 1905, and while in attendance there.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

### EXECUTIVE SESSION.

Mr. KEAN. I renew the motion that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After ten minutes spent in executive session, the doors were reopened, and (at 4 o'clock and 10 minutes p. m.) the Senate adjourned until to-morrow, Tuseday, March 20, 1906, at 12 o'clock meridian.

## NOMINATIONS.

*Executive nominations received by the Senate March 19, 1906.*

### AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY.

Charles S. Francis, of New York, to be ambassador extraordinary and plenipotentiary of the United States to Austria-Hungary, vice Bellamy Storer, recalled.

### INDIAN INSPECTOR.

Walter B. Hill, of Concord, N. H., to be an Indian inspector (irrigation engineer), vice Charles F. Nesler, resigned.

### REGISTERS OF LAND OFFICES.

Clarence W. Leininger, of California, to be register of the land office at Redding, Cal., vice Frank M. Swasey, term expired.

Louis J. Cohn, of Reno, Nev., to be register of the land office at Carson City, Nev., vice Oliver H. Gallup, term expired.

### RECEIVERS OF PUBLIC MONEYS.

Earl W. Tremont, of Manhattan, Nev., to be receiver of public moneys at Carson City, Nev., vice David H. Hall, term expired.

Lloyd L. Carter, of California, to be receiver of public moneys at Redding, Cal., his term having expired. (Reappointment.)

### LIEUTENANT-COLONEL ON RETIRED LIST.

Maj. Allen Allensworth, chaplain Twenty-fourth Infantry, to be placed on the retired list of the Army, with the rank of lieutenant-colonel from the date on which he shall be retired from active service.

### POSTMASTERS.

#### ARIZONA.

Laura G. Crable to be postmaster at Tombstone, in the county of Cochise and State of Arizona, in place of Laura G. Crable. Incumbent's commission expired March 7, 1906.

#### CALIFORNIA.

T. E. Dimock to be postmaster at Lompoc, in the county of Santa Barbara and State of California, in place of Alexander McLean. Incumbent's commission expires March 21, 1906.

Stephen F. Kelley to be postmaster at San Bernardino, in the county of San Bernardino and State of California, in place of Stephen F. Kelley. Incumbent's commission expires April 29, 1906.

#### GEORGIA.

Robert S. Middleton to be postmaster at Vienna, in the county of Dooly and State of Georgia, in place of Robert S. Middleton. Incumbent's commission expires April 17, 1906.

#### ILLINOIS.

Henry C. Claypool to be postmaster at Morris, in the county of Grundy and State of Illinois, in place of Henry C. Claypool. Incumbent's commission expired March 14, 1906.

Peleg A. Coal to be postmaster at Gibson City, in the county of Ford and State of Illinois, in place of Peleg A. Coal. Incumbent's commission expired March 14, 1906.

William G. Dustin to be postmaster at Dwight, in the county of Livingston and State of Illinois, in place of William G. Dustin. Incumbent's commission expired March 14, 1906.

George S. Faxon to be postmaster at Plano, in the county of Kendall and State of Illinois, in place of George S. Faxon. Incumbent's commission expired March 14, 1906.

J. H. Firebaugh to be postmaster at Abingdon, in the county of Knox and State of Illinois, in place of Albert R. Maginnis. Incumbent's commission expired March 14, 1906.

John T. Gantz to be postmaster at Oregon, in the county of Ogle and State of Illinois, in place of Thomas A. Jewett. Incumbent's commission expired March 14, 1906.

Edward F. Ledoyt to be postmaster at Sandwich, in the county of Dekalb and State of Illinois, in place of Edward F. Ledoyt. Incumbent's commission expired March 14, 1906.

Henry W. Lynch to be postmaster at Peoria, in the county of Peoria and State of Illinois, in place of William E. Hull, removed.

John R. Marshall, to be postmaster at Yorkville, in the county of Kendall and State of Illinois, in place of John R. Marshall. Incumbent's commission expired March 14, 1906.

Henry Mayo to be postmaster at Ottawa, in the county of Lasalle and State of Illinois, in place of Henry Mayo. Incumbent's commission expired March 14, 1906.

George R. Palmer to be postmaster at Onarga, in the county of Iroquois and State of Illinois, in place of George R. Palmer. Incumbent's commission expired March 14, 1906.

Michael F. Walsh to be postmaster at Harvard, in the county of McHenry and State of Illinois, in place of Michael F. Walsh. Incumbent's commission expired March 14, 1906.

Frank Yeager to be postmaster at Lanark, in the county of Carroll and State of Illinois, in place of Frank Yeager. Incumbent's commission expired March 14, 1906.

INDIANA.

John W. Henderson to be postmaster at Greenwood, in the county of Johnson and State of Indiana, in place of John W. Henderson. Incumbent's commission expires April 22, 1906.

Albert H. Leist to be postmaster at Michigan City, in the county of La Porte and State of Indiana, in place of Albert H. Leist. Incumbent's commission expired March 15, 1906.

Joseph H. Miller to be postmaster at Syracuse, in the county of Kosciusko and State of Indiana, in place of Joseph H. Miller. Incumbent's commission expires April 22, 1906.

INDIAN TERRITORY.

John K. Hannah to be postmaster at Sallisaw, in District 11, Indian Territory, in place of Charles O. Frye, resigned.

IOWA.

E. H. Allison to be postmaster at Grundy Center, in the county of Grundy and State of Iowa, in place of E. H. Allison. Incumbent's commission expired March 14, 1906.

Charles H. Anderson to be postmaster at Anamosa, in the county of Jones and State of Iowa, in place of Charles H. Anderson. Incumbent's commission expires April 10, 1906.

Denton Camery to be postmaster at Toledo, in the county of Tama and State of Iowa, in place of William D. Lee. Incumbent's commission expired March 5, 1906.

Henry A. Perrin to be postmaster at Monroe, in the county of Jasper and State of Iowa, in place of Henry A. Perrin. Incumbent's commission expired March 5, 1906.

William G. Power to be postmaster at Mount Vernon, in the county of Linn and State of Iowa, in place of Wallace M. Moore. Incumbent's commission expires April 10, 1906.

Don W. Rathbun to be postmaster at Marion, in the county of Linn and State of Iowa, in place of Don W. Rathbun. Incumbent's commission expired March 1, 1906.

John L. Waite, to be postmaster at Burlington, in the county of Des Moines and State of Iowa, in place of John L. Waite. Incumbent's commission expires April 10, 1906.

KANSAS.

Harry E. Glenn, to be postmaster at Kiowa, in the county of Barber and State of Kansas, in place of John H. Nichols, resigned.

Andrew McClellan, to be postmaster at Onaga, in the county of Pottawatomie and State of Kansas. Office became Presidential January 1, 1906.

William H. McIntyre, to be postmaster at Ashland, in the county of Clark and State of Kansas. Office became Presidential January 1, 1906.

David W. Naill, to be postmaster at Herington, in the county of Dickinson and State of Kansas, in place of Charles N. Hull. Incumbent's commission expired January 16, 1906.

Frank H. Roberts, to be postmaster at Oskaloosa, in the county of Jefferson and State of Kansas, in place of Frank H. Roberts. Incumbent's commission expired January 16, 1906.

KENTUCKY.

Arthur M. Hughes, to be postmaster at Louisa, in the county of Lawrence and State of Kentucky, in place of Arthur M. Hughes. Incumbent's commission expires April 5, 1906.

LOUISIANA.

Frank C. Labit to be postmaster at Crowley, in the parish of Acadia and State of Louisiana, in place of Frank C. Labit. Incumbent's commission expired February 28, 1906.

MASSACHUSETTS.

Benjamin F. Martin to be postmaster at Marblehead, in the county of Essex and State of Massachusetts, in place of Benjamin F. Martin. Incumbent's commission expires March 24, 1906.

John W. Richardson to be postmaster at Winchester, in the county of Middlesex and State of Massachusetts, in place of John W. Richardson. Incumbent's commission expired January 29, 1906.

Nathan H. Sears to be postmaster at Millbury, in the county of Worcester and State of Massachusetts, in place of Nathan H. Sears. Incumbent's commission expires April 1, 1906.

Albert G. Thompson to be postmaster at Lowell, in the county of Middlesex and State of Massachusetts, in place of Albert G. Thompson. Incumbent's commission expires April 17, 1906.

Luther Wait to be postmaster at Ipswich, in the county of Essex and State of Massachusetts, in place of Luther Wait. Incumbent's commission expires April 22, 1906.

MICHIGAN.

Elliott O. Bellows to be postmaster at Stanton, in the county of Montcalm and State of Michigan, in place of S. Perry Youngs. Incumbent's commission expired February 7, 1906.

Fred A. Hutty to be postmaster at Grand Haven, in the county of Ottawa and State of Michigan, in place of Fred A. Hutty. Incumbent's commission expires March 19, 1906.

Walter D. Sharp to be postmaster at Litchfield, in the county of Hillsdale and State of Michigan, in place of Walter D. Sharp. Incumbent's commission expired January 21, 1906.

Aaron R. Wheeler to be postmaster at St. Louis, in the county of Gratiot and State of Michigan, in place of Aaron R. Wheeler. Incumbent's commission expired January 21, 1906.

MINNESOTA.

Ziba C. Goss to be postmaster at Wabasha, in the county of Wabasha and State of Minnesota, in place of Ziba C. Goss. Incumbent's commission expires April 30, 1906.

John A. Henry to be postmaster at Janesville, in the county of Waseca and State of Minnesota, in place of John A. Henry. Incumbent's commission expires April 5, 1906.

Bennie H. Holte to be postmaster at Starbuck, in the county of Pope and State of Minnesota. Office became Presidential January 1, 1906.

William H. Nichols to be postmaster at Belleplaine, in the county of Scott and State of Minnesota, in place of Edward Chard, resigned.

Edmund W. Thayer to be postmaster at Spring Valley, in the county of Fillmore and State of Minnesota, in place of Edmund W. Thayer. Incumbent's commission expires April 26, 1906.

MISSOURI.

Judson M. Boyd to be postmaster at Tipton, in the county of Moniteau and State of Missouri, in place of William F. Quigley. Incumbent's commission expired February 10, 1906.

I. D. Elliot to be postmaster at Humansville, in the county of Polk and State of Missouri, in place of Samuel J. George. Incumbent's commission expired January 22, 1906.

George C. Greenup to be postmaster at Pleasant Hill, in the county of Cass and State of Missouri, in place of George C. Greenup. Incumbent's commission expired January 22, 1906.

Hugh E. McCune to be postmaster at New London, in the county of Ralls and State of Missouri. Office became Presidential January 1, 1906.

George W. Reed to be postmaster at Albany, in the county of Gentry and State of Missouri, in place of Malcolm M. Campbell. Incumbent's commission expires April 25, 1906.

Robert T. Stickney to be postmaster at Carthage, in the county of Jasper and State of Missouri, in place of Thomas B. Tuttle. Incumbent's commission expires June 24, 1906.

Henry F. Wolters to be postmaster at St. James, in the county of Phelps and State of Missouri, in place of Henry F. Wolters. Incumbent's commission expires April 12, 1906.

MONTANA.

George W. Irvin to be pastmaster at Butte, in the county of Silver Bow and State of Montana, in place of George W. Irvin. Incumbent's commission expired March 15, 1906.

Augusta C. Sheridan to be postmaster at Bigtimber, in the county of Sweet Grass and State of Montana, in place of John E. Sheridan, deceased.

NEBRASKA.

Percy A. Brundage to be postmaster at Tecumseh, in the county of Johnson and State of Nebraska, in place of Percy A. Brundage. Incumbent's commission expired March 14, 1906.

NEVADA.

Dwight A. Dawson to be postmaster at Reno, in the county of Washoe and State of Nevada, in place of Dwight A. Dawson. Incumbent's commission expires April 29, 1906.

NEW HAMPSHIRE.

Walter H. Stickney to be postmaster at Epping, in the county of Rockingham and State of New Hampshire, in place of George W. Tilton. Incumbent's commission expired January 16, 1906.

NEW JERSEY.

Chester A. Burt to be postmaster at Helmetta, in the county of Middlesex and State of New Jersey, in place of Chester A. Burt. Incumbent's commission expired March 10, 1906.

John T. Kanane to be postmaster at Kenilworth (late New Orange), in the county of Union and State of New Jersey. Office became Presidential April 1, 1905.

James D. Mackay to be postmaster at Lambertville, in the county of Hunterdon and State of New Jersey, in place of Charles A. Skillman. Incumbent's commission expires March 20, 1906.

NEW YORK.

Frank I. Hadaway to be postmaster at Montgomery, in the county of Orange and State of New York, in place of John F. Wilkin. Incumbent's commission expired January 21, 1906.

Egbert L. Hodskin to be postmaster at Fairport, in the county of Monroe and State of New York, in place of Egbert L. Hodskin. Incumbent's commission expires March 21, 1906.

Moses T. Horton to be postmaster at Southold, in the county of Suffolk and State of New York, in place of Moses T. Horton. Incumbent's commission expired December 17, 1905.

Stott Mills to be postmaster at Warwick, in the county of Orange and State of New York, in place of Stott Mills. Incumbent's commission expired March 14, 1906.

Harry H. Nichols to be postmaster at Elizabethtown, in the county of Essex and State of New York, in place of John D. Nicholson. Incumbent's commission expired January 21, 1906.

Fred E. Payne to be postmaster at Clinton, in the county of Oneida and State of New York, in place of Fred E. Payne. Incumbent's commission expires April 30, 1906.

John H. Stephens to be postmaster at Clifton Springs, in the county of Ontario and State of New York, in place of Roderick L. Leland. Incumbent's commission expires March 21, 1906.

OHIO.

Charles R. Brent to be postmaster at McConnelsville, in the county of Morgan and State of Ohio, in place of Charles R. Brent. Incumbent's commission expired March 13, 1906.

Frank M. Martin to be postmaster at Woodsfield, in the county of Monroe and State of Ohio, in place of Oliver M. Greenbank. Incumbent's commission expired February 13, 1906.

Orlando P. Mason to be postmaster at Bellaire, in the county of Belmont and State of Ohio, in place of John R. Gow. Incumbent's commission expired March 13, 1906.

Henry S. Mooney to be postmaster at Cardington, in the county of Morrow and State of Ohio, in place of Henry S. Mooney. Incumbent's commission expires March 21, 1906.

Herbert Newhard to be postmaster at Carey, in the county of Wyandot and State of Ohio, in place of Herbert Newhard. Incumbent's commission expires March 21, 1906.

John J. Robinson to be postmaster at Port Clinton, in the county of Ottawa and State of Ohio, in place of John J. Robinson. Incumbent's commission expired March 5, 1906.

OKLAHOMA.

William E. Johnston to be postmaster at Tecumseh, in the county of Pottawatomie and Territory of Oklahoma, in place of William E. Johnston. Incumbent's commission expires April 22, 1906.

PENNSYLVANIA.

Harley J. Barns to be postmaster at Albion, in the county of Erie and State of Pennsylvania. Office became Presidential October 1, 1905.

James Bickerton to be postmaster at Duquesne, in the county of Allegheny and State of Pennsylvania, in place of James Bickerton. Incumbent's commission expires April 10, 1906.

Robert Carns to be postmaster at Ridley Park, in the county of Delaware and State of Pennsylvania, in place of Francis E. Harrison. Incumbent's commission expires March 19, 1906.

Clark Collins to be postmaster at Connellsville, in the county of Fayette and State of Pennsylvania, in place of Clark Collins. Incumbent's commission expired March 7, 1906.

Frank R. Cyphers to be postmaster at East Pittsburg, in the county of Allegheny and State of Pennsylvania, in place of Frank R. Cyphers. Incumbent's commission expires April 10, 1906.

Addison Eppehimer to be postmaster at Royersford, in the county of Montgomery and State of Pennsylvania, in place of Addison Eppehimer. Incumbent's commission expires March 31, 1906.

Joseph E. Euwer to be postmaster at Natrona, in the county of Allegheny and State of Pennsylvania, in place of Joseph E. Euwer. Incumbent's commission expired March 5, 1906.

Jonathan C. Gallup to be postmaster at Smethport, in the county of McKean and State of Pennsylvania, in place of Jonathan C. Gallup. Incumbent's commission expires April 10, 1906.

Isaac P. Garrett to be postmaster at Lansdowne, in the county of Delaware and State of Pennsylvania, in place of Isaac P. Garrett. Incumbent's commission expired January 13, 1906.

Hamilton Kennedy to be postmaster at Crafton, in the county of Allegheny and State of Pennsylvania, in place of Mary S. Murphy, resigned.

Charles Sutter to be postmaster at McKees Rocks, in the county of Allegheny and State of Pennsylvania, in place of Charles Sutter. Incumbent's commission expires April 10, 1906.

Nathan Tanner to be postmaster at Lansford, in the county of Carbon and State of Pennsylvania, in place of Nathan Tanner. Incumbent's commission expires March 19, 1906.

I. Newton Taylor to be postmaster at Mount Union, in the county of Huntingdon and State of Pennsylvania, in place of I. Newton Taylor. Incumbent's commission expired March 10, 1906.

Frederick W. Ulrich to be postmaster at South Bethlehem, in the county of Northampton and State of Pennsylvania, in place of Frederick W. Ulrich. Incumbent's commission expires March 20, 1906.

SOUTH CAROLINA.

Maggie M. Moore to be postmaster at Yorkville, in the county of York and State of Carolina, in place of Maggie M. Moore. Incumbent's commission expires April 30, 1906.

SOUTH DAKOTA.

J. Melroy Staley to be postmaster at Clear Lake, in the county of Deuel and State of South Dakota, in place of William G. Arnold. Incumbent's commission expired February 13, 1906.

TENNESSEE.

Archelaus M. Hughes to be postmaster at Columbia, in the county of Maury and State of Tennessee, in place of Archelaus M. Hughes. Incumbent's commission expired March 1, 1906.

Charles S. Moss to be postmaster at Franklin, in the county of Williamson and State of Tennessee, in place of Charles S. Moss. Incumbent's commission expired February 7, 1906.

Alexander Ragan to be postmaster at Newport, in the county of Cocke and State of Tennessee, in place of Alexander Ragan. Incumbent's commission expired January 13, 1906.

Zeph Roby to be postmaster at Erin, in the county of Houston and State of Tennessee. Office became Presidential January 1, 1906.

Albert L. Scott to be postmaster at Dickson, in the county of Dickson and State of Tennessee, in place of Albert L. Scott. Incumbent's commission expired February 7, 1906.

Harry Swaney to be postmaster at Gallatin, in the county of Sumner and State of Tennessee, in place of Harry Swaney. Incumbent's commission expired March 5, 1906.

TEXAS.

Florence Burke to be postmaster at Elgin, in the county of Bastrop and State of Texas, in place of Florence Sheasby, whose name has been changed by marriage.

Thomas J. Darling to be postmaster at Temple, in the county of Bell and State of Texas, in place of Thomas J. Darling. Incumbent's commission expires April 5, 1906.

Carlton A. Dickson to be postmaster at Cleburne, in the county of Johnson and State of Texas, in place of Carlton A. Dickson. Incumbent's commission expires April 30, 1906.

Edwin Fore to be postmaster at Pittsburg, in the county of Camp and State of Texas, in place of Edwin Fore. Incumbent's commission expires April 5, 1906.

Charles J. Hostrasser to be postmaster at Hearne, in the county of Robertson and State of Texas, in place of Charles J. Hostrasser. Incumbent's commission expires April 5, 1906.

Harry Martin to be postmaster at Bonham, in the county of Fannin and State of Texas, in place of Harry Martin. Incumbent's commission expires March 25, 1906.

VERMONT.

David A. Perrin to be postmaster at White River Junction, in the county of Windsor and State of Vermont, in place of David A. Perrin. Incumbent's commission expired March 14, 1906.

VIRGINIA.

Stith Bolling to be postmaster at Petersburg, in the county of Dinwiddie and State of Virginia, in place of Stith Bolling. Incumbent's commission expires April 26, 1906.

Charles T. Holtzman to be postmaster at Luray, in the county of Page and State of Virginia, in place of Charles T. Holtzman. Incumbent's commission expired March 4, 1906.

John O. Jackson to be postmaster at Blackstone, in the county of Nottoway and State of Virginia, in place of John O. Jackson. Incumbent's commission expired February 10, 1906.

WEST VIRGINIA.

Richard A. Hall to be postmaster at Weston, in the county of Lewis and State of West Virginia, in place of Richard A. Hall. Incumbent's commission expired March 3, 1906.

Alonzo E. Linch to be postmaster at Moundsville, in the county of Marshall and State of West Virginia, in place of Alonzo E. Linch. Incumbent's commission expired March 4, 1906.

WISCONSIN.

Edith E. Baker to be postmaster at Shell Lake, in the county of Washburn and State of Wisconsin, in place of James P. Baker. Incumbent's commission expired March 18, 1906.

Frank J. Boyle to be postmaster at South Milwaukee, in the county of Milwaukee and State of Wisconsin, in place of John C. Williams. Incumbent's commission expired February 28, 1906.

Matthew J. Connors to be postmaster at Hurley, in the county of Iron and State of Wisconsin, in place of Matthew J. Connors. Incumbent's commission expired March 5, 1906.

D. B. Gorham to be postmaster at Shawano, in the county of Shawano and State of Wisconsin, in place of D. B. Gorham. Incumbent's commission expired March 18, 1906.

Frank E. Riley to be postmaster at Two Rivers, in the county of Manitowoc and State of Wisconsin, in place of Frank E. Riley. Incumbent's commission expired March 18, 1906.

Joel L. Stewart to be postmaster at Clintonville, in the county of Waupaca and State of Wisconsin, in place of Joel L. Stewart. Incumbent's commission expired February 7, 1906.

## CONFIRMATIONS.

*Executive nominations confirmed by the Senate March 19, 1906.*

INDIAN AGENTS.

John P. Blackmon, of Oklahoma, to be agent for the Indians of the Kiowa Agency in Oklahoma.

William L. Belden, of Steele, N. Dak., to be agent for the Indians of the Standing Rock Agency, in North Dakota.

APPOINTMENTS IN THE ARMY.

Lieut. Col. Lorenzo W. Cooke, Twenty-sixth Infantry, to be brigadier-general from March 9, 1906.

Lieut. Col. Joseph M. Califf, Artillery Corps, to be brigadier-general.

Lieut. Col. Henry S. Turrill, deputy surgeon-general, to be brigadier-general.

Lieut. Col. Crosby P. Miller, deputy quartermaster-general, to be brigadier-general.

Lieut. Col. Charles F. Powell, Corps of Engineers, to be brigadier-general.

Col. John W. Bubb, Twelfth Infantry, to be brigadier-general.

PROMOTIONS IN THE ARMY.

Col. William Stanton, United States Army, retired, to be placed on the retired list of the Army with the rank of brigadier-general from March 7, 1906.

Maj. William P. Duvall, Artillery Corps, to be lieutenant-colonel from February 24, 1906.

Lieut. Col. Alexander Rodgers, Fifteenth Cavalry, to be colonel from March 7, 1906.

Maj. Francis H. Hardie, Thirteenth Cavalry, to be lieutenant-colonel from March 7, 1906.

Capt. Joseph T. Dickman, Eighth Cavalry, to be major from March 7, 1906.

First Lieut. Reginald E. McNally, detailed in Signal Corps, to be captain of cavalry from March 7, 1906.

PROMOTIONS IN THE NAVY.

Lieut. Commander Richard M. Hughes to be a commander in the Navy from the 28th day of February, 1906.

Boatswains Frank Carall and William Johnson to be chief boatswains in the Navy from the 1st day of March, 1906, upon the completion of six years' service.

Carpenter William H. Squire to be a chief carpenter in the Navy from the 9th day of February, 1906, upon the completion of six years' service.

Carpenters Jacob Jacobson and Lewis S. Warford to be chief carpenters in the Navy from the 20th day of February, 1906, upon the completion of six years' service.

## WITHDRAWAL.

*Executive nomination withdrawn March 19, 1906.*

John Hiller, jr., to be postmaster at Kenilworth (late New Orange), in the State of New Jersey.

## HOUSE OF REPRESENTATIVES.

### MONDAY, *March 19, 1906.*

The House met at 12 o'clock m.

Prayer by Rev. A. B. CHURCH, president of Buchtel College, Akron, Ohio.

The Journal of the proceedings of Friday last was read and approved.

LIEUTENANT-GENERAL OF THE ARMY.

The SPEAKER. There comes up from Friday, as unfinished business, the bill of which the Clerk will report the title.

The Clerk read as follows:

A bill (H. R. 15744) to abolish the office of Lieutenant-General of the Army of the United States.

The SPEAKER. Without objection, the Clerk will report the amendment to the amendment.

The Clerk read as follows:

Amend, in line 5 of the amendment, after the word "when," by inserting the words "after October 12, 1906."

The SPEAKER. Upon this amendment the House was dividing; the yeas and nays had been ordered upon the amendment to the amendment, which the Clerk has by unanimous consent reported. Those in favor of the amendment to the amendment will, as their names are called, answer "yea," those opposed will answered "nay," and the Clerk will call the roll.

Mr. FULLER. Mr. Speaker, there is so much confusion we did not hear what the question is; and I ask that the amendment be reported again.

The SPEAKER. Without objection, the Clerk will again report the amendment to the amendment.

The amendment was again reported.

The question was taken; and there were—yeas 138, nays 103, answered "present" 20, not voting 122, as follows:

YEAS—138.

| | | | |
|---|---|---|---|
| Acheson | Dalzell | Hoar | Overstreet |
| Adams, Pa. | Davidson | Hogg | Parsons |
| Alexander | Dawes | Howell, Utah | Payne |
| Allen, Me. | Dawson | Hughes | Pollard |
| Babcock | Deemer | Humphrey, Wash. | Richardson, Ala. |
| Bannon | Denby | Jenkins | Rives |
| Bates | Dickson, Ill. | Keifer | Shartel |
| Bede | Draper | Kennedy, Ohio | Sherman |
| Bennet, N. Y. | Driscoll | Ketcham | Sibley |
| Bingham | Dunwell | Klepper | Small |
| Birdsall | Dwight | Knapp | Smith, Cal. |
| Bishop | Ellis | Knopf | Smith, Ill. |
| Bonynge | Esch | Lacey | Smith, Iowa |
| Boutell | Fassett | Landis, Chas. B. | Smith, Samuel W. |
| Brick | Flack | Littauer | Smyser |
| Brooks, Colo. | French | Littlefield | Southard |
| Brownlow | Fulkerson | Longworth | Southwick |
| Burke, Pa. | Fuller | Lorimer | Sperry |
| Burke, S. Dak. | Gardner, N. J. | Loud | Sterling |
| Burleigh | Gilbert, Ind. | Loudenslager | Sulloway |
| Burton, Del. | Gillett, Mass. | McCleary, Minn. | Tawney |
| Burton, Ohio | Graff | McGavin | Taylor, Ohio |
| Calderhead | Graham | McKinlay, Cal. | Tirrell |
| Campbell, Kans. | Greene | McKinley, Ill. | Tyndall |
| Campbell, Ohio | Grosvenor | McKinney | Volstead |
| Capron | Hale | McMorran | Vreeland |
| Cassel | Hamilton | Mahon | Watson |
| Chapman | Haskins | Miller | Webber |
| Cole | Hedge | Mondell | Weems |
| Conner | Henry, Tex. | Mouser | Welborn |
| Cousins | Hepburn | Mudd | Wiley, Ala. |
| Crumpacker | Hermann | Murdock | Wilson |
| Currier | Higgins | Needham | Woodyard |
| Curtis | Hill, Conn. | Olmsted | |
| Cushman | Hinshaw | Otjen | |

NAYS—103.

| | | | |
|---|---|---|---|
| Aiken | Chaney | Gaines, Tenn. | Hopkins |
| Bartlett | Clark, Fla. | Garner | Houston |
| Beall, Tex. | Clark, Mo. | Garrett | Howard |
| Bell, Ga. | Clayton | Gillespie | Humphreys, Miss. |
| Bennett, Ky. | Davis, W. Va. | Goebel | James |
| Bowersock | De Armond | Granger | Kelliher |
| Broocks, Tex. | Dixon, Ind. | Gregg | Kitchin, Claude |
| Broussard | Edwards | Gronna | Kitchin, Wm. W. |
| Brown | Ellerbe | Gudger | Lamb |
| Burgess | Field | Hardwick | Lawrence |
| Burleson | Finley | Haugen | Lee |
| Burnett | Flood | Hay | Lewis |
| Butler, Pa. | Floyd | Hayes | Livingston |
| Byrd | Foster, Ind. | Heflin | Lloyd |
| Candler | Foster, Vt. | Hill, Miss. | McLachlan |

| | | | |
|---|---|---|---|
| McLain | Prince | Sims | Thomas, N. C. |
| Macon | Rainey | Slayden | Underwood |
| Madden | Randell, Tex. | Smith, Ky. | Waldo |
| Mann | Reeder | Smith, Tex. | Wallace |
| Marshall | Rhodes | Snapp | Watkins |
| Minor | Richardson, Ky. | Southall | Webb |
| Moon, Pa. | Rixey | Spight | Weisse |
| Moon, Tenn. | Rucker | Stafford | Wiley, N. J. |
| Moore | Ruppert | Stephens, Tex. | Williams |
| Page | Russell | Talbott | Young |
| Patterson, S. C. | Sherley | Taylor, Ala. | |

ANSWERED "PRESENT"—20.

| | | | |
|---|---|---|---|
| Bradley | Foss | Johnson | Pujo |
| Cooper, Pa. | Gaines, W. Va. | Jones, Wash. | Robertson, La. |
| Dale | Goldfogle | Lilley, Pa. | Shackleford |
| Davey, La. | Henry, Conn. | Meyer | Sheppard |
| Dovener | Hunt | Patterson, N. C. | Wanger |

NOT VOTING—122.

| | | | |
|---|---|---|---|
| Adams, Wis. | Gardner, Mich. | Lovering | Samuel |
| Adamson | Gilbert, Ky. | McCall | Schneebeli |
| Allen, N. J. | Gill | McCarthy | Scott |
| Ames | Gillett, Cal. | McCreary, Pa. | Scroggy |
| Andrus | Glass | McDermott | Slemp |
| Bankhead | Goulden | McNary | Smith, Md. |
| Barchfeld | Griggs | Martin | Smith, Wm. Alden |
| Bartholdt | Hearst | Maynard | Smith, Pa. |
| Beidler | Hitt | Michalek | Sparkman |
| Blackburn | Holliday | Morrell | Stanley |
| Bowers | Howell, N. J. | Murphy | Steenerson |
| Bowie | Hubbard | Nevin | Stevens, Minn. |
| Brantley | Huff | Norris | Sullivan, Mass. |
| Brundidge | Hull | Olcott | Sullivan, N. Y. |
| Buckman | Jones, Va. | Padgett | Sulzer |
| Butler, Tenn. | Kahn | Palmer | Thomas, Ohio |
| Calder | Kennedy, Nebr. | Parker | Towne |
| Cockran | Kinkaid | Patterson, Pa. | Townsend |
| Cocks | Kline | Patterson, Tenn. | Trimble |
| Cooper, Wis. | Knowland | Pearre | Van Duzer |
| Cromer | Lafean | Perkins | Van Winkle |
| Darragh | Lamar | Pou | Wachter |
| Davis, Minn. | Landis, Frederick | Powers | Wadsworth |
| Dixon, Mont. | Law | Ransdell, La. | Weeks |
| Dresser | Le Fevre | Reid | Wharton |
| Fitzgerald | Legare | Reynolds | Williamson |
| Fletcher | Lester | Rhinock | Wood, Mo. |
| Fordney | Lever | Roberts | Wood, N. J. |
| Fowler | Lilley, Conn. | Robinson, Ark. | Zenor |
| Garber | Lindsay | Rodenberg | |
| Gardner, Mass. | Little | Ryan | |

So the amendment to the amendment was agreed to.

The Clerk announced the following pairs:

For the session:

Mr. PATTERSON of Pennsylvania with Mr. PATTERSON of North Carolina.

Mr. MORRELL with Mr. SULLIVAN of New York.

Mr. WANGER with Mr. ADAMSON.

Mr. BRADLEY with Mr. GOULDEN.

On this vote:

Mr. POWERS with Mr. PUJO.

Mr. GAINES of West Virginia with Mr. WACHTER.

Mr. DAVEY of Louisiana with Mr. COCKRAN.

Until further notice:

Mr. BARTHOLDT with Mr. SHACKLEFORD.

Mr. DALE with Mr. BOWIE.

Mr. LILLEY of Connecticut with Mr. SHEPPARD.

Mr. MCCALL with Mr. ROBERTSON of Louisiana.

Mr. LILLEY of Pennsylvania with Mr. GILBERT of Kentucky.

Mr. RODENBERG with Mr. REID.

Mr. ANDRUS with Mr. SULZER.

Mr. CROMER with Mr. ZENOR.

Mr. JONES of Washington with Mr. RANSDELL of Louisiana.

Mr. FREDERICK LANDIS with Mr. BRUNDIDGE.

Mr. HITT with Mr. LITTLE.

Mr. GARDNER of Michigan with Mr. JOHNSON.

Mr. DOVENER with Mr. SPARKMAN.

For this day:

Mr. SCOTT with Mr. WOOD of Missouri.

Mr. ROBERTS with Mr. VAN DUZER.

Mr. REYNOLDS with Mr. TRIMBLE.

Mr. MCCREARY of Pennsylvania with Mr. TOWNE.

Mr. LE FEVRE with Mr. SULLIVAN of Massachusetts.

Mr. LAFEAN with Mr. GLASS.

Mr. KINKAID with Mr. ROBINSON of Arkansas.

Mr. KAHN with Mr. RHINOCK.

Mr. HOWELL of New Jersey with Mr. POU.

Mr. HOLLIDAY with Mr. PADGETT.

Mr. DRESSER with Mr. MAYNARD.

Mr. WOOD of New Jersey with Mr. MCNARY.

Mr. VAN WINKLE with Mr. MCDERMOTT.

Mr. THOMAS of Ohio with Mr. LINDSAY.

Mr. STEVENS of Minnesota with Mr. LEVER.

Mr. FOSS with Mr. MEYER.

Mr. DAVIS of Minnesota with Mr. LESTER.

Mr. CALDER with Mr. JONES of Virginia.

Mr. BUCKMAN with Mr. BOWERS.

Mr. BARCHFELD with Mr. BANKHEAD.

Mr. ADAMS of Wisconsin with Mr. BRANTLEY.

Mr. COOPER of Pennsylvania with Mr. RYAN.

Mr. HUFF with Mr. FITZGERALD.

Mr. BISHOP with Mr. BURGESS.

Mr. TOWNSEND with Mr. LEGARE.

Mr. BEIDLER with Mr. BUTLER of Tennessee.

Mr. PEARRE with Mr. SMITH of Maryland.

Mr. WM. ALDEN SMITH with Mr. KLINE.

Mr. HUBBARD with Mr. GILL.

Mr. LOVERING with Mr. GOLDFOGLE.

Mr. DARRAGH with Mr. LAMAR.

Mr. WEEKS with Mr. STANLEY.

Mr. DOVENER. Mr. Speaker, I find that I am paired with the gentleman from Florida [Mr. SPARKMAN]. I desire to withdraw my vote and to answer "present."

Mr. GOLDFOGLE. Mr. Speaker, I wish to know whether the gentleman from Massachusetts [Mr. LOVERING] has been recorded.

The SPEAKER. He did not vote.

Mr. GOLDFOGLE. I am paired with the gentleman, and I desire to be recorded present.

The result of the vote was announced as above recorded.

The amendment as amended was agreed to.

Mr. GROSVENOR. Mr. Speaker, I ask unanimous consent to strike out the word "hereafter" and to insert the word "thereafter."

The SPEAKER. The gentleman from Ohio asks unanimous consent to make the following change, which the Clerk will report.

The Clerk read as follows:

In line 6 of the amendment change the word "hereafter" to "thereafter."

The SPEAKER. Is there objection?

There was no objection.

The bill as amended was ordered to be engrossed and read a third time; and was accordingly read the third time, and passed.

On motion of Mr. PRINCE, a motion to reconsider the vote by which the bill was passed was laid on the table.

### JICARILLA APACHE INDIAN RESERVATION.

Mr. HOGG. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 15848) authorizing the sale of timber on the Jicarilla Apache Indian Reservation for the benefit of the Indians belonging thereto.

The SPEAKER. The gentleman from Colorado asks unanimous consent for the present consideration of a bill, which will be reported by the Clerk.

Mr. MANN. Mr. Speaker, let us have order.

The SPEAKER. The Chair desires to state that this and several succeeding bills of importance will be brought to the attention of the House, this being suspension day, and the Chair will ask Members not to indulge in conversation on the floor, and to be seated. The Clerk will proceed.

The Clerk read as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized, under such rules and regulations as he may prescribe, to sell or otherwise dispose of any or all of the timber on the Jicarilla Apache Indian Reservation in New Mexico, whether allotted or unallotted; if allotted, with the consent of the allottee, the proceeds to be used by the Secretary of the Interior in the purchase of stock for the benefit of all of said Indians, or for such other purpose as in his judgment will tend to promote their welfare and advance them in civilization.

With the following committee amendments:

In line 8 strike out the word "used" and insert instead thereof the words "deposited in the United States Treasury to be expended."

In line 9 strike out the words "in the purchase of stock" after the word "Interior" and strike out the words "of all" after the word "benefit."

In line 10 strike out the words "or for such other purpose" and insert instead thereof the words "in such manner," and as so amended the committee recommend that the bill do pass.

The SPEAKER. Is there objection?

There was no objection.

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and was accordingly read the third time, and passed.

On motion of Mr. HOGG, a motion to reconsider the last vote was laid on the table.

### REORGANIZATION OF THE CONSULAR SERVICE.

Mr. ADAMS of Pennsylvania. Mr. Speaker, I move to suspend the rules and pass the bill (S. 1345) to provide for the reorganization of the consular service of the United States, and amendments.

The SPEAKER. Is there a substitute or amendments?

Mr. ADAMS of Pennsylvania. Amendments.

The SPEAKER. The gentleman from Pennsylvania moves to suspend the rules and pass the following Senate bill, with amendments, and the Clerk will report the bill.

The Clerk read the bill as amended, as follows:

*Be it enacted, etc.*, That the consular system of the United States be reorganized in the manner hereinafter provided in this act.

SEC. 2. That the consuls-general and the consuls of the United States shall hereafter be classified and graded as hereinafter specified, with the salaries of each class herein affixed thereto.

CONSULS-GENERAL.

Class 1, $12,000.—London, Paris.

Class 2, $8,000.—Berlin, Habana, Hongkong, Hamburg, Rio de Janeiro, Shanghai.

Class 3, $6,000.—Calcutta, Cape Town, Constantinople, Manchester, Mexico City, Montreal, Ottawa, Vienna, Yokohama.

Class 4, $5,500.—Antwerp, Barcelona, Brussels, Canton, Frankfort, Marseille, Melbourne, Panama, St. Petersburg, Seoul, Tientsin.

Class 5, $4,500.—Auckland, Beirut, Buenos Ayres, Callao, Chefoo, Coburg, Dresden, Guayaquil, Halifax, Hankau, Mukden, Munich, Niuchwang, Rome, Rotterdam, St. Gall, Singapore.

Class 6, $3,500.—Adis Ababa, Bogota, Budapest, Guatemala, Lisbon, Monterey, San Salvador, Stockholm, Teheran, Tangier.

Class 7, $3,000.—Athens, Christiania, Copenhagen.

CONSULS.

Class 1, $8,000.—Liverpool.

Class 2, $5,000.—Bremen, Dawson, Belfast, Havre, Kobe, Lourenço Marquez, Lyon, Pretoria.

Class 3, $4,500.—Amoy, Amsterdam, Birmingham, Cienfuegos, Fuchau, Glasgow, Kingston (Jamaica), Nottingham, Santiago, Southampton, Veracruz, Valparaiso.

Class 4, $4,000.—Bahia, Bombay, Bordeaux, Colon, Dublin, Dundee, Harbin, Leipzig, Nanking, Naples, Nuremberg, Para, Pernambuco, Plauen, Reichenberg, Santos, Stuttgart, Toronto, Tsingtau, Vancouver, Victoria.

Class 5, $3,500.—Apia, Barmen, Barranquilla, Basel, Berne, Bradford, Chemnitz, Chungking, Cologne, Dalny, Durban, Edinburgh, Geneva, Genoa, Georgetown, Lucerne, Mannheim, Montevideo, Nagasaki, Odessa, Palermo, Port Elizabeth, Prague, Quebec, Rimouski, San Juan del Norte, Sherbrooke, Smyrna, Three Rivers (Quebec), Vladivostok, Winnipeg, Zurich.

Class 6, $3,000.—Aix la Chapelle, Annaberg, Barbados, Batavia, Burslem, Calais, Carlsbad, Colombo, Dunfermline, Dusseldorf, Florence, Freiburg, Ghent, Hamilton (Ontario), Hanover, Huddersfield, Iquitos, Jerusalem, Kehl, La Guaira, Leghorn, Liege, Mainz, Malaga, Managua, Nantes, Nassau, Newcastle (New South Wales), Newcastle (England), Port Antonio, Port au Prince, Sandakan, St. John (New Brunswick), St. Michaels, St. Thomas (West Indies), San Jose, Sheffield, Swansea, Sydney (Nova Scotia), Sydney (New South Wales), Tabriz, Tampico, Tamsui, Trieste, Trinidad.

Class 7, $2,500.—Acapulco, Aden, Algiers, Alexandretta, Bamberg, Batum, Belize, Bergen, Breslau, Brunswick, Cardiff, Chihuahua, Ciudad Juarez, Ciudad Porfirio Diaz, Collinwood, Cork, Crefeld, Curaçao, Eibenstock, Gothenburg, Hamilton (Bermuda), Harput, Hull, Jerez de la Frontera, La Rochelle, Leeds, Madrid, Magdeburg, Malta, Maracaibo, Martinique, Matamoros, Mazatlan, Milan, Moscow, Nice, Nogales, Nuevo Laredo, Orillia, Plymouth, Port Hope, Port Limon, Prescott, Puerto Cortez, Rheims, Rosario, Roubaix, St. Johns (Newfoundland), St. Etienne, Sarnia, Sault Ste. Marie, Seville, Stettin, Tamatave, Tegucigalpa, Teneriffe, Trebizond, Valencia, Weimar, Windsor (Ontario), Yarmouth, Zanzibar, Zittau.

Class 8, $2,000.—Aguascalientes, Antigua, Asuncion, Bagdad, Belleville, Belgrade, Bristol, Campbellton, Cape Gracias, Cape Haitien, Cartagena, Castellamare di Stabia, Catania, Ceiba, Charlottetown, Coaticook, Cornwall, Durango, Ensenada, Fort Erie, Funchal, Gaspe, Gibraltar, Glauchau, Goree-Dakar, Grenoble, Guadeloupe, Hermosillo, Hobart, Iquique, Jalapa, Jamestown, Kingston (Ontario), La Paz, Limoges, Manzanillo, Maskat, Messina, Moncton, Niagara Falls, Patras, Port Louis, Port Rowan, Port Stanley, Progreso, Puerto Cabello, Puerto Plata, Riga, Rouen, Saigon, St. Christopher, St. Hyacinthe, St. Johns (Quebec), St. Pierre, St. Stephen, Saltillo, Sierra Leone, Sivas, Stavanger, Suva, Tahiti, Turin, Turks Island, Tuxpam, Utilla, Venice, Warsaw, Windsor (Nova Scotia), Woodstock.

SEC. 3. That the offices of vice-consuls-general, deputy consuls-general, vice-consuls, and deputy consuls shall be filled by appointment, as heretofore, except that whenever, in his judgment, the good of the service requires it, consuls may be designated by the President without thereby changing their classification to act for a period not to exceed six months as vice-consuls-general, deputy consuls-general, vice-consuls, and deputy consuls; and when so acting they shall not be deemed to have vacated their offices as consuls. Consular agents may be appointed, when necessary, as heretofore. The grade of commercial agent is abolished.

SEC. 4. That there shall be five inspectors of consulates, to be designated and commissioned as consuls-general at large, who shall receive an annual salary of $5,000 each, and shall be paid their actual and necessary traveling and subsistence expenses while traveling and inspecting under instructions from the Secretary of State. They shall be appointed by the President, with the advice and consent of the Senate, from the members of the consular force possessing the requisite qualifications of experience and ability. They shall make such inspections of consular offices as the Secretary of State shall direct, and shall report to him. Each consular office shall be inspected at least once in every two years. Whenever the President has reason to believe that the business of a consulate or a consulate-general is not being properly conducted and that it is necessary for the public interest, he may authorize any consul-general at large to suspend the consul or consul-general and administer the office in his stead for a period not exceeding ninety days. In such case the consul-general at large so authorized shall have power to suspend any vice or deputy consular officer or clerk in said office during the period aforesaid. The provisions of law relating to the official bonds of consuls-general, and the provisions of sections 1734, 1735, and 1736, Revised Statutes of the United States, shall apply to consuls-general at large.

SEC. 5. No person who is not an American citizen shall be appointed hereafter in any consulate-general or consulate to any clerical position the salary of which is $1,000 a year or more.

SEC. 6. Sections 1699 and 1700 of the Revised Statutes of the United States are hereby amended to read as follows:

"SEC. 1699. No consul-general, consul, or consular agent receiving a salary of more than $1,000 a year shall, while he holds his office, be interested in or transact any business as a merchant, factor, broker, or other trader, or as a clerk or other agent for any such person to, from, or within the port, place, or limits of his jurisdiction, directly or indirectly, either in his own name or in the name or through the agency of any other person; nor shall he practice as a lawyer for compensation or be interested in the fees or compensation of any lawyer; and he shall in his official bond stipulate as a condition thereof not to violate this prohibition.

"SEC. 1700. All consular officers whose respective salaries exceed $1,000 a year shall be subject to the prohibition against transacting business, practicing as a lawyer, or being interested in the fees or compensation of any lawyer contained in the preceding section. And the President may extend the prohibition to any consul-general, consul, or consular agent whose salary does not exceed $1,000 a year or who may be compensated by fees, and to any vice or deputy consular officer or consular agent, and may require such officer to give a bond not to violate the prohibition."

SEC. 7. That every consular officer of the United States is hereby required, whenever application is made to him therefor, within the limits of his consulate, to administer to or take from any person any oath, affirmation, affidavit, or deposition, and to perform any other notarial act which any notary public is required or authorized by law to do within the United States; and for every such notarial act performed he shall charge in each instance the appropriate fee prescribed by the President under section 1745, Revised Statutes.

SEC. 8. That all fees, official or unofficial, received by any officer in the consular service for services rendered in connection with the duties of his office or as a consular officer, including fees for notarial services, and fees for taking depositions, executing commissions or letters rogatory, settling estates, receiving or paying out moneys, caring for or disposing of property, shall be accounted for and paid into the Treasury of the United States, and the sole and only compensation of such officers shall be by salaries fixed by law; but this shall not apply to consular agents, who shall be paid by one half of the fees received in their offices, up to a maximum sum of $1,000 in any one year, the other half being accounted for and paid into the Treasury of the United States. And vice-consuls-general, deputy consuls-general, vice-consuls, and deputy consuls, in addition to such compensation as they may be entitled to receive as consuls or clerks, may receive such portion of the salaries of the consul-general or consuls for whom they act as shall be provided by regulation.

SEC. 9. That fees for the consular certification of invoices shall be, and they hereby are, included with the fees for official services for which the President is authorized by section 1745 of the Revised Statutes to prescribe rates or tariffs; and sections 2851 and 1721 of the Revised Statutes are hereby repealed.

SEC. 10. That every consular officer shall be provided and kept supplied with adhesive official stamps, on which shall be printed the equivalent money value of denominations and to amounts to be determined by the Department of State, and shall account quarterly to the Department of State for the use of such stamps and for such of them as shall remain in his hands.

Whenever a consular officer is required or finds it necessary to perform any consular or notarial act he shall prepare and deliver to the party or parties at whose instance such act is performed a suitable and appropriate document as prescribed in the consular regulations and affix thereto and duly cancel an adhesive stamp or stamps of the denomination or denominations equivalent to the fee prescribed for such consular or notarial act, and no such act shall be legally valid within the jurisdiction of the Government of the United States unless such stamp or stamps is or are affixed and canceled.

SEC. 11. That this act shall take effect on the 30th day of June, 1906.

SEC. 12. That all acts or parts of acts inconsistent with this act are hereby repealed.

Mr. ADAMS of Pennsylvania. Mr. Speaker, I ask unanimous consent to correct a clerical error. On page 2, line 12, strike out the word "Teheran."

Mr. MANN. What becomes, then, of the motion of the gentleman from Pennsylvania?

The SPEAKER. The gentleman from Pennsylvania modifies his motion to suspend the rules, the bill having been read, by striking out the word "Teheran."

Mr. HEPBURN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HEPBURN. Is it necessary to demand a second?

The SPEAKER. A second is necessary.

Mr. ADAMS of Pennsylvania. I ask unanimous consent that a second be dispensed with.

Mr. MANN. Has a second been demanded, Mr. Speaker? I demand a second.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent that a second be considered as ordered. Is there objection? [After a pause.] The Chair hears none. The gentleman from Pennsylvania [Mr. ADAMS] is entitled to twenty minutes and the gentleman from Illinois [Mr. MANN] is entitled to twenty minutes.

Mr. ADAMS of Pennsylvania. Mr. Speaker, I may be pardoned for expressing a little personal pleasure and satisfaction, that after sixteen years of labor in and out of this honorable House, I have this morning the first opportunity to submit for its consideration on the floor, the consular reorganization bill, a measure which, in the opinion of those who have looked into it most carefully, is one of great importance to the country at large, and will do much for the building up of our foreign commerce.

The fact that for the first hundred years of its existence our country was engaged in developing its internal resources for the supply of the home markets is the explanation of the apparent lack of interest on the part of Congress and of the country at large to this important business branch of our Government service, whose purpose was to develop our commerce abroad.

The service was instituted by the acts of July 1, 1790, and April 14, 1792. Even at its inception Washington called attention to its purpose and importance. A half century elapsed be-

fore Congress showed any further interest in our consular service, when the act of 1856 was passed, which slightly enlarged the service and corrected certain abuses therein by closer supervision of the fees. The shipping statute of 1883 swept away the whole schedule of fees for services to American vessels, which up to that time had been a lucrative emolument to the consuls, but little or nothing has since been given to them in compensation for their loss with any view to the universality of its application.

The continual shifting of the lines of our commercial activity makes great changes in the relative importance of our consulates at different points. This creates a strong demand for the rearrangement of both the grade and the compensation of the various consulates. The great inequalities of the compensation to the consuls at the different posts is another evil that for many years has been demanding a remedy.

A careful supervision of the various consulates, either by the consulates-general or by a corps of inspectors, has been a long-felt want, and the existence of nonofficial fees, the rates of which have been left largely to the discretion of the consuls, has proved an evil from which our citizens abroad have greatly suffered and made much complaint.

This bill far from fulfills the desires of those who have worked long and earnestly for the reorganization of our consular service, but it embodies four points of great importance in that direction—the classification of the consulates-general and consulates, the turning of all fees into the United States Treasury, the provision that all consuls receiving a salary of a thousand dollars or more must be American citizens, and the establishment of a corps of inspectors to see that the incumbents properly perform their duties.

The advantage of a reorganization of our consular service has been called to the attention of Congress from time to time by those who saw the growing necessity for some legislation in that regard. The Department of State has long recognized the inadequacy of the consular service to the growing needs of the country and to the proper protection of the business and property of our citizens residing abroad, either for business or the pleasure of travel.

Secretary of State Livingston, in 1833, and Secretary of State Buchanan, in 1846, called attention to the evils existing in the service, but it was not until 1884, when Secretary of State Frelinghuysen discussed the subject in his admirable and exhaustive report, transmitted to Congress by President Arthur March 20 of that year, that the strong necessity for action was made apparent. In it he said:

> Until recently the demands of Europe, which consumed the greater portion of our exports, and the condition of the producing countries were such as to give us control in the supply of certain products, such as breadstuffs, provisions, cotton, and petroleum, etc. The demands of Europe for all these products and of the other continents for petroleum especially were so positive, and our producing condition so favorable, as to give us practically a monopoly for their supply.
>
> These conditions of international demand and supply are undergoing radical changes, which the near future will intensify.
>
> The efforts which have been made and which are being made by Europe to enlarge the field of supply in the above-mentioned products, aided by the ambition which prevails in all countries for the development of natural and artificial resources to meet their own wants and to supply the wants of others, have resulted in awakening competition for the supply even of those products which we have heretofore controlled. It is true that thus far this competition has not affected our trade to any appreciable extent, but the desire for development which is now abroad and the ambition which prevails to increase the production (outside of the United States) of the foregoing articles render consular supervision of absolute importance. *The complex commercial relations and industrial interests which now prevail in Europe have originated hostility to American products in many countries and afford additional reasons for the enlargement and perfection of the consular service.*

Assistant Secretary Rockhill, in an article in the Forum for the month of February, 1897, sums up the evils of our consular system as follows:

> (1) Imperfect mode of selection of consular officers.
> (2) No permanency of tenure.
> (3) Inadequate compensation, resulting in (*a*) the exaction of excessive fees and (*b*) the creation of consular agencies to increase salaries.
> (4) Excessive number of fee consulates and commercial agencies.
> (5) Imperfect enforcement of regulations, especially as regards amounts of fees and their collection.

This judgment from a late Assistant Secretary of State, who had especial charge of the consular service, is certainly deserving of great weight upon this subject.

This bill proposes that all grades of consuls shall be citizens of the United States and shall be placed under a salary; does away with consular or commercial agencies, and provides that all fees of all kinds must be accounted for and covered into the United States Treasury. Of the advantages of this system over the present one abundant evidence is presented by those most conversant with the needs of the service. In 1871 Inspector Keim reported:

> The act of 1856 was doubtless designed to correct the most conspicuous abuses which prevailed. * * * The evils prior to that date may have been mitigated or may have suffered temporary abatement. * * * They were certainly not eradicated; and these abuses * * * have been perpetuated in most cases by each succeeding officer.

Again, in 1879, Gen. Julius Stahel, then consul at Hiogo, Japan, wrote to the Department of State:

> The permission granted to consular officers of receiving unofficial fees for notarial acts, etc., is liable to abuse, and is the root of many evils and irregularities. * * * I suggest that the permission to charge unofficial fees be withdrawn, and that all fees received by consular officers, for whatsoever service rendered, be considered as official, and so accounted for. * * * In this way one of the greatest evils of our service would be remedied and dignity added to the representation of the United States in foreign countries.

Secretary Frelinghuysen, in his report of 1884 on the consular service, said:

> In the opinion of the Department the present system of compensation by fees, either official or unofficial, should be abolished. Whatever money comes into the consul's hands should be turned into the Treasury of the United States, and he should depend for his support entirely upon the salary allowed by Congress.

In 1885, writing on the same subject to the Department, Gen. John S. Mosby, consul at Hongkong, expressed himself even more emphatically:

> Consular fees should, in my opinion, be altogether abolished. * * * The best way to secure honesty in the public service is to make it impossible for officers to be dishonest. I can see no sound reason for sending consuls abroad to collect revenue for the Government. You might as well send the Navy to do it.

The Hon. Robert Adams, jr., when United States minister to Brazil in 1889, wrote in the North American Review:

> The method by which the men are chosen for the positions necessarily brings forth poor candidates, while the short tenure of office, which is generally limited to the Presidential term, almost certainly so if a change of party takes place, and the meager salaries paid—in some posts hardly sufficient to support life in a respectable manner—deters competent men from entering the service. It should also be remembered that there is no promotion for efficient service; that a consul can not hope for a change of climate from a trying to a more healthful and genial one after a given period of service, and that there is always the prospect of returning to the United States broken down in health, unfitted to resume private business, and without prospect of further employment at the hands of the Government.

His excellency the Chinese minister, in a recent address before the University of Pennsylvania, says:

> Most European governments send young men to the East to learn the language and study the customs of the country. After a residence of two or three years, when they have proved themselves proficient, after passing a strict examination, they are then placed in responsible positions as student interpreters, consular assistants, etc. Merit is awarded by promotion. Thus those governments have competent men specially fitted for service in the Orient. It might not be unwise for your Government to adopt a sizilar system.

President McKinley, in his message to Congress in 1902, impressed upon it the necessity of legislation on this subject. He said:

> The consular service is now organized under the provisions of a law passed in 1856, which is entirely inadequate to existing conditions. The interest shown by so many commercial bodies throughout the country in the reorganization of the service is heartily commended to your attention. Several bills providing for a new consular service have in recent years been submitted to Congress. They are based upon the just principle that appointments to the service should be made only after a practical test of the applicant's fitness, that promotion should be governed by trustworthiness, adaptability, and zeal in the performance of duty, and that the tenure of office should be unaffected by partisan considerations.
>
> The guardianship and fostering of our rapidly expanding foreign commerce, the protection of American citizens resorting to foreign countries in lawful pursuit of their affairs, and the maintenance of the dignity of the nation abroad combine to make it essential that our consuls should be men of character, knowledge, and enterprise. It is true that the service is now, in the main, efficient, but a standard of excellence can not be permanently maintained until the principles set forth in the bills heretofore submitted to the Congress on this subject are enacted into law.

This bill will accomplish three great points. Those who have had long legislative experience—I have had twenty-three years—know that all proposed legislation ends in compromise, and have had it beaten into them that a half loaf is better than no bread.

The first great point accomplished is the classification of the consular service. The inequalities heretofore have been very great. This classification is based largely on the present salaries of consuls—not the most perfect method, I will admit—but here is where practical utility comes in. If you attempt to reduce the salaries of any of the present incumbents you at once fortify the opposition with a sufficient number of votes to defeat the bill in the House of Representatives.

To illustrate: The State Department thought it would be a good idea to reduce the number of consuls-general. The term "consul-general" in our service is an anomaly. My own idea on that question would be to take a certain area of consulates, and somewhere in the center of that area have a consul-general. Then give him the power to inspect the neighboring consulates and hold him responsible, as you do in business, government. or

other administration; but such a storm was raised on the question whether a man should eliminate from his visiting card the title "consul-general"—that was all it amounted to—that I assure you the seven consuls-general that were affected thereby could almost have succeeded in defeating the bill. In some instances, I am free to say, there was some reason against their reduction, as at Munich and Dresden, where there are minor German courts, and where we have no diplomatic representatives. There seemed to be some justification that at such points the consul should have the higher title for whatever functions had to be performed by him.

The next great improvement in the service is the equalization of salaries. I do not know whether all of you know it, but the fact is that the consul-general in London gets much more compensation than our ambassador "near the Court of St. James." So, also, at Paris. The compensation at those places will be reduced by this bill. The consuls are given $12,000 a year, a very great cut, which I must say will bear hardly upon our present incumbents, for they naturally had a right to expect that during their terms of office they should receive the same compensation as they received at the time they entered the service.

On the other hand, when you find men in tropical countries, who have to take their lives in their hands in order to represent their Government and perform their duties; when you find that such men were receiving mere pittances, disgraceful to our country, we may be somewhat reconciled in our personal feelings for those whose salaries have been reduced.

The next great evil that is cured by this bill is that all fees, official and unofficial, must be turned into the Treasury of the United States. One of the greatest causes of complaint by our merchants abroad and by the traveling public has been the impositions that have been placed upon them by our consuls for nonofficial fees. These nonofficial fees were not mentioned in the schedule of the Department, and so the consuls could charge pretty much what they chose. In addition to that, consuls were allowed to practice law and perform other duties, such as taking charge of estates, and for those services they charged fees fixed by themselves, and therefore properly founded complaints came in to the Department. This will be entirely done away with. All fees, official and unofficial, must be turned into the Treasury of the United States. In lieu therefor we propose to raise the salaries of those consuls to be somewhere near what they have been getting.

The third good provision in this bill, that no person who is not an American citizen shall be appointed hereafter in any consulate or consulate-general to any clerical position the salary of which is $1,000 or more a year, will remedy an evil which has been much complained of by our merchants and business men generally. The fact that foreigners were employed in positions where they could gain a knowledge of our business relations with foreign countries which could be useful to their governments or their merchants to the detriment of our own was a very serious matter. It also tended to the giving of information to one firm to the prejudice of a competitor, thereby creating unfair conditions instead of equality for all. Besides this we have a plenty of our own citizens both capable and patriotic enough to serve their country in these minor positions abroad.

A fourth point, which the Secretary of State considers of equal if not greater importance, is the creation of five inspectors. These are to be placed, one in Asia, one in Africa, one in Europe, one in America, and one in Australia. Up to this time there has been no provision in our service for the inspection of consulates. The function of inspection hitherto has not attached to consuls-general. Individuals have been sent out from the State Department. The Secretary two years ago sent out a representative, who made a very efficient inspection, the result of which was that several consuls were dismissed from the service. These inspectors, living near the scene of complaint, will be easily reached, will be on the ground to make the inspection. And, aside from actual complaints made, their duty would be every two years to visit the consulates in rotation, to inspect the offices, look at the books and accounts, and see that everything is in proper order. This, in my judgment, will be a very great addition to the efficiency of the service, for, as the Secretary said before our committee, even the best men, in the lassitude of tropical climates, removed from home and American influence, and especially being kept there a great many years, will sometimes fall from grace, so to speak, and acquire lazy habits, immoral habits, if you will, that are very disgraceful in men acting as representatives of our country. Of course this is a matter that can not be cured absolutely and entirely, but biennial inspections will certainly serve to discover the habits of men in their daily lives, and the inspectors can secure information from people in the neighborhood and those doing business at the consulate. This will certainly tend, like the inspection of the Army and the Navy, to keep up discipline.

I wish further to assure the House most emphatically and beyond dispute, that there is no civil service embodied in this bill as it now stands, nor is there any tenure of office. Those are two leading objections which the Members of this House have heretofore advanced in opposition to this bill. As I have said, there are four good purposes to be accomplished by this legislation: First, consuls are classified and put on a closer equality in regard to compensation; second, all the fees are to be turned into the Treasury of the United States and accounted for, both official and unofficial; third, every appointment in the consular service with a salary of more than $1,000 must be an American citizen, which up to this time has not been the law, and, fourth, there are to be five inspectors, whose duty it shall be to inspect the various consulships that exist in the service.

Mr. STEPHENS of Texas. Will the gentleman allow me a question?

Mr. ADAMS of Pennsylvania. If the gentleman will pardon me, I have not the time to answer now. The gentleman from Michigan [Mr. DENBY] will answer all questions. Now, in the opinion of the State Department and those familiar with the service, this provision is one of the most important features of the bill. While the personnel of our service is good, still there are times when men sent into a foreign country, removed from their influences of home, become careless in their habits, careless in their work, and it is therefore necessary to have this inspection. Heretofore where consulships have been inspected they have been found, some of them, derelict, and therefore this is urged strongly for the consideration of the House.

These are the salient features that are to be accomplished by this bill, and, the time being so short, I will not undertake to go further into details.

Mr. CRUMPACKER. Mr. Speaker, will the gentleman answer a question or two about the bill?

Mr. ADAMS of Pennsylvania. Yes.

Mr. CRUMPACKER. The only provision that is calculated to improve the character of the service is this provision for inspection?

Mr. ADAMS of Pennsylvania. Oh, no; the great feature of the bill, as I have tried to explain, is that the fees are all to be turned into the United States Treasury. One of the great evils of the service has been the unofficial fees, which the consuls could charge any price they chose for.

Mr. CRUMPACKER. And the bill provides now that all fees of all kinds in all consulates where receipts are below $1,000 shall be turned into the Treasury, and puts the consular officers entirely upon the basis of salaries?

Mr. ADAMS of Pennsylvania. Entirely.

Mr. CRUMPACKER. In determining the salaries I notice it is said in the report here that it will amount to a saving of one hundred and odd thousand dollars a year to the Government. Is adequate provision in the way of increase of salaries made for those consulates where the consular officers have been depending largely on the fees?

Mr. ADAMS of Pennsylvania. Entirely so. That is the way the classification has been made. It has been made very largely on the salaries.

Mr. CRUMPACKER. Where will the saving of money come in?

Mr. ADAMS of Pennsylvania. I will explain that to the gentleman. Some of the consulates at the important posts have been cut down, and that will make a saving to the Government. It is also proposed in one of the clauses of the bill that the charge for certifying invoices, instead of being fixed for all invoices irrespective of amounts, shall be charged on a sliding scale. That will make up the difference. The total increase is only $159,000, with the inspectors and everything charged up.

Mr. CRUMPACKER. I have in mind particularly the consulate at Calais, France. I know the consul there, and I have had the impression that he has been receiving upward of $4,000 in the way of fees and salaries. This bill gives him a salary of $3,000. The business at that consulate, it seems to me, is one of considerable importance. He certifies invoices from which the Government receives from five to six or eight million dollars of revenue annually. Is the salary of $3,000 there based upon the receipts of that office, or is the gentleman informed in respect to that particular consulate?

Mr. ADAMS of Pennsylvania. That and all other consulates are tried to be equalized in this bill. Some were getting too much and others were getting too little. I yield to the gentleman from Michigan [Mr. DENBY].

Mr. CRUMPACKER. Will the gentleman from Michigan inform me on that point?

Mr. DENBY. The consul at Calais under this bill, if it passes, will receive an increase of $350. The attempt of the bill is to equalize the salaries to-day. Under the proposed bill that is what the salary plus the unofficial fees now amount to.

Mr. CRUMPACKER. So that there will be an increase there?

Mr. DENBY. So that in the case of Calais there is a slight increase.

Mr. CRUMPACKER. I think there ought to be at that point.

Mr. FLOOD. Mr. Speaker, this bill was reported from the Committee on Foreign Affairs with the unanimous indorsement of the members of that committee. It represents an evolution in the consular service. It makes a step forward. This service was instituted by the act of July 1, 1790, and April 14, 1792, and half a century elapsed before Congress showed any further interest in our consular service. When the act of 1856 was passed it slightly enlarged the service and corrected certain abuses therein by closer supervision of the fees. No legislation of importance in reference to this service has been enacted since that time.

The pending bill provides, first, for the classification of the consular service; second, for the appointment of inspectors to regularly and carefully inspect the consulates; third, to abolish all fees and fix a stipulated salary for all consuls; fourth, to Americanize the service; fifth, to prohibit consuls from being interested in the practice of law; and, sixth, to equalize the fees for invoices.

It has other minor changes. It does not completely reorganize the service, but it goes a long way in that direction.

One feature which will undoubtedly prove of value to American interests and prestige is the requirement that clerks in American consulates shall be American citizens—that is, wherever the salary of the clerk exceeds $1,000. At present many of these clerks are citizens of the country in which the consulate is located, and it is apparent that it may often be to the personal advantage of these clerks as well as to the feelings of loyalty to their own nation to impede rather than promote the foreign commerce and the general interests of this country. It frequently happens that when consuls are new at their posts the clerks are much better informed in reference to the business of the consulate than the consuls themselves, so it results that the commercial interests of this country are committed to the hands of people who are alien to her by birth and in sentiment.

Mr. STAFFORD. Will the gentleman yield for a question, Mr. Speaker?

The SPEAKER. Does the gentleman yield?

Mr. FLOOD. Yes.

Mr. STAFFORD. Has any provision been made in this bill for the salaries of clerks attached to the consulates?

Mr. FLOOD. No.

Mr. STAFFORD. Is there any provision of law for the gradation of salaries of clerks?

Mr. ADAMS of Pennsylvania. That is done in the appropriation bill under contingent expenses.

Mr. STAFFORD. What salaries do clerks receive that are attached to the consulates?

Mr. FLOOD. Mr. Speaker, I would say to the gentleman that that will be fixed by the regular appropriation bill, and is not dealt with at all in this bill.

Mr. STAFFORD. Why should it not have been dealt with, as clerical services are part of the service attached to the consulates?

Mr. FLOOD. Because the purpose of this bill was to classify the consulates and not to go into the details of those employed in those consulates.

Mr. STAFFORD. Can you give the salaries that are paid to the clerks? Are there any grades with specified salaries?

Mr. FLOOD. Yes; there are grades, but I have not time now to go into that, as I have only a few minutes. That will come up for consideration when the diplomatic and consular appropriation bill is brought in for consideration.

Mr. STAFFORD. The purpose of my question, if the gentleman will pardon me, is section 5 of the bill as reported by the committee; that limits the clerical positions which pay a thousand dollars or more to American citizens, and the query arises whether consuls-general or consuls could obtain the services of American citizens if the salary limitation established was as low as $1,000.

Mr. FLOOD. Well, they are only limited in case the salary is $1,000 or more. The gentleman may be correct in saying that we can not get American clerks for $1,000, but I do not think so; but if the gentleman is correct, he should try to amend the appropriation bill.

Mr. STAFFORD. You are providing in this bill by special provision of law that no person except American citizens shall fill clerical positions where the salary is $1,000 or more. You might cripple the service if the consuls could not obtain American citizens to fill those positions.

Mr. FLOOD. I do not think that would be the case. I think this is a wise provision. It would Americanize the consulates all over the world, but if it is found that there is danger of the service being crippled, this trouble can be corrected in the annual appropriation bills.

Mr. Speaker, this bill further proposes to pay all consuls a salary fixed on the basis of the commercial importance of the place, the cost of living there, and the present salary received, and requires all fees collected by the consul to be turned into the Treasury. There is no doubt about the fact that the fee system has made some of the consulates scandalously profitable and scandalous in other ways.

It is the policy of this Government to abolish the fee system in all of its branches, and there never was a branch of the service in which this reform was more needed than it is in the consular service.

Mr. SLAYDEN. Mr. Speaker——

The SPEAKER. Does the gentleman from Virginia yield?

Mr. FLOOD. Certainly.

Mr. SLAYDEN. I would like to ask the gentleman if this bill, which I have only just received and looked at casually, provides anywhere the manner of appointment of consuls hereafter and the tenure of office?

Mr. FLOOD. No; it does not change the present system. The consuls can be changed at the end of each Administration—just as they are now.

Mr. SLAYDEN. It simply fixes the compensation?

Mr. FLOOD. Oh, no; it does this, but it does much more. It classifies the consulates and has other important provisions.

Mr. SLAYDEN. There is no provision for getting rid of consuls they have in the service who have not reflected credit upon our Government?

Mr. FLOOD. Yes; there is such a provision, and it is a very important part of this bill. Inspectors are provided to inspect the consulates once a year and make report to the State Department, and the consuls who have not reflected credit upon our country can be removed and the inspector put in charge of the consulate until a full investigation is had.

Mr. SLAYDEN. Has the committee under consideration any bill providing for the fixing of a permanent tenure of office?

Mr. FLOOD. There was such a provision in the bill when it was introduced in the Senate. That provision was stricken out by the Senate, and there is no such bill now pending before the committee of this House.

Mr. SLAYDEN. I will say to the gentleman that the bill does not have the importance that I thought it had.

Mr. FLOOD. We thought we would meet very much less opposition by eliminating that provision.

Mr. SMITH of Kentucky. I would like to ask the gentleman from Virginia a question.

Mr. FLOOD. I will answer it if I have the time.

The SPEAKER. The time of the gentleman from Virginia has expired.

Mr. SMITH of Kentucky. I would like to know about what difference this change in system will make from the fee system to the salary system? Has the gentleman from Virginia made any estimate so as to know whether the Government will be out more money?

Mr. FLOOD. About $170,000 more.

The SPEAKER. The time of the gentleman from Virginia has expired.

Mr. MANN. I yield to the gentleman a part of my time.

Mr. ADAMS of Pennsylvania. I hope the gentleman from Illinois will take some of his time now.

Mr. MANN. I want the gentleman from Virginia to take some of my time.

The SPEAKER. The gentleman from Virginia is recognized.

Mr. SMITH of Kentucky. Does the gentleman say it will cost the Government $170,000 more?

Mr. FLOOD. It will cost the Government in the next year about $170,000.

Mr. SLAYDEN. Per year.

Mr. FLOOD. Per year.

Mr. ADAMS of Pennsylvania. I would like to say, for the further information of the gentleman, that there is a provision in one clause of the bill which provides that the certificates of invoice shall be charged hereafter on a sliding scale, in proportion to the amount of the invoice instead of, as at present, a fixed fee of $2.50, which will raise sufficient revenue, in the judgment of the Department, to make up any increase in the charge.

Mr. MANN. Now will the gentleman from Virginia yield to a question?

Mr. FLOOD. Certainly.

Mr. MANN. As I understand the position of the committee in reporting the bill, the first is that they have fixed salaries?

Mr. FLOOD. Yes.

Mr. MANN. Now the first proposition we meet in the bill is an amendment offered by the House Committee, inserting for the consul at Manchester, England, a salary of $6,000 a year. Will the gentleman say what the salary of that office was before? If the gentleman can not inform the House, I can.

Mr. DENBY. If the gentleman will allow me.

Mr. MANN. In the appropriation bill for last year we provided a salary for the consul at Manchester of $3,000.

Mr. FLOOD. But he got the fees in addition to the $3,000 salary.

Mr. MANN. But what was the amount of the fees?

Mr. FLOOD. The fees and the salary amounted to about $6,000.

Mr. MANN. Is not the consul provided for in class 3, and you propose to make a consul-general of him?

Mr. FLOOD. He is a consul-general now, having been appointed by the President since the last appropriation bill was passed.

Mr. MANN. The President had no authority to appoint him.

Mr. ADAMS of Pennsylvania. Nobody but the President has authority to appoint a consul under the Constitution.

Mr. MANN. And the President can not appoint him unless Congress authorized him to do so.

Mr. ADAMS of Pennsylvania. Under the Constitution the President has the right, and Congress can not create any person consul without being guilty of an infraction of the Constitution.

Mr. MANN. What are we doing if we are not creating them now?

Mr. FOSTER of Vermont. We are not creating them; we are fixing the salaries.

Mr. MANN. You are creating them. You are creating this consul-general.

Mr. FLOOD. We are classifying the service and fixing the salaries.

Mr. MANN. That is what I want to get at. Now, here is this position which the committee submits, and I ask the committee why they have a consul-general there?

Mr. FLOOD. Because there is a consul-general there now. The grade was changed by the Senate and we thought it proper to restore it.

Mr. MANN. I find that we make an appropriation for a consul there at $3,000.

Mr. FLOOD. And since that appropriation was made the consulate has been raised by the President to a consulate-general, with salary and fees amounting to about $6,000. The policy of the Administration is to raise the grade to consul-general at any post where European countries have this grade.

Mr. MANN. Now, why does the committee propose here to appropriate $6,000 for a salary of a consul-general at this place? He has no authority outside of Manchester.

Mr. DENBY. Let me answer. The consul-general at Manchester——

Mr. MANN. If the gentleman from Virginia can not answer, I will allow the gentleman to answer.

Mr. FLOOD. I believe I have answered the gentleman fully.

Mr. DENBY. In answer to the gentleman from Illinois, I will say that the net increase in the salary by the present bill will be $402.

Mr. SLAYDEN. That is, over the amount of the fees, it will be that much more?

Mr. DENBY. That is, for the last year the fees as reported to the State Department, plus the salary, considering that in comparison with the salary allowed in this bill; in the future it will be $402 more than by the last fiscal report.

Mr. MANN. For the last year?

Mr. DENBY. It has only been in operation one year.

Mr. FLOOD. Mr. Speaker, this bill provides for the appointment of five inspectors, to be known as "consuls-general," to be located in different territories, to make annual inspections of all of our consulates.

There can be no doubt about the imperative necessity of such a provision in order that the State Department can become acquainted with the character and competency of our multitudinous consuls, to prevent incompetent, dishonest, and disreputable consuls from bringing dishonor on our nation. Instances where consuls have done this for long periods of time without the knowledge of the State Department are numerous, and under the present law the State Department has no method of ascertaining these conditions, except by casual reports sent in by travelers or people who have business with the consuls. This is a long-felt need of the consular service and will result in much good.

Mr. LACEY. I would like to ask the gentleman from Virginia a few questions.

Mr. FLOOD. I yield.

Mr. LACEY. This bill does not require consuls to settle estates, but you do provide that any money they receive for settling estates shall be turned into the Treasury. What is to prevent the consuls from declining to settle estates? You require him, if he does settle an estate, to turn the money into the Treasury, but you do not require him to do it.

Mr. FLOOD. I will say to the gentleman that that question was not carefully considered by the committee. It was assumed that any consul would take pleasure in doing any proper and reasonable service for a countryman. I do not know that the settlement of estates is a proper function of a consul.

Mr. LACEY. The statute requires them to take a deposition. They are required to take it by section 7. They ought to be made to do that and the fees should be turned in, but you do not require them to settle estates.

Mr. FLOOD. The gentleman from Iowa is right about that.

Mr. LACEY. Well, it is a convenience to get a consul to settle an estate, because you want some one you have confidence in.

Mr. FLOOD. The information before the committee was that many consuls do not now do such work as settling estates, but that they refer all parties interested to some native lawyer who would charge a large enough fee to divide with the consul, and for that reason a provision was inserted in this bill prohibiting a consul from practicing law or being interested in any way in the practice of law.

Mr. CHARLES B. LANDIS. In other words, he uses the office as a means of graft.

Mr. FLOOD. That was the conclusion reached by the committee.

Mr. LACEY. Section 8 says that all fees received for settling estates should be accounted for. What I am trying to get at is this: A few days ago I sent a power of attorney to Frankfort-on-the-Main, directing the consul-general to go to the bank and draw some money for a constituent. Now, under the custom, he would charge a reasonable amount for that, but he can decline to perform that duty under this bill because he is not required to, and if he does perform this duty on that account he must turn the proceeds into the Treasury, consequently he declines to perform the duty. I think the bill should be amended so as to require that the consuls should not only take depositions but he should settle estates.

The SPEAKER. The time of the gentleman from Virginia has expired.

Mr. MANN. I yield a few minutes more to the gentleman.

Mr. FLOOD. I thank the gentleman from Illinois for his courtesy. I do not agree with the gentleman from Iowa. I do not think any consul would refuse such a request as he made of the consul-general just referred to, and therefore do not think his amendment important.

Mr. Speaker, while most of the provisions of this bill are important, undoubtedly the most important of all is the classification of the consular service.

This classification makes a new departure, a distinct forward step in our national career.

The history of the country from the beginning to the present day has been a series of forward movements, making an evolution, so to speak, in our career as a nation. The Constitution under which we live was the first instance of the process of evolution. The Articles of Federation under which the war of the Revolution was fought were found sufficiently strong as long as the cohesive power of a common danger held the colonies together, but when independence was accomplished they proved to be a rope of sand. When "in order to form a more perfect union" the convention at Philadelphia framed the Federal compact or Constitution of Government, a great stride was made, for it was, as Lord Chatham declared, the most consummate achievement of statecraft that ever emanated from the human brain. The thirteen original States have grown to be forty-five in number, and yet such is the adaptability of the Constitution, that as State after State has been admitted it has included them all, extending its ægis across the continent, as—

> You have seen on high
> The rainbow, based on oceans, span the sky.

Advancing as we now are into the second century of our national existence, if from a mount of observation we look back upon the road which we have traveled we shall see that it is

marked by successive steps of growth or evolution of nationality.

This evolution has been chiefly along three lines—commercial, belligerent, and political. The commercial evolution is told in few figures. In 1805 our imports amounted to $120,000,000 and our exports to $95,000,000, the balance of trade being against us to the extent of $25,000,000. In 1855 our imports amounted to $257,000,000 and our exports to $218,000,000, a great increase, but the balance of trade was still against us. In 1904 our imports were $991,000,000 and our exports amounted to $1,460,000,000, the balance of trade being in our favor by $469,000,000. These figures show a most remarkable development in our commerce.

In order to secure to an American citizen as much security upon an American ship as he enjoyed upon American soil we fought the war of 1812 with England. The successful termination of that war gave us prestige and increased consideration in the eyes of the world.

As a consequence of the annexation of Texas, we fought the Mexican war, carrying our victorious flag from the Rio Grande to the halls of the Montezumas, and acquired by the terms of peace the vase territory of New Mexico and California. This gave us a new sense of power and still greater consideration in the family of nations.

The last display of our military prowess was when we went to war with Spain in order to deliver the neighboring island of Cuba from the unendurable oppression of a foreign yoke. I am not able to contemplate the sequel of that war with much satisfaction. It introduced into our nomenclature the phrase "a world power," a phrase that is fraught with dangerous possibilities. If to account ourselves "a world power" means to forget the admonitions of the fathers and founders of the Republic against intermeddling with the affairs of European nations and to enter upon a scheme of foreign conquest and territorial acquisition, then indeed the sequel of that war was most deplorable. By the treaty of Paris, in an evil hour we laid our grasping hand upon a savage archipelago 10,000 miles away, in the very sight of the domes and turrets of Asiatic cities. Now, to hold it and to preserve the peace our soldiers are engaged in the barbarous work of massacring women and children.

As the silver queen of night passed over this continent she looked down upon State after State, extending from the stormy Atlantic to the yellow sands of the Pacific. As in her westward journey she passed through the Golden Gate, we should have bid her adieu, and not have followed to where she held midnight court with her Australian stars.

In the evolutionary steps along political lines are those that appertain to our diplomatic service. The creation in 1894 of plenipotentiaries with the rank of ambassador to represent us in the most important foreign countries marked a forward step in our diplomatic service. Inasmuch as the representatives of other governments at these courts enjoyed this title, being one of precedence over that of minister, it was necessary that our representatives at these courts should possess this rank in order that they might enjoy an equal consideration with the plenipotentiaries of other nations.

This bill, if enacted into law, will constitute a similar important forward step in the consulate service. While the evolution of progress has characterized other branches of our Government, this has not been the case with the consular service. This service has not kept pace with the progress and development of the country.

I believe the changes in the present system are needed. The President and Secretary of State believe it. Commercial bodies all over the country are asking for the passage of this bill. The commercial interests of the country demand it. The press, that mirror of public sentiment, is almost a unit for it.

I have heard but two objections urged to its passage. One is that it would cut down the compensation of some overpaid consuls; the other that it would deprive some Members of the other side of this House of the political patronage which they now exercise. These are hardly objections that could be seriously urged. It is not claimed that the consuls whose compensation will be reduced will not, under this bill, be well paid for their services, and surely the time has not come when "the guardianship and fostering of our rapidly expanding foreign commerce, the protection to American citizens resorting to foreign countries in the lawful pursuit of their affairs, and the maintenance of the dignity of our nation" should be subordinated to the petty desire for political patronage.

I am glad to say that no such considerations as I have indicated will influence a single vote on this side of the House. The Democrats will support this measure because they believe it is right and that it is necessary.

In examining this question I have been surprised to learn that the South is practically unrepresented in the consular service. Notwithstanding this fact, which is a great injustice to that section, the southern Members are supporting this bill—supporting it because its passage will advance the commercial interest of the whole country. We trust, however, that this injustice to our section will be remedied. Many of the States of the South, such as Georgia and Alabama, are without any representation in this service, and such is practically true of the State which I have the honor in part to represent upon this floor.

Is the Republican party of these States so poor in material that there can not be found in them any man belonging to that party whom a Republican President would trust with a commission of this kind? [Applause.] If this is the case, is it expecting too much of a National Administration to put aside party politics and, rising to a higher plane of patriotism, appoint some men whom it could trust though they belong to the opposite political party—men who know the South's history, her struggles, her interests, and her vast development during the past quarter of a century? The South is advancing in commercial prosperity more rapidly than any other section of this country. It is striding forward to that splendid destiny which we have every reason to believe a kind Providence, aided by the energies of man, has in store for her. A few figures will show how tremendous this progress of a quarter of a century has been:

*Table showing the commercial development of the South from 1880 to 1903.*

| | 1880. | 1903. |
|---|---|---|
| Capital invested in cotton mills | $21,000,000 | $200,000,000 |
| Number of spindles | 667,000 | 8,250,200 |
| Bales of cotton consumed in southern mills | 225,000 | 2,000,000 |
| Value of cotton crop | 313,696,000 | 660,000,000 |
| Pig iron.....tons | 397,000 | 3,300,000 |
| Coal mined .....do | 6,000,000 | 62,000,000 |
| Value of lumber products | 37,000,000 | 200,000,000 |
| Capital invested in manufacturing | 257,000,000 | 1,200,000,000 |
| Value of manufactured products | 457,000,000 | 1,600,000,000 |
| Foreign exports through southern ports | 261,000,000 | 508,000,000 |
| Value of agricultural products | 660,000,000 | 1,700,000,000 |

This magnificent progress, with greater promise for the future, is entitled to more consideration than it has received from the present Administration. Secretary Root admits this, but it remains to be seen whether the President will recognize by his consular appointments in the future this stupendous increase of southern products and exports and the commanding place they occupy in our foreign commerce.

In the rapid evolution or development which I have described our country is differentiated from all other nations. The two great republics of antiquity knew no such experiences of frequent stages of expansion, nor has any modern nation experienced them.

The march of nations through history has been akin to the stately steppings of the gods in Homer—a stride is taken and centuries pass between. How different it is in this Republic! In the first century of our existence we have developed into a great power and have carried our prowess in arms and our achievements in commerce to the point where we possess the respect and deference that belongs to the foremost nation of the world. [Loud applause.]

Mr. MANN. Now, Mr. Speaker, I yield three minutes to the gentleman from Texas [Mr. SLAYDEN].

Mr. SLAYDEN. Mr. Speaker, the very beautiful and eloquent peroration with which my friend from Virginia has just closed his speech suggests the intense interest in this question, that is based either upon the personal equation or upon the denial to him and to me of the right of selection for these places, and it touches directly upon the point I had in my mind, concerning which I want to interrogate the acting chairman of the committee [Mr. ADAMS].

I thought from his cry of jubilation when he got the floor that we were to have a consular bill that would reform the entire administration of our commercial representation abroad. It develops now, however, under the close questioning of the gentleman from Illinois [Mr. MANN], that this is almost exclusively confined to a classification of the consuls and to the fixing of their compensation, the net result of which is an additional charge upon the people of the United States of $170,000 a year. I have yet been unable to find any compensating advantage for that increased cost. I had hoped, Mr. Speaker, that this committee would bring forward a measure for the complete reorganization and reformation of the consular service. It has been my fortune, sir, to travel somewhat throughout the world, and in the course of my business career I have had considerable experience in foreign countries. I regret to say that in too

many instances it causes shame to any respectable American to be brought into contact with or knowledge of existing conditions so far as the consular service of this country is concerned. In my own experience I have frequently found the consular service wholly inadequate for the demands of commerce and of traveling Americans. I have seen representatives of this Government accredited to our neighboring Republic of Mexico who, if I may judge by their conduct there, were sent away from their own country for their country's good.

Mr. FLOOD. I should like to ask the gentleman a question. Does not the gentleman think it would be wise to have such service inspected by intelligent and competent gentlemen and, wherever that condition prevails, to let the State Department here know about it?

Mr. SLAYDEN. Mr. Speaker, I have only once read this paragraph providing for inspectors at $5,000 a year. I have not yet been able to catch the full import of that paragraph. I have not yet been able to determine what would be their powers under this bill.

Mr. CHARLES B. LANDIS. They would correct the very evils which the gentleman speaks of.

Mr. SLAYDEN. No doubt they would make recommendations.

Mr. FLOOD. They can stop such things.

Mr. SLAYDEN. Yes; but suppose their recommendations come back here and come in conflict with the wishes of an eminent Senator who has sent some friend of his to a consular post?

Mr. ADAMS of Pennsylvania. Will the gentleman permit me?

Mr. SLAYDEN. Yes.

Mr. ADAMS of Pennsylvania. The result of the last inspection by a special inspector was the removal of three consuls in China. Therefore, when these inspectors do report to the Department, the Department acts. At least, that has been our experience heretofore, and I think we may assume that that will be the conduct of the State Department in the future. Hence the importance of these inspectors.

Mr. SLAYDEN. Mr. Speaker, I sincerely hope that the gentleman's impression is correct.

Mr. ADAMS of Pennsylvania. It is founded on the experience of the immediate past.

Mr. SLAYDEN. I think some reformation of that kind is due to the country and the people who have business abroad. [Applause.]

Mr. MANN. Mr. Speaker, I congratulate the committee upon one good feature of this bill. That is section 4, providing for five inspectors of consulates. I offered that provision in the bill as an amendment to the last diplomatic and consular appropriation bill, and met with the objection of the committee, which since that time seems to have reformed its views and gained information. I thank it for that compliment. However, the merit of it is due to Mr. Frederick Emery, formerly connected with the Department of State; and if the Committee on Foreign Affairs in the House would sit at the feet of Mr. Emery for some time longer, they would be able to bring in a bill of some value to the country outside of this one section.

There has been a demand on the part of the business interests of the country for the reformation of the consular service. The people who transact business with representatives of the United States in foreign countries desire that there shall be an efficient and proper consular service abroad, capable of transacting the business of this country and protecting the interests of our business people.

That demand culminated in a bill introduced in Congress for a reformation and reorganization of the consular service. It was hoped that it might result in a law which would create a consular service which would be the pride of the country; but what has been the result? Almost every good provision in the bill as it was first introduced has been taken out of the bill. The bill as it stands now, outside of the provision which I have referred to, is a bill mainly to increase salaries under the guise of reorganizing the salary list. The gentleman from Iowa [Mr. LACEY], just called attention to a provision which will render this bill of great hardship as it now stands, to the foreign people of this country. Every Member of the House knows that constantly or frequently a constituent of his interested in some estate in a foreign land, appeals to him for information as to how to get help in having the estate settled in the foreign land, and he is referred to the consular representative of the Government. Now, under the existing law, the consular representative is not required to render that service. He does it because he is paid for it, unofficially. Under this bill he can not take the pay without turning it into the Government. The result will be that he will not do the work.

Mr. OTJEN. Does the gentleman not think it is a good provision to do away with all fees and fixed salaries for the consuls?

Mr. MANN. I certainly do.

Mr. OTJEN. Well, that is another good provision of the bill.

Mr. MANN. That is another good provision of the bill. My objection to the bill is not that it does not contain some good features, but that it is brought in here on suspension day with no opportunity to amend it, and put in additional good provisions. Instead of being a complete measure, it is a very small crust from the loaf. We ought to have a bill which could be considered in the House. The Members of the House ought to have an opportunity to amend the bill.

Now, Mr. Speaker, I understand very well that under the circumstances this bill will pass the House, under suspension of the rules, but it will not meet the demand of the country for a proper consular reorganization. I know the Members of the House are very largely afraid of civil service reform in the consular service. I have no such fear. If I had my way about it, I would have a school for consular representatives, and for diplomatic representatives, as we have schools for the Navy and for the Army. I believe it is just as important, or more so, to educate the men we send abroad to represent us as it is to educate the Army and the Navy.

Mr. HEPBURN. Mr. Speaker, I would like to ask the gentleman from Illinois why it is that we are to be represented at Manchester by a consul-general and at Liverpool by a consul? I notice in the bill as prepared by the Secretary of State, if it was prepared by that gentleman, that originally Manchester was but a consulate. It is now to be represented by a consul-general.

Mr. MANN. The gentleman from Iowa [Mr. HEPBURN] undoubtedly did not hear the colloquy which took place over here a little while ago when I asked the identical questions of the members of the committee and without any answer.

Mr. FLOOD. But the gentleman from Illinois is mistaken.

Mr. MANN. No explanation has been given.

Mr. FLOOD. But here is an explanation.

Mr. MANN. There is no explanation for it.

Mr. FLOOD. But the gentleman will not hear an explanation. There is an explanation, but the gentleman from Illinois persists in not hearing it.

Mr. MANN. Why, Mr. Speaker, I gave the gentleman seven minutes to make an explanation, through my courtesy, and if he made one I did not hear it.

Mr. BUTLER of Pennsylvania. But who pretends to answer questions on this measure?

Mr. ADAMS of Pennsylvania. Why, Mr. Speaker, there are plenty of questions that have been answered. The gentleman has been answered, and he will be answered again.

Mr. DENBY. The condition with regard to Manchester is simply this——

Mr. MANN. Mr. Speaker, I reserve the balance of my time.

Mr. DENBY. Will the gentleman from Illinois permit an answer to the question?

Mr. MANN. The gentleman from Illinois has already yielded seven minutes to the gentleman's side of the question, and he should now take a little of his own time. Otherwise I would be glad to yield to the gentleman.

Mr. ADAMS of Pennsylvania. Mr. Speaker, I yield five minutes to the gentleman from Michigan [Mr. DENBY].

Mr. DENBY. Mr. Speaker, the gentleman from Illinois insinuates there is some crooked work in regard to the classification of this service, and he began by picking——

Mr. MANN. I did not insinuate anything of the sort——

Mr. DENBY. Pardon me, now; it is our time. And he began by picking out Manchester. Now, the only reason why Manchester was restored by the committee to the position of consulate-general, which it held before, and from which the Senate lowered it to a consulate, was because there were three or four other places so treated, concerning which a great protest went up throughout the country from various persons because there seemed no reason why we should take consulates which had been consulate-generals and lower them to consulates.

Mr. PERKINS. Will the gentleman permit me to ask a question?

Mr. DENBY. Certainly.

Mr. PERKINS. I will be glad for the gentleman to state for the information of the House what is the difference between a consulate-general and a consulate. In a word, what does it amount to?

Mr. DENBY. The difference, as I understand it, between a consulate-general and a consulate is none whatever in power. It is simply in dignity, and the only reason the consulate-gen-

eral is maintained in the American service is because our service conforms to the usage of the world with regard to the consular service.

Mr. HEPBURN. May I ask the gentleman a question?

Mr. DENBY. Certainly.

Mr. HEPBURN. Is not that distinction a matter of very great importance abroad, however?

Mr. DENBY. It is a matter of great importance abroad.

Mr. HEPBURN. Now, will the gentleman kindly answer as to the relative importance of Manchester and of Liverpool, as to our interest in those two places, and the necessity of having a greater dignity in our representatives abroad at those places?

Mr. DENBY. I will say in regard to Manchester that under the bill it receives an increase of $402. In regard to Liverpool it receives an increase of less than $25. Liverpool is, of course, very much more important than Manchester. The population of Manchester is 534,000, and the exports to the United States are over $10,000,000 annually and the notarial fees amount to $1,597. We did not, however, take Manchester and create a consulate-general out of it. We simply restored what we found existing and what the Senate of the United States had reduced to a consulate.

Mr. MAHON. Will the gentleman permit me to ask him a question?

Mr. DENBY. Yes, sir.

Mr. MAHON. Taking it from a commercial standpoint, is not Liverpool a hundred times greater than Manchester?

Mr. DENBY. The commercial standing of Liverpool is less than double that of Manchester, according to the reports made to the United States.

Mr. MAHON. But the exports?

Mr. DENBY. Liverpool exports to the United States $18,000,000.

Mr. MAHON. How about Manchester?

Mr. DENBY. Manchester exports $10,000,000.

Mr. MAHON. Then why do you not give a consulate-general to Liverpool?

Mr. DENBY. Because, as I stated before, we did not create a consulate-general at Manchester. We found it in the service, and we restored it because there seemed——

Mr. MAHON. Then why did you take the consulate-general from Liverpool?

Mr. DENBY. Because we did not find it a consulate-general.

Mr. BUTLER of Pennsylvania. Will the gentleman yield to a question?

Mr. DENBY. Certainly.

Mr. BUTLER of Pennsylvania. Will the gentleman from Michigan please tell us what the receipts were at Bordeaux last year?

Mr. FLOOD. Mr. Speaker, may I make a suggestion to the gentleman from Michigan?

Mr. DENBY. Certainly.

Mr. FLOOD. Is it not a fact that the Administration fixes the title of consulate or consulate-general in order to meet the consular offices of other countries?

Mr. DENBY. I have so intimated, and stated our system conforms to the system of the countries abroad, and our service would lose in dignity if we attempted to abolish the office of consulate-general. The exports to the United States from Bordeaux amounted to $4,800,000.

Mr. BUTLER of Pennsylvania. How about Antwerp?

Mr. DENBY. I would like——

Mr. BUTLER of Pennsylvania. I am very sorry to break in on the gentleman's time. I understand we have but one hour on each side for the discussion of this bill.

Mr. PAYNE. Only twenty minutes.

Mr. MANN. I yield to the gentleman such time as I have left.

Mr. BUTLER of Pennsylvania (continuing). Without any opportunity to amend it.

The SPEAKER. The time of the gentleman from Michigan has expired.

Mr. MANN. I yield to the gentleman such time as I have remaining.

Mr. BUTLER of Pennsylvania. I ask now in all fairness——

Mr. DENBY. I will tell the gentleman from Pennsylvania anything I can in reference to the bill. The exports to the United States from Antwerp amount to over $11,000,000 by the last fiscal report.

Mr. BUTLER of Pennsylvania. Four million dollars at Bordeaux, and $11,000,000 at Antwerp.

Mr. DENBY. Yes. Now, I would like, if I may, say I am very glad to answer any questions I can in reference to the bill. If I might add a few words in reference to what the gentleman from Illinois says, that we should not take half a loaf because we can not get a whole loaf, I have only to say that it has been notorious that all the business interests of the United States have been in favor of consular reform for a great many years. The gentleman from Illinois says that this bill does not meet the demand of the business interests. There sat in the city of Washington last week a consular-reform association, composed of business men of the highest standing from all over the United States, and they indorsed this bill as it came from the committee.

Mr. MANN. After they had been told they could not do any better.

Mr. DENBY. They indorsed it with regret that it did not contain the section of the bill passed by the Senate. However, they indorsed it and asked that it pass. That is the answer of the business interests of the country with reference to this bill. In regard to this bill, specifically, it does four great things that are regarded as very necessary. It makes a system of consular inspection, the need of which has been felt ever since the service has been founded, because the consuls are often appointed to places of obscurity and left without supervision; and every other branch of the service of the country is under a system of inspection quite as drastic as that of consular inspection as proposed. As to the expense of the service, it is the cheapest service in all the world, and it would not be becoming as great a country as this to hesitate to increase the pay of the consular service $169,000, if by so doing we can greatly benefit that service. It is a matter of absolute certainty that the abolition of the fee system will destroy the most fruitful source of difficulty and disorder in our service, and it is a matter of absolute certainty that the inspection system will add so greatly to the efficiency of the service that within three years, I venture to predict, the service will not alone be self-supporting, but will return revenue.

Mr. FLOOD. Does the gentleman mean to be understood that our representatives abroad are men who for a fee would do anything wrong?

Mr. DENBY. Not the slightest. I say in regard to our present consular service, it is the best in the world, and I think there are in the service many men looking after the interests of their fellow-citizens in the obscurity of foreign ports who are absolute heroes, and who have carried the flag for us under inadequate salaries and under very great discouragement for years. [Loud applause.]

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. ADAMS of Pennsylvania. Mr. Speaker, in the two minutes' time that I have remaining I wish to say to my colleagues that this legislation is before this House entirely for the benefit of the business interests of this country. There were certain forces opposed to this legislation, and, as I said before, for sixteen years efforts have been made to secure the proposed legislation. It does not go as far as the believers in consular reform would have it go, but it does and will accomplish a great deal in the direction of the improvement of our consular service. For that reason I urge and hope that this House will respond to the demand of the business interests of this country and pass this bill. It will go a long way in the movement that is now occupying the time of our merchants for the enlargement of our foreign commerce, for these are our advance pickets, sent throughout the world to furnish the merchants the necessary information to enlarge their business abroad. It will be a great service to them and to our country, and I hope this House will pass this bill, as it has already passed the Senate.

The question was taken; and, in the opinion of the Chair, two-thirds having voted in favor thereof, the rules were suspended, and the bill as amended was passed.

Mr. ADAMS of Pennsylvania. I ask unanimous consent that all gentlemen who have spoken may have leave to extend their remarks in the RECORD.

There was no objection.

### POST-OFFICE APPROPRIATION BILL.

Mr. OVERSTREET, from the Committee on the Post-Office and Post-Roads, reported the bill (H. R. 16953) making appropriation for the service of the Post-Office Department for the fiscal year ending June 30, 1907, and for other purposes, which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

Mr. OVERSTREET. Mr. Speaker, the gentleman from Tennessee [Mr. MOON] had intended to ask that all points of order be reserved.

Mr. PAYNE. I reserve all points of order.

The SPEAKER. The gentleman from New York reserves all points of order.

EXPENDITURES IN THE DEPARTMENT OF AGRICULTURE.

Mr. LITTLEFIELD. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk.

The Clerk read the resolution, as follows:

*Resolved*, That the Committee on Expenditures in the Department of Agriculture be authorized to have such printing and binding done as may be required in the transaction of its business.

The SPEAKER. Is there objection?

Mr. SHERLEY. Mr. Speaker, pending the right to object, I should like to ask the gentleman if this is preliminary to an investigation of the expenditures in that Department?

Mr. LITTLEFIELD. This is offered with the expectation that there will be material to print.

Mr. CHARLES B. LANDIS. I should like to ask the gentleman the character of the printing.

Mr. LITTLEFIELD. It will be matter for the use of the committee. The first thing to be printed, I will say to the gentleman, is the list of expenditures made by the Department of Agriculture, when that list shall be submitted to the committee. We wish it printed for the use of the committee. Whether there will be any other items will depend on what is developed before the committee.

The SPEAKER. Is there objection?

There was no objection.

The resolution was agreed to.

SHOSHONE INDIAN RESERVATION, WYO.

Mr. LACEY. Mr. Speaker, I ask unanimous consent for present consideration of the joint resolution which I send to the Clerk's desk.

The SPEAKER. The gentleman from Iowa asks unanimous consent for the present consideration of a joint resolution which will be reported by the Clerk.

The joint resolution (H. J. Res. 117) extending the time for opening to public entry the unallotted lands on the ceded portion of the Shoshone or Wind River Indian Reservation, in Wyoming, was read, as follows:

*Resolved, etc.*, That the time for opening to public entry the ceded portion of the Shoshone or Wind River Indian Reservation, in Wyoming, having been fixed by law as the 15th day of June, 1906, it is hereby provided that the time for opening said reservation shall be extended to the 15th day of August, 1906, unless the President shall determine that the same may be opened at an earlier date.

Mr. LACEY. Mr. Speaker, this resolution is introduced at the request of the Department.

The SPEAKER. Is there objection?

There was no objection.

The joint resolution was ordered to be engrossed and read a third time, and was accordingly read the third time, and passed.

On motion of Mr. LACEY, a motion to reconsider the last vote was laid on the table.

DELEGATE FROM ALASKA.

Mr. HAMILTON. Mr. Speaker, I move that the House insist on its amendment to the bill S. 956—the Alaska Delegate bill—and agree to the conference asked by the Senate.

The SPEAKER. The bill does not seem to be at the Clerk's desk. While search is being made for it the Chair will recognize the gentleman from Colorado [Mr. BROOKS].

LA PLATA COUNTY (COLO.) LAND GRANTS.

Mr. BROOKS of Colorado. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 16381) leasing and demising certain lands in La Plata County to the P. F. U. River Company. As the bill has been read once, I move that the reading be dispensed with.

Mr. BURNETT. Mr. Speaker, I demand a second on this bill.

The SPEAKER. The bill was read on Friday last, when unanimous consent was asked for its consideration.

Mr. BURNETT. Mr. Speaker, my recollection is that the Chair then stated that unanimous consent had not been given.

The SPEAKER. Precisely; but the gentleman from Colorado now moves to suspend the rules and pass the bill.

Mr. BROOKS of Colorado. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. The gentleman from Colorado asks unanimous consent that a second be considered as ordered. Is there objection? [After a pause.] The Chair hears none. The gentleman from Colorado [Mr. BROOKS] is entitled to twenty minutes and the gentleman from Alabama [Mr. BURNETT] to twenty minutes.

Mr. BROOKS of Colorado. Mr. Speaker, this is the bill which was brought up on Friday by unanimous consent. The House was pretty well advised with regard to it at that time. The purpose of the bill is indicated in the report. It is to lease for a period of ten years to a rubber company certain lands in La Plata County, Colo., with the privilege of purchasing at the termination of the lease. There is very little to say in addition to what was said at that time. The necessity for the development of the rubber industry in this country is something pretty well recognized. The demand has increased very much more rapidly than the supply, and meanwhile no new sources of adequate supply are being found. Last year we imported about 75,000,000 pounds of crude rubber, and in the last few years the price of rubber has increased so rapidly that the pure rubber itself has become very expensive and is a most important article of commerce. New uses are constantly arising, and the developing of a domestic supply would be of very great value to the whole country.

The various departments to which this bill was submitted have unanimously approved of the passage of the bill making certain recommendations, every one of which have been incorporated into the bill. The land that is sought to be affected is nonagricultural and nonirrigable lands, lying up on the foothills of the mountains beyond the possibility of any useful purpose as far as agriculture is concerned, except grazing to a limited extent. There are no minerals thereon and the provisions of the bill exclude the grant of mineral found to be contained in the lands.

To render this restriction effective there is a further provision in the bill that during the ten years duration lease the Interior Department shall have the lands examined to determine the presence or absence of minerals. The Department of Agriculture has recognized the importance of this development, the Department of Indian Affairs has cordially consented to it, and the Department of the Interior approves of it. The provisions of the bill direct that the proceeds of the land be devoted to the southern Utes who originally held the title, and further stipulate that in the operations to be carried on under the bill for this period of ten years preference shall be given, so far as may be, to the Indian labor. Mr. Speaker, I think I do not care to say anything more at this time.

Mr. LIVINGSTON. Will the gentleman permit a question?

Mr. BROOKS of Colorado. Certainly.

Mr. LIVINGSTON. What are the terms of the lease?

Mr. BROOKS of Colorado. The rental is to be not less than 3 cents an acre, in the discretion of the Secretary of the Interior, and the proceeds of this rental are to be paid to the Department for the use of the Indians. I will say that that is about the ordinary rental price of such land in that section of the country, perhaps a little lower, but there is much land leased at 5 cents an acre.

Mr. LIVINGSTON. Only 3 cents an acre? I would give it to them before I would take as little as that.

Mr. BROOKS of Colorado. I think the gentleman from Georgia is, in a measure, correct, because there is very little present rental value to that land. That figure is based largely on the rentals of State lands similarly situated and of as little value.

Mr. LIVINGSTON. What is the situation of the lands at the end of the lease? Can they leave them in any state they please?

Mr. BROOKS of Colorado. It will simply be cultivated; that is all. There is nothing that can be done to it that will injure it. It is a high, elevated mesa, above the line of any irrigation ditch, beyond the possibility of irrigation, beyond any possibility of being watered by artesian wells. It is simply a high foot-hill mesa, as it is called. It is covered with this weed, the initials of which are indicated in the name of the company, which grows in very many places, from New Mexico to Dakota, but which is utterly worthless for any other purpose. This is the weed from which the rubber is to be extracted. The necessity for the development and experimentation is due to the fact that very little is known about the culture of this plant. Its reproduction is slow and rather uncertain, and at present it has an irregular rubber content, some specimens having 3 and 4, some 10, and some as high as 20 or 30 per cent of rubber.

Mr. LIVINGSTON. I understand that. Are they limited to the growing of this weed or can they graze the land?

Mr. BROOKS of Colorado. They are limited to the development of this experiment. Everything is to be under the control of the Secretary of the Interior—all the improvements, all the roads, buildings, and everything of that sort are under the control of the Secretary of the Interior.

Mr. LIVINGSTON. At the expense of the company?

Mr. BROOKS of Colorado. At the expense of the company. This lease puts no charge whatever upon the Government. It involves the possibility of the development of a very important industry without any expense at all to the Government. On the contrary, it becomes an immediate source of revenue to the wards of the Government, for whom this land is now held.

Mr. SLAYDEN. It is not expected that the plant will be cultivated?

Mr. BROOKS of Colorado. This plant is a perennial weed. It is a little shrub; it is pulled by the roots; there are small rootlets left in the ground, and these roots reproduce the plant. The period of reproduction is about three years. Now, the experiment is to see if the plant can not be reproduced from a seed, more certainly, in an improved form, with a larger and more regular rubber content, and in a quicker time.

Mr. SLAYDEN. Then there is to be some cultivation?

Mr. BROOKS of Colorado. Oh, yes; a very extensive cultivation if the experiment is successful. The whole experiment is based upon plant selection and careful cultivation.

A MEMBER. How much is asked for an appropriation?

Mr. BROOKS of Colorado. There is no grant of anything from the Treasury. All that is granted is a ten years' lease at a small rental, with the option. I reserve the balance of my time, Mr. Speaker.

Mr. BURNETT. Mr. Speaker, I desire to state candidly that I think with a little amendment this is a really meritorious proposition. It was shown to the Committee on Public Lands that this was land that was perhaps unsuited for almost anything else, and that these gentlemen were proposing to develop and exploit this rubber plant. It was shown to the committee that before there could be anything remunerative gotten out of the land to the company it would take three years' cultivation and development. An amendment was placed upon the bill making the minimum rental of 3 cents per acre, beginning at the time of the contract with the Secretary of the Interior. I believe these men who are proposing to operate it intend to do it in good faith. There is one proposition involved in it, and it is that alone that I desire to interpose my objections to, but I understand that the gentleman who offered the bill will not object to unanimous consent to the amendment that I desire to propose. That objectionable proposition in the bill is that any time they may go and buy this land from the Government at $1.25 per acre. In the hearings before the committee I asked gentlemen if they would lay out the land now and take the chances and pay $1.25 an acre. That they would not do. It seems to me it was unfair to demand all from the Government in dealing with the Government, and if the land should be found to be worth more than $1.25 an acre after these developments were made, I think the company should pay more for it. My desire is that it should be amended in line 24, on page 4, by saying that the President may, in his discretion, convey all of said lands, or any part thereof, by patenting the same to said rubber company, its successors and assigns, in fee and absolutely without restrictions, upon payment to the United States of such price as the Secretary of the Interior may fix, not less than $1.25 an acre, and thus leave it to the discretion of the Secretary of the Interior to charge more than a dollar and a quarter an acre if it should be found to be worth more than that. I understand, from the intimation of one of the gentlemen from Colorado a moment ago, that they would accept this amendment. If so, I have nothing further that I desire to say.

Mr. BROOKS of Colorado. Mr. Speaker, I would like to ask the gentleman a question.

The SPEAKER. Does the gentleman yield?

Mr. BURNETT. Yes.

Mr. BROOKS of Colorado. I would like to ask the gentleman if it would be agreeable to him if the period during which the Secretary had his discretion to increase the price should be limited to the last five years of the lease, so that if these people should buy this land in the first five years they could get it at a better price?

Mr. BURNETT. Oh, I hardly think so, Mr. Speaker, because that fact might well be ascertained before that time, and I think all the chances ought not to be against the Government. I desire to say further in that connection that if this would not set a precedent, which I regard as a bad one, I would not interpose the objection I do to the passing of the bill; but I believe if this bill passes with that kind of a clause that every company and individual who desires to exploit lands of similar character in that country for any purpose whatever will come here with a similar bill and ask Congress to pass it, and refer to this bill as a precedent in favor of their bill.

Mr. BROOKS of Colorado. Will the gentleman please restate his amendment?

Mr. BURNETT. In line 24, page 4, after the word "at," insert "such price as the Secretary of the Interior may fix, not less than $1.25 per acre."

Mr. BROOKS of Colorado. Mr. Speaker, while I do not think the amendment is really necessary or entirely proper, I am willing to defer to the gentleman on the committee, and I accept the amendment.

Mr. MANN. Let us see what the amendment is. I understood the gentleman to say that he wanted to let anybody come in there for any purpose.

Mr. BURNETT. Oh, no; only for this company and for this particular land at such price as the Secretary of the Interior may fix, not less than $1.25 an acre—this particular land and company.

The SPEAKER. The Clerk will state the amendment.

The Clerk read as follows:

In line 24, page 4, after the word "at," insert the words "such price as the Secretary of the Interior may fix;" so that it will read "such price as the Secretary of the Interior may fix, not less than $1.25 an acre."

The SPEAKER. This would have to be by unanimous consent. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I would ask if this bill authorizes the sale of this land now to these people?

Mr. BURNETT. Yes; I will read the second clause:

SEC. 2. That the President of the United States may at any time during said period of ten years, at his discretion, terminate and cancel this lease by revoking the same and the annulling thereof in case the said experiment proposed or the use to be made of said lands shall be unsatisfactory to the Secretary of the Interior; or the President may, in his discretion, convey all of said lands, or any part thereof, by patenting the same.

As I understand, that is within the ten years. I would ask the chairman of the committee whether that is not his understanding?

Mr. BROOKS of Colorado. Mr. Speaker, that is my understanding—that it is limited to the operation of the ten years.

Mr. MANN. The sale, as well.

Mr. LACEY. Mr. Speaker, I would say to my colleague on the committee that the title of this land is in rather a peculiar situation. It is the Ute Reservation, and under the treaty by which it was opened to settlement it was open to cash settlement only. No homesteads were allowed on it. It was open to cash settlement at a dollar and a quarter an acre without limit, and that law is still in force; but two years ago a bill was passed also opening it to homestead settlement. This land could now be bought by these parties for $1.25 an acre by paying cash for it. They simply want to experiment to see if anything can be done with this rubber plant.

Mr, BURNETT. Mr. Speaker, I desire to say that the committee guarded the proposition as to the mineral deposits in the bill.

Mr. LACEY. All mineral rights are excluded.

Mr. BURNETT. Yes; that is correct.

The SPEAKER. Is there objection to the modification proposed?

Mr. MANN. Mr. Speaker, reserving the right to object, do I understand that this amendment proposes to sell it at a dollar and a quarter an acre?

Mr. BURNETT. No; at such price as the Secretary of the Interior may fix; not less than $1.25 an acre.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. BURNETT. Mr. Speaker, I now yield the balance of my time to the gentleman from Tennessee [Mr. GAINES].

Mr. GAINES of Tennessee. Mr. Speaker, on Saturday I received information that this is coal property, and while in a general sort of way, possibly, this bill guards the mineral rights of the Government, yet I doubt the wisdom of this lease with the new lights I now have. The information which I have in my hand, stating that this is coal land, was not before the committee a few days ago when this bill was first considered. Not a word was said then about coal. I was not present when it was finally considered, as I was ill and absent. Nothing was said Friday last about coal when this bill was being considered in this House.

Mr. LACEY. I will answer my friend——

Mr. GAINES of Tennessee. Just wait a minute; I think I have a little later information than the gentleman has. I telephoned a few minutes ago to the Geological Survey to find out what the facts were about this being coal land, and now I have a special message, which I have received since this bill was taken up, which telegram is addressed as follows:

Hon. JOHN WESLEY GAINES:

In response to your telephone inquiry, township 34 north, range 11 west, Colorado, is classified as coal lands by our coal experts. Coal is now being mined directly north of the northeast corner of the township. The coal lies deep and has not been developed so far as we know. Mr. Campbell visited the region in 1905.

CHAS. D. WALCOTT, *Director.*

I cited Mr. Walcott to this bill, printed on page 4003 of the RECORD, telling him he would there see the land in question, and he then sent me this written message in reply.

Mr. Walcott by phone stated to me, "Everybody believes that land is valuable coal land." Mr. Speaker, the committee reported the bill here without this late information before it. "This survey is very recent," Mr. Walcott said. His men have just returned from out there, he said.

Mr. BROOKS of Colorado. Pardon me——

Mr. GAINES of Tennessee. I would like to state, furthermore, Mr. Speaker, that land out there has been selling at $1.25 and $1.50 and $2 an acre which is worth five, ten, thirty, fifty, and sixty dollars an acre. The President and Secretary of the Interior and several commissions have recommended the repeal of certain laws, the stone and timber laws—which I expect ought to be repealed and better ones enacted simultaneously, but I am not fully advised of all the facts, but am investigating—to protect the Government rights in these lands, prevent them being sacrificed at $1.25 per acre, and yet the committee in this case, without this information, certainly not this definite and late information I have just received, have reported a bill here to give away this land at *no more than a dollar and a quarter an acre;* but by the wisdom and the industry of the gentleman from Alabama [Mr. BURNETT] we have now opened a gap, so it is possible the Government can sell it for more. Now, if you will read this bill you will see that it contains language which gives exclusive rights to these lands to this company and withdraws them from the public land laws. Can we properly sell these coal lands thus encumbered? Why not sell them, if at all, just as they stand, to the highest and best bidder? Mr. Speaker, why should we agree to sell to this company and no other company, not sell to the highest bidder, not open to the world these coal lands of the West, when coal is scarcer out in the West than chicken teeth? I say, with this new evidence before us, the bill to that extent is absolutely vicious. Why not sell it, and as gum and coal land? We know to-day they are coal lands. Last week we did not. Mr. Speaker, on Saturday the gentleman from Michigan [Mr. DENBY] agreed privately to an amendment which I wanted to propose and did propose, and in the best of faith. He came to my desk and did so during the debate. The gentleman who represents this concern and was before the committee came to me at the Willard Hotel yesterday and said he was in the gallery when I proposed this amendment and was extremely anxious for the gentleman who has this bill in charge to accept my amendment. Why? The gentleman said to me, on inquiry, his concern was not a part of the rubber trust. I asked him the naked question, and he said furthermore that he was afraid the rubber trust would crush him out, or swallow vi et armis this rich infant, this "golden egg," that is out here in the West and going to hatch out all of this rubber material.

So I offered this amendment to help him to stand up against and defy the trust. I will read my proposed amendment:

That all rights acquired hereby shall revest in the United States in the event that said company, or its successor or successors, shall enter into, directly or indirectly, any trust, combine, company, or other concern operating or existing contrary to the antitrust act of July 2, 1890, entitled "An act to protect trade and commerce against unlawful restraints and monopolies," and its amendments.

Now, why did I do this? Because when this rubber trust comes up to this young infant and says, "You have got to sell to us," that infant can rise up and say, "The Government has made it impossible for me to do so; the Government has made me as big as you; the Government will not let me do it." If they proceed to sell, perforce or otherwise, to the rubber trust, the act is unlawful, and the right here given by this amendment revests in the United States for the benefit of the Indians, yet I am told to-day the gentleman declines to accept the amendment. Now, I ask the gentleman if he will accept it? I offer it in perfect good faith, absolutely in good faith, to help this young infant in its fight for life and success.

Mr. DENBY. Mr. Speaker, the gentleman has asked me whether or not I would accept a certain amendment. Now, the bill is not my bill, but the company behind the bill is a corporation of the city of Detroit.

Mr. GAINES of Tennessee. But the gentleman representing this concern said he would accept and wanted the amendment.

Mr. DENBY. The gentleman from Tennessee says that I said on Friday——

Mr. GAINES of Tennessee. On Saturday, that you would accept the amendment.

Mr. DENBY. On Friday, during the debate.

Mr. GAINES of Tennessee. On Friday—yes, Friday—in a private conversation.

Mr. DENBY. During the debate I said I would accept the amendment, and would have accepted the amendment at that time, in order to get the objection to the passage of the bill removed. May I ask the gentleman what the amendment provides?

Mr. GAINES of Tennessee. The amendment provides exactly this. It is in the RECORD.

Mr. DENBY. Then may I change the form of my question? Does not the amendment provide that they may not unlawfully alienate this land?

Mr. GAINES of Tennessee. I will read it again:

That all rights acquired hereby shall revest in the United States in the event that said company, or its successor or successors, shall enter into, directly or indirectly, any trust, combine, company, or other concern operating or existing contrary to the antitrust act of July 2, 1890, entitled "An act to protect trade and commerce against unlawful restraints and monopolies," and its amendments.

If this company disobeys this condition, all rights revert to the United States.

Mr. DENBY. Then, Mr. Speaker, in effect the amendment is simply that the company shall not unlawfully alienate their land after once coming into possession of it?

Mr. GAINES of Tennessee. Not at all. I do not want the gentleman to take up all my time.

Mr. DENBY. I wish to explain the matter. You have brought my name in question.

Mr. GAINES of Tennessee. I would like to yield to the gentleman, but you can get time from your side and answer me.

Mr. DENBY. Did you not call me to my feet?

Mr. GAINES of Tennessee. I did, and you decline to accept the amendment.

Mr. DENBY. So far as I am concerned, and speaking for the company, I decline to accept the amendment.

Mr. GAINES of Tennessee. Well, all right; you agreed here Friday to accept it.

Mr. DENBY. I did.

Mr. GAINES of Tennessee. Now, the gentleman in the Willard stated voluntarily and unqualifiedly that he would accept it and wanted it. This amendment is to prevent this company from selling out to an unlawful monopoly, and prevents the monopoly from swallowing him and having his property transferred to this great rubber trust, that has been described by gentlemen from Colorado with such forensic and fiery eloquence.

Mr. DENBY. I have no knowledge of what the gentleman in the Willard may have said to the gentleman from Tennessee, nor do I understand that the gentleman in the Willard has a right to control the legislation of this House.

Mr. GAINES of Tennessee. Will the gentleman please let me use my time and make his speech in the time of the gentleman from Colorado, who has the matter in charge?

Now, Mr. Speaker, I say first that this bill ought to be defeated, and I say it to my friend from Alabama, for I believe that if he had had this coal information, that we now have received since this debate begun, that he would not agree to pass this bill; but we should strike out the provision of the bill which confines the Government of the United States to selling this rubber concern only or to any other at the price of $1.25 with this great coal possibility now known. For that reason, Mr. Speaker, and because the gentleman declines to accept this ounce of prevention that I offered on Friday, when he agreed to accept it as did this company's representative yesterday. I hope the bill will not pass.

Mr. BROOKS of Colorado. How much time have I remaining, Mr. Speaker?

The SPEAKER. The gentleman has ten minutes remaining.

Mr. BROOKS of Colorado. I yield ten minutes to the gentleman from Iowa.

Mr. LACEY. Mr. Speaker, I wish to call the attention of my colleague on the committee, the gentleman from Tennessee [Mr. GAINES], to an apparent oversight on his part. The original bill was not in the form of the bill reported. A provision was inserted in the new bill introduced to be reported by the committee in order to meet this question about coal, to prevent any complication arising under this bill as to this land being coal land. The suggestion was made that it possibly was coal land. To prevent the possibility of this bill being utilized to get coal lands from the Government at a reduced price, it was proposed to insert an amendment in the bill, and a new bill was introduced with this provision which I will read now, and then I will yield to the gentleman from Tennessee, if he wants to interrupt me, after it is read. This is the proviso to section 3:

*Provided, however,* That no patent shall issue for the said land or any part thereof until the Secretary of the Interior shall ascertain by such examination, prospecting, and mineral tests as he may deem necessary and proper the existence of any valuable and merchantable deposits of coal or other mineral upon such premises; and any such merchantable deposits of coal or other mineral so determined, together with the right of ingress or egress, shall be excluded from said patent. The right of entry and egress for the purposes of such examination and tests shall further be reserved in said lease.

So that by special provision, if it should turn out within the ten years that the land is coal land, then the coal is reserved,

and it will only apply to the surface of the land. It gives ten years to investigate and ascertain whether there is coal on the lands or not.

Mr. GAINES of Tennessee. They have investigated, and here is the report, which says there is coal there; they make the report to me for the purpose of bringing it in before this body to-day.

Mr. BROOKS of Colorado. I want to say that the gentleman can speak in his own time and not in mine. I yielded to the gentleman from Iowa and not to the gentleman from Tennessee.

Mr. GAINES of Tennessee. The gentleman from Colorado has no right to interrupt in this way.

Mr. LACEY. Now, if it is correct——

Mr. GAINES of Tennessee. Will the gentleman yield?

Mr. LACEY. I can not yield. If it is true, as the gentleman from Tennessee states, that they have ascertained there is coal there, then this provision is immediately operative. We went a step further and provided that the Secretary should ascertain by mineral tests whether there was any coal there or not, and if there was to reserve it. The gentleman from Tennessee says coal is already found. If so, under the provisions of this bill the coal will be reserved. The gentleman from Tennessee was not present in the committee when the bill was considered; if he had been he would not have made the objection. The matter was examined and the question of coal was provided for in the bill. It is fully protected. The rubber company can not use this bill to obtain title to coal lands.

Mr. BROOKS of Colorado. I now yield three minutes to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Speaker, this legislation ought to pass. Several years ago the discovery was made that the pinquay weed of the Southwest contained in its roots a substance that might be used, or certain gentlemen thought might be used, as a substitute for rubber. In order that those interested in demonstrating the fact whether this plant can be so used may have an opportunity to do it, it is proposed that we lease to them, at a rental to be determined by the Secretary of the Interior, a small tract of land now practically valueless, yielding the Government nothing at all, and which we would have been glad to have sold any time in the last twenty-five years for $1.25 an acre.

These people propose on that tract to erect buildings, select and cultivate the pinquay weed, and it is provided that any time within ten years after the passage of the act they may purchase, if they see fit, the land, at a price to be fixed by the Secretary of the Interior at not less than $1.25 an acre.

The moderation and modesty of these gentlemen is marvelous. Ordinarily gentlemen desiring to have experimentation carried on in the line of agriculture come to the committees and ask large and juicy appropriations for carrying on the work. We have been paying some gentlemen in Pinehurst, in the Carolinas, $10,000 a year for some years, and I suppose will continue to do so indefinitely, for the purpose of experimenting in the growth of tea, and occasionally the Members of Congress receive a package of this tea as a token of the fact that the money is actually being expended. These gentlemen who propose to carry on the experiment for the purpose of determining whether one of the now worthless weeds of the Southwest can be made valuable and useful, not only for their benefit but to the vast advantage of us all, ask nothing of us except that we shall give them an opportunity to lease a small tract of the public domain, now practically valueless, for this purpose. The gentleman from Tennessee, armed cap-a-pie, with a pinquay-weed lance, as becomes the champion trust buster of the House, is fearful that these gentlemen, while carrying on their experiments, will be overwhelmed by the rubber trust, and he rushes to their defense with an amendment that they shall not sell out. Gentlemen, let us give them an opportunity to begin their operations at least before we allow ourselves to become alarmed lest they capitulate to the rubber trust, if such there be. It does not occur to me, if we are to successfully demolish the trust octopus, that this is exactly an effective way to begin the attack. It is beginning at the very small end of the horn. [Applause.]

Mr. BURNETT. Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman has three minutes.

Mr. BURNETT. I yield that time to the gentleman from Tennessee [Mr. GAINES].

Mr. GAINES of Tennessee. Mr. Speaker, this coal testimony was not before the committee when this bill was first considered. I know it was not. I was present that day, but not the day it was reported. The gentleman from Iowa [Mr. LACEY] has been trying to get certain laws—the stone and timber acts—repealed so as to keep the Government from being compelled to sell these lands at $1.25 an acre, inasmuch as the land is far more valuable, and yet the gentleman agrees to report this bill with the $1.25 proposition in it, and not only that, but instead of giving the people—all the people—a chance to purchase it, he compels the Government to sell it to this rubber concern. Now, selling coal lands to a rubber concern! That is a fine purchaser! Why does not the gentleman open the gates by striking out this limiting provision, and if it is a coal territory—and Mr. Walcott says that it is—sell it as coal land and not as worthless land? Why doesn't he try to carry out the recommendations of the President and the Secretary of the Interior as to these lands instead of sacrificing them to this syndicate corporation? Here is land worth from $5 to $10 or perhaps $100 an acre to be sold for $1.25 an acre. And this after the gentleman from Iowa has been trying to get the laws repealed which compel the Government to sell them for $1.25 an acre.

Mr. BROOKS of Colorado. Will the gentleman from Tennessee yield?

Mr. GAINES of Tennessee. No; I do not yield to the gentleman. The gentleman can reply in his own time; my time is too brief, though I want to be courteous.

Mr. BROOKS of Colorado. You can go out there now and get any quantity of the adjoining land for one dollar and a quarter an acre. It has been opened to entry for twenty-five years.

Mr. GAINES of Tennessee. I can not yield to the gentleman. The gentleman never said one word Friday or in his speech to-day about this being coal land. He said these were not farming lands. I do not know whether they are or not, but I do say that you are giving away these Indians' lands, held in trust by the Government; that you are giving them to a rubber concern at a dollar and a quarter an acre. The Government ought to go and mine this coal or allow some one to do so and use it with our Philippine vessels and service, or at least leave the right to sell open so that the Government can get full value for it when put upon the market—rubber plant, coal, and all. [Applause on the Democratic side.]

Mr. BROOKS of Colorado. Mr. Speaker, so far as the question of coal is concerned, the gentleman from Tennessee need not get excited. He or any of his constituents can go there to-day and acquire this land, under our land laws, for a dollar and a quarter an acre, as they could have done for twenty-five years, or they can homestead it for nothing. That land has lain there all this time subject to entry and occupation, and there has been just one location in that vicinity.

The bill is guarded in every possible way against the alienation of any mineral rights, and the fullest opportunity of examination is accorded during the life of the lease.

It was not the intention of the framers of this bill, and it was not the intention of the committee, to sell one particle of mineral land. The gentleman from Tennessee has obtained certain information from the Geological Survey as to the mineral quality of the land, but I take issue with him on his conclusions. It is true that this tract is in the general mineral section of the State, but it is also true that there are at present no mineral developments there whatever, nor is there any reason to apprehend any in the future. It is not, as I am advised, mineral in any commercial sense whatever, and the statements made with reference to obtaining valuable mineral deposits in this manner are utterly without reason or basis of fact.

Now, so far as this antitrust amendment is concerned, you might just as well incorporate into this bill any other provision that the laws should not be violated. We did object to the incorporation of this amendment, and I think that it was very reasonable that we should do so. It is a restraint upon alienation that the gentleman seeks to engraft upon the bill, but it is more than that; it is a declaration in a piece of national legislation that certain laws already existing shall not be violated. In a civil bill it assumes that some one is going to do an illegal or criminal act and then adds a forfeiture to the other penalties prescribed for the unlawful conduct. You might just as well incorporate provisions that any other laws of the United States should not be violated as that the trust laws should not be. They will not be violated, and if they are, the courts are open to afford a remedy. There is no reason and no excuse for such legislation. Every possible safeguard has been thrown around this bill. Not one single suggestion was made by any Department to which the bill was referred, which suggestion has not been substantially incorporated in the bill.

Now, one word as to the rental. It is fixed at a minimum of 3 cents an acre per annum. The State of Colorado owns a large amount of land which to-day it is renting at from 2½ to 5 cents an acre, according to its value and location, the use to which it is to be put, and the requirements of the lease in other particulars, and I call attention to the fact that this is not a maximum, it is a minimum rental. The Secretary of the In-

terior can charge what he thinks is reasonable for the rental of that land, not less than 3 cents an acre.

I think the bill should pass. It can injure no one and it may make possible the development of a great source of national wealth. If these experiments which these gentleman propose to make, entirely at their own expense, are successful they will render productive hundreds of thousands of acres of land otherwise almost worthless, they will add vastly to the prosperity and comfort of very many settlers in many States, but what is more, they will make us, in some measure, independent of foreign sources of supply for a most important staple of commerce. No argument has been presented which should for a moment weigh against these considerations.

Mr. TIRRELL. Mr. Speaker, I have just received a telegram from one of the largest manufacturers of rubber goods in New England and an ex-Member of this body, asking me to ascertain, if possible, who is back of this bill.

Mr. BROOKS of Colorado. I yield to the gentleman from Michigan [Mr. DENBY] to answer that question. I want to say that not one citizen of Colorado has any interest in this matter other than the interest that we all have in the development of our State.

Mr. DENBY. Mr. Speaker, I am very glad to tell the gentleman from Massachusetts the names of all the persons who are interested in this corporation. The president is Mr. J. L. Hudson, of Detroit, Mich., one of the leading merchants of that State and a very prominent Democrat and splendid citizen. The vice-president is Mr. H. P. Williams. The secretary and treasurer is Mr. Bethune Duffield. The other directors are Mr. Charles P. Kotcher, a lumber merchant; Mr. M. Sullivan, whose business I do not know; Mr. A. Y. Malcomson, a coal merchant, and the others interested are Mr. E. C. Dunbar, who is manager of the company; Mr. Jacob Farrand, a prominent manufacturer; Mr. Hugh McMillan, a very prominent manufacturer and a brother of the late Senator James McMillan; Mr. William R. Kales, Mr. Joseph Boyer, Mr. Emil Wenger, Mr. Walter Russel, Mr. Robert Thuner, Mr. David C. Whitney, and Major McCall. Every one of these men is of the highest possible standing in the city of Detroit and State of Michigan. There is absolutely nothing intended beyond the exact purpose of the bill as it appears upon its face. Nothing else is dreamt of by any member of the company.

Mr. TIRRELL. Mr. Speaker, I think this bill is exciting some solicitude among the rubber manufacturers of the country, or I should not have received this telegram.

HUDSON, MASS., 16.

Congressman CHARLES Q. TIRRELL, *Washington, D. C.:*

Mail me copy of bill relating to leasing land in Colorado to P. F. U. Rubber Company. Who is back of this bill? See Speaker prevents hasty action.

L. D. ASHLEY.

Mr. Ashley only a few years since was a Member of this body. I know nothing about the bill, either for it or against it. I only bring this matter to the attention of the House to show that is is exciting solicitude among the rubber manufacturers of the country, and therefore should be fully and carefully explained to demonstrate that they can not be injured by its passage.

The SPEAKER. The time of the gentleman has expired. The question is, Shall the rules be suspended and the bill as modified by unanimous consent pass?

The question was taken; and on a division (demanded by Mr. GAINES of Tennessee) there were—ayes 112, noes 13.

So, two-thirds having voted in favor thereof, the rules were suspended, and the bill was passed.

ALASKAN DELEGATE.

The SPEAKER laid before the House the bill (S. 956) providing for the election of a Delegate to the House of Representatives from the district of Alaska, with House amendments disagreed to.

Mr. HAMILTON. Mr. Speaker, I now move that the House insist on its amendments and agree to the conference asked for by the Senate.

The SPEAKER. The question is on the motion of the gentleman from Michigan that the House insist upon its amendments and agree to the conference asked for on the part of the Senate.

The question was taken, and the motion was agreed to.

The Chair announced the following conferees on the part of the House: Mr. BRICK, Mr. POWERS, and Mr. LLOYD.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. LITTAUER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 16472—the legislative, executive, and judicial appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 16472—the legislative, executive, and judicial appropriation bill—with Mr. OLMSTED in the chair.

Mr. LITTAUER. Mr. Chairman, as I understand it, we now have two hours of general debate, one-half of which time is to be controlled by the gentleman from Georgia [Mr. LIVINGSTON] and the other half by myself.

The CHAIRMAN. The gentleman is correct.

Mr. LITTAUER. Mr. Chairman, I yield fifteen minutes to the gentleman from Ohio [Mr. GROSVENOR].

Mr. GROSVENOR. Mr. Chairman, a few days ago startling information reached the people of the United States that a collision occurred between the military forces of the Government in the island of Jolo, in the archipelago of the Philippines, and a certain band or force of Moros. The startling feature of it naturally was the disparagement in the numbers of the slain and the further fact that it was said that women and children had been killed by the forces of the United States soldiers. With very imperfect information, gentlemen on this floor saw fit to savagely attack the Army of the United States and send forth to the country and to the world unstinted criticism reflecting upon the general in command, reflecting upon the officers in immediate command of the troops, and, by natural inference, reflecting upon the valor and integrity and good name of the American Army.

The President of the United States saw fit to send to Congress a message and in the same occasion transmit a copy of a letter which he himself had written to the Secretary of War commenting upon the character of the transaction, and we knew by the publication in the public press that the President had congratulated the troops in the field, with as full knowledge of all that had taken place as any one person has, and with possibly very greatly superior opportunity of knowledge. His letter or telegram of congratulation has been spread before the American people, so that the assault made upon the Army and the attack upon the good name of the American people on the floor of this House went as a rebuke to the President and the condemnation of the conduct of the Army over a direct compliment that the President had made; so that when gentlemen assail the Army they assail also the President of the United States. Now, the President can take care of himself.

However, I may say that the President of the United States has some knowledge of war, has some knowledge of what is due soldiers operating under these circumstances, has some patriotic regard and affection for good soldierly conduct and efficient soldierly behavior. While he is an admirer of gallantry and soldierly courage, he is at the same time imbued with a rare spirit of condemnation for anything cowardly, for any act of unnecessary brutality, and he would no more countenance or justify an act of unnecessary cruelty than he would do any other mean act. So when the President with, as I have said, a better knowledge than the public in general had of the circumstances, indorsed the conduct of our troops, it went a long way to satisfy the American people that no wrong had been inflicted.

I wish to speak a few words in defense of the soldiers of the Army who made that desperate battle. I wish to argue it fairly and present an answer to the criticism as far as possible, and I will read something which I consider a fair synopsis of the ground of the complaint made on the other side.

The attack on the commanding general and the troops taking part in the action at Mount Dajo, in the island of Jolo, has been based on the following causes:

First, the large number of casualties of the enemy; second, the fact that women and children were among the killed; third, that no prisoners were taken, and fourth, as to the method of attack.

With reference to the large number of casualties, it is to be observed that of the troops operating in the attack eighteen were killed and fifty-two wounded, a total of seventy, which is presumably more than 10 per cent of those engaged, which would indicate that the engagement was not wholly one sided. That was especially so when we consider that the arms of the American troops were necessarily superior to those of the Moros. The fact that there were among the killed women and children has been very clearly explained in the telegram from General Wood, and it is not known a village could be attacked or a camp in which women and children were mixed indiscriminately without some women and children being, as a matter of fact, killed. As to the statement that no prisoners were taken, this seems to be wholly gratuitous and untrue, and while the number of such prisoners has not been officially reported, the only inference that can be drawn from the statement of General Wood's report of the number killed, who himself had or-

dered the succor of the wounded among the natives, is that this statement is without any basis whatever of truth. As to the casualties among the Moros, the official report states that there were about 600. This, of course, is not an exaggeration or an excessive number of killed where the action lasted several days against that number of troops, and the fight terminated in a hand-to-hand charge, as appears to have been the case at the crest of Mount Dajo. Every precedent, and especially every precedent in the history of the Moros, shows very clearly that had the action been to the same extent reversed no American soldier would have lived to tell the tale.

Now, it is but fair to suppose that when the full facts are known it will be found that quite a number of prisoners were taken and a great many wounded cared for in the hospitals and by the medical officers of the Army, and that among these prisoners will be a great number of women and children. As to the method of attack, it has been suggested that this mountain should have been surrounded. The gentleman from Virginia, who I believe is a farmer by profession, explicitly stated as a matter of military strategy that that mountain, which some of us have seen and which he himself had an opportunity to see, ought to have been surrounded by the troops. I am told that a cordon of troops to have successfully surrounded that mountain to prevent an incursion or excursion of Moros would have required a force of from eight to fifteen thousand men. That mountain is not a mere apex. It is a mountain miles in circumference, and therefore the whole story or whole idea that it ought to have been surrounded falls to the ground. In the first place, Moros never surrender. This gang of Moros, as I will show you as I go along, belong to a class of pirates, professional thieves, an organized band of murderers, who never surrender and fight until the last armed man of them is dead. Now, the gentleman seems to have thought this was a sudden outbreak, something that came just suddenly upon our troops, and they went right at it and murdered all of these inoffensive pirates, but the fact about it was that for more than a year this band of pirates have been occupying the crater of that mountain. For more than a year their expeditions of murder and robbery have been going on out from that stronghold, and all attempt to induce them to surrender long ago failed, and the alternative was presented to the commander of these troops or the governor of that island, or whoever put the military force into action, to allow them to continue in that stronghold, made strong by nature and made stronger by art, a place as strong against an assault of infantry as Gibraltar is against an assault by artillery, to maintain that body of criminals, that body of murderers, that gang of representatives of a condition which I will show you has existed over a hundred years in this island of Jolo, or else go to work to do exactly what he did do. The thing had become intolerable. The matter had become a cause of murder of both men and women and robberies unparalleled, as I will show you, and there was no alternative but to get them out of that crater. There was only one way to get them out, and that was exactly the way that the skill of the American soldier, executing the command of his superior officer, succeeded in doing, and the President is absolutely right when he telegraphed, with full knowledge of all that had been going on there during all this period of time, that it was a significant and commendable feat of arms. Now, Mr. Chairman, I know the time is exceedingly precious here, and I do not wish to occupy it beyond reaching the particular purpose which I have in view. I ask unanimous consent at this point of my speech that I may put into the RECORD certain documents in connection with this phase of the existing body of pirates upon that particular island of the archipelago as illustrative of the whole condition that our troops found when they made the assault.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to extend his remarks for the purpose stated.

Mr. WILLIAMS. Reserving the right to object, I would like to ask the gentleman what is the particular character of these documents, from whom do they come, and when did he get them?

Mr. GROSVENOR. They come from published statements. One is from Scribner's Magazine, "Inhabitants of the Philippines," by Frederick H. Sawyer, 1900, page 361.

Mr. WILLIAMS. Does the gentleman call that an official document?

Mr. GROSVENOR. These are official documents. They come to me from the Bureau of Insular Affairs, and they relate to the Philippines.

Mr. WILLIAMS. Are these all magazine articles?

Mr. GROSVENOR. That was an official report published in a magazine, and I have an extract from it.

Mr. WILLIAMS. From whom was that official report?

Mr. GROSVENOR. It is an official report, "Historia de Mindanao and Jolo," by P. Francesco Combes, and originally published in Madrid, Spain, in 1667, page 30.

Mr. WILLIAMS. 1667.

Mr. GROSVENOR. Extracts from the "Gems of the East," by A. Henry Savage, London, Harper Brothers, 1904, and official reports.

Mr. WILLIAMS. One moment, if the gentleman pleases. That is an extract from what?

Mr. GROSVENOR. Well, if the gentleman wants to object he can do so.

Mr. WILLIAMS. Not I.

Mr. GROSVENOR. Every word of it will appear in this CONGRESSIONAL RECORD.

Mr. WILLIAMS. I only wanted to know the character of the official documents which the gentleman proposes to insert.

Mr. GROSVENOR. They are official documents.

Mr. WILLIAMS. One of them is a Spanish book printed in 1600 and odd.

Mr. GROSVENOR. That is a part.

Mr. WILLIAMS. The other was published along in 1800 and odd.

Mr. GROSVENOR. The larger part of the documents come from the official reports of the Commission governing these islands within the last six months; and now I do not want to consume the time. If the gentleman wants to object, he can do so.

Mr. WILLIAMS. I shall not object to their insertion, but I only wanted to know how ancient they were.

Mr. GROSVENOR. I have here official reports touching all the connections heretofore reported: Scott on government of the islands, the report of Captain Cummings, of the Thirty-third Infantry; and I will point out to the gentleman the ancient and the modern history.

Mr. DALZELL. I would ask the gentleman from Ohio if there is any doggerel poetry in it?

Mr. GROSVENOR. No; there is no doggerel poetry and nothing about works of art.

Mr. WILLIAMS. It seems to have something about the people.

Mr. GROSVENOR. I have not relinquished the floor, and have nothing further to say upon that point. It is greatly to be regretted that gentlemen should have given out to the world and a charge be made upon the floor of Congress that involves the honor and integrity of the United States Army, and that has assailed the intelligence and wisdom of the President by inference necessarily, and planted a hostile feeling in the charge made. I will show you that this wonderful victory ought to have a vote of Congress rather than the implied censure of Congress. I believe that the leave to print has been granted.

The CHAIRMAN. The leave has been granted.

Mr. GROSVENOR. Now, Mr. Chairman, the first reference I desire to make is to the publication Historia de Mindanao and Jolo, and it is as follows:

[Extract from the new edition, published by W. E. Retana, Madrid, 1897, of the Historia de Mindanao and Jolo (p. 30), by P. Francisco Combes, originally published in Madrid in 1667.]

The history of the depredations of the Moros in our islands is much older than our domination. Their story is a tissue of the most atrocious insults, their episdoes the bloodiest scenes; they are the essence of perfidy and bad faith; all their pages are written in characters of blood. They have been the incessant scourge of our coasts, the most terrible plague of our towns, the greatest obstacle to our arms, and a great difficulty to the Government at all times. They have devastated the fields, fired the towns, profaned the temples, captured their ministers, wiped out towns and provinces; in a word, they have been a dam against which our armies and our glories have been dashed to pieces.

Here follows an extract from the valuable work The Inhabitants of the Philippines, to which reference has already been made:

[Extracts from The Inhabitants of the Philippines, by Frederic H. Sawyer. Scribners. 1900.]

Page 361: These terrible pirates, who have for centuries laid waste the coasts of the Philippines and the adjacent islands with fire and sword, carrying off tens of thousands of Christians or heathen into slavery, have only within the last few years had their power definitely broken by the naval and military forces of Spain and by the labors of the Jesuit missionaries amongst the heathen tribes of the island.

It is scarcely half a century since they annually attacked the Visayas Islands and even southern Luzon, and they have been, up to quite lately, the great obstacle to the civilization of the southern Philippines. In Cullion, Cuyos, and other islands the churches are built within a stone fort, in which the population took refuge when the Moros appeared. The old Spanish sailing men-of-war could not cope with these sea rovers, who in their light prahus, salisipanes, or vintas kept in shallow water or amongst reefs where these vessels could not reach them. Of course, if the pirates were surprised when crossing open water, they ran great risks, since their artillery was always very deficient, but they sailed in great numbers, and if it fell calm they would cluster round a solitary man-of-war and take her by boarding. In consequence, a special force was raised in the Philippines to protect the coast against these pests.

Page 364: It now falls to the United States to complete the task of centuries, to stretch out a protecting hand over to the Christian natives

of Mindanao, and to suppress the last remains of a slave-raiding system as ruthless, as sanguinary, and as devastating as the annals of the world can show.

Speaking of the Moros, Mr. Sawyer says:

Absolutely indifferent to bloodshed or suffering, he will take the life of a slave or a stranger merely to try the keenness of a new weapon. He will set one of his sons, a mere boy, to kill some defenseless man merely to get his hand in at slaughter.[a] If for any reason he becomes disgusted with his luck or tired of life he will shave off his eyebrows, dress himself entirely in red, and taking the oath before his pandit, run amuck in some Christian settlement, killing man, woman, and child, till he is shot down by the enraged townsmen.

Wanton destruction is his delight. After plundering and burning some seacoast town in Visayas or Luzon they would take the trouble to cut down the fruit trees, destroy the crops and everything else that they could not carry away.

Yet, as they made annual raids, it would have appeared to be good policy to leave the dwellings, the fruit trees, and the crops, in order to tempt the natives to reoccupy the town and accumulate material for subsequent plundering.

Commonly very ignorant of his own religion, he is none the less a fanatic in its defense, and nourishes a traditional and fervent hatred against the Christian, whether European or native.

Looking upon work as a disgrace, his scheme of life is simple. It consists in making slaves of less warlike men to work for him and taking their best-looking girls for his concubines. His victims for centuries, when not engaged on a piratical cruise, have been the hill tribes of the island—the Subanos, the Tagacaolos, the Vilanes, the Manguangas, and others.

Originally immigrants from Borneo, from Celebes, or Ternate, with some Arab admixture, the Moros have for centuries filled their harems with the women of the hill tribes, and with Tagal and Visayas and even Spanish women, taken in their piratical excursions. They are now a very mixed race, but retain all their warlike characteristics.

Cut off from the sea by the Spanish naval forces, they turned with greater energy than ever to the plundering and enslaving of their neighbors, the hill men. These poor creatures, living in small groups, could offer but little resistance, and fell an easy prey. But now the devoted labors of the Jesuit missionaries began to bear fruit. They converted the hill men, and gathered them together in larger communities, better able to protect themselves, and although the Moros sometimes burnt whole towns and slew all who resisted, carrying off the women and children into slavery, yet, on the other hand, it often happened that, getting notice of their approach, the Jesuits assembled the fighting men of the several towns, and, being provided with a few firearms by the Government, they fell upon the Moros and utterly routed them, driving them back to their own territory with great loss. Of late years the Moros have found their slave raids involve more danger than they care to face, and even the powerful confederation of Lake Lanao was, till the Spanish-American war, hemmed in by chains of forts and by Christian towns.

But they have by no means entirely renounced their slave raiding, and, in order to give a specific instance of their behavior in recent years, I will mention that on the 31st of December, 1893, a party of 370 of them, under the Dato Ali, son of Dato Nua, accompanied by 7 other datos, all well armed, and 40 of them carrying muskets or rifles and plenty of ammunition, made an unprovoked and treacherous attack on Lepanto, a Christian village in the Montes country, near the confluence of the Kulaman River with the Pulangui, between the Lococsocan and the Salagalpon cataracts. This is the extreme southern settlement of the Jesuits, and the nearest missionary resided at Linabo, whilst the nearest garrison was at Bugcaon, some 4 leagues distant.

The inhabitants, not being provided with firearms, sought safety in flight, but the Moros captured 14 of them. They profaned the church, hacked to pieces the image of Our Saviour, and cut up a painting of Our Lady of the Rosary, smashed the altar, and with the débris lighted a bonfire in the middle of the church, which, strange to say, however, did not take fire.

They stole the cattle and horses, looted the village, and marched off with their spoil and the 14 captives.

When, however, they reached the ford on the River Mulita, five of the Christians refused to proceed into slavery. These were the Dato Mausalaya, another man named Masumbalan, and three women. They were all put to death by the Moros and barbarously mutilated. The flesh was cut from their bones, and it is said that the Moros consumed some of it, and so terrified the other captives that they marched forward into life-long slavery.

Mr. Sawyer, on page 380, says that—

Military operations on a considerable scale will be required there sooner or later against the Moros of Lake Lanao.

This would be a holy war, a war of humanity, and I would say to the Americans: Look back on the deeds of your forefathers, on days when your infant Navy covered itself with imperishable glory, when it curbed the insolence of the Bashaw of Tripoli, the Bey of Tunis, and the Dey of Algiers, teaching all Europe how to deal with Mediterranean pirates. Inspire yourselves with the spirit of Decatur and his hero comrades, whose gallant deeds at Tripoli earned Nelson's praise as being "the most bold and daring act of the age," and do not hesitate to break up this last community of ex-pirates and murderous slave hunters.

And then extracts from The Gems of the East, which have already been pointed out:

[Extract from The Gems of the East, by A. Henry Savage Landor. Harper & Bros. 1904.]

Fascinating as it is, Jolo (a Spanish corruption of Sulu) is much better known, and therefore less interesting to us, than its people. These folks are inaccurately called Moros. They call themselves—and we call them, too—by their real name, "Sug," or Sulus. They are nice people, with curious fanatical notions, such as most nice people possess in a greater or lesser degree, but circumstances have made them very treacherous, and innocent people frequently suffer from their fanatical outbursts.

The American military colony was in a commotion when we arrived. A soldier had been terribly gashed and killed by a juramentado. These juramentados, as the Spanish word expresses, are religious maniacs, who, after having undergone certain exorcisms in the mosque, proceed to kill any non-Mohammedan and then commit suicide, in order to obtain a happy existence in paradise. This makes it rather unpleasant for those who do not believe in the Koran, for one never knows when one of these devils may be about and treacherously hack one to pieces.

The Americans had given strict orders that no one should go outside the city without an escort. These juramentados, when they run amuck, show a good deal of grit, and I have known of one man actually attacking an entire troop of cavalry, while every soldier was firing at him. The heavy knives and kris of the Sulus inflict terrible wounds, and on one occasion in Jolo I saw a number of persons who had been killed by three of these fanatics. One had the left side of the skull cut as clean as with a razor, and the sword had also made a groove several inches deep in the shoulder. Another gash sideways had cut the body in two as far as the spine.

I had an opportunity of measuring three of these Juramentados—when they were dead—and they interested me greatly. As a type, they all three bore marked characteristics of criminal lunacy, and I firmly believe that the shereefs or priests select these weakminded fellows, who are murderously inclined, and play upon their credulity until they reduce them to a condition of wild frenzy and incite them to commit murder.

These men had square faces, very flat skulls, and low foreheads, cheek bones low down in the face and so prominent that when in profile they nearly hid the excessively flat noses; weak and small receding chins, and the square-fingered, stumpy, repulsive-looking hands typical of criminals—as cruel hands and heads as I have ever examined—the animal qualities being extraordinarily developed. Their repulsive appearance was also somewhat enhanced by the hair of the head being shaved clean and the mustache and eyelashes removed so as to leave a mere horizontal, tiny strip of black hair. The teeth had been freshly filed and stained black, the hair of the armpits pulled out, and the nails of the fingers and toes trimmed very short (pp. 169–170).

* * * * * * *

These fellows had entered the market place with their barongs hidden in bunches of fruit, as no Sulu is allowed to enter the place with his weapons. Once in the crowd they slashed about, killing several and wounding a number of the people (p. 171).

* * * * * * *

That matters were indeed coming to a crisis was unmistakable. Captain Marshall and I, with an escort of cavalry, made a reconnoissance in the more troublesome villages, to which the assassins belonged, on the day of the murders, and the sulkiness of the natives we met was apparent. They would not answer the greetings of the soldiers, did not reply to our questions, had their spears nicely polished and ready for fight in front of their dwellings, and, as we approached, all, with no exception, held their hands on their vicious-looking barongs or krises, read to strike on the slightest provocation, or even without (p. 172).

[Extracts from The Philippine Islands and Their People, by Dean C. Worcester. The Macmillan Company. New York, 1898.]

Mr. Worcester, after speaking of General Arola's precautions to prevent armed Moros out of Jolo, says:

"These elaborate precautions were by no means unnecessary. Before they were put in force Juramentados had repeatedly made their way to the plaza and on one occasion had beheaded Spaniards as they sat in front of a café reading their home letters.

"During Arola's time only one of these mad fanatics managed to get within the walls. He fought his way through the guard, but not before he had been run through the body and shot several times. He fell dead 50 feet inside of the gate.

"'Accidents' sometimes occurred at the lanceria, however. One day a Moro, who had been in and out so often that the soldiers on duty knew him well, entered the town, leaving his barong as usual. Later he came out and claimed it, but before going his way handed around a package of cigarettes. Several of the men put down their guns to light up, giving him a chance for which he had doubtless long waited patiently. Quick as lightning he snatched his barong from its sheath, beheading one of the soldiers with a continuation of the same movement that drew the knife. The man's head rolled 15 feet away. Before the stupefied guardias recovered from their surprise two more of them had received fatal injuries, while a third was crippled for life, but the sergeant was too quick for the Moro and blew his head off" (pp. 188–189).

Now, I have translated from the History of the Mohammedan-Malay Piracy in Mindanao, Jolo, and Borneo, by Montero, printed in Madrid in 1888, the following:

PREFACE.

The history of the vandal incursions, of the terrible depredation, of the cruel assassination and horrible captivities brought about by the Malay-Mohammedans of Mindanao, Jolo, and Borneo, is written with blood in a thousand of the towns of the Philippine Archipelago. For more than three centuries savagery and civilization, the crescent and the cross, the standards of slavery and of the redeemers of slaves, have there sustained a tremendous struggle.

The god of war has established his realm in those beautiful islands, the sands of whose shores are brilliant with the rays of the sun, with the red reflections that are given them by the blood spilt in a hundred combats. Still resound in space the groans of the conquered blended with the cry of victory of the conquerors. Still the marks of the flames and the ashes of the buildings in many villages and towns, forts destroyed, cannons spiked, hulls of vessels floating in the seas and rivers, and the quietness reigning in places where formerly were inhabitants, show that the desolating scourge of war has punished those territories, forming a striking contrast with the magnificent beauty and natural brightness of sky, the exuberance of vegetation, and the warmth of the tropical sun which invites to life. To-day discord agitates the hearts of Joloanos and Mindanaoans, and their former strength appears exhausted; however, they still fight with savage fury for independence, a synonym with them of the most complete anarchy, of the maintenance of slavery, of the most cruel absolutism, of war, piracy, and extermination.

Spain has not yet been able in Jolo and Mindanao to fulfill the civilizing mission that she has realized in the remainder of the Philippine Archipelago. Her efforts, her sacrifices have been sterile; one time she has employed arms, at another made treaties and agreements, both of which have been failures of equal shamelessness. The pertinency, tenacity, and rebellion of the Malay Mohammedans have overturned nearly all the forces and have made inefficacious all possible measures. Neither whipping quiets them, misfortune softens them, nor victory satisfies them. War is their element, piracy their only occupation, slavery their wealth. They fight to make captives. The captives work the fields, row their boats, provide them with pearls, frequently at the

[a] See In Court and Kampong, by Hugh Clifford.

cost of their lives, augment their power and influence according to their number, and are at all times merchandise of ready sale. For these reasons never have they ceased to be pirates. The Moro Malayans recognize no benefit, nor pardon injury, are cruel, revengeful, artful, traitorous, and liars. However many times, obliged by the force of arms, they have agreed to a treaty, so many times have they failed in the execution thereof, making ridiculous the good faith of the conqueror. The isles which they inhabit constituted from the first an exception to the admirable efforts which gave as a result the incorporation in Spain of the vast archipelago discovered by Magellan. The renowned Legaspi, at his death, left under the dominion of Spain the great island of Luzon, with the adjacent and important Visayan Islands, but not those to the south of the archipelago, inhabited by this warlike and fanatical race, skillful in the manipulation of arms, and habituated to robbery and piracy. The religion of Mohammed, spread among its inhabitants, has made impossible the ready triumph obtained by the missionaries over the other inhabitants of the archipelago, whose inhabitants were idolatrous, without distinct creeds or living in the most absolute religious indifference.

As early as 1569, one of the valiant captains that accompanied the Legaspi expedition—the Quartermaster Martin de Gioti—sustained a bold fight in the waters of Cebu against a little flotilla of Jolo and Borneo pirates. From this remote date, there has hardly passed a year that the Spanish-Filipino navy and army has failed to measure arms with the Malay-Mohammedans. This continuous struggle has resulted in a brilliant series of feats of arms worthy of the legendary epoch of the ancient states of Greece and Rome. The army and the navy have enriched the Spanish patriotic history with pages of glory that, once known, must serve for the admiration of future ages, and of stimulus to the present generation, resulting in the delivery of the country from the ominous Saracen yoke. * * * If the political wisdom of the governments of the Philippine Islands, if the resources of the treasury, and the social state of the country had kept pace with the valor of the sailors and soldiers, certainly to-day the Spanish flag would have waved over the north of Borneo, and neither in Jolo nor in Mindanao would the employment of armies have been necessary at the present time. The lack of a rational and constant plan and the effort to convert to Catholicism people so wedded to their beliefs as are the followers of Mahomet, in addition to the causes before enumerated, have maintained a situation in all respects violent to the Filipinos, consuming lives, wealth, and time, which, used in better employment, would have transformed the face of that magnificent country.

Spain has been prodigal with the blood of her sons and of the wealth of her treasury in overcoming, in civilizing, in repressing the ancient fury of that barbarian and bloodthirsty race, a curse on humanity and the executors of their brothers; Spain has struggled during three centuries for the high ideals, and in defense of her subjects, held by the Moro-Malayans in painful slavery, has fought the causes to create respect for her sovereignty, a hundred times recognized and as many times betrayed. * * * Don Modesto Lafuente, in his General History of Spain, page 28, says: "Extremely painful is it for the historian to occupy himself with entire centuries in which men hardly occupied themselves with other subjects than fighting. Readers and authors have to suffer that painful monotony, unless they pass without considering very long periods."

I produce extracts from a monograph prepared in 1901 by the Rev. Pio Pi, superior of the Jesuit Order in the Philippines, published in the Annual Report of the Commander of the Division of the Philippines for the year 1903:

A FEW MORO VICES.

In dealing with this race, refractory to all that is good, much may be said, and unfortunately all that can be said is bad. When we say that it is refractory to all good or to all civilization we must be understood as speaking of its present organization, with its sultans, datos, and panditas, because if on a chosen day all these "birds" of the archipelago should disappear the other Moros would obey the constituted authority and become as meek as lambs.

I will point out here a few facts that will serve to make known a few of their principal vices:

1. *Gambling.*—Perhaps there will not be wanting some who will wonder that we speak of gambling as a vice of the Moros, seeing that it is so general throughout the country; but though this be true the results of gambling among the Moros are especially worthy of attention.

The Moro datos, as a rule, spend their lives in gambling; and when they lack money for keeping up that occupation they sell the first thing that falls to hand, namely, the property of their vassals, of whose lives and property they are the absolute lords. Often have I heard complaints from Moros on this point, who had been robbed of their only carabao, and who were considered as having no right to reclaim or recover it, the actual possessor having purchased it from the dato; and it is looked upon as luck if they sold only the carabaos of their sacopes, for at times they would sell some individual of the family, as it happened in the case of Emilio Calumpit, lost at play by his dato in gambling, and who after several vicissitudes went to Tamontaca and became a Christian. The lately deceased Dato Galan, the most famous gambler and greatest mountebank of all the river, gambled away the daughter of his slave; and neither tears nor prayers were of any avail to cause him to desist from tearing her away from the arms of her mother and handing her out to the winner of the game.

What will civilization say to this?

2. *Cruelty.*—The Moro datos are notorious for their cruelty.

Uto, the once famous Uto, perhaps one of the most cruel men of these later days, gave at times his slaves and sacopes, even for insignificant shortcomings, unheard-of punishments, and other datos used to do the same thing, although less frequently. Those who escaped from him he punished by cutting the tendons below the knees, so that they would be unable to run and walk only with difficulty. Others he ordered to be bound in a place swarming with red ants, which are very vicious and whose bites are poisonous and insupportable. Others he caused to be bound naked to the trunks of trees and exposed by day to the burning rays of the sun and by night to the agonizing torments of the mosquitos, which infest and molest that part of the world. That an idea may be formed of this torment I will merely state that a calf was once purchased in Tumbas for the purpose of slaughter on the following day. The calf was left that night bound to the trunk of a tree, and on the following morning was found dead. Every one attributed its death to the cloud of mosquitos that passed that way. For my own part, I can say that one night in Tumbas I was seated in a canvas chair and was compelled to rise because the mosquitos penetrated with their "lancelas" not only the canvas, but even the habit and trousers. The men of the garrison of Reina Regente always put newspapers over the seats of their chairs, this being the only way to prevent the bites of the mosquitos. It happened once that Uto put some one in stocks, where he died slowly of hunger and misery, as the only food given him was some ears of corn, which were thrown to him every afternoon in the same manner as they would be thrown to swine, serving rather to prolong his martrydom than to nourish his body. Once a commander of a gunboat visited the house of Uto in Chapacan and came across a Moro there dead in the stocks. There he had ended his days, and they had not even removed the corpse.

Another of the punishments meted out by the datos is that of throwing those they wish to chastise into the river with their bodies encumbered with an immense stone, but in such a manner that when the tide rises to its maximum height the sufferer thus imprisoned has to stretch himself as much as he is able in order to prevent the water from entering his nostrils and mouth. Thus they leave the victims at times for weeks in the water, always exposed to death from drowning.

From the cruel Dato Andung, who ordered the death of Piang, there once escaped a slave who hastened to take refuge in Tamontaca; but unfortunately the dato heard of his flight shortly after his having set out in a banquita. Andung followed in pursuit and immediately upon coming up with him put him to death with a kris.

About the year 1885 a schooner under command of a Dutchman visited Cotabato. It appears that among other articles of commerce he carried arms. Believing doubtless he would be able to do business there he made his way to the dwelling of the Sultan. The result of his visit was that he was robbed of all he had in his vessel, which was scuttled and sunk; the crew were made captives, and the Dutchman was tied naked to a tree, while the surrounding Moros tested the edges of their krises upon his body, thus putting him to death by a slow, cruel process.

Guillermo Galmes (or Uring) at the time of the evacuation of Cotabato remained in Tamontaca, and one day having seen a banquita floating down the tide, he captured it. This fact became known to the Dato Diambungan, to whom the boat belonged, and he accused Galmes of theft, and for this supposed robbery imposed upon him a fine of ₱60. As the accused was unable to pay he was carried into captivity, together with his wife and four children. Later on P. Beunasar, S. J., went there and, aided by the governor, reclaimed the said family. The woman and children were given up, but the man had been killed in an attempt to escape.

One of the gentlemen who came with the American civil commission recorded that in Jolo he had seen a Moro who had always carried a large bandage to hide from public view his repugnant mouth, which was unsightly not from any natural defect, but because, having one day spoken disrespectfully to a dato, the chief ordered his mouth to be slit; and it was done with a kris, transversely, deepening it up to the articulation of the jawbone, the mouth in consequence remaining extraordinarily enlarged. The dato remained unmolested. According to his laws or customs he could do as he wished.

But are these customs compatible with civilization?

3. *Haughtiness.*—I do not think it would be an easy task to find a haughtier people than the Moro datos. As a rule they are a miserable set of people, but believe themselves Russian czars. Their pride is revealed in all their acts. In passing from one point to another they must always go under a palio—or, in other words, an umbrella—gaudily decorated, and surrounded by guards of honor armed with kris or campilan; and if they travel in their vintas the law commands that the drums and agungs must accompany them in their boats.

They are considered impeccable, and however great their faults may be they are not considered responsible for them. Dato Aco advanced this argument in the dispute which arose in the detachment of Tamontaca, in order to escape from being killed or bound. They did not know that although the dato is supposed to be irresponsible and invulnerable among the Moros he is not so among the Christians.

Once some Moros traveling in a banca with their dato asked for some cocoanuts from the deceased H. Vinolas; and, when the petition was refused, gave the reply, "He who asks is the dato." Vinolas still continued to refuse, and once again the Moros reminded him that it was the dato who wanted the cocoanuts. The Moros were dumfounded to see, contrary to their customs, that he denied the dato what he asked.

Uto was accustomed to mount his horse by putting his foot upon the shoulders of one of his servants, who bent down purposely to accommodate the magnate. The writer once saw the act performed in Bacat.

The Dato Mamon ordered the immediate death of one of his vassals who had made some irreverent gesture.

We have frequently seen presents made to some datos, and, although the said presents were of some value and things appreciated by them, they always received them with apparent indifference and as though they were of no importance. All this is a result of their haughtiness.

The wives of the datos likewise always travel under a palio and accompanied by their maids in waiting, who surround them chanting songs of a dirge-like nature, but which to them appear very agreeable music. At times also they mount their horse after the manner of the datos, using the shoulders of one of their slaves as a stepping block.

As the Moros are very fanatical and superstitious, they look upon their datos as almost supernatural beings, a belief to which the panditas contribute greatly with their trickery, and thus it may be explained that in spite of the cruelty with which they ordinarily treat their vassals there can scarcely be found a case where one of them has been found insubordinate or rebellious against his dato. The most they do is to attempt to escape, if an occasion offers, to some distant point.

Thus, haughty as they are, it is not strange that they should refuse to subject themselves to the rule of a civilized Government. They do not desire to be governed by anyone, nor do they wish to have any communication with civilized beings. It is sufficient to put a group of houses of Christian Indians close to a Moro settlement to see the latter little by little disappear. All the Moros who at the commencement of the occupation of Tamontaca lived around the neighborhood gradually disappeared. General Salcedo proposed the formation of a Moro village in Tucuran, but a few weeks after the occupation of that point by Spanish troops there was not a single Moro habitation remaining of those formerly existing there.

That the Moros do not desire to be governed by anyone is evidenced by the wars of Jolo, by that of Uto in 1889, and by those of Lanao in 1897 and 1898, not counting the many previous wars which Spain was constantly obliged to wage against the Moros. All the several races of the Philippines, one after the other, subjected themselves to the yoke of Spain and entered into the ways of civilization. And the Moros? As far as concerns later times, the only thing that has been accomplished with this race is what was done at Tamontaca, and well we know how it was obtained, by what means, and at what cost. And there not a single dato was baptized, not because they can not be con-

verted, but because their organization and autonomy makes their evangelization exceedingly difficult.

4. *Robbery.*—Among the Moros there scarcely exists one who is not a ladrone. This is not strange to anyone who knows a little of the race, for the dato being the one who robs in the most barefaced manner, can it be expected that his vassals will not rob also? And let not the reader suppose that this vice is confined to datos only; it is the same with all. They do not commit the robbery themselves, but they have at their orders those who are expert and accustomed to the work. Once a Tiruraye, who knew perfectly well this tinglado, was explaining it to me and said: "Dato A has so many, etc." One of their maxims is that to rob another settlement, above all if there be any enmity between the inhabitants of the two, is no fault. Such actions are so general that they are the common practice of all. At the southern mouth of the Rio Grande there lived and still lives the Dato Ara, who, without any doubt, is the most reasonable and decent of all the people of the river, and in spite of this we are aware that among his carabaos there are some branded with a cross, mark of the mission of Tamontaca.

5. *Treachery.*—Of the history of the Moros it may be added that it is nothing more or less than a series of treacheries both in Spain and in our possessions, in Morocco and the Philippines, for when have the Moros been found faithful? They submit to reduction for convenience or because they are powerless to resist. Or, in other words, are faithful in keeping treaties as long as it suits them, or whilst they have not sufficient strength to free themselves therefrom.

It is within a year and a half ago that one Mariano Doz, who several times has been skipper of the vinta of P. Beunasar, in his voyages to Lebac found a good rice field in that part known as Linas, close by the River Tran. As he had good rice that was to yield a heavy crop, friends were not wanting to warn him not to trust the Moros, but he took no notice of these warnings. One day some Moros sent by Matabalan, dato of the River Tran, visited him and entered into a very interesting conversation with him on the seashore. According to the custom of the country they chewed the buyo together, but suddenly drawing their krises the Moros killed him. Immediately there appeared two more vintas which were near by, and whilst one took up a position at the point as a watchman the remaining Moros busied themselves in cutting the rice and carrying it to the dato.

About the year 1884 two Moros who had escaped from the clutches of Uto reached Tamontaca. Both received Christian instruction in preparation for baptism. One day in the market place of the same settlement an emissary of Uto entered into a friendly conversation with one of the two. Whilst chewing the buyo together the emissary of the magnate—sent, as was afterwards known, with that object in view—suddenly drew his kris and cut off the Christian's head. Without the possibility of his being captured, he escaped among the people, who were struck with amazement at the boldness of the deed.

A short time previous to the evacuation of Zamboanga by the Spanish troops several families of Tamontaca who had followed the fathers to that capital wished to return once again to the former settlement. For this purpose two or three large vintas were hired. P. Beunasar gave them letters of recommendation to the Datos Benito and Mamogueten, the former having always been high in praise of the Spaniards and the latter always a great friend of P. Juanmarti, from whom he had received so many favors. The former ordered the death of several of these people and the captivity of others with several women, although he afterwards freed them at the instance of Mandi. With the same end in view some others were also detained for a day and a night; and if he did not finally carry out his idea it was because of the threat of one of the prisoners that P. Beunasar would return to Cotabato in a gunboat.

Another case that may be cited in this connection to prove the treachery of the Moros is that of the treachery of Balabag.

6. *Piracy.*—The Moros are unexcelled pirates, and slavery constitutes perhaps their greatest wealth. It is well known that within the last quarter of a century formidable fleets of vintas sailed continually from Jolo and the Rio Grande, and after sacking some pueblos of the Visayas returned to their strongholds loaded down with booty and with captive Christians. Their hatred inspired them at times even to approach the walls of Manila. The then Bishop of Cebu, Señor Gimeno, did not desist from petitioning the Spanish Government to occupy southern Mindanao in order to put a stop to such piracy. He sent every year a record of the people of his diocese who had been captured by the Moros, and at times the number reached 2,000. At times whole pueblos were captured and the churches robbed of every object of any value they contained. At last the Rio Grande was occupied, and later on Jolo. Several faluas (small rowboats) were sent down, but they were so heavy that when they were rowed they scarcely moved, while the Moros in the vintas, which were generally very light and of but little draft, had the laugh on them.

Hence the faluas were useless to prevent piracy, but later on, when the gunboats came, the scene changed. The vintas met with on the high sea were overhauled and, if suspected, were searched, and if contraband was found aboard it was confiscated and the crew made prisoners. A great many were sunk, and in this manner in less than a year piracy was stamped out in the south. From that time on the Moros could no longer conduct their piratical expeditions to the Visayas or to other ports. But then they began stealing children among themselves. The Moros can not exist without their slaves, and when they can not have Christian ones they procure them from among their own race. Malabang and Baras have been for a long time the chief markets of human flesh, and to the said points were carried those captured in Lanao, to be sold to the Chinos of Cotabato or to the Moros of the Rio Grande. And there also was sold those captured in this last-named place, to be sold in turn to the Moros of Lanao. In this manner, to a great extent, escape from their masters was almost impossible, as they were far from their own settlement and in an unknown region. The immense majority of the children who entered the refuges established at Tamontaca were Malanaos, and it was an interesting thing to hear them recount the manner in which they had been captured.

From the time that the gunboats commenced to cross the seas of the south to a degree did piracy cease at sea. For the seventeen years I was on the Rio Grande I received notification of only three or four Christians being captured. But the practice was renewed after the evacuation by the Spanish, when a Filipino government was left in Cotabato. This was succeeded by the American Government, after the cataclysm of crime and violence with which we are well acquainted. But the American Government has done nothing up to the present to put down piracy, which has commenced once more to assume extraordinary proportions, its principal victims being the Tirurayes, the third part of whom have been carried away captive to Jolo and other points in two years. In this respect we have retrograded to the times of Corcuera (1639).

In concluding this subject, I will mention the following: Some time since, speaking with the American colonel at Zamboanga and with the commanding general of Cotabato, I told them that it appeared to me that the Moros went to Rio Grande and neighboring shores in Joloan pancos loaded with arms, which they sold at these places, and returned loaded down with Tirurayes. Although the said officers did not deny this, they doubted it, or believed at least that the tale was exaggerated. The following occurrence dispelled their doubts:

On the 29th of April the launch of Cotabato, which had come to Zamboanga three days before, returned, having as passengers myself and two American officers. A good distance before reaching Punta Flechas we discovered a white object on the larboard. We soon knew it to be a vinta. The captain of the launch remarked, "Surely that is a Joloan panco, and if it is going out that way they are certainly carrying arms, and if it comes thence it carries Tirurayes." In Spanish times this boat would have been examined. "Shall we examine it?" said the captain, as though defending his honor. No sooner said than done. It was in fact a Joloan panco, the crew of which seeing us bearing down upon it let down its sail and hoisted the American flag. However, the flag proved of no value to them. The captain boarded her with four marines and commenced his examination. In half a minute they discovered in the hold large quantities of cartridges, carbines of various classes, rifles—Remingtons—and a large case of cartridges and pistols. The panco was taken in tow and, together with its crew carried to Cotabato, where the captain and crew were thrown into prison.

Our task is done. It will be a happy day when the Government of the United States becomes convinced of the existence of the obstacle to civilization we have here denounced and of the possibility and necessity of removing it for the common welfare of the country.

PIO PI, S. J.

MANILA, P. I., *July 25, 1901.*

I present certain official reports from our own officers of recent date—Maj. H. L. Scott, for instance, governor of the island, and other officers, all making official reports to their Government. Major Scott was most treacherously trapped into an ambush and chopped almost to pieces by a Moro pretending to be friendly.

[Extract from report of Capt. S. A. Cloman, Twenty-third Infantry, dated Bongao, P. I., February 2, 1900.]

I have the honor to report the following as having taken place in the Tawi-tawi group of islands, within my jurisdiction:

On January 26, 1900, a party of soldiers, consisting of Sergt. Egbert V. De Wolfe, Corpl. Leonard T. Mygatt, Privates Webster F. Gibbons, William T. Carter, and John A. Greathouse, all of Company H, Twenty-third Infantry, left the post in a small sailboat, on a seven days' pass, for the purpose of visiting the lake on the island of Tawi-tawi and hunting.

The aforesaid party left the post about 8 a. m. Friday, January 26, 1900, and proceeded up the coast of Tawi-tawi about 12 miles, where they camped on the beach for the night.

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The party next went into camp on a samll uninhabited island about 8 miles from Balimbing, and about 6 o'clock that evening saw two large proas (native boats) about a mile offshore, where they remained all night. This caused no particular remark, as proas are continually coming and going in those waters, many people living entirely in their boats. Early the next morning these proas landed and the natives, 10 in number, came to camp. Several of them were recognized as being of the inhabitants of Balimbing, who had treated them so nicely, so every effort was made to return the hospitality. They were given breakfast and a deck of cards that they seemed to greatly fancy. About 7 a. m. the party broke camp and proceeded over the main island of Tawi-tawi, although the natives seemed to insist on their staying where they were until high tide in the afternoon.

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At this time Corporal Mygatt was taking off his clothes in a corner of the tent, while the other four men were playing whist on a blanket in the center, being surrounded by the natives, who seemed greatly intent on grasping the methods of the game. They had no weapons with them except their woodcutter's tools, consisting of native hatchet and parangs (a sort of bolo used for cutting small timber), but none of these were visible at the time. The corporal left the tent and went to the beach and soon afterwards heard some screams and two shots. In the tent the game had continued for about five minutes after the corporal's departure, when the native standing behind Sergeant De Wolfe suddenly pulled a parang from behind him and struck the sergeant on the neck, nearly severing the head from the body and killing him at once. At almost the same time Private Gibbons was struck on the side of the neck and head, making a hole through the skull 5 inches long, through which the brain oozed, and Private Greathouse was struck on the neck, the parang severing the external carotid artery and exposing the internal artery and spine. The parang (barong), which I now have, is badly nicked and dulled, or the head would have been completely severed. The edge of the parang meant for Private Carter's neck was turned by the tent canvas and only staggered him, but at almost the same time another Moro struck him a terrible blow on the head with an oar he had made. He staggered toward his gun but another native sunk a hatchet deep in his back, injuring his spine. He then ran to the cook fire about 20 yards distant for the ax, but by the time he had reached it and turned, the Moros had all disappeared but the three who were chopping Private Gibbons, and these ran before he could reach them. In the meantime Private Gibbons had reached his gun and fired a shot, but being virtually blind and staggering, it was without effect, and then began a terrible struggle for the gun. Private Gibbons could do little more than struggle bare-handed for its possession, while the three natives literally chopped him until he was helpless, when one of them got possession of the gun and shot him below the heart. The natives then ran for their boats and pushed off, taking with them three rifles, one revolver, and four belts, with the cartridges. This whole mêlée lasted only about a minute, being simply a wild chopping and scramble for the guns. When the corporal returned from the beach he met Private Greathouse in the woods, carrying a gun with one hand and holding his head on straight with the other. * * * The dead sergeant and Private Gibbons had to be carried through the woods to the boat, and they were over 30 miles from

friends or help, with one man to sail the boat and take care of the three wounded. * * *

THE JURAMENTADO.

The Moros are accustomed to suffer all the caprices of their despotic authority. The laws of centuries permit the men to be recruited for any purpose whatsoever. The debtor who can not pay becomes, with his family, the slave of the creditor, and the Moros are so indifferent to these conditions that their owners do not encounter any difficulty in making them contract such debts for their own resources. The debtor thus loses all his rights, and his children can be sold throughout the archipelago. He can, however, buy the liberty of his family at the risk of his own life, i. e., for the largest number of Christians whom he can slay. If the debtor accepts this proposition, he becomes that moment a Juramentado, knowing perfectly well that if he manages to get into the midst of a Spanish settlement that all hope for escape is dead. Death is therefore certain for all Juramentados, and it is never the case that one repents his imprudence, because there are a number of Juramentados assembled to submit themselves to certain rites performed by expert panditas or priests. Along in the deserted forest, the moonlight adding its rays to the weird, fantastic scene, they commence their exercises by fasting, reciting, and praying over the graves of the departed Juramentados and speaking of the bliss and happiness that is to be theirs in the heaven of Mohammed.

When they arrive at a sufficient state of exaltation, but never before, they are sent into a Christian community. As this is a ceremony that interests more or less different families, and a great number of formalities have to be gone through with, it can never be kept absolutely secret, no matter how much it would be to their interest to do so, and thus it is that the governor of Jolo receives notice that an attack by the Juramentados will be made. But they can never inform him of the exact time when the attack will be made, because the Juramentados themselves do not know at what time they will reach the exalted state. At nightfall, in the magic splendor of the moon, reverberates in the depth of the forest warlike sounding metal, like the everlasting lamenting echo of ever wandering souls. The priest congregates all fame-thirsting youths; speaks of the strong ones who died a noble death in front of the enemy's steel, of the menacing shadows of creditors, of the glory of the hero, and the infamy and slavery for the coward, and of other inexhaustible lives of pleasure where brilliant eyes look upon infinite treasures; and as imagination crazes them they convulsively grasp their sharp kris (sword) and imagine themselves feeling the cold sweat of death on their foreheads. From the damp vapors of the night surge voices, instilling valor into their hearts. The following day they die at an outpost.

The first Juramentados of whom we have knowledge, through history or tradition, gave themeselves to martyrdom through exaltation of belief. Exalted in their practice of prayer, fasting, and making abstractions of all terrestrial pleasures, anxious to gain the paradise offered to all believers of Mohammed, they prepare themselves for the sacrifice, imposing upon themselves material mortification, putting strong binding upon their members and resolve to die on the terminal day. They shave their heads carefully, clothe themselves in clean white clothing (color for mourning among the islanders), and accompanied by their relatives, after arriving at the spot of bloody purification, they take leave from their relatives and present themselves before the largest possible body of armed Christians, calling their attention, provoking them, in search of death and martyrdom. The merit of eternal recompense is to receive cruel blows without a murmur or lament, without a show of agony, or avoidance of suffering, until expiring they lie victims of their own ignorance.

These mystic martyrs followed the warriors and were not satisfied in dying, but anxious to kill, mixing religious fanaticism with political fervor, never retreating, showing themselves to their enemies and trying to cause the death of the largest number before falling. Their open attacks were followed by ambuscades and surprises, any means seeming proper to gain their martyrdom. The odium of races, the desire to distinguish themselves before their families, the wish to be revenged, and many other causes to-day make the Juramentado. Abuse, scorn, or any injury will make assassins of Moros and will convert the greatest coward into a ferocious beast. Take a Moro who has been your friend and force him to leave you and he will make you take a kris and kill him, because he will never allow himself to be so dishonored. Tragedies of all kinds among the Moros are credited to the Juramentado. Modern arms have, however, diminished these devils in human form, and only the bravest and most fanatical commit themselves for this purpose. There are few panditas to be found who will prepare candidates for martyrdom, as their respect for authority cools their religious ardor.

JURAMENTADOS.

*October 30, 1902.*—Two Moros ran amuck at the stables and cut one enlisted man of Troop H, Fifteenth Cavalry. The Moros were killed by the soldiers.

*March 8, 1903.*—A Moro ran amuck in the cockpit at Tulei, killing one Filipino man and wounding one Moro, one Filipino, and one Chino. One of the vigilantes killed this man.

*March 10, 1903.*—A Moro ran amuck at Tando Point, near Jolo, killing one private of the Engineer Corps. The run-amuck was killed by the guard at that place.

*March 14, 1903.*—Three Moros ran amuck at the market, near the pumping station at Asturias. They killed one Indian, two Moros, and wounded one Moro woman and one Filipino man. The run-amucks were killed by Captain Eltinge and his troop.

*September 25, 1903.*—A Moro ran amuck in the town of Jolo, having entered through the band gate. One soldier was cut by him. One soldier was killed by stray bullet fired by soldiers. The run-amuck was killed by the soldiers.

H. L. SCOTT,
*Major, Fourteenth Cavalry, Governor.*

A careful study of the material here presented will give to our friends on the other side, who are so anxious for the safety and happiness of these thieves and pirates, some information in regard to the sort of people they are agonizing about. Here, it may well be said, is a body of professional criminals, organized for murder, organized for larceny, piracy, crime in every form, and having no pretense of a government, outlaws absolutely, intrenched in a mountain pass where great skill had made what was believed to be an impregnable fortress, and after patiently waiting for more than a year, after all negotiations had failed and when it became absolutely certain that nothing but extreme force would dislodge this band of thieves and murderers, the gallant men of the United States Army marched up to the crater, and after three or four days of constant battle they succeeded in destroying the force. Will it be said that any more force was used than necessary? I deny it. Is it to be said that there should have been gentler means? I point out that gentler means would have been unavailing.

So I conclude that the necessity to dislodge these bandits was imperative; that all appeals for a cessation of murder and arson and robbery had failed of effect. It became the duty of General Wood and his officers to suppress these outrages with force enough to accomplish the result, and they were not to imperil the lives of their own men to an extent beyond the absolute necessities. It seems to have been skillfully done, successfully done, and when the report is finally made it is not to be believed that there was any considerable number of women and children sacrificed. If there were, then let the fault fall upon the men who made it impossible to destroy this nest of vipers without the incidentals that were required.

Strangely enough, just when this attack is resounding through the Halls of the United States Congress the information received shows that the Sultan of Sulu and his principal datos are still congratulating General Wood on the killing of the outlaws which has made possible the tilling of the fields. So at one end of the line we find that the authorities, such as they are, the Sultan of Sulu, with his officers and men, under the direction of the leading datos, formed in columns and carried water to the troops. It is said that this attack was delayed for six months while Governor Scott was endeavoring to persuade the outlaws to surrender, but the defiant attitude of the leaders of the outlaws made it absolutely impossible to hope for success except by the methods which were ultimately used.

The blood-curdling accounts of the killing of women and children that came from Manila from the sensational newspaper men over there are being constantly contradicted by the latest information, and yet the American people are told by Congressmen and the world is being told by Congressmen that the American Army has been guilty of butchery and unnecessary destruction of life and that the President has indorsed it.

Mr. Chairman, it is most unfortunate that there is such a tendency to make capital against the good name of the American people and the American Army whenever these outbreaks occur.

Mr. WILLIAMS. Mr. Chairman, it seems to me that I catch some of the usual phrases of jingoism in the statement of the gentleman.

The CHAIRMAN. The gentleman from New York has charge of the floor.

Mr. LIVINGSTON. Mr. Chairman, the understanding was that the gentleman from New York should control fifteen minutes and that I should have the same time. If that is agreeable to the gentleman from New York, I will yield to the gentleman from Mississippi.

Mr. LITTAUER. It is.

Mr. WILLIAMS. I catch the phrases "wonderful victory," and "desperate battle," and "charges against the honor and integrity of the American Army." It is a wonder that something was not said about "treason to the flag" while the gentleman was going on, and then the old song would have been too familiar to require a reply even. The gentleman says we made a charge on the floor against the integrity and honor of the American Army. Why, the charge that has excited the interest of the American people was not made on the floor. It was made at Mount Dajo, and this "wonderful victory" and this "desperate battle" involved the loss of eighteen of our men. That is the whole thing reduced down to prose. The gentleman objects to treating the matter poetically. Prosaically treated, then, it is reduced to the loss of 18 killed on one side and on the other side the loss of 600 people, part of whom were women and children. These are the bare facts.

Mr. GRAHAM. Will the gentleman permit me to suggest——

Mr. WILLIAMS. These are the bare facts. One moment, and then I shall yield, but not in the middle of a sentence. The other bare fact, as the gentleman himself confesses it, is that thus far no prisoners have been "officially reported." I will add, no Moro wounded, either.

He undertakes unofficially to report that there will be found after a while to have been prisoners. I do not know whether that will be found or not. Thus far, at any rate, the men whose duty it was to report casualties at that battle report so many of the enemy killed—to wit, 600—none wounded and no prisoners. Not only none wounded, but no prisoners, in the official report. They account in the first place for the fact that women

and children were killed by the assertion of General Wood that those people "made shields out of their children" and charged bravely, with their children as shields, upon the serried ranks of the American infantry. We are told that they were "robbers." I do not know, but if it be a fact that they were robbers, they were devoting to the profession of robbery a degree of immolation of themselves and of their families that no band of mere robbers ever devoted to such a cause. They immolated themselves, if Brigadier-General Wood's statement be correct. Mere robbers, with no higher aim than robbery, do not take their children in their arms as shields and charge upon the best armed and best disciplined troops in the world, and die—men, women, and children. But that is the way it was accounted for. Now, later on, I see it is accounted for in a different way. It is said that such women and children as were killed were killed by long-range shell firing. If that be true, of course, that could not have been helped. I understand that when you are shelling a place you can not choose just where your shell will fall, and if women and children are in the way, women and children suffer, as they did at Vicksburg, as they did at Saragossa, as they did at Metz, as they have done in many other places in the history of the world. Which of the two explanations is going to be taken? Or, is it true that later on we will have still a third one? Perhaps when American sentiment demands it there will be prisoners reported and perhaps wounded reported. And if hereafter prisoners and wounded are to be reported, why were they not reported in the official report of the battle, giving the casualties on our side and the casualties on the other?

Mr. GRAHAM. I have no doubt the gentleman does not desire to misrepresent things; but the official reports state that there were other troops engaged, but there was the Philippine Constabulary, and there were other casualties besides the eighteen referred to. The eighteen does not cover all the casualties.

Mr. WILLIAMS. What were the casualties among the constabulary?

Mr. GRAHAM. Quite a number.

Mr. WILLIAMS. Not "quite a number," or it would have struck me. It did not go into three figures, I know, or it would have struck me as "quite a number."

Mr. GRAHAM. At any rate, away ahead of the casualties among the United States troops, as you will find.

Mr. WILLIAMS. I do not remember about that, but I am talking about the losses among our soldiers; because, in answer to the suggestion of charging the American Army with dishonor in connection with this "desperate battle," I want to prove how "desperate" it was for our troops. Knowing the American soldier, as I think I do, and knowing the Philippine Constabulary as well as anybody—most of us know nothing about them—I dare say that their percentage of casualties was not any larger than the percentage of casualties among the American troops. Now, Mr. Chairman, if the gentleman from Ohio desires to ask me a question, I shall be pleased to yield to him. I saw him on his feet.

Mr. GROSVENOR. I want to suggest to the gentleman that General Wood in his report, as I recollect, stated that prisoners had assaulted and murdered some of his American soldiers who were trying to relieve the injured.

Mr. WILLIAMS. I remember that.

Mr. GROSVENOR. Well, they were prisoners.

Mr. WILLIAMS. Mr. Chairman, I remember that General Wood in his report said that when they went to relieve some of those who were wounded these wounded Moros undertook to stab the men who came to assist them, and I thought to myself when I read it that perhaps that accounted for the fact that there was no wounded reported and no prisoners taken. Perhaps the soldiers became perfectly infuriated at that and acted accordingly, and so all were killed. There were no prisoners and no wounded stated in that report. If there were wounded or prisoners, they ought to have been stated in the report, and if they are stated later on then the gentleman from Ohio himself will confess that if we have made any error about the battle, and if we have commented erroneously upon the fact that there were no wounded and no prisoners, it is not our fault, but the fault of the officer who did not completely report the battle as he ought to have done. The gentleman from Ohio is too old and too good a soldier to tell me that he ever knew of a battle during the civil war that reported casualties without reporting the prisoners, the wounded, and the missing, as well as the killed. In this case they reported but one thing about the enemy, so many killed, all who were reported as present, to wit, 600, and as it was known that a great many of them were women and children, the officer reporting was forced to confess that a great many of the killed were women and children, and then accounted for it on the shield theory.

Ah! Mr. Chairman, we are carrying "the white man's burden!" If there is anything I am devoted to over and above anything in the world, it is the development of my race in its integrity and blood purity. I think it is the greatest race on the surface of the earth, but it is never well to forget the adage "noblesse oblige," that nobility and superiority carry responsibility, and that in the Philippine Islands our "greatest race on the surface of the earth," and all that sort of thing, ought to remember its superiority, ought to remember its nobility, and ought to remember that with its superiority there is responsibility, and in proportion as the other side is weak, in proportion as it is barbarous, in proportion as it is ignorant, so much greater is the responsibility which we ought racially to recognize as we go along winning "glorious victories" after "desperate battles."

I do not know but that future history may show that the battle of Mount Dajo was not as first reported. If that history shall show it, then, of course, remarks made about it as just reported will be exactly in that far erroneous, and will be exactly in that far subjects of regret to those who have made the remarks. But we can not change our opinions upon the mere supposition, the mere prediction of the chief prophet of the Republican party that there, perhaps, "may be" prisoners, that there, perhaps, "may be" wounded to be reported later "officially," and now only unofficially suggested by him. [Applause on the Democratic side.]

Mr. TAWNEY. Mr. Chairman, this bill carries appropriations for the expenses of the legislative, executive, and judicial branches of the Federal Government for the next fiscal year. It abolishes 308 places now provided for by law, carrying salaries aggregating $360,360.25. It creates 243 new places and appropriates salaries therefor aggregating $276,324. It reduces 64 salaries for positions now provided and appropriated for by law aggregating $8,400, and increases 104 salaries, the aggregate increase equaling $16,930. In a word, therefore, the net reduction, as will be seen from these figures, made by this bill on account of positions and salaries abolished and reduced is $76,506.25.

These facts and figures ought to convince this House that your Committee on Appropriations has not neglected its duty in respect to inquiring into the condition of the public service in the respective Departments of the Government, and also into the necessity for positions now existing or which the Departments ask to have created and the salaries which ought to be provided for for the positions thus created.

I listened with much interest to the remarks of the gentleman from Maine [Mr. LITTLEFIELD] last Friday, when he presented to the House and to the country facts tending to show the marvelous increase in the salaries and in the number of positions during the last eight years.

From his statement it appears that from 1888 up to and including 1898 the average annual increase in salaries aggregates about $2,000,000, and that the average annual increase in salaries since that time has been about $11,000,000. While the gentleman from Maine [Mr. LITTLEFIELD] did not seek to convey to the House the impression that the Committee on Appropriations was responsible for these increases, both in salaries and in positions, I fear that his remarks may have left upon the minds of many Members the impression that such is the case.

I therefore desire, Mr. Chairman, to call attention to the fact that there are two principal causes for these increases. One is the creation of the Department of Commerce, with an aggregate expenditure for salaries for the fiscal year 1905 of $2,142,739.84. The other is the establishment of the rural free-delivery service, increasing salaries annually to the extent of $20,480,000. Both of these causes have occurred since the date mentioned by the gentleman from Maine. When you deduct the increases made necessary by these two facts, together with some increases demanded by laws enacted by Congress, you will find that the average increase in both positions and salaries since 1898 created and carried in the appropriation bills does not exceed to any material extent the average increase in both positions and salaries prior to that time.

But, Mr. Chairman, it is nevertheless a fact, one that is well known to every Member of this House who has had any extended service, that in the enactment of legislation by Congress there is altogether too little attention paid to the consequent increase in both salaries and positions for which appropriations must thereafter be made. It is Congress, therefore, and not the Committee on Appropriations that must assume responsibility for originating practically all the increases in the past, for when a law passed by Congress authorizes any of the Executive Departments to undertake a new work or to undertake a new

investigation which involves a vast amount of labor and a large number of Government employees, there is thereby created a necessity for additional expense, additional positions and increases in salaries for which that Department will submit to Congress its estimates, and thereupon the Committee on Appropriations has no alternative except to report appropriations for the purpose of meeting this additional expense.

I am glad, sir, that, as I have heretofore said, the present appropriation bill is not open to this criticism. It is the first one I believe that the Committee on Appropriations has reported in about ten years which has not carried an aggregate increase in salaries and positions greater than the last preceding appropriation bill or the current law.

I was therefore very glad to observe the independent investigation and inquiry which the gentleman from Maine [Mr. LITTLEFIELD] has given to the subject-matter of the appropriation bill now under consideration and to the subject-matter of the same bill reported and enacted in previous Congresses. If other Members would exercise their right and their privilege in a similar way, and devote time to the investigation and inquiry into the expenditure of public money and into the estimates submitted by the Departments, I feel confident that it would be of material benefit to the House and of great advantage to the Government and to the people. It would tend to prompt committees having jurisdiction of appropriation bills to be more careful in their investigation, more searching in their inquiries into the estimates submitted, and when their bills come before the House there would be less occasion and less justification for the superficial criticism which is so frequently indulged in upon this floor.

Mr. Chairman, I have realized for some time that the Federal Government was rapidly increasing its police supervision throughout the entire country. I have realized to some extent that we were rapidly assuming control and general supervision of the domestic affairs of the people of the States in the doing of that which belongs peculiarly to the States. But, sir, not until I came to examine the estimates of the several Departments of the Government for appropriations for the next fiscal year did I have any conception of the rapidity with which this extension of the Federal policing and Federal supervision of the domestic affairs of the people of the States was growing and being extended. For the purpose of ascertaining with some degree of certainty the extent to which the power of the Federal Government in this respect has been extended, I have ascertained from all the Executive Departments of the Government the growth of the inspection and general agents service during the past decade. I selected this branch of the public service for the purpose of ascertaining the extent of the growth of the centralization of Federal power and the extent to which the Federal Government is engaging to-day in the work of doing that which belongs peculiarly to the States. I have done this because it is through that service that this power is exercised to a greater extent than through any other branch of the public service. In the statement I have prepared and will submit as a part of my remarks I have separated this service and given each branch of the inspection and special-agent service of each Department separately.

*Data concerning agents, inspectors, examiners, etc.*

| Title. | Where employed. | 1896. | | 1906. | |
|---|---|---|---|---|---|
| | | Number. | Compensation. | Number. | Compensation. |
| Special agents, etc. | Bureau of Labor. | 20 | $28,400.00 | 40 | $57,200.00 |
| Special agents | Census Office | ..... | ..... | 735 | 500,000.00 |
| Examiners and special agents. | Department of Justice. | 11 | 27,500.00 | 20 | 45,220.00 |
| Special agents and inspectors. | Treasury | 149 | 257,927.00 | 168 | 315,827.50 |
| Suppressing counterfeiting and other crimes. | Treasury | ..... | 65,000.00 | ..... | 125,000.00 |
| Mine inspectors | Interior Department. | 3 | 6,000.00 | 2 | 4,000.00 |
| Inspectors, examiners, and special agents. | do | 67 | 96,985.00 | 120 | 180,728.50 |
| Special examiners | Pension Office | 150 | 195,000.00 | 125 | 162,500.00 |
| Inspectors | Indian Affairs | 32 | 72,260.00 | 38 | 85,075.00 |
| Inspectors, mail depredations. | Post-Office Department. | 108 | 176,400.00 | 226 | 368,150.00 |
| Agents | Alaskan seal fisheries. | 4 | 12,950.00 | 4 | 12,950.00 |
| Do | Salmon fisheries. | ..... | ..... | 2 | 7,000.00 |
| Do | Rural free delivery. | ..... | ..... | 167 | 227,100.00 |
| Special agents | Department of Commerce and Labor. | ..... | ..... | 4 | 12,520.00 |
| Do | do | ..... | ..... | 31 | 62,152.00 |
| Inspectors | Bureau of Immigration. | 91 | 128,504.00 | 454 | 664,665.00 |
| Inspectors | Steamboat-Inspection Service. | 132 | $242,200.00 | 165 | $311,800.00 |
| Assistant superintendents and agents. | Post-Office Department. | 4 | 6,400.00 | 39 | 70,200.00 |
| Agents, inspectors, etc. | Agricultural Department. | 160 | ..... | 773 | [a]1,355,640.00 |
| Total | ..... | 931 | 1,315,526.00 | 3,113 | 4,567,728.00 |

[a]Amount from which authority is given to employ agents, inspectors, etc.

An examination of this statement shows the total number of inspectors and special agents employed in the public service in 1896, the aggregate amount appropriated for that service, and also the aggregate number who were employed in that service in 1906 and the aggregate appropriations therefor. From this statement it will be observed that since 1896, or in the last decade, the number of special agents and experts in the Bureau of Labor has increased 100 per cent, and the amount expended for that service has likewise increased about 100 per cent. It will also be observed that the increase in the number of inspectors, examiners, and special agents of the Interior Department during the last decade has increased 79 per cent, and the amount of the expenditure for that service has increased 86 per cent, while we have increased the number of examiners, inspectors, etc., by the establishment of the Department of Commerce and Labor, in addition to the increases in the bureaus which were taken into that Department, to the extent of thirty-five.

The most notable increase, perhaps, will be found in the Department of Agriculture, where in 1896 they had only 160 inspectors, special agents, etc., and in 1906 they have 773. The total number of special agents and inspectors employed by the Government in the field and outside of the District of Columbia in 1896 was 931, while the total number in 1906 employed for that service is 3,113, an increase of 383 per cent. In 1896 we were expending for this special-agent and inspection service only $1,315,526, while to-day, ten years thereafter, we are appropriating $4,567,728.

As tending to show the character of the work done by the inspectors and special agents of the Department of Agriculture, I herewith submit and will publish as a part of my remarks a letter from the Secretary of Agriculture, which gives the inspection and special-agent service of that Department in detail.

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
*Washington, D. C., March 9, 1906.*

Hon. JAMES A. TAWNEY, M. C.,
*Chairman Committee on Appropriations,*
*House of Representatives.*

DEAR SIR: In reply to your communication of the 23d ultimo, requesting me to inform the Committee on Appropriations as to the number of special agents and inspectors that were employed in the fiscal year of 1896 and the number for the fiscal year of 1906. I forward to you the inclosed statement. I have been somewhat delayed in making this statement because of the labor involved in ascertaining the duties, etc., of the different classes of special agents and inspectors which I send, in order that the committee might comprehend how these special agents and inspectors are employed.

Very respectfully,

JAMES WILSON,
*Secretary of Agriculture.*

*Statement showing the number of special agents and inspectors employed by the Department of Agriculture in the work of the Department for the fiscal year 1896.*

| Bureau, division, or office. | Number of inspectors. | Number of special agents. |
|---|---|---|
| Division of Statistics | ..... | 19 |
| Division of Pomology | ..... | 1 |
| Division of Vegetable Pathology | ..... | 3 |
| Division of Chemistry | ..... | 1 |
| Division of Forestry | ..... | 2 |
| Division of Seeds | ..... | 1 |
| Division of Agrostology | ..... | 5 |
| Division of Botany | ..... | 1 |
| Division of Soils | ..... | 1 |
| Agricultural Experiment Stations | ..... | 4 |
| Bureau of Animal Industry | 119 | 1 |
| Weather Bureau | 2 | ..... |
| Total | 121 | 39 |

JAMES WILSON,
*Secretary of Agriculture.*

*Statement showing the number of special agents and inspectors employed by the Department of Agriculture in the work of the Department for the fiscal year ending June 30, 1906, to this date, February 27, 1906.*

In the Bureau of Plant Industry 105 special agents were employed, being assigned as follows:

| | |
|---|---|
| Investigating cereals in the field | 2 |
| Work on diversification of crops in cotton-growing States and investigating the cotton-boll weevil | 21 |
| Field work on foreign plants at Chico, Cal | 1 |
| Field experiments with cotton | 4 |
| Mushroom investigations and experiments | 1 |
| In charge of planting and cultivating tea in Texas | 1 |
| Taking notes on vegetable trials in— | |
| Missouri | 1 |
| Nebraska | 1 |
| Geneva, N. Y | 1 |
| Alabama | 1 |
| Maine | 1 |
| New Hampshire | 1 |
| Investigating the Scuppernong grape | 1 |
| In charge of forage crop testing station at Chillicothe, Tex | 1 |
| Range investigations | 1 |
| Overseeing demonstration farm work in Louisiana | 1 |
| Pathological investigations at subtropical laboratory, Miama, Fla | 2 |
| Field work at subtropical laboratory, Miami, Fla | 1 |
| Collecting seeds for analysis | 2 |
| Grass and forage-plant investigations at Lexington, Ky | 1 |
| Grass and forage-plant investigations at Columbia, Mo | 1 |
| Johnson grass experiments at Columbus, Tex | 1 |
| Investigating trucking crops in the South | 1 |
| Expert propagator, plant introduction gardens, Chico, Cal | 2 |
| Superintending diversification farm at Wiggins, Miss | 1 |
| Expert propagator, date-palm garden, Mecca, Cal | 1 |
| Field work with corn, etc., in cooperation with Iowa agricultural experiment station | 1 |
| In charge of field experiments with weevil-resisting cotton | 1 |
| Sugar-beet-seed growing, Holland, Mich | 1 |
| Investigations of export grain | 1 |
| Laboratory and field work, Pacific coast laboratory, Santa Ana, Cal | 2 |
| Assistant in demonstration farm work in Mississippi | 1 |
| Field work on storage and harvesting of seed corn | 1 |
| Investigating weevil-resisting cottons in tropical America | 1 |
| Superintendent of diversification farm at Ridgeland, Miss | 1 |
| Keeping track of the growth and status of the sugar-beet industry | 1 |
| Experiments with truck crops at Boerne, Tex | 1 |
| Field experiments with potatoes in cooperation with the Vermont agricultural experiment station | 1 |
| Introducing new crops in cotton-boll-weevil district | 1 |
| Japanese matting rush gardens, South Carolina | 1 |
| Superintendent of demonstration farm at Commerce, Ga | 1 |
| Cooperation cereal work with Minnesota agricultural experiment station | 3 |
| Cooperation cereal work with Nebraska agricultural experiment station | 1 |
| Cooperation cereal work with North Dakota agricultural experiment station | 3 |
| Cooperation cereal work with Wisconsin agricultural experiment station | 1 |
| Cooperation cereal work with Tennessee agricultural experiment station | 1 |
| Total | 78 |

Twenty-seven other special agents were employed in various occupations during this period, but are not now on the rolls of the Department.

In the Bureau of Statistics, 54 special agents were employed, being assigned to duty as follows:

| | |
|---|---|
| Collecting agricultural statistics | 9 |
| Collecting statistics on live stock | 1 |
| Collecting statistics on rice | 1 |
| Collecting statstics on sea-island cotton and live stock | 1 |
| Collecting statistics on tobacco | 1 |
| Investigating wheat rust | 1 |
| Consultation in regard to cotton statistics | 1 |
| Engaged on special investigations | 1 |
| Collecting statistics on consolidated rural schools, etc | 2 |
| Compiling statistics on movement of cotton | 5 |
| Collecting statistics of farm management and cost of production of farm products | 31 |
| Total | 54 |

Of this number, 39 were temporarily employed during this period and are not now on the rolls of the Department.

In the Office of Experiment Stations 4 special agents are employed, being assigned to duty as follows:

| | |
|---|---|
| In charge of the Alaska experiment station | 1 |
| In charge of the Porto Rico experiment station | 1 |
| In charge of the Hawaii experiment station | 1 |
| Cultivating sugar beets grown under irrigation | 1 |
| Total | 4 |

In the Bureau of Entomology, 42 special agents are employed, being assigned to duty as follows:

| | |
|---|---|
| In charge of forest insect investigations | 1 |
| In charge of deciduous-fruit insect investigations | 1 |
| In charge of field-crop insect investigations | 1 |
| In temporary charge of insectary | 1 |
| Engaged on forest insect investigations | 4 |
| Engaged on scale insect investigations | 1 |
| Engaged on deciduous-fruit insect investigations | 3 |
| Engaged on field-crop insect investigations | 2 |
| Engaged on apicultural investigations | 2 |
| Assisting in insectary | 1 |
| Collecting insects | 1 |
| Engaged in cotton boll weevil investigations | 24 |
| Total | 42 |

In the Bureau of Biological Survey three special inspectors are employed, who are authorized to represent the Department in issuing permits for the entry of foreign animals and birds and to decide all questions in cases involving the identity of imported animals or birds as to whether permits are necessary or whether species are prohibited from introduction.

In the Bureau of Chemistry eleven special agents were employed, being assigned to duty as follows:

| | |
|---|---|
| Employed in attending meetings of the Food Standards Committee, which assists the Secretary of Agriculture, who is authorized by act of Congress to establish food standards in collaboration with the Association of Official Agricultural Chemists and other experts | 5 |
| Collecting and preparing for analysis samples of barley for investigation as to their value for brewing and other purposes | 1 |
| Conducting an investigation of the chemical changes in foods kept in cold storage for a long time | 1 |
| Total | 7 |

Four other special agents were temporarily employed during this period, but are not now on the rolls of the Department.

In the Bureau of Animal Industry 7 special agents and 522 inspectors were employed, being assigned to duty as follows:

SPECIAL AGENTS.

| | |
|---|---|
| Preparing and caring for exhibits made by this Bureau at the Lewis and Clark Exposition, Portland, Oreg | 1 |
| Superintending the cleaning and disinfection of cars which have been used for transportation of animals affected by contagious or infectious diseases | 1 |
| Superintending the cleaning and disinfection of steamships transporting cattle and other live stock from the United States to foreign countries | 1 |
| Collecting information preparatory to experiments in animal breeding and feeding | 1 |
| Inspection and dipping of sheep affected with scabies | 2 |
| Supervising the dairy exhibit of this Bureau at the National Dairy Show, Chicago, Ill., during February, 1906 | 1 |
| Total | 7 |

INSPECTORS.

| | |
|---|---|
| Inspection of meat at 150 official abattoirs | 298 |
| Inspection of cattle and sheep for scabies | 119 |
| Inspection of cattle and other live stock at public stock yards | 40 |
| Inspection of animals imported into the United States | 19 |
| Inspection of animals for export to foreign countries | 18 |
| Supervising the transportation of southern cattle | 18 |
| Inspection of dairy products | 6 |
| Investigation of contagious and infectious diseases of animals | 4 |
| Total | 522 |

In the Weather Bureau there are two inspectors employed, who are, respectively, in charge of stations at Milwaukee, Wis., and Detroit, Mich. It is also their duty to inspect and report upon 200 stations located in various parts of the country, which takes about one-half of their time, the other half being spent in administering the affairs of the stations mentioned.

In the Forest Service twenty-three inspectors are employed, being assigned to duty as follows:

| | |
|---|---|
| In charge of the computation of all field data in forest measurements and inspecting the taking of measurements in the field in an advisory capacity | 1 |
| Inspection of grazing upon the forest reserves | 1 |
| Inspection of areas to determine their suitability for forest reserves | 2 |
| In charge of technical inspection, Office of Forest Management | 1 |
| In charge of technical inspection in California | 1 |
| In charge of technical inspection in Wyoming and Montana | 1 |
| In charge of technical inspection in Colorado and Utah | 1 |
| Assistant inspector of logging, Office of Forest Management | 1 |
| Investigating and reporting upon the competence and integrity of all officers on the national forest reserves and the manner in which all forest-reserve business is carried on, also advising with and assisting the reserve officers in the administration of their reserves | 14 |
| Total | 23 |

JAMES WILSON,
*Secretary of Agriculture.*

Another remarkable fact which will be observed from this statement and which proves the rapid growth and extension of Federal control over the domestic affairs of the people of the States is the fact that although our revenue increased during the past decade 74 per cent the increase in the number of revenue agents, inspectors, and customs collectors and agents has been only 13 per cent and the amount appropriated for this service has increased only 22 per cent. The same small increase is true in all of the other Departments of the Government where this inspection service is employed legitimately for the benefit of the Government and for the purpose of collecting the revenue and protecting from fraud the interests of the Government when those interests require protection. The enormous increase in this service, as shown by this statement, is in those Departments of the Government which, under authority of law, have to deal with the affairs of the States or the people of the States, and much of this Federal service is rendered in conjunction with the States, or, as it is so commonly called, "Federal cooperation with the States," in the doing of that which belongs exclusively to the States. It must be borne in mind, too, that when a service of this kind is established or extended it at the same time involves a very large increase in the administrative force of the Department which is charged with the duty and responsibility of conducting the work or carrying on the service thus required.

I call attention to these facts, Mr. Chairman, in the hope of arresting the attention of Congress and the country to the marvelous growth during the past decade of a service which, if continued on the demand of the people as they have demanded in the past, will in the near future necessitate the expenditure of enormous sums from the Federal Treasury, pauperize the power of the States, obliterate the rights of the States, leaving the question only of State dependence or independence.

Mr. Chairman, we are directly responsible to the people for the money we are authorizing administrative officers to expend. It is theirs, not ours. These officers may justify their failure to comply with the law on the ground of sympathy, influence, or because of political pressure, but that excuse does not serve to relieve any Member of this House from his individual responsibility in respect to the appropriation of money for the public service or for any other purpose. The discharge of this duty demands labor, time, and thorough investigation into all the intricate and minute details of departmental administration. The Committee on Appropriations devoted five weeks to the investigation of this service and to a most careful inquiry into the estimates of the respective departments concerning their needs for the coming fiscal year. I am free to say, Mr. Chairman, not having had any previous experience on the Committee on Appropriations, and like most Members, having paid less attention to the subject than perhaps I ought to have done, that I was amazed at many of the disclosures revealed by that investigation. I do not insinuate or intimate that there is to-day or that there has been any corrupt practices on the part of any administrative officer of the Government; but I was surprised to find that the heads of the administrative departments of the Government pay so little attention to the details of the service in their respective Departments. I realize that they all have grave and enormous responsibilities in connection with the work of their Departments and the policies they must inaugurate and carry out, but at the same time the discretion necessarily vested in them by law is delegated to subordinate officers and clerks, who are not directly responsible to Congress, to a degree utterly inconsistent with good administration. The investigation shows that these heads of bureaus and chiefs of divisions, in almost every instance, are as susceptible to sympathy and influence as their superiors. The result is that when Congress says that a clerk, who is inefficient for any cause, shall be dismissed, the duty of reporting the fact of inefficiency has been delegated to the chief of the division in which that clerk is employed. Because of his intimate relation to the clerk or because of favoritism that chief is not as apt to enforce the law as he would be if it were practical for the departmental head himself to ascertain the question of efficiency or inefficiency. Hence we are told that one reason why this provision of law is not enforced is the fact, first, that they have not ordinarily the heart to turn these old people out, and, second, if they had, they are not reported to them as being inefficient, and therefore the evidence is not before them which requires them to do so.

In the Library of Congress the Librarian informed the committee that there was one man there over 70 years of age, totally, or almost totally, incapacitated for the discharge of his duties. When the Librarian was asked why he did not dismiss him he informed the committee that he could not. Well, why not—who is behind him? And immediately the answer came, "Chief Justice Taney." Further inquiry elicited the fact that out of respect for the memory of Chief Justice Taney, who appointed this man in the Library many years ago, the Supreme Court of the United States insists upon his retention.

The Secretary of the Interior cited several instances of a similar character. The Secretary of War informed the committee that it was practically impossible for any head of a Department to enforce that law, not alone because of his sympathy for the clerk who had arrived at that age when he or she was no longer capable of rendering efficient services, but also because of the pressure brought to bear by Members of Congress and Senators and other public officials in order to continue the employment of that particular clerk. This is not a condition, gentlemen, peculiar to this Administration. It is a condition that has obtained in all Administrations, and it will always obtain under our present system. It is for this reason that the Congress of the United States must enact an arbitrary law, whereby presumptive inefficiency resulting from age must be accepted as sufficient cause for separation from the public service.

In this investigation, Mr. Chairman, there are several matters of administration that the committees thought ought to be remedied. First let me call your attention to the fact disclosed in the hearings, that the Departments of Government are competing with one another for clerical service, a condition that has grown out of the increases in salaries of certain clerks in certain Departments doing identically the same character of work. One chief of a bureau, the Bureau of Standards, informed us that in the last two years it has been impossible for him to keep a stenographer and typewriter in his Bureau much more than six months. Why? He informed the committee that by the time the clerk had served six months, or a little more, he discovered that in the Treasury Department they were paying higher salaries for clerks doing identically the same work, and as soon as there was a vacancy in the Treasury Department he would ask for a transfer. The chief of that Bureau says he has not the heart to refuse to consent to his transfer when he is told the clerk can better his condition by transfer to the extent of from three to four hundred dollars a year.

This practice, Mr. Chairman, leads to a demoralization of the public service. The complaint is so universal on the part of the heads of Departments that your committee has deemed it necessary to report a provision prohibiting the transfer of clerks from one Department to another until the clerk has served in the Department from which he asks to be transferred at least three years. I am informed by the heads of Departments and bureau chiefs that from the standpoint of the public service this provision will be of great value. It will not only tend to produce greater contentment among the clerks, but will also tend toward an equalization of compensation for the same general character of work.

The other provision which has been reported, and which has been commented on more or less in the general debate and in the public press of this city, is the provision respecting superannuation in the Executive Departments and governmental establishments in the District of Columbia. That some legislation is necessary on this subject I think every Member of this House admits. It is a subject that has commanded more or less of attention on the part of Congress ever since I have been a Member of this body. Eleven or twelve years ago I became impressed, as other Members of Congress did, that our present system of getting into the service, with no means of getting out except by the voluntary act of the clerk or by the act of God, would ultimately lead to a condition of affairs that must break down efficiency and require the appropriation of many millions of dollars for the payment of salaries unearned because of old age. To provide against this unfortunate condition in the public service I prepared and introduced in the Fifty-fourth Congress the first bill introduced on the subject of the retirement of Government employees. This bill proposed to deduct a certain percentage from the salaries of clerks and deposit the same in the Treasury of the United States to the credit of the civil service retirement fund. It then provided for a compulsory and voluntary retirement, allowing to the retired clerk a certain percentage of the average salary received during his service. After working for two Congresses on this proposition and having extensive hearings, I abandoned it. I became convinced, as other Members of Congress did, that it was not practical. At least one-half of the clerks are unwilling that they should be taxed for the benefit of the aged clerks now in the service, while almost all the clerks object to be taxed as long as there is any prospect of their being retained in the service for life. I am further convinced, Mr. Chairman, that if adopted this plan will soon result in retirement with an indirect Government pension. It would not be long before all salaries would be increased to an amount equal if not in excess of the amount deducted and deposited to the credit of the civil service retirement fund. If, therefore, this plan is to be considered seriously, you may as well adopt a plan of retirement from the civil service with a Government pension paid from the Federal Treasury. Many of the clerks realize that superannuation in the public service is increasing at an enormous rate. They know that unless some measures are taken to relieve the public service from this burden the people will, in the interest of efficiency and economy, demand the enactment of legislation that will put a stop to it, and that then there will no longer be an opportunity for civil retirement and a civil pension paid either from their salaries or from the Treasury of the United States.

The clerks here in the city of Washington have an organization created for the exclusive purpose of bringing about the enactment of legislation creating civil-service retirement, with a civil pension to be paid from their salaries. Their plan contemplates the payment after retirement of from 50 to 75 per cent of the average salaries they received. With these facts before us, and with the growing inefficiency and with the increasing appropriations on account of superannuation in the public service, Congress is called upon at this time to take steps to relieve the situation. I do not intend to discuss the causes, Mr. Chairman, which have led up to this condition of

affairs. They are so patent as not to need discussion to prove them. They are the logical result of our system of taking people into the service with no provision for taking them out when they are no longer capable of rendering efficient service.

Mr. GAINES of Tennessee. I want to ask the gentleman a question for information.

The CHAIRMAN. Does the gentleman yield to the gentleman from Tennessee?

Mr. TAWNEY. I do.

Mr. GAINES of Tennessee. I want to get a little information. The gentleman from New York [Mr. LITTAUER], in his speech, spoke about the number of employees 65 years and upwards, on page 3806 of the RECORD, and then said, "It is almost the universal testimony of the superior officers that this great number of subordinate clerks makes necessary a much greater number of employees to perform the work." Now, I alluded to that in a general way the other day. Will the gentleman tell the House and the committee how many extra clerks, we will call it, have been employed as the result of the people who can not do the work and who have not done their work?

Mr. TAWNEY. Mr. Chairman, I am unable to answer the question of the gentleman from Tennessee specifically, for the reason that the committee did not have time to go into each subdivision of the several Departments where these aged clerks are now employed and ascertain to what extent their inefficiency, due to their age, necessitates an increased number of clerks. But I will state this, that upon investigation, and according to the report the President of the United States made to this House, there are to-day in the Executive Departments of the Government and Government establishments here in the District of Columbia 585 reported to be over 70 years of age. Now, I want to call attention right here to the marvelous increase in this number. Eleven years ago, when I first had became interested in this question, I inquired in the Treasury Department and found that there were seventy clerks in that Department over 70 years of age. To-day, according to the report of the President, eleven years thereafter, there are 174, an increase in superannuation in the Treasury Department alone of about 284 per cent. There are almost as many in the Department of the Interior.

Now, gentlemen, this marvelous increase in superannuation, whether due to the present civil-service law or due to the fact that many of these old people were appointed under the so-called "spoils system" and have since been covered into the classified service by Executive order, the fact remains that the public service and the Treasury is suffering from the effect of superannuation and that superannuation is rapidly increasing. It is also true that to-day in the District of Columbia there are 585 clerks who are 70 years of age, over 90 per cent of whom it is said are incompetent for the discharge of the duties of the positions which they occupy and for which they receive from the Government their annual compensation.

I would call the attention of the committee to another important fact. Of the people in these Departments who are 70 years of age and over, 76⅔ per cent are drawing salaries of from $1,000 up to $4,000 per annum. Only about 188 out of the 585 receive less than $1,000, and the average annual compensation these clerks over 70 years of age receive is $1,243.88. The salaries paid to the clerks who are 65 years of age and less than 69 average $1,235.95, or an average of $8 a year less than the compensation paid to the clerks over 70 years of age. This shows conclusively that these clerks who have grown old in the service and who as a rule with increasing age have grown steadily more inefficient are to-day occupying positions of the highest responsibility, positions demanding the highest degree of efficiency, and for which the Government is paying them the highest salary paid to any clerks in the service.

These facts should convince every man on this floor, as they will convince the people of this country, that the efficiency of the public service must necessarily diminish and continue to deteriorate, and to the extent that it does, we must either require those who are occupying the subordinate positions to do the work of these old clerks at a lower rate of compensation or employ more clerks at the higher rate of compensation in order to do the work the Government requires.

Now, how are you going to dispose of this question? Are you going to dispose of it in the interest of the clerks or in the interest of the public service and in the interest of the people we represent by allowing clerks, regardless of their efficiency, to remain in the service at will until death or by providing that after July 1, 1913, all clerks on reaching the age of 70 shall no longer continue in the service?

Ah, the newspapers of the city of Washington are full of comparisons between clerks and Members of Congress and Senators. They seek to prove the efficiency of clerks 65 years and over by contrast with the ages of Members of Congress and Senators. They tell us that the most efficient men in the House of Representatives and in the Senate of the United States are the oldest, without stopping to inquire as to whether this is true or not. They forget that the Department clerk does not receive his appointment from the body of the people or from the States. They fail to mention the fact that the Department clerk has a life tenure of office, not a term of two or six years. They entirely ignore the fact that Members of Congress and Senators must every two years and every six years return to the people and the States, the sources from which they received their commissions, and have the question of their competency passed upon by a board that is not influenced by sympathy because of our age, our poverty, or the length of our service. The comparison, therefore, proves nothing; it is absolutely ridiculous. There is no parallel either between the service rendered or the manner of appointment or the duration of the term of service.

Mr. RICHARDSON of Alabama. Mr. Chairman, did your committee consider the advisability of limiting the term of clerks to five years, and making them eligible to reappointment?

Mr. TAWNEY. We did not consider the tenure of office proposition, for the reason that it necessarily involves a great deal of legislation and would excite a great deal of opposition here and elsewhere. The committee, not having jurisdiction of matters of legislation, concluded to not go into the subject to the extent of so radical a change as that would be in our present system.

Mr. Chairman, the committee does not offer this plan as a perfect one, but the investigation disclosed a crying necessity for some legislation on the subject of superannuation; and inasmuch as there are only two propositions that have been suggested for the purpose of removing superannuation from the public service, and neither one of these two propositions are at all likely to be enacted into law, the committee felt that it was its duty, in presenting the facts to the House, also to present a practical remedy that would to a certain extent remove the evil complained of.

One of the propositions to which I have referred is the retirement of the Government clerk on a pension, to be paid either out of the clerk's salary or out of the Treasury. The second proposition is the limited tenure of office; and as between the two I have no hesitancy in saying that I am far more in favor of the limited tenure of office than I am of the plan of a civil pension or civil retirement. [Applause.] I do not for one moment believe that the American people would approve of a civil pension or a civil retirement that involves the payment of a pension, either direct or indirect, to the civil employees of the Government. [Applause.]

I want to say that when we talk about a civil retirement or civil pension it means a great deal more than the retirement of the 26,000 clerks here in the city of Washington. It means the retirement on a civil pension of 300,000 clerks now in the Government service. There are to-day, in round numbers, 300,000 clerks in the classified and in the unclassified service of the United States, receiving an annual compensation of $134,000,000. When you talk about a civil retirement with a civil pension, you must include all of the Government clerks. On the basis of the number in the Departments to-day who are over 70 years of age, there are now in the entire public service more than 20,000 clerks over 70 years of age. Under any plan of retirement that has been proposed we would start out with a civil pension roll of from twenty to twenty-five thousand people. Allowing them 60 per cent of their average salary for the ten years preceding the date of their retirement will give you some idea of what the result would be of our adopting a civil retirement policy with a civil pension.

Now, Mr. Chairman, the proposition submitted by the committee is not, as it has been represented in the press of this city, a harsh proposition. It may in a few instances deprive people of employment who need the salary, but in almost every case they are unable to render the service. While we may properly feel more or less sympathy for the aged Government employee, we can not nor should we forget that in proportion to the number of people in the Government service here in Washington who are over 70 years of age we have as many people in our own Congressional districts who have passed the meridian of life and are now standing in the full glare of its setting sun, who have contributed to the salaries of these clerks during their entire service. As long as these people continue in the service our constituents, old and young, will continue to contribute to their salaries, although they are not able to give them an equivalent in return. Can we justify the appropriation of the people's money under such circumstances?

While we owe certain things to the Department clerk who may have served faithfully for many years in the Department,

we also owe something to the people in our district who have not had large and munificent salaries paid with regularity for forty or fifty years, and who have been obliged to depend upon their own individual effort for their living, and who now, when they reach the ripe age of 70, are no more capable of contributing to the maintenance of the dead timber in the public service than the people who are in that service over the age of 70 may be able to maintain themselves at this time of life.

Mr. Chairman, the presumption universally recognized in the life of every human being is that, as a rule, after reaching a certain age our ability to perform manual labor or clerical service lessens as our age increases. Congress has recognized this with respect to the judiciary by providing for retirement at the age of 70. We have also recognized it in our pension laws by holding that when a man has reached the age of 62 he is conclusively presumed to be one-half disqualified for the performance of manual labor; that when he has reached the age of 68 he is three-quarters disqualified, and when he has reached the age of 70 he is totally disqualified.

The provision reported by the committee as a practical remedy for this increasing superannuation in the public service, is that the clerk who has reached the age of 65 and who is less than 68 shall not receive to exceed $1,400 a year; the clerk who is 68 and less than 70 shall not receive to exceed $1,200 a year; the clerk who has reached the age of 70 or over shall not receive to exceed $840 a year.

Then to prevent the possibility of a civil pension, or civil retirement with a pension, beginning July 1, 1913, no clerk shall be employed who has reached the age of 70 years or over. Postponing the time when clerks must be dropped on account of age to 1913 will retain in the service all the clerks now in the service 70 years and over for a term of seven years from July next, or practically the remainder of their lives. There is no cruelty in that. The clerks who are approaching the age of 70 will know that from this time on they must look forward to the time when they will no longer be retained in the service. Those that come into the service will know that the time will come, even if they remain and are faithful, when they no longer can draw their salaries, and the tendency will be to make them more provident than they would be with a life tenure of service. There is no hardship, therefore, in this proposition. It is fair and it is just. There is no injustice to the clerk and it is fair and just to the people of the United States, who are paying the salaries of the clerks.

If, in the judgment of Congress, there are Government employees who are drawing salaries for which they render no equivalent, it is our duty to dispense with their services or put an end to their salaries by separating them from the service. If the administrative officers fail to relieve the service of superannuation, whose duty is it to act in the premises? It is ours, and that duty should be performed first in the interest of the people we represent. Are we justified in virtually throwing away the sum of more than $2,000,000, the amount appropriated annually for clerks in the Departments who are over 65 years of age—clerks who, under the natural presumption, can not render and in fact are not rendering an equivalent to the Government, but stand to-day virtually in the relation of pensioners, and pensioned, too, at the highest salary which the Government pays for the highest efficiency it can secure? It is our duty, Mr. Chairman, to act on this proposition, and it is the hope that the matter may, when it is reached in this bill, be considered on its merits; and if Members of the House feel that it can be improved by offering amendments, let it be done. Let the amendments be considered and let the amendments be adopted if necessary. But what we ask is that the matter remain in the bill for consideration. If it does not meet the approval of the House on its merits, vote it out, but don't deprive the House of the opportunity to consider it by taking it out on a point of order.

It has been said that this provision will discriminate against certain classes, and in particular the old soldier in the Government service. There is no desire nor intention on the part of the committee or upon any Member of this House to do any class of the Government employees an injustice, and especially not the employee who has served his country during the civil war. We have not excepted this class for the reason that when you commence making exceptions in a provision of this kind, there is no telling where it will end. As a matter of fact, the separation from service under this provision will not take effect until 1913, or seven years from the 1st of next July.

Mr. GRAFF. Mr. Chairman, will the gentleman permit an interruption?

The CHAIRMAN. Does the gentleman yield?

Mr. TAWNEY. Yes.

Mr. GRAFF. Does the gentleman know about the number of soldiers and widows of soldiers who come within this number who have reached the age of 70 years and over in the District of Columbia?

Mr. TAWNEY. I do not, Mr. Chairman; but the number is necessarily very small, for the reason that the total number 70 years of age and over in the Executive Departments here in Washington is but 585. Now, bear in mind that this age provision applies only to the Executive Departments and the Government establishments in the District of Columbia. I find upon investigation that outside of the District of Columbia the character of the service and the taxpayers take care of the matter of superannuation. The service demanded of the employee outside of the Executive Departments is of such a character that when a clerk becomes incapacitated by reason of age or from any other cause there is no sentimentality that continues him in the employment of the Government. The taxpayers are near by. This employee comes in contact with them daily, and if the Government employee is incapacitated or inefficient by reason of age or other physical disability his superior officer, responding to a public sentiment, gets rid of him. I repeat that outside of Washington there is no sentimentality that continues a clerk in the employ of the Government when he is no longer able to earn his salary. So that Members need not hesitate to support this provision on account of its affecting the employees outside of the District of Columbia. It is believed that of the aggregate number over 70 years of age not to exceed over 100 or 150 old soldiers will be affected by this, because, mark you, a great many of the old soldiers in the public service here are not to-day receiving to exceed $1,200 a year, and none will be disturbed who is receiving a less amount than $1,200 a year until 1913. Most of them are receiving from $840 to $900, the compensation of messengers.

Mr. PRINCE. Mr. Chairman, will the gentleman yield for a suggestion?

Mr. TAWNEY. I will.

Mr. PRINCE. I made some inquiry on Saturday last, and I find that the number of veterans who would be reduced and affected by section 8 of the bill now under consideration would be 412, and the amount of money reduction $220,445.

Mr. TAWNEY. Mr. Chairman, the gentleman must bear in mind that he has included there the employees in the District of Columbia, who are not in the classified service, and are therefore not affected by this provision. He must remember another thing, that when he uses the word "veteran" it applies to a great many more than old soldiers. It applies to men who have served in the military and naval service of the United States, regardless of whether they served in the civil war or not. Our solicitude is not so much for those who have served in the military and naval service as for those who have served during the civil war, and it is the civil-war veterans that I and other Members of this House, including the gentleman from Ohio [Mr. GROSVENOR], are particularly concerned about. We have this strange anomaly in our statutes: The soldier who has served in the military and naval service of the United States and has been discharged because of the disabilities incurred in that service has a preference in the matter of appointment to civil positions, whereas the soldier who served in the civil war, who may have received a dozen wounds, and who continued in the service until his regiment was discharged, is not given any preference at all. Hence it is that there are more of the so-called "veterans" in the public service than many men think there are.

Mr. Chairman, I do not wish to occupy the time of the committee further in discussing the general provisions of the bill. They have been fully stated and very ably presented by the gentleman in charge of the bill and by the minority member of the committee, the gentleman from Georgia [Mr. LIVINGSTON], and that phase of it I leave to their presentation. But I want to again ask this House, in view of the rapid growth of superannuation, in view of its effect upon the public service, in view of the fact that we are appropriating to-day more than $2,000,000 annually for a class of employees whom it is admitted by the heads of all Departments are not rendering an equivalent in service for the money paid them, whether we can afford to strike out or refuse to consider a proposition which is intended, to some extent, at least, to remedy the evil which to-day exists. [Applause.]

Mr. KEIFER. Mr. Chairman, I would like to ask the gentleman a question before he takes his seat.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. LIVINGSTON. Mr. Chairman, I will yield the gentleman time as he desires.

Mr. KEIFER. I desire to ask the gentleman a question. Under section 8 of this bill persons in the classified service

who are 65 years of age and under 68 years of age are to receive compensation at the rate of $1,400 a year; those who are 68 years of age and under 70 years of age are to receive a compensation at the rate of $1,200 a year, and those who are over 70 years of age are to receive not to exceed $840.

I want to know whether they are to be paid that and still continue to perform the same service that they have hitherto performed, and performed well; whether they are to continue at these prices to do the work that other clerks who take their places from which they are reduced and continue to do, as they have done in the past, as much service as others who get a higher rate?

Mr. TAWNEY. I will say, Mr. Chairman, in reply to the gentleman from Ohio, a member of the committee, that his question relates entirely to administration. If the administrative officer reduces the compensation paid to a clerk, he would necessarily reduce or diminish the work that the clerk must do in consequence of the reduced salary; or he continues the clerk at the same work at the reduced salary because he is not able to do as much of it as he would if a younger man. Now, further, in answer to the gentleman from Ohio in regard to the matter of men receiving less pay than the positions which they are filling demand, there is no question at all but what there is a great deal of that going on in the Departments to-day, and it is a subject that Congress should give careful attention to. The reclassification of our departmental service here in the District of Columbia is absolutely necessary, so that when a clerk is assigned to the discharge of the duties of a certain position that pays a certain salary he will not be required to perform the duties of a higher grade or of a lower grade because of inefficiency on the one hand or because of the whim of a bureau chief on the other.

Mr. LIVINGSTON. Will my colleague pardon me for a moment? His response was not gathered on this side of the House to the question of the gentleman from Ohio. I understand the question to be this: Under the clause of the bill as carried now, if a man were 70 years old and dropped down to $840 a year, and from this time if he should prove to be entirely worthless, it would not carry him through to 1913.

Mr. TAWNEY. No; we do not take from the administrative heads of the Departments any discretion which is now vested in them to dispense with the services of any clerk, efficient or inefficient.

Mr. LIVINGSTON. Altogether?

Mr. TAWNEY. Entirely dispense with the services of any clerk who has proven himself to be inefficient. The matter of their retention in the public service or the question of their dismissal from the public service remains just where it is to-day—within the discretion of the head of the Department in which the clerk is employed.

Mr. KEIFER. Mr. Chairman, will the gentleman allow me further? I want to ask what objection there is to saying that in the bill? I ask that question because I have asked the committee to allow these old people to be paid as much compensation as other younger clerks are paid, provided they perform as much labor of the same kind. I want to know what his explanation of that is—that is, why the old soldier shall do as much work as the young man and be paid perhaps only half as much?

Mr. TAWNEY. My explanation of that, Mr. Chairman, is simply this: That to adopt the suggestion of the gentleman from Ohio puts this matter right back again to where we are to-day—within the discretion of the administrative officer to determine whether or not that man is as efficient to-day as he was twenty-five years ago, or as he was a week ago, and right here I want, if the gentleman will pardon me——

Mr. KEIFER. Certainly.

Mr. TAWNEY. Adverting for one moment to the remark made by the gentleman from Pennsylvania. When my colleague on the committee in charge of the bill was discussing this, the gentleman from Pennsylvania [Mr. DALZELL] suggested that the reason for his opposition to this provision is that because a man is able to earn $1,600 to-day it was absolutely absurd to say he was worth only $1,400 to-morrow. That suggestion seemed to carry for a moment great weight with the membership of this House. It illuminated the debate amazingly, and perhaps looked to some like a twenty-dollar gold piece, but when you analyze it, Mr. Chairman, it does not even resemble 30 cents. A man's efficiency to command a higher salary is not a matter of instantaneous growth. He becomes efficient by gradual progression in the service, and by the same reasoning he becomes inefficient by gradually losing the physical power and strength that once enabled him to grow more efficient. He may be receiving fourteen hundred dollars to-day, and to-morrow advanced to a sixteen-hundred-dollar position. Is it less logical to say that if he is receiving sixteen hundred dollars to-day he may, because of gradual increasing inefficiency, be worth only fourteen hundred to-morrow? The matter of payment or increase of salary is a matter that depends upon increasing efficiency, and the matter of reduction of salary results from increasing inefficiency, after the clerk has reached a certain standard, which, under the rule of life, a man does ordinarily at about the age of 65.

Mr. KEIFER. With the permission of the gentleman, I wish to keep to the text. I do not care to answer what somebody else suggested, that the clerk might have been working for less than he was worth when he was getting $1,400. That does not meet the question I am working upon.

Mr. TAWNEY. Yes; and he might be receiving more than he was worth when he was paid $1,600.

Mr. KEIFER. Yes; that is a question of relative salary; but does not the gentleman know that there are in some of the Departments of this Government now old men who some months ago were reduced from salaries of $1,600 and $1,800 and $2,000 to $1,000 or $1,200, who are continued at the same work they were at before because they are better for that work than anyone else in the Department?

Now, I have not been on the subcommittee and I have not read the testimony they have taken, but I would like to know where the testimony is that warrants the general statement that all of these old men are disqualified for the performance of the duty that they are required to perform. I am told that there are some men almost indispensable in the War Department who are nearly 80 years of age, and that if they were dropped out the Department could not get men without training them up to know all the things that these men know and to do their work as efficiently as they do it.

Mr. TAWNEY. I will say in answer to the gentleman that the statement has never been made by me that all of these old clerks are inefficient.

Mr. KEIFER. That was your statement to-day.

Mr. TAWNEY. No; it is not. I say that the presumption is that they are, but there are exceptions to the rule, I admit, like the friend of the gentleman from Ohio employed in the Pension Office. There are exceptions to the rule, but when you are legislating for a class are you going to base that legislation upon the exceptions, or are you obliged to be governed by the general rule? In this proposition we have simply followed the general rule in respect to the inefficiency resulting from old age.

Mr. KEIFER. But, Mr. Chairman——

Mr. TAWNEY. One moment further, if the gentleman will permit me?

Mr. KEIFER. Certainly.

Mr. TAWNEY. We have testimony on this subject which I have not yet submitted to the House. I wish that every Member of the House might take these hearings and study them and become as familiar with this question and the facts as the committee is. On page 352 of the hearings, Mr. LITTAUER, in examining General Humphrey, said:

When your work gets behind, do you call on your clerks to work extra hours?

General HUMPHREY. Yes; there are some clerks that work extra hours all along. There are some clerks who are not able to work extra hours, or even the hours required, because of age.

Mr. LITTAUER. What recommendation have you made as to them?

General HUMPHREY. I have made none in writing, excepting in my annual report; but I have discussed it with my superior.

Mr. LITTAUER. Are they incapacitated otherwise than temporarily?—

That is the language of the law—

Are they incapacitated otherwise than temporarily?

General HUMPHREY. Yes, sir; there are men who are too old to do a full day's work.

Mr. LITTAUER. The law requires that you should make a recommendation.

Then Secretary Taft, the head of the Department, who was present, suggested to General Humphrey:

Are you required, General, to certify about the efficiency of your office?

Now, mark you, all that is required is the chief of the Bureau to certify to the efficiency of the men employed in that Bureau. But General Humphrey is not required by law to certify to Congress. It is an order from the head of the Department, and by that order the legal duty to certify to Congress has been delegated to the chief of the bureaus.

Secretary TAFT. Are you not required, General, to certify about the efficiency of your force?

General HUMPHREY. Yes; we send in that.

Secretary TAFT. You certify they are efficient?

General HUMPHREY. No; but the efficiency marks show relatively just how they stand.

Secretary TAFT. But the last time I saw that I remember there was one man, or one woman, who was said to be inefficient and I therewith ordered her discharged, but I did not see from that report but that everybody else was efficient. [Laughter.] What is the form of that efficiency report?

Then Mr. Scofield, chief clerk of the War Department, an-

swers, giving an explanation why we do not receive the certification from the heads of the Departments as to inefficiency. He says:

Mr. SCOFIELD. What you have in mind, Mr. Secretary, is this: Every head of Department under the law is required to report to Congress every year in connection with the estimates whether or not there are any clerks in his Department below a fair standard of efficiency. The head of the Department makes this report, based upon the reports made to him by the chiefs of bureaus—

Mark you—makes this report—

based upon the reports made to him by the chiefs of bureaus. With a single exception every chief last year reported that he had not any clerks below a fair standard of efficiency.

But General Humphrey himself testified that he had clerks in his Bureau who, because of age, are not even able to do a full day's work of any kind, and yet the efficiency reports show that there was not a single man below a fair standard of efficiency. Mr. Scofield continued:

One bureau chief reported a clerk below the standard, and the Secretary ordered that that one be dispensed with.

There are some 70 or 80 odd in the War Department who are over 70 years of age, and yet when the bureau chiefs come before the committees of this House and are asked concerning the efficiency of their force, they tell us that there are employed clerks who by reason of age are incapacitated for the performance of the duties of the positions they hold, but they are not reported in the estimates as inefficient. Why? Because the bureau chiefs, to whom this power has been delegated, are in daily contact with the clerks. They see these people daily in their declining years, and while they recognize their declining efficiency they, from sympathy or other cause, decline to report them to the head of the Department. Why, Mr. Chairman, I know in one bureau here where there are four vacancies in one division. These four vacancies have existed for more than six months. The division is overcrowded with work. The men who are in that division are working eight and sometimes ten hours a day. These vacancies are not filled. Why? Because the room in that division is more valuable to the division than the four men would be who are entitled to the promotion. That is no exaggeration, but the statement of an actual fact. How many more divisions there are where this same condition exists I do not know. One man, when asked if these old clerks, who are receiving $1,800 and $2,000, were efficient, replied: "Yes; in the doing of that which has been assigned them to do." "Are they assigned to do that which their positions require them to do?" "No; because they are not competent to do it."

Mr. Chairman, such instances as I have stated are very numerous, and they are not only demoralizing the public service, but are reducing the standard of efficiency in the public service far below what it should be. The question for us to determine is whether we are going to allow it to continue and to increase, as it has been the past decade, or whether we will attempt to legislate for the purpose of correcting the evil.

Mr. KEIFER. Well, to find out whether we understand each other: I understand the gentleman's statement now to be that there is some trouble in the matter of performing the duty by the chiefs of divisions and heads of Departments, and that that constitutes a good reason why the old men, regardless of their standard of efficiency, should be required to do the same work for much less than the under men?

Mr. TAWNEY. I beg the gentleman's pardon, but I made no such statement.

Mr. KEIFER. That they are obliged to undergo the test of efficiency or go out; but if they stay in, they must stay in with the penalty that for living so long on earth they ought to be required to do their work for much less than another man.

Mr. TAWNEY. We have in the public service in the Executive Department of the city of Washington a very expensive service, and that service demands of different men different qualifications; also in the matter of the amount of physical labor, and we have attempted to equalize the pay of clerks by creating classes. Class 1 receives a salary of $1,200 a year; clerks of class 2, a salary of $1,400 a year; clerks of class 3, a salary of $1,600 a year, and clerks of class 4, $1,800 a year. Now, then, if one of these aged clerks happens to be occupying a $1,800 position, and assuming that he is an exception to the rule and is reasonably efficient, when he reaches that age when, as a rule, men are not efficient, and he is obliged to accept the salary of $1,400, he would simply be reduced in the class as well as in the compensation, and receive the same compensation that other clerks receive who are working in class 3 or class 2, as the case might be.

Mr. KEIFER. Does the gentleman know of any case of that kind in cases of reduction?

Mr. TAWNEY. I do not know of many cases of reduction. Unfortunately the hearings disclosed very few cases of reduction in any Department because of inefficiency.

Mr. KEIFER. I was told that there was no inquiry into reductions made in the Pension Office. Does section 8 of the bill require the classification of the old men, or does it only require him to go on and do his work and prove himself equal to the high standard of a clerk and, because of his age, take less pay for it?

Mr. TAWNEY. I will answer that by asking the gentleman another question. What would the gentleman do if he had charge or was at the head of a Department when called upon to administer this provision? Would he require a man receiving $1,800, discharging the duties of that position, to continue to discharge the duties of that position in the same degree for a salary that a man who receives only $1,400 had to perform?

Mr. KEIFER. I would like to answer that. I would not; but I know that that thing is done now; that men are reduced from $1,800 to $1,200 salary and required to perform the same duty that they did before.

Mr. LITTAUER. What was the character of the work done before?

Mr. KEIFER. Skilled labor of the highest kind.

Mr. LITTAUER. Upon what basis was the reduction made?

Mr. KEIFER. On the basis that they were old, and nothing more.

Mr. TAWNEY. The gentleman has one isolated case.

Mr. KEIFER. No; I have plenty of them.

Mr. LIVINGSTON. Can the gentleman find a reduction of that kind outside of one that was made for political purposes?

Mr. KEIFER. There was no politics in making it at all. What I want is that if this thing is to work as our distinguished chairman says it ought to they should say so in the law and not say in effect that these men, simply because they are old, are to continue to do the same work they did as long as they stay in the Departments and be paid very much less than others that are not nearly so efficient as they are. And further, I want to say that if they do not come up to the proper standard of efficiency I would drop them out entirely.

Mr. GAINES of Tennessee. Will the gentleman allow me?

Mr. TAWNEY. I will yield to the gentleman.

Mr. GAINES of Tennessee. As shedding some light upon the inquiries of the gentleman from Ohio [Mr. KEIFER], I want to read from the speech of Mr. LITTAUER:

Secretary Taft, Secretary Bonaparte, Secretary Root were all pronounced in their statements on this point. Secretary Hitchcock declared that if the old clerks could be eliminated from his bureaus he could get along with a force 25 per cent smaller.

Mr. TAWNEY. Secretary Hitchcock stated to the committee that the effect of this provision reducing the old clerk and clerks who had reached the age of 65 would immediately increase the efficiency of his Department 25 per cent, and that when the old clerks who had reached the age of 70 were entirely eliminated from his Department he could do the work of his Department with 25 per cent less clerks than he is now employing.

Now, there is another abuse growing out of this which nobody has called attention to, which is the fact that at some of the bureaus it is the practice when a man becomes inefficient by reason of age or other disability to furlough him indefinitely, but to furlough him with pay. If that is not a pension, I would like to know what is a pension.

Mr. NORRIS. Mr. Chairman, I would ask the gentleman if that is not contrary to the law now?

Mr. TAWNEY. I think it is.

Mr. NORRIS. Does not the gentleman think that an official who permits it violates the law as it exists to-day?

Mr. TAWNEY. I have in the hearings a letter stating that an engraver in one of the Departments here 80 or 85 years of age has been furloughed for some time and is now furloughed, and, as I now recall it, is furloughed with pay.

Mr. CHANEY. Mr. Chairman, I would like to ask a question of the gentleman. In a case of that kind is it not clearly against the law and ought it not to be used as an illustration of this matter?

Mr. TAWNEY. No more than keeping men in the service who are inefficient for the discharge of their duties. That is a violation of law.

Mr. KEIFER. That is right.

Mr. TAWNEY. But it is a matter that appeals to the heart and not to the judgment of men. It is not to the discredit of a man that he has more of the milk of human kindness in his soul than he has conscientious regard for the obedience of the law and the discharge of his duty in this respect. It is a matter of humanity, and it may be that that is the fact in the case I referred to a few moments ago of a man being furloughed.

Mr. MANN. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. TAWNEY. I yield to the gentleman.

Mr. MANN. I understood the gentleman a few moments ago to state that under this proposition the clerks who were drawing, say, $1,800 a year would be reduced to $1,200, say, on account of age, and that that would mean that they would do a different class of work.

Mr. KEIFER. There is nothing of the kind in the law.

Mr. MANN. I am talking about what the gentleman from Minnesota said.

Mr. TAWNEY. I think if he is performing the duties of an $1,800 position, if he is doing that work—and he is the exception if he is—receiving $1,800, when he arrives at the age of 65 he would be reduced to a $1,400 position, and of course would be required to perform the duties incident to that position instead of the duties that he has previously been performing.

Mr. MANN. It was because I did not want the gentleman to take a position of that sort that I called his attention to the matter. It does not require any less physical or mental effort to do the work of a $1,400 clerk or a $600 clerk than it does of a $1,800 clerk, and if you propose to cut a man down because of his age and his physical decrepitude, you give him other work down below always.

Mr. KEIFER. Always.

Mr. TAWNEY. Just one moment. If you do not do that, then you propose to continue him through life at $1,800 a year.

Mr. MANN. Why, no; I think the gentleman's position would be perfectly logical if he said continue him at the same class of work, but pay him a less amount, because he would do less work of that class that he is familiar with; do not put him down where he would have to do more physical work and get less pay.

Mr. TAWNEY. But the gentleman did not understand me. I said it was purely a matter of administration, for the head of the Department to determine whether or not he should be reduced or continued. There is nothing to prevent the head of a Department from reducing him to $1,400 if he sees fit to do so, or if he is not doing as much work in the $1,800 position as a man should do, then it is in the discretion of the head of the Department to make the change. I think that is infinitely better than it is to fix a hard-and-fast rule for the administrative officer to follow in respect to the reduction of these men in the matter of employment.

Mr. KEIFER. Why not say that in the law?

Mr. LITTAUER. Mr. Chairman, I would like to call the attention of the gentleman from Minnesota [Mr. TAWNEY] to the fact that classification under the law is classification as to compensation and not as to character of work that is to be performed at that compensation.

Mr. KEIFER. The work is just as hard in one as the other.

Mr. LITTAUER. There is to-day work done in the Departments by clerks receiving $1,200 that is just as hard and requires as much intelligence and industry as those receiving $1,800, and there is nothing in the law that prevents it. Its bearing on the reduction of salaries that would come under the law that we propose here would be the same as referred to by the gentleman from Illinois [Mr. MANN]. He would continue to do the same character of work he was best fitted to do, but be expected to do less than an active clerk not yet having reached the age of 65 who was receiving a compensation based upon the idea at least that he could perform an ordinary full day's work.

Mr. KEIFER. Why not, then, say in the law that he should be paid for the amount of work or in the proportion as he performs it?

Mr. LITTAUER. That would be a beautiful topic for administration.

Mr. PERKINS. Mr. Chairman, I would like to ask a question, if the gentleman will yield. The gentleman from Minnesota said one evil he sought to remedy by this bill was if a man was employed, for instance, as a stenographer in one of the Departments he was soon drawn away to another Department, where he did the same work, but received maybe $300 or $400 more pay. Now, has the committee made an endeavor to remedy that evil by fixing the same pay for similar work done in the different Departments?

Mr. TAWNEY. I will say to the gentleman that we have not. We have, however, put in a provision——

Mr. PERKINS. But does——

Mr. TAWNEY. I will answer the gentleman if he will give me a moment's time. We have reported a provision prohibiting the transfer from one Department to another until the clerk has served for a period of three years in the Department from which he desired to be transferred.

Mr. PERKINS. That I understand.

Mr. TAWNEY. The effect of that, it is believed by the administrative officers, will have a tendency to reduce or equalize salaries and to make a uniform salary for the same character of work. My own idea is, if it has any effect at all, it will have nothing more than a tendency in that direction. What we ought to do, and what the committee would have done if it had the time and opportunity to do, would be to go through these Departments and thoroughly investigate them from top to bottom, and report a reclassification for the purpose of having a uniform salary for the same character of employment.

Mr. PERKINS. It seems to me that the committee ought to do it.

Mr. TAWNEY. But the gentleman from New York will readily see that that involves a vast amount of labor and a great deal more time than the committee can possibly give to the subject during a session of Congress. It is a matter, I will say further, that the committee contemplates taking up, and, if possible, creating a commission of its own members, or an outside commission under the direction of the members of the committee, to make a full investigation into the question of reclassification, with a view of establishing uniform salaries for the same character of work.

Mr. PERKINS. That will destroy the evil of transfers altogether.

Mr. TAWNEY. That will destroy the evil of transfers; I grant the gentleman's statement is true. Now, in this connection, that the House may see the necessity for reclassification, let me read from a letter received this morning from a clerk here in the Department. I assume he is a clerk, although he does not say so.

WASHINGTON, *March 16, 1906.*

MY DEAR SIR: I wish to call your attention to some misapprehension and unjust propositions advanced in the legislative bill as reported to the House and during the debate upon it.

I invite the attention of Members to this letter, showing the condition of things we have to deal with:

Complaints are made of the irregularities in salaries of employees in different Departments engaged upon similar work. Surely the members of the committee must know that in many cases an employee who may be designated on the rolls as "electrician," "stenographer," or "bookkeeper" does not perform such duties at all, while on the other hand many employees designated as "clerks" are, as a matter of fact, working as telephone and telegraph operators, electricians, bookkeepers, etc. For instance, when you cut the salary of "telephone operator," or as now designated "switchboard operator," to $720, you are only affecting the one or two who happen to be designated as such on the rolls, leaving those in most of the Departments lucky enough to appear on the rolls as "clerks," undisturbed at their salaries of $1,000 to $1,400, or perhaps more. Criticism is made because the chief telegrapher at the War Department is receiving $1,800, whereas at the White House and three or four other Departments similar places are filled by persons styled "clerks," at salaries from $1,400 to $2,000. These are given only as examples, as the same criticism applies in many instances to "electricians," "stenographers," "bookkeepers," etc. It is also noticeable that "laborers," at $660, and "messengers," at $840, are in four cases out of five doing the same kind of work.

Now, I have no doubt from the investigation made by the committee that this statement regarding the necessity of reclassification is absolutely correct; but as I said before, Mr. Chairman, it is not the thought of the committee to attempt to correct all of these abuses or accomplish all the needed reforms in our departmental administration at the present time. We intend to go as far as we possibly can. We have endeavored to level the salaries in the House here or establish a uniform salary for the doing of the same kind of work—that is, work requiring the same degree of ability and the same hours, and in some of the Departments we have, as this gentleman states here, established a uniform rate of compensation for telephone switchboard operators, and in doing that we still leave the salary a hundred per cent higher than is paid for like service by private telephone corporations.

Mr. LILLEY of Pennsylvania. I would like to ask the chairman of the committee a question. I understood you to say that there are exceptions, where a man that has reached this advanced age could and was performing the duties of that office. Did your committee, in a case of that kind, find some way by which he could receive the pay?

Mr. TAWNEY. I would say to the gentleman that we did, and we found it absolutely impracticable for the reason that it could have been done by vesting in the heads of the Departments the discretion to determine whether this man is competent or is incompetent, and that he has heretofore failed to exercise that discretion in the interests of the Government.

Mr. LILLEY of Pennsylvania. And you could not find any way to give him the benefit of his efficiency?

Mr. TAWNEY. We could not without arousing opposition that prevents our doing anything.

The CHAIRMAN. The time fixed by order of the House for debate to close has arrived.

Mr. LITTAUER. I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. OLMSTED, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 16472—the legislative appropriation bill—and had come to no resolution thereon.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 1302. An act granting an increase of pension to William A. Murray—to the Committee on Invalid Pensions.

S. 2540. An act granting an increase of pension to Benjamin S. Miller—to the Committee on Invalid Pensions.

S. 2973. An act granting an increase of pension to Minard Van Patten—to the Committee on Invalid Pensions.

S. 563. An act granting an increase of pension to Thomas Martin—to the Committee on Invalid Pensions.

S. 3566. An act granting an increase of pension to John Carpenter—to the Committee on Invalid Pensions.

S. 3284. An act granting an increase of pension to Charles B. Cox—to the Committee on Invalid Pensions.

S. 3817. An act granting an increase of pension to Margaret Lewis—to the Committee on Pensions.

S. 1952. An act granting an increase of pension to Jesse Alderman—to the Committee on Pensions.

S. 3584. An act granting an increase of pension to Peter Quermbeck—to the Committee on Invalid Pensions.

S. 2067. An act granting an increase of pension to Benjamin W. Valentine—to the Committee on Invalid Pensions.

S. 3222. An act granting an increase of pension to Henry Golder—to the Committee on Invalid Pensions.

S. 520. An act granting an increase of pension to William D. Johnson—to the Committee on Invalid Pensions.

S. 4424. An act granting an increase of pension to Nettie E. Tolles—to the Committee on Invalid Pensions.

S. 1435. An act granting an increase of pension to L. T. Davis—to the Committee on Invalid Pensions.

S. 3811. An act granting an increase of pension to Ephraim Winters—to the Committee on Invalid Pensions.

S. 1203. An act granting a pension to Albert B. Lawrence—to the Committee on Invalid Pensions.

S. 2638. An act granting an increase of pension to Thomas B. Whaley—to the Committee on Invalid Pensions.

S. 306. An act granting a pension to Cassy Cottrill—to the Committee on Invalid Pensions.

S. 1434. An act granting an increase of pension to Samuel Derry—to the Committee on Invalid Pensions.

S. 4424. An act granting an increase of pension to Nettie E. Tolles—to the Committee on Invalid Pensions.

S. 4106. An act granting an increase of pension to Katherine Wills—to the Committee on Invalid Pensions.

S. 337. An act granting an increase of pension to Lydia Ann Jones—to the Committee on Invalid Pensions.

S. 3653. An act granting an increase of pension to Francis J. Keffer—to the Committee on Invalid Pensions.

S. 3893. An act granting an increase of pension to David C. Howard—to the Committee on Invalid Pensions.

S. 249. An act granting an increase of pension to Alfred F. Sears—to the Committee on Invalid Pensions.

S. 1837. An act granting an increase of pension to Philip Gavin—to the Committee on Pensions.

S. 1338. An act granting an increase of pension to Thomas Claiborne—to the Committee on Pensions.

S. 2736. An act granting an increase of pension to James Williams—to the Committee on Invalid Pensions.

S. 1919. An act granting an increase of pension to Louise M. Wynkoop—to the Committee on Invalid Pensions.

S. 3676. An act granting an increase of pension to James M. McCorkle—to the Committee on Invalid Pensions.

S. 2953. An act granting an increase of pension to Mary L. Burr—to the Committee on Invalid Pensions.

S. 1105. An act granting a pension to Harriet Williams—to the Committee on Invalid Pensions.

S. 3232. An act granting an increase of pension to Mary Jane Schnure—to the Committee on Invalid Pensions.

S. 2577. An act granting an increase of pension to F. M. Lynch—to the Committee on Invalid Pensions.

S. 2574. An act granting an increase of pension to Parker Pritchard—to the Committee on Invalid Pensions.

S. 2575. An act granting an increase of pension to Thomas W. Waugh—to the Committee on Invalid Pensions.

S. 334. An act to correct the military record of Joseph A. Blanchard—to the Committee on Military Affairs.

S. 97. An act granting an increase of pension to Thomas F. Carey—to the Committee on Invalid Pensions.

S. 2188. An act granting to the city of Durango, in the State of Colorado, certain lands therein described for water reservoirs—to the Committee on the Public Lands.

S. 4957. An act to correct the military record of Alexander J. McDonald—to the Committee on Military Affairs.

S. 4954. An act authorizing Capt. Ejnar Mikkelsen to act as master of an American vessel—to the Committee on Merchant Marine and Fisheries.

S. 4885. An act relating to tonnage-tax exemptions—to the Committee on Merchant Marine and Fisheries.

S. 4726. An act permitting the building of a dam across the Mississippi River at or near Pike Rapids, in Morrison County, Minn.—to the Committee on Interstate and Foreign Commerce.

S. 4423. An act granting an increase of pension to C. E. Du Bois—to the Committee on Military Affairs.

S. 3035. An act granting an increase of pension to Charles W. Shedd—to the Committee on Invalid Pensions.

S. 4124. An act granting an increase of pension to Alden Fuller—to the Committee on Invalid Pensions.

S. 2209. An act granting a pension to Milford W. Oxley—to the Committee on Pensions.

S. 1614. An act granting a pension to Kate E. Young—to the Committee on Invalid Pensions.

S. 3618. An act granting an increase of pension to Martha E. Wardlaw—to the Committee on Pensions.

S. 2351. An act granting an increase of pension to Antoinette A. Darnall—to the Committee on Pensions.

S. 2725. An act granting an increase of pension to John Mather—to the Committee on Invalid Pensions.

S. 2970. An act granting an increase of pension to Thomas E. Keith—to the Committee on Invalid Pensions.

S. 1415. An act granting an increase of pension to Alexander Esler—to the Committee on Invalid Pensions.

S. 3532. An act granting an increase of pension to Anna K. Carpenter—to the Committee on Invalid Pensions.

S. 1910. An act granting an increase of pension to Theodore McClellan—to the Committee on Pensions.

S. 3524. An act granting a pension to John N. Henry—to the Committee on Invalid Pensions.

S. 3987. An act granting an increase of pension to Samuel H. Hancock—to the Committee on Invalid Pensions.

S. 2033. An act granting an increase of pension to David Trimble—to the Committee on Invalid Pensions.

S. 3254. An act granting an increase of pension to Anna Frances Hall—to the Committee on Invalid Pensions.

S. 2077. An act granting an increase of pension to Alice A. Arms—to the Committee on Invalid Pensions.

S. 1012. An act granting an increase of pension to Samuel H. Foster—to the Committee on Invalid Pensions.

S. 3296. An act granting an increase of pension to Patrick Burk—to the Committee on Invalid Pensions.

S. 3297. An act granting an increase of pension to George Conklin—to the Committee on Invalid Pensions.

S. 3835. An act granting an increase of pension to Luther M. Royal—to the Committee on Invalid Pensions.

S. 3257. An act granting an increase of pension to Walter Green—to the Committee on Invalid Pensions.

S. 2102. An act granting an increase of pension to George W. Lucas—to the Committee on Invalid Pensions.

S. 975. An act granting an increase of pension to James Shaffer—to the Committee on Invalid Pensions.

S. 4146. An act granting a pension to John W. Hall—to the Committee on Invalid Pensions.

S. 829. An act granting an increase of pension to James Gannon—to the Committee on Invalid Pensions.

S. 3641. An act granting an increase of pension to William P. Marshall—to the Committee on Invalid Pensions.

S. 3766. An act granting an increase of pension to Lyman J. Slate—to the Committee on Invalid Pensions.

S. 1349. An act granting an increase of pension to Daniel C. Earle—to the Committee on Invalid Pensions.

S. 3419. An act granting an increase of pension to Joseph H. Beale—to the Committee on Invalid Pensions.

S. 3520. An act granting a pension to Ada A. Thompson—to the Committee on Invalid Pensions.

S. 1667. An act granting an increase of pension to John A. Stockwell—to the Committee on Invalid Pensions.

S. 3839. An act granting an increase of pension to John T. Brothers—to the Committee on Invalid Pensions.

S. 4168. An act to correct a typographical error in act approved July 1, 1898, entitled "An act to vest in the Commissioners of the District of Columbia control of street parking in said District"—to the Committee on the District of Columbia.

S. 502. An act for the relief of James A. Russell—to the Committee on War Claims.

S. 1354. An act granting a pension to Lydia Jones—to the Committee on Invalid Pensions.

S. 3484. An act granting an increase of pension to Edson J. Harrison—to the Committee on Invalid Pensions.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 11516. An act granting an incerease of pension to Marquis D. L. Staley;

H. R. 1775. An act granting a pension to Alexander Kinnison;

H. R. 484. An act granting a pension to William Mayer;

H. R. 628. An act granting a pension to David L. Finch;

H. R. 1569. An act granting a pension to Elizabeth Murray;

H. R. 1803. An act granting a pension to George S. Taylor;

H. R. 1809. An act granting a pension to Lener McNabb;

H. R. 1857. An act granting a pension to Emeline Malone;

H. R. 1888. An act granting a pension to William T. Scandlyn;

H. R. 1912. An act granting a pension to Julia A. Powell;

H. R. 1977. An act granting a pension to Emma C. Anderson;

H. R. 2006. An act granting a pension to Florence B. Knight;

H. R. 2093. An act granting a pension to Sarah A. Pitt;

H. R. 2614. An act granting a pension to General M. Brown;

H. R. 2736. An act granting a pension to William Merideth;

H. R. 3384. An act granting a pension to Benjamin H. Decker;

H. R. 4704. An act granting a pension to Alice Rourk;

H. R. 6148. An act granting a pension to Henry P. Will;

H. R. 6921. An act granting a pension to Eliza B. Wilson;

H. R. 7478. An act granting a pension to George W. Jackson;

H. R. 7984. An act granting a pension to Henry R. Hill;

H. R. 8826. An act granting a pension to Elizabeth A. Mason;

H. R. 9593. An act granting a pension to Charles M. Priddy;

H. R. 9887. An act granting a pension to George Saxe;

H. R. 9955. An act granting a pension to James W. Baker;

H. R. 10353. An act granting a pension to Thomas B. Davis;

H. R. 10677. An act granting a pension to Maria Elizabeth Posey;

H. R. 10770. An act granting a pension to Helen P. Martin;

H. R. 10920. An act granting a pension to Mary Edna Cammeron;

H. R. 11078. An act granting a pension to Rosa Zurrin;

H. R. 11625. An act granting a pension to William C. Robison;

H. R. 12516. An act granting a pension to James S. Randall;

H. R. 12720. An act granting a pension to Sarah Duffield;

H. R. 12955. An act granting a pension to Lyman Critchfield, jr.;

H. R. 13161. An act granting a pension to Cynthia A. Embry;

H. R. 13165. An act granting a pension to Martin Nolan;

H. R. 13282. An act granting a pension to Lydia B. Bevan;

H. R. 13402. An act granting a pension to John Reynolds;

H. R. 485. An act granting an increase of pension to William H. Bantom;

H. R. 550. An act granting an increase of pension to Joseph E. Scott;

H. R. 1058. An act granting an increase of pension to Alphonso H. Harvey;

H. R. 1071. An act granting an increase of pension to William K. Keech;

H. R. 1137. An act granting an increase of pension to Abraham M. Kaufman;

H. R. 1205. An act granting an increase of pension to Samuel P. Bigger;

H. R. 1243. An act granting an increase of pension to John W. Burton;

H. R. 1331. An act granting an increase of pension to Roswell J. Kelsey;

H. R. 1440. An act granting an increase of pension to Matilda E. Lawton;

H. R. 1460. An act granting an increase of pension to Charles W. Renell;

H. R. 1553. An act granting an increase of pension to Harvey J. Fulmer;

H. R. 1566. An act granting an increase of pension to Thomas Lowry;

H. R. 1685. An act granting an increase of pension to George W. Bedient;

H. R. 1742. An act granting an increase of pension to Jonathan Daughenbaugh;

H. R. 1787. An act granting an increase of pension to Joseph M. West;

H. R. 1911. An act granting an increase of pension to Harriet E. Grogan, formerly Preston;

H. R. 1962. An act granting an increase of pension to George C. Myers;

H. R. 1967. An act granting an increase of pension to Joseph Baker;

H. R. 1968. An act granting an increase of pension to John Monroe;

H. R. 1997. An act granting an increase of pension to Sanford C. H. Smith;

H. R. 2060. An act granting an increase of pension to John Farrell;

H. R. 2080. An act granting an increase of pension to Sydney A. Asson;

H. R. 2088. An act granting an increase of pension to Sewall A. Edwards;

H. R. 2100. An act granting an increase of pension to Hiram Wilde;

H. R. 2150. An act granting an increase of pension to William E. Smith;

H. R. 2151. An act granting an increase of pension to Lydia C. Wood;

H. R. 2244. An act granting an increase of pension to Fred Dilg;

H. R. 2245. An act granting an increase of pension to Troy Moore;

H. R. 2264. An act granting an increase of pension to Robert McAnally;

H. R. 2344. An act granting an increase of pension to Selden C. Clobridge;

H. R. 2443. An act granting an increase of pension to George W. Mower;

H. R. 2705. An act granting an increase of pension to Henry W. Perkins;

H. R. 2749. An act granting an increase of pension to Agnes Flynn;

H. R. 2763. An act granting an increase of pension to Anthony Sherlock;

H. R. 2766. An act granting an increase of pension to Horace E. Brown;

H. R. 2982. An act granting an increase of pension to Ansel K. Tisdale;

H. R. 2991. An act granting an increase of pension to Henry F. Landes;

H. R. 3225. An act granting an increase of pension to William B. Philbrick;

H. R. 3255. An act granting an increase of pension to Isaac N. Ray;

H. R. 3284. An act granting an increase of pension to Jeremiah Callahan;

H. R. 3397. An act granting an increase of pension to Nicholas Chrisler;

H. R. 3418. An act granting an increase of pension to John Snouse;

H. R. 3435. An act granting an increase of pension to Thomas W. Sallade;

H. R. 3452. An act granting an increase of pension to Jacob McGaughey;

H. R. 3553. An act granting an increase of pension to Levi Pick;

H. R. 3557. An act granting an increase of pension to James B. Wilkins;

H. R. 3685. An act granting an increase of pension to James O. Tobey;

H. R. 3698. An act granting an increase of pension to Joseph E. Miller;

H. R. 3811. An act granting an increase of pension to James White;

H. R. 3981. An act granting an increase of pension to John McKeever;

H. R. 4219. An act granting an increase of pension to John C. Keener;

H. R. 4257. An act granting an increase of pension to Alice M. Durney;

H. R. 4596. An act granting an increase of pension to John J. Hughes;

H. R. 4616. An act granting an increase of pension to William W. West;

H. R. 4759. An act granting an increase of pension to Jane E. Bullard;

H. R. 4810. An act granting an increase of pension to Jerome Goodsell;

H. R. 4816. An act granting an increase of pension to John A. Sherwood;

H. R. 4823. An act granting an increase of pension to John G. C. Macfarlane;

H. R. 4832. An act granting an increase of pension to Henry W. Yates;
H. R. 4989. An act granting an increase of pension to Dominick Arnold;
H. R. 5026. An act granting an increase of pension to Asa Tout;
H. R. 5215. An act granting an increase of pension to Jennie Little;
H. R. 5383. An act granting an increase of pension to John W. Davis;
H. R. 5553. An act granting an increase of pension to Oliver L. Kendall;
H. R. 5564. An act granting an increase of pension to Albert G. Cluck;
H. R. 5616. An act granting an increase of pension to Edger Schroeders;
H. R. 5724. An act granting an increase of pension to William O. Gillespie;
H. R. 5727. An act granting an increase of pension to William T. Harris;
H. R. 6177. An act granting an increase of pension to John Haack;
H. R. 6395. An act granting an increase of pension to Daniel Ward;
H. R. 6453. An act granting an increase of pension to William H. Marsden;
H. R. 6507. An act granting an increase of pension to James M. Busby;
H. R. 6508. An act granting an increase of pension to John P. Moore;
H. R. 6936. An act granting an increase of pension to William Miller;
H. R. 6988. An act granting an increase of pension to Seymour Cole;
H. R. 7208. An act granting an increase of pension to Thomas G. Massey;
H. R. 7223. An act granting an increase of pension to George Blair;
H. R. 7229. An act granting an increase of pension to Slater D. Lewis;
H. R. 7396. An act granting an increase of pension to John E. Ball;
H. R. 7412. An act granting an increase of pension to Isaiah Collins;
H. R. 7547. An act granting an increase of pension to George W. Allison;
H. R. 7615. An act granting an increase of pension to Joseph D. Tate;
H. R. 7622. An act granting an increase of pension to Hermann Lieb;
H. R. 7631. An act granting an increase of pension to Joseph W. Foster;
H. R. 7765. An act granting an increase of pension to George Gaylord;
H. R. 7770. An act granting an increase of pension to Burgess Cole;
H. R. 7815. An act granting an increase of pension to Thomas G. Covell;
H. R. 7827. An act granting an increase of pension to William H. Uhler;
H. R. 7883. An act granting an increase of pension to Daniel Dilts;
H. R. 8048. An act granting an increase of pension to William F. Bottoms;
H. R. 8063. An act granting an increase of pension to Mary Coburn;
H. R. 8161. An act granting an increase of pension to Alonzo Douglas;
H. R. 8176. An act granting an increase of pension to Thomas E. Bishop;
H. R. 8202. An act granting an increase of pension to Henry Guy;
H. R. 8207. An act granting an increase of pension to Daniel A. Proctor;
H. R. 8208. An act granting an increase of pension to Eli Brainard;
H. R. 8218. An act granting an increase of pension to Mary C. Spangler;
H. R. 8275. An act granting an increase of pension to Robert Aucock;
H. R. 8289. An act granting an increase of pension to Isaac J. Holt;
H. R. 8376. An act granting an increase of pension to Mary J. McConnell;
H. R. 8607. An act granting an increase of pension to Arthur Haire;
H. R. 8642. An act granting an increase of pension to Henry Crandell;
H. R. 8836. An act granting an increase of pension to Elizabeth C. Howell;
H. R. 9127. An act granting an increase of pension to Isaac L. Rerick;
H. R. 9235. An act granting an increase of pension to Kate H. Kavanaugh;
H. R. 9248. An act granting an increase of pension to James T. Butler;
H. R. 9249. An act granting an increase of pension to Richard S. Cromer;
H. R. 9267. An act granting an increase of pension to William Cook;
H. R. 9447. An act granting an increase of pension to John L. Edmundson;
H. R. 9860. An act granting an increase of pension to Joseph H. Hirst;
H. R. 10047. An act granting an increase of pension to George W. Ellicott;
H. R. 10166. An act granting an increase of pension to Elizabeth Morgan;
H. R. 10217. An act granting an increase of pension to William A. Barnes;
H. R. 10271. An act granting an increase of pension to Stephen G. Smith;
H. R. 10322. An act granting an increase of pension to Edgar W. Calhoun;
H. R. 10399. An act granting an increase of pension to John H. H. Sands;
H. R. 10478. An act granting an increase of pension to William McGowan;
H. R. 10632. An act granting an increase of pension to Samuel Preston;
H. R. 10723. An act granting an increase of pension to Benjamin French;
H. R. 10724. An act granting an increase of pension to David Bruce;
H. R. 10725. An act granting an increase of pension to Etta D. Conant;
H. R. 10817. An act granting an increase of pension to William J. Morgan;
H. R. 10827. An act granting an increase of pension to Frank Crittenden;
H. R. 10886. An act granting an increase of pension to Martha S. Campbell;
H. R. 10894. An act granting an increase of pension to William J. Riley;
H. R. 10897. An act granting an increase of pension to Isaac Deems;
H. R. 10914. An act granting an increase of pension to John Hamilton;
H. R. 11052. An act granting an increase of pension to John P. Vance;
H. R. 11065. An act granting an increase of pension to Joseph Pollard;
H. R. 11071. An act granting an increase of pension to Allen E. Williams;
H. R. 11107. An act granting an increase of pension to William E. Fritts;
H. R. 11196. An act granting an increase of pension to William H. Joslyn;
H. R. 11259. An act granting an increase of pension to Barnes B. Smith;
H. R. 11335. An act granting an increase of pension to Thomas Chandler, alias Thomas Cooper;
H. R. 11353. An act granting an increase of pension to Isaac M. Woodworth;
H. R. 11408. An act granting an increase of pension to George W. Reed;
H. R. 11415. An act granting an increase of pension to Victoria Bishop;
H. R. 11416. An act granting an increase of pension to Lizzie Belk;
H. R. 11557. An act granting an increase of pension to Clinton A. Chapman;
H. R. 11687. An act granting an increase of pension to Matt Fitzpatrick;
H. R. 11689. An act granting an increase of pension to Byard H. Church;
H. R. 11742. An act granting an increase of pension to Charles H. Culver;

H. R. 11745. An act granting an increase of pension to James D. Billingsley;
H. R. 11849. An act granting an increase of pension to Robert M. Young;
H. R. 11886. An act granting an increase of pension to Solomon R. Trueblood;
H. R. 11927. An act granting an increase of pension to Calvin D. Weatherman;
H. R. 12090. An act granting an increase of pension to Mary M. Stark;
H. R. 12229. An act granting an increase of pension to Reuben I. Turckheim, alias Joseph Adler;
H. R. 12275. An act granting an increase of pension to Verelle S. Willard;
H. R. 12289. An act granting an increase of pension to Joseph C. Grissom;
H. R. 12292. An act granting an increase of pension to George T. Hill;
H. R. 12351. An act granting an increase of pension to John Foltz;
H. R. 12354. An act granting an increase of pension to Tillman T. Herridge;
H. R. 12391. An act granting an increase of pension to J. Frederick Edgell;
H. R. 12396. An act granting an increase of pension to James Hutchinson;
H. R. 12494. An act granting an increase of pension to John H. Crane;
H. R. 12565. An act granting an increase of pension to Jeremiah Kincaid;
H. R. 12903. An act granting an increase of pension to Daniel T. Ferrier;
H. R. 12948. An act granting an increase of pension to Frederick Bierley;
H. R. 13035. An act granting an increase of pension to Maggie D. Russ;
H. R. 13166. An act granting an increase of pension to William Evans;
H. R. 13348. An act granting an increase of pension to Nancy F. Shelton;
H. R. 13611. An act granting an increase of pension to William Clough;
H. R. 13643. An act granting an increase of pension to Davis W. Hatch;
H. R. 13976. An act granting an increase of pension to John R. Stalcup;
H. R. 14123. An act granting an increase of pension to Gottlieb Spitzer, alias Gottfried Bruner;
H. R. 14358. An act granting an increase of pension to William H. Morrow;
H. R. 14719. An act granting an increase of pension to Hannah A. Preston;
H. J. Res. 115. Joint resolution amending joint resolution instructing the Interstate Commerce Commission to make examinations into the subject of railroad discriminations and monopolies, and report on the same from time to time, approved March 7, 1906;
H. R. 6918. An act granting an increase of pension to Heinrick Krumdick;
H. R. 11000. An act granting an increase of pension to Martha J. Wilson;
H. R. 8739. An act granting an increase of pension to Frank N. Gray;
H. R. 5615. An act granting an increase of pension to John Coleman, jr.;
H. R. 6066. An act granting an increase of pension to Albert H. Lewis;
H. R. 8917. An act granting an increase of pension to James Hines;
H. R. 14515. An act making it a misdemeanor in the District of Columbia to abandon or willfully neglect to provide for the support and maintenance by any person of his wife or of his or her minor children in destitute or necessitous circumstances;
H. R. 6009. An act to regulate the construction of bridges over navigable waters; and
H. R. 15521. An act establishing regular terms of the United States circuit and district courts of the northern district of California at Eureka, Cal.

CATHARINE R. MITCHELL.

The SPEAKER laid before the House the bill (H. R. 9216) granting an increase of pension to Catharine R. Mitchell, with a Senate amendment, which was read.

Mr. LOUDENSLAGER. Mr. Speaker, I move that the House concur in the Senate amendment.

The motion was agreed to.

GALON S. CLEVENGER.

Mr. LOUDENSLAGER. Mr. Speaker, I call up a conference report that is on the Speaker's table.

The SPEAKER. The gentleman from New Jersey calls up a conference report, the title of which the Clerk will report.

The Clerk read as follows:

A bill (S. 1056) granting a pension to Galon S. Clevenger.

Mr. LOUDENSLAGER. I ask that the reading of the report be dispensed with, and that the statement be read.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The report and statement are as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 1056) granting a penson to Galon S. Clevenger, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment.

H. C. LOUDENSLAGER,
GEO. R. PATTERSON,
*Managers on the part of the House.*
P. J. MCCUMBER,
N. B. SCOTT,
JAS. P. TALIAFERRO,
*Managers on the part of the Senate.*

STATEMENT OF MANAGERS ON THE PART OF THE HOUSE.

This bill originally passed the House with the provision that the claimant should be pensioned subject to the provisions and limitations of the pension laws, as provided by section 4720 of the Revised Statutes, United States, according to the degree of his disability, but was amended in the Senate so as to allow a rating of $20 per month.

The result of the conference is that the Senate recedes from its amendment at $20 per month, and your conferees recommend that the bill pass as it originally passed the House.

H. C. LOUDENSLAGER,
GEO. R. PATTERSON,
*Managers on the part of the House.*

The SPEAKER. The question is on agreeing to the conference report.

The question was taken; and the conference report was agreed to.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. MICHALEK indefinitely, on account of sickness.

Mr. LITTAUER. I move that the House do now adjourn.

The motion was agreed to.

And accordingly (at 4 o'clock and 53 minutes p. m.) the House adjourned.

## EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Acting Secretary of the Treasury, transmitting a list of judgments rendered against the United States by circuit and district courts—to the Committee on Appropriations, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting from the Interstate Commerce Commission an estimate of appropriation for carrying out the provisions of the interstate-commerce act for the fiscal year 1906—to the Committee on Appropriations, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting from the Interstate Commerce Commission an estimate of appropriation for carrying out the provisions of the interstate-commerce act for the fiscal year 1907—to the Committee on Appropriations, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the Auditor for the War Department submitting an estimate of appropriation for payment of certain arrears of pay of officers and enlisted men of the Army—to the Committee on Appropriations, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the Secretary of the Interior submitting an estimate of appropriation for payments to certain deputy surveyors for surveys and resurveys of public lands—to the Committee on Appropriations, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the Secretary of War submitting an estimate of appropriation for additional force in the Office

of the Paymaster-General—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Interior, transmitting, with a favorable recommendation, a draft of proposed legislation relative to the disposition of money belonging to inmates of the Government Hospital for the Insane—to the Committee on the Judiciary, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of The Trustees of Washington College, Tennessee, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the schooner *Union*, Micajah Lunt, master—to the Committee on Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the sloop *Abigail*, Silas Jones, master—to the Committee on Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the ship *Bristol*, Edward Smith, master—to the Committee on Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the ship *Liberty*, William Caldwell, master—to the Committee on Claims, and ordered to be printed.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. CAMPBELL of Kansas, from the Committee on the District of Columbia, to which was referred the bill of the House H. R. 356, reported in lieu thereof a bill (H. R. 16944) to amend section 878 of the Code of Law for the District of Columbia, accompanied by a report (No. 2401); which said bill and report were referred to the House Calendar.

Mr. SHERMAN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 14604) forbidding the importation and carriage in interstate commerce of falsely or spuriously stamped articles of merchandise made of gold or silver or their alloys, and for other purposes, reported the same with amendment, accompanied by a report (No. 2402); which said bill and report were referred to the House Calendar.

Mr. BABCOCK, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 15441) to amend an act entitled "An act permitting the Washington Market Company to lay a conduit and pipes across Seventh street west," approved February 23, 1905, reported the same with amendment, accompanied by a report (No. 2403); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill of the House (H. R. 15740) amending an act entitled "An act for the extension of M street east of Bladensburg road, and for other purposes," approved March 3, 1905, reported the same without amendment, accompanied by a report (No. 2404); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. GAINES of West Virginia, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 14592) to authorize the construction of two bridges across the Cumberland River at or near Nashville, Tenn., reported the same with amendment, accompanied by a report (No. 2406); which said bill and report were referred to the House Calendar.

## REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. WEISSE, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16437) granting an increase of pension to Samuel H. Frozier, reported the same with amendment, accompanied by a report (No. 2350); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16266) granting an increase of pension to Margaret A. Rucker, reported the same with amendment, accompanied by a report (No. 2351); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16334) granting an increase of pension to Enos Day, reported the same without amendment, accompanied by a report (No. 2352); which said bill and report were referred to the Private Calendar.

Mr. LINDSAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16442) granting an increase of pension to John A. Powell, reported the same with amendment, accompanied by a report (No. 2353); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16578) granting an increase of pension to Edward Lilley, reported the same with amendment, accompanied by a report (No. 2354); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16433) granting an increase of pension to Marius S. Cooley, reported the same without amendment, accompanied by a report (No. 2355); which said bill and report were referred to the Private Calendar.

Mr. HOPKINS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15928) granting an increase of pension to Herbert D. Ingersoll, reported the same with amendment, accompanied by a report (No. 2356); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15854) granting an increase of pension to Philip Schloesser, reported the same with amendment, accompanied by a report (No. 2357); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15431) granting a pension to Theresa Creiss, reported the same with amendment, accompanied by a report (No. 2358); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15548) granting a pension to Jacob Ferber, reported the same with amendment, accompanied by a report (No. 2359); which said bill and report were referred to the Private Calendar.

Mr. WEISSE, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15002) granting an increase of pension to George E. Wood, reported the same with amendment, accompanied by a report (No. 2360); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16296) granting an increase of pension to Henry C. Coffin, reported the same without amendment, accompanied by a report (No. 2361); which said bill and report were referred to the Private Calendar.

Mr. HOPKINS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15569) granting a pension to Harriet A. Duvall, reported the same with amendment, accompanied by a report (No. 2362); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15256) granting an increase of pension to Benjamin F. Greer, reported the same without amendment, accompanied by a report (No. 2363); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15119) granting an increase of pension to Cornelius Westman, reported the same with amendment, accompanied by a report (No. 2364); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13928) granting an increase of pension to Harvey Foster, reported the same without amendment, accompanied by a report (No. 2365); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14688) granting an increase of pension to Robert Timmons, reported the same with amendment, accompanied by a report (No. 2366); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13741) granting an increase of pension to George R. Scott, reported the same with amendment, accompanied by a report (No. 2367); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13726) granting a pension to Sarah J. Manson, reported the same with amendment, accompanied by a report (No. 2368); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13572) granting an increase of pension to Saturnino Baca, reported the same with amendment, accompanied by a report (No. 2369); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13019) granting an increase of pension to George Whitman, reported the same without amendment, accompanied by a report (No. 2370); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12019) granting an increase of pension to Henry Jacob Fox, reported the same with amendment, accompanied by a report (No. 2371); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10251) granting a pension to Sarah M. E. Hinman, reported the same with amendment, accompanied by a report (No. 2372); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9277) granting an increase of pension to Elizabeth A. Butler, reported the same with amendment, accompanied by a report (No. 2373); which said bill and report were referred to the Private Calendar.

Mr. WEISSE, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8662) granting an increase of pension to E. F. Paramore, reported the same with amendment, accompanied by a report (No. 2374); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7518) granting an increase of pension to George Richter, reported the same without amendment, accompanied by a report (No. 2375); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7935) granting an increase of pension to Samuel J. Stannah, reported the same with amendment, accompanied by a report (No. 2376); which said bill and report were referred to the Private Calendar.

Mr. WEISSE, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8158) granting an increase of pension to L. P. Storms, reported the same with amendment, accompanied by a report (No. 2377); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6773) granting an increase of pension to Weston Ferris, reported the same with amendment, accompanied by a report (No. 2378); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6576) granting an increase of pension to Napoleon McDowell, reported the same with amendment, accompanied by a report (No. 2379); which said bill and report were referred to the Private Calendar.

Mr. WEISSE, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6454) granting an increase of pension to Milo B. Morse, reported the same with amendment, accompanied by a report (No. 2380); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5850) granting an increase of pension to Lucas Hager, reported the same with amendment, accompanied by a report (No. 2381); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6461) granting an increase of pension to Daniel G. Sterling, reported the same with amendment, accompanied by a report (No. 2382); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6384) granting an increase of pension to William McBeth, reported the same with amendment, accompanied by a report (No. 2383); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6096) granting an increase of pension to Louisa Rouseloux, reported the same with amendment, accompanied by a report (No. 2384); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5806) granting an increase of pension to Samuel J. Harding, reported the same with amendment, accompanied by a report (No. 2385); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5210) granting an increase of pension to Mrs. R. L. Moore, reported the same with amendment, accompanied by a report (No. 2386); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 5638) granting an increase of pension to Alpheus Jones, reported the same with amendment, accompanied by a report (No. 2387); which said bill and report were referred to the Private Calendar.

Mr. WEISSE, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5555) granting an increase of pension to Andrew P. Allen, reported the same without amendment, accompanied by a report (No. 2388); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6055) granting an increase of pension to Angeline Watson, reported the same with amendment, accompanied by a report (No. 2389); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5639) granting an increase of pension to Thomas C. Craig, reported the same with amendment, accompanied by a report (No. 2390); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3423) granting a pension to Thomas Watt, reported the same with amendment, accompanied by a report (No. 2391); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1218) granting a pension to Nathan H. Hinkle, reported the same with amendment, accompanied by a report (No. 2392); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1969) granting an increase of pension to Christian Petersen, reported the same with amendment, accompanied by a report (No. 2393); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2377) granting an increase of pension to J. N. Moore, reported the same with amendment, accompanied by a report (No. 2394); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2120) granting an increase of pension to Parmer Stewart, reported the same without amendment, accompanied by a report (No. 2395); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9587) granting an increase of pension to Samuel S. Thompson, reported the same with amendment, accompanied by a report (No. 2396); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2263) granting an increase of pension to Edward Keating, reported the same with amendment, accompanied by a report (No. 2397); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9765) granting an increase of pension to J. C. Anderson, reported the same with amendment, accompanied by a report (No. 2398); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13573) granting an increase of pension to Francis M. Ballew, reported the same with amendment, accompanied by a report (No. 2399); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14657) granting an increase of pension to D. W. West, reported the same with amendment, accompanied by a report (No. 2400); which said bill and report were referred to the Private Calendar.

Mr. DAWES, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 6182) for the relief of Henry C. Vincent, reported the same without amendment, accompanied by a report (No. 2407); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. CAMPBELL of Kansas, from the Committee on the District of Columbia: A bill (H. R. 16944) to amend section 878 of the Code of Law for the District of Columbia—to the House Calendar.

By Mr. CRUMPACKER: A bill (H. R. 16945) to provide for the purchase of additional ground and the enlargement and improvement of the public building at Lafayette, Ind.—to the Committee on Public Buildings and Grounds.

By Mr. NEEDHAM: A bill (H. R. 16946) releasing the right, title, and interest of the United States to the piece or parcel of land known as the Cuartel lot to the city of Monterey, Cal.—to the Committee on the Public Lands.

By Mr. HEARST: A bill (H. R. 16947) to protect trade and commerce against restraints and monopoly—to the Committee on the Judiciary.

By Mr. JONES of Washington: A bill (H. R. 16948) relating to lands embraced in what was formerly the Columbia Indian Reservation, in Washington Territory, now State of Washington—to the Committee on Irrigation of Arid Lands.

By Mr. UNDERWOOD: A bill (H. R. 16949) to fix the regular terms of the circuit and district courts of the United States for the southern division of the northern district of Alabama, and for other purposes—to the Committee on the Judiciary.

By Mr. MACON: A bill (H. R. 16950) to enlarge the authority of the Mississippi River Commission in making allotments and expenditures of funds appropriated by Congress for the improvement of the Mississippi River—to the Committee on Levees and Improvements of the Mississippi River.

By Mr. AIKEN: A bill (H. R. 16951) to provide for the erection of a monument to Gen. Andrew Pickens—to the Committee on the Library.

By Mr. ANDREWS: A bill (H. R. 16952) to amend an act entitled "An act in amendment of sections 2 and 3 of an act entitled 'An act granting pensions to soldiers and sailors who are incapacitated for the performance of manual labor, and providing for pensions to widows, minor children, and dependent parents,' approved June 27, 1890," approved May 9, 1900—to the Committee on Invalid Pensions.

By Mr. OVERSTREET, from the Committee on the Post-Office and Post-Roads: A bill (H. R. 16953) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1907, and for other purposes—to the Union Calendar.

By Mr. CUSHMAN: A bill (H. R. 16954) providing for the reappraisement of certain suburban lots in the town site of Port Angeles, Wash.—to the Committee on the Public Lands.

By Mr. SHERMAN: A bill (H. R. 16955) to regulate the practice of osteopathy, to license osteopathic physicians, and to punish persons violating the provisions thereof in the District of Columbia—to the Committee on the District of Columbia.

By Mr. BURKE of South Dakota: A bill (H. R. 16956) to authorize the construction of a bridge across the Missouri River between Walworth and Dewey counties, in the State of South Dakota—to the Committee on Interstate and Foreign Commerce.

By Mr. SMITH of California: A bill (H. R. 16957) authorizing the Secretary of the Intrior to purchase and improve certain lands for Indians in California—to the Committee on Indian Affairs.

By Mr. FRENCH: A bill (H. R. 16958) to authorize the construction of a bridge across the Snake River at or near Lewiston, Idaho—to the Committee on Interstate and Foreign Commerce.

By Mr. CUSHMAN: A bill (H. R. 16959) to authorize the construction of a bridge across the Snake River between Whitman and Columbia counties, in the State of Washington—to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 16960) to authorize the construction of a bridge across the Columbia River between Franklin and Benton counties, in the State of Washington—to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 16961) to authorize the construction of a bridge across the Columbia River between Douglas and Kittitas counties, in the State of Washington—to the Committee on Interstate and Foreign Commerce.

By Mr. BENNET of New York: A joint resolution (H. J. Res. 121) permitting the waiving of the alien immigration law in certain cases—to the Committee on Immigration and Naturalization.

By Mr. LITTLEFIELD: A resolution (H. Res. 367) amending Rule XI of the rules of the House of Representatives—to the Committee on Rules.

By Mr. GREENE: A memorial of the Commonwealth of Massachusetts, relative to an amendment to the Federal Constitution enabling Congress to enact laws regulating the hours of labor—to the Committee on Labor.

Also, a memorial of the Commonwealth of Massachusetts, requesting Congress to consolidate the present third and fourth class rates of postage—to the Committee on the Post-Office and Post-Roads.

By Mr. LAWRENCE: A memorial of the legislature of Massachusetts, in favor of the consolidation of third and fourth class mail matter—to the Committee on the Post-Office and Post-Roads.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. AIKEN: A bill (H. R. 16962) for the relief of the heirs of Alexander Campbell, deceased—to the Committee on War Claims.

By Mr. BANKHEAD: A bill (H. R. 16963) granting a pension to Sarah A. Jones—to the Committee on Pensions.

By Mr. BATES: A bill (H. R. 16964) granting a pension to Burton W. Fortner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16965) granting an increase of pension to Burton D. Fortuer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16966) granting an increase of pension to Mary E. Fisk—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16967) granting an increase of pension to J. H. Traut—to the Committee on Invalid Pensions.

By Mr. BENNETT of Kentucky: A bill (H. R. 16968) for the relief of the estate of Ann S. Jackson—to the Committee on War Claims.

By Mr. BEIDLER: A bill (H. R. 16969) granting an increase of pension to Edwin T. Donaldson—to the Committee on Invalid Pensions.

By Mr. BONYNGE: A bill (H. R. 16970) for the relief of Joseph Williams—to the Committee on War Claims.

Also, a bill (H. R. 16971) granting an increase of pension to Edward M. Rhodes—to the Committee on Invalid Pensions.

By Mr. BRADLEY: A bill (H. R. 16972) granting a pension to Harriet L. Morrison—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16973) granting an increase of pension to John H. Smith—to the Committee on Invalid Pensions.

By Mr. BROWNLOW: A bill (H. R. 16974) granting an increase of pension to Levi Levengood—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16975) granting a pension to Thomas Y. Patton—to the Committee on Invalid Pensions.

By Mr. BURLEIGH: A bill (H. R. 16976) granting an increase of pension to Charles Otis—to the Committee on Invalid Pensions.

By Mr. BUTLER of Pennsylvania: A bill (H. R. 16977) granting a pension to Isabel Newlin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16978) granting a pension to J. Max Mueller—to the Committee on Invalid Pensions.

By Mr. CAMPBELL of Kansas: A bill (H. R. 16979) for the relief of William Martinson—to the Committee on Military Affairs.

Also, a bill (H. R. 16980) for the relief of H. W. Nelson—to the Committee on Claims.

By Mr. CHANEY: A bill (H. R. 16981) granting an increase of pension to Mary J. Stalcup—to the Committee on Invalid Pensions.

By Mr. COLE: A bill (H. R. 16982) granting an increase of pension to John Crawford—to the Committee on Invalid Pensions.

By Mr. COOPER of Wisconsin: A bill (H. R. 16983) granting an increase of pension to Kirk W. Tanner—to the Committee on Invalid Pensions.

By Mr. CUSHMAN: A bill (H. R. 16984) for the removal of the charge of desertion from the military record of Thomas F. Callen, alias Thomas Cowan—to the Committee on Military Affairs.

By Mr. DE ARMOND: A bill (H. R. 16985) granting an increase of pension to Gilson Lawrence—to the Committee on Pensions.

By Mr. DIXON of Indiana: A bill (H. R. 16986) granting a pension to Mary O'Donnell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16987) granting an increase of pension to George W. Ash—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16988) granting an increase of pension to Anna Overturf—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16989) granting an increase of pension to Andrew Melton—to the Committee on Invalid Pensions.

By Mr. DWIGHT: A bill (H. R. 16990) granting an increase of pension to Sarah J. Chittenden—to the Committee on Invalid Pensions.

By Mr. EDWARDS: A bill (H. R. 16991) granting an increase of pension to Stephen Vaught—to the Committee on Pensions.

Also, a bill (H. R. 16992) granting an increase of pension to John R. Baldwin—to the Committee on Pensions.

Also, a bill (H. R. 16993) granting an increase of pension to Melroe Tarter—to the Committee on Pensions.

By Mr. ELLIS: A bill (H. R. 16994) granting an increase of pension to Harriet Payne—to the Committee on Pensions.

By Mr. FASSETT: A bill (H. R. 16995) granting an increase of pension to Jacob B. Storey—to the Committee on Invalid Pensions.

By Mr. FOSTER of Vermont: A bill (H. R. 16996) granting an increase of pension to Joseph Delisle—to the Committee on Invalid Pensions.

By Mr. FRENCH: A bill (H. R. 16997) granting an increase of pension to A. T. McReynolds—to the Committee on Invalid Pensions.

By Mr. FULLER: A bill (H. R. 16998) granting an increase of pension to Elijah Curtis—to the Committee on Invalid Pensions.

By Mr. GAINES of West Virginia: A bill (H. R. 16999) for the relief of Edward M. Craig, administrator of the estate of George W. Craig, deceased—to the Committee on War Claims.

By Mr. GILLETT of California: A bill (H. R. 17000) granting an increase of pension to W. A. Custer—to the Committee on Invalid Pensions.

By Mr. GILLETT of Massachusetts: A bill (H. R. 17001) to correct the military record of Hugh Donnelly—to the Committee on Military Affairs.

By Mr. GROSVENOR: A bill (H. R. 17002) granting an increase of pension to Levi Deater—to the Committee on Invalid Pensions.

By Mr. HAUGEN: A bill (H. R. 17003) granting an increase of pension to Eleazer C. Harmon—to the Committee on Invalid Pensions.

By Mr. HENRY of Connecticut: A bill (H. R. 17004) granting an increase of pension to Willard F. Sessions—to the Committee on Invalid Pensions.

By Mr. HILL of Connecticut: A bill (H. R. 17005) to authorize the President to appoint Col. Leslie Smith to the grade of brigadier-general in the United States Army and place him on the retired list—to the Committee on Military Affairs.

By Mr. HOGG: A bill (H. R. 17006) granting an increase of pension to Fountain M. Fain—to the Committee on Pensions.

By Mr. HOUSTON: A bill (H. R. 17007) granting a pension to William H. Huggins—to the Committee on Invalid Pensions.

By Mr. HUGHES: A bill (H. R. 17008) for the relief of the heirs of Ed and Will Holderby—to the Committee on War Claims.

By Mr. LAMB: A bill (H. R. 17009) granting a pension to William J. Barcroft—to tthe Committee on Invalid Pensions.

By Mr. LEE: A bill (H. R. 17010) for the relief of the heirs of Thaddeus H. Morris, deceased—to the Committee on War Claims.

By Mr. LEVER: A bill (H. R. 17011) granting an increase of pension to Mrs. Manning Brown—to the Committee on Pensions.

By Mr. LOUDENSLAGER: A bill (H. R. 17012) granting an increase of pension to Mary Thackara—to the Committee on Pensions.

By Mr. McGUIRE: A bill (H. R. 17013) for the relief of Charles A. Going—to the Committee on the Public Lands.

By Mr. McKINNEY: A bill (H. R. 17014) granting an increase of pension to Jackson D. Thornton—to the Committee on Invalid Pensions.

By Mr. MARTIN: A bill (H. R. 17015) granting an increase of pension to Osbert D. Dickey—to the Committee on Invalid Pensions.

By Mr. MILLER: A bill (H. R. 17016) granting an increase of pension to Henry H. Klock—to the Committee on Invalid Pensions.

By Mr. MOON of Tennessee: A bill (H. R. 17017) for the relief of A. L. Anderson, of Hamilton County, Tenn.—to the Committee on War Claims.

By Mr. MOUSER: A bill (H. R. 17018) granting a pension to Osie B. Fox—to the Committee on Invalid Pensions.

Also, a bill (H .R. 17019) to remove charge of desertion and grant an honorable discharge to James Fisher—to the Committee on Military Affairs.

Also, a bill (H. R. 17020) to remove the charge of desertion and grant an honorable discharge to Benjamin F. Church—to the Committee on Military Affairs.

By Mr. OVERSTREET: A bill (H. R. 17021) granting an increase of pension to Emily P. Hubbard—to the Committee on Invalid Pensions.

By Mr. PEARRE (by request): A bill (H. R. 17022) granting an increase of pension to John Nuse—to the Committee on Invalid Pensions.

By Mr. RHINOCK: A bill (H. R. 17023) for the relief of Fannie Bostwick, widow of Martin B. Strader—to the Committee on War Claims.

Also, a bill (H. R. 17024) granting an increase of pension to Catherine Burger—to the Committee on Invalid Pensions.

By Mr. RICHARDSON of Kentucky: A bill (H. R. 17025) granting a pension to Lavinia Ray—to the Committee on Invalid Pensions.

By Mr. RIXEY: A bill (H. R. 17026) granting a pension to Augustus Dobson—to the Committee on Pensions.

By Mr. SHERMAN: A bill (H. R. 17027) granting an increase of pension to James Swan—to the Committee on Invalid Pensions.

By Mr. SMITH of Illinois: A bill (H. R. 17028) granting an increase of pension to L. D. Hartwell—to the Committee on Invalid Pensions.

By Mr. SPERRY: A bill (H. R. 17029) granting a pension to Ignace Schnee—to the Committee on Invalid Pensions.

By Mr. STEENERSON: A bill (H. R. 17030) for the relief of the Pembina bands of Chippewa Indians on the Red Lake and White Earth reservations, in the State of Minnesota—to the Committee on Indian Affairs.

By Mr. STERLING: A bill (H. R. 17031) granting an increase of pension to Hubert Peck—to the Committee on Invalid Pensions.

By Mr. SULLIVAN of Massachusetts: A bill (H. R. 17032) for the relief of Richard Robbins, late first lieutenant, Eleventh Infantry, and so forth—to the Committee on Claims.

By Mr. TYNDALL: A bill (H. R. 17033) granting an increase of pension to Robert Nelson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17034) granting an increase of pension to William L. Cannon—to the Committee on Invalid Pensions.

By Mr. MANN: A bill (H. R. 17035) granting an increase of pension to Samuel Smith—to the Committee on Invalid Pensions.

By Mr. WILEY of Alabama: A bill (H. R. 17036) granting an increase of pension to Josephine L. Jordan—to the Committee on Pensions.

By Mr. WELBORN: A bill (H. R. 17037) granting an increase of pension to Richard H. Askew—to the Committee on Invalid Pensions.

## CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 8605) granting a pension to Thomas J. Bradshaw—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 16704) granting a pension to Lucy C. Strout—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 11686) granting a pension to William C. Berghahn—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

## PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of various persons, organizations, and corporations, for the Senate amendment to the statehood bill—to the Committee on the Territories.

Also, petition of George Hopkins, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of the General Federation of Women's Clubs, for investigation into the industrial condition of women in the United States—to the Committee on Labor.

Also, petition of the Japanese and Korean Exclusion League, for modification of the Chinese law—to the Committee on Foreign Affairs.

Also, petition of the Board of Railway Trainmen, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of various organizations of railway employees, for the Bates-Penrose bill—to the Committee on the Judiciary.

By Mr. ACHESON: Petition of the Corn Exchange National Bank, of Philadelphia, Pa., for bill H. R. 15846—to the Committee on Banking and Currency.

Also, petition of the Retail Grocers' Association of Newcastle, Pa., for the Heyburn pure-food bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of I. H. Glunt, against bill H. R. 12973 (Chinese exclusion)—to the Committee on Foreign Affairs.

By Mr. ADAMS of Pennsylvania: Petition of George G. Meade Post, Grand Army of the Republic, No. 1, Department of Pennsylvania, for bill H. R. 3814 (previously referred to the Committee on Invalid Pensions)—to the Committee on Naval Affairs.

By Mr. ALEXANDER: Petition of the Chamber of Commerce, for the Gallinger subsidy bill—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Tonawanda Council, No. 117, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of Frank W. Thurber et al., of Buffalo, N. Y., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. ALLEN of Maine: Petition of Ralph P. Rhodes and 971 others, asking concurrence in the Senate amendment to the statehood bill—to the Committee on the Territories.

By Mr. ANDREWS: Petition of D. N. Pickering and 272 others, of New Mexico, against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. BARCHFELD: Petition of the Beaver Refining Company, relative to the untenable position of the New York, New Haven and Hartford Railway as to rates on petroleum—to the Committee on Interstate and Foreign Commerce.

Also, petition of citizens of St. Louis, for revocation of the post-office fraud order—to the Committee on Rules.

By Mr. BATES: Papers to accompany bill (H. R. 12093) for the relief of Charles H. Davedson; to accompany bill (H. R. 15748) for the relief of J. R. Deckard, and to accompany bill (H. R. 3208) for the relief of Isabell T. Bosthwick—to the Committee on Invalid Pensions.

Also, papers to accompany bill granting an increase of pension to Burton W. Portner, and to accompany bill (H. R. 8775) granting an increase of pension to Carrie Diefenbach—to the Committee on Invalid Pensions.

Also, papers to accompany bill (H. R. 8778) granting an increase of pension to George Henderson—to the Committee on Invalid Pension.

Also, petition of the National Foundry Company, of Erie, Pa., against the anti-injunction bill—to the Committee on the Judiciary.

Also, petition of the Erie City Iron Works, against the anti-injunction bill—to the Committee on the Judiciary.

Also, petition of Grange No. 880, for an experimental parcels post—to the Committee on the Post-Office and Post-Roads.

Also, petition of the Pennsylvania State Sabbath Association, for closing the Jamestown Exposition on Sunday—to the Committee on Industrial Arts and Expositions.

Also, petition of G. W. Waggoner, M. D., for bill to regulate patent nostrums, etc.—to the Committee on Interstate and Foreign Commerce.

Also, petition of the National Bank of Corry, Pa., against bill H. R. 48—to the Committee on Banking and Currency.

Also, petition of the Twentieth Century Club, for investigation of the industrial condition of women—to the Committee on Labor.

Also, petition of the Erie City Iron Works, against the metric system—to the Committee on Coinage, Weights, and Measures.

Also, petition of the Woman's Club of Union City, Pa., to investigate the industrial condition of women in the United States—to the Committee on Labor.

Also, petition of C. Bloeser, for the Heyburn pure-food bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Woman's Missionary Union of the Presbyterian Church of Meadville, Pa., for an amendment to the Constitution abolishing polygamy—to the Committee on the Judiciary.

Also, petition of John Doll, M. D., for the Heyburn pure-food bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of citizens of Indian Territory, for statehood—to the Committee on the Territories.

Also, petition of W. H. Hussey, for admission of Oklahoma as a State—to the Committee on the Territories.

Also, petition of 78 citizens of Oklahoma, for admission as a State—to the Committee on the Territories.

By Mr. BENNETT of Kentucky: Paper to accompany bill for relief of James C. Brickley—to the Committee on Military Affairs.

Also, paper to accompany bill for relief of J. R. Chapman—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Alfred H. White—to the Committee on Invalid Pensions.

Also, papers to accompany bills for relief of William A. Vice, Martin Dixon, John A. Campbell, John Pesimer, William N. Collins, John W. Fultz, Andrew E. York, James S. Williams, Thomas L. Power, Benjamin Puckett, Preston Petit, James M. Wallace, Isaac W. Musser, Israel T. Osborn, Moses Hull, Horace Applegate, Christena Burton, David Fannin, Kate Jones, J. Q. A. Boner, Thomas Ruark, Isaac N. Dysard, Augustin Bell, David S. Trumbo, Timothy Johnson, Joseph Walsh, John E. Wells, James W. Jarrell, Nancy England, Rosa A. Turner, Andrew W. Grimes, Eliza Ball, William Phillips, James H. Jobe, Charles Kennan, John W. Boyer, Eliza Gaines and Charles May—to the Committee on Invalid Pensions.

Also, papers to accompany bill (H. R. 14040) to pension Sallie Butler—to the Committee on Invalid Pensions.

By Mr. BONYNGE: Petition of Mrs. Mary L. Parks, of the Interdenominational Missionary Union of Denver, for the Littlefield-Dolliver bill—to the Committee on Alcoholic Liquor Traffic.

Also, petition of citizens of Colorado, against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of the Presbyterian Missionary Society of Fort Collins, Colo., against sale of liquor in all Government buildings—to the Committee on Alcoholic Liquor Traffic.

By Mr. BOWERSOCK: Petition of the Republican Club of Bristow, Ind. T.; citizens of Saltfork, Okla.; Neodosha, Ind. T.; Fairfax, Okla.; Kingfisher, Okla.; Skeedee, Okla., and of Oklahoma at large, in favor of the statehood bill as passed by the Senate—to the Committee on the Territories.

Also, petition of the Woman's Club of Pleasanton, Kans., asking for scientific investigation of the industrial condition of women in the United States—to the Committee on Labor.

Also, petition of citizens of Collinsville, Ind. T., asking for passage of the statehood bill—to the Committee on the Territories.

Also, petition of P. B. Sweet and other citizens of Lawrence, Kans., asking for free alcohol—to the Committee on Ways and Means.

Also, resolution of master house painters and decorators of Massachusetts, asking for free alcohol to be used in the arts—to the Committee on Ways and Means.

By Mr. BRICK: Resolution of A. G. Amsden Lodge of the Brotherhood of Railroad Trainmen, of Elkhart, Ind., in favor of restricting immigration—to the Committee on Immigration and Naturalization.

By Mr. BROOKS of Colorado: Petition of business firms of St. Louis, for revocation of the post-office fraud order—to the Committee on Rules.

Also, petition of citizens of Colorado, against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. BURKE of Pennsylvania: Petition of the Beaver Refining Company, relative to the untenable position of the New York, New Haven and Hartford Railway as to rates on petroleum—to the Committee on Interstate and Foreign Commerce.

Also, petition of business firms of St. Louis, for revocation of the Post-Office fraud order—to the Committee on Rules.

By Mr. BURLEIGH: Petition of E. G. Bremmer, of North Mariaville, Me., in favor of the pure-food bill—to the Committee on Interstate and Foreign Commerce.

Also, papers to accompany bill (H. R. 11307) granting an increase of pension to Joseph R. Roberts—to the Committee on Invalid Pensions.

By Mr. BURLESON: Paper to accompany bill for relief of Silas P. Conway—to the Committee on Pensions.

By Mr. BURTON of Ohio: Petition of citizens of Cleveland, Ohio, against religious legislation—to the Committee on the District of Columbia.

By Mr. CALDERHEAD: Petition of the International Association of House Painters and Decorators of the United States, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of the State board of health of Kansas, for the Heyburn pure-food bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of the American Reciprocal Tariff League, for

Industrial reciprocity treaties with foreign countries—to the Committee on Ways and Means.

Also, petition of the Postum Cereal Company, for the pure-food law—to the Committee on Interstate and Foreign Commerce.

Also, petition of J. M. Evans & Son, against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of the National Woman's Christian Temperance Union, for the pure-food bill, etc.—to the Committee on Interstate and Foreign Commerce.

Also, petition of the First National Bank of Coffeyville, Kans., for a law to make loans on real estate—to the Committee on Banking and Currency.

Also, petition of the Theo. Pachles Mercantile Company, the Kansas Retail Grocers and General Merchants' Association, Marshall Field & Co., and the Commercial Club of Hanover, Kans., against the parcels-post bill—to the Committee on the Post-Office and Post-Roads.

Also, petition of the Midland Publishing Company, against the parcels-post bill—to the Committee on the Post-Office and Post-Roads.

Also, petition of the Commercial Club of Arkansas City, Kans., against the parcels-post bill—to the Committee on the Post-Office and Post-Roads.

Also, petition of members of the Home for Disabled Volunteer Soldiers at Leavenworth, Kans., for payment to inmates on furlough—to the Committee on Military Affairs.

Also, petition of citizens of Kansas, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of Kenesaw Post, No. 106, Department of California and Nevada, Grand Army of the Republic, for an amendment to pension laws giving $30 per month to totally disabled persons—to the Committee on Invalid Pensions.

Also, petition of citizens of Kansas, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. CAMPBELL of Ohio: Petition of the Association of House Painters, for removal of the tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. CHANEY: Petition of the Indiana Retail Merchants' Association, for 1-cent postage on letters—to the Committee on the Post-Office and Post-Roads.

By Mr. CHAPMAN: Petition of William E. Wall, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of citizens of Indian Territory and Oklahoma, for the Senate amendment to the statehood bill—to the Committee on the Territories.

By Mr. COLE: Petition of merchants of Ada, Ohio, against the parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. CRUMPACKER: Petition of Pine Lake Grange, Laporte, Ind., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of Arthur Goss et al., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. DALE: Paper to accompany bill (H. R. 3346) for the relief of William H. Wolfe—to the Committee on Invalid Pensions.

By Mr. DAWSON: Petition of citizens of Indian Territory, for admission of Oklahoma and Indian Territory as States—to the Committee on the Territories.

By Mr. DIXON of Indiana: Petition of citizens of Indiana, for removal of the tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of citizens of Indiana, in favor of the Hepburn-Dolliver bill—to the Committee on Interstate and Foreign Commerce.

By Mr. DRAPER: Petition of Robert S. Waddell, for the establishment of a Government powder plant—to the Committee on Naval Affairs.

Also, petition of E. G. Lewis, for revocation of the fraud order—to the Committee on Rules.

Also, petition of master house painters of Sommerville, Mass., for removal of the tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of the State Charities Aid Association of New York, in favor of the pure-food bill—to the Committee on Interstate and Foreign Commerce.

By Mr. DUNWELL: Petition of the Master House Painters' Association, for removal of the tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. ESCH: Petition of master painters and decorators, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of the East Buffalo Live Stock Association, for bill H. R. 12615 (extension of time for transportation of live stock)—to the Committee on Interstate and Foreign Commerce.

Also, petition of the General Federation of Women's Clubs, for a scientific investigation into the industrial condition of women in the United States—to the Committee on Labor.

By Mr. FLETCHER: Petition of citizens of Minnesota, against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of citizens of Minnesota, against reduction of the tax on oleomargarine—to the Committee on Agriculture.

By Mr. FULLER: Petition of the Buffalo Chamber of Commerce, for the Gallinger subsidy bill—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Master House Painters' and Decorators of the United States, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of the Davenport Trades and Labor Association, for employment of more laborers in the Government works at Rock Island, Ill.—to the Committee on Military Affairs.

Also, petition of the Illinois Board of the National Consumers' League, for the Heyburn pure-food bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Japanese and Korean League, for retention of the present Chinese law—to the Committee on Immigration and Naturalization.

Also, paper to accompany bill for relief of Elijah Curtis—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Anna E. Marble—to the Committee on Invalid Pensions.

By Mr. GAINES of West Virginia: Petition of 102 citizens of Fayette County, W. Va., favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of L. B. Chidester and 31 others, against the parcels-post bill—to the Committee on the Post-Office and Post-Roads.

Also, petition of Montgomery Council, No. 35, Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of Cliff Top Council, No. 120, and Roseville Council, No. 29, Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. GILLETT of Massachusetts: Petition of William E. Wall, the Massachusetts Association of Master House Painters and Decorators, and the International Association of Master House Painters and Decorators, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of West Springfield and Wendell granges, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. GOULDEN: Petition of the Buffalo Credit Men's Association, for the national bankruptcy law—to the Committee on Banking and Currency.

Also, petition of the Lawrence Society, of New York City, for bills S. 3602 and H. R. 13193 (the Gallinger bill, against bird and animal killing in the District of Columbia)—to the Committee on Agriculture.

Also, petition of the New York Florists' Club, against free seed distribution—to the Committee on Agriculture.

Also, petition of the Lawrence Society, of New York City, for bill (S. 2966) for the protection of birds and animals on Government reservations—to the Committee on Agriculture.

Also, petition of the Consumers' League of New York City, for the Heyburn pure-food bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of C. F. Clark, of New York City, for amendments to the trade-mark law—to the Committee on Patents.

Also, petition of the Federation of Labor of Chicago, Ill., for bill H. R. 12472—to the Committee on the Merchant Marine and Fisheries.

Also, petition of J. J. Kennedy, against bill H. R. 8131—to the Committee on Military Affairs.

By Mr. GRAHAM: Petition of business firms of St. Louis, for revocation of the post-office fraud order—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Beaver Refining Company, relative to the untenable position of the New York, New Haven and Hartford Railway on railway rates on petroleum—to the Committee on Interstate and Foreign Commerce.

Also, petition of many citizens of New York and vicinity, for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

By Mr. GREENE: Petition of the Warren Avenue Baptist

Church, against conditions in the Kongo Free State—to the Committee on Foreign Affairs.

Also, resolution of the Board of Associated Charities of Fall River, Mass., for further restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. GRONNA: Petition of William E. Wall, secretary of the Master House Painters and Decorators, for free alcohol—to the Committee on Ways and Means.

By Mr. HAMILTON: Petition of citizens of Michigan, against religious legislation—to the Committee on the District of Columbia.

By Mr. HASKINS: Petition of Blue Mountain Grange, No. 263; Brookfield Grange, No. 96, and Polk Mountain Grange, No. 267, asking removal of the tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. HAUGEN: Petition of Gustav Deitsch, of Postville, Iowa, for the removal of the tariff on linotype and composing machines—to the Committee on Ways and Means.

By Mr. HAYES: Petition of sundry associations of California, making recommendation in connection with reclaiming and irrigating Sacramento Valley—to the Committee on Irrigation of Arid Lands.

Also, resolution of the International Association of House Painters, for removal of the tax on denaturized alcohol—to the Committee on Ways and Means.

Also, resolution of the Chamber of Commerce of Sutter County, Cal., asking an appropriation of $10,000 to combat pear blight—to the Committee on Agriculture.

Also, petition of divers citizens of San Francisco, against the passage of bill H. R. 12973—to the Committee on Foreign Affairs.

Also, papers to accompany bill (H. R. 15386) to correct the military record of Henry Finnegoss—to the Committee on Military Affairs.

Also, petition of the San Francisco Labor Council, urging maintenance of the Chinese-exclusion law—to the Committee on Foreign Affairs.

By Mr. HEPBURN: Petition of citizens of Decatur County, Iowa, against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of citizens of Lorimer, Iowa, against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. HIGGINS: Petition of the Wednesday Club of Norwich, to investigate the industrial condition of women in the United States—to the Committee on Labor.

Also, petition of Preston City Grange, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. HOAR: Paper to accompany bill for relief of John J. Higgins—to the Committee on Invalid Pensions.

By Mr. HOGG: Petition of the Beecher Island Memorial Association and citizens of Colorado, for pensions for Indian scouts—to the Committee on Pensions.

By Mr. HOWELL of Utah: Petition of citizens of Utah, against the parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of many citizens of New York and vicinity, for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

By Mr. HUBBARD: Petition of N. L. Smith et al., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of D. M. Johnston, of Pilgrim Presbyterian Church, Storm Lake, Iowa, for a constitutional amendment suppressing polygamy—to the Committee on the Judiciary.

By Mr. HUFF: Petition of Dean Clark and John L. Hamilton, president of the American Bank, opposing the bill (H. R. 48) to establish postal savings banks—to the Committee on the Post-Office and Post-Roads.

Also, petition of the secretary of the Retail Grocers' Association, in favor of the pure-food law—to the Committee on Interstate and Foreign Commerce.

Also, petition of E. Bushejager and others, opposing free distribution of seeds—to the Committee on Agriculture.

By Mr. JENKINS: Petition of the Apollonian Cause, against the tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of citizens of Chippewa County, against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. KEIFER: Petition of Samuel Bright and 70 others, for the Senate amendment to the statehood bill—to the Committee on the Territories.

By Mr. KETCHAM: Petition of H. R. Bryan & Co. et al., against all anti-injunction legislation—to the Committee on the Judiciary.

By Mr. WILLIAM W. KITCHIN: Petition of the Daughters of Liberty of Walkertown, N. C., favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. LACEY: Petition of the Anti-Saloon League of Iowa, in favor of the Littlefield-Dolliver bill—to the Committee on the Judiciary.

By Mr. LAWRENCE: Petition of Charlemont Grange, for untaxed denaturized alcohol—to the Committee on Ways and Means.

By Mr. LINDSAY: Petition of Martin A. Feeley, Olive S. Ross, and William E. Wall, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of Robert S. Waddell, against the Du Pont powder monopoly—to the Committee on Military Affairs.

Also, petition of the Bedford District Board of Trade, of Brooklyn, N. Y., and Jared J. Chambers, for construction of an additional battle ship at the Brooklyn Navy-Yard—to the Committee on Naval Affairs.

Also, paper to accompany bill (H. R. 14702) for relief of Christian Schlosser—to the Committee on Invalid Pensions.

Also, petition of the State Charities Aid Association, for the pure food and drug bill—to the Committee on Interstate and Foreign Commerce.

By Mr. LLOYD: Petition of citizens of Macon, Mo., against the parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. LORIMER: Paper to accompany bill for relief of Charles Malin—to the Committee on Pensions.

By Mr. LOUDENSLAGER: Petition of citizens of Camden, against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. McCALL: Petition of the International Association of Master House Painters and Decorators, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of the Massachusetts State Board of Trade, for removal of the duty on hides—to the Committee on Ways and Means.

By Mr. MADDEN: Petition of citizens of Indian Territory, in favor of statehood—to the Committee on the Territories.

Also, petition of Chicago citizens, against religious legislation—to the Committee on the District of Columbia.

Also, petition of the Illinois Manufacturers' Association, for an amendment to bill S. 1345 (the consular bill)—to the Committee on Foreign Affairs.

By Mr. MARSHALL: Petition of citizens of Dakota, for removal of the tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. NEEDHAM: Petition of Golden West Lodge, No. 73, Brotherhood of Railway Trainmen, of Kern, Cal., for the Bates-Penrose bill—to the Committee on the Judiciary.

By Mr. OVERSTREET: Petition of the Indianapolis Musicians' Protective Association, for bill H. R. 8748—to the Committee on Naval Affairs.

Also, petition of F. H. Messler, of South Bend, Ind.; T. A. Kinnaman, of Logansport, Ind., and J. J. Milhous, of Valley Mills, Ind., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. PADGETT: Petition of John M. McDonald, praying for reference of war claims to the Court of Claims—to the Committee on War Claims.

By Mr. PERKINS: Petition of the Times, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. PUJO: Petition of the International Association of Master House Painters and Decorators of America, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of the Magnolia Club, for an appropriation to investigate the industrial condition of women in the United States—to the Committee on Labor.

By Mr. RAINEY: Petition of A. R. Smith and 24 others, in favor of single statehood—to the Committee on the Territories.

By Mr. REEDER: Petition of citizens of Kansas, against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. RICHARDSON of Alabama: Petition of the mayor and board of aldermen of Florence, Ala., for fast-mail service—to the Committee on the Post-Office and Post-Roads.

Also, paper to accompany bill for relief of Richard Garner—to the Committee on War Claims.

By Mr. RUPPERT: Petition of numerous citizens of the United States, urging revocation of the fraud order—to the Committee on Rules.

Also, resolution of the New York Florists' Club, against free distribution of seeds—to the Committee on Agriculture.

By Mr. SCHNEEBELI: Petition of the Commercial Law League of America, for the Lodge bill to reform the consular service—to the Committee on Foreign Affairs.

Also, petition of George C. Henry, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of Laura Maxwell and 11 others, for extension of the Morris forestry law—to the Committee on Agriculture.

Also, petition of Laura Maxwell and 11 others, for preservation of Niagara Falls—to the Committee on Rivers and Harbors.

Also, petition of Laura Maxwell and 11 others of the State Federation of Pennsylvania Women, for a White Mountain reservation—to the Committee on Agriculture.

Also, petition of the Retail Merchants' Association of East Mauch Chunk, for the pure-food bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of W. S. Kirkpatrick, ror an amendment of national banking law—to the Committee on Banking and Currency.

Also, petition of the Association of Mexican War Veterans, for increase of pension—to the Committee on Pensions.

Also, petition of the Manufacturers' Association of Illinois, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of the New York Clearing House, for bill H. R. 8973—to the Committee on Banking and Currency.

Also, petition of Wilson R. Solt, for the Heyburn pure-food bill—to the Committee on Interstate and Foreign Commerce.

By Mr. SHEPPARD: Paper to accompany bill for relief of Virginia A. Hilburn—to the Committee on Pensions.

By Mr. SOUTHWICK: Petition of the Woman's Christian Temperance Union of Bethlehem, N. Y., against sale of liquor in Government buildings—to the Committee on Alcoholic Liquor Traffic.

By Mr. SPERRY: Petition of C. L. Upham Camp, Sons of Veterans, of Meriden, Conn., against bill H. R. 8183—to the Committee on the Judiciary.

By Mr. STEENERSON: Petition of Mannin Brothers et al., against the parcels-post bill—to the Committee on the Post-Office and Post-Roads.

By Mr. SULLIVAN of Massachusetts: Petition of the Massachusetts State Board of Trade, for removal of the duty on hides—to the Committee on Ways and Means.

By Mr. SULLIVAN of New York: Petition of Division No. 14, Ancient Order of Hibernians, for a statue for Commodore Barry—to the Committee on the Library.

Also, petition of the Chamber of Commerce of Buffalo, for the Gallinger subsidy law—to the Committee on the Merchant Marine and Fisheries.

Also, petition of John Young, against any appropriation for distribution of seeds—to the Committee on Agriculture.

Also, petition of the International Association of Master House Painters and Decorators of the United States and Canada, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of the California Fruit Growers' Exchange, for Federal control of railway rates and private car lines—to the Committee on Interstate and Foreign Commerce.

Also, petition of the board of trustees of the Chamber of Commerce of Buffalo, N. Y., for the Gallinger subsidy bill—to the Committee on the Merchant Marine and Fisheries.

Also, petition of State Charities Aid Association, for the pure food and drug bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of the American Bankers' Association, for bill relating to bills of lading, etc.—to the Committee on Interstate and Foreign Commerce.

Also, petition of Edmund J. James, for an educational commission for China—to the Committee on Foreign Affairs.

Also, petition of Robert S. Waddell, against the Du Pont powder monopoly—to the Committee on Military Affairs.

Also, petition of the Yale & Towne Manufacturing Company, against the anti-injunction law—to the Committee on the Judiciary.

Also, petition of business firms of St. Louis, for revocation of the post-office fraud order—to the Committee on Rules.

Also, petition of Columbia Typographical Union, No. 101, Washington, D. C., for printing to be done in eight-hour offices—to the Committee on Labor.

Also, petition of Earl & Co., against anti-injunction legislation—to the Committee on the Judiciary.

Also, petition of General Federation of Women's Clubs, for a scientific investigation of the industrial condition of women in the United States—to the Committee on Labor.

Also, petition of citizens of Ellenburg Center, N. Y., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petitions of the Curtice Brothers Company, the Commercial Envelope and Box Company, the Church & Davis Company, the Eastman Kodak Company, the Watson-Stillman Company, the Barney & Smith Car Company, the Jamestown Lounge Company, the Pioneer Suspender Company, the H. H. Franklin Manufacturing Company, and the Westinghouse Machine Company, against the metric system—to the Committee on Coinage, Weights, and Measures.

Also, petition of the Brooklyn Central Labor Union and the New York Marine Trades Council, for building battle ships at the Brooklyn Navy-Yard—to the Committee on Naval Affairs.

By Mr. TAYLOR of Ohio: Petition of citizens of Ohio, against bill H. R. 7067—to the Committee on Indian Affairs.

Also, petition of A. Williams et al., for bill H. R. 12067—to the Committee on Invalid Pensions.

By Mr. TIRRELL: Petition of Boston Grange, No. 142, for removal of the tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of many citizens of New York and vicinity, for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

By Mr. WADSWORTH: Petition of citizens of New York, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. WALLACE: Petition of citizens of Arkansas, for the Senate amendment to the statehood bill—to the Committee on the Territories.

Also, petition of citizens of Arkansas, for statehood for Oklahoma and Indian Territory—to the Committee on the Territories.

By Mr. WEISSE: Petition of Edmund J. James, of Illinois, favoring sending an educational commission to China—to the Committee on Foreign Affairs.

Also, petition of the California Fruit Growers' Exchange, for Federal control of railway rates and private car lines—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Master House Painters and Decorators and the International Association of Master House Painters and Decorators of the United States, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of A. E. Yoell, of the Japanese and Korean legation, for retention of present Chinese law—to the Committee on Foreign Affairs.

By Mr. WILEY of Alabama: Resolution of the State Horticultural Society, at Thorsley, Ala., asking regulation of transportation of farm products—to the Committee on Interstate and Foreign Commerce.

Also, resolution of the Master House Painters of the United States, at Birmingham, Ala., for removal of tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. WOOD of Missouri: Paper to accompany bill for relief of John C. Farrell—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Freda Burow—to the Committee on Pensions.

By Mr. YOUNG: Petition of Rosedale Grange, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of citizens of Michigan, favoring bills H. R. 239 and 9328 (the Bates-Penrose bill)—to the Committee on the Judiciary.

Also, petition of citizens of Michigan, against restoration of the Army canteen—to the Committee on Military Affairs.

Also, petition of citizens of Michigan, against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

## SENATE.

### TUESDAY, *March 20, 1906.*

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. CULLOM, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the bill (S. 1345) to provide for the reorganization of the consular service of the United States, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to

the amendment of the Senate to the bill (H. R. 9216) granting an increase of pension to Catharine R. Mitchell.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 1056) granting a pension to Galon S. Clevenger.

The message also announced that the House insists on its amendments to the bill (S. 956) providing for the election of a Delegate to the House of Representatives from the district of Alaska, disagreed to by the Senate, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. BRICK, Mr. POWERS, and Mr. LLOYD managers at the conference on the part of the House.

The message further announced that the House had passed the following bills and joint resolution; in which it requested the concurrence of the Senate:

H. R. 15744. An act to abolish the office of Lieutenant-General of the Army of the United States;

H. R. 15848. An act authorizing the sale of timber on the Jicarilla Apache Indian Reservation for the benefit of the Indians belonging thereto;

H. R. 16381. An act leasing and demising certain lands in La Plata County, Colo., to the P. F. U. Rubber Company; and

H. J. Res. 117. Joint resolution extending the time for opening to public entry the unallotted lands on the ceded portion of the Shoshone or Wind River Indian Reservation, in Wyoming.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

H. R. 484. An act granting a pension to William Mayer;

H. R. 485. An act granting an increase of pension to William H. Bantom;

H. R. 550. An act granting an increase of pension to Joseph E. Scott;

H. R. 628. An act granting a pension to David L. Finch;

H. R. 1058. An act granting an increase of pension to Alphonso H. Harvey;

H. R. 1071. An act granting an increase of pension to William K. Keech;

H. R. 1137. An act granting an increase of pension to Abraham M. Kaufman;

H. R. 1205. An act granting an increase of pension to Samuel P. Bigger;

H. R. 1243. An act granting an increase of pension to John W. Burton;

H. R. 1331. An act granting an increase of pension to Roswell J. Kelsey;

H. R. 1440. An act granting an increase of pension to Matilda E. Lawton;

H. R. 1460. An act granting an increase of pension to Charles W. Renell;

H. R. 1553. An act granting an increase of pension to Harvey J. Fulmer;

H. R. 1566. An act granting an increase of pension to Thomas Lowry;

H. R. 1569. An act granting a pension to Elizabeth Murray;

H. R. 1685. An act granting an increase of pension to George W. Bedient;

H. R. 1742. An act granting an increase of pension to Jonathan Daughenbaugh;

H. R. 1775. An act granting a pension to Alexander Kinnison;

H. R. 1787. An act granting an increase of pension to Joseph M. West;

H. R. 1803. An act granting a pension to George S. Taylor;

H. R. 1809. An act granting a pension to Lener McNabb;

H. R. 1857. An act granting a pension to Emeline Malone;

H. R. 1888. An act granting a pension to William T. Scandlyn;

H. R. 1911. An act granting an increase of pension to Harriet E. Grogan, formerly Preston;

H. R. 1912. An act granting a pension to Julia A. Powell;

H. R. 1962. An act granting an increase of pension to George C. Myers;

H. R. 1967. An act granting an increase of pension to Joseph Baker;

H. R. 1968. An act granting an increase of pension to John Monroe;

H. R. 1977. An act granting a pension to Emma C. Anderson;

H. R. 1997. An act granting an increase of pension to Sanford C. H. Smith;

H. R. 2006. An act granting a pension to Florence B. Knight;

H. R. 2060. An act granting an increase of pension to John Farrell;

H. R. 2080. An act granting an increase of pension to Sydney A. Asson;

H. R. 2088. An act granting an increase of pension to Sewall A. Edwards;

H. R. 2093. An act granting a pension to Sarah A. Pitt;

H. R. 2100. An act granting an increase of pension to Hiram Wilde;

H. R. 2150. An act granting an increase of pension to William E. Smith;

H. R. 2151. An act granting an increase of pension to Lydia C. Wood;

H. R. 2244. An act granting an increase of pension to Fred Dilg;

H. R. 2245. An act granting an increase of pension to Troy Moore;

H. R. 2264. An act granting an increase of pension to Robert McAnally;

H. R. 2344. An act granting an increase of pension to Selden C. Clobridge;

H. R. 2443. An act granting an increase of pension to George W. Mower;

H. R. 2614. An act granting a pension to General M. Brown;

H. R. 2705. An act granting an increase of pension to Henry W. Perkins;

H. R. 2736. An act granting a pension to William Merideth;

H. R. 2749. An act granting an increase of pension to Agnes Flynn;

H. R. 2763. An act granting an increase of pension to Anthony Sherlock;

H. R. 2766. An act granting an increase of pension to Horace E. Brown;

H. R. 2982. An act granting an increase of pension to Ansel K. Tisdale;

H. R. 2991. An act granting an increase of pension to Henry F. Landis;

H. R. 3225. An act granting an increase of pension to William B. Philbrick;

H. R. 3255. An act granting an increase of pension to Isaac N. Ray;

H. R. 3284. An act granting an increase of pension to Jeremiah Callahan;

H. R. 3384. An act granting a pension to Benjamin H. Decker;

H. R. 3397. An act granting an increase of pension to Nicholas Chrisler;

H. R. 3418. An act granting an increase of pension to John Snouse;

H. R. 3435. An act granting an increase of pension to Thomas W. Sallade;

H. R. 3452. An act granting an increase of pension to Jacob McGaughey;

H. R. 3553. An act granting an increase of pension to Levi Pick;

H. R. 3557. An act granting an increase of pension to James B. Wilkins;

H. R. 3685. An act granting an increase of pension to James O. Tobey;

H. R. 3698. An act granting an increase of pension to Joseph E. Miller;

H. R. 3811. An act granting an increase of pension to James White;

H. R. 3981. An act granting an increase of pension to John McKeever;

H. R. 4219. An act granting an increase of pension to John C. Keener;

H. R. 4257. An act granting an increase of pension to Alice M. Durney;

H. R. 4596. An act granting an increase of pension to John J. Hughes;

H. R. 4616. An act granting an increase of pension to William W. West;

H. R. 4704. An act granting a pension to Alice Rourk;

H. R. 4759. An act granting an increase of pension to Jane E. Bullard;

H. R. 4810. An act granting an increase of pension to Jerome Goodsell;

H. R. 4816. An act granting an increase of pension to John A. Sherwood;

H. R. 4823. An act granting an increase of pension to John G. C. MacFarlane;

H. R. 4832. An act granting an increase of pension to Henry W. Yates;

H. R. 4989. An act granting an increase of pension to Dominick Arnold;

H. R. 5026. An act granting an increase of pension to Asa Tout;

H. R. 5215. An act granting an increase of pension to Jennie Little;
H. R. 5383. An act granting an increase of pension to John W. Davis;
H. R. 5553. An act granting an increase of pension to Oliver L. Kendall;
H. R. 5564. An act granting an increase of pension to Albert G. Cluck;
H. R. 5615. An act granting an increase of pension to John Coleman, jr.;
H. R. 5616. An act granting an increase of pension to Edgar Schroeders;
H. R. 5724. An act granting an increase of pension to William O. Gillespie;
H. R. 5727. An act granting an increase of pension to William T. Harris;
H. R. 6009. An act to regulate the construction of bridges over navigable waters;
H. R. 6066. An act granting an increase of pension to Albert H. Lewis;
H. R. 6148. An act granting a pension to Henry P. Will;
H. R. 6177. An act granting an increase of pension to John Haack;
H. R. 6395. An act granting an increase of pension to Daniel Ward;
H. R. 6453. An act granting an increase of pension to William H. Marsden;
H. R. 6507. An act granting an increase of pension to James M. Busby;
H. R. 6508. An act granting an increase of pension to John P. Moore;
H. R. 6918. An act granting an increase of pension to Heinrick Krumdick;
H. R. 6921. An act granting a pension to Eliza B. Wilson;
H. R. 6936. An act granting an increase of pension to William Miller;
H. R. 6988. An act granting an increase of pension to Seymour Cole;
H. R. 7208. An act granting an increase of pension to Thomas G. Massey;
H. R. 7223. An act granting an increase of pension to George Blair;
H. R. 7229. An act granting an increase of pension to Slater D. Lewis;
H. R. 7396. An act granting an increase of pension to John E. Ball;
H. R. 7412. An act granting an increase of pension to Isaiah Collins;
H. R. 7478. An act granting a pension to George W. Jackson;
H. R. 7547. An act granting an increase of pension to George W. Allison;
H. R. 7615. An act granting an increase of pension to Joseph D. Tate;
H. R. 7622. An act granting an increase of pension to Hermann Lieb;
H. R. 7631. An act granting an increase of pension to Joseph W. Foster;
H. R. 7765. An act granting an increase of pension to George Gaylord;
H. R. 7770. An act granting an increase of pension to Burgess Cole;
H. R. 7815. An act granting an increase of pension to Thomas G. Covell;
H. R. 7827. An act granting an increase of pension to William H. Uhler;
H. R. 7883. An act granting an increase of pension to Daniel Dilts;
H. R. 7984. An act granting a pension to Henry R. Hill;
H. R. 8048. An act granting an increase of pension to William F. Bottoms;
H. R. 8063. An act granting an increase of pension to Mary Coburn;
H. R. 8161. An act granting an increase of pension to Alonzo Douglas;
H. R. 8176. An act granting an increase of pension to Thomas E. Bishop;
H. R. 8202. An act granting an increase of pension to Henry Guy;
H. R. 8207. An act granting an increase of pension to Daniel A. Proctor;
H. R. 8208. An act granting an increase of pension to Eli Brainard;
H. R. 8218. An act granting an increase of pension to Mary C. Spangler;
H. R. 8275. An act granting an increase of pension to Robert Aucock;
H. R. 8289. An act granting an increase of pension to Isaac J. Holt;
H. R. 8376. An act granting an increase of pension to Mary J. McConnell;
H. R. 8607. An act granting an increase of pension to Arthur Haire;
H. R. 8642. An act granting an increase of pension to Henry Crandell;
H. R. 8739. An act granting an increase of pension to Frank N. Gray;
H. R. 8826. An act granting a pension to Elizabeth A. Mason;
H. R. 8836. An act granting an increase of pension to Elizabeth C. Howell;
H. R. 8917. An act granting an increase of pension to James Hines;
H. R. 9127. An act granting an increase of pension to Isaac L. Rerick;
H. R. 9235. An act granting an increase of pension to Kate H. Kavanaugh;
H. R. 9248. An act granting an increase of pension to James T. Butler;
H. R. 9249. An act granting an increase of pension to Richard S. Cromer;
H. R. 9267. An act granting an increase of pension to William Cook;
H. R. 9447. An act granting an increase of pension to John L. Edmundson;
H. R. 9593. An act granting a pension to Charles M. Priddy;
H. R. 9860. An act granting an increase of pension to Joseph H. Hirst;
H. R. 9887. An act granting a pension to George Saxe;
H. R. 9955. An act granting a pension to James W. Baker;
H. R. 10047. An act granting an increase of pension to George W. Ellicott;
H. R. 10166. An act granting an increase of pension to Elizabeth Morgan;
H. R. 10217. An act granting an increase of pension to William A. Barnes;
H. R. 10271. An act granting an increase of pension to Stephen G. Smith;
H. R. 10322. An act granting an increase of pension to Edgar W. Calhoun;
H. R. 10353. An act granting a pension to Thomas B. Davis;
H. R. 10399. An act granting an increase of pension to John H. H. Sands;
H. R. 10478. An act granting an increase of pension to William McGowan;
H. R. 10632. An act granting an increase of pension to Samuel Preston;
H. R. 10677. An act granting a pension to Maria Elizabeth Posey;
H. R. 10723. An act granting an increase of pension to Benjamin French;
H. R. 10724. An act granting an increase of pension to David Bruce;
H. R. 10725. An act granting an increase of pension to Etta D. Conant;
H. R. 10770. An act granting a pension to Helen P. Martin;
H. R. 10817. An act granting an increase of pension to William J. Morgan;
H. R. 10827. An act granting an increase of pension to Frank Crittenden;
H. R. 10886. An act granting an increase of pension to Martha S. Campbell;
H. R. 10894. An act granting an increase of pension to William J. Riley;
H. R. 10897. An act granting an increase of pension to Isaac Deems;
H. R. 10914. An act granting an increase of pension to John Hamilton;
H. R. 10920. An act granting a pension to Mary Edna Cammeron;
H. R. 11000. An act granting an increase of pension to Martha J. Wilson;
H. R. 11052. An act granting an increase of pension to John P. Vance;
H. R. 11065. An act granting an increase of pension to Joseph Pollard;
H. R. 11071. An act granting an increase of pension to Allen E. Williams;
H. R. 11078. An act granting a pension to Rosa Zurrin;
H. R. 11107. An act granting an increase of pension to William E. Fritts;

H. R. 11196. An act granting an increase of pension to William H. Joslyn;
H. R. 11259. An act granting an increase of pension to Barnes B. Smith;
H. R. 11335. An act granting an increase of pension to Thomas Chandler, alias Thomas Cooper;
H. R. 11353. An act granting an increase of pension to Isaac M. Woodworth;
H. R. 11408. An act granting an increase of pension to George W. Reed;
H. R. 11415. An act granting an increase of pension to Victoria Bishop;
H. R. 11416. An act granting an increase of pension to Lizzie Belk;
H. R. 11516. An act granting an increase of pension to Marquis D. L. Staley;
H. R. 11557. An act granting an increase of pension to Clinton A. Chapman;
H. R. 11625. An act granting a pension to William C. Robison;
H. R. 11687. An act granting an increase of pension to Matt Fitzpatrick;
H. R. 11689. An act granting an increase of pension to Byard H. Church;
H. R. 11742. An act granting an increase of pension to Charles H. Culver;
H. R. 11745. An act granting an increase of pension to James D. Billingsley;
H. R. 11849. An act granting an increase of pension to Robert M. Young;
H. R. 11886. An act granting an increase of pension to Solomon R. Trueblood;
H. R. 11927. An act granting an increase of pension to Calvin D. Weatherman;
H. R. 12090. An act granting an increase of pension to Mary M. Stark;
H. R. 12229. An act granting an increase of pension to Reuben I. Turckhein, alias Joseph Adler;
H. R. 12275. An act granting an increase of pension to Verelle S. Willard;
H. R. 12289. An act granting an increase of pension to Joseph C. Grissom;
H. R. 12292. An act granting an increase of pension to George T. Hill;
H. R. 12351. An act granting an increase of pension to John Foltz;
H. R. 12354. An act granting an increase of pension to Tillman T. Herridge;
H. R. 12391. An act granting an increase of pension to J. Frederick Edgell;
H. R. 12396. An act granting an increase of pension to James Hutchinson;
H. R. 12494. An act granting an increase of pension to John H. Crane;
H. R. 12516. An act granting a pension to James S. Randall;
H. R. 12565. An act granting an increase of pension to Jeremiah Kincaid;
H. R. 12720. An act granting a pension to Sarah Duffield;
H. R. 12903. An act granting an increase of pension to Daniel T. Ferrier;
H. R. 12948. An act granting an increase of pension to Frederick Bierley;
H. R. 12955. An act granting a pension to Lyman Critchfield, jr.;
H. R. 13035. An act granting an increase of pension to Maggie D. Russ;
H. R. 13161. An act granting a pension to Cynthia A. Embry;
H. R. 13165. An act granting a pension to Martin Nolan;
H. R. 13166. An act granting an increase of pension to William Evans;
H. R. 13282. An act granting a pension to Lydia B. Bevan;
H. R. 13348. An act granting an increase of pension to Nancy F. Shelton;
H. R. 13402. An act granting a pension to John Reynolds;
H. R. 13611. An act granting an increase of pension to William Clough;
H. R. 13643. An act granting an increase of pension to Davis W. Hatch;
H. R. 13976. An act granting an increase of pension to John R. Stalcup;
H. R. 14123. An act granting an increase of pension to Gottlieb Spitzer, alias Gottfried Bruner;
H. R. 14358. An act granting an increase of pension to William H. Morrow;
H. R. 14515. An act making it a misdemeanor in the District of Columbia to abandon or willfully neglect to provide for the support and maintenance by any person of his wife or of his or her minor children in destitute or necessitous circumstances.
H. R. 14719. An act granting an increase of pension to Hannah A. Preston;
H. R. 15521. An act establishing regular terms of the United States circuit and district courts of the northern district of California, at Eureka, Cal.; and
H. J. Res. 115. Joint resolution amending joint resolution instructing the Interstate Commerce Commission to make examinations into the subject of railroad discriminations and monopolies, and report on the same from time to time, approved March 7, 1906.

PETITIONS AND MEMORIALS.

Mr. GALLINGER presented a petition of the Goodell Company, of Antrim, N. H., praying for the enactment of legislation to remove the duty on denaturized alcohol; which was referred to the Committee on Finance.

He also presented a petition of Goodwill Council, No. 4, Junior Order United American Mechanics, of Plaistow, N. H., praying for the enactment of legislation to restrict immigration; which was referred to the Committee on Immigration.

He also presented a petition of the National Consumers' League of New York City, N. Y., praying for the enactment of legislation to regulate child labor in the District of Columbia; which was ordered to lie on the table.

He also presented a petition of the General Federation of Women's Clubs of New York City, N. Y., praying that an appropriation be made for a scientific investigation into the industrial conditions of women in the United States; which was referred to the Committee on Education and Labor.

Mr. CULLOM presented a petition of sundry citizens of Champaign, Ill., praying for the passage of the so-called "Hepburn railroad rate bill;" which was ordered to lie on the table.

He also presented a petition of the Vermilion County Medical Society, of Illinois, praying for the enactment of legislation providing Government regulation of indigent consumptives; which was referred to the Committee on Education and Labor.

Mr. PLATT presented a petition of the congregation of the Asbury Methodist Episcopal Church, of Rochester, N. Y., praying for an investigation of the existing conditions in the Kongo Free State; which was referred to the Committee on Foreign Relations.

He also presented a memorial of the Woman's Christian Temperance Union of Sherwood, N. Y., remonstrating against the repeal of the present anticanteen law; which was referred to the Committee on Military Affairs.

Mr. NIXON presented a petition of Local Division No. 158, Brotherhood of Locomotive Engineers, of Reno, Nev., praying for the passage of the so-called "employers' liability bill" and also the "anti-injunction bill;" which was referred to the Committee on Interstate Commerce.

Mr. NELSON presented a petition of the Red River Drainage League, of North Dakota, praying that an appropriation be made for the drainage of the Red River Valley in that State; which was referred to the Committee on Agriculture and Forestry.

Mr. WETMORE presented a petition of the congregation of the Pleasant View Baptist Church, of Pawtucket, R. I., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the congregation of the Pleasant View Baptist Church, of Pawtucket, R. I., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which was referred to the Committee on Privileges and Elections.

He also presented a memorial of the Rhode Island Society for the Prevention of Cruelty to Children, remonstrating against the enactment of legislation for the establishment in the Department of the Interior of a bureau to regulate child labor; which was referred to the Committee on Education and Labor.

Mr. PENROSE presented a petition of sundry citizens of Wiconisco, Pa., and a petition of Local Grange No. 108, Patrons of Husbandry, of Rohrsburg, Pa., praying for the removal of the internal-revenue tax on denaturized alcohol; which were referred to the Committee on Finance.

He also presented a petition of the Woman's Christian Temperance Union of Conneautville, Pa., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all Government buildings; which was referred to the Committee on Public Buildings and Grounds.

He also presented a petition of the East End Woman's Christian Temperance Union, of Pittsburg, Pa., praying for the adoption of an amendment to the Constitution to prohibit divorce

except for statutory offenses; which was referred to the Committee on the Judiciary.

He also presented a petition of the East End Woman's Christian Temperance Union, of Pittsburg, Pa., praying for the enactment of legislation to exclude all gambling matter from interstate express and telegraph service; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the East End Woman's Christian Temperance Union, of Philadelphia, Pa., praying for the enactment of legislation providing a Sunday-rest law in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a memorial of Local Grange No. 1187, Patrons of Husbandry, of Rasselas, Pa., remonstrating against the repeal of the present oleomargarine law; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the East End Woman's Christian Temperance Union, of Pittsburg, Pa., praying for the ratification of arbitration treaties; which was referred to the Committee on Foreign Relations.

He also presented a petition of Local Grange No. 1187, Patrons of Husbandry, of Rasselas, Pa., praying for the passage of the so-called "parcels-post bill;" which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the East End Woman's Christian Temperance Union, of Pittsburg, Pa., praying for the enactment of legislation prohibiting the sending of gambling matter through the mails; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the East End Woman's Christian Temperance Union, of Pittsburg, Pa., praying for the enactment of legislation prohibiting the sale of opium except in medical prescriptions; which was referred to the Committee on Manufactures.

Mr. BEVERIDGE presented petitions of the Woman's Study Club of Michigan City, of the Research Club of Aurora, in the State of Indiana, and of the General Federation of Women's Clubs of New York City, N. Y., praying that an appropriation be made for a scientific investigation into the industrial conditions of women in the United States; which were referred to the Committee on Education and Labor.

He also presented a petition of Hope Grange, No. 2101, Patrons of Husbandry, of Aurora, Ind., praying for the passage of the so-called "Hepburn railroad rate bill;" which was ordered to lie on the table.

He also presented a petition of A. C. Amsden Lodge, Brotherhood of Railroad Trainmen, of Elkhart, Ind., praying for the enactment of legislation to restrict immigration; which was referred to the Committee on Immigration.

He also presented a memorial to the St. John's Benevolent Society, of Vincennes, Ind., remonstrating against the enactment of legislation to prohibit the use of Indian trust funds for the purpose of educating Indian children in sectarian schools; which was referred to the Committee on Indian Affairs.

He also presented a petition of the Woman's Home Missionary Society of the Roberts Park Church, of Indianapolis, Ind., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all Government buildings and grounds, and also remonstrating against the repeal of the present anti-canteen law; which was referred to the Committee on Military Affairs.

He also presented a petition of the Northern Indian Historical Society, of South Bend, Ind., praying that an appropriation be made for the preservation of the U. S. frigate *Constitution;* which was referred to the Committee on Naval Affairs.

He also presented a petition of the Indiana Society, Sons of the American Revolution, of Indianapolis, Ind., and a petition of the Indiana Society of Colonial Wars of Indianapolis, Ind., praying for the enactment of legislation to prevent the impending destruction of Niagara Falls on the American side for manufacturing purposes; which were ordered to lie on the table.

He also presented a petition of the Commercial Club of New Albany, Ind., praying for the enactment of legislation to reorganize the consular service; which was ordered to lie on the table.

He also presented a memorial of the Retail Merchants' Association of Fort Wayne, Ind., and a memorial of Post H, Travelers' Protective Association, of Vincennes, Ind., remonstrating against the passage of the so-called "parcels-post bill;" which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of the Retail Merchants' Association of Evansville, Ind., remonstrating against the enactment of legislation to consolidate third and fourth class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. GAMBLE presented a petition of the congregation of the Congregational Church of De Smet, S. Dak., and the petition of T. E. Robinson, of Lake Andes, S. Dak., praying for the removal of the internal-revenue tax on denaturized alcohol; which were referred to the Committee on Finance.

He also presented a petition of the History Club of Sioux Falls, S. Dak., and a petition of the Woman's Club of Pierre, S. Dak., praying for an investigation into the industrial condition of the women of the country; which were referred to the Committee on Education and Labor.

Mr. KEAN presented a petition of the Woman's Club of Orange, N. J., and a petition of the Traveler's Club of Newark, N. J., praying that an appropriation be made for a scientific investigation into the industrial conditions of women in the United States; which were referred to the Committee on Education and Labor.

He also presented a petition of the Atha Tool Company, of Newark, N. J., praying for the passage of the so-called "Williams-Mallory bill" relative to national quarantine; which was referred to the Committee on Public Health and National Quarantine.

He also presented a petition of sundry citizens of Caldwell, N. J., praying for the enactment of legislation to remove the duty on denaturized alcohol; which was referred to the Committee on Finance.

He also presented a petition of Local Union No. 305, Iron Molders' Union, of Plainfield, N. J., praying for the enactment of legislation to restrict immigration; which was referred to the Committee on Immigration.

### REPORTS OF COMMITTEES.

Mr. BURKETT, from the Committee on Claims, to whom was referred the bill (S. 2543) for the relief of William Pinkerton, jr., Mary McKellar, Eleanor Culley Stevenson, Sarah S. Patterson, and Rachael Salina Reynolds, heirs at law of William Pinkerton, deceased, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. KEAN. I trust the report in that case will be printed.

The VICE-PRESIDENT. The report will be printed under the rule.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 12541) granting an increase of pension to Edward V. Miles;

A bill (H. R. 14539) granting an increase of pension to Sumner P. Wyman;

A bill (H. R. 15870) granting a pension to Mary Palmer;

A bill (H. R. 6946) granting an increase of pension to Elias Claunch;

A bill (H. R. 14888) granting an increase of pension to Eliza A. Bunker;

A bill (H. R. 13959) granting an increase of pension to Thomas B. Mouser;

A bill (H. R. 14563) granting an increase of pension to Edwin L. Higgins;

A bill (H. R. 13627) granting an increase of pension to Homer F. Herriman, alias George F. Wilson;

A bill (H. R. 13710) granting an increase of pension to Anna M. Wilson;

A bill (H. R. 12393) granting an increase of pension to Willam Hardy; and

A bill (H. R. 12540) granting an increase of pension to Morris J. James.

Mr. ALGER, from the Committee on Pensions, to whom was referred the bill (H. R. 11129) granting an increase of pension to Thomas J. Lindsey, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 7585) granting an increase of pension to Joseph Girdler;

A bill (H. R. 6557) granting an increase of pension to Charles H. Jasper;

A bill (H. R. 9617) granting an increase of pension to David A. Kirk;

A bill (H. R. 14089) granting an increase of pension to Martin Harter;

A bill (H. R. 4809) granting an increase of pension to John W. Hatfield;

A bill (H. R. 9896) granting an increase of pension to William McKenzie;

A bill (H. R. 9995) granting an increase of pension to Elias Johnson;

A bill (H. R. 10594) granting an increase of pension to James Martin;

A bill (H. R. 11638) granting an increase of pension to John N. Vivian;

A bill (H. R. 12014) granting an increase of pension to Francis H. Frasier; and

A bill (H. R. 13150) granting an increase of pension to Cate F. Galbraith.

Mr. PATTERSON, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 13597) granting an increase of pension to Abram J. Bozarth;

A bill (H. R. 12825) granting an increase of pension to Daniel Bloomer;

A bill (H. R. 13505) granting an increase of pension to Martha E. Chambers;

A bill (H. R. 13502) granting an increase of pension to John N. Buchanan;

A bill (H. R. 13988) granting an increase of pension to Mary McMahon;

A bill (H. R. 14538) granting an increase of pension to Eliza L. Norwood;

A bill (H. R. 14426) granting an increase of pension to Thomas S. Menefee;

A bill (H. R. 14925) granting an increase of pension to James Grizzle; and

A bill (H. R. 14425) granting an increase of pension to Robert Henderson Griffin.

Mr. PATTERSON, from the Committee on Pensions, to whom was referred the bill (S. 2745) granting an increase of pension to Zerelda N. McCoy, reported it with amendments, and submitted a report thereon.

Mr. OVERMAN, from the Committee on Pensions, to whom was referred the bill (S. 4440) granting an increase of pension to Joseph Kauffman, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 4785) granting an increase of pension to Nehemiah Brundege, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 4786) granting an increase of pension to George W. Coughanour;

A bill (H. R. 14890) granting an increase of pension to James H. Posey;

A bill (H. R. 14848) granting an increase of pension to Samantha E. Herald;

A bill (H. R. 13761) granting an increase of pension to John Cook;

A bill (H. R. 13525) granting an increase of pension to Martha J. Hensley;

A bill (H. R. 13081) granting an increase of pension to Orren R. Smith;

A bill (H. R. 13083) granting an increase of pension to Mordicai B. Barbee;

A bill (H. R. 13230) granting an increase of pension to Elizabeth Webb;

A bill (H. R. 13231) granting an increase of pension to Gatsey Mattucks;

A bill (H. R. 13527) granting a pension to Willard V. Shepherd;

A bill (H. R. 12834) granting an increase of pension to Theodor Schramm; and

A bill (H. R. 13082) granting an increase of pension to Herbert Williams.

Mr. KITTREDGE, from the Committee on the Judiciary, to whom was referred the bill (S. 2769) to divide Nebraska into two judicial districts, reported it without amendment, and submitted a report thereon.

Mr. TALIAFERRO, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 4650) granting an increase of pension to Thomas McDonald; and

A bill (S. 2378) granting an increase of pension to Maria Leuckart.

Mr. TALIAFERRO, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 4826) granting a pension to Agnes B. Earl;

A bill (S. 4675) granting an increase of pension to Fannie Parker Norton; and

A bill (S. 4315) granting an increase of pension to Elizabeth A. Vose.

Mr. TALIAFERRO, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 5485) granting a pension to Horace D. Mann;

A bill (H. R. 14793) granting an increase of pension to William W. Howell;

A bill (H. R. 14389) granting an increase of pension to Amos Hart;

A bill (H. R. 13872) granting an increase of pension to Alvin D. Hopper;

A bill (H. R. 13891) granting an increase of pension to Hugh G. Wilson;

A bill (H. R. 13038) granting an increase of pension to Rebecca Ramsey;

A bill (H. R. 13238) granting an increase of pension to William Strasburg;

A bill (H. R. 13311) granting an increase of pension to John Wilkinson;

A bill (H. R. 13310) granting an increase of pension to James McKee;

A bill (H. R. 13138) granting an increase of pension to Eada Lowry; and

A bill (H. R. 12760) granting an increase of pension to William Ralston.

Mr. FLINT, from the Committee on Pacific Islands and Porto Rico, to whom was referred the bill (S. 1916) to provide for filling in that portion of the naval station at Honolulu, Hawaii, known as the Reef, reported it with an amendment, and submitted a report thereon.

### HEARINGS BEFORE COMMITTEE ON EDUCATION AND LABOR.

Mr. KEAN, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted yesterday by Mr. DOLLIVER, reported it without amendment, and it was considered by unanimous consent and agreed to, as follows:

*Resolved*, That the Committee on Education and Labor be, and the same is hereby, authorized to employ a stenographer from time to time, as may be necessary, to report such hearings as may be had on bills or other matters pending before said committee, and to have the same printed for the use of the committee, and that such stenographer be paid out of the contingent fund of the Senate.

### BILLS INTRODUCED.

Mr. PLATT introduced a bill (S. 5187) to purchase the original painting of Gen. Philip H. Sheridan on his favorite horse Rienzi, known as "Sheridan's Ride;" which was read twice by its title, and referred to the Committee on the Library.

Mr. BURNHAM introduced a bill (S. 5188) providing for the adjudication of the claim of Walston H. Brown, sole surviving partner of the firm of Brown, Howard & Co., by the Court of Claims; which was read twice by its title, and referred to the Committee on Claims.

Mr. WETMORE introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 5189) granting an increase of pension to Margaret F. Joyce;

A bill (S. 5190) granting an increase of pension to Abby L. Brown (with an accompanying paper);

A bill (S. 5191) granting an increase of pension to Robert H. White (with an accompanying paper); and

A bill (S. 5192) granting a pension to John H. Stacy (with accompanying papers).

Mr. DICK introduced a bill (S. 5193) authorizing the President to place William Welsh on the retired list with the rank of captain; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 5194) for the relief of Mrs. Karl F. Kolbe; which was read twice by its title, and referred to the Committee on Claims.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 5195) granting an increase of pension to Sidney H. Cook; and

A bill (S. 5196) granting an increase of pension to Julius Bracher.

Mr. PENROSE introduced a bill (S. 5197) to amend section 6, chapter 204, Supplement to the Revised Statutes of the United States, approved March 3, 1893; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also introduced a bill (S. 5198) granting an increase of

pension to Helen G. Heiner; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 5199) to correct the military record of John Layman; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. BURROWS introduced a bill (S. 5200) for the erection of a public building at Sault Ste. Marie, Mich.; which was read twice by its title.

Mr. BURROWS. In connection with the bill I present a memorial of the public building committee of Sault Ste. Marie, Mich., stating the reasons and showing the necessity for the construction of this building. I move that the memorial, together with the bill, be referred to the Committee on Public Buildings and Grounds.

The motion was agreed to.

Mr. GALLINGER introduced a bill (S. 5201) to acquire certain land in the District of Columbia as an addition to Rock Creek Park; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. CARTER introduced a bill (S. 5202) granting a pension to Charles B. Newbury; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 5203) granting to the Chicago, Milwaukee and St. Paul Railway Company, of Montana, a right of way through the Fort Keogh Military Reservation in Montana, and for other purposes; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 5204) to authorize the construction of a bridge or bridges across the Yellowstone River in Montana; which was read twice by its title, and referred to the Committee on Commerce.

Mr. CULLOM introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 5205) granting an increase of pension to John F. Alsup;

A bill (S. 5206) granting a pension to Eliza Lockhart;

A bill (S. 5207) granting a pension to Elizabeth Carroll; and

A bill (S. 5208) granting an increase of pension to John V. Sumner.

Mr. CULLOM introduced a bill (S. 5209) to correct the military record of Francis Smith; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 5210) for the relief of Ella Kepner; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. HEYBURN. I introduce a bill to authorize the Chicago, Milwaukee and St. Paul Railroad to construct a bridge across Snake River between Washington and Idaho at or near Lewiston, Idaho.

The bill (S. 5211) to authorize the construction of a bridge across the Snake River at or near Lewiston, Idaho, was read twice by its title, and referred to the Committee on Commerce.

Mr. HEYBURN introduced a bill (S. 5212) to amend the military record of John J. Muehleisen; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. PATTERSON introduced a bill (S. 5213) fixing and defining the north boundary line of New Mexico and a part of the boundary line of Oklahoma; which was read twice by its title, and referred to the Committee on Territories.

Mr. BEVERIDGE introduced a bill (S. 5214) granting an increase of pension to Hiram E. Crouch; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PETTUS introduced a bill (S. 5215) to fix the regular terms of the circuit and district courts of the United States for the southern division of the northern district of Alabama, and for other purposes; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. BURKETT introduced a bill (S. 5216) to amend an act entitled "An act to extend the free-delivery system of the Post-Office Department, and for other purposes," approved January 3, 1887; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

Mr. WARNER introduced a bill (S. 5217) for the relief of Benjamin Hubbard Frisbie; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Military Affairs.

Mr. CLAPP introduced a bill (S. 5218) for the relief of Maria J. Blaisdell, widow of William Blaisdell, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. LONG introduced a bill (S. 5219) granting an increase of pension to David N. Morland; which was read twice by its title, and referred to the Committee on Pensions.

Mr. TILLMAN introduced a bill (S. 5220) for the relief of the Mount Zion Society, of Fairfield County, S. C.; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. FORAKER introduced a bill (S. 5221) to regulate the practice of osteopathy, to license osteopathic physicians, and to punish persons violating the provisions thereof in the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. CARTER introduced a bill (S. 5222) to provide for the entry of agricultural lands within forest reserves; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. McCREARY introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 5223) for the relief of the estate of W. C. Russell, deceased;

A bill (S. 5224) for the relief Thomas N. Arnold;

A bill (S. 5225) for the relief of James H. Fuqua;

A bill (S. 5226) for the relief of D. W. Price;

A bill (S. 5227) for the relief of the estate of Alexander Williams, deceased;

A bill (S. 5228) for the relief of the estate of Mrs. M. F. Sims, deceased;

A bill (S. 5229) for the relief of L. M. Northcutt;

A bill (S. 5230) for the relief of Robert Langston; and

A bill (S. 5231) for the relief of James S. Clark.

AMENDMENTS TO BILLS.

Mr. PLATT submitted an amendment proposing to increase the salary of the cashier of the United States Assay Office at New York to $3,000 per annum, intended to be proposed by him to the legislative, executive, and judicial appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. ALGER submitted an amendment relative to the retirement with the rank and pay of major-general of officers of the rank of brigadier-general having creditable civil war service and who have served for two years or more in that grade, intended to be proposed by him to the Army appropriation bill; which was referred to the Committee on Military Affairs, and ordered to be printed.

He also submitted an amendment providing that no permanent Army hospital exceeding in cost $60,000 shall hereafter be erected unless by special authorization of Congress, intended to be proposed by him to the Army appropriation bill; which was referred to the Committtte on Military Affairs, and ordered to be printed.

Mr. TILLMAN submitted an amendment proposing to appropriate $10,000 for grading and macadamizing Girard street, South Brookland, between Twelfth street and Brentwood road NE., intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. FORAKER submitted an amendment providing that in computing the length of service in the Army heretofore or hereafter rendered, paymasters in the Army shall be credited with time served as clerks in the civil service, intended to be proposed by him to the Army appropriation bill; which was referred to the Committee on Military Affairs, and ordered to be printed.

REGULATION OF RAILROAD RATES.

Mr. OVERMAN. I submit an amendment intended to be proposed by me to the bill (H. R. 12087) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission. I ask that the amendment be read and lie on the table.

The VICE-PRESIDENT. The amendment will be read by the Secretary.

The amendment was read, and ordered to lie on the table, as follows:

Add on page 11, section 9, after the word "jurisdiction," "but no writ of injunction or interlocutory order shall be granted by any district or circuit court without first giving five days' notice to the adverse party or his attorney of the time and place of moving for the same, nor until petition and answer are filed and hearing thereon is had."

HEARINGS BEFORE COMMITTEE ON INDIAN AFFAIRS.

Mr. CLAPP submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

*Resolved*, That the Committee on Indian Affairs be, and the same is hereby, authorized to employ a stenographer from time to time, as may be necessary, to report such hearings as may be had on bills or other matters pending before said committee, and to have the same printed for the use of the committee, and that such stenographer be paid out of the contingent fund of the Senate.

WITHDRAWAL OF PAPERS.

On motion of Mr. TELLER, it was

*Ordered*, That C. W. Sanborn be authorized to withdraw the affidavits on file with Senate bill 586, there having been no adverse report on the same.

On motion of Mr. NELSON, it was

*Ordered*, That all papers in the files of the office of the Secretary of the Senate relating to the bill (S. 5162, Fifty-eighth Congress) for the relief of the next of kin of Christian Reimers, be withdrawn, there having been no adverse report on said bill.

FORTIFICATIONS APPROPRIATION BILL.

Mr. PERKINS. I ask unanimous consent that the Senate proceed to the consideration of the bill (H. R. 14171) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Appropriations with amendments.

Mr. PERKINS. I ask that the formal reading of the bill be dispensed with and that it may be now read for the consideration of the amendments made by the committee.

The VICE-PRESIDENT. Without objection, it is so ordered. The Secretary will read the bill.

The Secretary proceeded to read the bill. The first amendment of the Committee on Appropriations was, under the head of "Armament of fortifications," on page 4, line 5, before the word "thousand," to strike out "three hundred and ten" and insert "six hundred;" so as to make the clause read:

For the purchase, manufacture, and test of mountain, field, and siege cannon, including their carriages, sights, implements, equipments, and the machinery necessary for their manufacture at the arsenals, $600,000.

The amendment was agreed to.

The next amendment was, on page 5, line 21, after the word "dollars," to insert the following proviso:

*Provided*, That the unexpended balance of $39,302.16 of the $40,000 appropriated by act of March 3, 1903, for cast-steel top carriages for 12-inch mortars, is hereby made available for the purposes above named.

The amendment was agreed to.

The next amendment was, on page 7, after line 7, to insert:

POWDER FACTORY.

For the erection and equipment of a powder factory, with its necessary communications and accessory structures, upon such reservation now or that may hereafter be under the control of the War Department as may be selected by the Secretary of War, $125,000.

Mr. PERKINS. At the request of the senior Senator from Virginia [Mr. DANIEL] I ask that this amendment proposed by the committee may go over.

The VICE-PRESIDENT. Without objection, the amendment will go over.

The reading of the bill was resumed. The next amendment was, under the head of "Fortifications in insular possessions," on page 8, line 6, after the word "dollars," to insert the following proviso:

*Provided*, That no part of this sum shall be expended at Subig Bay, Philippine Islands.

Mr. LODGE. Mr. President, I desire to call attention to this amendment, which it seems to me ought not to pass.

I think that Subig Bay should not be specifically cut out from this appropriation. We have already expended something like two million and a quarter at Subig Bay. If we should leave the islands at any time, that is the naval station we should retain. If we remain in the islands, that is the naval station we ought to use.

You can not get a big ship within a mile of Cavite. You have got great depth of water at Subig Bay, sufficient to take our largest ships. It is a harbor easily defended. There are two channels, only one of which can be used, and there is an island in the middle. The whole opening is not more than a mile and a half or two miles wide. There is deep water inside. That is where the great dry dock which is being towed across the ocean is going.

To refuse to make fortifications there if, in the opinion of the Army and Navy, that is the proper place, seems to me to be most unwise. Subig Bay was first selected by the naval board. It was then submitted to the joint board of the Army and Navy, and met with their unanimous approval. We have spent, as I have said, a great deal of money there already. It is certain to be the naval station of the islands in any event, whether we hold them or whether we leave them. I think to refuse in this bill to allow any money to be spent there is a very great mistake.

This amendment was discussed fully in the House and overwhelmingly defeated. I think we ought to follow the advice of the naval and military board, and we ought not to limit them in the expenditure of this money in cutting out one particular place in the Philippine Islands, and that place the one which has been selected for a naval station and on which we have already expended a great deal of money.

Mr. BACON. Mr. President, I agree in part with what the Senator from Massachusetts has said, and the only thing which causes me to doubt whatever the conclusion he reaches that Subig Bay is the proper place on which we should make an expenditure is the matter which he himself brought to the attention of the Senate some days ago, in which he disclosed the fact, a very important one, of the existence of certain small islands on the east coast, if I recollect correctly, where there are large coal measures. The immediate object of his then bringing that to the attention of the Senate was to authorize certain steps to be taken by the Government for the acquisition of the property. If I remember further correctly, the statement was made at the same time by the Senator that not only were there coal measures there, but a very fine harbor.

I quite agree with the suggestion that we, in any event, will retain and should retain, either immediately on the island of Luzon or in some other part of the Philippine Islands, what can be hereafter utilized as a coaling and naval station. The only question in my mind as to the propriety of designating Subig Bay now as the place is the one which has been raised by the statement of the Senator from Massachusetts.

Mr. LODGE rose.

Mr. BACON. I yield to the Senator.

Mr. LODGE. No; I did not desire to interrupt the Senator from Georgia.

Mr. BACON. I am perfectly willing to be interrupted if the Senator desires to interrupt me at this point.

Mr. LODGE. I did not mean to ask the Senator a question; I was merely going to make a statement——

Mr. BACON. Yes; I am perfectly willing the Senator should make it.

Mr. LODGE. A statement in regard to the island of Batan. The island of Batan lies on the extreme southeastern coast of Luzon, as the Senator is aware. It is a place easily accessible either to merchant ships or ships of war, coming from the United States or going to the United States. But it is not in a very accessible place for the Asiatic fleet, which necessarily spends its time on the coast of China and India. Wherever our naval station ought to be it ought to be upon the China Sea.

Moreover, Batan is far distant from any labor market. That is the objection to Subig Bay. The only argument in favor of Cavite is that it is nearer Manila, where labor can be secured. But Subig Bay is very near to Manila as compared with the island of Batan.

The island of Batan has the coal measures. It has a good harbor, as the Senator says. But after long consideration, Subig Bay was selected as the best place for our naval station, and there a large expenditure of money has already taken place. I think in any event that would be the naval station of the islands.

Mr. BACON. Mr. President, I quite agree in the estimate of Subig Bay, and prior to the suggestion to which I have alluded as having been made by the Senator from Massachusetts I never had any question in my mind as to the fact that Subig Bay is the proper locality for the expenditure of money in the making of fortifications with a view to a naval and coaling station.

From some little personal knowledge, I quite agree with what the Senator says as to the undesirability of Cavite. It is not only lacking in water, but there is no harbor there. Manila Bay is a body of water some 30 miles in diameter. It itself is not a harbor, but it is as large as a sea, and in times of storm it is tempestuous, and it is impossible for ships to find any safe anchorage there. The only harbor we have inside of Manila Bay at all is an artificial harbor, which was made by a sea wall at Manila, but it is utterly unadapted to the purposes of a naval and coaling station.

The objection which I would suggest to this paragraph is not that it proposes to cut out Subig Bay, but that it fails to designate with particularity where this money shall be spent. I would very much prefer not simply that the amendment should be cut out, but that there should be another amendment which should require that it should be spent at Subig Bay. As it is, even with that cut out, while Subig Bay will be eliminated, there is no limitation upon what other place may be selected and where money may be spent which may hereafter be of no benefit to us.

While of course it is not definitely formulated in our minds, the general consensus of opinion is that the time will come when our holdings in that country will probably be limited to such as may be necessary for our military and naval purposes; and I think the Senator from Massachusetts is correct that the agreement between the military and naval officials is that of all the places Subig Bay is the place. It is immediately north of

the entrance to Manila Bay. It is on the China Sea, and within easy access of all the Chinese ports, and is in itself the best place by reason of its physical features, aside from its locality.

So, while I shall not myself offer any amendment, and I do not know what may be the reasons which have actuated the committee in offering this amendment, I would very much prefer to see not simply the amendment rejected, but another one put in the place of it which shall designate Subig Bay. I think it is to our interests to do so.

Mr. LODGE. I wish to call attention to the fact that the clause as it came from the House did not oblige the War Department or fortifications board to spend the money at Subig Bay. It left it within their control to say where the money in the Hawaiian Islands and the Philippines could be most judiciously spent. This amendment simply cuts out specifically the one place which it is agreed by all military and naval authorities is to be the great naval station, and upon which we have already expended a great deal of money, and which we must fortify sooner or later. If we do not do it in this bill, it will be done in the naval bill; and we ought not to tie their hands, as it seems to me, against this one place, which is the place of all others where money is to be spent for fortifications and for a naval station, if it is to be spent anywhere.

Mr. BACON. I should like to ask the Senator, as he is on the subject, if he knows what amount has been spent at Cavite, or has there been any amount spent there in the way of fortifications?

Mr. LODGE. I am not aware that any amount of money has been spent at Cavite. The Senator stated the case in regard to Cavite perfectly. I can add nothing to it. And he has had the advantage of having been there.

Mr. BACON. Any money spent at Cavite is money lost, in my opinion.

Mr. LODGE. I think it is money lost; and the effect of this amendment would be to throw the expenditure at Cavite, if it went anywhere.

Mr. BACON. Cavite, as I endeavored to state before, is not only a place of shoal water—and there is no harbor there—but when the wind is from the direction of Manila—I do not know the points of the compass exactly—it is impossible for any ship to ride at anchor at Cavite on account of the rough sea.

Mr. PERKINS obtained the floor.

Mr. FRYE. Will the Senator from California yield to me for one moment?

Mr. PERKINS. Certainly.

Mr. FRYE. This matter of a naval station was a good deal discussed when we were in Paris. There were several naval officers and Army officers before us and men who were entirely familiar with the Philippine Archipelago, and a suggestion never was made of any place for a naval station except the point mentioned by the Senator from Massachusetts. I do not believe there is any other place on the archipelago that is at all fit for a naval station except this point.

Mr. PERKINS. Mr. President, your committee having this subject-matter under consideration desired in their recommendation to the Senate to do that which to them seemed to be most practicable. There are several reasons which induced them to amend the bill, providing that no part of this sum should be used in the fortification of Subig Bay.

This amendment is recommended not particularly because of prejudice against Subig Bay, for, as has been said by the Senator from Massachusetts [Mr. LODGE] and the Senator from Georgia [Mr. BACON], we agree that that is a very desirable place; that it is a good harbor, being 30 miles in length and some 10 or 12 miles in diameter, with water varying from 10 to 15 fathoms. But the estimates made by the Department for the fortification of our insular possessions were greatly reduced. The estimates made by the Department amounted to $9,969,662.90. That was reduced quite 50 per cent. In this bill making an appropriation of nearly $600,000 for fortifications in Honolulu, Hawaiian Islands, and Manila and Subig Bay, they have recommended that no part of this sum shall be expended in Subig Bay, for the reason that they believe there are not sufficient funds to make a showing of any value to the Government there.

They also took into consideration the fact that as to Cavite and the port of Manila, the islands of Corregidor and Cabello at the mouth of the harbor or bay of Manila are a natural fortification. There is scarcely another harbor outside of San Francisco and Sydney that has the natural advantages that the port of Manila has for fortification. Manila is a city of 220,000 people, with millions of dollars of property belonging to the Government, yes, tens of millions of dollars, and it is surely the part of wisdom for the Government to fortify the entrance to that port.

As to the harbor at Subig Bay, there is nothing now there. The Senator is mistaken as to the amount of money which has been expended. I want to read to him from the official report——

Mr. LODGE. The Dewey dry dock will be there.

Mr. PERKINS. The dock is not yet there.

Mr. LODGE. Well, we hope it will get there.

Mr. PERKINS. We all hope so. If it had been built in San Francisco it would have been there by this time. If it had been built at Mare Island, Cal., it would have been about 5,000 miles nearer to the Philippine Islands than it was when it left the Atlantic shore. We shall pay $25,000 in tolls for that dock and her towing vessels passing through the Suez Canal. If it had been built in California, the freight across the continent would not have amounted to nearly so much as you will pay for tolls through the Suez Canal. The money would have been paid out to our own workmen, and it would have been kept in our country, in accordance with the principles of the declaration which my friend from Massachusetts has so often made, and to which I most heartily subscribe—that we should keep our money at home and spend it amongst our own people. I hope, however, that the dry dock will reach the Philippine Islands in safety.

Mr. LODGE. But I beg to suggest to the Senator from California that there are American workmen on the Atlantic coast as well as on the Pacific coast.

Mr. PERKINS. Yes; but I am referring more particularly to the tolls we are paying the Frenchmen and the Englishmen, who own the Suez Canal, for going through it. Had the dock been built on the Pacific coast that money could have been spent in this country.

Mr. SPOONER. I should like to ask the Senator a question for information.

The VICE-PRESIDENT. Does the Senator from California yield to the Senator from Wisconsin?

Mr. PERKINS. Certainly.

Mr. SPOONER. Where was that dry dock built?

Mr. PERKINS. At a port on the Atlantic coast—Sparrows Point, Md.

Mr. SPOONER. "The Atlantic coast" is very indefinite. I should like the Senator to tell me precisely where it was built.

Mr. PERKINS. I have just stated, though the Senator evidently did not hear me, that it was built at Sparrows Point.

Mr. SPOONER. Now I know.

Mr. PERKINS. It was built by the Maryland Steel Company at Sparrows Point, near Baltimore. Since the Senator from Massachusetts has referred to this matter, I want to give the distances to Manila by the Atlantic and Pacific routes:

| | Miles. |
|---|---|
| New York to Gibraltar | 3,215 |
| Gibraltar to Port Said | 1,920 |
| Suez to Aden | 1,310 |
| Aden to Colombo | 2,130 |
| Colombo to Singapore | 1,560 |
| Singapore to Manila | 1,380 |
| Total | 11,515 |

If that dock had gone directly through to Manila, it would have gone 11,515 miles; but it seems it stopped at the Canary Islands. I hope, however, it will finally reach its destination.

If the dry dock had been built at the Mare Island Navy-Yard, on the Pacific coast, the following would have been its course:

| | Miles. |
|---|---|
| San Francisco to Midway Islands | 2,770 |
| Midway to Guam | 2,302 |
| Guam to Manila | 1,506 |
| Total | 6,578 |

Thus it appears that the difference in favor of sending this dock across the Pacific would have been 4,937 miles.

Mr. SPOONER. Will the Senator allow me to ask him a question?

The VICE-PRESIDENT. Does the Senator from California yield to the Senator from Wisconsin?

Mr. PERKINS. Certainly.

Mr. SPOONER. It seems to be a pretty plain case, as the Senator puts it, that the public interest would have been much better subserved by the construction of that dock in California; and I ask why was it not constructed there?

Mr. PERKINS. If I had had my way, it would have been; but unfortunately my friend from Massachusetts had more influence than I.

Mr. LODGE. I did not even know where it was built.

Mr. PERKINS. The Senator spoke of the dock.

Mr. LODGE. I asked the Senator where the dock was built, and he said it was built at Sparrows Point, near Baltimore. I merely suggested, in speaking of American labor, that there were American laborers on the Atlantic coast.

Mr. PERKINS. I spoke of the tolls for going through the Suez Canal.

Mr. LODGE. What bearing that has on Subig Bay I do not know.

Mr. PERKINS. The Senator said the dry dock was to go to Subig Bay, as I understood.

Mr. LODGE. It is not yet there, but we hope it will be there.

Mr. FRYE. When is it supposed it will reach there?

Mr. PERKINS. I see it stated this morning that it is supposed it will reach there by Christmas. At the rate of progress it has been making I think it will be long after Christmas before it reaches there.

Mr. FRYE. Mr. President, I only wanted to suggest that possibly because the dry dock was not built in California shipyards the Senator from California, in charge of the bill, is punishing Subig Bay.

Mr. PERKINS. On the contrary, if the dry dock was at Subig Bay, Mr. President, I think your committee would perhaps have been in favor of making an expenditure at Subig Bay.

I have said nothing in relation to the large sums required to pay for the coal which these vessels use in addition to the cost of towing the dock from a shipyard on the Atlantic coast. However, this is all parenthetical.

But suppose the dock reaches Subig Bay, there is nothing there; there is no naval station as yet, unless it be on paper.

Mr. LODGE. There has been something like a million dollars spent there already.

Mr. PERKINS. That is not enough for the foundation. I will read to the Senator from the official report——

Mr. LODGE. I have the official report also. They have begun the erection of a barracks.

Mr. PERKINS. When the dock reaches there, we have automobile torpedoes, we have submarine mines and submarine boats, and we can easily protect that dock with very much less expense than it would be to build fortifications for which we have had no particular plan as yet presented to us. When I was a boy in Maine, when I went with the lumbermen into the woods to get out timber, in the first place we cut down the trees, then ran the chalk line to see what it would square up, and then they would hew to the line. If you were building a fence or a house, you would first make a plan, so as to know what that fence or house was to be constructed of and what it would cost you before you expended any amount of money upon it. That is one of the principal reasons that influenced your committeee in making this report—that the Department has submitted no plan to your committee for the construction of fortifications at Subig Bay. In the report of the commanding general of the Philippine Islands, he says this:

> The division commander visited Olongapo and Subig during the year. No naval establishment of importance now exists or is being installed in Subig Bay that requires land defense. The fortification of this point should not be undertaken until Manila is well protected, for if this port is captured the Philippines are lost. The defense of Manila against a naval attack will be a very serious proposition, as the entrances are broad and the water deep and heavy batteries will be required with accessory means of defense. To the undersigned it seems manifest that Cavite, where is now property of considerable value to the Navy, is a very important strategic point for a naval base. Certainly this will be the most important naval arsenal in the Philippines until Olongapo is thoroughly fortified.

The report was made in 1903. I have here before me the report made by the commanding general of the Philippine division in 1904 and the report of General Corbin for 1905, and no mention is made in either of Subig Bay.

Mr. SPOONER. Mr. President——

The VICE-PRESIDENT. Does the Senator from California yield to the Senator from Wisconsin?

Mr. PERKINS. With pleasure.

Mr. SPOONER. If it will not inconvenience the Senator, I should like him to come back to Cavite and to Sparrows Point. It seems to me a very extraordinary proposition that this dock, which could have been constructed as well at Mare Island, 5,000 miles nearer to the destination to which it was to have been towed, should have been built on the Atlantic coast. I can not understand it.

Mr. PERKINS. It seems so to me, Mr. President, but I do not wish to reflect on our naval authorities.

Mr. SPOONER. Was there any issue made at the time upon the place where it should be built?

Mr. PERKINS. It was left in the discretion of the Bureau of Yards and Docks. I think it was done under their supervision.

Mr. BACON. Mr. President——

The VICE-PRESIDENT. Does the Senator from California yield to the Senator from Georgia?

Mr. PERKINS. Certainly.

Mr. BACON. If the Senator will pardon the suggestion—I do not know that it is correct or upon what it is based—I do not know what were the controlling reasons with the Department, but it is a fact that in the carrying of that great structure from this country to the Philippines, in going across the Pacific Ocean there would be very long reaches, thousands of miles, along which there would be no possible port of refuge in case of trouble. On the contrary, in going by the Atlantic, the Mediterranean, and the Indian Ocean, around by way of Singapore, along almost the whole route there is no place where within less than a thousand miles a port of refuge could not be found. That, however, may not have operated to influence the decision of the Department.

Mr. SPOONER. That may be a good reason.

Mr. BACON. From here to Gibraltar is the longest reach they would have in making that journey, unless you consider the passage across the Indian Ocean, and along the Indian Ocean they are nearer to the coast of Arabia, the coast of India, going to Colombo, than the distance to any possible refuge that could be availed of in going across the Pacific.

Mr. PERKINS. I think, if my friend from Georgia will consult the atlas, he will find that from San Francisco to Hawaii, from Hawaii to the Midway Islands, from the Midway Islands to Guam, and from there to Manila, there are stopping places, and there will be only a few hundred miles difference between stopping places on that route and by the route which has been taken.

Mr. BACON. I will suggest to the Senator from California, that there is nothing at the Midway Islands which could possibly furnish any relief in time of trouble in such a case; there is nothing there, nothing but a coral reef. Up to the time when the cable was landed there, there was not an inhabitant upon those islands, nor is there any possible place where that great structure could find refuge in time of trouble.

Mr. PERKINS. That is very true.

Mr. BACON. If you leave out the 2,000 miles from San Francisco to the Hawaiian Islands, and if you leave out the Midway Islands, practically there is no port or place of refuge between the Hawaiian Islands and Guam. How far from California is it?

Mr. PERKINS. The Senator is correct in his statement; but there was no need of this dock starting off without carrying sufficient fuel, and the ships that accompany it, the colliers and tugs, should have sufficient coal to go direct from Cape Charles to Gibraltar; but they could have followed the great sailing circle by way of the Aleutian Islands, and have taken that route. But I have only incidentally referred to that.

I want to say to the Senator from Wisconsin that the same Government officers in the Navy, who have been educated at the expense of the Government—and none are more capable and more thoroughly equipped than they are—those same officers would have superintended the construction of the dock on the Pacific coast who did so on the Atlantic coast. Therefore I see no reason, as the Senator says, why it should not have been constructed there. Certainly the reason given by the Senator from Georgia [Mr. BACON] is not an answer.

Mr. LODGE. Mr. President, if the Senator would not mind my asking a question not relating to the voyage of the dock, I would say the Senator is a distinguished and leading member of the Committee on Naval Affairs. He has just told us that there is nothing at Olongapo; and yet last year he reported a bill containing these items:

> NAVAL STATION, OLONGAPO, PHILIPPINE ISLANDS: Repairs to existing buildings, $25,000; drainage canal, to complete, $25,000; water system, to extend, $20,000; roads and bridges, $5,000; sewer system, $15,000; tools for general use, $2,000; hoisting machinery, $4,000; rock crusher and appurtenances, $4,000; in all $100,000.

That is a paragraph in the last naval appropriation bill for the maintenance and prosecution of work at Olongapo, which the Senator from California says does not exist.

Mr. PERKINS. The Senator is correct in the statement that I am a member of the Committee on Naval Affairs, although I am not, as he says, very distinguished. It is true that that committee reported in favor of the appropriations which he has read; but let me read to my friend from Massachusetts what the Chief of the Bureau of Navigation of the Navy Department says in the report for 1905. This is his language:

> (b) *Olongapo.*—The progress of work at Olongapo has not been as satisfactory as was hoped. In a measure this is due to the great amount of preliminary work required to prepare the site for the proposed station, and to the fact that the appropriations have not been made in accordance with the natural sequence in which the work of building up should be undertaken. Careful estimates have been made of the manner in which money for the building up of Olongapo could be most economically and judicially expended. Since the land for the site has to be raised from 3 to 5 feet above its present level, the time required to establish a repair station at this place will be between six and seven years, and the estimated cost will be $4,000,000. This should establish a plant which would have a somewhat better output and better facilities than the present station at Cavite.

We made the appropriation, Mr. President. Here is the report of the chief of that Bureau, which I have just read. It is self-explanatory. We make appropriations for many purposes, but sometimes it is not deemed expedient by the officers who have the disbursement of the money to expend it.

Now, let me read what the Chief of the Bureau of Yards and Docks says about Subig. I want to say in passing, Mr. President, that your committee have the same object in view that the Senator from Massachusetts has. We only want to do that which is for the best interests of the service and the best interests of the Navy Department.

Mr. LODGE. Now, let me ask the Senator at that point, does the Secretary of War or the Secretary of the Navy ask to have Subig Bay prohibited from this expenditure?

Mr. PERKINS. They do not.

Mr. LODGE. Does the Board ask for it?

Mr. PERKINS. I have read the message of the President, which came to us——

Mr. LODGE. You have put in a prohibition on the expenditure of the money at Subig Bay. I am not asking that you should require the expenditure of money there, but only that you should leave to the proper persons charged with the duty to say where the money shall be spent. This is a prohibition against spending it in one place in the Philippines.

Mr. PERKINS. Mr. President, I admit I have every confidence in the judgment, skill, and ability of the Board of Fortifications and Ordnance. I have before me their report, which was submitted to us late in March, preceded by the President's message of March 6, in which the President advised Congress that he had appointed a board consisting of the officers named to revise the Endicott plan for fortifications. Now, I want to answer the Senator from Massachusetts. I am speaking for myself personally. I recall the argument he made when he presented the bill to the Senate a few weeks since and asked unanimous consent, which was granted, to have appropriated $50,000 to purchase a mining claim, a mining location in the island of Batan, and the Senate unanimously passed that appropriation bill. I think they did so because of the persuasive argument used by the Senator from Massachusetts, who, it will be remembered, dilated upon the great advantages of this great bay in the island of Batan, which is capable of holding a whole naval fleet. He stated that there were great coal deposits on the island and that it was a Government reservation. I have looked it up on the map this morning—and have the atlas before me—to find just where the island of Batan is.

Mr. LODGE. The island of Batan is on the southeastern coast of the Philippines.

Mr. PERKINS. It is on the eastern side of the archipelago. It is only 500 miles from Manila. It is within 50 miles of the Straits of San Bernardino, which straits are the gateway to the Philippine Islands from San Francisco.

Mr. LODGE. How far is Subig Bay from Manila?

Mr. PERKINS. Seventy miles. Batan Bay would be just as near, under certain conditions, as Subig Bay, for if there was a fleet lying off there with torpedos or a coast-defense vessel it would be impossible for a navy to come out and engage them without meeting with defeat.

San Diego, on the Pacific coast, is nearly 500 miles from San Francisco; yet we think it is only a pleasure trip to go down to San Diego. It is a pleasure trip; and the trip from Manila to Batan in the Philippine Islands might be equally delightful.

The hydrographic officer of the Coast and Geodetic Survey, whom I have interviewed, reports that Batan Island is a most excellent port of refuge. It has a splendid harbor, with 17 fathoms of water, and a ship drawing 42 feet of water can lie now within 100 yards of the shore. It is a Government reservation, and now wholly belongs to our Government.

As the Senator from Massachusetts was portraying the great natural advantages of this island from a nautical standpoint, the thought suggested itself to me what an ideal place for a naval rendezvous; what an ideal place for a naval station! The report of the Philippine Commissioners shows that the coal of this island has been worked for a number of years. The Government has been developing it, and if the extent of the deposit turns out as promised, a supply may be expected from the half of the island open to commercial companies that is estimated at 200,000 tons a year for the next two hundred years.

Mr. President, a battle ship without coal or liquid fuel is as helpless as a sailing ship at sea without wind. At Subig Bay there is no coal. There is plenty of water there, I notice by the report, although our estimates show that it will be necessary to sink wells for fresh water.

From the report of the committee of naval officers ordered to examine it I observe that 25.725 inches of rain fell in the month of June; 52.246 in the month of July; 37.765 in the month of August, and 27.678 in the month of September. In those months there was certainly a deluge of rain which would have washed everything away.

So your committee thought, in considering this matter, that no injury could be done to the Government or to the port of Subig to expend this money upon the islands of Corregidor and Cabello at the entrance to Manila Bay. Believing so, we have made this recommendation, and I want to reiterate that we have no object in view except to do in an advisory sense what we believe the best interests of the Government require.

In making these appropriations we must consider the available fund we have at our disposal. We have cut down these estimates 50 per cent, and we believe to spread them over 70 miles from Manila Bay would not be advisable; that it would not be in the interest of economy or in the interest of the fortification of Subig Bay.

Mr. CLAY. Mr. President——

The VICE-PRESIDENT. Does the Senator from California yield to the Senator from Georgia?

Mr. PERKINS. With pleasure.

Mr. CLAY. In connection with what the Senator is saying, let me call his attention to an item on the same page. I see that this bill carries about $5,000,000. The House bill carries a little over $4,000,000. The Senate has increased the amount nearly a million dollars—seven hundred and some odd thousand dollars. In going through the bill I notice on page 8 that $1,452,000 of this $5,000,000 is to be used in our insular possessions for the purpose of coast defenses, etc. I also notice on page 8, line 12, the following item:

For the purchase, manufacture, and test of seacoast cannon for coast defense for the insular possessions, including their carriages, sights, implements, equipments, and the machinery necessary for their manufacture at the arsenals, $565,000.

The House of Representatives thought that $200,000 was a sufficient sum for that purpose. I have read the report of the House committee, and it is very difficult for me to understand how a House committee can say that only $200,000 was necessary for this purpose and for the Senate committee to say that $565,000 was necessary for the same work. To say the least, the Senate committee ought to be able to give the Senate some reason why this appropriation is more than double the amount carried in the House bill. I want to call the Senator's special attention to the fact that nearly two-thirds of this entire appropriaion is to be used for our insular possessions.

Mr. PERKINS. Mr. President, I am much pleased to learn that my friend from Georgia has read the hearings before the House committee. I wish he had done the committee of the Senate the honor to have read the hearings held before that committee.

Mr. CLAY. I will ask the Senator has the Senate committee given us any report in regard to that matter?

Mr. PERKINS. Most certainly they have.

Mr. CLAY. I have the report before me here, and if there are any reasons given for it I have not been able to find them.

Mr. PERKINS. I will read them, then, to my friend. I read from page 21 of the statement of General Crozier before the subcommittee of the Committee on Appropriations:

Senator PERKINS. In your letter to the Secretary of War you also make the following recommendation:

"GUN CARRIAGES FOR INSULAR POSSESSIONS.

"In providing for guns, carriages, and emplacements for the insular possessions in the acts of April 21, 1904, March 3, 1905, and the pending bill, the 12-inch guns and their emplacements have been carried ahead of the carriages therefor, so that the guns, carriages, and emplacements do not balance. The carriages are seven short of the necessary number, and to provide them the appropriation carried in lines 3 and 4 of page 8 should be increased by $365,000, making the total sum appropriated under the item $565,000. The discrepancy has been growing since the first act was passed, and results from misunderstandings arising in reducing the estimates made by the War Department, which, as submitted, balance."

This you explained to the House committee, General, but still they failed to act upon your recommendation.

General CROZIER. I did not have a complete opportunity to explain it to the House committee, because I did not know exactly the shape in which the bill was coming out of the committee.

Senator PERKINS. Will you explain to the committee the status of the case as it appears in your letter here and the reasons why you make this recommendation?

General CROZIER. Yes, sir.

There have been thus far two acts passed which carry fortifications and the armament thereof in the insular possessions. The discrepancy is confined to the emplacements and carriages and guns of the largest size, namely, the guns of 12-inch caliber.

By the act of April 21, 1904, there was a sum of money provided for emplacements for two 12-inch disappearing carriages; by the act of March 3, 1905, for four, and by this act, as it has passed the House of Representatives, for four more, making ten 12-inch emplacements; and authority has been given to use the guns therefor from those which we have on hand, not requiring a new appropriation.

By the act of April 21, 1904, the first of these before-mentioned acts, there was provided money for two 12-inch carriages, balancing the two emplacements; but by the next act, that of March 3, 1905, there was no appropriation made for 12-inch carriages, although one was made

for four 12-inch emplacements; and by the bill which you have before you there is only one 12-inch carriage provided for, although provision is made for four 12-inch emplacements.

Senator ALLISON. You are short seven carriages?

General CROZIER. So, adding those figures, you see I am short seven carriages.

Mr. SCOTT. Mr. President——

The VICE-PRESIDENT. Does the Senator from California yield to the Senator from West Virginia?

Mr. PERKINS. With pleasure.

Mr. SCOTT. I am very much of the opinion that General Crozier and those in charge are, to use a homely expression, "putting the cart before the horse." I visited your coast from San Diego clear up to Puget Sound. They are putting up emplacements. The guns are lying in the weeds, covered over with oil to keep them from rusting. The great trouble is, they have not men to take care of the guns and the emplacements they have now. There should not be another emplacement or one of these sand pits on these projections into the sea until we have men to take care of the guns and the carriages we have now.

I speak from personal observation of a half a dozen forts. The gun carriages we have are not being employed. They have emplacements where there are no guns and they have guns where they have no emplacements.

Mr. PERKINS. Further answering the Senator from Georgia, I think this is self-explanatory. It is as if we had the running gear of seven wagons, the wheels and axles, and no wagon beds to put on them, and they are therefore useless.

Mr. SCOTT. If the Senator will allow me, they have no men to put the wagon beds on the wagon wheels.

Mr. PERKINS. They have no one to drive the horses. That is true.

Mr. LODGE. Mr. President, I merely wish to call attention to the recommendations of the joint board. I will only read what they are all agreed on:

The joint board is unanimously of the opinion—

(1) That without a fortified naval base in the Philippines the Asiatic fleet can not keep open the lines of communication for supplies from the United States, or between the Army posts within the Philippines, without which supplies the military forces of the United States could not hold command of the islands.

(2) That Manila is not, but that Subig Bay is, suited for a naval base and station, and of all harbors in the archipelago it is the best for the purpose.

(3) That the fortification of Subig Bay is essential to the security of a naval station located there.

(4) That a fortified naval base at Subig Bay will contribute materially to the defense of Manila Bay.

Then I also desire to read what Admiral Dewey says in a letter to Mr. Foss, chairman of the Naval Committee of the House, dated February 14, 1906, with respect to this very bill:

I thereupon went to Subig Bay and spent considerable time in examining it, particularly as to its fitness for a naval base, and came to the conclusion, which has been strengthened by all my subsequent study, that Olongapo was an ideal natural site for a naval station and immeasurably superior to any location in Manila Bay.

Very truly, yours, GEORGE DEWEY.

Now, that proves the proposition that it is the uniform opinion of all those best qualified to judge that Olongapo, Subig Bay, is the place for the naval station. It is easily defended and has sufficient water.

Of course when I spoke about Batan and the coal mines I did not suppose we were going to attach a naval station to a coal mine. A naval station must be placed with regard to other considerations. It has been placed there. Eight hundred thousand dollars was the first appropriation for Subig Bay. We have been appropriating money ever since. The work has begun. There is a dock going there now worth a million and a quarter. I repeat my original figures, which I find confirmed by the House debate, that altogether nearly two million dollars and a half has been authorized or spent at Subig Bay. It is also for the defense of Manila. It is admitted that it is the station we shall always hold in those islands.

Now, I submit that it is bad economy to prohibit the War and Navy Departments from spending any money at Subig Bay. Of course the purpose is to throw the expenditure to Cavite, where no money ought to be spent. It never, by any possibility, can be made a good station, because the water is not there.

Mr. PERKINS. I should like to call the attention of the Senator to the chart of Manila Bay.

Mr. LODGE. I have not been there, but I am fairly familiar with the chart.

Mr. PERKINS. I should also like to call the attention of the Senator from Massachusetts to Batan Island.

Mr. LODGE. I know where that is, too.

Mr. PERKINS. I am sure we did wisely in purchasing those mines.

Mr. LODGE. Yes. But suppose we find an iron mine, and it is wise to secure it; is it then to be argued that we must move the naval station over to the iron mine? The naval station is military. It is not merely to be near a coal mine. The object is the military value, and the military value of Subig Bay is admitted by every expert whose opinion is worth anything. In the judgment of the joint board of the Army and the Navy, Subig Bay is the proper place for a naval base. We have already begun to spend money there——

Mr. ELKINS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from West Virginia?

Mr. LODGE. Certainly.

Mr. ELKINS. If you establish a naval station at Subig Bay, will you not also have to establish one at Manila, and are you in favor of both?

Mr. LODGE. I do not think it will be necessary, if we have a strong base at Subig Bay, to enter on very extensive fortifications in Manila Harbor.

Mr. BEVERIDGE. It is only 70 miles away.

Mr. LODGE. It is only 70 miles away, and Manila is such a large bay that the way to protect Manila is with a fleet. The fleet that holds Subig Bay is master of Manila. It may be necessary to have submarine mines in the channel, or something of that kind, but I do not think there is the slightest use of wasting large sums of money in fortifications around Cavite. I think the way to defend Manila Bay is with a powerful fleet. You want a naval station at Subig Bay; you can easily fortify it; and there is where the naval property is and is going to be.

Mr. ELKINS. As I understand it, in order to get to Subig Bay, in order to get deep water, you would have to dredge to a great extent, which would put the Government to great expense.

Mr. LODGE. The facts are exactly the other way. What needs to be done at Subig Bay is to fill in the land for the buildings, because it is now marshy. There is great depth of water in Subig Bay. I am told by naval officers that you can not get a battle ship within 2 miles of Cavite.

Mr. ELKINS. I will ask the Senator from Wyoming, who has been there, if it is not his impression from actual observation that you would have to dredge there in order to get water enough to float a fleet?

Mr. WARREN. Mr. President, if I may be permitted to answer, I will say that part of the bay has deep water, but it is a part of the plan of those who advocate Subig Bay as a naval base to dredge more than a mile square, some of it over 20 feet deep.

Mr. PERKINS. I wish to call attention to the estimate made by the Chief of the Bureau of Yards and Docks. It reads as follows:

Toward dredging, filling, and grading, including cost of dredges and necessary tools and equipment (to cost $1,200,000).

Two hundred and fifty thousand dollars is to be provided this year. I wish to ask the Senator from Massachusetts, with his permission, a question.

Mr. LODGE. I will take the map which the Senator has furnished me, showing the depth of water. There are now 6 fathoms of water right in the harbor of Olongapo. It goes up to it.

Mr. PERKINS. There is no question about that. The only trouble is it is 70 miles from the place we want to fortify.

Mr. BURROWS. Will the Senator allow me to correct him—that is, if the Secretary of War knows anything about it, and I think he does, because he has spent considerable time in the islands. He says it is only 35.

Mr. PERKINS. That must be overland.

Mr. LODGE. Does the Senator mean to say it is a shorter distance by land than by water?

Mr. WARREN. Mr. President——

The VICE-PRESIDENT. Does the Senator from California yield to the Senator from Wyoming?

Mr. PERKINS. I wish to ask the Senator from Massachusetts this question, and it is the whole nut of the proposition. If Subig Bay is the place, and I do not controvert it or pretend to say it is not, why did not the Board of Fortifications and Coast Defenses, in submitting their report on February 21, submit a plan to us? They say it is an important port, I will admit, but they make no recommendation as to a plan or how it should be fortified.

Mr. LODGE. I will ask what recommendation they make about Cavite? Have they a plan there?

Mr. PERKINS. Ever since we have had it——

Mr. LODGE. There is no plan for Cavite any more than there is for Subig Bay; but this is a proposition to prohibit any expenditure at Subig Bay and throw the expenditure to Cavite, which, I submit, is a waste of money.

Mr. PERKINS. Admiral Dewey made a plan for the improvement of Manila Bay, and we have been working on those lines ever since.

Mr. LODGE. I am not speaking of improvements to Manila Bay. I am speaking of the fortification of Cavite. They have submitted no plan for that.

Mr. BEVERIDGE. I should like——

Mr. TELLER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Colorado?

Mr. LODGE. I do. I yield to any Senator.

Mr. TELLER. If I could get the attention of the Senator from Massachusetts, or of some other Senator, I should like to ask him a question. If this money is not expended at Subig Bay, where is it going to be expended? Will somebody tell us that?

Mr. LODGE. Where is the money to be expended if not at Subig Bay? is the question the Senator from Colorado asks.

Mr. PERKINS. It is to be expended, in the discretion of the Board of Fortifications, in Manila Bay, in the islands of Corregidor and Cabello, and in the Hawaiian Islands.

Mr. LODGE. The Senator from Colorado will see exactly the point of it. It is to deprive them of discretion as to Subig Bay. They have discretion to spend money without any plan at Cavite or Corregidor or any other point in Manila Bay, but they have no discretion as to Subig Bay, which has been taken as a naval station and where we have made large expenditures.

Mr. TELLER. I do not know much about this bill. While I am a member of the Committee on Appropriations, which reported it, I am not a member of the subcommittee, and unfortunately I did not get any notice of the meeting of the committee and was not present at all.

I do not know what it will cost to do this work, but I understand that the naval people are extremely anxious to do this work at Subig Bay. I understand from the Senator from Massachusetts that two millions and a half have already been expended there. Some one says $800,000, and that the remainder has been authorized. I should like to know the character of those expenditures, if some one can tell me.

Mr. WARREN. The Senator, if he should go there, unless there has been something very materially added in the last few months, would see a part of a wharf; about what would be built at some siding where cord wood is loaded. That is all there is in sight. The money may have been appropriated and may have been properly used, but from the view point of the bay itself there is nothing in sight except a small wooden pier, which runs out a little ways, where small vessels can unload.

Mr. TELLER. I wish to ask the Senator from California, who has this bill in charge, where they propose to expend the money that is to be expended in the Hawaiian Islands? Is there any definite place for that expenditure?

Mr. PERKINS. It will be expended partly in the port of Honolulu and at Pearl Harbor. However, that is a matter which has been agreed upon. The improvement of Pearl Harbor and the fortification of Honolulu have been agreed upon under the plan submitted to our committee, of which the Senator is a member, four years since. But this is a new plan of operation. It is an appropriation of money for which we have no plan, and as the Senator was not present when I read from the reports——

Mr. TELLER. Yes, I was; but I could not hear it over here, with all the noise there is in the Chamber.

Mr. PERKINS. I should like to read it again for the benefit of the Senator. It is from the Chief of the Bureau of Navigation, an eminent naval officer, the peer of anyone in our Navy or any other navy, and he says what I shall read about Olongapo. The money we appropriated at the last session of Congress, to which the Senator from Massachusetts referred, has not been expended, as I infer from this:

> The progress of work at Olongapo has not been as satisfactory as was hoped. In a measure this is due to the great amount of preliminary work required to prepare the site for the proposed station, and to the fact that the appropriations have not been made in accordance with the natural sequence in which the work of building up should be undertaken. Careful estimates have been made of the manner in which money for the building up of Olongapo could be most economically and judicially expended. Since the land for the site has to be raised from 3 to 5 feet above its present level, the time required to establish a repair station at this place will be between six and seven years; and the estimated cost will be $4,000,000. This should establish a plant which would have a somewhat better output and better facilities than the present station at Cavite.

What your committee claim is that there is no necessity of spending a part of this money at Subig Bay at this time, as we have machine shops and a naval station at Cavite, and the money should be expended there for fortifying the island of Corregidor and the other island that guards the entrance to the bay. When the Board of Fortifications and Coast Defenses shall submit to the Congress a plan for the fortification of Subig Bay, I do not believe there is a member of the committee who will gainsay their recommendation; but until that time comes let us spend this money where it can be advantageously used.

Mr. LODGE. The Senator speaks of these naval and Army officers. Why can we not trust to their discretion? Why must we undertake to prohibit the expenditure of this money at a given place, which will simply involve double expenditure in the end?

Mr. TELLER obtained the floor.

Mr. ALLISON. Mr. President——

Mr. ELKINS (to Mr. ALLISON). Mr. TELLER has the floor.

Mr. ALLISON. I beg pardon.

Mr. TELLER. I yield to the Senator from Iowa, because I want some information. I have not got it, and he may have it. So I hope he will proceed.

Mr. ALLISON. Mr. President, I do not know that I can give the Senate or the Senator the information required. My chief reason for agreeing to this prohibition of expenditure at Subig Bay was that the committee had no information which would justify them in providing for such expenditure. So far as the statements and reports disclose, there is nothing practically now at Subig Bay, and there will be very little at Subig Bay except this great dry dock, and, as is stated in the report from which the Senator from California has just read, it will take from six to seven years to prepare the ground for the naval station. Therefore, it appeared to us that it was premature for us to undertake now or to allow anybody else to undertake to spend money for fortifications at Subig Bay.

Indeed it seems to me that there is no pressing necessity for spending this money anywhere in the Philippines at this time.

Mr. TELLER. That I agree with.

Mr. ALLISON. But there was a small appropriation provided in the bill as it came from the House, to be expended ratably in the Hawaiian Islands, at Pearl Harbor and Honolulu, and a small appropriation for expenditures in the Philippine Islands. The appropriation in the bill is less than half what is desired. I speak now generally, because I only listened to the testimony taken before the committee and to the reading of reports. Now, there is nowhere that I can discover—and if the Senator from Massachusetts has that information and will give it to us, he will throw a great deal of light upon this subject, so far as I am concerned—any estimate or statement which discloses with reasonable accuracy the cost of the new naval station at Subig Bay.

Mr. LODGE. I can inform the Senator, if he cares to be informed.

Mr. ALLISON. I shall be very glad to have it.

Mr. LODGE. I will venture to read the statement of the chairman of the Naval Committee of the House. He said:

> Now, there is one other thing I want to say, and that is that all of these estimates which we hear about, of forty million dollars and a hundred million dollars, and all that sort of thing, are brought in here for no other reason than just to make the proposition look ridiculous. I never heard of them until I heard them on this floor. The first proposition was a proposition between twenty and thirty million dollars, and the last proposition was a proposition brought before our committee by Mr. Secretary Moody, when he was Secretary of the Navy, for $9,000,000, extending over a long period of years. These statements can be verified by referring to the testimony—

Which is in the House hearings. I have not those hearings at hand for the moment. But it has all been laid out, and the $9,000,000 project was agreed to by the House and by the Naval Committee of the Senate subsequently. I can not put my hands on the hearings at this moment of time, but if the Senate will let it go over, I will find it.

Mr. ALLISON. That is the information I want. The estimate of $20,000,000 has been reduced, according to the RECORD, from $20,000,000 to $9,000,000; and it is a most remarkable fact that so large a reduction can be made in so short a time.

Mr. LODGE. If the Senator will excuse me, they never adopted the $20,000,000 proposition.

Mr. ALLISON. Certainly not.

Mr. LODGE. They adopted the $9,000,000 project.

Mr. ALLISON. They adopted the modified proposition of $9,000,000.

Mr. LODGE. They did. That was two years ago.

Mr. ALLISON. That was two years ago.

This is an expenditure for a naval station. Now, before any material expenditure has been made at Subig Bay, they ask us in a fortifications bill to appropriate money which may be expended in the discretion of somebody at Subig Bay. The committee believed, and I believe, that it is not wise for us to authorize the expenditure of money at Subig Bay until we have a larger and better notion of the cost.

Besides that, there is practically nothing there to defend,

and there will be nothing except this dry dock, which will be there, according to the Senator from California, by Christmas.

Mr. LODGE. Will the Senator from Iowa allow me?

Mr. ALLISON. I will.

Mr. LODGE. If he will move to strike from the bill all of the appropriation for the fortification of the Philippines, I will vote with him; but what I object to is this attempt to force the expenditure for fortifications in the Philippines into Cavite, where, from my knowledge of the subject (although I have not been fortunate enough to visit the islands, I have studied the subject for a good many years), I believe it will be a dead waste.

Mr. ALLISON. Mr. President——

Mr. TELLER. I should like to say that I am waiting for a good opportunity to move to strike out the words "and the Philippine Islands."

Mr. ALLISON. If the Senator will allow me a few minutes more I will give him that opportunity.

Mr. TELLER. I do not want to hurry the Senator.

Mr. TILLMAN. Will the Senator allow me?

Mr. ALLISON. Certainly.

Mr. TILLMAN. I want to say to the Senator from Massachusetts that when we had a naval station at Port Royal and were endeavoring to build it up, we found great difficulty in getting any encouragement or help from the Navy Department, because, as they said, Port Royal was nowhere. There was plenty of water there; it was a magnificent harbor, but there was no town, no anything. Therefore, after several years of stepmotherly treatment, we consented to have the harbor at Charleston examined relatively to Port Royal; and the naval station was transferred to Charleston, where there is plenty of water under the jetty system which was established by Congress several years ago.

Now, this Subig Bay programme originally contemplated $20,000,000. The Naval Committee was so much taken off its feet, so to speak, by the magnitude of that proposition that it felt unwilling to make any move at all, and finally the naval officers or the board modified and brought down their estimates to $9,000,000. This fortification programme involves, as the Senator from Iowa has just stated, the fortification of a lot of water and nothing else. There is no city there; there is no dock there, except this one that is floating around. We can carry it to Manila Bay just as well as to Subig Bay, if we are going to use it——

Mr. LODGE. Will the Senator allow me? It is impossible to place the dock at Manila or Cavite, according to the statement of naval officers.

Mr. TILLMAN. It certainly is impossible to place it at Olongapo, because, if the Senator will look at the chart in front of him, he will find that the depth of water is but 12, 13, or 14 feet, and you would have to dredge out the harbor in order to get the dock within a mile of the town.

Mr. ELKINS. It is not that deep.

Mr. TILLMAN. Twelve, 13, or 14 feet. You will have to make a harbor in front of the proposed naval station——

Mr. LODGE. I think you are mistaken.

Mr. TILLMAN. Before you can touch it with anything except the expenditure of money. You can have no dock there.

Mr. LODGE. There are 6 fathoms of water immediately against the town.

Mr. TILLMAN. Six fathoms?

Mr. LODGE. Six fathoms.

Mr. TILLMAN. Eleven feet.

Mr. ALLISON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Iowa?

Mr. TELLER. I yield to the Senator.

Mr. ALLISON. The Committee on Appropriations believed that it was unwise to commence fortifications until we had something to defend, especially so when we have a very large plan of additional fortifications to defend our own coast and a very urgent request for the expenditure of money in that direction.

But there was another reason which operated upon my mind with respect to this matter, and that was that I conceived it to be a matter for the Committee on Naval Affairs to determine, first, whether they intend to establish a naval station there to take the place of the station at Cavite. The Senator from Massachusetts seems to think that Subig Bay or this particular point is the only suitable place for a naval station. If we are to have a naval station there, let us have it under a full knowledge of the cost of it, present and prospective, and when we have commenced the work there and have made a substantial progress in it, if it needs the defense that is required from the Army to fortify that coast, then we can make provision for it.

Mr. LODGE. I entirely agree with that proposition. Strike out the Philippines from the bill.

Mr. ALLISON. I will agree with the Senator on that point; we will have no trouble about it if that is his judgment. He is chairman of the Committee on the Philippines, and the islands are largely in his keeping, and if he thinks that ought to be done I shall follow him.

Mr. LODGE. I am perfectly willing to strike out the whole Philippine Islands from the bill. What I am not willing to do is to prohibit the expenditure of money at the only point where, in my judgment, money ought to be expended.

Mr. CLAY. Mr. President——

Mr. ALLISON. I will have a word more in answer to that. Perhaps money ought to be expended at Subig Bay, but it ought not to be expended in building fortifications until we have something to defend. Therefore, whatever money is expended at Subig Bay should be expended after a full and careful consideration of the matter by the Committee on Naval Affairs. No better reason can be given for that than the fact that the Senator from California and the Senator from South Carolina, both of whom are members of the Committee on Naval Affairs, have already looked into this matter to a degree which convinces them that we should not fortify Subig Bay, because they are both on the Committee on Appropriations and both voted for this amendment.

Mr. PERKINS. I want to emphasize that fact, if the Senator please. The general commanding the Division of the Philippine Islands has not reported in favor of it. His report in 1903 was rather against it. The last report of Major-General Corbin was in 1905, and he has not a word to say about it. He is silent.

Mr. LODGE. I do not suppose he was reporting on a naval station.

Mr. PERKINS. No.

Mr. TELLER. Mr. President——

Mr. PERKINS. Reports on fortifications and recommendations for fortifications are under the War Department. When it comes to consider the question under the Navy Department, the Committee on Naval Affairs will try to give it a careful consideration and recommend what they believe to be in the interests of the Navy.

Mr. CLAY. Mr. President——

The VICE-PRESIDENT. The Senator from Colorado has the floor.

Mr. CLAY. Will the Senator yield to me for a minute?

Mr. TELLER. I yield to the Senator from Georgia.

Mr. CLAY. I understood the Senator from Massachusetts to say that he would be glad to vote in favor of striking from the bill every feature of it that relates to our insular possessions.

Mr. LODGE. Oh, no, Mr. President, I did not say anything of the kind. I said I would be glad to strike the Philippines out of this paragraph, and I hope it will be done.

Mr. CLAY. I will say to the Senator——

Mr. LODGE. What I am trying to prevent is forcing the Government to wast money at Cavite. That is what I am trying to prevent.

Mr. WARREN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Wyoming?

Mr. TELLER. Certainly.

Mr. WARREN. With all this talk of the waste of money it is not proposed to spend one dollar of this appropriation at Cavite except that expending it at the mouth of Manila Bay and protecting Manila will, incidentally, of course, protect Cavite.

Mr. LODGE. Anyone who will look at the map will see that Cavite is not the place to protect Manila Bay.

Mr. WARREN. It is not claimed that it is, but the narrow entrance to Manila Bay, of course, is to be protected by proper fortifications.

Mr. LODGE (indicating on the map). Cavite is in there. The entrance to the bay is out there.

Mr. SCOTT. Will the Senator from Colorado yield to me for a moment?

Mr. TELLER. I have yielded to the Senator from Georgia [Mr. CLAY], and he has the floor.

Mr. CLAY. I understood the Senator from Massachusetts to say that he is in favor of striking out of the bill everything that relates to our insular possessions.

Mr. LODGE. Oh, no; the Senator could not have understood me to say that, and he knows I never did say it.

Mr. CLAY. The Senator says I misunderstood him. I was going to ask the Senator, if he did say that, how he had reached the conclusion that it was not necessary for us to fortify in order to defend the Philippine Islands?

Mr. LODGE. It is not necessary for me to explain a statement I did not make.

Mr. CLAY. Then I understand the Senator to say that he is in favor of striking from the bill everything that has reference to seacoast batteries in the Philippine Islands?

Mr. LODGE. I never said it, or anything resembling it.

Mr. CLAY. Then the Senator did say he is in favor of striking from the bill lines 5, 6, 7, and 8?

Mr. LODGE. No, Mr. President, I did not say that.

Mr. CLAY. What did the Senator say?

Mr. LODGE. I said I was in favor of striking out all of this paragraph that relates to the Philippine Islands.

Mr. CLAY. The paragraph reads as follows:

For construction of seacoast batteries in the Hawaiian and Philippine Islands, $600,000.

Mr. LODGE. That is not striking out the Philippines.

Mr. CLAY. The Senator did say he is in favor of striking out everything in the paragraph that relates to the Philippine Islands.

Mr. LODGE. I did, and I repeat it.

Mr. CLAY. Does the Senator admit, then, that it would leave it in this shape, that the appropriation of $600,000 shall be applied to the Hawaiian Islands?

Mr. LODGE. Certainly; and the appropriation can be well applied to Pearl Harbor.

Mr. CLAY. Does the Senator have any idea how much money it would take to perfect our coast defenses in the Philippine Islands? Has he any idea how much money we will have to spend there in order to get through with this work? I see that this bill carries $5,000,000, and two-thirds of this vast sum is to go to the Philippine Islands.

Mr. LODGE. I am not upon the Committee on Appropriations. I have no doubt the Senator from California, who is very familiar with this subject, can tell the Senator in one moment what will be required to fortify the Philippines. But I can not do it, as the fortifications are not within the province of the Philippines Committee. I am only protesting here against what I believe will be a wasteful expenditure of the public money. If money is to be spent for fortifications it ought not to be spent at Cavite. Of that I am satisfied.

Mr. CLAY. I agree with the Senator in regard to that.

Mr. WARREN. Is the Senator aware of the fact I state that there is no fortification intended at Cavite, but at the entrance to the bay? Cavite is situated in one part of the bay and Manila at another, and you can not protect Manila without incidentally protecting Cavite. The fortifications are at the mouth of the bay.

Mr. LODGE. If this money is to be spent in the Philippine Islands for fortifications it is to be spent either at Subig Bay or at Manila Bay, or in both places.

Mr. CLAY. Why does the Senator——

Mr. LODGE. If you prohibit its being spent at Subig Bay, it must be spent for the defense of Cavite and Manila. There is no plan for that any more than there is for Subig Bay. I think we had better let the whole thing go rather than put in this prohibition.

Mr. CLAY. Why does the Senator say the money must be spent at the places designated by himself? If the amendment in lines 6 and 7 is stricken out would it not be spent in the discretion of the War Department anywhere they might choose?

Mr. LODGE. I am speaking of the bill as it stands, not of the bill as it will be.

Mr. TELLER. The Senator from West Virginia [Mr. SCOTT] asked me to yield to him. I will yield to him now if he desires.

Mr. SCOTT. Mr. President, I think before we commence to spend money either at Subig Bay or in the Hawaiian Islands, or at any other place further than is now under contract, we first should provide men to take care of the work. If the Senate does not intend to support a bill that has been sent to the Committee on Military Affairs by the War Department increasing the Coast Artillery 10,000 men, in my judgment every dollar that we appropriate for additional fortifications and in spending money for these very expensive guns is money very illy appropriated, and certainly wasteful, because they are not being taken care of. As I said a moment ago, there are fortifications and emplacements where you have no guns. There are other places where you have guns and you have no fortifications, and you have no men to take care of them. At other places you have carriages and other munitions of war that are going to waste because they are not properly cared for. Unless you are going to increase the Coast Artillery, in my judgment you might just as well save the money that it is proposed to appropriate for these additional fortifications and emplacements.

Mr. TELLER. Mr. President, I think this condition is rather unusual. We are here with a bill under which some Senators think we ought to spend money in one place and others in another. There is, I understand, no detailed plan that anybody can depend upon as to the character of the expenditure at Subig Bay.

As stated by the Senator from Massachusetts, $20,000,000 were suggested. Nobody who listened to that suggestion had any idea that $20,000,000 would complete what the naval people wanted. But suddenly, when they found that was not acceptable, they dropped it to $9,000,000. Of course, we understood they would go on with the $9,000,000 if they got it. They would make some kind of an arrangement for the fortification and defense of that harbor; and later we would be called upon to make a further expenditure, and nobody knows how much that expenditure would be.

I think the mistake the committee made was that they did not strike out all about the Philippine Islands in the beginning, that they did not confine themselves to the harbor and fortifications of the place they have some knowledge of, and that, of course, is Pearl Harbor, and not the Philippine Islands. I was not present at the hearing nor when the conclusion was reached. I am not able to say whether the $600,000 now would be properly applied in the Hawaiian Islands or not, but I have discovered that no matter how large you make the appropriation for these coast and harbor defenses you will never have enough; there will always be a cry for more. So, I have no doubt, if we should strike out the word "Philippines" here and leave it an appropriation for the Hawaiian Islands alone, that money would be expended as other money is expended. Whether it will be enough to complete the work there or not I do not know, but I should presume not.

Mr. President, in the first place, I do not think we should enter upon a series of experiments in the Philippine Islands; that is to say, I do not thnk we should commence on this harbor and then on the other harbor, putting money here and money there. I think Congress should have a definite and determined plan. If we are going to expend money in the Philippine Islands, we should select some place which is the best place to spend our money, where we will get the most possible for it. And I want to guarantee now that you will not get very much from the expenditure, whichever harbor or whichever bay you select. But there should be some determinate plan. We can not possibly fortify all the harbors.

Now, what is the necessity of our fortifyng any harbor in the Philippine Islands? If we have a foreign war, we shall defend them entirely, if we attempt to protect the Philippine Islands, with our Navy; and if we fail with the Navy, we shall fail no matter how much money we put on fortifications.

The recent developments of modern warfare have shown that it is beyond the possibility of man's genius to create fortifications that the modern guns can not destroy. It was said before the Russian and Japanese war that Port Arthur could be defended against the combined fleets of the world. It probably was the strongest place in the world, so far as artificial means were concerned; and yet it went down before a second-class nation's fleet. If we ever have a war that will require fortifications in the Philippine Islands, we will require such fortifications as will take not $20,000,000, or $200,000,000, but $500,000,000. We may make some defense of those islands with our ships, but we shall find that if we are ever met by a war with any nation on earth that has got a fleet, little or great, every man in the United States will wish that before the islands came to us they had disappeared from the sight of man.

Mr. President, they are an encumbrance upon us. I should like to have somebody tell me how much money we have expended in the seven or eight years that we have been dealing with those islands. You can not get any reliable statement from any official of the Government. Nobody wants to say what it has cost. Very few men could show the amount if they should try. I remember that as much as three years ago the then senior Senator from Massachusetts, Mr. Hoar, declared on the floor of the Senate, after a careful and detailed statement, that more than $600,000,000 had then been expended. Within two months afterwards the senior senator from Texas [Mr. CULBERSON] declared on this floor that he had made a calculation, the best that he could get, and $650,000,000 had been expended. Two years ago and more a distinguished statistician of Massachusetts, a friendly statistician, a man friendly to the Administration now in power, declared that we had expended in the Philippine Islands $800,000,000.

Mr. President, we have spent a great deal of money there. We have got practically nothing back, as everybody knows. Our trade, if every dollar of it was profit, would not begin to compensate us for the expenditures of the last year, let alone the numerous years before. We do buy a little of them, and we sell a very little to them. I hope the time will come when we shall be rid of the Philippine Islands. I hope the time is not far distant when the American people will conclude that it is

not the province of a nation like ours to attempt the civilization of any other country perforce.

In the whole history of the world there is no instance where a nation outside of another has been able to elevate them in civilization and in morals. I deny that any Senator can show me a single instance where civilization has not come from the inside and never where it has come from the outside. In making this statement not long ago a Senator said to me: "I will point to you India." The civilization of India, with nearly two hundred years of English administration, is not one whit better to-day, except in a few particulars, than it was nearly two hundred years ago.

REGULATION OF RAILROAD RATES.

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which the Secretary will state.

The SECRETARY. A bill (H. R. 12987) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission.

Mr. TILLMAN. I have made inquiry, and I find no one who is ready to go on with the discussion of the rate bill this morning, though we have promise of a good many speeches to-morrow and the next day. I therefore ask that the unfinished business be laid aside temporarily in order that the consideration of the fortifications appropriation bill may be completed.

The VICE-PRESIDENT. The Senator from South Carolina asks that the unfinished business be temporarily laid aside. Without objection, it is so ordered.

REORGANIZATION OF THE CONSULAR SERVICE.

The VICE-PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 1345) to provide for the reorganization of the consular service of the United States.

Mr. LODGE. I move that the Senate disagree to the amendments of the House and request a conference with the House on the disagreeing votes of the two houses.

The motion was agreed to.

By unanimous consent the Vice-President was authorized to appoint the conferees on the part of the Senate; and Mr. LODGE, Mr. CULLOM, and Mr. MORGAN were appointed.

HOUSE BILLS REFERRED.

H. R. 15744. An act to abolish the office of Lieutenant-General of the Army of the United States was read twice by its title, and referred to the Committee on Military Affairs.

H. R. 15848. An act authorizing the sale of timber on the Jicarilla Apache Indian Reservation for the benefit of the Indians belonging thereto was read twice by its title, and referred to the Committee on Indian Affairs.

H. J. Res. 117. Joint resolution extending the time for opening to public entry the unallotted lands on the ceded portion of the Shoshone or Wind River Indian Reservation, in Wyoming, was read twice by its title, and referred to the Committee on Public Lands.

FORTIFICATIONS APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 14171) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes.

The VICE-PRESIDENT. The Senator from Colorado [Mr. TELLER] is entitled to the floor.

Mr. TELLER. Mr. President, I did not rise to discuss the Philippine question, whether we ought to hold the islands, or whether we ought to abandon them, and I will not take the time of the Senate further on that question. I simply want to move now to strike out of line 6, page 8, the words "and Philippine Islands," leaving the appropriation, unless some one chooses to move to reduce it, of $600,000 to go to the Hawaiian Islands. I think it must be apparent that we are not in a condition to determine whether we ought to put this money on Subig Bay or on Manila Bay. That leaves it entirely to be spent on the Hawaiian Islands. I understood some Senators on the other side to say it could be profitably and properly expended under present conditions at Pearl Harbor.

Mr. ELKINS. Mr. President, I do not agree with the Senator from Colorado [Mr. TELLER] in his desire to get rid of the Philippine Islands, and I hardly think this is the time, on the fortifications appropriation bill, to discuss a question so broad and of so much importance. The fact is, I think the Philippine Islands, as we have them, will prove of great advantage to the United States. I think they furnish a base for operations in the East, where we must extend our commerce and protect American interests. Relatively, our trade and commerce with the Orient is destined to be more important than with Europe.

It does not belong to Anglo-Saxon blood to give up land under any circumstances. I never knew a man who had land so poor that he would give it up or allow somebody to take it for nothing. I have never known the Anglo-Saxons as a nation in any part of the world to give up land once conquered or acquired.

I do not see why the proposition is so frequently brought into this Chamber to surrender the Philippine Islands, which I consider valuable possessions in the East. Give them up? Surrender to whom, how, when, and for what? I think the Philippine Islands are, as I said, necessary to the establishment and expansion of our commerce, and I think they will never be given up or surrendered by the United States any more than Porto Rico, or Cuba if we had it, or any other island or any other land; any more than we would give up Arizona, New Mexico, or any part of our national domain. The Philippine Islands constitute a part or portion of the territory of the United States.

It does not belong to American policy and the American mind to give up real estate—land situate anywhere the flag floats on this globe. Territory is becoming limited, anyway. There are few places not occupied. The United States, by the fortunes of war, finds itself in possession of the Philippines, and I hope it will keep them not only now, but for all time, and I believe it will. I don't believe the time will ever come when the people will give up the Philippine Islands.

Now, Mr. President, coming to this amendment, the Committee on Appropriations had hearings and gave the subject very careful consideration. The chief objection to appropriating this sum of money was that the undertaking would involve the expenditure of very large sums of money—some said $40,000,000, some said $50,000,000, and others got it down as low as $9,000,000. Before beginning operations of this magnitude we should have ample time to find a suitable and the best place to fortify, if we are going to fortify at all. I do not see any pressing necessity for fortifying just now. I do not know of any nation that wants to take the islands away from us. If they do, they will find at least half of this Chamber on the other side ready to give them up without fortifying them.

Mr. BACON. I will say to the Senator he would find it very difficult to find any nation to take them, if offered as a gift.

Mr. ELKINS. I am glad of that, but I find that a part of the Senate thinks they would be willing to give them up. But I hardly think we will give them up.

Mr. President, the sum involved here is only $600,000, and it is to be distributed to other portions of our possessions. Some of it goes to Honolulu. I have looked at this chart, and unquestionably, if I am right, for a mile out from land at Olongapo the water is in places only a fourth of a fathom and half a fathom and one and a quarter fathoms deep. Out about a mile the water begins to be six fathoms. Farther out it is twelve, seventeen, and nineteen fathoms.

We should not begin operations on this scale—great improvements, permanent, and to last forever—without some definite knowledge, and surely not at a place that will require a mile of excavation before you can get to the mainland.

Mr. LODGE. At Cavite?

Mr. ELKINS. I am not for Cavite any more than I am for this place just now. I think we need more light on the subject.

Mr. LODGE. That is right.

Mr. ELKINS. If the great party that seems so eager to give up the Philippine Islands should succeed, unfortunately for the country, at the next election or the election thereafter, and give them up, we will save the money by not making this appropriation, and the country we cede them to will not have the fortifications.

Mr. TELLER. I should like to make the suggestion to the Senator that if he desires to assist the Democratic party in the next election I hope he will persuade the people that they are in favor of giving up the Philippines.

Mr. ELKINS. The Democratic party?

Mr. TELLER. Yes.

Mr. ELKINS. I do not think when you come to test it squarely, although there is a great deal of talk in this Chamber, that the Democratic party will commit itself to any such policy. I think the Democrats have a good deal of human nature in them. They are of just about the same blood as the Republicans, and when it comes to giving up anything for nothing or to persuading somebody to take our property for nothing, they will be found about as far from doing it as Republicans are. I do not think, when it comes to the test, the Democratic party will give up the Philippines under any circumstances, especially without a consideration, and I do not believe the Democratic party will put a surrender or give-up plank in their next platform. If they should, the Republican

party is willing and will meet them on that issue, as it has met them upon other great issues before the people.

Mr. TELLER. That is, they will put it in their platform, too, I suppose.

Mr. ELKINS. The Republicans will declare and say they will never surrender our possessions and give them up for nothing, possessions that have cost us money and blood.

Mr. TELLER. And that have cost us a good deal of money.

Mr. ELKINS. And a good deal of blood.

Mr. President, I hope the committee will be sustained in the position it has taken.

Mr. WARREN. Mr. President, I have no wish to discuss general Philippine policy or politics at the present time. We have before us a fortifications appropriation bill, not for making naval appropriations, but for making appropriations to fortify various harbors and places throughout the United States and its insular possessions.

Subig Bay, or Olongapo, as it is called, contains nothing now to defend. According to the Senator from Massachusetts, and I take it for granted he is correct, there have been appropriations of a million or two made, and they are yet unexpended, as everyone knows who has visited the place. So there is no necessity at this time for appropriating any money for fortifying Subig Bay, because they have not expended what they have already in hand and there is nothing in the bay calling for defense.

It is unnecessary to appropriate now, because there is nothing there to protect. It would be foolish indeed to take any portion of the $600,000, that small amount, and use it at Subig Bay at the present time when the money is so much needed at other places where we have something to protect—the Hawaiian Islands, Manila Bay, and possibly other points. If the Senator from Massachusetts wishes to leave Manila Bay, and thus the city of Manila and Cavite, without fortifications, and his amendment should carry, the responsibility will have to be with him and those who think with him.

When that Senator or any Senator claims that Subig Bay protects Manila, then he might, with equal justice, claim that Boston Harbor protects Washington, and we might as well roll the guns we have along the Potomac down into the river.

Mr. LODGE. I am sure the Senator does not mean to misquote me. I said the fleet would protect Manila, and if Manila had any other protection than Subig Bay, it would necessarily be the fleet.

Mr. WARREN. Then, does the Senator say that he does not want to fortify the entrance of Manila Bay?

Mr. LODGE. We have no plan for fortifying either place. We could use torpedoes and guns at the opening of Manila Bay.

Mr. WARREN. The Senator from Massachusetts ought not to deceive himself or others. It is not a matter of guns, etc., at Manila and Cavite. It is the entrance of the bay, where there is narrow deep water, with the banks high on each side and with the Corregidor Islands in the channel, through which every vessel must go to reach Cavite or Manila, 15 or 20 miles away. When you have fortified that bay you have fortified about all there is at present in the Philippine Islands in the way of property interests, or at least you have the key to the Philippines. When you fortify Subig Bay you fortify a sheet of water that has as yet practically nothing in it, surrounded by a country that is nearly as wild as this country was before Christopher Columbus discovered it. There is nothing there. I am not inveighing against Subig Bay as a place for a great naval base in time, but it is unnecessary to appropriate at this time when it will take four or five years to prepare the ground, do the dredging, etc., ready for building. It is unnecessary now to erect fortifications and provide in this bill—which is for fortifications alone—a sum to fortify Subig Bay.

Senators talk about $9,000,000, and about $18,000,000; and in another place certain members talked about $100,000,000; and it was stated, I think by the Senator from Massachusetts [Mr. LODGE], that $4,000,000 or more would be required to prepare the land. With all that uncertainty is it not best for this Senate to have some kind of a base to work upon in the way of estimates before we take a little pickayunish matter of $600,000, needed elsewhere, and divide it up and use a portion of it for defending that naked sheet of water, with nothing in sight or nothing of consequence within 70 miles of it?

Mr. LODGE. Has the Senator from Wyoming ever landed at Olongapo, or has he ever been in Olongapo?

Mr. WARREN. No.

Mr. LODGE. I understand that there is a small town there and that it is not an absolute wilderness, as the Senator has stated. The statement is that there is a town there with 1,200 inhabitants.

Mr. WARREN. I think that is a mistake. I have not landed there, but in sailing in and about the bay there is not a thing in sight. People in Manila, officers of the Navy and Army, who have been there and who are charged with the responsibility of it make the statement that every hut, building, and shop must be put up there anew; and it has seemed to us that it is the part of wisdom not to follow the proposition with works of defense just now.

Now, as to Cavite, we have a very considerable navy-yard that cost four or five million dollars; we have several hundreds or thousands of men employed there who have homes in the city of Cavite; and we can get along very well there until such time as Congress may, first, ascertain what we need; second, what it will cost; and then, third, appropriate that sum accordingly. We are in no immediate necessity for an additional naval base. Suppose for the present we continue the use of Cavite, although it may not be as good as what might be made at Subig Bay.

I want to say that, so far as I am concerned, when the proper time comes, if Subig is determined to be the proper place to make a great naval port or base, I shall be very glad to join with others; but it is the business of the Navy to provide, first, something for us to defend before we erect fortification works. So far they are at odds; they do not agree. There are two sides to the matter. They are hesitating there whether or not they will spend the money we have already appropriated. Then why shall we, in an appropriation bill intended for fortifications alone, jump in and fortify some wild place, when it will be, according to the best calculations here, from three to ten years before there is a single structure to defend?

I hope the amendment offered by the Senator from Colorado will not prevail, because there is no question but what we ought to fortify the entrace to Manila Bay. It is idle to say because we fortfy New York that Baltimore is fortified, or because we fortify Boston, a few hundred miles away, that Washington is fortified.

It does not matter what we do at Subig Bay or when we do it, we must expend some money at the mouth of Manila Bay just the same; and this $600,000, which can be divided betweeen the Hawaiian Islands and the mouth of Manila Bay, will not give them more than they need, nor as much; and this is all for which this bill for this one year provides and all we need to now consider. If anything is necessary at Subig Bay, and if they want an appropriation later and can tell us anything about it, I will very cheerfully vote in favor of whatever sum it may be, even if it be $6,000,000 instead of $600,000; but I hope the present bill will stand as the committee reported it.

Mr. LODGE. Mr. President, I only desire to say that there are no more plans for the fortification of Manila Bay than there are for the fortification of Subig Bay. We are just as much in the dark, so far as plans go, about one place as about the other.

Mr. WARREN. Does the Senator make that statement as a matter of definite knowledge?

Mr. LODGE. I do.

Mr. WARREN. I understand to the contrary. I understand the plans are in the Philippine Islands for fortifying Manila Bay.

Mr. TELLER. The plans may be in the Philippines.

Mr. LODGE. But they are not here.

Mr. TELLER. We have not the plans.

Mr. LODGE. No.

Mr. TELLER. I have never seen them.

Mr. SPOONER. If the Senator will permit me, is it possible we are called upon to make appropriations for the erection of fortifications in the Philippines or anywhere else upon estimates made in the absence of plans for the work?

Mr. LODGE. I think that is likewise true as to Subig Bay, Cavite, and Manila Bay. I do not think there are plans for either of the places, so far as Congress knows anything about it.

Mr. SPOONER. Then why should those be dealt with at all?

Mr. LODGE. I do not think they ought to be. I think it is better not to make an appropriation for seacoast fortifications in the Philippines at this time. I shall vote for the amendment offered by the Senator from Colorado. I think that is the wise and prudent thing to do.

I want to read in that connection, as showing the condition of the question, from Secretary Taft's testimony before the committee of which I have the honor to be chairman:

Senator HALE. I do not want to take much of your time as to details, but which do you think is the better place for a naval station as a base of operation if we maintain our possession there for a good many years?

Secretary TAFT. Well, were we to leave the islands, Olongapo is of course—I think everybody will admit—where the naval station ought to be retained. Cavite in many respects is more convenient, labor can be obtained there more easily, and it is more convenient to Manila, which is the source of supply in the islands, and Cavite is the place where we already have a naval arsenal. The difficulty about Cavite, however, is the insufficient depth of water and the limited territory

which could be occupied for a naval station. Now, the dry dock *Dewey*, which is on its way to Manila, or to the Philippines rather, can only be placed at Olongapo; it can not be taken to Cavite, because the water is so shallow that it could not be used there.

Then this question was asked by the Senator from Connecticut:

Senator BRANDEGEE. Is it not true that the Spaniards always had in contemplation the Olongapo station as their principal base?

Secretary TAFT. Yes, sir; there is great controversy going on—for this matter is deemed of importance—between professional authorities in the Navy and in the Army as to whether Olongapo is the best place from a strategic point of view. Admiral Dewey and others of the Navy Department feel that as long as there is a fleet in Olongapo no foreign enemy would venture to go into Manila, because it is supposed that they would regard it as a trap. On the other hand, Admiral Folger and General Wood, and I believe General Corbin, have been of the opinion that Manila, because we have military forces there and because it is near Cavite, makes Cavite the more convenient place. The objection to Cavite, as I have already said, is the insufficient territory available for the Government there and the very shallow water off the shore.

There is a dispute among the naval and military authorities, who, I think, probably would like us to expend great sums of money on all these places; but there are no plans before Congress for either of the places, so far as I am aware or have been able to discover. I think, under those circumstances, the best way is to strike the words "and Philippine Islands" out of this paragraph, as the Senator from Colorado suggests.

Mr. BACON. Mr. President, I hope the amendment of the Senator from Colorado will prevail. It may be true that the time has not come to make appropriations for the fortification of Subig Bay, but I am very strongly of the opinion that the time will never come when we ought to make appropriations for the fortification of Cavite; and for the purpose of preventing an unfortunate expenditure of money there, I am in favor of striking it out altogether. Cavite can never be made a proper place as a naval or a coaling station, because the natural conditions forbid it. It is not simply the fact of its shallow water, but there is no harbor there, and there never can be a harbor there unless we build a sea wall, at an immense expense, and in that way protect it from the open sea, which lies in front.

Mr. WARREN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Wyoming?

Mr. BACON. Certainly.

Mr. WARREN. The Senator is informed as to Cavite. He says it needs the protection of a sea wall; but I ask the Senator if it will not take exactly the same in Subig Bay? We have already spent considerable money at Manila; a sea wall has been built, dredging has been done; and it can be done at Cavite, and Cavite can be made a good harbor. Sea wall and dredging will be necessary at Subig Bay. I am not advocating that, and I am not inveighing against Subig Bay. It is well, however, to note, as we go along, that Cavite can be made a good harbor, just the same as Subig Bay can. It is only a matter of the same expenditure or even less.

Mr. BACON. I do not know how far what the Senator says about Subig Bay may be correct, but if it has the same physical conditions as Cavite I think the criticisms upon it are well founded. To give an illustration of how shallow that water is, I will state that after the battle of Manila Bay, when a number of small vessels were sunk, so far as I am informed, not a single one of them was of sufficient depth to disappear from sight. They were small vessels, and although they were, in technical parlance, sunk, they still remained out of water—even the smallest of them. The largest vessel engaged on the side of the Spaniards, I think, was only 2,500 gross tons, and that was almost as high out of the water after it was sunk as when it was afloat. A number of the smaller vessels were still apparent above the water, and these were miles out from the shore. It opens upon a bay twenty-odd miles in width, and when the wind blows it is just the same as on the seashore. There is no protection for vessels. If that be true of Subig Bay also, then neither one of them ought to be utilized for these purposes. But I will state that my information has always been to the contrary; that, while there is a port at Subig Bay that needs to be dredged, there are other ports that have deep water, and which have the advantage of being protected by a harbor, which Cavite has not.

Mr. FRYE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Maine?

Mr. BACON. With pleasure.

Mr. FRYE. I wish to ask the Senator a question. Is it not a fact that the Spaniards had selected Subig Bay as a point for a naval station and had made considerable expenditure of money there?

Mr. BACON. I have no definite knowledge on that subject.

Mr. LODGE. That is true.

Mr. FRYE. That is my understanding, and I think that appeared before the Commission at Paris.

Mr. BACON. I never before heard the matter questioned about Subig Bay being a proper place.

Mr. LODGE. Admiral Dewey looked in to see if there was a fleet there.

Mr. BACON. I think, in view of the fact stated, that the best way is to strike out that clause until we get definite information and have plans of the fortifications, so as to act intelligently and safely in what we do.

Mr. LODGE. Now, Mr. President, I want to call attention to a paper that came in with the President's message, which was transmitted to Congress on the 5th of March, 1906, which is fairly recent; and at the close of that report, signed by the Secretary of War, the Lieutenant-General of the Army, and others, they say:

Among the places recommended to be defended, the following, in the order named, are considered of special importance: Entrance to Chesapeake Bay, eastern entrance to Long Island Sound, Puget Sound, Subig Bay, Guantanamo, and entrance to Manila Bay.

That is signed by Secretary Taft, General Chaffee, General Bates, Rear-Admiral Thomas, General Story, General Greely, General Crozier, General Mackenzie, General Mills, and Captain Sperry of the Navy.

In a communication of February 1, 1906, containing a list of the ports, they include Subig Bay among the ports of first importance, and Manila Bay among the ports of secondary importance.

Mr. WARREN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Wyoming?

Mr. LODGE. Certainly.

Mr. WARREN. That report was favorable to fortifying Manila Bay. The Senator differs slightly with the position he took earlier this morning, in which he said there was no need of fortifications at Manila Bay.

Mr. LODGE. I did not say it needed no fortifications. I said it would be a waste of money to spend it at Cavite.

Mr. WARREN. And I have said several times—perhaps the Senator may not have noticed it—that there is no intention and has not been any intention of appropriating any money in the fortifications bill to be expended at Cavite.

Mr. LODGE. So far as Manila Bay is concerned, we have no plans. They admit it is of secondary importance. In our present state of knowledge, it seems to me the wise and prudent thing to do is to strike out the words "and Philippines," and disagree to the committee amendment.

Mr. PERKINS rose.

Mr. LODGE. I hope, Mr. President, that the committee amendment will be passed over, as it is entirely dependent upon the action on the other amendments.

Mr. NEWLANDS. I understand that the pending question is a disagreement with the committee amendment.

Mr. WARREN. No; on the amendment to strike out the words "and Philippines."

The VICE-PRESIDENT. The question is on the amendment of the committee. Under the agreement, the committee amendments are first to be considered.

Mr. NEWLANDS. And then later on, as I understand, after the committee amendments are disposed of, an amendment will be offered to strike out of this bill all items relating to fortifications in the Philippines?

## DEPARTMENTAL INFORMATION AFFECTING MARKETS.

Mr. CLARK of Wyoming. Mr. President——

The VICE-PRESIDENT. Does the Senator from Nevada yield to the Senator from Wyoming?

Mr. NEWLANDS. Certainly.

Mr. CLARK of Wyoming. I ask consent at this time to submit a conference report.

The VICE-PRESIDENT. The report will be read.

The Secretary read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10129) to amend section 5501 of the Revised Statutes of the United States, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 6, 9, and 10.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 4, 5, 7, 8, 11, and 12; and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an

amendment as follows: On page 2, line 14, after the word "thereof," insert "and every Member of Congress;" and the Senate agree to the same.

The committee of conference is in some doubt as to its authority to insert this amendment, but believing that the object and purpose of the bill will not be completely effected without it, recommends the insertion of the amendment, and asks the judgment of the two Houses thereon.

C. D. CLARK,
KNUTE NELSON,
C. A. CULBERSON,
*Managers on the part of the Senate.*
JOHN J. JENKINS,
C. E. LITTLEFIELD,
H. D. CLAYTON,
*Managers on the part of the House.*

The VICE-PRESIDENT. The question is on agreeing to the conference report.

Mr. TELLER. I wish the Senator who submits the report would tell us something about it, especially after the question of order which the report itself suggests.

Mr. CLARK of Wyoming. I will say to the Senator from Colorado the question of order in the report is this: The bill as passed both Houses provides a punishment for the disclosure of knowledge and for speculation in matters affected by that knowledge which has been acquired in an official capacity. It was discovered by the conferees that Members of Congress in either House were not included. It was further ascertained that judicial decisions have held time and again that Members of Congress are not officers of the United States, but are officers of the State governments. Therefore, while doubting their real power as a conference committee to insert this provision, they thought the objects and purposes of the bill clearly demanded such a provision, so they inserted "and Members of Congress," and ask the judgment of the two Houses upon that amendment.

Mr. TELLER. Mr. President, I have no objection to "Members of Congress" being included, but I do object to its being put in the conference report. I object to letting down the rule, which has prevailed ever since we have had a Government, that a conference report should not contain any new legislation. This is absolutely new legislation, and to it I raise the point of order. If the Senator will get this matter up in a separate bill, I will be willing to vote for it, but I am not willing to yield this point now and make a precedent of this kind.

Mr. CLARK of Wyoming. There was no purpose on the part of the conference committee to usurp any authority. I think probably it is the first time that a conference committee has come before this body with a suggestion that perhaps they had not the authority to do a certain thing and submitted the question to the Senate. I submit to the Senator from Colorado, however, that in a matter of this kind, where an order is made sustaining or refusing to sustain a conference committee, it is done by the Senate itself, and that the same rule prevails in another body, where the simple suggestion of new legislation rejects a conference report. All that the conferees desire is the judgment of the Senate upon that point.

Mr. SPOONER. Let me ask the Senator what was the language in difference between the two Houses?

Mr. CLARK of Wyoming. There was no language in difference between the two Houses that would call for this amendment.

Mr, SPOONER. Then the Senator confesses this is entirely usurpatory?

Mr. CLARK of Wyoming. No; I do not confess that.

Mr. SPOONER. It is either properly there or improperly there.

Mr. CLARK of Wyoming. That may be, but one can not always tell what is proper or what is improper. The committee say in their report, as the Senator would have known if he had listened, that it is in doubt as to its authority in this matter, and submits it to the two Houses.

Mr. SPOONER. I am simply trying to elicit information, if I can, from the Senator to enable me to form some judgment, for one, as to whether the committee was right or wrong. It is impossible to do that unless one can know what the conference was upon and what was the difference between the two Houses. The Senate amended the bill. It did not concur, of course, in the bill as it came from the House, or there would have been no conference.

Mr. CLARK of Wyoming. Does the Senator ask for all the differences between the two bodies?

Mr. SPOONER. I should like to know what was the proposition in difference between the two Houses upon which the conference committee ingrafted this provision as to Members of Congress.

Mr. CLARK of Wyoming. I can not say that there was any.

Mr. KEAN. Then, how did the bill get in conference?

Mr. CLARK of Wyoming. Oh, there were differences on the bill itself.

Mr. KEAN. That is what I wanted to know.

Mr. CLARK of Wyoming. There were various differences on the bill. There were ten or twelve amendments which the Senate made to the House bill.

Mr. SPOONER. If the Senator will pardon me, were they differences as to the persons upon whom the bill, if enacted, would be operative? In other words, is there any pretext even on which there was jurisdiction in the committee to apply this proposition to Members of Congress?

Mr. CLARK of Wyoming. The Senator puts a square question so squarely that it is almost impossible to answer it. The conference committee supposed that the purpose of both Houses was to prevent these things being done by any officer of the United States Government. They also supposed that both Houses understood at the time they passed the bill that it would probably refer to Members of Congress, who have now and then been charged with such offenses.

Mr. SPOONER. Ought it not to include them? Why should it not technically? That is what I am trying to get at.

Mr. CLARK of Wyoming. I think it should, but the conference committee has referred it to the Senate and House of Representatives to say whether they want to include the provision in this way.

Mr. CULBERSON. Mr. President, I appeal to the Senator from Colorado [Mr. TELLER] to withdraw the point of order in this case. The controversy arises on the second section of the bill, which prohibits, under penalty, officers or employees of the Government of the United States speculating on facts which come to their knowledge by virtue of their offices. It was a question—and there is possibility of some doubt on the question—as to whether the general terms used include members of the two Houses of Congress. The committee of conference, of which I happened to be one, assuming, for the sake of the argument, that members of Congress are not included, have frankly presented the matter to the Senate and to the House of Representatives and submitted it to their judgment.

If his bill passes without including members of Congress we will have the anomalous condition—a condition that ought not to exist—of all officers of the United States Government, all employees of the United States Government, and all persons who may acquire knowledge by virtue of their relationship to the Government of the United States prohibited from such conduct, except members of the two Houses of Congress. It is an exception, Mr. President, that ought not to exist, an exception that ought not to arise; and, in order that it may not exist, I again appeal to the Senator from Colorado to withdraw his point of order, and let us perfect this legislation in the way submitted by the committee.

It is not an attempt on the part of the committee to sneak in any surreptitious way legislation through the two Houses; but it is an honest attempt, a sincere attempt, a frank attempt on the part of the conference committee to round out and complete legislation which ought to be upon the statute book. I submit to the Senator from Colorado than an objection on his part will prevent the completeness of legislation of this character—legislation which, under the peculiar circumstances surrounding us now, ought to be on the statute book.

Mr. TELLER. Mr. President, I express my surprise at the appeal of the senior Senator from Texas [Mr. CULBERSON]. His argument is based upon the theory that whatever we want to do we can do. That is all there is of it.

If it is necessary or desirable to include in the principles of this proposed law Senators and Members of the House of Representatives, it must be done according to law; and there is no question that it can be done by practically the unanimous vote of this body.

It is not a question whether you are going to round out the law; it is a question whether you are going to enact laws in accordance with the Constitution of the United States. There is no authority, Mr. President, here or anywhere else, for a conference committee to legislate and incorporate in a conference report that which neither of the bodies has ever considered.

Does the Senator from Texas think for a moment that that can be done now and a precedent created that will not be repeated again and again until we shall surrender the right of legislation to a conference committee—a conference committee appointed frequently against the judgment both of the Senate and of the House, a conference committee not infrequently appointed to exercise powers that are great enough, without giv-

ing them the power to incorporate new legislation into a bill which they are considering?

We know, Mr. President, that many a bill has become a law because a conference committee conceded what this body or the other had declared ought not to be conceded, and we have been powerless here. We shall not be powerless while I have a voice on the floor of the Senate, if it comes by my withdrawing my point of order. I propose to stand by it. I propose to stand by it, but not because I object to including Senators and Representatives. If that had been the proposition on the floor, I would have voted for it, although I know that a Senator is not an officer of the United States, nor is a Member, and I know also that there might be some question exactly as to how it ought to be done and why it should be done. But I do know that this body has no right to accept from the committee legislation that has not been considered in either body.

The chairman of the Judiciary Committee knows that when he comes here and tells us practically that there is not any authority for it, but that there is a necessity. Mr. President, I regret to hear in this body a statement that there is a necessity which requires us to violate the fundamental principles of law, and principles, too, which are absolutely necessary for the safety of the minority of every public body dealing with these questions. I shall not withdraw my objection, Mr. President. There is not a Senator here who does not know that the law is against the procedure which is proposed.

Mr. CULBERSON. Mr. President, the Senator from Colorado says that this method would be in violation of the Constitution of the United States. If I thought that, or if the Senator can point out in what respect this method is in violation of the Constitution of the United States, if it amounted to anything, I would withdraw my appeal. I understand it is merely a violation of the rule of the Senate.

Mr. TELLER. Oh, no.

Mr. CULBERSON. It is not a violation of the rule?

Mr. TELLER. It is a violation of the rules and a violation of the Constitution both.

Mr. CULBERSON. I do not so understand the latter; and as I said, if I thought so, or if the Senator from Colorado could point out to me wherein it did, I would withdraw the appeal. I think I am amenable to reason upon the subject; and, of course, in view of what the Senator has said, I do not suggest any further the withdrawal of the point of order.

But, Mr. President, this is no attempt on the part of a conference committee to pass legislation without the consideration of the two Houses of Congress. As the Senator will remember, the committee pointedly and expressly submits this matter to the two Houses of Congress for their consideration. That is the language of the report. Of course the Senate may, upon presentation and consideration of the subject, decline to approve this action of the committee; or if any member of the Senate, for whatever reason, objects I accept his objection without qualification and without reference to what reason he may have for it, according to him the same motive that actuated the committee in that respect. But, Mr. President, at the same time, in justice to the committee, it ought to be reiterated that the committee has expressly submitted this matter for the consideration and action of the Senate as a body, admitting that it is probably in violation of the rules of the Senate. However, so far as I know, it never occurred to any member of the committee that it is in violation of any provision of the Constitution of the United States.

I have no feeling about the matter, Mr. President—none in the world; but I did say, and I have no hesitation in repeating in my place in this body, that it would be unfortunate if we should knowingly, and after the matter had been called to our attention, pass a law on this subject which would include every official who may have knowledge upon subjects of this character, by virtue of his relationship to the Government of the United States, except members of either House of Congress. While I do not expect to go into that matter in any further detail, I repeat that there is reason for the amendment; and I understand the Senator from Colorado to say that he would not object to an independent and separate measure carrying out the recommendations of the committee in respect to this matter, if it came in regularly from the committee to which it was referred and was submitted in the regular manner to this body. That being true, I thought that possibly, in order to complete this legislation at this session and in this bill, we might waive the rule which requires a conference committee to act only upon such matters as there was a difference upon between the two Houses and upon matters which had passed one or the other House. That is all the reason I have for having said as much as I have upon the matter.

Mr. TELLER. Mr. President, there are but two words in the amendment, I think. It is not the importance of the words, either, that makes me object to the amendment, as they call it; but if the conference committee are authorized to put in these words, they are authorized to put in any other words they desire, whenever it shall appear to the members of the committee that it would be a wise and judicious and proper thing to do. What I want the Senator from Texas to understand is that he is enacting a law. It is true that there is not much of it, but the principle is the same as if it contained half a dozen pages; and if you can do that, you can enact a law that has never been considered by either branch of the National Legislature, has not been read the first time, the second time, or the third time, and upon which there has been no discussion. Does the Senator from Texas think we should destroy that principle of constitutional law that a bill must be read and must be voted on here simply because, forsooth, somebody may say the Senate and the House ex industria left themselves out of a penal statute?

Mr. President, so far as I am concerned, I am now ready to vote for a resolution—a joint resolution, a measure that has the force of law, or a statute, or in any other way—carrying out the purpose of this amendment, but I am not in favor of creating here a precedent or admitting that under any press of circumstances, no matter how great, we will relax the rule that legislation shall come to us as the Constitution of the United States provides it shall and in no other way.

Mr. TILLMAN. Mr. President, I hope the Senator from Colorado will not withdraw his point of order, because, while I sympathize with the Senator from Texas and feel that it is unfortunate that these words "including Representatives and Senators" were not put in, I wish to call his attention to something that happened in this body some seven or eight years ago under similar circumstances, except that the committee of conference were not open, and I thought were not clean. I used the word "clean" once before in regard to their action. It was a sneaky, dirty trick which was played by some one; I do not know by whom.

But in a conference report a provision was sneaked in and went through here—it was never considered or read in the Senate—authorizing the Attorney-General to sue the State of South Carolina on some old Indian bonds. That shows the importance of not allowing a conference committee to legislate, no matter how much needed the legislation may be. It is no trouble to have a law amended. The President notified us the other day in regard to a joint resolution of inquiry that we had omitted a very important part of it. He thought so; I did not. Some Senators agreed with him, and some did not, but all the same we amended the joint resolution so as to strengthen it in the place where he said it was weak.

It will be very easy to amend this proposed law. The Senator can move to amend it, or he can take the report back; just get it away from the conference committee, if that can be done. However, if it can not be done, let us pass it just as the two Houses have passed it, and then amend the law immediately, so as to provide that Senators and Representatives shall not be exempted. But we should not allow any conference committee to legislate here.

Mr. CLARK of Wyoming. Mr. President, I feel very confident that the conference committee would not have presented this matter if we had thought it would bring forward such a strong appeal for the sacred rules of the Senate. We talked about that matter a little, and I think it is true that not a day passes, while this body is in session, that we do not break the rules of the Senate. We have a right to set aside the rules of the Senate.

The conference committee in this case do not present the conference report without an explanation. We do not present the report as a finality. The wording of the report itself says that the conference committee asks the judgment of the two Houses on this particular point. If the judgment of the two Houses is that Members of Congress ought not to be included in the proposed law at this time, the conference committee is more than content to take back the report.

Mr. TILLMAN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wyoming yield to the Senator from South Carolina?

Mr. CLARK of Wyoming. Certainly.

Mr. TILLMAN. The Senator is begging the question. The Senator ought not to feel at all sensitive about it, because having made the explanation——

Mr. CLARK of Wyoming. Just a moment there. The Senator from Wyoming has just said that the conference committee are not at all sensitive about it. They are perfectly willing to take back the report if that is the judgment of the Senate.

Mr. TILLMAN. The judgment of the Senate is, it ought to go in, but not in this way.

Mr. CLARK of Wyoming. All that it asks is the judgment of the Senate as to this particular thing. That is why we brought in the report; that is what we are waiting for, and there is no sensitiveness whatever about it.

But I call the attention of the Senator from South Carolina to the fact that an objection does not send the bill back to conference. An objection, under the rules of this body and the precedents of this body, only calls forth the judgment of the Senate upon the report. A single objection in the other House, as I stated, or a point of order, I understand, does send it back. But the objection here simply does what the committee asks—gives us the judgment of the Senate upon that point.

Mr. CULBERSON. Mr. President, I trust the Senate will pardon another word. I think the Senator from South Carolina has omitted a consideration which properly enters into this matter, and to suggest it I will read a portion of the second section—just the point of dispute:

> Every officer or employee of the United States and every person acting for or on behalf of the United States in any official capacity under or by virtue of the authority of any Department or office of the Government thereof who shall, etc.

This is rather broad language. It not only includes any officer, by that designation, but provides that any person who, acting for or on behalf of the United States in an official capacity, shall do so and so shall be guilty of a certain offense. The point to which I desire to call the attention of the Senator from South Carolina is that in a popular sense, for instance, or in a qualified sense, a Senator or a Representative is acting in an official capacity on behalf of the United States when we legislate, though in strictness of constitutional law they are said to be officers of the State.

In order to clear up that difficulty and to present the matter fairly and frankly to the Senate, the committee suggest that they are in doubt as to whether the words "and every Member of Congress" would add to the statute. On the contrary, it might be suggested that it was simply explanatory of what the two Houses of Congress had theretofore intended to do and attempted to do. I submit, Mr. President, that we ought to consider that feature, if I have made myself clear upon it, in determining whether the technical rule, supposing we have violated it by bringing this report here, ought not to be set aside by the unanimous consent of the Senate and those words, which in a strictly technical sense it is conceded ought to be included, inserted in order to include each Member of the House and each member of the Senate.

Mr. TILLMAN. The Senator from Texas does not understand me as objecting to what he is trying to accomplish?

Mr. CULBERSON. Not at all. But my point—I may not be able to make it clear—is that the insertion of these words in a certain sense adds nothing to the law——

Mr. TELLER. Then leave them out.

Mr. CULBERSON. But makes it clearer; and in order to guard against any doubt upon that subject we suggest that those words go in, so that the statute may be complete and may include all persons who ought to come within its inhibition.

Mr. LODGE. Mr. President——

The VICE-PRESIDENT. Does the Senator from South Carolina yield to the Senator from Massachusetts?

Mr. TILLMAN. I yield to the Senator from Massachusetts.

Mr. LODGE. Mr. President, certainly this is an unusual proposition and seems to establish a precedent that is rather dangerous. I should like to suggest to the Senator in charge of the conference report whether it would cause any material delay or make any material difference really if he would withhold the conference report until the two Houses can pass a concurrent resolution authorizing the conference committee to insert these words? Then the words will have gone through and taken the usual course, and the conference committee will have the authority to do it. It could not be a matter of more than twenty-four or forty-eight hours, and it will save the establishment of what I can not help but believe is a dangerous precedent.

Mr. CULBERSON. I will ask the Senator from Massachusetts what is the difference in substance between authorizing it now, while the conference report is here, and authorizing it after the matter goes back to the conferees?

Mr. LODGE. I think there is a great deal of difference in substance. If conference committees are to have the power to come in here and propose new legislation on which the minds of the House have never met and which has never passed the Houses in due process, there will be no end to the amount of legislation that will be proposed, and it will pass according as the majority will rally to the conference committee. If we put this through in the form of a joint or a concurrent resolution, authorizing the committee to do it, it takes the regular course, just like any other legislation of that kind, and it protects us from establishing what I think might easily fall into a dangerous precedent.

Mr. BACON. I desire to suggest to the distinguished Senator from Massachusetts that if it was attempted to have this passed by a vote in the Senate what he says as to its being an unfortunate precedent would certainly be eminently correct; but, as I understand the committee, they have recognized from the beginning that this could only be done by unanimous consent, and nothing which requires unanimous consent——

Mr. CLARK of Wyoming. I beg the Senator's pardon.

Mr. LODGE. That has been refused. Moreover, the point of order does not lie in the Senate as it does in the House. It ought to lie in the Senate and be fatal, but it does not, under our rule.

Mr. BACON. I understand unanimous consent has been refused, and the Senator from Texas says he recognizes that, in view of the objection of the Senator from Colorado, it can not be acted upon.

Mr. CLARK of Wyoming. I beg the Senator's pardon. I do not think the committee understand that. The committee understand that the well-established precedents in this body are that a conference report does not go back upon a mere objection.

Mr. BACON. Oh, I understand that, of course.

Mr. CLARK of Wyoming. But it goes back at the will of the Senate.

Mr. LODGE. That is what I have said—that one objection has no effect.

Mr. CLARK of Wyoming. So I understood.

Mr. LODGE. The only question in order is the question of consideration.

Mr. BACON. The Senator does not misunderstand me. I do not mean to suggest that, according to any regular rule, in acting upon conference reports, unanimous consent is needed, but I understood the Senators to present this report to the Senate with the recognition on their part that it was outside of the regular rule, and that unanimous consent would be required. I may be mistaken as to their presentation of that matter.

Mr. TILLMAN. The point I tried to make does not seem to impress some of my brethren here, and that is that other conferences might not be so open and square in dealing with us. I instanced a case in which totally new and strange and unheard of provisions were incorporated in a conference report. They never had been considered by either branch of Congress. They were passed through without anyone here detecting it. They became a law. Now, if we squint even toward not upholding our rules and not requiring conferees to understand their limitations, we certainly will throw down the barriers and we will have legislation by conferees. That is what we are trying to prevent.

Mr. CLARK of Wyoming. I understand that, but it seems to me exceedingly unfortunate that that rule should be strictly invoked against this particular measure.

Mr. TILLMAN. It is exceedingly unfortunate that some one did not discover the omission of these words from the act when it was on its passage. But I contend that we can better remedy it by an amendment or by a concurrent resolution, as suggested by the Senator from Massachusetts, authorizing the conferees of the Senate to agree to the incorporation of these words, than we can afford to let it go through in this way. It may appear a small thing, but a small spark sometimes kindles a great fire.

Mr. TELLER. I suppose the proper motion, in order to get rid of this matter, would be to move to disagree. Of course, I have no more interest in this matter than has anyone else. I raised the objection because this proceeding is out of order, because it would tend to establish a precedent which would be very dangerous in the future, and because I believe it is in violation of the Constitution of the United States. Every Senator here agrees that the committee had not any right to insert the words, and I think the committee knew they had not any right, but thought perhaps the Senate might waive the objection in this case. I am not disposed to waive it. Having made my objection, I leave the committee to take such steps with their report as they see fit.

The VICE-PRESIDENT. The question is on agreeing to the report submitted by the conference committee.

Mr. TILLMAN. Is there a point of order pending? Will a point of order lie against it? Will the Chair please rule, the matter having been brought to its attention, whether it is within the province and power of a conference committee to incorporate new legislation?

The VICE-PRESIDENT. The Chair does not think that a point of order would lie against a conference report.

Mr. LODGE. Not according to our rules.

The VICE-PRESIDENT. It is a matter for the acceptance or rejection of the Senate. If the Chair sustained or overruled the point of order, it would find itself in the position of determining matters entirely within the control of the Senate. In the opinion of the Chair the question is on agreeing to the report submitted.

Mr. SPOONER. I suggest to the Senator who submitted this report that he let it go over until to-morrow——

Mr. CLARK of Wyoming. There is no objection to that.

Mr. SPOONER. And let us see if we can not devise a way to remedy this difficulty.

Mr. CLARK of Wyoming. There is no objection to that course. There is no immediate haste.

Mr. SPOONER. That ought to be done.

Mr. CLARK of Wyoming. Let it lie upon the table until it is called up.

Mr. PERKINS. If this matter is to go over till to-morrow, we may resume, I trust, the consideration of the fortifications appropriation bill.

The VICE-PRESIDENT. Does the Senator from Wyoming desire to withdraw the conference report?

Mr. CLARK of Wyoming. I desire that it shall lie upon the table subject to call.

The VICE-PRESIDENT. Without objection, it is so ordered.

## FORTIFICATIONS APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 14171) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes.

Mr. NEWLANDS. Mr. President, the bill as it came from the House provided "for the construction of seacoast batteries in the Hawaiian and Philippine Islands, $600,000," and to this the Senate committee has added the amendment—

*Provided*, That no part of this sum shall be expended at Subig Bay, Philippine Islands.

I assume that that brings up the controversy between Cavite, adjoining Manila, and Subig Bay, as to which shall constitute the great naval station and commercial base of the future.

Mr. WARREN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Nevada yield to the Senator from Wyoming?

Mr. NEWLANDS. Certainly.

Mr. WARREN. I desire to say that while that may be the inference, it is not what influenced the Committee on Appropriations in providing that no part of this sum shall be expended at Subig Bay. What influenced the committee was that the amount, $600,000, was too little to erect necessary works for defense of Subig Bay, and, second, that there is nothing at present in Subig Bay that needs protection, while the Hawaiian Islands and Manila Bay should be fortified at once.

Mr. NEWLANDS. But still, Mr. President, it raises the question whether these fortifications should be centered at Cavite, adjoining Manila, or Subig Bay, and there is a controversy between the Army and the Navy upon that question.

Until recently it was universally conceded that the fortifications should be centered in Subig Bay. Admiral Dewey, with a board of naval officers, made a report in favor of Subig Bay as the naval station of the future. That report was made some years ago, and the Navy Department, in pursuance of that report and in pursuance of legislative action upon the subject, has been making plans with reference to the construction of works of fortification at Subig Bay. It is only recently, I believe, that the Army has taken a position against that assumed by the Navy.

Mr. WARREN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Nevada yield to the Senator from Wyoming?

Mr. NEWLANDS. Certainly.

Mr. WARREN. It would be wrong for me to permit the Senator to make that statement unchallenged. This is not a difference between the Army and the Navy. A great many Army officers believe in Subig Bay as a great naval base. On the other hand, a great many naval officers believe that it is not yet time to take up the matter of Subig Bay. So there is a divided opinion in both the Navy and the Army, but it is in nowise a contest between the Navy and the Army as such. It is in nowise a contest of this kind on the part of the Committee on Appropriations that reports this bill. There is no member of the Committee on Appropriations who is not ready to take up the matter of Subig Bay and finally fortify it, if the Navy shall eventually choose that course and show that the works and fortifications there will be necessary. They do believe that we should wait until we have an estimate, so as to know what it will cost to fortify that bay, as well as what the naval expenditures there will be.

Mr. NEWLANDS. It may be, Mr. President, that there is a difference of opinion amongst naval officers as to whether these works should be centered at Subig Bay or at Manila, but I am sure I am safe in saying that a preponderance of the sentiment of the naval officers, and particularly of those who have carefully examined the matter, is in favor of Subig Bay. I am also correct in saying that whilst there is a difference of opinion in the Army upon this question possibly the preponderance of sentiment in the Army is in favor of Cavite. So we have this contest going on.

Whilst the Taft party was in the Philippines during the past summer the matter was discussed there. General Corbin and, I believe, General Wood are strongly in favor of having all these works centered at Cavite. The Taft party inspected Cavite and Subig Bay, with a view of enabling them to arrive at some judgment and conclusion regarding them.

So, I say, we have here a provision which, in part at least, decides against Subig Bay and decides in favor of Cavite, for the bill as it stands with this amendment will permit the entire $600,000 provided for by the bill to be expended at Cavite.

I submit that whilst this is a matter of controversy, and until the plans are fully presented to the Congress of the United States, and until we have an opportunity of reaching a deliberate judgment upon this question, it is unwise for Congress to permit any money whatever to be expended at Cavite. Yet under the bill the whole of it, or very nearly the whole of it, could be expended there.

Mr. WARREN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Nevada yield to the Senator from Wyoming?

Mr. NEWLANDS. Certainly.

Mr. WARREN. The Senator evidently has overlooked the language of the bill. The bill provides for seacoast batteries in the Hawaiian Islands, and provides for the Philippine Islands.

Mr. NEWLANDS. That is true. They could spend $1 in the Hawaiian Islands and $599,999 in the Philippine Islands.

Mr. WARREN. It could all be expended in Subig Bay if needed, but it is not expected that any such course would be taken. I wish to say again—I have said it several times—Senators insist upon intended fortifications at Cavite. There is no intention of fortifying Cavite with this appropriation. It is simply to fortify the mouth of Manila Bay, and that of course fortifies, generally speaking, Manila and Cavite. If we went on exactly as is proposed by Admiral Dewey with Subig Bay we would still have to fortify Manila Bay, but not Cavite by itself.

Mr. NEWLANDS. Still, I insist, Mr. President, that we have not had such plans presented to us with reference to fortifications in the Philippine Islands as to enable us to form a judgment upon the question, and we are now asked by this fragmentary legislation to gradually commit the United States to the construction of fortifications at this place or that without having the plans presented to Congress which are necessary to enable it to form a judgment.

We have not yet determined whether we want any fortifications in the Philippine Islands and we are not in a position yet to determine that matter. We will have to consider the question of a coast line of the Philippine Islands larger than that of the entire United States, and we will have to consider the question as to whether, if we enter upon the fortification of those islands, it will not involve an expenditure in the end larger than that already accomplished in the coast defense of the United States. We will have to consider the question as to whether the fleet itself is not ample protection to those islands and whether it is not the most economical and the most adjustable protection of those islands. It seems to me we ought to have this entire question, in all its comprehension, presented to the Senate of the United States and not have it presented in this piecemeal way.

Now, Mr. President, the Senator from West Virginia [Mr. ELKINS] says that this opposition is a suggestion that we intend to give up those islands; and he announced it as his opinion that the American people will never give up anything that they have acquired, that they will never give up land or anything unless they obtain something in return.

Mr. President, that will depend upon the question as to whether the United States will act according to the usual rules of wisdom or not. The Senator's expression would intend us to believe that his view is that when a nation has once gone wrong it should always stay wrong. I heard a Senator in the Philippine Islands say the United States never took a step backward. I presume he would say that if he fell into a well

or if he advanced into a quicksand. I assume that the United States, this great nation, will act as an individual under similar circumstances, and when its attention is called to action that may have been immature and unwise it will act upon judgment and reflection, whether that action involves going forward or going backward.

But there is one thing which has not yet been determined by the American people, and that is that we intend to hold permanently to the Philippines. Until we adopt a permanent policy regarding the Philippine Islands, I insist upon it that it is folly to commence a system of fortifications in those islands which, according to the testimony of some, will take from fifty to one hundred or one hundred and fifty million dollars.

When the treaty with Spain was ratified, what did the Senate say by solemn resolution? There were two resolutions voted for, one the resolution offered by the Senator from Georgia [Mr. BACON] and the other the resolution offered by the Senator from Louisiana [Mr. MCENERY]. One resolution declared it to be our purpose not to hold permanent sovereignty of the Philippines, but to withdraw and give over the government of those islands to its own people. The other also declared that it was not our purpose to hold permanent sovereignty of the Philippines; that it was not a part of our policy to make the Philippines an integral part of the United States. Whilst the Senate differed as to a declaration regarding the final disposition of the islands, there was a unanimous vote in the Senate that these islands were not to be held as an integral part of the United States, those who voted for the treaty insisting upon it that they were to be disposed of hereafter in a manner best suited to the interests of the people of the Philippine Islands and the people of the United States, the minority members insisting that they were to be held only for a brief time, with a view to turning over the government to the Filipino people.

So we stand of record, when the treaty with Spain was adopted, declaring against holding these islands as an integral part of the United States, and that declaration received the vote of every man in the Senate.

Now, have we made any declaration to the contrary? And what are the declarations of the parties regarding the subject? The Democratic party has uniformly taken the position that those islands are to be held in trust for their own people; that we are discharging the powers of sovereignty there in trust for the Filipino people, and that those powers are to be turned over to the Filipino people themselves.

What is the declaration now of the Republican party? That we hold these islands in trust for civilization and for the Filipino people; that we hold them simply because the Filipino people are not fitted for self-government, with the corresponding implication that when the Filipino people are prepared for self-government the government of those islands will be turned over to them.

And what are the declarations of the leading men in the Republican party charged with the enforcement of the policy regarding the Philippine Islands? Secretary Taft has uniformly declared throughout the Philippine Islands that our only right and our only duty and our only obligation there is to prepare those people for self-government; and with that view we are instructing them in a common language and teaching them the principles of self-government.

It is true he is indefinite as to the period of withdrawal. Why? Simply because he says it is impossible to tell when they will be prepared for self-government. Inasmuch as their preparation for that function is indefinite, he insists that the declaration itself shall be indefinite so far as time is concerned.

And what does the President of the United States say upon this subject? In a recent message touching upon the Philippine question he declared that it was the hope and the trust of our people that ultimately the Philippine Islands shall bear the same relation toward us that Cuba now does. What relation does Cuba bear to us? That of an independent Republic, protected by us, but having all the qualities that belong to self-government, with certain limitations imposed upon them by her own constitution and by her treaty with us, limitations simply involving our power to protect her against her own folly in the creation of debt and in the sanitation of the islands.

Now, Mr. President, if that be the ultimate purpose of the Republican party, as represented by its Chief Executive, what does it mean? Why, that those islands are to be held as a separate entity, absolutely distinct from the United States, with their own laws, with their own government, bound to us only *by a single tie*, and that is the commission that governs them, that commission ultimately but progressively to give way to a government of their own people when the Philippine Islands shall have acquired a common language and shall have acquired fitness for self-government.

If these islands are not to be held as an integral part of the United States, and if both parties unite in the assumption that they are to be held for the exercise of the powers of sovereignty there by the people themselves at some time or another, I ask whether it is a wise thing for us to expend millions and tens of millions and hundreds of millions in fortifying those islands, as if we intended permanently to retain them? Is it not the wise policy simply to maintain some port like Subig Bay or Batan Island as a naval station and coaling station in the future, to be held as a part of the great chain of naval stations and coaling stations throughout the world acquired by us without dependent peoples?

Now, there are two points that can be selected as a reservation when the time comes for withdrawal. One is Subig Bay, in the northern part of the island of Luzon, nearest to Hongkong. The other is Batan Island, lying to the southeast of Luzon. Batan has the advantage of being absolutely separated by water from the rest of the Philippine Islands; it has the advantage of having almost no population; it has the advantage of having large coal fields, and it has the advantage of a great port. So it has all the advantages, except, perhaps, the location, that the island of Hongkong has to the British Empire. That island has only come into prominence lately as a commercial station or naval station, and it adds to the advantages of Subig Bay the advantage of having great coal deposits of immense value.

As to Subig Bay, it is true it is a part of the great island of Luzon, but it is separated from the rest of the island by high mountains, and immediately around this bay there is a very sparse population, I believe, not aggregating more than 3,000 people. So with these high mountains encircling it, it can be easily protected against the rest of the island, and the harbor itself is one of exceptional capacity.

If we are to have a naval station, a commercial and coaling station, after we part from the Philippine Islands, it must necessarily be either Subig Bay—"Olongapo," as it is called—or the island of Batan. If we are to retain such a naval station, it is essential that we should center every dollar of our military expenditure upon that station.

Now, Mr. President, we are beginning to realize that there is no money in the Philippines. Different motives led the American people to hold on to the Philippines. The commercial sentiment was, of course, the strongest—the commercial sentiment united with the religious sentiment and an unthinking altruism regarding the holding of these islands. The church people wished to hold them because they wished to Christianize them. They now begin to realize that they are Christianized; that they are under the control of the Catholic Church, and they are likely to remain there. The Catholic Church is doing good work amongst them.

So far as the commercial sentiment of the country is concerned, we are beginning to realize that there is no money in the Philippines. There is no money in the Tropics anywhere. The temperate region has robbed the Tropics of their oldtime monopoly in certain products, so that to-day in the Temperate Zone we are producing sugar and tobacco, which used to be the monopoly of the Torrid Zone, a monopoly from which they made large profits; and we are beginning to realize that production can not be stimulated in the Tropics without either slave labor or forced labor. So the commercial sentiment of the country is beginning to realize that there is no money in the Philippines.

As to the altruists, their views are all tending to the conclusion that the best thing to do is to leave the government of those islands to their own people; that a democracy has no right to impose government by force upon people struggling to be a democracy; that a government of the people and for the people and by the people can not maintain anywhere consistent with its traditions a government by force.

Mr. President, the sentiment of this country is gradually growing in favor of the relinquishment of the Philippines, and we are now reaching a point where we can view the whole question in a nonpartisan spirit. The two parties are approaching each other upon this question. The declarations of the President and of Secretary Taft resemble the declarations which were made in the Bacon resolution, upon which the Democrats voted three or four years ago. So I insist upon it that it would be the highest folly for us to expend large sums of money in islands which we may yet withdraw from, and which we probably will withdraw from; and it is good judgment only to center our expenditures at a point which is likely to be held as a part of our commercial system in the future.

I am in hearty sympathy with this amendment to strike out all of the paragraph relating to the Philippine Islands, so that this entire appropriation will be for the Hawaiian Islands alone; and then later on we will consider our policy with ref-

erence to the Philippine Islands. We are about to consider it very soon in questions relating to the tariff. We will probably be called upon to consider it very soon in estimates for appropriations that will come from the War and Navy Departments with reference to comprehensive plans relating to the military and naval improvements there. It seems to me to be the height of wisdom to strike out from this bill every appropriation that relates to the Philippine Islands.

The VICE-PRESIDENT. The question is on agreeing to the amendment reported by the committee.

Mr. LODGE. I hope the Senator in charge of the bill will allow the committee amendments to go over. It is entirely dependent upon the other amendment.

Mr. PERKINS. Mr. President, I certainly will place no obstacle in the way of a fair expression of the Senate upon the amendment proposed by the committee; but if on the desire of the Senator it is to be temporarily passed over, I should like first to make a few remarks in reply to one of his charges that this would be a wasteful expenditure of money. I will state that the estimate in the Book of Estimates, made originally by the Secretary of War, was, for Manila, $2,000,000, which was reduced to $500,000; for Subig Bay, $500,000, which was reduced to $240,000, and for Honolulu and Pearl Harbor, $520,000, which was reduced to $260,000. In the bill we simply provide that this money shall not be expended in Subig Bay, for the reasons which have been stated over and over again. We have no plan, no system, that has been adopted for the fortification of that port, and the money already appropriated has not yet been used.

But I think it would be unwise to accept the amendment to strike out the appropriation for the Philippine Islands. We have already spent nearly $3,000,000 on fortifications at the island of Corregidor, and the estimate required to complete them is $2,000,000; not, as has been stated by the Senator from Wyoming [Mr. WARREN] so pertinently, for the fortification of Manila Bay, but for the defense of the great city of Manila, with a population of nearly a quarter of a million.

I want to answer the Senator from Wisconsin, who asked me the question before leaving the Chamber, why it was particular ports were named in this bill, when heretofore we have made these appropriations, as he understood it, in bulk for the Board of Fortifications and Ordnance to expend? That is very true, Mr. President. In 1883, in March, I think it was, Congress provided for the appointment of a Board of Coast Defense, consisting of the Secretary of War, two engineer officers, two ordnance officers, and two civilians. We made, however, no appropriations for their work until 1888. At that time the board organized and was known as "the Endicott Board." That Board completed a plan for each port—twenty-two ports in the United States, on the Atlantic coast and on the Pacific coast, with detailed plans for each one of those ports. Under those plans we have expended $120,000,000, in round numbers; $65,000,000 have gone for emplacements and guns, and the other $55,000,000 have been expended in the purchase of sites for torpedo stations, arsenals, and other accessories that were necessary for use in connection with the fortification of the different ports.

On January 31, 1905, the President, by authority of Congress, appointed a new board to revise the plans of the Endicott Board, and as the Senator from Massachusetts [Mr. LODGE] has read, they have classified them, and twenty-nine different ports, I think, have been named; among them, as he states, Subig as one which they have recommended should be fortified. They have left out quite a number of other places—I have in mind one in the State which I have the honor in part to represent—the great city of Los Angeles, in a county containing three or four hundred thousand people, on the harbor of which, San Pedro, the Government has expended over $3,000,000 in building a sea wall and a harbor of refuge; yet that is not embraced in the places provided for. I only refer to it incidentally in passing. I wish to show that the plan of that Board has not yet been fully matured. As evidence of that, they give us no recommendation, no estimates, no plans for the fortification of our insular possessions.

California, Mr. President, is one of the brightest gems in our constellation of States. Pardon me for alluding to it in endearing terms. My friend from Massachusetts [Mr. LODGE] regrets that he is not a resident of that State or a citizen of it. True they may not send their best men to represent them in Congress, but they send men who are loyal to the great interests of their people. I will say to my friend from Massachusetts that, if he lived there long enough, he might have a chance to represent that State. If we could have the benefit of his great learning and his great experience, I am sure it would add tenfold to the result of the work that her present representatives have been able to accomplish.

Mr. LODGE. Is that not a digression?

Mr. PERKINS. True, Mr. President, I am digressing. If the amendment which is proposed by the Senator from Massachusetts should prevail, he had better take the whole bill from your committee and revise it.

Mr. LODGE. I have not proposed any amendment.

Mr. PERKINS. I thought the Senator proposed the one that is pending.

Mr. LODGE. No; the Senator is mistaken. The Senator from Colorado [Mr. TELLER], a member of the Senator's own committee, has offered the amendment.

Mr. PERKINS. Mr. President, in this bill there are $200,000 appropriated for guns for the insular possessions. The appropriations to which the Senator referred, which were made last year, were for guns which are in the process of being manufactured at the different arsenals of our country.

The reason we have named these ports this year was that a member of our committee offered the following amendment, to which we all gave our sanction:

Hereafter all estimates for fortifications of insular possessions of the United States shall be made and submitted to Congress, showing the amount proposed to be expended at each harbor in each insular possession.

That was done for the reason that much opposition developed in doing anything in our insular possessions, so far as the fortification of different ports in those possessions was concerned.

I want to say to the Senator from Wisconsin that, while we have appropriated this money in bulk heretofore and have left it to the Board of Coast Defenses and Fortifications, to which I have referred, yet the information which they have always furnished your committee is in print of the number of guns, the emplacements, and the number of mortars with which they intend to fortify each port. They have brought to your subcommittee the blueprints and explained them to us fully in detail; but we do not wish to publish to the world our system of defense, the number or the caliber of our guns, or the ammunition that we were to use with them.

Mr. SPOONER. The Senator from California did me the honor to refer to me. He does not mean to imply that I sought to secure the publication of these military secrets to the world, does he?

Mr. PERKINS. I am replying to the inquiry the Senator propounded a while ago in regard to our departure from the system which heretofore prevailed. The reason was that your committee have brought into the Senate in the past ten or twelve years, during which time I have been a member of the committee, this information in a condensed form, without going into details, and I am only endeavoring to explain why there was this year put into the bill appropriations for those ports in the insular possessions which have not heretofore appeared.

Mr. SPOONER. If it will not disturb the Senator from California, I should like to ask him a question for information.

Mr. PERKINS. I yield to the Senator with pleasure.

Mr. SPOONER. What is the amount of money that it is estimated will be required for fortifications in Hawaii?

Mr. PERKINS. In the Book of Estimates, which I have before me, the estimate is $2,000,000 for Honolulu and Pearl Harbor, $520,000 to be expended during the coming year; but the whole amount necessary, according to private information I have from the Department, will be two or three million dollars to fortify Honolulu Harbor and Pearl Harbor, where it is contemplated to make a naval station, as the Senator is aware.

Mr. SPOONER. The bill appropriates $600,000 for the construction of seacoast batteries in the Hawaiian and Philippine Islands. How much of that $600,000, if the Senator will be kind enough to tell me, is provided for the Philippines and how much for Hawaii?

Mr. PERKINS. About $300,000 for the Hawaiian Islands and about $300,000 for the Philippine Islands.

Mr. SPOONER. Then, if the amendment offered by the Senator from Colorado should be adopted, the entire sum would not be necessary?

Mr. PERKINS. Then the whole $600,000 would be expended in the Hawaiian Islands. I think it would not be advisable to adopt that amendment, for the reason that we have appropriated in this bill every dollar that the War Department desires in order to purchase sites. There has been a combination made against the Government to charge extravagant prices for the site near Pearl Harbor.

Mr. SPOONER. I prophesied a couple of years ago that that would happen.

Mr. PERKINS. For that reason, if for no other, the amendment proposed by the Senator from Colorado should not prevail. Though he is generally very attentive, at the time this matter was being considered by the committee the Senator from Colorado had so many other duties that he was not able to be present in committee. I am satisfied if he had been there, had

listened to the testimony, and investigated the subject, as we have done, that he would have been of a different opinion.

Mr. SPOONER. I have a notion that if the amendment of the Senator from Colorado be adopted, it would be eminently proper to reduce the appropriation of $600,000 for Hawaii to $300,000.

Mr. PERKINS. I think so. I think the information of the committee is that that is all that can be advantageously expended this year.

Mr. FORAKER. Before the Senator passes from that point, I should like to inquire what progress has been made in acquiring sites for the seacoast batteries at Hawaii, and what progress has been made in acquiring the necessary ground at Pearl Harbor?

Mr. PERKINS. As to several tracts of land, condemnation proceedings are now pending in the courts of Hawaii. The courts, however, move justly, but slowly at times, in our insular possessions; and so the titles have not been fully adjudicated. Other tracts have been bonded for certain sums, and it is claimed the coming year will place the Government in possession of all necessary sites which will be required in Hawaii.

Mr. SPOONER. Can the Senator estimate the sum?

Mr. PERKINS. That I am unable to say.

Mr. FORAKER. The estimated cost will not exceed, as I understand, what has already been appropriated on that account.

Mr. PERKINS. I will state that the amount of money which the War Department asked for sites has been appropriated in each annual bill.

Mr. FORAKER. I am talking about the site at Pearl Harbor. As I understand it, we made an appropriation a year ago, and that appropriation has not been used.

Mr. PERKINS. That is also the case at Honolulu.

Mr. FORAKER. Yes. The appropriation heretofore made is sufficient, so far as anyone is at present advised, in all probability, to pay for all the ground that is being condemned.

Mr. PERKINS. I so understand.

Mr. FORAKER. And this appropriation is intended to cover the sites for seacoast batteries at Pearl Harbor and Honolulu. Now, how much of it, can the Senator tell us, is intended to pay for sites?

Mr. PERKINS. The amount has not been segregated, so far as I am informed, but it was estimated, in round numbers, that from two or three hundred thousand dollars could be advantageously used in the Hawaiian Islands.

Mr. FORAKER. I will ask the Senator if that did not cover not only the sites, but also a part of the cost of establishing batteries?

Mr. PERKINS. We have also provided in another place for the sites and emplacements. In one place in the bill we have provided for the manufacture of various guns of different calibers.

Mr. FORAKER. I had reference to the emplacements and the general preparation necessary to be made to receive the armament, whatever it may be. If that is provided for in another part of the bill, is it not true that a good deal more than $600,000 will be needed in order to pay for a site for these seacoast batteries and for the erection of emplacements and the necessary preparation to receive the armament?

Mr. PERKINS. It will require about a million and a half to two million dollars more; but it will not be necessary to make that available for the coming fiscal year.

Mr. FORAKER. I do not know what is the plan of the War Department.

Mr. PERKINS. I will state also to the Senator as to the guns the War Department is considering the advisability of increasing the caliber of coast-defense guns from 12 to 14 inches. It is said that with the high explosives which they use in the 14-inch gun they will get 50 per cent more power, more energy, more force, and more destructive ability than from the 12-inch gun. The 14-inch gun will expel a shell from the muzzle of the gun 2,550 feet per second, going with an energy as it is expelled from the gun of 47½ tons, carrying nearly 5 miles, and penetrating steel armor of 12 inches in thickness at that distance.

Mr. FORAKER. Mr. President, I want to ascertain from the Senator from California—I should like to, at any rate, before he takes his seat—what, in his judgment, will be a sufficient sum to appropriate for these seacoast batteries in Hawaii? I supposed that it was the purpose of the War Department to acquire the sites and proceed at once to the preparation necessary for receiving the armanent, and that they were perhaps limiting the appropriation on account of sites for seacoast batteries only because of this general plan, which was requiring so much money. But it seems to me that the amount of $600,000, if I am correctly advised, could all be used to good advantage. I think they will go right forward with their work, acquire sites, and make the preparations necessary for receiving the armanent. The Senator, however, knows more about that than I do.

Mr. PERKINS. Mr. President, I will say that your committee are in full accord with the distinguished chairman of the Committee on the Pacific Islands and Porto Rico, and feel that every dollar that can be advantageously expended in fortifying this very desirable point in the Hawaiian Islands should be used. Their information is presented in their report to the Senate that this $600,000 should be divided according to the judgment of this new Board of Fortifications and Ordnance, consisting of the Secretary of War, Hon. William H. Taft, Lieutenant-General Chaffee, Major-General Greely, General Crozier, the Chief of Ordnance, the Chief of Artillery, the Chief of Engineers, two members of the Navy, Rear-Admiral Thomas and Captain Sperry, and also a distinguished Army officer as secretary of the Board. This report only reached us a few days since. It was not printed, and therefore your committee did not have an opportunity of examining it at that time.

Mr. CLAY. I do not understand the Senator to say that $600,000 could be advantageously spent in the Hawaiian Islands?

Mr. PERKINS. I stated that your committee were advised that two or three hundred thousand dollars was all that could be expended advantageously in the Hawaiian Islands during the coming year.

Mr. CLAY. I know the Senator is aware of the fact that the last Congress in passing the fortifications appropriation bill especially provided that an itemized statement should be furnished to the Committee on Appropriations of how much money should be spent in each one of these harbors in the future; and really, I believe that the appropriation bill ought to specify how much money is to be spent on each harbor.

I know the Senator is perfectly familiar with the fact that the Secretary of War only asked for $260,000 for the Hawaiian Islands. He asked for $500,000 for Manila and for $260,000 for Honolulu and Pearl Harbor, and he himself says that is the amount of money that can be advantageously expended there next year. Consequently, if that amendment should prevail, it would be necessary to decrease the appropriation from $600,000 to $260,000.

Mr. PERKINS. Only $520,000 was asked for Honolulu and Pearl Harbor. That was reduced to $260,000 in the Book of Estimates, which the Senator has quoted.

Mr. CLAY. That is correct—$260,000.

Mr. PERKINS. Therefore, I reiterate that which has been stated again and again, that I do not think the amendment proposed by the Senator from Colorado should prevail. I believe that if the Senate should resolve itself into a Committee of the Whole and examine the testimony which we had before us in the committee—testimony which we can not present without giving too much publicity to it—they would agree with the conclusions at which your committee have arrived.

Mr. BACON. I should like to ask the Senator if he thinks a part of this fund should be appropriated to the fortification of Cavite?

Mr. PERKINS. I do, most certainly. There is no question about it. It is true that my friend from Georgia——

Mr. BACON. I am not speaking of Corregidor Island; I am speaking of Cavite itself.

Mr. PERKINS. I am speaking of Corregidor Island.

Mr. BACON. That is 30 miles from Cavite.

Mr. PERKINS. Aye; but it guards the entrance to the bay.

Mr. BACON. I did not misunderstand the Senator, but he misunderstood me. I am not speaking of Corregidor Island.

Mr. PERKINS. I am not advised as to Cavite. We have, however, a naval station there; we have machine shops there, and the testimony of the Bureau of Equipment and the Bureau of Yards and Docks is that it is ample for all purposes at this time.

Mr. BACON. I had reference especially to Cavite itself, not to the island of Corregidor.

Mr. PERKINS. I can not speak as to that.

Mr. WARREN. I had the privilege of looking over the plans for the islands. There was nothing proposed for Cavite, as has been stated a great many times on the floor; but it is proposed to fortify the entrance to Manila Bay, which, of course, protects Cavite as well as Manila. I do not understand there is a dollar to be expended on fortifications at Cavite proper from this proposed appropriation.

The VICE-PRESIDENT. The Chair understands that the Senator from Massachusetts requested that the amendment under consideration should be passed over temporarily.

Mr. PERKINS. I have no objection to the amendment being passed over.

The VICE-PRESIDENT. In the absence of objection, the amendment will be passed over temporarily.

The Secretary resumed the reading of the bill at page 8, line 9. The next amendment of the Committee on Appropriations was, on page 8, line 16, before the word "thousand," to strike out "two hundred" and insert "five hundred and sixty-five;" so as to make the clause read:

For the purchase, manufacture, and test of seacoast cannon for coast defense for the insular possessions, including their carriages, sights, implements, equipments, and the machinery necessary for their manufacture at the arsenals, $565,000.

The amendment was agreed to.

The reading of the bill was concluded.

The VICE-PRESIDENT. The first amendment which was passed over will be stated.

The SECRETARY. On page 7, beginning on line 8, the committee propose to insert the following:

POWDER FACTORY.

For the erection and equipment of a powder factory, with its necessary communications and accessory structures, upon such reservation now or that may hereafter be under the control of the War Department as may be selected by the Secretary of War, $125,000.

Mr. PERKINS. At the request of the Senator from Virginia [Mr. DANIEL], I will ask that the consideration of that amendment go over until to-morrow morning, when we will take it up immediately after the routine morning business. The Senator from Virginia desires to make some remarks in relation to this subject-matter.

The VICE-PRESIDENT. In the absence of objection, the amendment will be passed over. The next amendment which was passed over will be stated.

The SECRETARY. On page 8, under the heading "Fortifications in insular possessions," line 6, after the word "dollars," the committee propose to insert:

*Provided*, That no part of this sum shall be expended at Subig Bay, Philippine Islands.

So as to make the clause read:

For construction of seacoast batteries in the Hawaiian and Philippine Islands, $600,000: *Provided*, That no part of this sum shall be expended at Subig Bay, Philippine Islands.

The VICE-PRESIDENT. The question is on the amendment of the committee. [Putting the question.] By the sound the "noes" have it.

Mr. PERKINS. I call for the yeas and nays.

Mr. LODGE. I suggest to the Senator from California that we first take a vote on the amendment of the Senator from Colorado [Mr. TELLER] to save time. That will settle the whole question.

Mr. PERKINS. Very well.

The VICE-PRESIDENT. In the absence of objection, the vote will be taken on the amendment of the Senator from Colorado, which will be stated.

The SECRETARY. On page 8, line 6, before the word "Islands," it is proposed by Mr. TELLER to strike out the words "and Philippines;" so as to read:

For construction of seacoast batteries in the Hawaiian Islands, $600,000.

The VICE-PRESIDENT. The question is on the amendment of the Senator from Colorado [Mr. TELLER].

Mr. LODGE. Let us have the yeas and nays, Mr. President.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. MCENERY (when his name was called). I am paired with the junior Senator from New York [Mr. DEPEW], and therefore withhold my vote.

Mr. SCOTT (when his name was called). I have a general pair with the junior Senator from Florida [Mr. TALIAFERRO], and therefore withhold my vote.

The roll call was concluded.

Mr. CLARK of Wyoming. I am paired with the Senator from Missouri [Mr. STONE]. Not knowing how he would vote, I withhold my vote.

Mr. PATTERSON. I am paired with the Senator from South Dakota [Mr. KITTREDGE]. If he were present, I should vote "yea."

Mr. CLARK of Wyoming. I suggest to the Senator from Colorado [Mr. PATTERSON] that we transfer our pairs, which will allow us both to vote. I am paired with the Senator from Missouri [Mr. STONE]. If it is agreeable to the Senator we can transfer our pairs, so that the Senator from Missouri [Mr. STONE] will stand paired with the Senator from South Dakota [Mr. KITTREDGE].

Mr. PATTERSON. That is quite agreeable to me.

Mr. CLARK of Wyoming. I vote "nay."

Mr. PATTERSON. I vote "yea."

The result was announced—yeas 25, nays 23, as follows:

YEAS—25.

| | | | |
|---|---|---|---|
| Bacon | Dillingham | Lodge | Rayner |
| Bailey | Dubois | McCreary | Spooner |
| Blackburn | Foster | McCumber | Teller |
| Brandegee | Frye | Newlands | Tillman |
| Balkeley | Hansbrough | Overman | |
| Burrows | Kean | Patterson | |
| Clay | Latimer | Pettus | |

NAYS—23.

| | | | |
|---|---|---|---|
| Allee | Carter | Fulton | Perkins |
| Allison | Clark, Wyo. | Gallinger | Piles |
| Ankeny | Cullom | Gamble | Sutherland |
| Beveridge | Dick | Hemenway | Warner |
| Burkett | Dolliver | Long | Warren |
| Burnham | Foraker | Penrose | |

NOT VOTING—41.

| | | | |
|---|---|---|---|
| Aldrich | Depew | Knox | Platt |
| Alger | Dryden | La Follette | Proctor |
| Berry | Elkins | McEnery | Scott |
| Burton | Flint | McLaurin | Simmons |
| Carmack | Frazier | Mallory | Smoot |
| Clapp | Gearin | Martin | Stone |
| Clark, Mont. | Gorman | Millard | Taliaferro |
| Clarke, Ark. | Hale | Money | Wetmore |
| Crane | Heyburn | Morgan | |
| Culberson | Hopkins | Nelson | |
| Daniel | Kittredge | Nixon | |

So Mr. TELLER's amendment was agreed to.

The VICE-PRESIDENT. The question is on agreeing to the amendment reported by the Committee on Appropriations.

Mr. PERKINS. The amendment is not necessary, as by the vote of the Senate there has been stricken out all appropriations for fortifications in the Philippine Islands.

The VICE-PRESIDENT. Does the Senator withdraw the amendment?

Mr. PERKINS. I withdraw the amendment.

The VICE-PRESIDENT. The amendment is withdrawn.

Mr. CLAY. I desire to call attention to the fact that as this clause now stands it reads "for construction of seacoast batteries in the Hawaiian Islands, $600,000." The estimate of the War Department is only $200,000. I move to strike out "$600,000" and insert "$200,000."

Mr. PERKINS. I accept the amendment.

The VICE-PRESIDENT. The amendment proposed by the Senator from Georgia will be stated.

The SECRETARY. On page 8, line 6, before the word "thousand," it is proposed to strike out "six hundred" and insert "two hundred and sixty;" so as to read "$200,000."

The VICE-PRESIDENT. Without objection, the amendment is agreed to. The bill is still in Committee of the Whole and open to amendment.

Mr. PERKINS. I request that the further consideration of the bill be postponed until to-morrow, for the purpose of giving the senior Senator from Virginia [Mr. DANIEL] an opportunity to make a speech on the powder question.

The VICE-PRESIDENT. If there is no objection, the bill will go over until to-morrow.

Mr. ALLISON. If that is the only question in abeyance, why would it not be wise to have the bill reported to the Senate——

Mr. PERKINS. There is no objection to that.

Mr. ALLISON. And leave the one amendment undisposed of?

Mr. PERKINS. I think the suggestion of the Senator from Iowa is a good one. Therefore I suggest that the bill be reported to the Senate, and the amendments made as in Committee of the Whole be concurred in.

Mr. ALLISON. That perhaps can not be done, leaving one amendment in the air. I suggest to the Senator that he ask unanimous consent that this shall be the only matter left for consideration to-morrow.

Mr. LODGE. Agree to all the other amendments and leave this one open.

Mr. ALLISON. Agree to all the other amendments, so that the bill can be taken out of the Committee of the Whole when this single amendment is disposed of.

The VICE-PRESIDENT. The Senator from Iowa will kindly restate his request for unanimous consent.

Mr. ALLISON. I ask unanimous consent that the bill may be considered closed in Committee of the Whole, all the amendments having been agreed to except the amendment relative to the powder matter.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Iowa?

Mr. HEMENWAY. I call attention to the amendment on page 8, line 16, where there is quite a large increase over the amount authorized by the bill as it passed the House. The Philippine Islands having been stricken out——

Mr. PERKINS. I will say to the Senator that has been agreed to, and an explanation was made at the time. It does

not disturb the autonomy of the bill at all to have it remain as it is.

Mr. HEMENWAY. I suggest to the Senator from Iowa there may be other matters in connection with this bill that we would like to keep open until to-morrow.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Iowa for unanimous consent?

Mr. HEMENWAY. There are other items in the bill which I should like to discuss to-morrow.

The VICE-PRESIDENT. Objection is made.

Mr. ALLISON. Then I would be glad if the Senator from California would go on with the other amendments this evening.

Mr. LODGE. And finish the rest of the bill.

Mr. PERKINS. I think we had better perfect the bill this evening.

The VICE-PRESIDENT. The bill is in the Senate as in Committee of the Whole and open to amendment.

Mr. PERKINS. Now the Senator from Indiana can offer any amendment he desires.

Mr. HEMENWAY. I suggest to the Senator that I would like to look into the amendments I have in view, and if the bill is to go over as to one amendment, I see no reason why it should not go over as to the others, so that Senators may have an opportunity to look into them.

Mr. ALLISON. I withdraw my suggestion.

The VICE-PRESIDENT. The bill will go over till to-morrow.

PENSION APPROPRIATION BILL.

Mr. McCUMBER. I ask unanimous consent for the present consideration of the bill (H. R. 13103) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1907, and for other purposes.

Mr. PENROSE. Mr. President——

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Pennsylvania?

Mr. McCUMBER. I yield.

Mr. PENROSE. I ask the Senator from North Dakota to yield to me that I may call up a concurrent resolution.

Mr. McCUMBER. I should like to ask if unanimous consent has been given.

The VICE-PRESIDENT. It has not been given.

Mr. McCUMBER. After that is given, I will yield to the Senator, if there is no objection.

The VICE-PRESIDENT. Is there objection to the request of the Senator from North Dakota for unanimous consent for the present consideration of the bill indicated by him? The Chair hears none.

Mr. McCUMBER. Now I yield to the Senator from Pennsylvania.

TWO HUNDREDTH ANNIVERSARY OF BIRTH OF BENJAMIN FRANKLIN.

Mr. PENROSE. With the consent of the Senator from North Dakota, I ask unanimous consent to call up the concurrent resolution relating to the celebration of the two hundredth anniversary of the birth of Benjamin Franklin.

By unanimous consent, the Senate proceeded to consider the concurrent resolution submitted by Mr. PENROSE on the 13th instant, which had been reported from the Committee on the Library with an amendment, on page 1, line 6, after the word "Pennsylvania," to insert "commencing;" so as to make the concurrent resolution read:

*Resolved by the Senate (the House of Representatives concurring)*, That the invitation extended to the Congress of the United States by the American Philosophical Society of Philadelphia, Pa., to attend the celebration of the two hundredth anniversary of the birth of Benjamin Franklin, to be held at Philadelphia, Pa., commencing April 17, 1906, be, and is hereby, accepted.

That the President of the Senate and the Speaker of the House of Representatives be, and they are hereby, authorized and directed to appoint a committee to consist of six Senators and ten Representatives of the Fifty-ninth Congress to attend the celebration referred to and to represent the Congress of the United States on that occasion.

The amendment was agreed to.

The concurrent resolution as amended was agreed to.

PENSION APPROPRIATION BILL.

Mr. FRYE. Will the Senator from North Dakota yield to me to call up a bill?

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Maine?

Mr. McCUMBER. I will say to the Senator from Maine that quite a number of Senators have requested that I yield to them for the purpose of calling up bills, and I have said to them that the pension appropriation bill is probably shorter than theirs.

Mr. FRYE. Very well. I withdraw the request.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 13103) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1907, and for other purposes, which had been reported from the Committee on Pensions with an amendment.

The VICE-PRESIDENT. The Secretary will read the bill.

The Secretary read to the end of line 9, on page 8.

The VICE-PRESIDENT. Does the Senator from North Dakota desire that the committee amendment shall be considered when it is reached in the reading of the bill?

Mr. McCUMBER. I prefer it should be.

The VICE-PRESIDENT. The amendment will be stated.

The amendment of the Committee on Pensions was, on page 2, line 7, before the word "age," to insert "the;" and in the same line, after the word "age," to strike out "is" and insert "of 62 years and over shall be considered;" so as to read:

*And provided further*, That the age of 62 years and over shall be considered a permanent specific disability within the meaning of the pension laws.

Mr. TELLER. I should like to ask the Senator who has this bill in charge whether that would give to every soldier who is 62 years of age a pension if he asks for it?

Mr. McCUMBER. I think it will.

Mr. TELLER. That is the purpose of the provision?

Mr. McCUMBER. That is the purpose of it.

Mr. TELLER. I do not quarrel with the purpose at all. I merely wanted to know.

The VICE-PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The reading of the bill was concluded.

Mr. GALLINGER obtained the floor.

Mr. McCUMBER. Mr. President——

Mr. GALLINGER. I yield to the Senator from North Dakota.

Mr. McCUMBER. I have thought it proper to make a very brief statement concerning this bill.

Mr. GALLINGER. Will the Senator permit me to offer an amendment before he makes his statement?

Mr. McCUMBER. Certainly.

Mr. GALLINGER. I offer the amendment I send to the desk.

The VICE-PRESIDENT. The Senator from New Hampshire proposes an amendment, which will be stated.

The SECRETARY. On page 2, line 9, after the word "laws," it is proposed to insert a colon and the following:

*And provided further*, That hereafter in the adjudication of pension claims under the general law the soldier shall not be required to prove the continuance of the alleged disability or disabilities from the date of his discharge from the service to the time application is made for pension or increase of pension, it being sufficient for him to show that the disability was incurred in the service and line of duty and that it exists at the time of medical examination.

Mr. GALLINGER. If the Senator having charge of the bill, the chairman of the committee, has listened to the amendment with sufficient attention to say that he sees no objection to it, I will not detain the Senate a moment. I will say, however, that the amendment, hastily drawn, and which, if it is inserted in the bill, will go into conference, is designed to cover a very few cases. I have here a letter from a Massachusetts soldier which I will ask to have inserted in the RECORD, detailing his experience in the Pension Bureau.

There is a class of soldiers who when they left the service suffering from disabilities were too proud to ask for pensions. Some of them did not need the money, and others felt that it was not quite the patriotic thing to do. Their disabilities were unquestioned at the time they left the service. Forty or forty-five years after that time they become impoverished. They go to the Pension Bureau and ask for a pension, and they are required by the Bureau to prove the continuance, year by year, of that disability. It is not sufficient that it exists to-day, but they must prove absolutely that it has existed year by year. The medical men who treated them are dead, as a rule, and it is an utter impossibility for them to establish this proof.

It seems to me if they can show by hospital record or otherwise that they were disabled when they left the service, in the line of duty, and when they make application for a pension or increase of pension can show that the same disability exists, that ought to be enough. That is the purport of the amendment, and I hope the Senator will not object to it and will let it become a part of the bill and go into conference at least.

Mr. McCUMBER. I have no objection whatever to the amendment. I tried to listen carefully to its reading, and I think it covers the intended object.

Mr. GALLINGER. I ask that the letter which I send to the desk be inserted in the RECORD. It explains one case very fully, and it impressed me so profoundly, I having thought of this in former years, that I felt necessity existed for amending the bill in this way.

The VICE-PRESIDENT. Without objection, the letter will be incorporated in the RECORD as a part of the remarks of the Senator from New Hampshire.

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